

## HOUSE OF ASSEMBLY

Wednesday, 17 November 2021

The **SPEAKER** (Hon. D.R. Cregan) took the chair at 10:30 and read prayers.

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

### *Parliamentary Committees*

#### **SELECT COMMITTEE ON THE CONDUCT OF THE HON. VICKIE CHAPMAN MP REGARDING KANGAROO ISLAND PORT APPLICATION**

**Ms MICHAELS (Enfield) (10:31):** I move:

That the select committee have leave to sit during the sitting of the house today.

Motion carried.

### *Parliamentary Procedure*

#### **STANDING ORDERS SUSPENSION**

**Ms MICHAELS (Enfield) (10:31):** I move:

That standing orders be so far suspended to enable me to move a motion without notice forthwith concerning the Select Committee on the Conduct of the Hon. Vickie Chapman MP Regarding the Kangaroo Island Port Application.

**The SPEAKER:** I am informed by the Clerk that an absolute majority will be required. An absolute majority not being present, ring the bells.

*An absolute majority of the whole number of members being present:*

Motion carried.

### *Motions*

#### **SELECT COMMITTEE ON THE CONDUCT OF THE HON. VICKIE CHAPMAN MP REGARDING KANGAROO ISLAND PORT APPLICATION**

**Ms MICHAELS (Enfield) (10:34):** I move:

That the Select Committee on the Conduct of the Hon. Vickie Chapman MP Regarding the Kangaroo Island Port Application be authorised to enable members of the committee to participate in proceedings of the committee using audiovisual or audio means of communication, including a combination of both, and be deemed to be present at meetings and counted for the purposes of a quorum, providing that each participating member is able to communicate contemporaneously with each other participating member when making any deliberation or taking part in any vote during the meeting.

Motion carried.

### *Bills*

#### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE (EXCEPTIONAL TREE REGISTER) AMENDMENT BILL**

##### *Introduction and First Reading*

**Mr DULUK (Waite) (10:36):** Obtained leave and introduced a bill for an act to amend the Planning Development and Infrastructure Act 2016. Read a first time.

##### *Second Reading*

**Mr DULUK (Waite) (10:38):** I move:

That this bill be now read a second time.

My seat of Waite is privileged to have some of the highest levels of tree canopy in metropolitan Adelaide, and my local community have made it clear to me that they significantly value the tree canopy in their local area as something that is unique and irreplaceable.

In fact, when you compare the City of Mitcham, which covers a large portion of my community, with other councils across Australia that have a similar population density, rainfall and levels of urbanisation, our local area has double the rate of tree canopy when compared with other similar jurisdictions across Australia. Trees bring immense and often underrated benefits to our neighbourhoods and to the lives and communities we represent. They cool our streets and suburbs by up to 5° to 6° on days of extreme heat and do a remarkable job in reducing energy bills.

Trees reduce stormwater run-off, clean our air, improve our mental and physical health and provide valuable habitat for urban biodiversity. They also provide a major role in providing improved amenity and even increase the value of one's home. Sadly, it is well recognised that Adelaide has some of the lowest levels of tree canopy cover of any major city in Australia, with studies showing a loss of tree canopy across metropolitan Adelaide.

Changes to the regulated and significant tree regulations and planning policy in 2011 are broadly acknowledged to have weakened protections for mature trees and resulted in significant increase in tree clearance. With many residents choosing to live in the local area for the trees and natural environment, the destruction of it can take an emotional toll. Across metropolitan Adelaide increasing urban infill and smaller allotment sizes with the larger houses are making it difficult for councils and the state government to achieve the tree canopy goals outlined in the 30-Year Plan for Greater Adelaide.

The 30-Year Plan for Greater Adelaide had two key goals: one was for council areas with a less than 30 per cent tree canopy cover currently to have that coverage to increase by some 20 per cent by 2045, and for council areas with more than 30 per cent tree canopy cover currently to maintain and ensure there is no net loss of tree canopy cover by 2045.

Despite best efforts of state government and local government to increase tree canopy on public land, there is not enough space available on public land to keep up with the loss of trees on private land. With a significant proportion of canopy located on private land across metropolitan Adelaide, it seems increasingly unlikely that we will reach these two critical goals when the current regulations in my local area allow for trees that were around pre-European settlement to be removed for solar panels or because they make a mess.

The Planning, Development and Infrastructure Act 2016 contains little in the way of protection for regulated and significant trees, and I think that is of much disappointment to the then authors of that legislation. Much of this detail is left to the regulations. However, part 5, subdivision 3, section 68 of the act outlines how the Planning and Design Code may declare a tree or stand of trees to be significant. A tree can be added to these lists if:

- it makes a significant contribution to the character or visual amenity of the local area;
- it is indigenous to the local area, it is a rare or endangered species or it forms part of a remnant area of native registration;
- it is an important habitat for native fauna; and, finally,
- if it satisfies any criteria prescribed by the regulations.

These trees are then included in part 10 of the Planning and Design Code in what forms a significant tree register. Currently, only four South Australian councils have a significant tree register: the City of Adelaide, City of Burnside, City of Prospect and City of Unley. These significant tree registers were created before the changes to the regulated and significant tree regulations back in 2011.

As a result of these changes, these registers are now largely superfluous and outdated, as many of the trees listed on them can be cut down without requiring council approval, due to the substantial number of exemptions outlined in the Planning Development and Infrastructure General Regulations 2017. These exemptions include the ability to remove any regulated or significant tree:

- within 10 metres of a residential dwelling or swimming pool (excluding eucalyptus and *agonis flexuosa*);
- within 20 metres of a dwelling in a medium and high bushfire danger area (which is, of course, a significant matter of concern in my community, as consideration must always be given in terms of high bushfire danger areas); and
- if the tree is one of 24 species that are exempt from being classified as a regulated or significant tree.

The use of the tree register to protect special trees is a common occurrence in councils throughout Australia. In other jurisdictions, however, trees listed on a register are actually protected, with requirements to seek permission from council to remove them. In fact, every capital city in Australia has a significant tree register which provides protections to all trees listed on it, regardless of other exemptions. South Australia is indeed the only exception.

There are also a significant number of other jurisdictions that have similar rainfall, population density and urbanisation to South Australian councils that utilise a register to protect trees, such as the City of Freemantle, the Yarra City Council, the Moonee Valley City Council, Maribyrnong City Council, Hunter's Hill Council, City of Parramatta Council and the Inner West Council of New South Wales.

Currently, the significant tree register of our wonderful capital city, the City of Adelaide, has 282 trees listed on it. Of those 282 trees, 42 are exempt from being classified as significant due to their species, 210 are located within the most residential part of the City of Adelaide, being North Adelaide, and are non-eucalyptus trees, which means they can be felled if they are within 10 metres of a dwelling. To put things more simply, of the 282 trees on the City of Adelaide register, only 12 trees would certainly require council approval to remove them

The near redundancy of the significant tree register has resulted in many of them no longer being maintained or updated by councils—that is, the protection of the tree. The sheer volume of work required to maintain them due to the number of exemptions has made it not worthwhile for council resources. The intent of this bill is to bring South Australia in line with every other jurisdiction in Australia that uses a tree register to protect exceptional trees from unnecessary removal.

The bill takes inspiration from the City of Melbourne, which established their Exceptional Tree Register back in 2012 and whose urban greening strategy, as part of Living Melbourne, is seen as a global leader. Part 5, subdivision 3, section 68 of the Planning, Development and Infrastructure Act 2016 should be changed to allow the Planning and Design Code to identify trees or stand of trees to be exceptional instead of significant to avoid the confusion of having two types of significant trees.

Councils, in conjunction with the public, should be able to work together to identify trees that can be recommended for inclusion into the Planning and Design Code at the discretion of the State Planning Commission. Critically, though, this bill would allow for trees to be recommended for exceptional status, based not only on existing values of visual amenity, species or habitat, but also historical value, Aboriginal association and other means of cultural importance.

The consultation for the Planning and Design Code in March earlier this year showed substantial community angst over the loss of trees across our suburbs. Key findings from the phase three engagement report found that submissions from the community, local government and advocacy groups overwhelmingly sought to strengthen policy to protect large trees.

Given that we live in the driest state in the driest inhabited continent on earth, many of the trees that would be worthy of exceptional status provide environmental benefits that are becoming irreplaceable. With a push from the government for Adelaide to become the second National Park City in the world, protecting exceptional trees in our local environment is a critical step that will allow future generations of South Australians to enjoy the benefits that they bring. I commend the bill to the house.

Debate adjourned on motion of Dr Harvey.

*Parliamentary Procedure***VISITORS**

**The SPEAKER:** Before I turn to the member for Newland, I acknowledge the presence in the gallery of Mr Josh Peak, the Secretary of the Shop, Distributive and Allied Employees' Association; Elizabeth Dabars, the Secretary/CEO of the Australian Nursing and Midwifery Federation; delegates of the SDA and the ANMF; and what appears to be Father Christmas. Welcome, guests of the Leader of the Opposition.

*Bills***INTERVENTION ORDERS (PREVENTION OF ABUSE) (APPLICATION FEES) AMENDMENT BILL***Introduction and First Reading*

**Ms HILDYARD (Reynell) (10:48):** Obtained leave and introduced a bill for an act to amend the Intervention Orders (Prevention of Abuse) Act 2009. Read a first time.

*Second Reading*

**Ms HILDYARD (Reynell) (10:49):** I move:

That this bill be now read a second time.

I am very proud to rise today to introduce and speak to this Intervention Orders (Prevention of Abuse) (Application Fees) Amendment Bill and in doing so to help ensure that South Australia takes another step towards preventing and ending the terrible scourge that is domestic violence. This bill is a very straightforward one: it simply removes the associated fees for an application to the court for a domestic violence-related intervention order and the fees for applications for variations or revocation of a domestic violence-related intervention order. It has no bearing on the police-issued domestic violence intervention orders.

Domestic violence intervention orders are aimed at preventing and/or responding to domestic violence. In relation to intervention orders, it is utterly crucial to make sure that those in need or those at risk are able to quickly and easily access these orders without any undue barriers. This means ensuring that every person experiencing or at risk of experiencing domestic violence, no matter their financial capacity, can access intervention orders should they require them.

As I have said so many times in this place and as I will continue to say for as long as it takes for domestic violence to cease, as parliamentarians, as community leaders, we must do everything we possibly can to prevent domestic violence and to appropriately deal with those who perpetrate the horrors of it on others. As I have also said before, I wish that I did not need to keep speaking on this issue, but we have so much more to do.

SAPOL figures show month-on-month family and domestic abuse-related offences are increasing, with recent data from the 2020-21 financial year showing a 9 per cent increase compared with the previous year. This meant an additional 835 offences against a person related to domestic violence, with a total for the year of 9,760. These rising figures are appalling. They require us to act. They demonstrate just how much we still have to do to prevent violence against women and children and to deal with perpetrators. Despite the Marshall Liberal government's repeated claims that they are addressing this issue, much, much more needs to be done.

As we know, domestic violence reaches into every corner of our community. It knows no boundaries. It happens in every suburb, in every regional area, in big houses and small ones, and in the families that have spent their entire lives here and in those who arrived yesterday. We also know that support for women experiencing domestic violence is almost exclusively focused on acute crisis situations where resources are of course needed. What we also need, however, is a suite of well-funded measures that include strongly activating preventative measures and community conversations in every corner of our state that raise awareness and tackle gender inequality as the underlying cause of violence against women.

I continue to have women attend my office scared, worried, frustrated and desperately wanting to live their lives without fear, for the abuse and violence to cease and wanting accessible,

meaningful choices to change and rebuild their lives. In conversations with these women, a theme often emerges, a theme that informs me of a deep frustration with the lack of support and a lack of knowing where they can turn to assist them through processes to ensure they are safe and to ensure that the process is not a barrier to them achieving their much-desired safety.

It is a need that I spoke about at length in this place recently when 3,300 petitions were tabled on behalf of southern community members who are campaigning for a funded domestic violence prevention hub in the south because, despite the City of Onkaparinga region being the largest council area in South Australia, there are no face-to-face prevention services to support women experiencing domestic violence.

This failure to provide ongoing, additional, dedicated funding for domestic violence hubs underlines how thin the Marshall Liberal government's commitment is to eradicating domestic violence because women at risk of violence need the earliest possible access to therapy, to counselling and to other services to enable them to rebuild their lives safely. They need more preventative services and community education, as well as clear pathways into appropriate services, because current support for women experiencing domestic violence in the south and in regions across South Australia is, as I said, through a system focused on acute crisis only.

Alongside crisis support and, as I have also said, alongside much, much stronger preventative measures, we need legislation that works, that makes a difference, that is accessible to all and that promotes rights for those experiencing domestic violence and promotes safety. This bill will work alongside other legislative measures that have already been introduced to this parliament to ensure the best possible rights and protections, and it demonstrates that we are wholeheartedly committed to tackling domestic violence.

As well as many other measures, I have continued to campaign alongside organisations and individuals for the criminalisation of coercive control, for including domestic violence as a ground for discrimination under the Equal Opportunity Act and for ensuring that those charged with serious domestic violence offences are electronically monitored as a condition of their bail. On this side of the house, we have also moved for the commencement of an inquiry into the efficacy of laws and education programs relating to consent to sexual activity.

Pleasingly, my private member's bill, the Labor bill to toughen penalties for repeated breaches of intervention orders, has now passed both houses of parliament. This reform will now increase penalties significantly for those who continue to breach intervention orders by removing fines as a punishment option. These tough new measures were needed to deter and hold repeat offenders to account. They have significantly strengthened laws dealing with violent abusers.

I am proud that Labor has taken that important step forward to address the scourge of domestic violence by progressing these changes already to intervention orders and in continuing to take steps to progress other measures. Whilst I will continue to pursue these bills and motions in the parliament, I am, as I have said, painfully aware that ending domestic and family violence will require more than laws alone. It will also require a significant shift in community attitudes towards gender and gendered violence and it will require education and training, including amongst police, the legal profession and many other institutions.

It requires that we remove any barrier to people accessing support and safety. This removal of court fees for domestic violence intervention orders through this bill is one example of how we can, with a small change, remove the financial burden for an individual to take steps towards safety. Whilst Labor is introducing and attempting, as I have said, to progress a range of ways to prevent and end domestic violence, the lack of leadership shown from the other side to address these matters is clear.

This lack of leadership has led to significant deleterious impacts on those experiencing domestic violence through the cruel, heartless slashing of \$780,000 from the Women's Domestic Violence Court Assistance Service in the 2019-20 budget and the cut of \$2.3 million from the Victim Support Service in 2020—a cut that resulted in the closure of critical regional offices around South Australia, leaving those experiencing domestic violence literally with nowhere to go.

At a time when people, and particularly women, are looking for support and guidance through the court system, shamefully the government's cuts to these services are leaving people at their most difficult time to face the system with a severe lack of assistance, often to face the system alone.

Those opposite can do something. They could choose a different path. I wholeheartedly urge the government to support this and other bills waiting to be debated to ensure that there is not one more person who is going through the horror of dealing with domestic violence left facing unnecessary barriers to being supported and accessing their rights.

As I have noted, the aim of this bill in removing the court application fees for domestic violence intervention orders is to reduce any possible hindrance or hesitation for individuals to access this necessary safety element. In South Australia, applications to the court for a domestic violence-related intervention order cost around \$297, whilst there is no fee for the domestic violence-related intervention order issued by SAPOL.

At a forum this year hosted by Uniting Communities about intervention orders and what can be improved, a number of speakers—including the Attorney-General, various legal practitioners, the Women's Legal Service, a number of domestic violence organisations, academics and a range of other participants—identified the eradication of this fee as a crucial area for improvement. Indeed, the eradication of this fee was deemed a key topic and noted as a key step forward in positive reform of intervention orders. The abolition of this fee has been called for by various organisations who are committed to working to prevent and end domestic violence.

In an article published in regional papers earlier this year, former victims of crime commissioner, Michael O'Connell, spoke to this fee noting, 'We should not put an obstacle in the way of those people who need help.' Indeed, no obstacle should prevent a person experiencing domestic violence from taking steps towards safety, whether that be financial or otherwise. Mr O'Connell also stated that, whilst most intervention orders are issued through the police, often court-administered intervention orders are applied for to address issues and acts that would be considered as coercive control.

In the 2020-21 financial year, there were 2,274 police issued intervention orders related to domestic violence, while 227 domestic violence related intervention order applications were made to the court by individuals. I do understand that many of those court applications were successful in accessing financial hardship support, with the fee waived, which means we are talking about a small number of intervention orders and a small number of people this parliament can take a step towards assisting.

In closing, as I have done before, I again acknowledge the outstanding work done by those working in domestic violence services and by those advocating for this and other changes we are progressing. These incredible workers and incredible organisations are doing whatever they can to advocate for and support those experiencing domestic violence in a system where unnecessary barriers like these fees are often stacked up against the person who is seeking help.

For those experiencing domestic violence, their families, their children, and for those we have tragically lost as a result of domestic violence, we must fight to prevent and end this terrible scourge. We must be genuine leaders and we must do everything that we possibly can to stop violence before it starts.

More must be done on prevention and, on this side of the house, together with our community, we will continue to collectively raise our voices to ensure that more is done. Whilst we continue that work towards ensuring that violence is prevented before it starts, we must also engage every possible legislative measure and in doing so remove any barrier to women being safe. That is exactly what this bill does. I commend it to the house.

Debate adjourned on motion of Dr Harvey.

*Parliamentary Procedure*

### **STANDING ORDERS SUSPENSION**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:03):** I move:

That standing and sessional orders be so far suspended so as to allow me to move without notice forthwith that Order of the Day No.52 be given priority over all other business, including Government Business.

**The SPEAKER:** An absolute majority not being present, ring the bells.

*An absolute majority of the whole number of members being present:*

**Mr MALINAUSKAS:** It is absolutely essential that this parliament immediately deal with the question of the bill to make Christmas Day a public holiday. As you will know, Mr Speaker, I have already furnished this house with comprehensive arguments as to the merit of the policy itself, but the reason we need this suspension today is that right now we are, believe it or not, 39 days (including today) away from Christmas Day—only 39 days.

My wife has started the shopping. She is ever diligent arranging Christmas presents; I was somewhat surprised when she informed me that now was the time. But the pageant has come and gone, and the pageant in our beautiful state always signifies the commencement of the official Christmas period. So Christmas is coming. It is 39 days away, and right now the people of this state, the workers of this state, the employers of this state, have absolutely no certainty whatsoever regarding the arrangements and industrial conditions that need to be applied on Christmas Day.

It is well documented that on this side of the house we have a rather orthodox and conventional view that Christmas Day should be a public holiday. It turns out that on the other side of the house they do not believe Christmas Day should be a public holiday.

We know that the Liberal Party has articulated its position that workers should work on Christmas Day without any additional recognition for it in the form of additional remuneration. We know that workers at Golden Grove and Tea Tree Plaza will be serving customers in pubs and fast-food outlets, or at Modbury Hospital, the workers there, that we understand the member for Newland and the member for King do not support getting remunerated on Christmas Day.

However, the critical issue about the need for immediate intervention is that employers are doing rosters for Christmas Day as we speak. Whether they be publicans, whether they be private hospitals, public hospitals, retail outlets, you name it, business is far more advanced than I am on Christmas shopping. They are planning their busiest trading period of the year, which means they are putting in place rosters for their staff as we speak.

It will not surprise members to know, or to learn, that whether or not staff are going to want to work on Christmas Day will be informed by whether or not they are paid penalty rates. So we need this suspension so that, as a chamber, we can deal with this question. In the Legislative Council, in the other place, they have deemed that Christmas Day should be a public holiday, notwithstanding opposition from those opposite.

It is now high time that this chamber address this really simple, basic question: should Christmas Day be a public holiday, yes or no? We say yes, they say no. Let the record reflect that with a vote. Let the house suspend standing orders and deal with the question, so those people working in the retail sector, in the health sector and in our emergency services can have a degree of confidence and knowledge. Where does everybody stand? Where does everybody stand on the issue?

They know how we stand, but they need to know where the member for Newland stands, where the member for King stands, where the member for Elder stands, where the member for Adelaide stands on this essential, basic question. They are entitled to know the answer to that question and only through a suspension of standing orders are we going to find that out.

Christmas Day is a really special day. It is an important time of the year. I cannot begin to imagine how difficult it is to give that up, to give up seeing your kids on Christmas morning to serve others. I do not imagine that is an easy sacrifice to make. The truth be told—

*The Hon. D.C. van Holst Pellekaan interjecting:*

**Mr MALINAUSKAS:** I note the interjections from the member for Stuart, that he seems to think that it is perfectly legitimate for people to be giving up Christmas Day.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order, sir.

**The SPEAKER:** There is a point of order, leader. Leader, please be seated. I will hear the point of order.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Yes, the leader is deliberately misrepresenting me. What I said was, 'I have done exactly that lots of times.'

**The SPEAKER:** Very well, we will draw the leader to the substance of the motion.

**Mr MALINAUSKAS:** All the Christmas Days prior there has been a public holiday, so when the member for Stuart so valiantly gives up his labour on Christmas Day it is normally a public holiday—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MALINAUSKAS:** —but not today. Why? Because this Premier will not sign off on ordering a public holiday.

*Members interjecting:*

**The SPEAKER:** Order! Members will not respond to interjections. It is disorderly.

**Mr MALINAUSKAS:** Every other—

*Members interjecting:*

**The SPEAKER:** Order! There is some passion and—

*Members interjecting:*

**The SPEAKER:** Order, members! Member for Playford!

*Members interjecting:*

**The SPEAKER:** Order! Members will have the opportunity to speak on the suspension, if they wish, in an orderly way.

**Mr MALINAUSKAS:** Mr Speaker, I could not help but hear that the member for Morialta suggested that people should stop lying.

**The SPEAKER:** Please do not respond to interjections.

**Mr MALINAUSKAS:** I would seek that he withdraw and apologise for that statement.

**The SPEAKER:** There has been a point of order raised. The member for Morialta may wish to respond.

**The Hon. J.A.W. GARDNER:** Sir, I was quoting the Leader of Opposition. I will quote him again. I withdraw and apologise.

**The SPEAKER:** Very well.

**Mr MALINAUSKAS:** The truth be told is that when the member for Stuart has worked on Christmas Days prior, they have been public holidays.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order, sir.

**Mr MALINAUSKAS:** Let me just—

**The SPEAKER:** Leader, there is a point of order.

*Members interjecting:*

**The SPEAKER:** Order, the member for West Torrens! I will give precedence to the point of order.

**The Hon. D.C. VAN HOLST PELLEKAAN:** To give the leader as much support as I possibly can and help him not mislead parliament again, let me also say, Mr Speaker, that the government supports the suspension of the standing orders, so he can stop his speech.

**The Hon. S.C. Mullighan:** It's not an opportunity for an impromptu speech.

**The SPEAKER:** Member for Lee, very well. I might add, though, that the information shared by the Leader of Government Business is important to the debate. Thank you, Leader of Government Business.



**Mr MALINAUSKAS:** The irony of what I am about to request is not lost on me but, nonetheless, the member for Bragg has suggested that I have misled the house. I ask that she withdraw and apologise.

*Members interjecting:*

**The SPEAKER:** Order! A point of order has been raised. As the Deputy Premier is aware, the test is a subjective one. I invite the Deputy Premier to respond.

**The Hon. V.A. CHAPMAN:** I am happy to, sir. Unfortunately, the member has consistently alleged that this—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —circumstance applies every Christmas Day. It does not and we know that, but if he is unhappy about it I am happy to withdraw it and let's just get on with the debate. That would be great.

**The SPEAKER:** Very well. Thank you, Deputy Premier. Leader, I might observe the government appears to have conceded that it will support the suspension so I bring you to the question, and I observe, too, that the electronic hourglass had earlier not been presented and so far you have been given considerable time. I continue to indulge the leader.

**Mr MALINAUSKAS:** I am happy to finalise my remarks, Mr Speaker.

**The Hon. D.C. van Holst Pellekaan:** Anything else you say is a waste of time because we support the suspension.

**The SPEAKER:** Order! The leader has the call.

**Mr MALINAUSKAS:** As I was seeking to explain to the member for Mordialta and the member for Bragg and the member for Stuart, every other Christmas Day prior has been a public holiday. On the rare exception where a public holiday—Christmas Day, that is—has fallen on a Saturday previously, alternate industrial arrangements were in place. When those internal—

*Members interjecting:*

**The SPEAKER:** Order! There is a point of order. I will hear the point of order from the Leader of Government Business.

*Members interjecting:*

**The SPEAKER:** Order! The member for Mordialta and the member for Lee will cease interjecting.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order, sir: the leader is not addressing the suspension. We have already said we support the suspension. Let's get on and suspend and move to the real debate.

**The SPEAKER:** There is considerable merit in the point of order. The leader, I bring you to the substance of the debate.

**Mr MALINAUSKAS:** The reason why we must address this bill here and right now and support the suspension to do it forthwith is that we are now facing an unprecedented circumstance where not only is Christmas Day falling on a Saturday and thus not being a public holiday but simultaneously other industrial arrangements that have always been in place when that arrangement has occurred prior no longer exist. So we now have a—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MALINAUSKAS:** —situation where Christmas Day is—

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order, sir.

**Mr MALINAUSKAS:** —falling on a Saturday—

**The SPEAKER:** Leader, there is a point of order.

**Mr MALINAUSKAS:** —and is not a public holiday and workers will not receive penalty rates for it—

**The SPEAKER:** Leader, the member for Stuart—

**Mr MALINAUSKAS:** —which is why we must resolve this now—

**The SPEAKER:** Leader!

**Mr MALINAUSKAS:** —and act to bring the bill on.

**The SPEAKER:** The Leader of Government Business.

**The Hon. D.C. VAN HOLST PELLEKAAN:** The leader is not addressing the substance of debate, which is the suspension. He knows we support the suspension. Let's suspend and get on with the debate proper.

**The SPEAKER:** Very well, member for Stuart. The leader, I will continue to hear you, but I must emphasise that the Leader of Government Business has conceded the government proposes to support the motion that you are moving.

**Mr MALINAUSKAS:** I appreciate the government's indulgence to support the suspension of standing orders, but herein lies the problem: when the Leader of Government Business says the government supports it, it does not necessarily mean the votes are there, because we know they have a propensity to spray all over the place. We know that the Leader of Government Business cannot carry the government's votes on a consistent basis. So, as I was saying—

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order, sir.

**The SPEAKER:** There is a further point of order from the member for Stuart. The Leader of Government Business—

*Members interjecting:*

**The SPEAKER:** Order, Deputy Premier! Order, member for Lee! Member for Lee, I have within contemplation 137A.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Again, the leader is not addressing the substance of the debate. If he really means what he says, let's get on and vote.

**Mr MALINAUSKAS:** If I could just conclude my remarks uninterrupted by the member for Stuart, the simple fact is we are dealing with an unprecedented circumstance, where not only is Christmas Day not a public holiday but it is also occurring at the same time that new industrial arrangements are in place, which means that other enterprise agreements and the like, which previously provided an automatic benefit for Christmas Day falling on a non-working day, are provided for.

Therefore, without this house's immediate intervention to make Christmas Day a public holiday, thousands of workers in this state are going to go without additional remuneration and recognition for giving up one of the most important days of the year. That is why the house needs to resolve this immediately: so that workers know what the arrangement is. That is why small business needs the house to resolve it: so they can plan and budget accordingly. We simply seek the house to vote on this immediately, to provide South Australian certainty and make Christmas Day a public holiday.

**Mr BELL (Mount Gambier) (11:18):** I rise to lend my support to the immediate suspension and carrying forward of this bill to its conclusion. With only 39 days to go until Christmas, it is important that this house has this resolved today. There are many businesses in my electorate that are trying to plan rosters and, of course, part of that on Christmas Day will have a cost aspect to it. The final cost of meals and service provided on that day is very much dependent on whether penalty rates apply to workers on that day.

It is somewhat frustrating that it is so late in the piece that we are discussing this as a parliament. We have had since 2010, believe it or not, to have this addressed, and here we are

39 days from Christmas Day, with people and businesses, particularly small businesses, deciding whether or not they will open or close, but more importantly for those who have decided to open, what costs need to be factored in to that day's trading. I encourage the house to support the suspension, move through without delay and bring this bill to a conclusion one way or another.

**The SPEAKER:** Leader of Government Business—I should observe, however, there are customarily two speakers on a suspension debate. I have recognised the member for Mount Gambier as the second speaker, but I am happy to hear the Leader of Government Business on indulgence as a third speaker.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:19):** The government supports the suspension. We need no more speakers.

Motion carried.

### *Bills*

## **HOLIDAYS (CHRISTMAS DAY) (NO. 2) AMENDMENT BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 28 October 2021.)

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:21):** I rise to speak on this bill and am pleased that the Holidays (Christmas Day) (No. 2) Amendment Bill 2021 is able to be dealt with. I entirely agree with the sentiments expressed universally by the house that this is a matter we need to clear up before Christmas this year.

The issue has arisen on a number of occasions over the last 50 years, and I just want to explain what has happened. A Christmas Day that falls on a Saturday and the public holiday declared for the Monday, which is what is currently proposed, subject to the terms of this bill, has occurred on six separate occasions. It happened in 1976 under a Labor government, in 1982 under a Labor government, in 1993—it must have been just before that election, which was memorable—and then again in 2004 under a Labor government and in 2010 under a Labor government.

*Mr Malinauskas interjecting:*

**The Hon. V.A. CHAPMAN:** Here we go. We now have the Leader of the Opposition—or the member for Croydon, as he seems to have lapsed now into this idea that we all get called by our electorates, which is fine. I am happy to address the member for Croydon's proposal, and that is, whilst I accept and I am sure the house would be aware of the experience that the member for Croydon has had in his past life—who can ever forget—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —the Malinauskas-Vaughan deal for holidays? But, in any event, he clearly has some expertise in this area, so he would be familiar, I am sure—

*Members interjecting:*

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

**The Hon. V.A. CHAPMAN:** —with the extraordinary circumstances in which—

*Members interjecting:*

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

**The Hon. V.A. CHAPMAN:** —Saturday happens to overlap with 25 December in each year. He might want to shout out that they all had different matters, but I just make that point that that is the circumstance that has existed. For over 40 years, there have been five separate occasions—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Order, leader!

**The Hon. V.A. CHAPMAN:** —that I am advised when exactly the same circumstance has occurred. On every occasion Labor premiers, Labor ministers, Labor caucus members and union members, all of them, have accepted the suitability in that situation and treated that for the purpose of the penalty rates and the application of the following Monday.

I can only hazard a guess as to the likelihood of the benefit of that, and that is there are many more people who are likely to be actually at work on the Monday than they are on the Saturday. I might just be imagining that. It might have sounded like a very good idea for the last 50 years. It might have sounded like a very good idea for Labor governments in the past to promote that, to give the opportunity of many more workers to be able to enjoy the benefits of a penalty rate. In any event, I will leave that for those experts. But I just highlight this, because the arrant hypocrisy of the Labor Party in now coming to pretend they want to care about employees on Christmas Day is a level that we have not seen.

*Members interjecting:*

**The SPEAKER:** Order! The member for Playford is warned for a second time.

**The Hon. V.A. CHAPMAN:** It just seems that when the Liberal Party is in government suddenly this model of—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —the provision of balancing the interests of employees who are bound by the terms of their employment—

*Mr Szakacs interjecting:*

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

**The Hon. V.A. CHAPMAN:** —to provide services on Christmas Day, suddenly there is a different model that applies but, in any event, I just highlight that circumstance. The second point I make in relation to matters that have been raised is this: is this a good idea anyway given the submissions—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —of those who represent small or medium business in particular have presented the flipside of this; that is, there would be an unnecessary burden in relation to employment? We always in industrial matters have to consider this as a government, as a parliament in the laws we make and I think in the general community as to what is fair in those circumstances. Some of that is determined by legal processes; some of it is something that is promoted. As members know, the Treasurer has responsibility in relation to setting a lot of regulations in relation to these matters but, in any event, this bill is before us to treat it on a statutory basis.

There have been a lot of statements made in relation to public sector workers and the importance of recognising their sacrifice and service on Christmas Day. In fact, on public holidays generally our police, nurses and others are scheduled on a regular basis to provide the 24-hour service, care and protection we all enjoy the benefit of every day of the year, so they are on call in that regard or have been scheduled for that purpose.

I point out that what the Labor government did as a result of an Industrial Relations Commission decision in 1976, and what they have done ever since, was to pay public sector workers such as healthcare workers, emergency workers, police and the like, those who might have to work in residential care in the government sector—all public servants, all public sector workers are paid by the Labor governments (plural) an additional 200 per cent penalty for Christmas Day and that has not changed. That has been there and in place since the decision in 1976.

It is incorrect to say or assert that these public sector workers, if we can address them specifically, were not paid by the Labor government an additional penalty rate in recognition of the fact that they have worked on Christmas Day—and they were paid the extra 200 per cent penalty.

The only difference, and I just point this out for the record, was that nurses in an agreement with the government got a 250 per cent penalty rate on the Saturday because they chose to offset that with the 200 per cent on the Monday, so there was a separate, discrete arrangement in relation to the service of our nurses.

I do not make any criticism of this arrangement. It has been going on for 50 years or thereabouts, and that has been an arrangement which has appropriately supported the recognition of the sacrifice and service made by public sector workers on those days. Other public sector workers under governments receive their 200 per cent on a Saturday and a 250 per cent penalty rate on the Monday.

I have referred to the nurses' agreement; can I then just look at the other broad sector. I think this is really to the nub of what is actually being proposed in this legislation, and that is to consider what the situation is for private sector workers, not because it is not something the government pays for—obviously the government is not the employer in those circumstances, but the government is really sending out the money on behalf of taxpayers.

Businesses, the private sector, that employ people on these days are in a different group and they are seeking, essentially, through this legislation to have the benefit on Christmas Day. As I said, the previous model has been to give recognition of this special status on the Monday; the effect of this bill is to move it to the Saturday.

Let's just have a look at what the private sector operators say. These are the small business operators who will need to pay this increased penalty rate. Is it something that they can afford to do? I am sure each and every one of them will make a decision about whether it is viable even for them to open in these circumstances. Some will, some will not, I am sure.

I recall when the Malinauskas-Vaughan deal was done in relation to Christmas Eve and New Year's Eve, the direct consequence of that was that a number of small operators just did not open. People did not have a job at all on those days, let alone a chance to get a penalty rate. But the big guys, the big operators, did. The member purports to know, for example, the AHA have these records in relation to—

*Members interjecting:*

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

**The Hon. V.A. CHAPMAN:** —the big operators continuing to operate during that space because it was something they could afford in relation to the size of the operations they ran. Some of the small operators and, of course, in the retail area for restaurant and catering, that is something on which they have to make that assessment. That is a commercial decision they will make in the event of this bill passing.

In any event, one of the things that has been very clear, and I think the opposition would have had to at least read this even if they had not understood it or been sympathetic to it—I know they have a shadow minister for small business and I have not heard any submission from her on that. She seems to be occupied with other things, but nevertheless, there has been stunning silence from the small business representative in relation to this. I am sure she would have read these submissions because they are very powerful in setting out the circumstance—I am the lead speaker, so I am not sure how much time I have on this.

*An honourable member interjecting:*

**The Hon. V.A. CHAPMAN:** It is private members. Very well, I will deal with it in committee.

**Mr SZAKACS (Cheltenham) (11:31):** Let's just cut straight to the chase on this. This has nothing to do with the Liberal Party thinking that Christmas Day means something else. It is about what is in the Liberal Party's DNA. It is about cutting wages every chance they get. It is about cutting penalty rates every chance they get. It is about not being happy until workers in small business, in retail, in hospitality, in pharmacy and in fast food are paid less and less because that is the consequence of Liberal Party action. It is not as the Attorney puts it. It is not about this fallacy. It is not about this idea.

We know the Attorney, when it comes to objective and subjective facts, sometimes gets them mixed up. Let's cut to the chase. Penalty rates have been going down in this country since 2017.

Why? Because of the Liberal Party. Because the Liberal Party are not happy until workers in low-paid industries are paid less. Sitting on government benches, it is very easy. Let's look at some objective facts here.

*Members interjecting:*

**The SPEAKER:** Order, member for Chaffey!

**Mr SZAKACS:** The take-home pay of a retail worker or a fast-food worker or a pharmacy worker or a hospitality worker on a Sunday, the cuts that they have to face—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr SZAKACS:** —are about the same as the member for Chaffey billed the taxpayer for a pair of AirPods. That is the greed of this side of the house. They would rather bill the taxpayer for a bunch of AirPods, never to be used again, and cut the wages of low-paid workers. Grin through one side of their mouth and spit with the other. That is what is at the core of this. It is in the Liberal Party DNA to cut wages and cut conditions of working people.

It should also be no surprise, despite the gasps from those on the government benches, that the party was formed 130 years ago by working people to stand up for this very thing, to stand up for the fact that when you go to work you should come home as safe as when you left, that when you go to work on a weekend, you should be paid and compensated—

*Members interjecting:*

**The SPEAKER:** Order, member for Chaffey!

**Mr SZAKACS:** —for those unsociable hours. There is nothing quite like the hypocrisy coming from the government benches on this matter. I think it was the Leader of Government Business, who is a man of integrity, and I know in a lot of these issues does want to be on the right side of history, but I look actually further back to the backbenchers, those members who have the audacity to bleat and scream about how unfair it is to recognise Christmas Day as a public holiday, whilst billing the taxpayer for living away from home on Christmas Day.

That is all we want, Mr Speaker, and if I may use your words, which were wise and true: we want workers to receive a fair day's pay for a fair day's work. The consequences of the Liberal Party's actions have seen wages plummet across the last five years because of Liberal Party action that has seen jobs not increase because of penalty rate cuts but in fact decrease. This is, of course, pre COVID.

There is no surprise that every single time a CEO from a large monopoly like Woolworths or Harvey Norman comes out saying, 'If only we cut wages more, more jobs will be created'—it is just rubbish. Every bit of independent study from the Productivity Commission down has shown that as wages have plummeted in this country, as the share of productivity has continued to skew towards big business and as penalty rates on weekends have been cut, no job creation has been seen—nothing whatsoever, none whatsoever.

So members of the HR Nicholls Society on the other side of the chamber might sit in this chamber and use every opportunity they get to cut the wages and conditions of workers, but this Labor Party, this opposition led by the member for Croydon, proudly talks about our history as a party for working people formed 130 years ago for the cause and the fight that we were formed for. That rests as true today as it did then. We will support this. We will stand up for workers on Christmas Day.

**Mr BELL (Mount Gambier) (11:36):** I rise to indicate that I will be moving an amendment to this bill when it comes through. That amendment will be to remove the Christmas Eve penalty rates and apply them to Christmas Day, because I think I am in agreement with nearly every South Australian that I have spoken to: if you work on Christmas Day you deserve to get paid penalty rates for that day.

In coming to that decision I have not lobbied any members of parliament. I have only had a discussion around this with the member for Waite, who has indicated that he, too, supports this

amendment, but he is in a committee and will not be able to give a second reading speech on this. He just wanted me to indicate that. I guess what I am trying to do—and I do not know where the votes are going to lie in this—is get some balance and fairness in this.

I think the SDA do an amazing job. They advocate ferociously and vehemently for their workers, and that is a credit to that union. But there is also another side to this, and that is the business owners, particularly the small business owners, who have done it incredibly tough over the last 20 months with COVID.

I took this very seriously and went and spoke to a number of businesses. The comments to me ranged from, 'With 4½ days of public holidays, 250 per cent, we will take that opportunity and close for that period'—so workers will receive zero penalty rates because they will not be getting paid for those days—through to an acknowledgement by many businesses that if they are going to get staff working on those days they will need to pay more to attract those staff to give up what is one of the most precious family days on our calendar.

So there is a real competitive tension there, and I am really just trying to bring balance and fairness to this. I went and did a little bit of research on what other states do, because I heard this line that we would be the only state in Australia that does not pay penalty rates on Christmas Day. That is, in actual fact, true. But there are a few things that have been left out of that sentence and that argument.

I am just going to go through some of the other states, so if this bill passes unamended what we would be looking at is 4½ days of public holidays, attracting 250 per cent penalty rates over that. There is actually only one other state in Australia that has that current set-up, and that is Queensland, where they pay on the Friday penalty rates, 6pm until midnight, Saturday (which is Christmas Day), Sunday, Monday, Tuesday. If I go through the other states, they only have four days of public holidays over that period of time:

- the ACT: Christmas Day (Saturday), Sunday, Monday, Tuesday;
- New South Wales: Saturday, Sunday, Monday, Tuesday;
- the Northern Territory is a little bit of an anomaly as they only have 3½ days: Friday, 7pm to midnight, Saturday (which is Christmas Day), no Sunday, but Monday and Tuesday;
- Tasmania: only three days, Saturday, Monday, Tuesday;
- Victoria: Saturday, Sunday, Monday, Tuesday; and
- Western Australia: Saturday, Sunday, Monday, Tuesday.

Whilst I certainly acknowledge the SDA's efforts in this to align us with Queensland, which has the most number of days of public holidays and penalty rates over this period, I am trying to seek some balance and bring it back to four days of penalty rates. That would be the Saturday, Christmas Day, which I think every South Australian should believe is the day you deserve penalty rates because you are giving up time with your family; Sunday, obviously the declared public holiday in South Australia; Monday, the declared Christmas Day public holiday; and Tuesday, the declared Boxing Day or Proclamation Day public holiday.

This amendment would only apply when Christmas Day falls on the Saturday. When it falls on any other day, the half-day Christmas Eve penalty rates would apply and will apply into the future. I know that is going to be controversial in some sectors; however, I firmly believe that it achieves the balance of getting paid on Christmas Day versus what is currently the situation where you do not get paid penalty rates for Christmas Day, but you get paid half-day penalty rates for Christmas Eve.

It is a compromise that, as I said, I think is fair and reasonable. Some sectors will not like it, and I accept the argument that there will be people who work Christmas Eve who will not attract penalty rates, and I will cop criticism and flak for that. People should notice that I have not gone the extra step of New Year's Eve half-day penalty rates being taken away. This is solely focused on making sure that those who work Christmas Day get paid the penalty rates because that is the day, in my opinion, that you are giving up time with your family, unwrapping presents, Christmas lunch or Christmas dinner. That is the sacred day to me and I firmly believe that, if you work that day, you deserve to get penalty rates for that day.

It is a compromise. I have not lobbied anybody on this but, to me, it is fair and reasonable and it brings balance to businesses and it gives certainty to businesses that, yes, you will be paying penalty rates if your workers are working on Christmas Day. We will genuinely come into line with most other states where there are four days of public holidays over that period—some states are less but there is only one state, Queensland, that is more. I accept the criticism: why would we go to a lower denominator? Why would we not go to a higher denominator? I absolutely expect that criticism and will take that on board.

I am trying to be fair and reasonable to our business owners as well as our workers who, during the last two years, have done it incredibly tough. I want to see as many businesses open during that festive period so that staff are getting paid and a business does not take the decision to close for the 4½ days and people not receive any wages over that period.

With those words, I acknowledge that I will be moving an amendment to this bill. I am hoping for all people's sake that this matter is dealt with today to give businesses the assurity they need to plan for the Christmas period, which for many businesses will be a very important period to hopefully stay afloat and provide those jobs into next year and the year after due to a bumper festive and holiday season.

**The Hon. G.G. BROCK (Frome) (11:45):** I will be very quick. First, I am glad that we are suspending standing orders to allow debate on this bill to go forward, irrespective of the vote at the end of it, because businesses out there need to understand whether, with their rosters, they are going to have Christmas Day as a trading day and, if they are going to do it, whether they need to pay the penalty rates, whatever they may be.

I was disappointed that at the last sitting of parliament we tried to have this debate but we were not allowed to. That is democratic, but I felt my democratic right to have a bill debated was not being allowed to happen at that particular point.

Let me just say that if anyone has to work on Christmas Day I believe they need to be compensated. Christmas Day, as we all know, is a very precious day for families to get together. There have been occasions in my own family when, because Christmas Day has been on a weekday, because they were shift workers or frontline workers they had to work. They always got the remuneration.

Christmas Day is about family and being able to spend time together. I have indicated before in my press release that if people are not remunerated and compensated adequately I can see lots of people ringing up and being sick on that particular day, which does not help the industry one little bit. It does not help the workers and it does not help the industry.

Because I have committees and briefings on a Monday, I come down on a Sunday night. Only a couple of weeks ago, I went to a food outlet to get something to eat and there was a surcharge of 10 per cent. I have no problem paying that 10 per cent because the fact is those workers on that particular day were getting remunerated and so I am quite happy to pay the extra 10 per cent on that. Nobody complained about it.

Also, the fact is that a lot of people go out. They do not have family at home, so on Christmas Day they may go out with friends to a hotel, a restaurant or wherever it may be. For argument's sake, normally for that particular \$60 or \$70 lunch on Christmas Day it is always around about \$100 or \$120. No-one budes on that because everybody understands that if it is on a weekday and it is a public holiday people pay that extra money to remunerate those workers. I have no problem whatsoever.

Let's have the discussion. I hear the member for Mount Gambier's amendment—he has not lobbied me—and I have only just seen what it is going to be. Certainly, I agree that, first up, let's have the debate. Let's have the debate going right through. As has been indicated in this house earlier today, we have 39 days left before Christmas. People out there need to understand where they are going to go. If you have a business, are you going to trade? Have you got rosters out there to fix up? I was in business many years ago. We were 24/7 in my business, therefore we did not have any rosters. We just knew we were going.



We have to allow businesses to get those rosters ready and also for people to plan if they are going to take the day off in lieu for family reasons or whatever it may be, but the businesses will need to understand that. Let's have the debate and get the thing going right through to the end and make a decision one way or the other and let the parliament make the decision.

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:49):** Obviously, I rise to close the debate. If I may, I will take the opportunity to explain to members, particularly the Attorney-General and Deputy Premier—the current Attorney-General and Deputy Premier—what the arrangements are and why her recital of precedents under former government bears no weight in the circumstance that we are currently in.

I can certainly speak about this with a degree of confidence regarding the 2010 instance, when Christmas Day fell on a Saturday, and there are fundamental differences between the current situation and the one back then. That particularly goes to the relevant industrial instruments that were in place back in 2010 that are not in place today, namely, employees within the fast-food or retail sectors back in 2010 had different industrial agreements that provided for vastly different conditions in respect of public holidays falling on a non-working day or a non-trade day, being Christmas Day on a Saturday.

That is, put more simply, for people working within the retail or fast-food industries in 2010, had their rostered day on fallen on Christmas Day, which was not a public holiday because it was a Saturday, then those industrial agreements provided them with the conditions that would otherwise be the case if it was a public holiday. In other words, they were paid. If you worked on Christmas Day, you were paid penalty rates for it under most of those industrial agreements.

Since then, industrial law has evolved dramatically, principally because of a conservative federal government being in place, completely changing the industrial landscape, thus leaving us in a position where people working on this Christmas Day in South Australia will not get penalty rates for it.

The Deputy Premier rightly points out that, in regard to public sector employees—these are her words—'Their sacrifice will be recognised.' Bravo, but why can that arrangement not be consistent across those people in the private sector as well? If the Attorney-General is of the view, if the Marshall Liberal government is of the view, that someone in the public sector working on Christmas Day should get public holiday penalty rates, how can they possibly be of the view that a retail or fast-food or hospitality worker should not? That inconsistency in position truly beggars belief, particularly in the context of the day we are talking about, namely, Christmas Day.

Let me put it in another context with respect to health workers. Yes, it is true—this is the information that I am advised—that a nurse in a public hospital on Christmas Day will be paid penalty rates, but those penalty rates will not necessarily be as large as they would have been if it was a declared public holiday. More than that, we could have a situation where a nurse in a public hospital is being paid penalty rates but a nurse in a private hospital, doing the exact same work, providing the exact same amount of care and affection for their patients as the public sector worker, does not get penalty rates.

I submit this question to those opposite: on what planet do you live if you think when there are two workers doing the same job, working Christmas Day, making the exact same sacrifice, one should get penalty rates and the other should not, and the thing that determines that outcome is whether or not they are a public sector worker? That is utterly nonsensical. I think the only rational view that one can have in respect to Christmas Day being a public holiday is it should be the same rule for everybody.

We will not be sitting here on Christmas Day working—maybe the member for Hammond will proclaim that he is working on Christmas Day again—but everybody else who is actually working should be recognised for it. In regard to the member for Mount Gambier's amendment, although it is well intentioned, the Labor Party will be opposing that amendment should we reach the committee stage.

The simple reason for that is this: we on this side of the house, in the Australian Labor Party, do not believe we should be taking something away from a working person in order to provide them with the thing they should otherwise get. Why should we say to someone, 'Yes, you can have Christmas Day as a public holiday but you have to give up something for it'? In every other state, in

every other territory around the country, Christmas Day is a public holiday and they do not have to give up anything for it. The same arrangement should be in place in South Australia.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 to 3 passed.

New clause 3A.

**Mr BELL:** I move:

Amendment No 1 [Bell-1]—

Page 2, after line 15—Insert:

3A—Amendment of section 3B—Christmas Eve and New Year's Eve

Section 3B—after its present contents (now to be designated as subsection (1)) insert:

- (2) However, subsection (1)(a) does not apply to 24 December in a particular year if that day falls on a Friday.

The part I am amending is the Christmas Eve, not the New Year's Eve section, and parliamentary counsel believe the best way to do that is to word it in this particular way.

**Mr MALINAUSKAS:** I have a few questions for the member for Mount Gambier. In every other state around the country Christmas Day has been declared a public holiday. That has been done through various instruments, as I understand it, including the declaration of relevant governments, including conservative governments. Other Liberal governments around the country have deemed that Christmas Day should be a public holiday. They have done that without taking anything away from any worker anywhere, anyhow.

The member for Mount Gambier's proposition, should he support the bill in the event the amendment gets up, is that, yes, you can have Christmas Day as a public holiday, but in South Australia we will take something away from you in order for that to occur. My question to the member for Mount Gambier is this: for a low-paid worker cleaning a hospital, why should they have to give something up in order for Christmas Day to be a public holiday?

**Mr BELL:** I thank the leader for his question. The situation at the moment is that Christmas Day, when it falls on a Saturday, is not a public holiday; therefore, if this bill does not get up, those workers will not receive penalty rates. Yes, it is true that if you are working Friday from 7pm until midnight under this current amendment, when Christmas Day falls on a Saturday you would not be receiving the penalty rates. As I said in my second reading contribution, what I am trying to achieve here is to genuinely bring us in line with every other state in Australia barring Queensland, which does have the Friday 6pm until midnight.

It may be the case that this is the last year when this occurs. If there is a change of government and a change of direction, that may be the clause that sits in there for a very short period of time. Like I said, I am trying to get a balance between the employer and employee. Four days of public holidays over that period brings us in line with every other state or is more generous than every other state except Queensland.

**Mr MALINAUSKAS:** How many questions am I allowed?

**The ACTING CHAIR (Mr Pederick):** You get three.

**Mr MALINAUSKAS:** So I am one down.

**The ACTING CHAIR (Mr Pederick):** You are one down and you have some mates who can ask for you—just for advice.

**Mr MALINAUSKAS:** I would make this submission before asking a question of the member for Mount Gambier. The member for Mount Gambier refers to the state of Queensland, but he is neglectful in not referencing the Northern Territory, which also has Christmas Eve and New Year's

Eve as a public holiday and has also deemed that Christmas Day is a public holiday. I appreciate the member for Mount Gambier's response, but he did fail to articulate why a South Australian low-paid worker has to give something up in order for Christmas Day to be a public holiday.

There is a particular set of statistics that I would draw the member Mount Gambier's attention to, along with the rest of the house. The member for Mount Gambier seeks to reference a balance between employers and employees, which is a principle to which I too subscribe. But I submit to the member Mount Gambier that in South Australia we are not achieving that balance, as is the case in other states, in the context of the fact that wages growth in the state of South Australia is the lowest in the nation. The Australian Bureau of Statistics has reported that the lowest that South Australia—this is today's statistics, I am advised by the shadow treasurer—

**The Hon. V.A. Chapman:** Today or—what year?

**Mr MALINAUSKAS:** This year.

**The Hon. S.C. Mullighan:** The last 12 months.

**Mr MALINAUSKAS:** The last 12 months—that South Australia has the lowest annual wage growth in the nation and for the September quarter as well. It has the lowest annual private sector wage increases in the nation, and CPI in Adelaide is at 2.5 per cent, yet wages growth is at 1.8 per cent. In other words, in the state of South Australia, under the current mob, what is happening to real wages in this state? They are going down.

Right now, workers in the state of South Australia on average are having their wages cut; they are already going backwards. My question to the member for Mount Gambier is this: if wages are going backwards, why is he so determined to ensure that they go further backwards by taking something away just so that workers can have a bloody public holiday on Christmas Day?

**Mr BELL:** I will take that as three-quarters statement and one-quarter question, but I will answer it in the final way. The leader talked about the Northern Territory. The Northern Territory has Friday 7pm until midnight—that is correct. I did neglect to say that because the Northern Territory has Saturday as a Christmas Day public holiday, but nothing for Sunday—no public holiday rates for Sunday. Yes, it does have public holiday rates for Monday and Tuesday.

So if we compare the Northern Territory with South Australia, the Northern Territory sits at 3½ days over that Christmas period being paid public holidays. What this current bill seeks to achieve in South Australia is 4½ days of public holidays over that period of time.

In terms of broader economics and wage growth, that is not what this bill is addressing, in my opinion. Public holiday penalty rates on Christmas Day is the point that the union has been pushing and there have been plenty of leaflets going into my letterboxes in the seat of Mount Gambier and plenty of people standing out the front of my office talking about making Christmas Day—and I reaffirm that: Christmas Day—the day that attracts penalty rates.

I agree with that, and to get my support for Christmas Day being 250 per cent penalty rates this amendment is a fair and reasonable compromise, in my opinion. That is only my opinion: the house will decide whether there is an amendment that it wants to support. Wage growth and the trajectory that South Australia is on is a bigger macro issue, but we are here today talking about this amendment in this bill.

**The ACTING CHAIR (Mr Pederick):** Leader, have you got another question? That will be your third. I am just trying to help, sir.

**Mr MALINAUSKAS:** The act of making Christmas Eve and New Year's Eve public holidays was opposed by the Liberal Party at every turn of events.

**Mr Bell:** And the AHA.

**Mr MALINAUSKAS:** Yes, and the AHA. The AHA has a formidable record of winning most arguments that it gets into. That is one they lost, and I certainly wear that as a badge of honour, which I am very glad to tell my friends at the AHA about on a regular basis. The Liberal Party opposed the creation of Christmas Eve and New Year's Eve public holidays and since then the rest of the nation has been following suit and of course this is a tradition that is well established in our country. South Australia has often led the charge for the provision of beneficial industrial arrangements for workers on a range of reforms, including areas like long service leave.

It would seem to the opposition that it would be a wholehearted retrograde step to take away a condition from a working person in order for them to get what they should otherwise deserve, and I simply implore the house to vote against this amendment and then support the bill. If this amendment fails, the simple question before the parliament will be: should Christmas Day be a public holiday, yes or no? If the amendment succeeds, the question changes and it becomes: should Christmas Day be a public holiday if we take something away from a low-paid worker?

Nowhere else around the country has that occurred. We do not think South Australia should go down that path. We think that we should take the high road. Real wages are going down. Workers are facing the prospect of inflation without wages keeping pace. Now more than ever, this parliament should not seek to provide workers an additional entitlement—no-one is suggesting that. We are simply arguing that workers should get what every other worker around the country is getting—Christmas Day being a public holiday—without having to give something up for it.

The house needs to think very carefully and thoughtfully about the notion that workers in this state can only get what they are entitled to if they give something up for it in an environment of real wage decline, because that takes us down a low road, a path of lower wages at a time of record profits. My contention is that that then underpins grave instability in what otherwise would be a fair marketplace for labour in this country.

It beggars belief that, at a time when we have an extraordinary number of people in hospitality and retail who have made massive sacrifices for our state in the name of our safety during COVID, our recognition of that is to try to take something away from them. How many times have each of us in this place given speeches over the course of the last 18 months lauding the efforts of hospitality, lauding the efforts of retail?

When everyone around here was going home when we suspended standing orders and shut down the parliament during lockdown, the retail workers were fronting up. Retail workers are absolutely flogging themselves in distribution centres, dealing with unprecedented loads. I know that not many people in this place, myself included, have done a full day of picking in a distribution centre in their life, but I can tell you that it is pretty hard yakka at the best of times, let alone when you have unprecedented demand. Then, in the supermarkets, when we were all leaving here—

**Mr BELL:** Point of order.

**Mr MALINAUSKAS:** I am coming to the question.

**The ACTING CHAIR (Mr Pederick):** Point of order. Leader, can you just take your seat, please.

**Mr BELL:** Relevance: it is starting to sound like a third reading speech. I am just wondering where the question is.

**The ACTING CHAIR (Mr Pederick):** I am sure the leader is getting to a question, the member for Mount Gambier. He does have a few minutes playing out so, leader, I would like you to get to the nub and ask a question to the member for Mount Gambier.

**Mr MALINAUSKAS:** In the supermarkets, when we were all splitting during the course of lockdown, shop assistants were rolling up and dealing with the longest queues they had ever seen in their lifetime, back down to the back of the store, dealing with customer after customer after customer, not knowing what the arrangements were and, at that point in time, no-one was vaccinated. That was the sacrifice they were making.

Now what the parliament is going to do, if we support the member for Mount Gambier's amendment, is say, 'You know what? Thanks for all that hard work. Now we want you to give up something on Christmas Eve.' What an absurd proposition. My question to the member for Mount Gambier is this: how can the member for Mount Gambier go into his local Woolies or Coles and face a retail worker and say, 'Thanks for the sacrifice that you made during COVID. Now I would like you to give up some penalty rates on Christmas Eve'?

**Mr BELL:** I guess to bring this argument to a conclusion, as it currently stands people who work Christmas Eve will get paid penalty rates. People who work the Sunday will get paid penalty rates, Monday and the Tuesday, but, as it stands, nobody will be getting the penalty rates for the

Saturday. What this bill is aiming to do is bring penalty rates to Christmas Day which is exactly what I support. That is the important day. That is the day when people are with family, friends, missing out on the lunch, the dinner, the family unit coming together.

It is my opinion that this is a fair and reasonable amendment to achieve what we want to achieve, and that is have Christmas Day as the day that attracts penalty rates. I remind people that this could have been addressed any time between 2010 and today. With 39 days to go, a piece of legislation is aimed to come into this house, that will fundamentally change the costs associated with Christmas Day. Business owners have already planned that day with cost structures. I think the amendment in my name draws a very strong distinction that Christmas Day is the day that deserves penalty rates and that is what I am aiming to achieve.

**The Hon. V.A. CHAPMAN:** I refer to the member's amendment to introduce a provision affecting the Christmas Eve penalty rates and indicate that I have appreciated listening to the questions raised in the motion proposed. The argument that this is, in some way, to compromise a circumstance to be consistent with the rest of the country, debated by the member for Croydon as being not inconsistent or failing in that regard, is one which I always find interesting.

It is a little bit like the argument when someone says that land tax in South Australia is higher than anywhere else in the country, but if you do not look at all the other taxes that apply then of course sometimes the arguments between the property proponents and those seeking to buy a house become somewhat thin.

*Mr Malinauskas interjecting:*

**The ACTING CHAIR (Mr Pederick):** Order!

**The Hon. V.A. CHAPMAN:** However, I note the mover's indication that he has done the research and is looking to a circumstance where, if one does some comparison around the country, a 4½ day provision is not equitable on the balance that the mover has outlined. That is, you have considered the submissions and, no doubt, local businesses in your own electorate together with the submissions made by representatives, namely, the unions of those who face employment sometimes in a mandatory situation where they are scheduled to work, and the competing claims in relation to that. We on this side of the house respect that, and I think there has been some consideration made in that contribution.

I also note that sometimes these types of proposals do have trade-offs. It seems to have escaped the memory of the member for Croydon that, when he and Mr Vaughan did a deal in relation to Christmas Eve and New Year's Eve, in fact there was a trade-off about public holiday trading in the city. He seems to have forgotten that bit, but that is fine.

**Mr Malinauskas:** No, I remember that well.

**The ACTING CHAIR (Mr Pederick):** Order, leader! The Attorney is on her feet.

**The Hon. V.A. CHAPMAN:** And it may have been a good trade, I do not know; I was not part of the negotiation on that.

*Mr Malinauskas interjecting:*

**The ACTING CHAIR (Mr Pederick):** Order!

**The Hon. V.A. CHAPMAN:** I just make the point that those things do occur and it is not always easy to compare apples with apples with these, but I think the member has done a mighty job in assessing that, also taking into account the sometimes significant dilemma of the cafe, restaurant, retail and catering groups who are through their submissions placing on the record their plight.

The small and medium business has fewer than 19 employees. It is a group that employs something like 42,000 South Australians. It will ultimately be the decision of those employers as to whether or not they open either the whole or part of the four days that we are talking about, on which there has been some expansion in this bill. I therefore indicate that I appreciate the mover's consideration of this matter. In the circumstances, I think that is a sensible resolution for the house to adopt, and I indicate that we will be supporting the amendment.

**The Hon. A. PICCOLO:** I would like to make a few comments. I know that in his commentary, the member for Mount Gambier is trying to be fair and also find a balance in this issue, and I believe him when he says so, but I would disagree—he does not actually achieve that through the amendment. I provide two scenarios that demonstrate that it creates a net loss to workers. The first scenario is where the worker would currently work on Christmas Eve but not work on Christmas Day. They would be worse off.

**Mr Malinauskas:** Good point.

**The Hon. A. PICCOLO:** They actually are worse off. You have two groups and what you are saying is that one group will get more and one group will get less, which I think is always bad public policy. I think the assumption is that the person would be working both Christmas Eve and Christmas Day, but that is not true. You have one group of workers who have to pay for the benefit of the other workers, and I do not think that is fair. Given the economic circumstances we have been in and what we have heard about in wages growth over the last X number of years, to ask one group of workers to actually accept a pay cut in this time is wrong.

Also, the member talks about trade-offs. This is not a trade-off because trade-off often means to a net benefit. This is actually a net loss to workers. One group of workers will be worse off and overall there would be a net loss. For those reasons, I will not be supporting this amendment. I accept that it is well intentioned, but it does not achieve the outcome that it desires in terms of a fair and balanced outcome. It means that workers get less and I will not support that.

The committee divided on the new clause:

Ayes ..... 23  
Noes ..... 19  
Majority ..... 4

#### AYES

Basham, D.K.B.  
Cowdrey, M.J.  
Ellis, F.J.  
Knoll, S.K.  
McBride, N.  
Power, C.  
Tarzia, V.A.  
Whetstone, T.J.

Bell, T.S. (teller)  
Cregan, D.R.  
Gardner, J.A.W.  
Luethen, P.  
Murray, S.  
Sanderson, R.  
Teague, J.B.  
Wingard, C.L.

Chapman, V.A.  
Duluk, S.  
Harvey, R.M.  
Marshall, S.S.  
Pisoni, D.G.  
Speirs, D.J.  
van Holst Pellekaan, D.C.

#### NOES

Bedford, F.E.  
Boyer, B.I.  
Cook, N.F.  
Hughes, E.J.  
Mullighan, S.C.  
Picton, C.J.  
Wortley, D.

Bettison, Z.L.  
Brock, G.G.  
Gee, J.P.  
Koutsantonis, A.  
Odenwalder, L.K.  
Stinson, J.M.

Bignell, L.W.K.  
Close, S.E.  
Hildyard, K.A.  
Malinauskas, P. (teller)  
Piccolo, A.  
Szakacs, J.K.

#### PAIRS

Patterson, S.J.R.  
Michaels, A.

Brown, M.E.

Treloar, P.A.

New clause thus inserted.

Remaining clauses (4 and 5) and title passed.

Bill reported with amendment.

*Third Reading*

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (12:27):** I move:

That this bill be now read a third time.

It is incredibly disappointing that we have had a number of members now cast their vote so as to take conditions away from working people in the state of South Australia.

**The Hon. V.A. CHAPMAN:** Point of order, Mr Acting Speaker.

**The ACTING SPEAKER (Mr Pederick):** Point of order. If you could take your seat please, leader.

**The Hon. V.A. CHAPMAN:** The member for Croydon does know he cannot reflect on a vote in this house.

*Members interjecting:*

**The ACTING SPEAKER (Mr Pederick):** Order!

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

**The ACTING SPEAKER (Mr Pederick):** Order, member for Mawson! Leader, if you want to continue your remarks and keep to the nub of the bill please.

**Mr MALINAUSKAS:** Well, the bill now is in a very different format from the one that arrived in the House of Assembly. Of course, the bill in its original format provided for Christmas Day to be a public holiday for every South Australian. Now, under its current format, Christmas Day would be a public holiday for every South Australian, but indeed for those people who were working on Christmas Eve they are now worse off.

So to say that that is a poor outcome is, in the view of the Labor Party, a grave understatement. The parliament is now in an invidious position. The parliament is now in an invidious position where it has to choose between Christmas Day and Christmas Eve. So now we have a situation where workers now have to face off with each other. The bill now leaves us in a—

*Members interjecting:*

**Mr MALINAUSKAS:** And the Attorney-General thinks she is clever.

*Members interjecting:*

**The ACTING SPEAKER (Mr Pederick):** Order!

**Mr MALINAUSKAS:** The Liberal Party think that somehow they have come up with an alternative arrangement, some slippery manoeuvre—

**The Hon. V.A. CHAPMAN:** Point of order.

**The ACTING SPEAKER (Mr Pederick):** Order! Point of order. Could you sit down, please, leader.

**The Hon. V.A. CHAPMAN:** The member is again traversing and reflecting poorly not on our side of the house but indeed on the member for Mount Gambier for having the audacity to move an amendment. We have voted on that. It is now a matter—

*Members interjecting:*

**The ACTING SPEAKER (Mr Pederick):** Order! The Attorney is on her feet.

**The Hon. V.A. CHAPMAN:** It is a reflection on the vote—

**The ACTING SPEAKER (Mr Pederick):** Hang on! I will rule on the first point of order first.

**The Hon. V.A. CHAPMAN:** —and to suggest that there is some kind of slippery deal is just outrageous. I am offended and I seek an apology.

**The ACTING SPEAKER (Mr Pederick):** There is a point of order on the point of order.

**The Hon. S.C. MULLIGHAN:** This is a third reading debate. We have just had the committee stage where changes have been made to the bill. It is entirely reasonable and in accordance with the standing orders for us to be able to reflect on what has just come out of the committee stage in order to summarise the bill. This is merely an attempt by the Deputy Premier to interrupt the Leader of the Opposition in attempting to legitimately give his views during the third reading of the debate. If anyone should have a point of order raised against them, it is the repetitive interruption from the Deputy Premier.

**The ACTING SPEAKER (Mr Pederick):** I just call on the leader to keep progressing with his remarks.

**Mr MALINAUSKAS:** Thank you, Mr Acting Speaker. So now we have a situation in South Australia where, should this bill pass, there is going to be a group of workers who are happy that Christmas Day once again will be a public holiday in South Australia. But then there is going to be another group of workers, if this bill passes, who will go home tonight and say, 'You know what? We're going to get less pay this Christmas.' I have to say that I am genuinely stunned that we have now reached such a grave low in this parliament that we are not just robbing Peter to pay Paul, but we are doing it on Christmas Eve.

I would have members of the Liberal Party know that a number of their constituents work in the evening. People work on Friday nights, particularly those who work in hospitality. Christmas Eve is a particularly busy night of the year, and on Christmas Eve there will be those people going to work while other people are packing up and wrapping the presents and putting them underneath the tree. They are at work, and now as a consequence of this bill potentially passing those people are going to be worse off.

I genuinely do not know why the house has resolved that the question has to be put to South Australians to choose between looking after workers on Christmas Eve or looking after workers on Christmas Day. I think that is an ultimately false economy, and again I stress the point that currently in the state of South Australia real wages are in decline.

So if you are one of those workers who has seen your wages not keeping pace with the cost of your groceries and you are trying to wonder how to put presents under the tree, if you are trying to work out what sacrifices you are going to have to make this Christmas because your wages are going down in real terms, now you have to contemplate why your wages are going to be even worse off again because of a decision to take away penalty rates on Christmas Eve. It is an utterly extraordinary position.

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

**The ACTING SPEAKER (Mr Pederick):** Order!

**Mr MALINAUSKAS:** Given the circumstance that we now find ourselves in, between the houses clearly work will have to be undertaken by the Australian Labor Party, amongst others, to contemplate what we do in the Legislative Council. The Legislative Council may have the wisdom to determine that this amendment should not be agreed to and that workers should get Christmas Day as a public holiday without having to make a retrograde step on Christmas Eve.

That may well be what the other place determines. That will be under their consideration in due course, but we will nonetheless give them that choice. We do believe in the Australian Labor Party that Christmas Day should be a public holiday, so we will continue to advocate for that plainly. We see the progression of this bill through this house up to the Legislative Council as being the best means to achieve it, but we will be campaigning on this issue.

We will do everything we possibly can to ensure that every member of the South Australian community knows how their MP votes in respect of Christmas Day, how their MP votes with respect to Christmas Eve. I would not want to be a member of parliament, I have to say, who has to go back to my electorate over the course of the next 39 days, between now and Christmas, and say, 'I believe Christmas Eve workers should be worse off.' Clearly, the member for Newland and the member for King have a different view, which they are entitled to have. It is a democracy.

**The Hon. J.A.W. GARDNER:** Point of order, sir.



*Members interjecting:*

**The ACTING SPEAKER (Mr Pederick):** Order! Quiet on my left, please. There is a point of order from the Minister for Education.

*Members interjecting:*

**The ACTING SPEAKER (Mr Pederick):** Order!

**The Hon. J.A.W. GARDNER:** It is contrary to standing orders to reflect on a vote of any individual member.

**The ACTING SPEAKER (Mr Pederick):** I uphold that point of order. If you can get back to the nub of the question, leader. Leader, continue your remarks, please.

**Mr MALINAUSKAS:** I am more than happy to come back to the substance of the point, which is that we will do our level best in this democracy to ensure that every voter can make an informed choice. They can choose between candidates who believe that Christmas Day and New Year's Eve should be a public holiday and those who do not. It is that simple. That campaign is coming. This will not be allowed to pass without vigorous debate within local communities.

The Labor Party will allow the progression of this bill and then, of course, we will wait to see how the Legislative Council contemplates the amendment. Nonetheless, I have to say that I want the record to reflect that every last member of the Australian Labor Party on this side of the house believes that Christmas Day should be a public holiday without taking anything away, that every last member of the Australian Labor Party on this side of the house stands with retail workers, fast-food workers, DC workers, hospitality workers, nurses, doctors and cleaners in hospitals, and we will continue to fight for you to ensure that you get what you deserve.

You have made extraordinary sacrifices during the course of COVID. We do not just pay lip-service to that sacrifice: we want to honour it by making sure that Christmas Day is a public holiday. We will maintain that argument not just in this parliament but in the next. We will ensure that your voice is heard and that we honour our obligation to you during the course of the election campaign and the proceeding debate that will occur.

I think it is a great shame that there are members of this house who talk about the sacrifice that those workers have made and then do nothing to reward that sacrifice except take away things on Christmas Eve, of all things. It is an extraordinary proposition but one that we now face, and we will confront it as we have in the best traditions of the Labor Party in the course of not just the last 3½ years but, rather, the last 100-plus years.

Bill read a third time and passed.

#### *Motions*

### **GOLDEN GROVE ROAD**

**Ms LUETHEN (King) (12:38):** I move:

That this house—

- (a) celebrates the one-year anniversary of the turning of the sod of the Golden Grove stage 1 project on 11 December 2019;
- (b) acknowledges that this project supported up to 65 jobs over the life of the project;
- (c) looks forward to stage 2 completion, which will support up to 70 jobs per year over the life of the project; and
- (d) acknowledges that this project will reduce congestion, improve safety and deliver better outcomes for the north-east community.

With delight, I rise to celebrate the anniversary of the turning of the sod of the Golden Grove Road upgrade in December. The Golden Grove upgrade was not just a few politicians with shovels at the sod but a large group of local people and business owners who donned hard hats and dug in with 10 shovels, because this campaign was a community campaign.

The main construction works for the \$20 million stage 1 started in December 2019 and was completed in 2020. Stage 1 supported around 65 full-time equivalent jobs over the life of the project. The works are being undertaken by South Australian-based company Civil & Allied Technical

Construction Pty Ltd or, as we affectionately call them, CATCON. I am proud that the South Australian Marshall Liberal government committed \$20 million towards delivering stage 1.

Since my election in March 2018, I have continued to fight for this upgrade to be delivered. On 28 February 2019, I presented to the parliamentary Public Works Committee to advocate on behalf of the King electorate for support for the critical upgrade of the perilous Golden Grove Road. Having lived in Golden Grove for over 20 years, I have seen this region develop into one of the best suburbs in the world. In my earlier days growing up close by in Ingle Farm, I even used to ride my trail bikes in the green paddocks, which are now our beautiful housing development.

Golden Grove's star keeps rising. In *The Advertiser* last week, on 11 November, Golden Grove was dubbed a national rising star. It was reported that Golden Grove has been listed as a stand-out for its infrastructure and amenities, including local schools and green spaces, with strong demand from tenants and buyers, and rents and prices rising. I was so excited to read that *The Advertiser* proudly noted:

Major local investment includes the \$50m Golden Grove Rd upgrade, while a new \$33m Park 'n' Ride is currently being built to service increasing commuter demands.

The suburb's median house price jumped almost 10 per cent over the last quarter to \$565,000.

Those who live in Golden Grove, Greenwith and Surrey Downs know the local area is a wonderful green suburb, and people are always out walking and jogging. We have numerous walking trails, creek lines and parks, such as Cobbler Creek Recreation Park, great playgrounds, early settler landmarks and orchards, well-kept houses and gardens, and we have an excellent choice and combination of public and independent schools.

However, amongst this beauty, one section of road on the north-east of Golden Grove Road after 25 years remained an ignored, untouched, unsafe, dilapidated, dusty, potholed, old country road. I campaigned on behalf of my community to fix Golden Grove Road for over four years both on council and then in the run-up to the state election, because this section of Golden Grove Road is an essential local road used by thousands of northern and north-eastern suburbs locals each day. Businesses such as local quarries, trucking companies, Garden Grove and real estate companies must frequent this road. The Tea Tree Gully council have moved its service centre and its truck and car fleet to this section of Golden Grove Road too.

There was inadequate investment into this section of the road for over 20 years, as numerous housing developments took place as the local population grew, which led to many issues, including:

- the road was too narrow to cater for existing traffic flows of cars, bikes, B-double trucks, with turning cars and stopping buses creating chaos;
- the poor condition of the road surface and lack of overtaking lanes created significant safety risks;
- there was limited lighting alongside the road, causing safety risks for drivers, cyclists, pedestrians and commuters at night;
- locals had no safe place to walk or to wait for a bus. No footpaths forced people to walk on very uneven dirt, around bushes on the road and often on muddy tracks;
- insufficient stormwater drainage caused the road to flood every time it rained. This stormwater run-off towards the adjacent homes was a key issue;
- the notoriously busy intersection at Hancock Road and Golden Grove Road was unsafe for local traffic, with people needing to grit their teeth and plant their foot to get across the road safely;
- the extremely poor condition of the road caused excessive noise for residents, as countless trucks bumped along this road and the unevenness of the road caused quarry and garden trucks to unintentionally release dirt into the air, which covered our homes and outdoor areas.

As a councillor at Tea Tree Gully council, I and my co-councillor Bernie Keane wrote to the previous state Labor government to ask about the plans to have this section of Golden Grove Road upgraded.

The previous Labor government wrote back telling us it was not a priority. A year or so later, because our local community continued to share their grave concerns and frustrations with me, I again wrote personally to the previous state government on behalf of my community, requesting this upgrade to be prioritised. I received an acknowledgement but still no action.

In 2017, local residents and businesses, all heavily dependent on this stretch of road, made it abundantly clear to the previous Labor government that upgrading this section of road was a priority for people and businesses in King. People signed my petition and they honked their horns. Today in the King electorate we certainly have a strong, united community living in Golden Grove. A very engaged community of over 1,200 people signed my Fix Golden Grove Road petition asking for the Labor government to prioritise this upgrade of road.

In addition, we had the support of local businesses such as Garden Grove, local hairdresser 1385 The Hair Bar, local pizza bar, Aroma Pizza House, and Sam Domain Ray White sharing the petition and urging locals to support the petition to fix Golden Grove Road. Even the Tea Tree Gully mall walkers gave me petition pages full of signatures. My colleagues the member for Newland and the Minister for Innovation and Skills came out to support the roadside campaign and get the petition signed.

Our local campaign for Golden Grove Road resulted in \$20 million being promised to fix the Golden Grove Road. I was so pleased that during consultation on the first draft of the upgrade plan hundreds of locals came out to have their say on the upgrade and to personally look at and provide feedback on the concept plan over three days. I take this moment to thank residents, local businesses, my friends and colleagues for the colossal effort to prioritise the fix of Golden Grove Road. Our local King community had been waiting over 20 years for this stretch of road to be safe and to reflect the standard of roads throughout the rest of the Golden Grove development.

Today, on stage 1 of Golden Grove Road we have a great new roundabout at the junction of Golden Grove Road and Hancock Road, protected right-turn lanes to keep traffic moving safely, on-road bike lanes in each direction, improved pedestrian facilities including footpaths and pedestrian crossing facilities, and indented bus bays. I get ongoing feedback from people, young and old, every week about how well this road works. There is also kerbing, guttering, drainage and road resurfacing, as well as new and upgraded road lighting.

Initially, I had to fight for the City of Tea Tree Gully elected members to honour their previous commitment to provide paths alongside the road, and I thank local residents and the member for Schubert for joining me at a council meeting to advocate heavily for the footpaths. I thank Councillor Bernie Keane who stood up for local residents and the need for the council to provide the necessary council infrastructure required to complete this road upgrade.

Footpaths are a council responsibility and for so many years when I was on the council the council had said, 'When the road is upgraded, we will provide the footpaths.' Labor Party members, Councillor Brett Rankine, Councillor Peter Field, Councillor Lucas Jones and Councillor Olivia Savvas all voted against footpaths alongside Golden Grove Road and used this important matter of footpaths to score political points rather than concentrate on getting the job done that the ratepayers of the City of Tea Tree Gully had asked for. Fortunately the voices from our community were more powerful and stronger when combined together, and the right outcome was finally achieved for our local community.

Furthermore, the City of Tea Tree Gully and the state government have now partnered to provide \$325,000 to landscape Golden Grove Road stage 1 and the City of Tea Tree Gully have told me they will complete this step of the project by the end of the year. If you drive down the road you can see the little sticks where all the trees are about to go. They told me that, at the end, there will be more trees alongside Golden Grove Road than there were before.

The Marshall Liberal government's \$20 million investment in Golden Grove Road has now grown to \$50 million. That is \$50 million of investment that our local community have fought hard for over many long years. Stage 2 works are focused on Golden Grove Road between Kunzea Way and Park Lake Drive. Intersections are being upgraded to ease congestion and reduce bus travel times on the road. We will work to improve traffic flow with additional through lanes on Golden Grove Road and turning lanes. Stage 2 involves upgrades including the Golden Grove Road/The Grove Way/Yatala Vale Road signalised intersection upgrade with:

- second right-turn lane from The Grove Way approach;
- second through lanes on Golden Grove Road approaches;
- protected right-turn lane at Highgrove Road junction;
- on-road bike lanes in each direction;
- kerb and gutter, drainage, road resurfacing, as well as new and upgraded road lighting, lighting up a very dark old road;
- improved pedestrian facilities, including new footpath and pedestrian crossing facilities; and
- indented bus bays.

In even more good news, CATCON, which is a local business, which does employ many local people, have secured the second stage of the \$30 million stage 2 Golden Grove Road upgrade, creating another 70 jobs. You can see people working out there every day. I thank, for their terrific work, leadership and collaboration, David Baker, Nathan King from Catcon, George Panagopoulos and Surinder from the DIT team and all the team working on the road every day. The Golden Grove Road upgrade means more jobs and better services in our local community. We are also backing local businesses with this upgrade.

Thank you for the opportunity to move this motion today and recognise the awesome progress that has been made in the King electorate to fix Golden Grove Road. I love driving down this road, seeing people walking and jogging safely, seeing people step off the buses onto concrete and not uneven dirt and mud, seeing people cycle safely without having to risk their lives, seeing people flow from Hancock Road onto Golden Grove Road. I very much enjoyed my first 10 laps of going around the new roundabout.

This project has reduced congestion, improved safety and is delivering better outcomes for the north-east community. Of course, there is still more to do and I implore people to keep their feedback, ideas and ambitions for our local area coming so together we can keep making sure King is the best place to live and work. I will continue to work hard every day and get on with the job of delivering for my King constituents. We will fix Golden Grove Road and we will achieve so much more together because King matters and people living in the north matter too.

**Mr BOYER (Wright) (12:52):** I rise to speak on this motion. Perhaps I could provide somewhat of a different perspective on how the upgrade of Golden Grove Road came to fruition. Some of the facts I seek to share with the house now I think may not align completely with the preceding comments from the member for King. Nonetheless, this is how I recall the machinations that led up to not just the campaign to have Golden Grove Road upgraded but how funding actually came to be committed to make sure that much-needed upgrade was actually realised.

As part of the 2017 Mid-Year Budget Review or the 2017 midyear budget, the former Labor government approved \$20 million to begin works on upgrading a 3.4-kilometre section of Golden Grove Road that stretched from One Tree Hill Road to Park Lake Drive. Park Lake Drive is one of the entrances to Wynn Vale, not far from our Wynn Vale Dam and just opposite the Golden Grove Tavern, which the member for King mentioned in her remarks, and is a very busy part of the north-eastern suburbs and one that is not only near a very busy suburban area but also near a very popular pub and shopping centre, being the Surrey Downs Shopping Centre.

Certainly as a member of state parliament who represents the area of Wynn Vale in this place, I have had many constituents over probably five years now talk to me about the need for an upgrade not just of that stretch of Golden Grove Road—and I do not for a second suggest that the upgrade was not needed; it absolutely was—but also for something specifically to be done about the very busy intersection where Golden Grove Road intersects with Park Lake Drive into Wynn Vale, which is not only the entrance for many people to where they live, but is also where a lot of parents access St Francis Xavier's Regional Catholic School, which is one of the biggest Catholic primary schools in the north-eastern suburbs and has historically had a lot of issues with traffic in the streets in and around the school there.

There was no doubt that something needed to be done, and as part of that Mid-Year Budget Review in 2017 the then Labor government approved \$20 million to begin works on that 3.4-kilometre section on Golden Grove Road from One Tree Hill Road to Park Lake Drive. Early exploration and service location works actually began in January and February of 2018. I refer to these two dates, being the Mid-Year Budget Review of 2017 and those early exploration and location works being commenced in January and February of 2018, because, of course, that was under the tenure of the previous Labor government.

Although the member for King has given her own version of how this road came to be upgraded, I think in the spirit of transparency it is important for residents of the north-eastern suburbs—many thousands of whom use Golden Grove Road on a daily basis, and I count myself in that number—to know who actually started this project, and that was under the former Labor government.

Although I am happy to state that I think the road needed to be upgraded earlier than it was—I think growth in that part of the north-eastern suburbs greatly outstripped improvements to the roads and upgrades in areas like Golden Grove Road, and it should have happened earlier—nonetheless, the government that actually committed the money that started this really important local project was, in fact, the former Labor government.

Perhaps the most important part of that upgrade was at the other end of the section of Golden Grove Road, that 3.4-kilometre section, where Hancock and Golden Grove roads intersected. This is immediately adjacent to Garden Grove, which many people in this chamber I think would be familiar with. It is an incredibly successful South Australian business. It started as a smaller family business and has grown into an incredible success story that, from memory, employs something like 160 staff.

I have had the pleasure of seeing their trucks on roads all across South Australia and into the Northern Territory as well. They are fantastic: a garden nursery, cafe, and now a steel dealership as well—it is where I go to get my things serviced once I mistreat them. They are incredibly busy. There is a lot of traffic there, and that was a shocking intersection; there is absolutely no doubt about it. It is a miracle that no-one came to more serious grief there.

This first 3.4-kilometre section of works saw the installation of a roundabout there. As someone who has used that roundabout on countless occasions and spoken to many local residents who use it on a daily basis to get to and from work or to and from their house or to drop the kids off at school, I am happy to say it is a huge improvement on what used to be there. I have no doubt that not only will there be fewer traffic incidents than had occurred in the past but also it will be much safer for cyclists and pedestrians who use the area.

There are a number of people who live behind or around Garden Grove who cross down to Tilley Reserve, just off Hancock Road, and might walk the dog or have a kick of the football or soccer ball or walk down to play tennis or something like that. They can now move through that intersection and down Hancock Road with a lot more safety than they could in the past.

Of course, what intervened between the commitment of the \$20 million in the 2017 Mid-Year Budget Review and the change in government was the commencement of what was called the North East Public Transport Study. How could I characterise that? Well, it was billed by former and current ministers for transport basically as the panacea to all the public transport woes, real or perceived, in the north-eastern suburbs.

We waited a long time for it. We were told, when the former Minister for Transport, the member for Schubert, was still in that role, that it had been received and that he was looking forward to speaking about it publicly and that it would not be long until we got to see it. Then we had a change of minister, and the new minister seemed far less keen on publicly releasing that document. Here we are, years later, and the North East Public Transport Study still has not been publicly released. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*Sitting suspended from 13:00 to 14:00.*

*Petitions***RAILWAY TERRACE, MILE END**

**The Hon. A. KOUTSANTONIS (West Torrens):** Presented a petition signed by 230 residents of West Torrens and greater South Australia requesting the house to urge the government to take immediate action to stop the inappropriate high-rise development in the heritage/historical residential zone at 4-10 Railway Terrace, Mile End.

**AMBULANCE RAMPING**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition):** Presented a petition signed by 44,869 residents of Adelaide and greater South Australia requesting the house to urge the government to take immediate steps to provide a long-term sustainable funding stream that provides the resource capacity needed to respond to the escalating demand for ambulance services and to eradicate the practice of ramping in South Australia through whatever means necessary.

*Parliamentary Procedure***ANSWERS TABLED**

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

**PAPERS**

The following papers were laid on the table:

By the Minister for Education (Hon. J.A. Gardner)—

Administrator National Health Funding Pool—Annual Report 2020-21  
 Australian Children's Education & Care Quality Authority—Annual Report 2020-21  
 Commission on Excellence and Innovation in Health—Annual Report 2020-21  
 Controlled Substances Advisory Council—Annual Report 2020-21  
 Health Advisory Council—  
     Country Health Gift Fund Annual Report 2020-21  
     South Australian Medical Education and Training Annual Report 2020-21  
     Veterans' Annual Report  
 Health Performance Council—Annual Report 2020-21  
 Health Services Charitable Gifts Board—Annual Report 2020-21  
 Lifetime Support Authority of South Australia—Annual Report 2020-21  
 Maternal and Perinatal Mortality in South Australia 2018—Report October 2020  
 National Education and Care Services Freedom of Information Commissioner, Privacy  
     Commissioner and Ombudsman—Annual Report 2020-21  
 National Health Funding Body—Annual Report 2020-21  
 National Health Practitioner Ombudsman—Annual Report 2020-21  
 Pharmacy Regulation Authority SA—Annual Report 2020-21  
 Pregnancy Outcomes in South Australia 2018—Report October 2021  
 Public Health Council, South Australian—Annual Report 2020-21  
 Wellbeing SA—Annual Report 2020-21

*Parliamentary Committees***LEGISLATIVE REVIEW COMMITTEE**

**Mr McBRIDE (MacKillop) (14:04):** I bring up the 49<sup>th</sup> report of the committee, entitled Subordinate Legislation.

Report received.

**The SPEAKER:** I understand that the member for MacKillop may wish to address me in relation to an additional report.

**Mr McBRIDE:** An additional report: I bring up the 49<sup>th</sup> report of the committee, entitled Subordinate Legislation.

Report received.

*Parliamentary Procedure*

**SPEAKER'S STATEMENT**

**The SPEAKER (14:06):** Before I call questions without notice, I table correspondence to members which has otherwise been distributed by email today.

*Question Time*

**AMBULANCE RAMPING**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07):** My question is to the Premier. Why has the Premier failed to meet his commitment that his state budget will fix ramping almost immediately? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr MALINAUSKAS:** In June, the Premier told a press conference that his budget would 'definitely fix ramping' and that that would happen 'almost immediately'. Since then, South Australia has had three of the four worst months of ramping in the history of South Australia.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:07):** I thank the Leader of the Opposition for bringing this important matter to the attention of the chamber. He is quite right: the level of ramping in South Australia at the moment is unacceptably high. Of course, it was the Labor Party which brought ramping to South Australia, and we need to do everything we can as a government to make sure that we can eliminate it as quickly as possible.

As per usual, the Leader of the Opposition selectively quotes. In fact, he wasn't at that press conference. I was at that press conference, and I made it clear when asked a question by a journalist, 'When would we start to see improvements?' and I said, 'Almost immediately,' and I made those statements because we are very significantly investing money into the health system, which we inherited from those opposite.

Quite frankly, I think most people appreciate that there are no simple fixes to the situation that exists in South Australia at the moment. In fact, the situation that we have is not peculiar to our state. In fact, if we look around the entire country at the moment we have significant issues in virtually every single jurisdiction. However, I think South Australia is in a better position than most places to be able to address this as quickly as possible because we were already significantly underway with the expansion and the change into the model of care that we have in South Australia.

I have been through this previously in this chamber. I'm happy to go through it again if that's the nature of the question, but I think in terms of answering the specifics of this question I have addressed that we find ramping unacceptable. Secondly, we put a massive amount of additional resources into solving the problem that currently exists, but there is a national problem at the moment, exacerbated by COVID, and we are doing everything we can to address it.

The Leader of the Opposition is quite aware of what additional money the government has put in since coming to government in the most recent budget. We will continue to invest in this area because we do want to eliminate ramping in South Australia and want to do it as soon as possible.

**AMBULANCE RAMPING**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:10):** My question is to the Premier. Why has ramping increased by 576 per cent under the Premier's watch? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr MALINAUSKAS:** In 2021 year to date, ambulance ramping has increased by 576 per cent when compared with the same period in 2017. Why?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:10):** I thank the Leader of the Opposition for his question and we have been through this on a number of occasions here—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —in the parliament. I'm happy to go through them again, although it seems to me that they are more interested in yelling rather than actually listening. The reality is that there has been a very significant move right around the country in terms of ramping and that is for a number of reasons. The first is because there has been increased presentation. Probably—

*Members interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Order! The deputy leader is called to order. The member for Playford is called to order. The member for Wright is warned. The Premier has the call.

**The Hon. S.S. MARSHALL:** As I was pointing out to the chamber and, of course, to yourself, there has been an increase in ramping around the country and there are a number of reasons for this; one is increased presentation. Some of this is because many patients who would be typically treated in a primary healthcare setting—for example, at their local GP—are now being precluded because of arrangements that specific surgeries have with regard to excluding patients who have respiratory complaints or symptoms. This is driving more people to our emergency departments. Also, the presentation is with a higher level of acuity. We also have people who have longer length of stay.

There are a number of reasons why we are seeing this situation exist right around the country. But, as I was saying to my previous answer, I think South Australia is in a unique position to be able to deal with this effectively as quickly as possible, because many of the strategies that other states are now adopting we are well down the track of here in South Australia.

Sir, you would be more than aware that we have currently underway more than a billion dollars' worth of expenditure in our health system at the moment. A large amount of that is upgrading the capacity of the emergency departments we inherited from those opposite. The Leader of the Opposition loves to ask questions and shout across the chamber, but it actually was the Leader of the Opposition, in his role as the health minister in South Australia, who presided over downgrading our hospital system in South Australia and actually closing the Repat.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** So he downgraded these hospitals and of course—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —closed the Repat. He wants to know which one. Well, I can tell you: it's the Repat. I can take you down there. It's now a thriving centre and has a great future down at the Repat. One of the things that the Repat is doing is taking patients that would normally go to the Flinders Medical Centre and being able to triage them down at the Flinders Medical Centre and provide a great service. But there is still much more work to be done.

I am very pleased and proud that this state has done a lot in terms of the urgent mental health care centres. In fact, we were the first state that actually trialled this. It's up and running, the trial was successful, it's been further expanded. Not only has that central urgent mental health care centre been expanded 24 hours a day seven days a week but it is also being the pathfinder, if you like, for other centres similar that will stand up around the state. The first one was included in our most recent budget, which was adjacent to the Lyell McEwin centre, and of course we will have others to announce as suitable sites are found.

There are many things that are being done. One of the critical things we are doing to get ready for that time when we do take the state borders up is to create more bed availability in our hospitals by taking some of our longer term patients who were there awaiting an aged-care bed or



an NDIS placement and remove them. In fact, in the most recent \$120 million-plus COVID-ready package, we have created the equivalent of around 400 beds. Much of that is about taking people out of our major teaching hospitals and putting them into a more appropriate level of care so that we can be ready for the inevitable cases that will come post 23 November this year.

*Parliamentary Procedure*

**VISITORS**

**The SPEAKER:** Before I call the next question, I recognise the presence in the gallery today of a number of paramedics who have joined us for question time.

*Question Time*

**AMBULANCE RAMPING**

**Mr PICTON (Kaurna) (14:14):** Supplementary question to the Premier: why is the Premier telling the house that one of the reasons for ramping increasing by 500 per cent is an increase in hospital presentations when the latest data that his government released shows that there had been a reduction of presentations compared to 2019?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:14):** I would be very pleased—

*Members interjecting:*

**The SPEAKER:** Order! The leader is called to order. The Premier has the call.

**The Hon. S.S. MARSHALL:** I would be very pleased for the member for Kaurna to check the *Hansard*. I was very clear with what I said. I said there was an increase right around the country and there were many reasons for that, and I went through and listed what those—

*Members interjecting:*

**The SPEAKER:** Order! Member for Kaurna! The deputy leader! The member for Wright is on a second warning.

**The Hon. S.S. MARSHALL:** They are clearly not interested in the answers. They are experts when it comes to health. They, in fact, were the authors of Transforming Health, that fantastic program which supported our state health system so remarkably well—not. The reality is that they don't even mention Transforming Health anymore. All they are interested in doing is firing salvos off against SA Health, which is doing an outstanding job.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** All we hear from those opposite is the undermining of the excellent health response we have had in South Australia. We have endured a most tumultuous time.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** Many other systems around the world have struggled. In South Australia, I think that most South Australians appreciate just how good our health system is. Of course, there are many opportunities to improve the health system in South Australia and that's why we are currently investing a record amount in the health system in our state. I don't have the statistics directly in front of me, but I seem to recall that when we came to government the expenditure in the health system was just \$5.8 billion per year. I think it's now up in excess of \$7 billion per year. Last year—

*Members interjecting:*

**The SPEAKER:** Order, member for Playford!

**The Hon. S.S. MARSHALL:** —the Auditor-General, after the spurious comments made in the media by members opposite that we had slashed doctors, slashed nurses and slashed healthcare workers—

*Members interjecting:*

**The SPEAKER:** Order, deputy leader!

**The Hon. S.S. MARSHALL:** —brought down his report and clearly showed that there were more than 1,000 additional healthcare workers in the system last year. I think it's better to deal with facts. It's always better to deal with facts. The Auditor-General has done that independent analysis of the facts and there are more people employed in the health system—

*Mr Brown interjecting:*

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

**The Hon. S.S. MARSHALL:** —and the budget is much greater and of course that is before we announced our COVID-ready significant increases where we will see approximately a further 1,900 people employed in the healthcare sector in South Australia.

We understand the pressure that our health system is under. Every health system in the country—in fact, every health system in the world—has been tested with the coronavirus. I put it to you, sir, that very few have stood up as well as SA Health has.

But we always need to continuously improve and that's why this government is investing a record amount of money in terms of the operating budget and a record amount of money in terms of the capital budget, and we will continue to do that, opening additional beds within our emergency department capability across the state, always looking for new models of care which better serve our patients here in South Australia, and making sure that we have the requisite resources in South Australia. Those opposite have been in opposition for almost four years. We are yet to see anything regarding health, apart from carping, complaining, whingeing and whining.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** That's what they have done.

**The Hon. S.C. Mullighan:** It won't be a basketball stadium.

**The SPEAKER:** Member for Lee!

**The Hon. S.S. MARSHALL:** Instead, sir, what you have seen from this government is a commitment to right the wrongs inflicted upon the people of South Australia with Transforming Health, like for example—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —the closure of the Repat, which broke the hearts of South Australians. Now we go down—

*Ms Hildyard interjecting:*

**The SPEAKER:** Member for Reynell!

**The Hon. S.S. MARSHALL:** —there and it's a vibrant health community. They closed it. We're expanding it. We're investing more in health. There is more to do.

#### **AMBULANCE RAMPING**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:19):** My question is to the Premier, given his clear interest in the facts. How many hours were ambulances ramped for the month of October? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr MALINAUSKAS:** In May this year, the government released the figures in terms of ramping for the previous three months: February, March and April. In August this year, the government released the figures for the previous three months: May, June and July. However, on Monday—in November—the government only released the August and September ramping figures, leaving out the October figures. What are they?

*Ms Cook interjecting:*

**The SPEAKER:** Member for Hurtle Vale!

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:19):** I think that is an excellent question. I don't know if there's one state in the country that releases this data, except for Western Australia, where that service is actually provided—

*Members interjecting:*

**The SPEAKER:** Order! The member for West Torrens is reminded of standing order 127.

**The Hon. S.S. MARSHALL:** —except for Western Australia, as I was saying—by the private provider rather than the government itself. We are committed to releasing data, and we have released data. I think we should move to a quarterly release of that data. I note that there wasn't a policy under the previous government to release data. They didn't release data on many things when they were in power, but in opposition they are apparently the experts.

I think we have struggled in some areas in terms of some surges that we have had. There was a particular surge in the second week of October this year, which was completely unacceptable, but I am reliably informed that since then we have been able to very significantly reduce that time where transfer is delayed.

When I look at the average transfer times and the median transfer times, they are above what I consider to be the national benchmark of 30 minutes. I think the median in South Australia at the moment is sitting at about 31 or 32. The average is right out at almost 40. It is coming down, but it's at 40. It should be at 30. We need to continually improve that. That's one of the reasons why, since coming to government, we have very significantly invested in our South Australian Ambulance Service in South Australia.

In fact, when I look at the statistics, when we came to government the budget for the South Australian Ambulance Service was \$250.5 million. The most recent budget for the South Australian Ambulance Service is \$330 million. Last time I looked, that was a very significant increase—in fact, more than a 30 per cent increase in a three-year period.

More than that, in our first two years in government, we put on an additional 180 full-time equivalents in the South Australian Ambulance Service. In our most recent budget we committed to a further 74 full-time equivalents for the South Australian Ambulance Service. So whilst those opposite constantly want to talk about cuts—

*Mr Duluk interjecting:*

**The SPEAKER:** Member for Waite!

**The Hon. S.S. MARSHALL:** —when we again look at the facts, when we came to government the budget for the South Australian Ambulance Service was \$250 million. The most recent budget in the budget papers is \$330 million—a 31 per cent increase. We put on 180—

**Mr PICTON:** Point of order, sir: standing order 98, debate. It was a very specific question asked about what the ramping figures were for October.

**The SPEAKER:** I am listening carefully to the Premier's answer. I bring the Premier back to the substance of the question. The Premier has the call.

**The Hon. S.S. MARSHALL:** It is interesting that the member for Kaurina doesn't want to hear about the increases, which I would have thought would have been quite interesting.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** With regard to the October statistics, I thought I gave a pretty comprehensive and full argument that in the second week in October there was an unacceptable delay. There was a very significant surge.

One of the things that we need to do in South Australia is be able to better cope with the surges that occur. One of the reasons—and those opposite don't like to hear it—why we have this inability to cope as easily as we perhaps could have previously is because of the downgrading of the

hospital system under the previous government and the closure of the Repat. This doesn't actually help.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** So now we are upgrading nine emergency departments in South Australia. We are upgrading the capacity, the capability of those. The Flinders Medical Centre's emergency department has been significantly increased. It has always been the busiest—well, in recent times it has always been the busiest—and it's now the largest in South Australia. But there are eight other projects in South Australia at the moment to expand emergency departments in South Australia, and those are coming online.

Yes, I wish we could have come into government and just clicked our fingers and massively expanded that capacity, but that's not possible. We are committed to working with the clinicians, working with people in the health system, to make sure that we design something that is fit for purpose and is actually going to solve the problems. By contrast—and I just refer you again to this wonderful document called *On Being a Minister: Behind the Mask* by John Hill, where he goes through in a lot of detail the design of the Flinders Medical Centre emergency department under the previous government.

Despite being given significant advice that the ramping would occur there, the design was for people to wait on the ramp rather than be taken into the emergency department. This is the type of hopeless administration that we had under the previous government, one that we are fixing at the moment, but, as I said previously, there is still much more work to be done.

**The SPEAKER:** Thank you, Premier. Our electronic timing system has experienced a number of difficulties today. On indulgence, I allowed the answer to continue for 30 minutes. We may need to reset the system at a certain point, but we will persist for the moment with the system as it stands.

### AMBULANCE RAMPING

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:25):** My question is to the Premier. What does the Premier say to Lynsey, a paramedic for more than 16 years, sitting in the gallery today, who says she has seen 'not one shred of empathy from this Liberal government'? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr MALINAUSKAS:** Less than an hour ago, Lynsey addressed a crowd gathered on the steps to present a petition signed by 44,000 South Australians calling for an end to ramping. Lynsey said:

I have watched my friends shoulders slump with the weight of expectation and responsibility to do 'just one more job'. To go without yet another break.

I am no longer proud. I am saddened. I am embarrassed. I am ashamed. And I am utterly exhausted.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:26):** I thank the Leader of the Opposition for bringing this to the notice of the parliament. I thank Lynsey for her service to the South Australian Ambulance Service and to the people of South Australia. She, like so many people, is living a life which is filled with stress due to the coronavirus. What we are—

*Members interjecting:*

**The SPEAKER:** Order! The Premier has the call.

**The Hon. S.S. MARSHALL:** There is no doubt there is significant increased strain.

*Members interjecting:*

**The SPEAKER:** Order! Premier, do not respond to interjections. The Premier has the call.

**The Hon. S.S. MARSHALL:** Well, there is no doubt there is significant increased strain on our health system—every part of our health system—whether it be in metropolitan Adelaide, whether it be in regional South Australia, whether it be in our—

*An honourable member interjecting:*

**The SPEAKER:** The Member for Hurtle Vale is warned.

**The Hon. S.S. MARSHALL:** —emergency departments, whether it be in our hospitals or our outpatient services, whether it be in SA Pathology, the South Australian Ambulance Service, the Communicable Disease Control Branch, or, of course, our public health administration. The entire world at the moment is experiencing unprecedented pressure during the coronavirus, but I think every single person working in the system can feel proud that they have kept South Australia safe through this extraordinary period that the world has faced, and I thank every single person working within SA Health.

The pressure has been enormous over the last 19 months. The sacrifices that individuals have had to make and the increased efforts that every single South Australian has made have been exactly and precisely what has kept our state safe at this time. That is why within the government we have recognised this with the most recent \$120 million-plus package to further enhance our preparedness for COVID because, as of next Tuesday, we do ease those border restrictions.

We are going to do it in a prudent way. We are only going to allow people to come in who are double-vaccinated and we are going to ask them to have a test within 72 hours of them coming across the border but, regardless of that added level of protection, there will be an increased demand here in South Australia. That's why we have created the equivalent of 400 beds in our health system. That's why we are putting on an unprecedented number of additional people within our health system, and a large part of that is dealing with the South Australian Ambulance Service, with the most recent budget providing a further 74 full-time equivalents in South Australia. To Lynsey—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —and to all members of the South Australian—

*Members interjecting:*

**The SPEAKER:** Order, member for Lee!

**The Hon. S.S. MARSHALL:** —Ambulance Service, I say thank you. To all members of SA Health, I say thank you very much. And to all South Australians I say not only thank you but every South Australian I think should feel very proud of the way that we have dealt with this coronavirus. To date, there have only been four deaths—tragic deaths, but there have been four. There were more than that in Victoria today. We have much to be grateful for, but this is now our motivation—to make sure that we can continue to do well, getting that vaccination rate up, opening those borders but doing it in a way which doesn't adversely affect outcomes in our state.

**The SPEAKER:** I will take a further question from the leader, and then I will turn to the member for King.

#### HOLIDAY PENALTY RATES

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:29):** Supplementary question to the Premier: if the Premier is genuinely thankful for the service of our ambulance officers during the course of this year and COVID, why does he believe they shouldn't get penalty rates this Christmas Eve?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:29):** That's something that I think is currently before the house.

*Members interjecting:*

**The SPEAKER:** Order! The Premier raises a point of order.

*Members interjecting:*

**The SPEAKER:** Order! It is also within—

**The Hon. S.S. MARSHALL:** I am happy to address it, but I don't want to—

**The SPEAKER:** It does invite reflection on a debate of the house. As well, there have been interjections which involve, within my earshot, unparliamentary language.

**The Hon. S.S. MARSHALL:** Without wanting to canvass or reflect on a matter which is currently before the house—

**The Hon. V.A. Chapman:** It's not a bill.

**The Hon. S.S. MARSHALL:** —sorry, reflect on a vote of the house—what I can say is that we have entered into a position which is not dissimilar to the exact position that the opposition had when they were in government at this—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** Whilst we are not going to extend the penalty rates for all South Australians, I think we have adequately dealt with this for all of our public servants—our hardworking public servants—who are required to go—

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** The leader is warned. The Premier has the call.

**The Hon. S.S. MARSHALL:** As I said, sir—

*Members interjecting:*

**The SPEAKER:** Order! The Premier has the call.

**The Hon. S.S. MARSHALL:** —I won't reflect on a vote of the house, as I am precluded from doing, but I am happy to say that the arrangements that we have put in place are not dissimilar from, I think, exactly and precisely what the previous government, the Labor government, put in place on five—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —separate occasions. There is a word—it starts with 'h'—

*Mr Malinauskas interjecting:*

**The SPEAKER:** The leader on a point of order.

**The Hon. S.S. MARSHALL:** —which summarises the approach of the opposition at the moment.

**The SPEAKER:** Premier, please be seated. The leader on a point of order under 134.

**Mr MALINAUSKAS:** Standing order 98: my question was with regard explicitly and specifically to Christmas Eve, where the Premier's policy position is that his thanks to ambulance officers is to take away penalty rates on Christmas Eve. I am asking the Premier about Christmas Eve, which has been a public holiday in South Australia now for almost a decade.

*Members interjecting:*

**The SPEAKER:** Order! The proceedings on a point of order are that I hear the point of order. There are a number of interjections. It has been observed that there was a vote of the house, and I understand the Premier has been seeking to comply alternatively with that standing order. Premier, I will draw your attention to standing order 98 and we will come back to the substance of the question.

**The Hon. S.S. MARSHALL:** It's very difficult to answer this question, sir, as you would appreciate, without reflecting on a vote of this house which will then be subsequent to a vote in the other place.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** All I can say at this point is that I refer—

*Members interjecting:*

**The SPEAKER:** Order, member for Lee!

**The Hon. S.S. MARSHALL:** —the Leader of the Opposition to my previous answer and matters already on *Hansard* in this chamber.

**The SPEAKER:** Members, I draw your attention to standing order 119, which does concern reflections on a vote of the house. I have earlier indicated to members that I would be seeking the call on the member for King.

### CORRECTIONAL SERVICES

**Ms LUETHEN (King) (14:33):** My question is to the Minister for Police, Emergency Services and Correctional Services. Can the minister please update the house on how the Marshall Liberal government has improved the correctional services sector since the last election?

**The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (14:33):** I thank the member for King for the question and I acknowledge her very keen interest in this area. We have an outstanding correctional services system. I am proud to say last week we had one of these shaping corrections forums led by Mr David Brown. It allowed me to go and visit some of our staff and thank them for the great work they are doing in this space. We know that we are nation leading when it comes to our correctional services system. We know that we have, for example, the lowest recidivism rate in the entire nation. Last week was a fitting way to acknowledge their good work in this sector by visiting the Adelaide Women's Prison.

I visited the Adelaide Women's Prison along with the member for Elder and the member for Florey, the local member. I went there to open what was around a \$50 million expansion upgrade at the Adelaide Women's Prison. We know that in doing this upgrade it was a long time coming, and facilities have certainly improved there since we have invested, as I said, tens of millions of dollars. For example, there are new fit-for-purpose accommodation units, which have provided 80 new beds with independent living facilities that emulate life outside a prison.

At one point in time, under those opposite people were actually allowed to smoke in these facilities, and we know that some of these cells were some of the worst in the country. Since coming to government, we have invested tens of millions of dollars, and I am proud to say that they are much more fit for purpose, fit for use, and they have much better improved living conditions. I think we have a duty that where we can we have to invest in our prisons and make sure we do everything we can to try to turn people's lives around and try to rehabilitate them so that when they leave prison they come out of prison as better people with better skills as well.

The recently opened upgrade also includes a new programs and education building. We know that the path to rehabilitation for many is via education, and if we can invest in the education of our prisoners we can give them the skills they need. Unfortunately, some of these people have never done a day's work. Some of these people haven't had the opportunities you and I have had. Some of these people have come from very hard upbringings, and if we can get them back on a good path, if we can give them the dignity of acquiring some skills so that they can get out and work and they can have routine and meaning and lead purposeful lives, it's going to go a long way.

There are also new health facilities that we are investing in, especially when it comes to the health and wellbeing of women in custody, and it is very important that we support that. There are many impressive aspects of this expansion. I specifically want to highlight a partnership between DCS and TAFE. What that actually saw across the board is that a number of women in custody were provided with the opportunity to gain qualifications while working on sites.

I am pleased to inform the house that, with the support of Mossop, a number of women engaged in what is our U-Turn Program. They have been employed after release. How good is that? They have acquired skills, they have left prison, they have served their term, they are actually being employed and they are not returning to prison. That is what we want at the end of the day: we want them not to return to prison. We want them to have the dignity of work. We want them to improve their lives, which will of course relieve the burden on our system.

The Better Prisons Program has resulted in hundreds of construction jobs. More than \$150 million has been invested into the Yatala Labour Prison, which continues to be expanded, with 270 new beds underway and also supporting infrastructure being delivered. But of course it's not only the bricks and mortar: we are also investing in the safety and security of our prison system. We have funded nearly \$15 million for a new information sharing platform, iSAFE, and also close to \$25 million of upgraded electronic digital security systems.

We are supporting our correctional system. We are achieving better outcomes, better facilities, better investment and a stronger and more secure state in the process as well.

### CORRECTIONAL SERVICES

**Ms BEDFORD (Florey) (14:37):** Supplementary to the minister for corrections: how many women are still confined to containers on the site at Northfield?

**The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (14:38):** I thank the member for Florey for her question. I acknowledge the deep interest she has in our system, and that's why I thought it was very important that the member for Florey be invited to the opening of the recent upgrade.

As she points out, and whilst I don't necessarily agree with the characterisation, what I would say is that beforehand not only could women smoke in some of these cells but they were dark and they were dormitory style. Some of them, for example, had four bunk-style beds. Some of them had hardly any light. Some of these living conditions, as I said, were some of the worst in the country, but I am proud to say that as part of our government's investment in our Better Prisons Program we have invested quite substantial amounts in our new accommodation units—Pearl, Rose, Coral and Ruby—so now they have some of the best facilities in the country, and the residents were certainly quick to agree as well.

In terms of a breakdown of ladies who are in these separate sections the member is referring to, whilst I haven't got that level of detail I am happy to take that on notice and provide it to the member. But once again I do thank her for her keen interest in the area. It's not uncommon for the member for Florey to put a call in to me, and I am happy to take that because I know her heart is—

*Ms Bedford interjecting:*

**The Hon. V.A. TARZIA:** Yes—I know her heart is in the right place when it comes to this and I know that she is very passionate about improving our system.

**The SPEAKER:** We do acknowledge the member for Florey's consistent and important interest in this area.

*Parliament House Matters*

### CHAMBER PHOTOGRAPHY

**The SPEAKER (14:39):** Before I call the member for Kaurna, can I remind members of the gallery especially of the standing orders to take photographs. Whilst I don't want to disrupt Christmas cheer—I think there was also a photograph taken of Father Christmas earlier in the day in the gallery—there is an important reason for the rule. Other members present in the gallery may not wish to be within a photograph, so it's important that we observe that rule.

*Question Time*

### AMBULANCE RAMPING

**Mr PICTON (Kaurna) (14:40):** My question is to the Premier. What does the Premier say to Mel, an ambulance volunteer of more than 10 years, who spoke on the steps of parliament just an



hour ago, whose 34-year-old brother died of cardiac arrest waiting for an ambulance? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr PICTON:** Mel and her brother, Jason, were ambulance volunteers for 10 years. One night in 2019 Jason went into cardiac arrest at their family home in Goolwa. Mel's parents had to perform CPR on their son for 25 minutes before paramedics could arrive on the scene—too late to save Jason's life. That evening, the Goolwa and Victor Harbor ambulances were ramped in Adelaide hospitals.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:41):** First of all, I thank the member for Kaurna for raising this important issue with us. Obviously, this is an unacceptable situation and we express our apology to Mel and to her family. There was a very high level of ramping in 2019. I note that there had been by 2020 a significant reduction with some improvement programs—about a 20 per cent reduction in 2020. But for all the reasons that we have already canvassed today, there has been a significant increase since that time.

As I said, the government finds this unacceptable. I wish there was some way that we could immediately solve all of these problems, but what I have tried to do today is to place on the record all of the improvements that we have made in this area to try to reduce the likelihood of this ever occurring again. Some of those areas are increased personnel, some of it is to do with the expansion of nine emergency departments in South Australia, some of it is to do with patient flow through our hospitals so that we get patients into emergency departments and out of emergency departments as quickly as possible.

On 1 January last year, sir, you would be aware that we established Wellbeing SA, which was designed specifically to, if you like, have a more preventative approach to health here in South Australia so that we can keep people healthy and out of our emergency departments, and that is already having some good results.

We have significantly recently announced a massive expansion of our out-of-hospital care programs, which is again taking people who are in our hospital, taking a bed in an important teaching hospital in South Australia, and putting them back into their home where they prefer to be. It does incur a cost to the taxpayers because often it requires some additional services in their home and sometimes physical changes to their home, but this is far preferable to them taking up that bed and also having worse outcomes for them.

One of the other things that we have invested in, of course, is the Priority Care Centres. I have just recently received some statistics that show that the Priority Care Centres have seen 15,935 patients to the week ending 14 November this year. These are patients, nearly 16,000, who would have ended up in our hospital system in South Australia if we didn't establish the new protocols under the Priority Care Centres in South Australia.

This has been successful. It was first introduced in 2019, we ramped it up in 2020 and we will continue to ramp it up. There is much more work to be done. I know that each chief executive of the local health networks in South Australia, particularly those in metropolitan Adelaide, has an acute focus on everything that they can do at the moment to make sure that they can get that patient flow through.

But they are being very significantly aided by the government, which has put more than \$120 million out of session, if you like—so not within the existing budget for SA Health but a separate decision from the Budget Cabinet Committee—to apply this money immediately so that we can further flex up the capacity of our hospital system in South Australia. We want to make sure that we have the very best health system in Australia, and that means that we need to have the adequate resources in place—whether they be beds, whether they be personnel, whether they be models of care—and that's precisely what we have been doing since coming into government.

### COUNTRY HEALTH SERVICES

**Mr PICTON (Kaurna) (14:45):** My question is to the Premier. What does the Premier say to Strathalbyn publican Stacey, who spoke on the steps of Parliament House just an hour ago, whose dear friend passed away in her pub waiting for an ambulance? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr PICTON:** On 11 July 2020, Stacey's friend Stephen went to dinner at her Strathalbyn hotel. He was found choking and unable to breathe. Stephen passed away after waiting 32 minutes for an ambulance. The government has closed the Strathalbyn emergency department and Stacey said the Strathalbyn ambulance is regularly not in the Strathalbyn region due to other cases and ramping.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:45):** I thank the member for Kurna for raising this case. Again, we can only express our sincere apology to the people who were affected by this outage or this inability to provide service, and any others. That is why we are 100 per cent committed to putting those resources in place at the moment.

One of the areas we are looking at, at the moment, is our country services. SA Health is doing some work at the moment regarding ambulance cover in regional South Australia. I await that advice and look forward to providing improved services across regional South Australia. We are putting money into our regional hospitals. You would note, sir, that on coming to government there was an urgent backlog in terms of maintenance in country hospitals that, quite frankly, was staggering. We addressed that in our very first budget. We have been very significantly ramping up the capability in our hospitals in regional South Australia which was sadly neglected for the 16 years of the previous government.

I think there are very few electorates right across South Australia that either haven't had or are about to have a very significant improvement to their healthcare sectors. One of the things that we did on coming to government was to decentralise regional health, Country Health in South Australia, moving away from Country Health SA administered from the central office in Adelaide to establishing six country-based local health networks.

We have established boards that have good-quality representatives from right across the community, clinicians and, importantly, on each of those an Indigenous representative. They have made, I think, big strides, but it is still early days. That has really only been up and running for the past couple of years, and I think we are getting good value from the input that we are getting from regional South Australia. But, as you would appreciate, sir, there is much more work to be done.

A lot of it has to be planned and thought out in consultation with clinicians. We know we get the best results from doing that, and we also know that we get the best results with country areas working together to share resources, and that's why the establishment of the decentralised country LHNs has been such an improvement.

I first saw this model when I was in New Zealand several years ago with the establishment of their district health boards over there. They had broken the entire country into 17 district health boards, so those boards had a good understanding right down to what was happening in local areas, and that's precisely what we have tried to replicate in South Australia.

Although it is still early days, and I am not sure when this incident that the member for Karuna referred to occurred, what I do know is that the methodology for addressing these issues and being close to the action is being addressed and, of course, as a government we are providing record investment into the health system—not a 2 per cent, 4 per cent CPI-type increase, we are talking \$5.8 billion to \$7.4 billion. That is a very substantial increase and, on top of that, as I said, we have announced a further \$120 million plus going into our COVID-ready package.

**The SPEAKER:** I share with members that, doorknocking in Charleston, I heard that story myself from the ambulance officer involved, and I wish to thank that officer for sharing that story with me. It was very difficult information to listen to.

#### TIMBER INDUSTRY

**Mr PEDERICK (Hammond) (14:49):** 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 has supported the forestry industry since the last election?

**The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (14:50):** I thank the member for Hammond for his important question. The Marshall

Liberal government is investing more than \$50 million as part of our commitment to support our forests and wood products industry. We have:

- pledged \$3 million to support local sawmills, bringing additional timber to market and assisting in transporting fire-affected pine from Kangaroo Island with assistance from the federal government;
- provided an additional \$2 million to extend the National Institute for Forest Products Innovation Mount Gambier centre for a further four years;
- invested \$1.1 million to upgrade fire surveillance and prevention across forest assets in the South-East, including virtual technology that is able to detect smoke without the need for human intervention. We are supporting new fire-spotting technologies, including exploring the use of automated fire detection, which is more reliable than people sitting there previously;
- invested \$2.1 million to diversify Roundwood Solutions with a micromill and steam drying plant at Tantanoola; and
- invested \$2 million from the Regional Growth Fund to secure Timberlink's \$60 million cross-laminated timber and glue-laminated timber plant at Tarpeena, which is expected to generate 56 new forest jobs.

We are investing over \$40 million in roads servicing our forestry industries and regions and we are investing nearly \$1 million from the South Australian dog fence rebuild to use 60,000 treated wood posts into that rebuild of the dog fence.

We have invested over \$88,000 from the Regional Growth Fund for South-East pine sales in Mount Gambier to install an automated biomass steam generation plant for wood drying. We are delivering \$100 million to boost the firefighting resources following the 2019-20 bushfires, which saw significant loss of forestry plantations across Kangaroo Island. We are also investing \$500,000 from the Regional Growth Fund for the Bordertown intermodal facility to help get products to market.

We have conducted an audit of the performance of the South-East Forest Estate Lease Agreement, established the Forestry Industry Advisory Council of South Australia and established the Parliamentary Friends of Forestry to develop South Australia's forest and wood products industries, highlighting the important opportunities to grow this multimillion dollar industry within South Australia.

I was also pleased to announce in June this year the new long-term arrangement with ForestrySA to build a new \$4.5 million sawmill, being built by KSI Sawmills in Monarto, which will increase timber supply and create nearly 30 new local jobs. As recently as yesterday, I announced that the Marshall Liberal government was investing more than \$750,000 in two initial projects aimed at increasing the supply of timber to the South Australian building industry almost immediately.

The booming local housing industry has been great news for our economy and jobs and a positive sign of confidence in the South Australia economy, but the increased demand for timber has put real pressure on the supply chains. These two projects are about to get underway and will provide a significant boost towards addressing the unprecedented demand for building timbers currently being experienced by South Australian builders.

In addition to this, we were the first state to sign up to the \$15.1 million timber transport assistance package recently announced by the commonwealth government to freight logs salvaged from bushfire-affected areas.

**The SPEAKER:** Minister, your time has expired. However, on indulgence, if there is a sentence to go, please complete it.

**The Hon. D.K.B. BASHAM:** It is important to bring this timber to market. It is an important process.

**The SPEAKER:** Supplementary question from the member for Mount Gambier.

**TIMBER INDUSTRY**

**Mr BELL (Mount Gambier) (14:54):** Can the minister confirm that the \$500,000 investment in the Bordertown intermodal actually diverts raw log product from local processors directly to Chinese exports?

**The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (14:54):** I thank the member for Mount Gambier for his question. It is important that we improve the mobility of the timber so it's able to reach the markets. My understanding is there are many movements across the country at the moment in relation to timber. The demand for timber in Australia is enormously strong. We no longer have control of those forests in the South-East: they were sold by the previous government to the private sector. We can't dictate where that timber goes, so we now can't have that control. We are working with the industry where we can—

**Ms Luethen:** Shame!

**The SPEAKER:** Order, member for King!

**The Hon. D.K.B. BASHAM:** —to bring new timber to the market to make sure that the houses that we require are built, to make sure there is the opportunity for builders in South Australia to source timber.

**TIMBER INDUSTRY**

**Mr BELL (Mount Gambier) (14:55):** A further supplementary: can the minister confirm, then, why the current government spent \$500,000 investing in an intermodal that diverts timber from local processors to Chinese markets when there is such a need?

**The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (14:55):** As I stated, it's important to have these intermodals to allow the ability for transport movements. It's important that we allow jobs to be created here in South Australia, making sure that we are able to make that timber get to market. Within Australia, there are many demands for timber at the moment. The sawmill industry within Victoria is screaming for timber—very little support in that area—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.K.B. BASHAM:** —for timber for the market. South Australia has a net export of timber from South Australia. We produce a lot more timber than our natural requirements are. We are helping Australia meet its needs.

**SA AMBULANCE SERVICE**

**Mr PICTON (Kaurna) (14:56):** My question is to the Premier. Premier, is there even one extra crewed ambulance that is on the road since you were elected in 2018? If so, how many additional crewed ambulances are on the road?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:56):** I thank the member for Kaurna for that question. It's a detailed question. I can find out the detail. What I have provided already—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —was a significant increase in the budget for the SA Ambulance Service and also in terms of the full-time equivalents—already delivered—and in the subsequent budget a further 74 full-time equivalents.

I know that we have upgraded the ambulances themselves. The fleet obviously needs to go through a constant upgrade, and there has been some significant upgrade. With regard to that specific question, I am very happy to take that question on notice, speak to the Minister for Health and Wellbeing in the other place and come back to this house with a comprehensive answer.

### SA AMBULANCE SERVICE

**Mr PICTON (Kaurna) (14:57):** My question is to the Premier. Does the Premier agree with his health minister who said earlier this year that the process of reform of the Ambulance Service had been stalled by the industrial tactics of the Ambulance Employees Association? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr PICTON:** Earlier this year, the health minister, Stephen Wade, said to the media it was a 'bit rich' for the unions to blame the state government, claiming 'industrial awards' were 'holding back' reform. He said:

We're very keen to sit down with the AEA to talk to them about reformed resources for the ambulance service so it can meet the challenges of the future...The whole process has been stalled by their industrial tactics.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:58):** I am not aware of the comments that the member for Kaurna has just provided, nor was I a party to that specific negotiation. What I do know is that the outcome was a good outcome for South Australia, with additional resources being committed.

Often these enterprise bargaining agreements do take some time, but I'm very pleased that it was a respectful negotiation and that we have been able to provide in our most recent budget a very significant increase in the number of full-time equivalents.

As I said earlier, the amount of money going to the South Australian Ambulance Service now is at a record. It's 31 per cent higher than when we came into government and, of course, there are more resources on their way.

**The SPEAKER:** I'm going to turn to the member for Davenport, who has been patiently waiting.

### PUBLIC OPEN SPACES

**Mr MURRAY (Davenport) (14:59):** It pays to be patient, thank you, Speaker.

**The SPEAKER:** It certainly does.

**Mr MURRAY:** My question is directed to the Minister for Environment and Water and I ask whether he can update the house on how the Marshall Liberal government has increased visitation to public open spaces across the state?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:59):** I thank the member for Davenport for his question and note that he represents, and will represent after the election, some of our most significant open space investments in the state, including Glenthorne National Park, Happy Valley Reservoir and Sturt Gorge Recreation Park—great areas of our metropolitan open space network and areas that the Marshall Liberal government is committed to invest in and to create areas for people to have recreation experiences within, learn about nature and immerse themselves in nature because we know that's not only good for physical wellbeing but it's also incredibly good for mental health and wellbeing as well, which, in the period of the coronavirus pandemic in Australia, has been incredibly good.

In fact, unlike some jurisdictions, in South Australia we encourage people to visit outdoor open spaces during the pandemic to get away from the four walls and the screens with all the bad news, to get out into nature, to practise social distancing sensibly and all those things around public health that we were encouraging. We did say that getting into the great outdoors would be a way of building resilience in the face of those challenges and many, many South Australians did.

In fact, in recent times, over the last couple of years we have seen a very substantial surge in visitation to South Australia's national parks. That really had a very significant surge during the peak COVID period—March, April and May 2020—but has sustained as well. In fact, our visitation to national parks is up some 64 per cent. That's almost 200,000 extra visitations, year-on-year results in recent times. That can bring some challenges, but it's a great opportunity for our state to sell these destinations to our citizens and, when the borders open and there is more freedom to move between states and internationally of course, welcome people into our national parks and outdoor spaces to experience some of the best of what South Australia is all about.

That increased visitation and those new opportunities occur at a time when the planets have aligned for our national parks: not only has our ranger workforce substantially increased up from 93 in 2018 to 138 today, an increase of some 45 per cent, but we have also had an historic generational investment in our national parks, whether that is Glenthorne National Park down in the southern suburbs or whether it's opening up our network of reservoirs.

Our reservoirs opened all across the state, turning the communities where you find these reservoirs into must-visit, nature-based destinations. It is transforming communities, communities like Williamstown and Kersbrook in the north-east of our city, or just out of our north-eastern suburbs, or Myponga on the western Fleurieu Peninsula.

There are projects like the Wild South Coast Way, the creation of a multiday walk within the Heysen Trail, extending from Cape Jervis to Victor Harbor, creating a multiday walk and spending over \$6 million in enhancing that experience. The member for Finniss and I went down to open the Goondooloo lookout in Deep Creek Conservation Park, part of the Wild South Coast Way and a real destination within that national park and part of this investment.

We are continually looking for ways to invest in the amenity, in the accessibility and in the educational value of our national parks, while balancing the need to have them as places of conservation and places for biodiversity. I think that's a balance we have got right and that generational investment will transform our national parks and our open spaces in this state.

#### COVID-19 VACCINATION ROLLOUT

**Mr BOYER (Wright) (15:03):** My question is to the Minister for Education. When did the Chief Public Health Officer, Professor Nicola Spurrier, first recommend a vaccine mandate for teachers and others working in education settings? With your leave, and that of the house, I will explain.

Leave granted.

**Mr BOYER:** This morning, on ABC radio Professor Spurrier said she had provided that advice some time ago.

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:04):** I thank the member for the question. As I understand it, advice was provided by Professor Spurrier to the police commissioner in his role as State Coordinator. I don't have the date. I can check that and bring back an answer to the house. As I understand it, the police commissioner sought some advice along the way from the Chief Executive of the Department for Education about how such a move would be operationalised if indeed he determined to implement it as a direction in his role as the State Coordinator, and that advice was provided.

I was advised the night before last that the police commissioner had determined that he would identify—would make the direction, I think is the appropriate term—and was seeking support to announce the decision yesterday. Indeed, the Department for Education had been working with SA Health on the broader settings for the remaining weeks of the school term in the lead-up to the end of 2021, keeping in mind the opening of the borders next Tuesday, so we determined that it would be a very suitable time to make those announcements together.

#### MORE FOR HEALTH CAMPAIGN

**Mr PICTON (Kaurna) (15:05):** My question is to the Premier. Premier, how much of taxpayers' funds are being spent on your latest health advertising campaign, More for Health?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:05):** I don't have those exact details, but what I do know is that it is very important to continually provide public health advice and also to provide information on what we are doing. With the health system in South Australia, we are of course going into a difficult time, an anxious time for many South Australians as we do open our borders with New South Wales, Victoria and the ACT.

We know those opposite had an extraordinary advertising campaign in the lead-up to the last election. That basically featured the Labor Party major players. In our advertising, we are very keen to make sure that we abide by the new restrictions and guidelines that we put in place that don't use my image, don't talk about Liberal government, but do specifically talk about the work that we are

doing as a government in South Australia investing in our health system. I don't have that exact detail.

I know those opposite had their very expensive taxpayer-funded campaign to sell the Transforming Health proposal. It never really went very far. It was a pretty hard sell. You could imagine the sort of money that would have to be spent by taxpayers to get a positive spin on that very poorly thought-out idea. At one stage, one of the most glowing endorsements we received from Transforming Health was from the former health minister himself, now the Leader of the Opposition, the member for Croydon, who was being captured in all his glory in the other place making an extensive endorsement—

**The SPEAKER:** Premier, there is a point of order. I am keen to observe the process under 135.

**Mr PICTON:** Standing order 98, sir: it was a very specific question in terms of how much money is being spent on the current advertising campaign.

**The SPEAKER:** Very well. I am listening carefully to the Premier's answer. I ask the Premier to reflect on the substance of the question.

**The Hon. S.S. MARSHALL:** Thank you very much, sir. What I am advised is that it's significantly less than that which was expended almost four years ago by those opposite. In fact, I have just been informed that those opposite in the lead-up to the last election spent \$1.6 million on what could only be described as a highly political advertising campaign trying to sell the now disgraced Transforming Health. It did receive strong endorsement from the Leader of the Opposition, the member for Hurtle Vale and many of those people who are opposite there. I am advised that our budget is far more modest—around \$1 million.

#### ONEFORTYONE PLANTATIONS

**Mr BELL (Mount Gambier) (15:08):** My question is to the Minister for Primary Industries. Is the minister aware that OneFortyOne have written to local processors indicating that log supply will not be honoured past 2023 due to log shortages, putting millions of dollars of investment and jobs at risk and many in my community thinking it illogical that a government would be encouraging exports of raw logs supply through the intermodal at Bordertown?

**The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (15:09):** I thank the member for Mount Gambier for his question. Yes, that has been brought to my attention in the last couple of days in particular. It's certainly something that was foreshadowed. It is my understanding that, when the previous government sold the forests, it was foreshadowed there was a risk to those smaller mills that bought timber from the previous ForestrySA assets, that they were going to be vulnerable coming forward when their contracts came to an end. It seems to be heading that way and I am more than happy to sit down with those mills and have those conversations with them and see what we can do, whether there is any opportunity to sit down with OneFortyOne and see whether there is an opportunity to have a conversation about opportunities going forward.

Unfortunately, the South Australian government no longer controls those assets. We don't have that control. That control was sold off by the previous government. We don't have those opportunities that we would have in the past to make those timbers available to the mill under that process.

#### NORTH-SOUTH CORRIDOR

**Mr DULUK (Waite) (15:10):** My question is to the Minister for Infrastructure and Transport. Minister, can you please explain to the house how the government plan to connect the future north-south corridor tunnels with the South Eastern Freeway? Sir, with your leave, and that of the house, I will further explain.

Leave granted.

**Mr DULUK:** Minister, the Department for Infrastructure and Transport finished their consultation on the Cross Road planning study in August 2021. Can you please explain what the purpose and the outcomes of this study were and what the future of Cross Road will look like under the future plans of that study?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:11):** I thank the member for his question and note his interest in the north-south corridor and our road network in South Australia. This north-south corridor is the biggest project our state has ever seen. More than \$9 billion is going into completing that 78-kilometre stretch, and we know that is going to save travel times. We know that final stretch will take out 20-plus traffic lights and save 20-plus minutes for commuters using that stretch of road. Work was done at the north, work was done at the south, but the hardest part of that corridor has been left.

This is going to be a great result for South Australia, and we had a look at this and we spent a lot of time because when we came to government no work had been done by those opposite. What they found was the work that had been done talked about an open-cut motorway that they were looking at. We knew that that was going to carve a swathe through those people that lived on the north-south corridor, so we came up with the two-tunnel solution, the hybrid+ solution. We are completing the reference design of that and will go to the community with that very shortly.

We have, of course, been in the process of explaining to the people along the way where we need to acquire properties, what properties will be acquired, and we have been conversing with those people and asking them to sit down with the department so they can be talked through that process. It is a long process and it is a huge project, the biggest infrastructure project South Australia has ever seen, and on this side of the house we are really excited to be delivering it. We know it is the infrastructure that will make a big change to the way that our state operates.

Of course we have other road networks, and what we know from the South Eastern Freeway as that comes down is that we have our outer ring route. Cross Road is part of our outer ring route—and trucks use that at the minute to take goods and services to the regions around that area and the regions linked to that area—as is Portrush and Glen Osmond roads. What we have done already is invested significant money in what we are calling the Greater Adelaide Freight Bypass in fixing up some of that road corridor there. Also, we have \$200 million on the table, and designs are out for consultation at the moment around the Truro bypass to help improve that freight access.

**Mr DULUK:** Point of order, Mr Speaker: standing order 98. The question was about Cross Road and the planning study, not about the Truro Road bypass. If I could just ask the minister the results of that Cross Road planning study that was released in August 2021.

**The SPEAKER:** I uphold the point of order. As much as the Truro bypass is of interest to me, it doesn't reflect the question.

**The Hon. C.L. WINGARD:** It actually has great reference and, if I refer back to the question, it was about the link of Cross Road into South Road, sir.

*Members interjecting:*

**The SPEAKER:** Minister, there is a point of order, which I will deal with under 137.

**The Hon. S.C. MULLIGHAN:** It appears that the minister is defying your ruling, sir, and I ask that you take the requisite action: name him, sir.

**The SPEAKER:** Despite the invitation, I understand the minister was putting his earlier comments in context to me, but I do remind the minister of the importance of standing order 98.

**The Hon. C.L. WINGARD:** Thank you, sir, and again, for those on the other side who perhaps don't understand how the road corridors work, the road network works, what I am talking about is that Greater Adelaide Freight Bypass and what we are enabling that to do by taking freight off the South Eastern Freeway, which I know you are very passionate about—taking freight off that, moving that around the back of Murray Bridge, onto the Sturt Highway and bringing it in that way with the Greater Adelaide Freight Bypass, which again is why we have invested with the federal government in the business case for that. That will actually take freight off the South Eastern Freeway.

When you get to the bottom of the South Eastern Freeway, what do you hit? You hit Portrush Road, Glen Osmond Road and Cross Road. When we are talking about Cross Road, that is one of the ways that we are looking at to take that freight off that section of road. I know under the previous



government nothing was done in this area, but there is no surprise because they didn't do much at all on that side of the house. What we are doing is investing in that business case and that planning study.

Again, works are already being done on that corridor at the moment to make it a far better corridor to move freight and traffic—right across the network as well. We have put this on the Infrastructure Australia priority list, and that is getting a PBS level 4 road network. By doing that, improving our regional roads and improving that freight network, we can get the triple trucks, the bigger trucks, onto that PBS level 4 road network, take them around the back and get them across South Australia and across to Western Australia as well.

It is a focus we have with the federal government, and that will help to get that freight off the South Eastern Freeway and ultimately get freight off Cross Road, off Glen Osmond Road and off Portrush Road as well. That's a big piece of the work that we are doing. It hasn't been done before. We appreciate that it was left in the too-hard basket by those opposite, but that will all link in then with the north-south corridor as well, the biggest infrastructure project we are doing. We are doing studies, of course, on Cross Road, Brighton Road, Portrush Road and a number of other key corridors in South Australia as we go about doing the works to upgrade a number of intersections as well.

Again, I stress the point that that work wasn't done by those opposite. By doing those planning works, we will have projects in the pipeline that we can deliver as we go forward. We are very proud to be doing that planning work because we have to have the immediate-term work that we are doing—we are doing a \$17.9 billion spend on infrastructure—and then the medium-term and then the longer term work.

**The SPEAKER:** The minister's time has expired.

#### **COVID-19 BORDER RESTRICTIONS**

**Mr BELL (Mount Gambier) (15:16):** My question is to the Premier. Can the Premier outline what the process for cross-border community members will be on 23 November and if there will be any significant changes or differences between those coming into South Australia and not from a cross-border community?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:16):** That's a very important question, and I think the full details of that are being worked through at the moment. As the member would be aware, we now have a regional representative on the Transition Committee, Mr Mehdi Doroudi, who is the Deputy Chief Executive of the Department for Primary Industries and Regional Development in South Australia. He is providing input on behalf of those people who live in those border communities. We are in the first instance, as I pointed out yesterday in the house, going to have a slightly tougher arrangement in the early days, particularly for those people who are coming from areas—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —which have low vaccination rates and have community transmission. Just to repeat that: there are going to be tougher restrictions for those who come from LGAs with lower vaccination rates and community transmission at the same time. I am not sure at this stage what the status is for those in a border community. I predict it will be a very high vaccination rate in most of those border communities. I know that on our side of the border we have had very good take-up in regional communities, but there is a differential for those who have a vaccination rate below 80 per cent, and then there's a small impost for those people who are between 80 and 90 per cent.

I am very committed to making sure that we minimise the impact on the border communities, which have really borne the brunt of a lot of the frustrations and also a lot of the very important defence for our state over the last 19 months. I will commit to getting a full answer to the member for Mount Gambier as a matter of high priority.

### PORT PIRIE NEUROLOGY SERVICES

**The Hon. G.G. BROCK (Frome) (15:18):** My question is to the minister representing the Minister for Health and Wellbeing. Can the minister advise what I should tell the people of Port Pirie, and in particular the 30 to 40 people suffering from Parkinson's disease, who are having issues being able to consult a neurologist? With your leave, and that of the house, sir, I will explain a bit further.

Leave granted.

**The Hon. G.G. BROCK:** There has been a visiting neurologist consulting in Port Pirie over the last six to 12 months in a very unreliable pattern. There have been periods when the services have been withdrawn or unavailable, with no notice whatsoever to those patients requiring that service. It has also been brought to my attention that there were periods when the medical director has sent the neurologist to other locations, acting as a locum, leaving particularly those people with Parkinson's disease very frustrated and very distressed. This is a matter of major concern for the health and wellbeing of those people, and I would like to have an answer as a matter of urgency.

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:19):** I thank the member for the question. As the minister representing the Minister for Health in this chamber, I will seek advice from the Minister for Health in relation to the detail the member has sought, particularly in relation to neurology services for people living in the Port Pirie area. This is a government that takes health services for all South Australians, for country South Australians very seriously and we will continue to do so. I will bring back an answer for the member.

### COVID-19 VACCINATION ROLLOUT

**Mr DULUK (Waite) (15:20):** My question is to the Minister for Education. Minister, what plans and contingencies does the government have in place to address any teaching and support staff shortages that may arise out of the COVID vaccine school mandate that will be instituted next month?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:20):** I thank the member for the question. It is a good question and it is a question that is exercising the minds of organisers and, indeed, their systems: public education, Catholic education and independent schools in South Australia.

We are not unique in this situation, of course, and it's a question that has confronted the states of New South Wales, Victoria, Western Australia and the jurisdictions of our territories as well, and prior to the mandate that was announced yesterday in South Australian educational settings had also been announced in those jurisdictions.

Different jurisdictions had different start dates for when those mandates were to take place. In some jurisdictions in the Eastern States where there have been high levels of community transmission and an urgent challenge to get schools open, which had not been open for face-to-face learning for an extended period of time, those mandates have been in place so that teachers had to be fully vaccinated already at this stage or certainly before the end of this year.

The mandate that has been directed in South Australia takes into account the different circumstance that South Australia is in and does not propose to disrupt any staffing arrangements during the course of this school year. The date 10 December is identified as the last date on which the education workforce is expected, under the direction, to have had their first vaccination. That is also the last day of school. On 11 December, which is the first day of the school holidays, is when we move into a situation where people will effectively be on leave if they haven't met the direction.

That will enable a second vaccine to be had before the end of this calendar year so that come 1 January, several weeks before the commencement of the 2022 school year, systems—the public education system, the Catholic education system and, of course, independent schools—will have an understanding of their workforce needs.

It is anticipated, based on experience in other jurisdictions certainly and in other departments where mandates have preceded the education mandate, that of those who have identified through the survey previously that they didn't want to have a vaccination many will determine that they will be vaccinated, and that will have a positive outcome obviously for their health, for their family's health,

their community's health and, critically, the health of the school and the capacity for the disease to spread in a school, a preschool or an early learning environment.

Our government has unashamedly worked hard with SA Health to keep our schools, our preschools and our early learning settings open as much as possible throughout the course of the pandemic and we have been more successful at doing that than any other jurisdiction in Australia, more successful at doing that than almost every other jurisdiction in the world—I am yet to have too many examples presented to me. We have had very few days of stay-at-home orders where online learning was the only option available—very few days over two years—and it's a very positive experience for our students that that continues to be the case.

Should there be COVID community transmission in South Australia, which at some stage we expect there will be, we will continue to have a very high expectation on the capacity to keep our schools, our preschools and our early learning settings open. It is critical for those children, for their wellbeing, for their education, for our families, for our economy and for our state and that is one of the key reasons why the police commissioner, acting as State Coordinator, has indicated the direction he has made.

### *Grievance Debate*

#### **SA AMBULANCE SERVICE RESOURCING**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:24):** Politics is a funny business. It tends to inevitably focus on points of difference rather than things we have in common. Truth be told, amongst all of us who work together in this chamber, we probably have more that we agree upon than what we disagree upon. But it is also true that as we approach the election, South Australians do want to know who they are choosing between, what are the differences in value systems, what are the differences in priorities that exist between various candidates and the major political parties and their leaders.

It is a reality that those points of difference are magnified and often arguably gain more attention than is necessarily the case in terms of how big the differences are. But I do think today in the parliament we have seen a pretty good illustration of the things that are different between the Australian Labor Party and the Liberal Party of South Australia in terms of our priorities and our values.

We were out on the steps before question time listening to real people, who I do not imagine are particularly political, sharing their real-life stories about what ambulance ramping and the under-resourcing of the Ambulance Service have meant to them. We heard a tragic story about a gentleman losing his life while they were waiting for an ambulance. We heard the story of the Strathalbyn pub owner who has been utterly exasperated while waiting for an ambulance on more than one occasion, now finding themselves acting as a quasi-paramedic while they are sitting around waiting for a countless period of time for an ambulance to show up, when they are supposed to be running their pub.

Those ambulance officers came into the chamber to listen to question time and what they heard was the opposition asking questions of the government and then a pretty stock standard response from the Premier, a recitation of facts—selective facts—without actually acknowledging the real issue here, and that is that he has the power to change it. Reciting statistics, which act as a shield or a defence for the government's political problems, does not do justice to the power and authority that is vested in the Premier of the state.

At any moment, the Premier could pick up the phone, he could call his Treasurer and say, 'The Ambulance Service needs more resources. I want it to be delivered today.' Instead of doing that, what we see is the Premier on the phone to the Treasurer, presumably talking about resources for a television advertising campaign that we learnt today is in the order of \$1 million. I cannot begin to imagine how far that \$1 million could go to, let's say, covering ambulance officers at Strathalbyn, where we were hearing those stories from today, or ambulance officers anywhere else across regional South Australia we know are in particularly acute need, as well as metropolitan ambulance officers, which speaks to priorities.

Another thing that came up on the steps of parliament today was, 'What is the government's priority when it announces a \$600 million basketball stadium rather than investing more resources in a health system that is in unprecedented crisis?' We have learned today, as a result of the

government slipping out statistics on Monday when they also released more details around their so-called road map, they were actually also releasing details about ambulance ramping that show that it is over 550 per cent worse than what it was in 2017.

So at the election the Premier of the state is going to say, 'In response to your concerns around the hospital crisis, I need you to vote for me for one more term,' but South Australians would know that runs the risk of yet another 500 per cent increase in ramping over the course of a four-year period. It means that again the Premier might see the first two years in office delivering an \$11 million cut to an ambulance service. It may yet mean more corporate liquidators in charge of our health system rather than nurses and doctors who actually know how to deliver patient care.

The gall that it must take for members of the Liberal Party to run around in their electorates and say, 'Thank you to nurses, thank you to ambulance officers, thank you to our emergency workers who have done us all so proud during the course of COVID. We really want to thank you, and we've got a special Christmas present for you to acknowledge that thanks: it's a pay cut on Christmas Eve.' The Liberal Party's thanks to all these workers—who are doing it tough, dealing with an unprecedented crisis, both in terms of ramping and in terms of COVID—is to cut their pay.

If you ever wanted a point of difference between the Marshall Liberal government and a potential Malinauskas Labor government it is right there, because we will not do a basketball stadium: we will invest in health. With all those people out there serving us on Christmas Eve and Christmas Day, we are not going to turn our back on them: we are going to make sure they get the pay that they deserve.

### GIBSON ELECTORATE

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:30):** It is my great pleasure to rise to speak about the wonderful work that is done by a number of community groups and individuals in my electorate, and I would like to take this opportunity to acknowledge some of them today.

In 1952, a group of residents banded together to protect gum trees from being uprooted. Thanks to their efforts, many local gum trees around Marion were planted, protected and able to grow to full maturity. This band of residents called itself the Oaklands Estate Residents' Association, and I am pleased to say that they are still going strong today and next year will reach the impressive milestone, their 70<sup>th</sup> anniversary.

I attended the Oaklands Estate Residents' Association's AGM last month, as I try to do every year. It was great to see such a strong turnout and to hear which issues mattered most to those residents. At the AGM the residents association also elected its committee for the next term, and massive congratulations to everyone who was elected, including the re-election of Fred Hill as president, Robert Riggs as vice-president, Mike Windows as the treasurer and Lyn Roberts as the secretary.

There are now around 300 homes and a thousand residents in this small pocket of Marion known as Oaklands Estate, so it is fantastic that the residents association continues to be so active as it preserves the historical spirit of the area while, at the same time, seeking ways to improve their neighbourhood. I thoroughly enjoyed catching up with these residents at the AGM and when I am doorknocking in that area. In fact, we are working with them on fixing the road alongside the Oaklands Wetlands as well. I congratulate the members of the committee on their election and look forward to seeing what they have planned for their 70<sup>th</sup> anniversary celebrations.

National Seniors Australia is a not-for-profit organisation that strives to achieve better outcomes for older Australians. The Brighton branch of National Seniors is very active in the community and offers a range of enriching experiences for its members. Last month, I brought members of Brighton National Seniors through the halls of Parliament House on what they later described as an engaging and informative experience.

Brighton National Seniors is constantly striving to provide its members with engaging and informative experiences. In the last few months alone, Brighton National Seniors have run a Barossa Valley bus tour, a Townsend Park tour, a Parliament House tour and held their AGM. They have

more planned for later this month, with a scheduled visit to Cummins Historic House and a Christmas lunch at Club Marion.

The Brighton National Seniors had such a great turnout for the Parliament House tour that I cannot mention everyone here, but I do wish to acknowledge some of the members who attended and who also live in my community: Anne Arthurson, Doreen Cooper, John Cooper, Cynthia Correll, Graham Gurry, Meredith Huxtable, Graham Lines, Pat Schirmer and Heather Williams—to name a few. Thank you to the Brighton National Seniors for all the work you have done and continue to do to further interest the older Australians throughout our community.

Doorknocking is a great way for me to get feedback from local residents, so it is one of the ways that I can best represent my community. As I have regularly done, doorknocking month on month and week on week over the eight years I have been in this role as a local member in my community, I have been doing even more doorknocking over the past few months and have met dozens of fantastic people in our community, and I just want to mention a few of them here.

It was lovely to meet Marlene from Warradale, who chatted with me about the Adelaide Metro timetabling. I was able to provide her with copies of her desired bus timetable and information about COVID-19 protocol on the buses. It was also wonderful to get a follow-up letter from Marlene, who told me that, in 63 years living at the same address, she has only been doorknocked by a local MP twice.

Robert from Hove shared his enthusiasm for the arts with me. Robert is a musician and had some thoughtful suggestions on how we can improve our local music scene, and I have relayed those to council. Matthew and his family from Seacombe Gardens moved to the electorate recently and have been settling in well as they enjoy all that is beautiful about the suburb and location they live in and all that it has to offer.

Filomena from Dover Gardens greeted me with her bright, optimistic personality and chatted about important local issues and made me feel very welcome as well. Nathan from Sturt told me about his experience working as a renovator on holiday houses, owning a landscaping business and his interest for a possible career change in the future.

These were just a few of the wonderful people I have been meeting each week as I have called in door to door around the Gibson electorate. It is a privilege to represent a community filled with groups of individuals I have mentioned today. As we approach the festive season, I do wish everyone in my local community the very best for Christmas and hope that they celebrate with family and friends in whatever way is meaningful for them.

#### *Parliamentary Procedure*

### **ANSWERS TO QUESTIONS**

**The SPEAKER:** The member for Kurna on a point of order.

**Mr PICTON (Kurna) (15:35):** Point of order, sir: I raise a breach of the sessional orders. I asked on 14 October 2021 questions numbered 814 through to 835 to the Premier that were due certainly by yesterday and have not been answered. I am wondering whether you can raise that breach of the sessional order with the appropriate member?

**The SPEAKER:** Very well. Thank you, member for Kurna. We will make inquiries and return to the house.

#### *Grievance Debate*

### **DIWALI FESTIVAL**

**The Hon. Z.L. BETTISON (Ramsay) (15:36):** Today, I rise to speak about the celebration of Diwali. It is something that has been celebrated by many members of our community across the state. It is quite widely known that Diwali is of significant importance in the Hindu spiritual calendar and in the multicultural event line-up that we celebrate here. However, Diwali is also one of the more broadly celebrated festivals by Sikhs and Christians and is a non-religious event across South Asia to celebrate fresh beginnings and light over darkness.

When people talk to me about what Diwali means to them, they talk about sharing it with family and friends and loved ones travelling from far and wide to unite at this auspicious time. It is

truly inspiring to me that Diwali gets bigger and bigger across South Australia. For Hindus, it marks the beginning of the new year in the lunar calendar, and of course it involves the exchange of gifts, decorating and decluttering and freshening up your house, feasting and celebrating for many days at a time. It is also celebrated by our Nepalese and Bhutanese communities—and known as Deepavali—as well as some Malayan, Bangladeshi and Telangana communities.

One of the key things about Diwali is to open up your home to family and friends and invite people in whether or not they are celebrating traditionally. It is a great opportunity for us to share interculturally what Diwali means. I was very proud as shadow minister for multicultural affairs to host a gathering last week of representatives in the Parliament House courtyard. We shared a vegetarian meal, and I focused on asking my guests what Diwali meant to them, how they celebrate and how their families enjoy this.

First of all, let me thank the groups for attending on Friday: the Indian Australian Association of South Australia, Hindu Organisations of Temples and Associations, Guru Nanak Society of South Australia, Telangana Association, Punjab Aussie Association of South Australia. Adelaide Malayalee, Australian Haryana Association, Bharathiya Hindu International Malayalee Association, 5EBI, FICSA, Shruthi Adelaide, and the Bhutanese Australian Association of South Australia.

It was a very moving opportunity to hear what it means to them, and to some extent it is similar to the way I think about Christmas and the unique traditions of my family and what we celebrate. As I said before, a special practice for Diwali is to clean and refresh the house before the celebrations because it represents a new chapter and the beginning of a new year. Of course, we still have travel restrictions and limitations of gatherings here with COVID-19, so it has been a little bit different, as it was last year. It is a challenging time when people cannot celebrate it with everyone they would like to.

It has been a busy time for me, and I have been invited by many different communities. I have done my best to attend as many as possible, but can I thank the people who have invited me to their celebrations: the Nair Service Society of Adelaide, the Baps Shri Swaminarayan Mandir, the Telugu Association of South Australia, the Tamil Association of South Australia, the Sikh Society of South Australia, and the Punjab Aussie Association of South Australia.

I was delighted to be invited to those events. As to those I could attend, let me just tell you that as soon as it was possible, and with the restrictions in numbers, everyone was on the dance floor, according to COVID rules, to enjoy the time that we had. It is a very busy time for those people who are coming together and who are hosting events, and it is a particular time for me to thank the volunteers: those who run the ethnic schools, delivering the educational programs for young people, teaching the philosophy, culture and language, as well as their engagement of older community members through group activities for seniors.

It is a time for us to look at light over darkness, good over evil but, most importantly, to celebrate what is important to us. I could see that with our diverse community. They are very delighted to share it with all of us, and I wish them all the very best for health, happiness and prosperity over the next 12 months.

#### KING ELECTORATE

**Ms LUETHEN (King) (15:41):** I want to put on the record today my thanks to King constituents for speaking up about what is most important to them. As we lead up to the election in 2022, I think it is important for constituents to know what their member has delivered. I am proud to be part of the Marshall Liberal government that has delivered a lot for the local King community this term. Some of these local deliverables have included:

- \$98 million upgrade to the Modbury Hospital to deliver better health services closer to home;
- \$58 million upgrade to the Lyell McEwin Hospital and a car park extension;
- \$50 million upgrade to Golden Grove Road;
- \$33 million to build a new Golden Grove park-and-ride;

- \$15.5 million redevelopment and facilities upgrade to Golden Grove High School to get us ready for year 7s moving to high school;
- \$5 million facility upgrade to Greenwith Primary School;
- \$4 million for an upgrade to Salisbury East High School and a further \$355,000 for maintenance works;
- \$140,000 for a new Tindale Christian School general learning area;
- \$100,000 for Pedare Christian College for a new outdoor mega pit learning area;
- government school maintenance grants, including \$100,000 for Salisbury East High School, \$70,000 for Salisbury Heights Primary School and \$20,000 each for Salisbury Park Primary School, One Tree Hill Primary School, Golden Grove High School, Golden Grove Primary School and Greenwith Primary School;
- \$50,000 to every preschool in King for maintenance works;
- \$6 million for the Golden Grove Primary School capital works project, which is in its early planning stages;
- \$6 million for an important upgrade to Harper's Field through the Local Government Infrastructure Partnership Program;
- \$369,800 towards new clubrooms at the Golden Grove Tennis Club;
- over \$400,000 South Australian District Netball Association for car park and 20 courts to be upgraded;
- \$325,000 for a slip lane at Skyline Drive in Hillbank;
- \$13 million joint upgrade with the federal government for the Main North Road, Kings Road and McIntyre Road intersection;
- \$250,000 for a permanent backup generator for the One Tree Hill township water supply;
- Black Top Road resurfacing works and fixing the undulation and safety shoulders;
- a grant towards asbestos removal works at the One Tree Hill Country Fire Service;
- Little Para Reservoir has been opened up for land-based recreational activities;
- \$750,000 has been provided to the City of Tea Tree Gully towards a \$1.5 million adventure playground at Golden Fields;
- a new Telstra phone tower at Gould Creek;
- additional park rangers;
- the Para Wirra Conservation Park has grown, with the addition of 179 hectares of land to the park in August 2020;
- nearly \$1 million of Active Club sporting grants;
- the expansion of the Sports Vouchers program across the state, with a \$10 million investment per year and the program extended across years 8 and 9; and
- \$10 million package of planning works to include a study of Main North Road corridor; the intersection of Main North Road, the Grove Way and Saints Road, which will be considered as part of this study.

We are delivering a massive \$7.4 billion spend on health, which includes an unprecedented \$163.5 million mental health package, with a new crisis stabilisation centre in the north and a new older persons' mental health centre at Modbury Hospital. I say thank you to my community for speaking up and letting me know what is most important so I can advocate and deliver. Please let me know what we should be fighting for next.

I would also like to thank Golden Grove Primary School for their willingness to create a tidal wave of kindness across their school. Congratulations to the following students who recently received the term 4 Paula Luethen kindness award at a recent assembly: Laura Fehlmann, Chloe Scalzi, Livy Powardy, Wyatt Moore, Amelia Elliot, Emma Dreschler, Hudson Smith, Abigail O'Grady and Ivy Schutz. You are making such a difference to your community.

It was my absolute pleasure at the beginning of the assembly, after a whole year of kindness awards, to say, 'Who has been kind this term?' and to see a wave of around 600 little hands go up because everyone is spreading kindness throughout the school community. Well done, everyone in the King electorate.

### REGIONAL SERVICES

**Mr HUGHES (Giles) (15:46):** Like many on our side of the chamber, we were out on the steps at lunchtime with our hardworking ambulance workers. It is interesting to listen to the story from that side, as opposed to the direct story from the people who are at the coalface—the people who are in their ambulances day after day doing the hard work and doing the caring work.

The emphasis is often on what is happening here in Adelaide with ramping, and indeed ramping here in Adelaide does impact upon regional communities, but there are some real issues with regional communities as well. There is a lack of ambulances and a lack of staff for any proposed ambulances—not that there are any proposed new ambulances—and that is deeply concerning because in my community of Whyalla and in the community of Port Augusta there is a real ambulance shortage, which is causing serious problems and putting people's lives at risk. It will be for a Labor government to effectively address those issues when, hopefully, come March, there will be a change of government, so it was good to meet the ambulance workers today.

During last week, I met with TAFE workers, high school employees involved in vocational education, contractors and the AEU about the state of TAFE and especially the state of TAFE in regional areas, and the stories were deeply, deeply concerning. There is no doubt that in my community TAFE has been the preferred provider for decades when it comes to apprenticeship training for the steelworks and for the mines, our largest employer, whether we are going back to BHP, OneSteel, Arrium, GFG, LIBERTY steel or SIMEC Mining days.

TAFE no longer does that work. That work is now done by a private provider here in Adelaide, which means those apprentices have to come down to Adelaide because the major employer believed that the quality was not there anymore and that TAFE is being deliberately run down and hollowed out in the regions. I do not think there is any doubt about that. For the occasional little victory I had, such as retaining hairdressing, there is other stuff that is going on that is deeply disturbing.

But what I want to talk about for the next three minutes is aged care in my community. We have seen the closure of 50 nursing home beds at Annie Lockwood, part of the Kindred Living operations in Whyalla. Most of the 38 people who were using those beds have been found places elsewhere in Whyalla with Kindred Living. Some have moved to other communities, and they have willingly done so in the main. It is deeply concerning that the loss of those 50 beds means that aged-care people in my community who now need a nursing home bed are going to have to go, in many instances, hundreds of kilometres away from the community that they have lived in, in many cases for all their life, away from the community where their families live. The stress on the person who has to move out and the stress on the family is huge.

I have said before in this chamber that if you cannot get a nursing home bed in one place in Adelaide, the odds are you can get one in a suburb over or a couple of suburbs over. You have public transport and you have other ways of getting around. That does not happen in the country, and this federal government has overseen what is an absolute train wreck when it comes to the provision of aged-care services in this nation, especially in regional Australia.

The number of nursing home facilities in regional Australia that were at risk of closure earlier this year is 166. Seventy-eight per cent were operating at a loss. This is all courtesy of a federal government that cut, cut, cut and introduced formulas that did not reflect the needs that exist when it comes to nursing home places, poor workforce planning and a whole raft of other issues, including wages and conditions. The federal government is the funder and the regulator, but we all know that



this is the least accountable federal government that I believe we have had in the history of this country.

### MODBURY HOSPITAL

**Dr HARVEY (Newland) (15:51):** Today, I rise to speak about the Modbury Hospital, a facility that was downgraded and had key services removed under the previous Labor government. The Modbury Hospital is an incredibly important part of our community in the north-east. It is a place that so many people rely on, and its proximity influenced the decision of many to purchase homes where they did. It is also something that people believed would always be there when they needed it.

Unfortunately, those opposite said no: 'No, you don't need these services. In fact, we are going to take services away.' A great deal of damage was done before the Marshall Liberal government came into office, not just under Labor's disastrous Transforming Health experiment but even before that, when key services like paediatrics were taken away. Thankfully, in 2018 the Marshall Liberal government came to office with a mandate to fix health and rebuild Modbury Hospital, and that is exactly what we have been doing even whilst also managing a response to a pandemic, the likes of which we have not seen for a hundred years.

Modbury Hospital is incredibly close to the hearts of so many in the north-east. It is an unusual day if I do not receive some sort of correspondence from someone in the community asking for more information about the upgrades because the people of the north-east recognise the immense impact this will have on our community. That is why we are getting on with the job of delivering the most significant upgrades to Modbury Hospital in its history, with \$144 million of work to the site over the last 3½ years and into the future.

Whilst there has often been a lot of talk about Modbury Hospital by many people over many years, what matters is what is actually delivered. We are delivering the largest upgrade in the hospital's history to the benefit of the people of the north-east and, in fact, the health system as a whole, including a state-of-the-art High Dependency Unit—something those opposite cut and then refused to reinstate. The HDU is an important service that enables the hospital to treat a higher complexity of cases as part of a suite of new surgical capabilities.

Having this level of capability will enable a greater scope of surgery to be undertaken, including multiday surgeries, a key part of reducing pressures on the Lyell McEwin Hospital operating theatres and bed capacity. Brand-new outpatient facilities deliver a raft of services, including pre-admission, medical, surgical, women's and paediatric and allied services in a modern environment to better support the health and wellbeing of South Australians.

Having up to 24 different specialty services on the first floor, the ground floor is now a dedicated women's and paediatric clinic. A 20-bed palliative care unit is also nearing completion. We want to make a difficult and traumatic time for people as comfortable as possible and ensure patients are cared for in a suitable environment. In fact, I have never heard a bad word about the palliative care service being operated at Modbury. What this upgrade will do is ensure that that excellent service is backed up by a modern, purpose-built facility.

Also, a modern eight-bed specialised extended emergency care unit will be built adjacent to the emergency department. This means patients who are assessed in the ED can be moved to the extended emergency care unit for further observation and treatment for up to 24 hours, freeing up critical ED beds, which is important for reducing unacceptable wait times.

A 26-bed short stay general medical unit, co-located with the extended emergency care unit, will allow patients to stay longer in the hospital and reduce transfers to other hospitals. In fact, I recently spoke to a nurse who works in the current short stay unit and she informed me that a number of the beds in that unit are currently or often occupied by longer stay patients, particularly with conditions such as dementia, because there has not been sufficient capacity in other facilities. It is certainly part of the horrendous Labor legacy.

We are decommissioning the long outdated and no longer fit-for-purpose Woodleigh House and replacing it with a dedicated 20-bed older persons' mental health facility at Modbury Hospital, which will provide appropriate care for people who need it and free up other beds in the process. But the work does not stop there. As we approach the opening of state borders on 23 November, Modbury Hospital will play another critical role as part of our COVID-Ready Plan. We are activating an additional 46 beds at Modbury Hospital in the old palliative care space. This will allow us to be

best prepared over the coming months and help play an important part in providing the additional capacity our health system needs.

Modbury Hospital is so important to the people in the north-east. I am proud of the work that we have done there and the work that is continuing to be done and will be done into the future. This is part of the Marshall Liberal government's commitment to deliver better services closer to home when you need them.

### COVID-19 VACCINE

**Mr BELL (Mount Gambier) (15:56):** Today, I want to talk on a very important issue and one that some people have shied away from. I think it is the role of every member of parliament to represent their community and all people who are in their community. Selfish. Uncaring. Dangerous. Refusal. Resistance. You would think I am referring to enemies of the state of South Australia. However, this is the appalling language being used to describe regular everyday South Australians—bus drivers, teachers, police officers, cleaning staff, mental health workers—simply because they have delayed or chosen not to get vaccinated against COVID-19.

Every week it seems we have a new announcement, a new direction, like the one this week requiring all education and early learning staff to be vaccinated by 10 December. Anyone who is not vaccinated by that date will be forced to take personal leave and then will face the real possibility of being stood down and losing their job. Many of these people are full-time permanent staff.

In news reports today, the education department estimated this could be around 700 staff. Over the last few weeks, we have learned that around 200 police officers and 400 medical staff will be stood down for the same reasons. That is 1,300 people of South Australia that South Australia cannot afford to lose from its workforce. There are already severe shortages of professional staff, particularly in our regions.

It is my personal belief that this is going to lead to a jobs crisis in regional areas and a mental health crisis for this state. South Australia is going to be faced with severe skill shortages right at a time when our borders will reopen and we desperately need experienced professional staff. I would also like to point out that these people are not guilty of anything. They have chosen not to get vaccinated before a government-imposed deadline.

If a major South Australian employer announced they were shedding 1,300 jobs six weeks before Christmas, it would be a major crisis and covered by every news organisation in the country. There would be sympathetic case studies featuring the people losing their jobs, with individual interviews highlighting their personal and family needs. Last year, these frontline workers were pillars of our community, held up as heroes in many situations. Now they are being singled out and referred to as anti-vax villains or names like the ones I started this speech with. Even the people speaking out about this normally qualify their statements with, 'I'm pro vax,' or, 'I'm double-vaxxed,' and then go on to lend their support.

This is having a major impact on people's mental health and wellbeing. There is a very strong connection between steady employment, meaningful employment and a person's self-worth and mental health. When you take away somebody's job, you take away their ability to provide for their family, to live and contribute to society, and you take away their dignity. I know people in despair and desperation because their right to choose has been taken away. These are people who have worked hard all their lives in careers they love.

I refer to Oxford studies, peer reviewed, that look at the vaccination rates and also community transmission of Delta. I will just read one of the interpretations. I do not want to get too much into this, but it is true that if you are fully vaccinated you can still catch COVID and you can still pass it on. In fact, this peer-reviewed study from *The Lancet Infectious Diseases* states:

Vaccination reduces the risk of delta variant infection and accelerates viral clearance. Nonetheless, fully vaccinated individuals with breakthrough infections have peak viral load similar to unvaccinated cases and can efficiently transmit infection in household settings, including to fully vaccinated contacts.

I refer to the Netherlands, which has a rate of 85 per cent and now having weekly and partial lockdowns due to this. It is my belief that vaccination should be an individual choice, not mandated by government. I support people's right to choose what is right for them and their family.

### SIR RICHARD WILLIAMS COMMEMORATION

**Mr ELLIS (Narungga) (16:01):** I rise today to celebrate with this house a wonderful event that was held in Moonta recently, that event being the unveiling of the statue to commemorate Sir Richard Williams, the father of the RAAF. Sir Richard now sits proudly in Queen Square, Moonta, and will be there for quite some time, commemorated in a wonderful statue of him sitting on a bench with a plaque next to it explaining his contribution to our wonderful state and country.

From the outset, I would like to congratulate Robyn Knight, a local lady prominent in the National Trust branch at Moonta and a local historian, who did an outstanding job fundraising for this statue. This has been a long-term project for her. She has worked tirelessly to try to raise funds, which ended up being some \$75,000, to make this dream a reality, and she has been toiling away at it for quite some time.

It was particularly pleasing for me. I made a small donation, as my grandfather was an extraordinary advocate of the contribution that Sir Richard Williams made and I know he would be extremely proud to see him commemorated at Moonta. I made a small donation on his behalf and participated in a number of other fundraising initiatives that Robyn instigated. It was also particularly pleasing that, thanks to the intervention of the Premier, this government was able to contribute some \$26,000 towards the cost of the statue and plaque to ensure that it was up there and presentable over the weekend. Thank you very much to the government and congratulations to Robyn Knight on fundraising such an extraordinary amount.

As I said, it has been Robyn's long-term ambition. I know she would like to have it done sooner, but it was wonderfully fitting that the statue was unveiled in the centenary of the Air Force. As members of this house may know, Sir Richard was quite literally the father of the RAAF. He was the person who advocated for a third arm of the military, an Air Force arm rather than the Air Force and planes being part of the Navy and Infantry. Without Sir Richard, we would not have an Air Force. I know the community of Moonta is very proud.

The event coincided with the centenary of the Air Force and was wonderfully well attended. It was a multi-part event, the first being a show in the park next to the statue and its unveiling, at which we were graced by the presence of new Governor, Frances Adamson, who did the honours of unveiling the statue. There were quite difficult conditions on the day. It was quite windy, with the microphone picking up a fair bit of feedback, but the new Governor did a sterling job addressing the crowd in one of her first engagements and then, with the help of some students from the Moonta Area School, unveiling the statue. Also unveiled on the day was a plaque that goes a long way to explaining the contribution Sir Richard made to the state.

Following that, we had a lunch for invited guests in the RSL, which was again a wonderful event, with the Air Force quartet playing their instruments and serenading us during a wonderful lunch, prepared by volunteers from the community, and again some tremendous speakers on that day. For their final stop, the crowd then proceeded to the Moonta Mines Uniting Church, which is a wonderful church and a truly ornate place to visit.

As I said, I would like to congratulate Robyn Knight, who did a sterling job, but many others were involved as well. I know the National Trust Moonta branch had a prominent role. Stephen Stock and everyone there made sure that this project came to fruition and made sure that it was well attended on the day.

The show in the park was a wonderful event. It was made a bit difficult by some of the COVID restrictions that were in place. They had this peculiar set-up, where invited guests could be seated and listen to the speakers and then there was a fence some eight to 10 metres around the outside of us for everyone else to crowd around and watch the proceedings take place. It was a rather extraordinary and unusual circumstance, but nonetheless it was a really well attended event.

People appeared to come from far and wide to see Sir Richard Williams finally commemorated in Queen Square, Moonta, prominently on the corner there and available for many generations to come to sit down with him, read about his achievements and get a photo with the statue of Sir Richard. I know the community is very proud of Sir Richard, and he now has a prominent place in the town and long may he stay there. Congratulations, Robyn Knight, and everyone who was involved in fundraising for this tremendous statue.

*Members***VALEDICTORY**

**The SPEAKER:** I call the minister to introduce the member for Schubert to make valedictory remarks to the house.

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (16:06):** I appreciate this opportunity to introduce the member for Schubert's valedictory speech. I understand that it is convention for a minister to do so and it gives me great pleasure, although with something of a heavy heart, to introduce the member for Schubert.

I have heard it said that there are few friends in politics and it is hard to find friends in politics. That certainly has not been my experience across a number of my colleagues, but particularly the member for Schubert. We were part of the class of 2014, elected in March 2014 at that state election. We entered shadow cabinet on the same day in January 2017 and cabinet on the same day in 2018. It has been wonderful to be able to walk alongside him as a friend and as a colleague, and I wish him all the best for the future. I introduce the member for Schubert's valedictory speech.

**Mr KNOLL (Schubert) (16:07):** Thank you, Mr Speaker, for your indulgence and thank you very much, Minister for Environment and Water. In the brief period that Iain Evans and I shared this place, he sagely advised me one night to make sure that I set myself a limit for the amount of time that I would spend in parliament. Too many in this place do not know when they have stayed past their time. I always imagined that I was settling in for 16 to 20 years in this most important of vocations, but life is not linear or predictable and after eight fulfilling years it is now past my time.

The job of every politician is to leave their patch better than they found it, and I am proud to say that Schubert is a much better place thanks to this government: from the many upgrades to schools, playgrounds, sporting infrastructure, roads and the Kroemer's Crossing roundabout to the fact that the Barossa will now get its new hospital, some 30 years after the idea was first mooted. I very much look forward to being there for its opening. The Barossa is also a much more diverse and resilient place, but credit for that lies very much with local businesses and the Barossa's enduring entrepreneurial spirit.

The Premier has often said that as ministers we do not know how long we are given in these positions, that these are not jobs for life and that we must make the most of every opportunity to get things done. This is something I very much took to heart, and I would like to think that I took every opportunity to undertake reform for better and sometimes for worse. To be able to deliver on John Rau's legacy of a new planning system was a great honour. The relative smoothness with which it is now running is a testament to the hundreds of dedicated people who helped achieve its true vision.

Reforming the local government sector was again a true labour of joy. To work with engaged and willing councils towards a common end and to see that bill passed after 2½ years of toil, even if rate capping did not make the final cut, is something of which I will always be proud. I am also proud of the most difficult reforms, the ones that did not succeed in their full form—changes to Service SA and bus timetable changes, as I watch my colleagues around me cringe.

It is easy in government to take credit for spending more taxpayers' money; announcing projects and cutting ribbons is easy. More difficult is trying to deliver better outcomes with less money. This is a proposition that private enterprise delivers on every single day but in government is made all the more hard because too often we focus on inputs instead of outputs. Outsourcing public transport is perhaps the best example of this, a service that is now being delivered better than before and saving taxpayers hundreds of millions of dollars in the process. I know that some in this room disagree, but they are always arguing the inputs and never the outcomes.

As Minister for Transport and Infrastructure, the decisions that we make are always visible—again, for better or worse—but long-term project time frames mean that we are not always around to finish what we start. When it comes to something like the metropolitan coast path, for instance, we are all in fact opening projects first conceptualised by Minister Laidlaw 20 years ago.

In the same way that I opened projects initiated by Minister Mullighan, I would like to think that I, too, paid it forward to Minister Wingard and future ministers for years to come and, in the case of the South Road tunnels and the completion of the north-south corridor, paying it forward to

ministers who may not even be in the parliament yet. The amount of work that has gone into getting that project to the right answer is a real credit to the department and to the government, and future generations will thank us for it.

The Public Service is one of this state's greatest assets. Being a minister exposed me to some of the most talented and dedicated people I have ever worked with. I will not name individuals here, and let the member for West Torrens write their names down on a partisan hit list, but I remain continually impressed by their dedication to their vocation. I genuinely believe that providing better structure, flexibility and accountability to the Public Service is the highest returning micro-economic reform we could undertake.

Good public servants are stuck in an all too often inert and risk-averse system, unable to achieve their full potential and in turn the state's full potential. The recent changes to ICAC legislation, I think, are a good step in this direction, but changes to the Public Sector Act are needed to further cement cultural change. Unfortunately, one of the few tools left to government for creating change and innovation are through budget savings tasks, necessity being the mother of all invention. These are blunt instruments that can throw the good out with the bad. Instead, we must create room for risk and creativity and accept the short-term failures that result as necessary for long-term positive improvement.

I want to take this last opportunity in parliament to honour a special person in the Barossa community. Ben Baker was my friend. He was the best of friends. When I first heard about Dr Ben when Amy and the kids went to see him for whatever ailment the girls had at the time, every time I heard this man's name spoken over the next six months it was always said in revered tones. I figured this man has to have been the second coming.

Once I met Ben in person, he did not disappoint. He was kind and generous, intelligent and funny, with a laugh I can hear in my head every single day. He was curious. It did not matter the topic. He wanted to know everything from how politics works inside and out right down to the fine details of road construction. We talked at length and we talked often, especially when it came to the progress of the Northern Connector.

Ben took his own life in March 2019. I only wish that our wideranging talks had extended to what was going on inside his own head. In serendipitous fashion, the Northern Connector was opened 12 months to the day after Ben left us and I was honoured to have his wife on hand to open it with me. There is much more to be said, but Ben is always in my heart and remains very much a part of why my path now leads away from this place.

The country members' allowance issue will always remain a seminal moment in my life. Within the space of two weeks I went from being a senior minister to imagining a life post politics. For my entire ministerial career, finding work-life balance was impossible, made all the more impossible for living over 80 kilometres from Adelaide. But on Thursday mornings of sitting weeks, where I did not have a cabinet subcommittee meeting, I—and sometimes my friend in this place—could get along to the 8am service at St Francis Cathedral. Half an hour of good Catholic guilt and I was always left feeling lighter. But whilst there I prayed for guidance to find a balance between the vocation that I enjoyed and owed my fidelity to and to the family that I loved. Little did I know that some pretty clear guidance was coming.

Many people have asked when I knew I wanted to quit politics. The truthful answer is that on 22 July 2020 at about 4pm, after a couple of difficult and pretty awful interviews, I returned to my office and received a phone call from Amy. She said that there was a journalist and photographer at the front of our house in Angaston—whilst I sat in my office here in parliament—and that she did not feel safe and so went out the back and took the kids to a friend's house until they left.

The next morning I got off the phone from my mother. Anybody who has met my mother knows that she is one of the kindest, least political and most generous of people there are. She said to me that there were TV cameras roaming the Central Market trying to find her to interview her at her place of work. In those moments I knew that, whilst I may be prepared to make sacrifices for my job, I could not continue to ask my family to do the same. The last 18 months have more than vindicated my decision, so much so that I do not regret the incident. It helped me understand what was important, and the smiling faces in the gallery today are more important than any job I will ever have.

Unfortunately, I have seen an erosion of the conventional norms of this place, even over the short period that I have been here. There are so many political incentives to drag the tone of debate lower, the perception that we can win votes that way, to advancing one's career in front of your colleagues, to getting even for some real or imagined wrong, to be seen as tough and strong and a good political performer in the eyes of the media. I myself have been guilty of these things on occasion.

All that stands against those incentives are the good nature of individual politicians and the norms and conventions of this place. As hard as it is, we need to uphold the norms of good behaviour and decency in the face of these incentives. It gives me great pleasure to be sitting here next to the member for Heysen, someone who I believe very much upholds those norms. We must believe and respect due process. We must resist the urge to find each other guilty until proven innocent. As seductive as these incentives are, we have a higher purpose, and that is to preserve our democracy and its institutions.

The latest Roy Morgan survey showed that only 7 per cent of the population regarded that we acted ethically and with honesty. The only professions lower were real estate agents and car salesmen. The Lowy Institute poll regularly shows that only half of 18 to 29 year olds think that democracy is the most preferable form of government to other forms. If we elected members are not trusted and respected, then this erodes trust in democracy itself. Our institutions may be robust but, as history and the present-day world show us, democracy is fragile and must continually be reinforced.

To finish, I need to thank a large number of people. I want to thank all the staff in my electorate office: to Carla, and to my godson Oscar, to Rheanne, Kaitlyn, Brendan and Courtney, the last of whom has been stuck with me for seven years and is basically now part of the family and I know is listening in a car in Perth somewhere, who all held down the fort for a sometimes occupied minister.

I also want to thank my ministerial office, led by one of the most capable people I have ever had the pleasure of working with in Sarah Taylor. Together with Franny, we spoke first thing every morning and last thing every night. I also thank Courtney, Cameron, Kim, George, Evan and David, who dealt with both the workload and my eccentricities with good humour, dedication and intelligence. I am extremely proud that over my time as both a minister and an MP we did not once have a staff member choose to leave our offices.

To the people of Schubert: Ivan Venning would often remark that Schubert was the best electorate in the country. I thought perhaps he was referring to the safeness of the seat or even the quality of the shiraz, but over time I came to understand that this meant the people—generous, industrious, entrepreneurial, Germanic (even if they do not always recognise it) and community minded. I wish Ashton Hurn every success as Schubert's future custodian.

The Barossa is good at what it does—some would say the best in the world, myself included. There is an exceptionalism that has developed that does not manifest as hubris but instead manifests in innovation and a drive to improve in collaboration and in sharing the best of what we have to offer. To represent an area like the Barossa has been the most enormous privilege. Of everywhere I have lived, the Barossa is the only place that has felt like home, something that will stay with me forever.

To the many business owners, entrepreneurs, industry bodies and engaged citizens I have dealt with, both as a minister and as an MP, your collective goodwill towards our state serves us well, and I look forward to becoming one of your number again, to be back in the trenches with you creating jobs and opportunities in what is the best place on earth.

To my colleagues, the Schubert SEC and the Liberal Party at large, thank you. This great party has the right policy prescription and remains the best vehicle to improve our state, and as much as we are the party of the individual, our collectivism will always be geared towards our shared beliefs and ideas, and as much as the people in our party come and go, the ideas remain as relevant and indispensable as ever.

To the staff here in Parliament House, you do yourselves a great credit every time I walk in this building, especially to those girls in the Blue Room whom I have to mention. Thank you for your daily doses of wisdom. I have thought and pondered on them often.

I would like to thank the Premier for the confidence he showed in me to allow me such great responsibility, especially for a kid still too young to grow a beard. For these opportunities I will always be grateful.

To my parliamentary colleagues, especially those of you who won the seats that helped us form government, I will always be in your debt. The friendships, good-natured debates and memories I will always hold fondly. For those friends I leave behind, I wish you every success. I will be observing keenly from the sidelines.

And lastly, to my friends and family, I am someone who has been extremely lucky in life, and I have worked hard to make myself as lucky as possible, so the events of July 2020 came as more of a shock than they otherwise would have. At the time, it affected my mental health much more profoundly than it might otherwise have. The very people I had been neglecting to undertake this heavy ministerial task were the same people who helped during that time. So to Barbara and Franz and the broader Knoll family, I am grateful for all that you have done. To my brothers, unfortunately for you, I am going to be around to annoy you a little bit more.

To my friends, too many to mention, especially my Angaston family, you have helped me to focus on what truly matters. To Cathy and Phil and the extended Heysen family, thank you for everything, and to the late nanna Dunstone, everything has now been put right.

To my three girls, Amy, Ruby and Macey, walking away in the end has been the easiest thing in the world. The love, fun and laughter in our house over the past 18 months has made my former work life a distant memory and is something that I will never give up. Thank you.

**The SPEAKER:** As is the custom, I will turn to any opposition members who wish to make remarks. The member for Lee.

**The Hon. S.C. MULLIGHAN (Lee) (16:23):** Thank you, Mr Speaker. It falls to me to offer some words on behalf of the opposition, and can I start by congratulating the member for Schubert on that very considered and heartfelt contribution to this place.

I have to say that it has been a great privilege and a great enjoyment for me personally to get to know the member for Schubert. Some of you were perhaps less than enthused at the member for Schubert's and my attempt at hosting the Mid Winter Ball. We have not been asked back, which I took as an indication that, unlike Ricky Gervais, perhaps we did not go hard enough, but I think that in the end we were not funny enough, despite our best efforts.

Through the course of preparing for that I got to know the member for Schubert well, and even outside of that I have always encountered the member for Schubert as somebody who is more than willing and happy to engage in a conversation, ask with genuine interest and concern how I, other parliamentary colleagues and our families are, and is very quick to descend into a conversation about how some particular issue or problem that confronts the community might be fixed and done not in a way of pushing a particular perspective or ideology but in a way that is of genuine care and concern. Without casting aspersions on the rest of my parliamentary colleagues, not all of us are like that.

I have always found the member for Schubert unfailingly genuine in his approach, both as a person and as a parliamentarian. He did come into this place, historically speaking, at a very young age and was considered from the outset not only a good performer but a senior member of his party room, and so it was when he became a minister.

I think he got the same counsel that I did: that your job as transport minister is to cut the ribbons on the projects that your predecessor started and to start the projects that your successor is going to get to deliver. I probably cannot say this, but I will try anyway. When the member for Schubert was given those portfolios, I thought, "You poor bugger," because not only did he have the workload that I had but it was much more, in fact, with the additional portfolios that he had.

But he should be pleased to know that both how he represented his community and how he conducted his responsibilities as a minister have meant that he has made a difference that people will recognise on an ongoing basis. Even aside from that, it is certainly my view that, moreover, members of parliament are looked back on after their times have concluded in this place as the people that they were, the manner in which they conducted themselves, and what they were like to

deal with and to be around as parliamentary colleagues. I think I speak for everyone in this place when I say that in that regard we hold the member for Schubert in the highest esteem.

I know that I will miss him; I know that my colleagues on this side will miss him. He is tremendous company. He has continued, even today, to show himself to be a gifted parliamentary performer. He will be missed not just by members on his side of the chamber but by members on all sides of the chamber. I sincerely wish him and his family all the best for whatever lies ahead, in what will undeniably be a very bright future.

**Honourable members:** Hear, hear!

**The SPEAKER:** The Premier, on indulgence.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (16:27):** I did not intend to make my 2021 valedictory remarks today, but I would like to take this opportunity to respond to the member for Schubert's valedictory speech.

I knew the member for Schubert well before he came to this place. He comes from an outstanding pedigree. The Knoll family is really one of the outstanding families of South Australia: a great employer, great product and, of course, I knew them through Family Business Australia. In fact, the member for Schubert always had a rising star.

One day I went to collect my new White Pages from the driveway and I looked at it: 'Oh, my goodness, it's Stephan Knoll.' He graced the front cover of the White Pages for a full 12 months—that is back when we were using the White Pages. So he really did come to this place with an extraordinary family business background, a manufacturing background, a marketing background, a community service background and, most importantly, he came with an extraordinary set of values which he has applied in this place every single day.

He came in in 2014. He very quickly proved himself to me to be of a calibre suitable to go into the shadow cabinet and, of course, into my first cabinet as the Premier of South Australia. He made remarks in the joint party room yesterday, and in this house today, which I think speak to his character—his character which is modest, despite his extraordinary talents—and that was his acknowledgement of every person who has got him to where he is.

I had quite a number of comments from his colleagues early this morning about his comments in the joint party room earlier this week, where he singled out those people who had helped him along the way, particularly those people who are in marginal seats who enable people in safe seats to form a government and therefore fulfil the full ambition of a member of parliament to contribute to really effecting change for the entire state.

In the member for Schubert's time in the cabinet he was extraordinarily diligent and thoughtful in his consideration. He did not look only at his own portfolio but genuinely contributed debate on virtually every single item that the cabinet considered. It showed me that not only was he across his own very complex set of briefs and responsibility but really wanted to contribute to a cabinet-led government. For that, I am very grateful. I know that his cabinet colleagues share those thoughts.

The member for Schubert has always been somebody who would take on whatever challenge he was asked to take on for the good of the party. After the victory in 2018, I met with the member for Schubert and asked him whether he would change his set of portfolios completely to take on the extraordinary set of portfolios of Planning, Transport, Local Government and Infrastructure. This was a mighty, mighty task. In addition to that, shortly thereafter I asked him to also be the Manager of Government Business.

I know that at that time he probably thought that that was a very weighty set of responsibilities. I probably erred by giving him so much, given his other responsibilities to a country electorate and to his family, but he took it on willingly. He took it on with a smile on his face and he applied himself to that extraordinary task. I thank him for that, but I also take responsibility that they were extraordinarily heavy tasks and that probably I erred in putting that very, very large set of portfolios on one person's shoulders, so I thank him for his service.

I think he can look back at his time in cabinet and as a member of parliament with great pride. He has so many legacy projects he will be able to point out to his children for the rest of their



lives and his grandchildren's lives as the way he effected change here in South Australia. I have no doubt that the member for Schubert, if he stayed in this parliament, would be a future Premier of South Australia. He had all the attributes that I think would have ensured that he would have been not only a Premier of South Australia but a great Premier of South Australia.

However, he has chosen an alternative path. I am quite sure of one other thing, and that is that whatever he applies his incredible set of talents to he will be extraordinarily successful. To the member for Schubert, on behalf of the people of South Australia I thank him for his service to this parliament, to the cabinet and to the people of Schubert and I wish him all the very best for the future.

**The SPEAKER:** I believe it is the sentiment of the house that, although your path now leads away from us, member for Schubert, this will be a much, much lesser place without you.

*Parliamentary Procedure*

**STANDING AND SESSIONAL ORDERS SUSPENSION**

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:33):** I move:

That standing orders and sessional orders be and remain so far suspended as to enable the Statutes Amendment (Spit Hood Prohibition) Bill and the Sentencing (Hate Crimes) Amendment Bill, set down as Orders of the Day, Private Members Business, to be taken into consideration as Orders of the Day, Government Business.

Motion carried.

*Bills*

**CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION (TARGETS) AMENDMENT BILL**

*Introduction and First Reading*

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (16:34):** Obtained leave and introduced a bill for an act to amend the Climate Change and Greenhouse Emissions Reduction Act 2007. Read a first time.

*Second Reading*

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (16:34):** I move:

That this bill be now read a second time.

I am pleased to introduce the Climate Change and Greenhouse Emissions Reduction (Targets) Amendment Bill 2021 to update the emissions reduction and renewable electricity targets in the Climate Change and Greenhouse Emissions Reduction Act 2007, in line with global efforts to reduce greenhouse gas emissions and to limit the worst effects of climate change. The changes will enshrine provisions that relate to our government's current policy targets for greenhouse gas emissions reduction and renewable energy generation in legislation. These policy targets are:

- net zero emissions by 2050;
- reduce net emissions by more than 50 per cent by 2030 (from 2005 levels); and
- achieve 100 per cent net renewable energy generation by 2030.

The emissions reduction targets are aligned with the Paris Agreement on the climate change goal to limit global warming to well below 2°, preferably to 1.5° Celsius, compared to pre-industrial levels. Legislating our current policy targets will send a strong signal to South Australians, and more broadly to people across the nation and the globe, that South Australia is serious about reducing emissions and addressing climate change.

The draft bill amends the targets set out in section 3 and section 5 of the Climate Change and Greenhouse Emissions Reductions Act 2007. The principal greenhouse emissions reduction target (the SA target):

...to reduce by 31 December 2050 greenhouse gas emissions within the state by at least 60% to an amount that is equal to or less than 40% of 1990 levels—

will be replaced with a target relating to net zero emissions by the year 2050.

A new interim target that relates to the Marshall Liberal government's policy target, to reduce net greenhouse gas emissions by more than 50 per cent from 2005 levels by 2030, will also be included. The two existing renewable electricity targets, to increase renewable electricity use and generation by at least 20 per cent by 2014, were achieved in 2010 and 2011 and will be replaced. The bill replaces these targets with a new target reflecting our renewable energy ambitions to achieve 100 per cent net renewable electricity generation by the year 2030.

The bill makes minor flow-on amendments as a consequence of these changes to the targets. Our government is confident that, with continuing bipartisan support and a focus on practical action, we will achieve our targets and maximise the economic benefits from a shift to a low emissions future. The renowned climate economist Professor Ross Garnaut, in his 2020 report for the South Australian government 'South Australia's climate change challenges and opportunities', stated that a 50 per cent reduction in emissions by 2030 is within reach, with major contributions from economic sectors, such as low emissions manufacturing and mining, renewable electricity and hydrogen and transport and carbon storage in land and sea.

Professor Garnaut also stated in his report that regional South Australia in particular can prosper exceptionally by embracing the zero emissions opportunities. South Australia has already reduced its net greenhouse gas emissions by 33 per cent from 2005 levels based on the 2018-19 data released in 2021. In the same period, gross state product grew by 26 per cent. The vision and investment made by government and the willingness of the private sector and our regional communities to embrace a low emissions future have been key to our success.

The Marshall Liberal government is rapidly increasing renewable energy in this state. We are solving the challenges of integrating high proportions of intermittent renewables through increasing battery storage, fast-tracking a new energy interconnector with the state of New South Wales and supporting innovative approaches to managing energy demand. With world-class natural resources in solar and wind, South Australia is currently ranked second only to Denmark for the annual variable renewable energy that it generates. In just 15 years, South Australia has transitioned its energy system from 1 per cent renewable energy generation to over 60 per cent, and we are on our way to achieving 100 per cent net renewable electricity generation by 2030.

South Australia already has around \$20 billion of renewable energy projects in the development pipeline. Our government anticipates that we could achieve a level of renewable energy that is more than 500 per cent of current local grid demand by the year 2050. South Australia is also developing a world-class renewable hydrogen industry for domestic use and for export. Our government is working with the private sector to facilitate investments in hydrogen infrastructure, establish hydrogen export hubs and integrate hydrogen into our energy system.

In the last four years, the state has invested in multiple hydrogen projects, including the installation of Australia's largest electrolyser at Hydrogen Park SA. The Hydrogen Park project is allowing 700 homes in Mitchell Park to receive cleaner blended gas comprising 5 per cent renewable hydrogen. South Australia can harness our renewable energy resources to develop new export markets and new manufacturing and industry based on our clean energy advantage, as well as help other countries achieve their emissions reduction targets.

Embracing renewable electricity and hydrogen and reducing emissions is powering clean economic growth in regional areas. For example, in the Upper Spencer Gulf, where the last coal-fired power station closed in 2016, the area is now experiencing growth in commercial-scale renewable energy generation facilities that is transforming its economy. There are 14 renewable energy projects operating in this region and another two under construction. This includes Australia's biggest wind and solar hybrid project, the 317-megawatt Port Augusta Renewable Energy Park.

Seven major renewable hydrogen projects have also recently been short-listed for the state's proposed Port Bonython hydrogen hub, which could result in tens of billions of dollars of investment. Together, these projects could produce over 1½ million tonnes of hydrogen per annum. This would make South Australia one of the most significant producers of hydrogen globally, with a key competitive advantage for our state being the quality of our wind and our solar resources.

Renewable energy provides a sound foundation from which to build to achieve this state's 2030 and 2050 emissions reduction targets. We also need to reduce our emissions across other

economic sectors and to embrace other low emissions growth opportunities. This will require action by government, business and the community. Through the South Australian government's Climate Change Action Plan 2021-2025 and related plans and initiatives, we are delivering to further reduce emissions in sectors such as transport, agriculture, mining, building and construction, business and industry, and waste.

Under South Australia's Electric Vehicle Action Plan, the government is investing in projects to accelerate uptake of electric vehicles and to use electric vehicles to help stabilise our power grid. The government is investing to secure private investment in an electric vehicle charging network and has recently announced subsidies for the purchase of new battery electric vehicles and three years' worth of free motor registration to eligible electric vehicle motorists.

Government is also supporting development of commercial production of a seaweed that can reduce livestock methane emissions and is seeking to expand blue carbon and carbon farming projects that increase carbon storage. This includes a new pilot program aimed at growing carbon farming adoption in the primary industry sector. The pilot will establish six commercial carbon pilot projects that demonstrate genuine carbon abatement, as well as measurable economic and environmental benefits.

Heavy industry and mining are being supported to decarbonise. For example, the government has made sure that South Australia has the regulatory framework to support large-scale carbon capture. This enables projects such as Santos's Moomba carbon capture and storage project in South Australia, with startup expected in 2024.

The carbon reduction project has the potential to safely store 1.7 million tonnes of carbon dioxide per year in the outback and, once operational, could reduce South Australia's emissions by around 7 per cent. Government and business are also driving a more circular economy, which will further contribute to reducing greenhouse gas emissions.

South Australia is at the forefront of innovation and waste recycling and resource recovery. Having already reduced its waste to landfill by one-third since 2003 to achieve a diversion rate of more than 80 per cent, the state is now targeting zero avoidable waste to landfill by 2030. With the Australian government, the South Australian government is supporting eight new projects worth \$111 million to modernise the recycling industry and improve capacity to process plastic, glass, paper, cardboard and tyres within the state.

The government has released South Australia's first comprehensive strategy for reducing and preventing food waste going to landfill in 2021 and has set a goal to halve the amount of food waste by 2025. The South Australian government will continue to work with other jurisdictions to improve their standards for energy efficiency and greenhouse gas emissions in the National Construction Code and relevant South Australian standards. We have committed to continue to identify and implement improvements in land use planning policies and assessments for low emissions planning and development outcomes.

These are a brief snapshot of the many practical actions underway to reduce emissions and tackle climate change. We will not rest on our laurels. The Marshall Liberal government will continue to work with industries, businesses and communities to identify and deliver new initiatives to meet the state's emissions reduction targets and to harness new low emission economic opportunities. Annual updates in South Australia's emissions will be reported on the Department for Environment and Water website, using data from the publicly available State and Territory Greenhouse Gas Inventories prepared by the Australian government.

Every two years, a report will be prepared on the operation of the Climate Change and Greenhouse Emissions Reduction Act 2007, including progress towards these targets. I commend the bill to the house and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

## 3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Climate Change and Greenhouse Emissions Reduction Act 2007*

## 4—Amendment of section 3—Objects of Act

This clause amends the provisions that set out, as objects of the Act, the specific targets under the Act. It revises the SA target to refer to reducing greenhouse gas emissions to achieve net zero emissions by 31 December 2050. It also inserts a new interim target (the *2030 interim target*) to reduce greenhouse gas emissions to at least 50% below 2005 levels by 31 December 2030. It also revises the current renewable electricity target to achieve 100% net renewable electricity generation in the State by 31 December 2030, and makes other consequential changes.

## 5—Amendment of section 4—Interpretation

The amendments to this section insert definitions of *2030 interim target*, *net zero greenhouse gas emissions* and *renewable electricity target*.

## 6—Amendment of section 5—Targets

This clause amends the provisions that set out specific targets under the Act and reflects the targets expressed in the objects of the Act. It revises the SA target to refer to reducing greenhouse gas emissions to achieve net zero emissions by 31 December 2050. It also inserts a new interim target to reduce greenhouse gas emissions to at least 50% below 2005 levels by 31 December 2030. It also revises the renewable electricity target to achieve 100% net renewable electricity generation in the State by 31 December 2030. The clause also makes amendments to refer to a 2005 baseline rather than a 1990 baseline for the purposes of determining the method of calculating greenhouse gas emissions in relation to the new targets, and makes other consequential changes.

## 7—Amendment of section 6—Functions of Minister

This clause makes a consequential change to include specific reference to the *2030 interim target* in relation to the function of the Minister to promote early action to meet the SA target, or any sector-based or other interim target under the Act.

## 8—Amendment of section 14—Policies

This clause makes a consequential change to include specific reference, in relation to developing policies, to the generation (and not just use) of renewable energy in seeking to apply up-to-date practices and methodologies in calculating renewable energy.

Debate adjourned on motion of Mr Brown.

*Motions***STANDING ORDERS SUSPENSION, CONTINGENT NOTICE**

**The Hon. S.C. MULLIGHAN (Lee) (16:47):** I move:

That standing orders be and remain so far suspended as to enable Government Business, Orders of the Day, up to but not including the Statutes Amendment (Budget Measures) 2021 Bill, to be postponed and taken into consideration after the Statutes Amendment (Budget Measures) 2021 Bill.

The house divided on the motion:

Ayes ..... 20  
Noes ..... 21  
Majority ..... 1

## AYES

Bedford, F.E.  
Bignell, L.W.K.  
Brown, M.E. (teller)  
Gee, J.P.  
Michaels, A.  
Piccolo, A.  
Szakacs, J.K.

Bell, T.S.  
Boyer, B.I.  
Close, S.E.  
Hughes, E.J.  
Mullighan, S.C.  
Picton, C.J.  
Wortley, D.

Bettison, Z.L.  
Brock, G.G.  
Cook, N.F.  
Malinauskas, P.  
Odenwalder, L.K.  
Stinson, J.M.

## NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Ellis, F.J.	Gardner, J.A.W.	Harvey, R.M. (teller)
Knoll, S.K.	Luethen, P.	Marshall, S.S.
McBride, N.	Murray, S.	Pederick, A.S.
Pisoni, D.G.	Power, C.	Sanderson, R.
Speirs, D.J.	Tarzia, V.A.	Teague, J.B.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

## PAIRS

Hildyard, K.A.	Treloar, P.A.	Koutsantonis, A.
Patterson, S.J.R.		

Motion thus negatived.

*Parliamentary Procedure***SITTINGS AND BUSINESS**

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:54):** May I indicate that I would like to bring forward to introduce bills that were returned to the house last night. I therefore formally move that item No. 51, which relates to the spit hoods prohibition bill, and that all items Nos 1 to 50 be postponed and heard after No. 51.

**Mr BROWN:** Point of order, Mr Acting Speaker: the Attorney seems to be referring to possible numbering of something under Government Business but it has yet to appear on the *Notice Paper*.

**The Hon. V.A. CHAPMAN:** Yes. Well, the member may have heard me earlier. He is correct that I have referred to the wrong section. I moved a motion earlier, which was passed, that standing and sessional orders be suspended to enable the spit hoods prohibition bill and the hate crimes amendment bill as Orders of the Day and be taken into consideration as Orders of the Day, Government Business.

**The ACTING SPEAKER (Mr Pederick):** Member for Playford?

**Mr BROWN:** Sir, a point of clarification: the Attorney's motion moved the business from Private Members Business to Government Business, indeed, but it does not appear currently on the *Notice Paper* under Government Business.

**The ACTING SPEAKER (Mr Pederick):** That is correct. There is a difficulty in calling it on. I am just seeking advice from the Clerk. We are just getting clarity, members.

**Mr BROWN:** Sir, can I perhaps make a suggestion through the Chair? It might help the house and help the Attorney get out of her current muddle if she was to move a suspension of standing orders to enable that particular measure to come on immediately.

**The ACTING SPEAKER (Mr Pederick):** We are just seeking clarity on this first, member for Playford, so we are working through a process. I have some advice, Attorney, as to how we might deal with this. If you would like to move that we move Nos 1 to 27 until after Order of the Day No. 30, we might be able to deal with No. 28 while we are getting some more clarity.

**The Hon. V.A. CHAPMAN:** Excellent. That would be a great idea. I move:

That Orders of the Day Nos 1 to 27 be postponed to be dealt with after Orders of the Day No. 30.

Motion carried.

*Bills***STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO AND OTHER JUSTICE MEASURES) BILL***Second Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:58):** I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021. The bill makes miscellaneous amendments to various acts committed to me as Attorney-General and three justice-related amendments to acts committed to other ministers. It addresses a number of minor or technical issues that have been identified in 22 different acts. I seek leave to have the balance of the second reading and the explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

To begin, Part 2 amends the *Aged and Infirm Person's Property Act 1940* in relation to the jurisdiction of the South Australian Employment Tribunal and the South Australian Employment Court. The amendments in clauses 4, 5 and 6 enable protection orders to be made by the Court and Tribunal in the course of exercising their personal injury jurisdiction. They remove the present requirement in section 8A that, for the District Court (or the South Australian Employment Tribunal or South Australian Employment Court after amendment) to make a protection order, the 'infirmity' or reduced capacity prompting the protection order must arise from the injury that is the subject of the personal injury proceedings. This will allow, for example, a protection order to be made in respect of a second plaintiff spouse in a dust diseases matter, where the spouse's incapacity arises from age or other illness rather than the dust disease.

Part 3 of the Bill contains amendments to the *Bail Act 1985*. Clauses 7, 8 and 9 allow the court to prescribe the form for bail agreements, guarantees and applications for release where it is the bail authority.

Clause 10 of the Bill clarifies the identity of the relevant bail authority where a person on bail is seeking approval to travel interstate under section 11, which deals with conditions of bail. It confirms the current practice that where the bail authority is a court, a judge or magistrate may approve interstate travel and where the bail authority is a police officer, a police officer above a certain rank may approve interstate travel.

Part 4 of the Bill amends the *Burial and Cremation Act 2013*. Section 10(5)(b)(i) of that Act currently refers to two certificates of death being required under section 36 of the *Births, Deaths and Marriages Registration Act 1996*. This is inconsistent with the actual requirements of the *Births, Deaths and Marriages Registration Act*. This amendment will ensure consistency between the two Acts. The effect is that one certificate is required under the *Births, Deaths and Marriages Registration Act* and the other from a medical practitioner in a form approved by the Registrar for Births, Deaths and Marriages, in order for a cremation permit to issue.

Mr Speaker, Part 5 of the Bill amends the *Children and Young People (Safety) Act 2017*. Section 86 of that Act allows the Chief Executive of the Department of Child Protection to give a direction to prevent a person communicating with a child who is in the custody or under the guardianship of the Chief Executive. Historically, there have been difficulties proving that communication occurred, even where a child is in the company of the person the subject of a direction.

The amendment in clause 12 provides the Chief Executive with an additional ground for issuing a direction so that a person can now be directed not to be in the company of or otherwise associated with a guardianship child.

New section 86(4a) ensures that a child who is in the company of a person the subject of a direction, who communicates or attempts to communicate with such a person or who is harboured or concealed in contravention of a direction given to a person does not commit an offence.

New section 86(6) provides that a child to whom a direction relates cannot be compelled to give evidence in proceedings relating to an offence charged under this section.

Part 6 of the Bill amends the *Civil Liability Act 1936* to remove a redundant reference in section 64(3)(b) to section 105 of the *Law of Property Act 1936*, which has been repealed. The effect of the section is unchanged.

Part 7 of the Bill amends section 66(2)(aba) of the *Correctional Services Act 1982* (as inserted by the *Correctional Services (Accountability and Other Measures) Act 2020*) to delete an obsolete reference to Part 3 Division 4 of the *Sentencing Act 2017* and substitute a reference to an offence against Part 5, Division 2 or 3 of the *Controlled Substances Act 1984*. This amendment will rectify an anomaly caused by amendments to the *Sentencing Act* overtaking the *Correctional Services (Accountability and Other Measures) Act* in Parliament last year.

Part 8 of the Bill amends the definition of 'judicial office' in section 27A of the *Courts Administration Act 1993*. This relates to an amendment to the *Judicial Conduct Commissioner Act 2015*, in clause 40 of this Bill, setting out the hierarchy of judges and other judicial officers. It is necessary to amend this definition to ensure that it is consistent with the clause 40 amendment.

Part 9 of the Bill comprising clauses 16 to 28 contains a series of amendments to the *Criminal Law (High Risk Offenders) Act 2015*. For the sake of brevity, Mr Speaker, I will refer to that Act as the 'High Risk Offenders Act'.

Clause 16 adds Commonwealth offences to the definition of 'serious sexual offence' in section 4(1) of the High Risk Offenders Act. It also deletes the definition of 'youth' and adds a subsection (3) to the effect that a reference in the Act to a person convicted of an offence includes a person who was, at the time they were convicted of the offence, under the age of 18 years. Read in conjunction with section 6, as substituted by clause 17 of this Bill, the net effect is that while an application for a supervision order cannot be made in respect of a person under 18 years of age, offences committed by a person under 18 can be taken into account when considering whether they should be the subject of a supervision order as an adult.

Clause 17 of the Bill substitutes section 5 of the High Risk Offenders Act which defines the meaning of 'high risk offender'. The amendments remove certain ambiguities and clarify those offenders covered by the definition and the type of offending. For example, it is made clear that the definition only covers serious violent offenders while they are currently serving a sentence of imprisonment for a serious offence of violence.

Clause 18 of the Bill amends section 7 of the High Risk Offenders Act to clarify that an application for an extended supervision order may only be made in the 12 months *preceding* the expiry of the term of imprisonment. It also clarifies that when deciding whether to make an order under section 7, the Court must not take into consideration any intention of the respondent to leave the State (whether permanently or temporarily).

Clause 19 of the Bill amends section 9 of the High Risk Offenders Act to clarify that the obligations of a person subject to a supervision order are suspended while they are in custody.

Clause 20 of the Bill amends section 10 of the High Risk Offenders Act. That section spells out the conditions that automatically apply to extended supervision orders. The amendment adds a condition that the person subject to the order is prohibited from leaving the State without the permission of the Supreme Court or the Parole Board. Those bodies are only able to give permission if the person provides information about their proposed travel, including the information prescribed by regulation.

Section 10 is also amended to clarify that the Supreme Court may impose any condition able to be imposed by the Parole Board under section 11.

Clause 21 of the Bill inserts an additional sub-paragraph (ia) in section 11 to clarify the Parole Board's powers to place conditions limiting the movements outside the home of high risk offenders under extended supervision orders. In practice, this may be a curfew or close supervision at home.

Clause 22 amends section 13 of the High Risk Offenders Act to allow the Supreme Court to transfer an application for variation or revocation of a supervision order to the Parole Board, and to make rules in respect of such a transfer. Once applications are transferred, they can proceed as if they had been made to the Parole Board.

Clause 23 of the Bill amends section 14 of the High Risk Offenders Act to allow the Parole Board a level of discretion to make consequential or ancillary orders when varying a supervision order.

Clause 24 of the Bill inserts new section 14A in the High Risk Offenders Act to allow the Parole Board to vary or revoke the conditions on a supervision order, (including conditions imposed by the Supreme Court) where there has been a material change in circumstances and it is in the interests of justice to do so. When considering an application to vary a supervision order, the Parole Board must give all parties an opportunity to be heard and to make submissions on the matter.

Clause 25 amends section 17 of the High Risk Offenders Act to allow the Parole Board to direct that a person be detained in custody pending circumstances necessary for the purposes of ensuring their compliance with a condition of a supervision order. These circumstances may include matters such as appropriate accommodation or treatment programs.

Clause 26 amends section 18 of the High Risk Offenders Act to address operational difficulties with the powers of the Supreme Court where an offender breaches either an extended or interim supervision order. The amendments will allow the Supreme Court to order that a person be detained in custody via a continuing detention order until the expiration of the breached, or a further, supervision order, or for such lesser period as may be specified by the Court. In addition, proposed sub-sections (4a) and (4b) would allow the Supreme Court to vary or revoke conditions on a continuing detention order or to order an offender to be detained in custody pending circumstances necessary for ensuring compliance with the order, similar to the Parole Board amendment to section 17 (in clause 25 of the Bill) that I have already mentioned.

Clause 27 of the Bill inserts new Part 3A in the High Risk Offenders Act containing provisions for inter-agency co-operation. These provisions mandate formal information sharing processes with other jurisdictions, modelled on Part 4A of the *Crimes (High Risk Offenders) Act 2006 (NSW)*.

Finally, in terms of the high risk offender amendments, clause 28 of the Bill amends section 22 of the High Risk Offenders Act. The amendment will allow for appeals from a *refusal* by the Supreme Court to make an extended supervision order or continuing detention order.

Mr Speaker, Part 10 of the Bill contains an amendment to section 103 of the *Criminal Procedure Act 1921*, clarifying that the power to lay an information in a superior court under this section may only be exercised in the authority and name of the Director of Public Prosecutions.

Part 11 of the Bill amends the *Environment, Resources and Development Court Act 1993* to provide for the appointment of Judicial Registrars to the Environment, Resources and Development Court.

Part 12 of the Bill amends the *Fences Act 1975* to update a reference in section 24 to refer to the *Magistrates Court Act 1991* instead of the *Local and District Criminal Courts Act 1926*.

Part 13 of the Bill amends section 61 of the *Guardianship and Administration Act* to remove an obsolete reference to the *Criminal Law Consolidation Act 1935*. Section 61 currently provides that the South Australian Civil and Administrative Tribunal is not to consent to a termination of pregnancy unless the carrying out of the termination would not constitute an offence under the *Criminal Law Consolidation Act*. As the *Termination of Pregnancy Act 2021* has rendered it no longer illegal to terminate a pregnancy, the reference to the *Criminal Law Consolidation Act* is redundant. Section 61 has been re-cast so that the other two provisos to termination remain but the *Criminal Law Consolidation Act* reference is removed.

Part 14 of the Bill amends the *Judicial Conduct Commissioner Act 2015*. Clause 40 inserts references to judicial registrars in the hierarchy of judges and other judicial officers. Clause 41 clarifies that the holders of judicial office can be removed from office regardless of whether the Act appointing them provides for such removal.

In addition, clause 42 inserts a new section 34A in the *Judicial Conduct Commissioner Act*, to allow the Judicial Conduct Commissioner a discretion not to give a written notice required under the Act in relation to a complaint or the dismissal of a complaint. This must be read in the context of other provisions in the Act, including section 13(2) which makes it clear that the rules of procedural fairness apply.

Part 15 of the Bill amends the *Legal Practitioners Act 1981*. Clause 43 extends the application of section 14AB(c) to suspected unsatisfactory conduct or professional misconduct of Australian-registered foreign lawyers. Clause 44 inserts new sub-section (4) in section 23 of the Act, to clarify that the prohibition on legal practitioners sharing profits with non-lawyers does not prevent a legal practitioner from entering into an agreement to share profits with an Australian-registered foreign lawyer. Clause 45 amends section 23D of the principal Act to require an Australian-registered foreign lawyer establishing an office in South Australia to give notice to the Supreme Court to that effect, in the same way that interstate-registered practitioners must do.

Part 16 of the Bill amends section 84(1) of the *Mental Health Act 2009* to remove the inference that mandatory initial reviews of short-term treatment orders under section 79 of that Act carry an automatic entitlement to legal representation in every case. In practice, the South Australian Civil and Administrative Tribunal conducts initial reviews under section 79 on the basis of written reports and treatment plans. This means legal representation is not necessary for initial reviews.

Part 17 of the Bill amends the *Ombudsman Act 1972* to update an obsolete reference in section 5.

Part 18 of the Bill makes minor amendments to the *Real Property Act 1886* to update obsolete references.

Part 19 of the Bill amends the *Residential Tenancies Act 1995* to require a person paying a bond to the Commissioner for Consumer Affairs to provide the information required by the Commissioner, in order to help address the issue of unclaimed bonds.

Part 20 of the Bill amends the *Retail and Commercial Leases Act 1995* to enable the Small Business Commissioner to charge a fee for mediation of commercial lease disputes.

Part 21 of the Bill amends the *Roads (Opening and Closing) Act 1991* to update obsolete references in section 46.

Part 22 of the Bill amends the *Witness Protection Act 1996*. Clause 53 updates obsolete references, while clause 54 amends section 24 of the principal Act in light of the fact that there is no longer a Crown Counsel. 'The Director' is defined as including a person acting in the position of the Director, the Deputy Director, or a suitable person to whom the Director has, by instrument in writing, delegated his powers under this section, with the approval of the Commissioner of Police.

Finally, Part 23 of the Bill makes a minor amendment to the *Youth Court Act 1993*, to remove the requirement for principal members of the Youth Court judiciary (including Special Justices) to be appointed for a set term.

Mr Speaker, this concludes the matters that are the subject of this Portfolio Bill. While this Bill covers many different areas, it deals with important issues to ensure our justice system works efficiently and effectively for our community. I commend the Bill to Members.

#### Explanation of Clauses

#### Part 1—Preliminary



1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Aged and Infirm Persons' Property Act 1940

4—Amendment of section 3—Interpretation

This clause amends section 3 to insert a definition of *employment court* and make a consequential amendment to the definition of *court*. Employment court is defined as the South Australian Employment Tribunal established under the *South Australian Employment Tribunal Act 2014* constituted of—

- the South Australian Employment Court; or
- a member who is, or at least 1 of whom is, a President or a Deputy President of the Tribunal.

5—Amendment of section 4—Exercise of jurisdiction of court

Subclauses (1) and (2) make consequential amendments. Subclause (3) inserts a new subsection (1b) to provide jurisdiction for an employment court in which an action for damages for personal injury is brought to make a protection order under section 8A of the Act. If the court makes such an order, the provision further provides jurisdiction for the same or any other employment court to hear and determine any consequential or related proceedings under the Act.

6—Amendment of section 8A—Protection order on court's own initiative

Section 8A(1) allows a court to make a protection order in respect of a person in an action for damages for personal injury if that person is by reason of that injury unable to manage their own interests. This amendment removes the need for the inability for the person to manage their interests to be as a result of the injury the subject of the action before the court.

Part 3—Amendment of *Bail Act 1985*

7—Amendment of section 6—Nature of bail agreement

This amendment allows a bail agreement, in circumstances where the bail authority is a court, to be in a form determined by the court. The requirement for all other bail agreements to be in the prescribed form remains.

8—Amendment of section 7—Guarantee of bail

This amendment allows a bail agreement, in circumstances where the bail authority is a court, to be in a form determined by the court. The requirement for all other bail agreements to be in the prescribed form remains.

9—Amendment of section 8—Form of application

This amendment allows a bail agreement, in circumstances where the bail authority is a court, to be in a form determined by the court. The requirement for all other bail agreements to be in the prescribed form remains.

10—Amendment of section 11—Conditions of bail

This clause amends the provisions of section 11(6)(c) to clarify that the conditions of bail in relation to allowing a person to leave the State may only be varied with the permission of a judge or magistrate (if the bail authority is a court) or a police officer of or above the rank of sergeant or the responsible officer for a police station (if the bail authority is a police officer).

Part 4—Amendment of Burial and Cremation Act 2013

11—Amendment of section 10—Cremation permits

Section 10 sets out the requirements for the issuing of a cremation permit authorising the disposal of remains by cremation. Section 10(5) provides that the Registrar must not issue a cremation permit unless the application is accompanied by specified certificates set out in the subsection.

This amendment clarifies the requirements for 2 certificates to be provided as set out in section 10(5)(b), the first being a certificate under section 36(3) of the *Births, Deaths and Marriages Registration Act 1996* certifying that the deceased died from natural causes signed by a medical practitioner in accordance with the requirements set out in that subparagraph, and the second a certificate in a form approved by the Registrar signed by another medical practitioner.

Part 5—Amendment of Children and Young People (Safety) Act 2017

12—Amendment of section 86—Direction not to communicate with, or be in company of etc, child or young person

This clause inserts a new subsection (1a), (4a) and (6). Proposed subsection (1a) provides that the Chief Executive may, by notice in writing, direct a specified person not to be in the company of, or otherwise associate with,

a specified child or young person who is in the custody, or under the guardianship, of the Chief Executive during the period specified in the notice.

Proposed subsection (4a) provides that despite section 267 of the *Criminal Law Consolidation Act 1935* or any other Act or law, a child or young person who undertakes conduct that contravenes a direction under the section commits no offence in relation to that conduct.

Proposed subsection (6) provides that despite a provision of the *Evidence Act 1929* or any other Act or law, a child or young person to whom a direction under the section relates is competent, but is not compellable, to give evidence in proceedings relating to a charge of an offence against the section.

#### Part 6—Amendment of Civil Liability Act 1936

##### 13—Amendment of section 64—Abolition of rule as to unity of spouses

This amendment removes an obsolete reference to an application under a repealed section of the *Law of Property Act 1936*.

#### Part 7—Amendment of Correctional Services Act 1982

##### 14—Amendment of section 66—Automatic release on parole for certain prisoners

These amendments remove a reference to a repealed definition of *serious drug offence* within the *Sentencing Act 2017* and insert the repealed definition into section 66.

#### Part 8—Amendment of Courts Administration Act 1993

##### 15—Amendment of section 27A—Interpretation

This clause amends the definition of *judicial office* to mirror the amendments made to the equivalent definitions in the *Judicial Conduct Commissioner Act 2015* as proposed in clause 40 of the measure.

#### Part 9—Amendment of Criminal Law (High Risk Offenders) Act 2015

##### 16—Amendment of section 4—Interpretation

The definition of *serious sexual offence* is amended to include an offence against a law of the Commonwealth corresponding to an offence referred to in paragraph (a) of the definition. For the purposes of determining whether a Commonwealth offence is a corresponding offence, any element of the Commonwealth offence relating to the location of the offence is to be ignored.

The removal of the definition of *youth* and the addition of section 4(3) are consequential on the substitution of section 6.

##### 17—Substitution of section 5 and 6

Sections 5 and 6 are deleted and substituted as follows:

###### 5—Meaning of high risk offender

The categories of high risk offender in the current section are extended by this proposed section to include—

- a serious sexual offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious sexual offence; and
- a serious violent offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious offence of violence; and
- a person who is serving a sentence of imprisonment during the course of which an extended supervision order applying to the person expires.

###### 6—Application of Act

Section 6 currently provides that the Act does not apply to a youth (within the meaning of the *Young Offenders Act 1993*) but that it may apply to a youth of or above the age of 16 years who is a terror suspect. The proposed section provides that an application for a supervision order under the Act may not be made in respect of a person under the age of 18 years, but may be made in respect of a person who is of or above the age of 16 years and a terror suspect (and the Act will apply to the person with modifications prescribed by the regulations).

##### 18—Amendment of section 7—Proceedings

Subclause (1) amends subsection (2) to provide that an order under the section may only be made within 12 months preceding the relevant expiry date for the offender.

Subclause (2) inserts a new subsection (7) which provides that in determining whether to make a supervision order in respect of a person, the Court must not take into consideration any intention of the person to leave this State (whether permanently or temporarily).

19—Amendment of section 9—Interim supervision orders

The clause inserts a new subsection (3) to provide that the obligations of a person subject to an interim supervision order are suspended during any period that the person is in government custody.

20—Amendment of section 10—Supervision orders—terms and conditions

This clause amends section 10 to provide that a person under a supervision order that is subject to a condition that the person must not leave the State without the permission of the Supreme Court or the Parole Board, may leave the State if allowed by the Supreme Court or the Parole Board subject to such terms and conditions that the Supreme Court or the Parole Board thinks fit. It also contains an amendment to the section clarifying that the Supreme Court may impose any condition able to be imposed by the Parole Board under section 11.

21—Amendment of section 11—Conditions of extended supervision orders imposed by Parole Board

This clause adds a provision to section 11(1) of the Act permitting the Parole Board to impose a condition on an extended supervision order requiring a person subject to the order to remain at the person's residence during a specified period and not leave the residence at any time during that period except for a specified purpose, or in specified circumstances.

22—Amendment of section 13—Variation and revocation of supervision order by Supreme Court

This clause adds subsections (4), (5) and (6) to section 13 to allow the Supreme Court to refer an application for the variation of a condition of an order to the Parole Board, and for the Parole Board to then proceed to determine the matter. The provisions also allow the Supreme Court to make rules in respect of the transfer of specified classes of applications to the Parole Board.

23—Amendment of section 14—Consequential and ancillary orders

The clause inserts subsection (1a) to give power to the Parole Board, on varying a supervision order, to make any consequential or ancillary order it thinks fit in the circumstances of the particular case.

24—Insertion of section 14A

This clause inserts a new section as follows:

14A—Variation or revocation of condition of supervision order by Parole Board

The proposed section allows for the manner and circumstances in which the Parole Board may vary or revoke a condition of a supervision order or impose further conditions on the supervision order.

The proposed section also allows the Parole Board to refer such an application to the Supreme Court for determination, and also for the Supreme Court to order that such an application be determined by the Court instead of the Parole Board.

25—Amendment of section 17—Proceedings before Parole Board under this Part

This clause inserts a new provision to enable the Parole Board, if it considers that a person should be released from custody but subject to a certain condition, to detain the person pending circumstances reasonably necessary for the purposes of ensuring the person's compliance with such a condition being in place.

26—Amendment of section 18—Continuing detention order

This clause amends subsection (2) to allow the Court to order, in the event that an additional supervision order is imposed in respect of a person after a breach of an earlier supervision order, that the person be detained in custody pending the expiration of the additional order.

This clause also inserts new subsections (4a) and (4b). Proposed subsection (4a) provides that if the Court declines to make a continuing detention order in respect of a person under the section, the Court may—

- vary or revoke a condition of the supervision order applying in respect of the person or impose further conditions on the supervision order; and
- order that the person be detained in custody beyond the determination of proceedings either pending circumstances reasonably necessary for the purposes of ensuring the person's compliance with a condition of the supervision order being in place or in exceptional circumstances for a period necessary in the circumstances of the case.

Proposed subsection (4b) provides that if the Court makes a continuing detention order in respect of a person the subject of proceedings under the section and the continuing detention order will expire before the supervision order

applying to the person expires, the Court may vary or revoke a condition of the supervision order or impose further conditions on the supervision order.

#### 27—Insertion of Part 3A

This clause inserts a new Part 3A as follows:

##### Part 3A—Inter-agency cooperation

##### 19AA—Interpretation

This clause defines terms for the purposes of the proposed Part.

##### 19AAB—Exchange of information

The section provides that a relevant agency may enter into an arrangement (a *co-operative protocol*) with 1 or more interstate relevant agencies in respect of the sharing or exchange of information between the relevant agency and the interstate relevant agencies.

A co-operative protocol may relate to information concerning high risk offenders, information concerning a person, or person of a class, subject to an order under a corresponding law and any other information prescribed by the regulations.

For the purposes of a co-operative protocol, a relevant agency is authorised to request and receive information held by an interstate relevant agency that is party to the co-operative protocol and to disclose information to an interstate relevant agency that is party to the co-operative protocol to the extent that the information is reasonably necessary to assist in the exercise of functions under the Act or the functions of the interstate relevant agencies concerned.

#### 28—Amendment of section 22—Appeals

This clause amends section 22 to provide that an appeal lies to the Court of Appeal against not only a decision of the Supreme Court to make an extended supervision order or a continuing detention order, but also an order of the Supreme Court to refuse to make such an order.

#### Part 10—Amendment of Criminal Procedure Act 1921

#### 29—Amendment of section 103—DPP may lay information in superior court

This clause substitutes section 103(1) to clarify that an information may only be presented to the Supreme Court or the District Court in the name and by the authority of the Director of Public Prosecutions, and, despite any other provision of Part 5 of the Act, a person named in that information may, as a result, be tried at any criminal sessions of the Supreme Court or District Court (as the case may be) for any offence on that information.

#### Part 11—Amendment of Environment, Resources and Development Court Act 1993

#### 30—Amendment of section 3—Interpretation

The clause makes amendments consequential on the inclusion of Judicial Registrars in the Act.

#### 31—Insertion of section 11A

This clause inserts a new section allowing for the office of Judicial Registrars to be established as follows:

##### 11A—Judicial Registrars

The proposed section provides that any Judicial Registrar holding office under the *District Court Act 1991* who is designated by the Governor, by instrument in writing, as an officer of the Environment, Resources and Development Court will (while they continue to hold office as a Judicial Registrar) be a Judicial Registrar of the Court.

#### 32—Amendment of section 15—Constitution of Court

This clause makes amendments consequential on the inclusion of Judicial Registrars in the Act.

#### 33—Amendment of section 16—Conferences

The clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

#### 34—Amendment of section 26—Issue of evidentiary summonses

This clause makes an amendments consequential on the inclusion of Judicial Registrars in the Act.

#### 35—Amendment of section 30—Right of appeal

This clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

## 36—Amendment of section 36—Immunities

This clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

## 37—Amendment of section 48—Rules

This amendment is consequential on the inclusion of Judicial Registrars in the Act.

Part 12—Amendment of *Fences Act 1975*

## 38—Amendment of section 24—Rules of court

This clause removes a reference to the repealed *Local and District Criminal Courts Act 1926* and replaces it with a reference to the *Magistrates Court Act 1991*.

## Part 13—Amendment of Guardianship and Administration Act 1993

## 39—Amendment of section 61—Prescribed treatment not to be carried out without Tribunal's consent

This amendment removes a reference to the offence of termination of pregnancy under the *Criminal Law Consolidation Act 1935* consequent on this offence being repealed under the *Termination of Pregnancy Act 2021*.

## Part 14—Amendment of Judicial Conduct Commissioner Act 2015

## 40—Amendment of section 4—Interpretation

This clause makes several amendments to the definition of *judicial office* to insert references to judicial registrars.

## 41—Amendment of section 26—Removal of judicial officer

This clause inserts a new subsection (3) that provides, to avoid doubt, that the power to remove a judicial officer under this section may be exercised despite any other provision for the removal of the judicial officer under the Act under which the judicial officer was appointed.

## 42—Insertion of section 34A

This clause inserts a new section as follows:

## 34A—Commissioner may determine not to give notice in a particular case

The proposed section gives the Commissioner power to determine, if the Commissioner thinks fit in a particular case, not to give a written notification required under the Act to a person in relation to a complaint or the dismissal of a complaint.

## Part 15—Amendment of Legal Practitioners Act 1981

## 43—Amendment of section 14AB—Certain matters to be reported by Society

This amendment adds a reference to Australian-registered foreign lawyers to subsection (1)(c).

## 44—Amendment of section 23—Unlawful representation

This clause inserts a new subsection (4) to clarify that the offence in subsection (3) relating to a prohibition on entering into an agreement or arrangement with an unqualified person under which the unqualified person is entitled to share in the profits arising from the practice of the law does not apply to an agreement or arrangement entered into with a Australian-registered foreign lawyer in accordance with Schedule 1A of the Act.

## 45—Amendment of section 23D—Notification of establishment of office required

This clause makes several amendments to section 23D to extend the notification of establishment of office requirements to Australian-registered foreign lawyers.

## Part 16—Amendment of Mental Health Act 2009

## 46—Amendment of section 84—Representation on reviews or appeals

This amendment removes the mandatory entitlement to legal representation for all reviews of treatment orders and other matters under section 79 of the Act, but maintains that a person may still be legally represented in such proceedings.

Part 17—Amendment of *Ombudsman Act 1972*

## 47—Amendment of section 5—Non-application of Act

This clause updates an obsolete reference.

## Part 18—Amendment of Real Property Act 1886

## 48—Amendment of section 146—Discharge of mortgage by Minister in certain cases

This clause deletes an obsolete reference to certified mail and replaces it with a reference to registered post, and makes a further amendment to update a gendered language reference.

49—Amendment of section 276—Service of notices

This amendment deletes an obsolete reference to certified mail and replaces it with a reference to registered mail.

Part 19—Amendment of Residential Tenancies Act 1995

50—Amendment of section 62—Receipt of bond and transmission to Commissioner

This clause inserts a new subsection (3) that provides that a payment of bond to the Commissioner under the section must be accompanied by a notice, in a form approved by the Commissioner, setting out such particulars as the Commissioner may require in relation to the bond payment. A maximum penalty of \$1,250 or an expiation of \$210 applies for failure to comply with the proposed subsection.

Part 20—Amendment of Retail and Commercial Leases Act 1995

51—Amendment of section 64—Mediation of disputes

This clause inserts a power for a prescribed mediation fee to be payable by each party to a mediation under the section, and for the Small Business Commissioner to waive such a fee if satisfied that it is appropriate to do so in a particular case.

Part 21—Amendment of Roads (Opening and Closing) Act 1991

52—Amendment of section 46—Delegation by other authorities

This clause updates a number of obsolete references to matters under the repealed *Development Act 1993*, replacing them with the equivalent references under the *Planning, Development and Infrastructure Act 2016*.

Part 22—Amendment of Witness Protection Act 1996

53—Amendment of section 3—Interpretation

These amendments substitute obsolete references to the *Police Act 1952* with references to the *Police Act 1998*.

54—Amendment of section 24—Disclosure of information where participant becomes a witness in criminal proceedings

This amendment substitutes the definition of Director of Public Prosecutions applying for the purposes of this section to include a person to whom the Director has, by instrument in writing and with the approval of the Commissioner of Police, delegated their functions and powers under the section.

Part 23—Amendment of *Youth Court Act 1993*

55—Amendment of section 9—Court's judiciary

This amendment removes subsection (3) which requires a proclamation designating a magistrate or special justice as a member of the Court's principal judiciary to state a term for which they are to be a member of the Court's principal judiciary.

Debate adjourned on motion of Mr Brown.

## STATUTES AMENDMENT (STEALTHING AND CONSENT) BILL

### *Second Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (17:01):** I move:

That this bill be now read a second time.

I indicate that the government is pleased to introduce the Statutes Amendment (Stealthing and Consent) Bill 2021. The bill contains a number of improvements to the operation of laws around consent to sexual activity. The issue of consent in cases involving sexual offences has recently been the subject of consideration by a number of law reform bodies across Australia.

The Queensland Law Reform Commission and the New South Wales Law Reform Commission each published reports in 2020 reviewing consent laws in their respective jurisdictions. Last Friday, the Victorian Law Reform Commission released its 600-page report into improving the responses of the justice system to sexual offences. The Victorian state government has subsequently committed to introducing legislation to expressly criminalise stealthing in that jurisdiction.

The South Australian government has considered the recommendations made by the New South Wales and Queensland law reform bodies in the context of South Australia's legislative framework and has identified a number of areas where improvements can be made to our laws. I seek leave to insert the balance of the second reading and explanation of clauses into *Hansard* without my reading the same.

Leave granted.

Mr Speaker, the Government is pleased to introduce the Statutes Amendment (Stealthing and Consent) Bill 2021.

The Bill contains a number of improvements to the operation of laws around consent to sexual activity.

The issue of consent in cases involving sexual offences has recently been the subject of consideration by a number of law reform bodies across Australia. The Queensland Law Reform Commission and New South Wales Law Reform Commission each published reports in 2020 reviewing consent laws in their respective jurisdictions. Last Friday, the Victorian Law Reform Commission released its 600 page report into improving the responses of the justice system to sexual offences. The Victorian State Government has subsequently committed to introducing legislation to expressly criminalise stealthing in that jurisdiction.

The South Australian Government has considered the recommendations made by the NSW and Queensland law reform bodies in the context of South Australia's legislative framework, and has identified a number of areas where improvements can be made to our laws.

The first amendment in the Bill is to the *Criminal Law Consolidation Act 1935* and deals with the practice known as stealthing. Stealthing is where a person deliberately and without consent does not use, damages or removes a condom before or during sexual activity.

Section 46 of the Criminal Law Consolidation Act provides that a person only consents to sexual activity if they freely and voluntarily agree to the activity. It further provides a non-exhaustive list of circumstances in which a person is taken not to freely and voluntarily agree to sexual activity.

The Bill amends section 46 of the Criminal Law Consolidation Act to include stealthing as an additional situation in which consent is negated. It provides that a person is taken not to freely and voluntarily agree to sexual activity if 'the person agrees to engage in the activity because of a misrepresentation (whether express or implied) as to the use of a condom during the activity'.

This means that, where a person agrees to engage in sexual intercourse on the basis that a condom will be used, non-consensual removal of the condom will amount to rape. This will leave no room for uncertainty that this harmful and degrading practice is unlawful and will not be tolerated by the South Australian community.

I wish to acknowledge the work done in this area by Hon. Connie Bonaros MLC. The Hon Ms Bonaros recently introduced a Private Member's Bill in the other place to address this issue, and on speaking on both Bills, she provided personal accounts from South Australians about being victims of stealthing. Her remarks highlighted that this is a real issue, and that clarification of the law is indeed required.

The second reform is an amendment to the *Evidence Act 1929* to broaden the jury directions that must be given in cases involving a sexual offence where consent is in issue.

Section 34N of the Evidence Act already provides a number of jury directions that must be given by the trial judge, where applicable in the circumstances of the particular case. For example, the judge must direct the jury that the person is not to be regarded as having consented to the sexual activity merely because the person did not protest or physically resist, or because the person consented to the sexual activity on an earlier occasion. These directions are aimed at addressing misconceptions about how a person might ordinarily respond to non-consensual sexual activity.

The NSW Law Reform Commission identified a number of other common misconceptions about non-consensual sexual activity that exist within the community, and raised concerns about the possibility of juries making, or being invited to make, unwarranted assumptions about consent. The NSW Law Reform Commission recommended that these misconceptions be addressed via a direction from the trial judge.

In South Australia, a number of the misconceptions identified by the NSW Law Reform Commission are already captured by section 34N of the Evidence Act.

The Bill expands the list of section 34N directions to include:

- that non-consensual sexual activity can occur in many different circumstances and is not always perpetrated by a stranger in a public place;
- that non-consensual sexual activity can occur between different kinds of people, including people who are married or in an established relationship;
- that trauma may affect people differently, and the presence or absence of emotional distress when giving evidence does not necessarily mean that a person is not telling the truth about an alleged sexual offence; and

- that it should not be assumed that a person consented to sexual activity because the person wore particular clothing or had a particular appearance, consumed alcohol or any other drug, or was present in a particular location (either generally or at a particular time).

The third reform, also to the Evidence Act, expressly allows the admission of expert evidence relating to the topics dealt with in section 34N.

The final reform is a related amendment to the *Criminal Procedure Act 1921* to require disclosure of expert reports where the expert evidence relates to the topics dealt with in section 34N of the Evidence Act.

While the prosecution is already required to disclose the evidence it intends to call well advance of trial, the same does not automatically apply to the defendant.

Under section 124(8) of the Criminal Procedure Act, the court *may* require the defendant to provide the prosecution with a copy of any expert report it proposes to rely on, but equally the court may exercise its discretion to refuse to order the disclosure.

If the expert evidence relates to the conduct of the complainant and deals with misconceptions around consent, it is imperative that the prosecution has the opportunity to consider the report in advance of the trial. The Bill amends section 124(8) of the Criminal Procedure Act to require expert reports of this nature to be disclosed to the prosecution.

I thank honourable members for the constructive and collaborative way in which they have progressed this Bill.

Mr Speaker, I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Amendment provisions

These clauses are formal. The measure will commence on assent.

##### Part 2—Amendment of Criminal Law Consolidation Act 1935

###### 3—Amendment of section 46—Consent to sexual activity

This clause amends section 46 to specify that a person is taken not to freely and voluntarily agree to sexual activity if the person agrees to engage in the activity because of a misrepresentation (whether express or implied) as to the use of a condom during the activity.

##### Part 3—Amendment of Criminal Procedure Act 1921

###### 4—Amendment of section 124—Expert evidence and evidence of alibi

This is a related amendment to clause 6 and requires the defence to provide the prosecution with a copy of any report obtained from a person who is to be called to give expert evidence at a trial of a kind referred to in proposed new section 34N(2a) of the *Evidence Act 1929*.

###### 5—Transitional provision

The requirement in clause 4 applies to proceedings relating to an offence that are commenced after the commencement of the Part (regardless of when the offence occurred).

##### Part 4—Amendment of *Evidence Act 1929*

###### 6—Amendment of section 34N—Directions relating to consent in certain sexual cases

This clause provides that, in a trial of a charge of a sexual offence where a lack of consent of a person in relation to a particular sexual activity is in issue, the judge must direct the jury as to certain matters set out in the proposed provision (and a court may, in a trial of a charge of a sexual offence, receive expert evidence about any such matter).

###### 7—Transitional provision

The requirement in clause 6 applies to proceedings relating to an offence that are commenced after the commencement of the Part (regardless of when the offence occurred).

Debate adjourned on motion of Mr Brown.



**ABORIGINAL REPRESENTATIVE BODY BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 28 October 2021.)

**Mr BROWN:** Sir, I draw your attention to the state of the house.

**The ACTING SPEAKER (Mr Pederick):** There not being the numbers present, ring the bells.

*An absolute majority of the whole number of members being present:*

**Ms COOK (Hurtle Vale) (17:05):** When I was talking to this bill a couple of weeks ago, I was talking about a response I had sent to Councillor Brown at the City of Onkaparinga. To remind members where I was going with this whole conversation, it was about where we are now at a point in history where I think we should be able to have these conversations and respectful consultations with people of our First Nations in a modern, grown-up way.

However, it is clear from some of the people we have still in positions of leadership, sadly, that they do not have a full understanding of the impact of history upon their present day. I was talking to the letter from the councillor which I had in my possession at that time and which I replied to, but since then I have trolled through a little bit of my information from the FOI I submitted after writing this letter and I thought I would like to share a couple of little pieces with the house.

The original email that went to Minister Coleman from Councillor Brown cc'd in the members for Gibson, Davenport, Waite and Black. It griped on about citizenship protocols and ceremonies and, to be clear, I did not get any response from any of the members. I do not think they really bought into what was happening here. It was all a bit kneejerk in its reaction.

The email from Councillor Brown was, 'Hi, I've just come from a citizenship ceremony. Rather offended by what I heard and watched unfold,' pointing out again that this is a white Caucasian, older woman in the community taking offence at a state politician acknowledging that we are on stolen Kaurna land.

I have spent a lot of time with and take very seriously my conversations with local Aboriginal people in our community, and I deeply treasure the relationships I have formed with particularly elders, such as Aunty Georgina (who many would be aware has since passed) and Aunty Georgina's family, as well as the O'Brien family, the Buckskin family and a number of others I have spoken to about what is and what is not appropriate with respect of the conversations we had.

Of course, they fully endorse my talking about stolen Kaurna land that has not been ceded because it is fact that many Aboriginal communities feel most aggrieved and still suffer the trauma of the stealing of their land. It is an ongoing conversation to negotiate the return of land to traditional people.

To get this email from an older white woman, accusing me of blasting citizens with a brazen attitude in order to inflict guilt or humiliate those conducting a citizenship ceremony—she said she thought she was hearing things and repeated what she heard, questioning a fellow councillor if she had heard it right. I do not think she did hear it right; in fact, I know she did not.

I had present Aunty Georgina, as we did in nearly every citizenship ceremony for many years. Before every citizenship ceremony I attended, I would sit and talk with her because of her deep connection to an area of land in our community called the Washpool. She told me its traditional history and why it is so important, and I would not do it justice if I tried to tell you the story right now. It is not really my story to tell, but I just say that there are deep reasons why that land was sacred to Aunty Georgina and continues to be to her family.

I made a note that this is something I would keep advocating for—to keep that land as treasured cultural land. I personally felt that it should not be sold or developed or what have you. I did that speaking with the community there, as a way of saying, 'History is so important. We must respect history because we learn from it, and if we learn from our history we either don't make the mistakes of the past again or we improve our pathway in the future.' I think that just makes good sense, and I am sure nobody in this chamber would disagree with that.

We had this older white female firing off this letter of grievance to the federal minister. She said that she had not spoken to the council about her problems. She sent a further email off saying that it was shocking and that people should not be guilting—I am paraphrasing because I do not have time to go into the full rant—and how this was not a political rally and so on.

This time, she went further and she cc'd Nicolle Flint into the email. I want to say that in fairly quick succession after her original email a good member of staff of the member for Davenport had responded to Sandra Brown, giving her a link that took her to the Australian Citizenship Ceremonies Code. I will quote from a staff member of Davenport: 'I believe that some who attend citizenship ceremonies do refer to Kaurua land as "stolen".' Someone else, another staff member from the member for Davenport's office, says someone 'from our office has certainly heard it at Marion citizenship ceremonies. I hope this is useful'.

Well, thank you very much to the staff member from a Liberal member's electoral office, trying to defuse this situation which was completely ridiculous. I did write an extensive letter to the councillor explaining my position, really just saying, 'Calm your chops. This is not what it is about.' I hear stories from and have dialogue with new members of our community, and actually some of them are not quite so new because we know that some people have been in Australia for 70-odd years and not taken out citizenship and finally decide to—I think 74 years is the longest. It was 'Calm down. That is not what this is about.'

I respect the conversations we have with our traditional owners. I acknowledge that the way the land was taken is completely wrong. It is continued trauma. The fact is that much of this land has not been ceded, and I commit that the path to true reconciliation involves that conversation and that acknowledgment.

To draw back to this particular bill, and I think that is an important part of it, it is the consultation and the process that I have a problem with. I have reached out to a number of elders we would consider mutual friends across the chamber, and I have asked them. Many of them have had no consultation on this particular bill. Their response to me is that they are aggrieved they have not been consulted. Again, I am not going to speak for them or verbal people in this chamber about that, but I think we have had four years and it is late in the day to bring this in. It is not to be compared to standard consultation. This is a very important thing from a cultural point of view.

I absolutely applaud and respect Roger Thomas. Dr Thomas is an incredible mentor to many and a leader in our community, so this is not in any way a criticism of Dr Thomas, who I think had some comments to make on this in September on ABC radio. He said:

I've expressed to the Premier, I've expressed to the process, I find it very, very insulting that it doesn't give Aboriginal people sufficient time to talk this through because it's such a significant piece of legislation.

I think there are some problems with a lack of consultation in regard to this bill. I think the right thing to do—and it may well be happening behind the scenes; I do not know—is to have some additional consultation with other elders. I noticed that the Premier was frustrated. He looked frustrated last time he was in the chamber while this bill was being debated, probably surprised at a lot of the commentary around the lack of consultation, but that is what we are getting told and we can only report what we are told.

I would prefer a proper voice to parliament, a true voice to parliament, and I refer to the Maori voice and how that happens in New Zealand, that true independent Maori voice that can be frank and fearless on the floor of their parliament. This one is more like a voice via committee that will have the control of that, engineered by its numbers and by the government.

My interpretation of the intent of the bill is to give voice, but we are not giving true, frank and fearless and independent voice. I understand that it takes much more than this bill to do what the New Zealand parliament has done; I think that goes way back to 1876 or thereabouts.

*An honourable member interjecting:*

**Ms COOK:** Yes. I think we are grown up. We need to be heading here to acknowledge our traditional owners and to make sure it is a proper voice. So I do have issues with the way that Aboriginal people will be heard by the cabinet, by the state parliament and by the authorities via this voice.

I have a problem with the consultation, or the lack of full consultation, because, as we know, Aboriginal elders may not necessarily have the same opinion based on the parts of the lands they are from. Many of our Aboriginal elders, who are mutual friends in this chamber, are from a multiple set of lands within our state, so they have a whole range of conversations to dig down and have. I think that has not happened, so I do feel a bit uncomfortable about how far we go with support, but I am listening in to all the speeches that are being made.

One of the examples we also have in this chamber of fantastic voice and consultation is our flag. I think it was a year 6 student from Surrey Downs or somewhere who brought the question to the member for Wright. I do not remember the story fully, but it was perhaps through a meeting or after a tour of the parliament. They asked—

**Ms Bedford:** Yes, but I have been writing letters for years.

**Ms COOK:** Yes, I was coming to you, member for Florey. The meeting that followed the conversation has led to the Aboriginal and Torres Strait Islander flags flying in our chamber. It actually provides that additional layer of rich conversation that we have with the kids who come here. I certainly had a great conversation with some of the kids I brought through here the other day from Emmaus Catholic School about the flags, and why we fly all of them in here.

The member for Florey, through great consultation and listening, has brought to us the Acknowledgement of Country that we do every day that we sit in parliament—not just the first day but every day. There is a flag on the roof. For a very long time, up in our Balcony Room there was a little painting. That painting needs to be found because it is symbolic of how action and consultation can then lead to further action.

I lament that we do not have an Aboriginal voice in this chamber. We have Kyam Maher in the Legislative Council, who does an amazing job, and I feel so grateful that he brings that rich information to us in our caucus. This bill just rejigs a committee by appointed membership. This bill does not show a direct vote and I do not think this bill is enough.

**Mr ELLIS (Narungga) (17:21):** I rise today to make a quick contribution on the Aboriginal Representative Body Bill and, in so doing, I would like to pay homage to everyone who has spoken so far. I certainly respect the diversity of opinion with regard to this bill. I wish to make it clear from the outset, though, that I certainly do respect the wonderful contribution that Aboriginal people make to South Australia, especially that which the Narungga people make to the electorate I am lucky enough to represent and, of course, after which the electorate is named.

There is absolutely no doubt in my mind that Aboriginal people do need a stronger voice in parliament, but I have to admit that I hold some concerns with this bill and the particular way that it goes about achieving that. Before I outline those concerns, I want to take the opportunity to congratulate the Premier on the initiatives that he has taken thus far in this term of parliament to achieve greater representation and to strengthen the ties that Aboriginal people should feel to this place.

It is only a small gesture, but the hanging of the flag—the genesis of which I am not entirely sure—no matter how it was brought about, I think is a tremendous addition to this chamber. It is really pleasing to see it there and to point it out when I, too, take school tours through this chamber. So congratulations to the member for Florey or whoever was the driving voice behind the hanging of that flag.

This bill is designed, as we have heard already, to create an independent body which is tasked with representing Aboriginal people in the South Australian parliament. It would be chaired by the Commissioner for Aboriginal Engagement, who is currently Dr Roger Thomas. He is doing fantastic work in the role, and I do not wish to undermine that by any means whatsoever. In fact, I have had the great privilege of accompanying Dr Thomas out to Wardang Island in the electorate to see the work going on out there with the local Narungga people. He is a tremendous person to be around, and I congratulate him on all his work.

I understand this bill creates a body which in future will be elected by Aboriginal South Australians through a formal election. They would then go on to meet with cabinet twice a year and help inform a new parliamentary standing committee on Aboriginal affairs and representation. Instead of pouring our efforts into holding a separate election for this body, I query why we should not be using those resources to help Aboriginal people become a member of cabinet, the actual

cabinet, or part of a parliamentary standing committee, rather than just having the opportunity to meet with them. Surely the best possible voice to parliament is one that is elected to our parliament.

The great thing about democracy, and the great thing about democracy in South Australia, is that every single person has an opportunity to run and be elected to parliament. In my view, we would be better utilising these resources to give Aboriginal people the skills, training and impetus to become a member of parliament and have a direct influence on our democracy, rather than the indirect impact they might have through the passage of this bill. I also believe that a separate election would be unnecessarily divisive, when we could instead encourage Aboriginal people to become more involved in our democracy and to run and be elected to parliament.

Finally, I also hold concerns that this body will lump all Aboriginal people into one group. I understand Indigenous Australians to be an incredibly diverse group with differing views and customs across different regions. You only have to visit the Narungga community in Point Pearce to know that there are different views even within the same community.

Separating the state into five wards, as this bill has done, is an attempt to accommodate this; however, the Aboriginal people in Mount Gambier and the Narungga people of my electorate, who are miles and miles apart, are both taken in by ward 5 in this bill. I find it difficult to see how this is appropriate. The Mount Gambier community would surely have different views from the Narungga community.

I understand the elected body will be tasked with going out and seeking the views of all Aboriginal South Australians, but I wonder whether this is even possible with such a diverse group and where such a diverse range of opinions exist between groups. I will not oppose the bill. I intend to support its passage through this place, but I did want to take the opportunity to put those concerns on the record. I hope that I am proven wrong with the passage of time and that it is a wonderful addition to our democracy here in South Australia.

**The Hon. A. PICCOLO (Light) (17:26):** I would like to take a few moments to make a contribution to this important bill. Before I go into some individual issues, I would just like to indicate that a lot of what I am going to say is actually based on a report prepared for me by my intern, this year's university intern, Susan Roberts, an Adelaide university student. She has done a wonderful job with her report.

While I had some ideas, she has done some extensive research. Her thinking is exquisite in the sense that she has gone really deep and taken a really broad view and put Aboriginal rights, etc., in a broader context. Her paper is essentially about the wellbeing of Aboriginal people, First Nations people, in this country. The topic, which is relevant to this—and I will provide some more details—is: 'Has the wellbeing of First Nation Australians been adversely affected by well-meaning but ultimately misguided policies?'

*Ms Bedford interjecting:*

**The Hon. A. PICCOLO:** Yes, that's right. Without being too critical, I think this bill is well meaning but I also think it is misguided and therefore will have a negative impact on our First Nations people. It is interesting because the conclusion to her report says as follows:

...after a thorough theoretical analysis and examination of key policy periods, that the wellbeing of First Nations Australians has been adversely affected by well-meaning, but ultimately, misguided policies.

Then she goes through a whole range of examples and some recommendations, and I will come to those because they are very much relevant to this bill.

From my understanding of what the Premier, the Minister for Aboriginal Affairs, has said, the bill is supposed to respond to the Uluru Statement from the Heart, but my understanding of this bill is that it only deals with one of the three issues. It only deals with the issue of voice, and even the issue of voice has its issues, which I will talk about in a moment. It does not deal with the issue of truth and treaty.

As I said, the voice in this bill is not a proper voice. It is actually just a voice to a new parliamentary committee and, as the member for Narungga indicated, even he has some difficulties with this bill in terms of the way the voice is given to the First Nations people. Contrast that with the

South Australian Labor Party committing in July 2019 to a state-based implementation of the Uluru Statement.

My first concern about this bill, in terms of the voice, is that the Aboriginal representative body has zero elected members. However, once elections are held, only five of the 13 members will be directly elected and nominated by existing elected Aboriginal bodies; the rest will be appointed.

When I saw the proposed structure and model for a voice for First Nations people, I thought about the tours of parliament I do with students. When we talk about responsible government, I talk about how our first government was effectively a governor on behalf of the English sovereign. He literally ran the colony. He then set up an advisory council—appointed—which was then half elected, I understand, and then we had the first Legislative Council, which was fully elected. That is what we seem to be repeating today in the Aboriginal Representative Body Bill.

What we are saying is that Aboriginal people, First Nations people, are not ready for self-determination—that is what this bill says—in the same way the English sovereign and British parliament said back in 1840s and 1850s that this colony was not ready for responsible self-government. This bill actually takes us back to colonial days, and that is how we are treating our First Nations people: like we treated them in colonial days. The so-called 'voice' is a colonial-day model, not directly elected, not formed by the opinions of people affected by it. It is done in a paternalistic way that has pervaded our policies over decades in relation to First Nations people, and I do object to that. I think for First Nations people the time has come to have the ability to have a voice in this state. That is my first concern.

I am happy to be corrected, but my understanding is that the consultation on the bill was seen to be inadequate and flawed and was open for only nine days. I would find it hard to consult with my community or with any community in my electorate in nine days, so how you consult with First Nations people right across the state in nine days, properly and in an effective way is beyond me. I do not think it is possible to do it properly. You can do it in a tokenistic way perhaps, as I said a bit earlier, in a colonial way. The issue I have about that is one of the concerns raised by Susan Roberts, who researched it. She addresses the issue and says:

Legacies of colonial thinking which promote an individualistic philosophy of thinking rather than the collectivist view have, and continue to influence wellbeing policies in Australia.

In other words, we are doing this process as white western people would do it. If it were a true consultation process, we would use the process used by First Nations people and get together and discuss things over time, etc. This is not about honouring and respecting First Nations people. This is about us imposing the way we do things.

Sadly, it appears that we have learnt nothing in over 150 years. We are still doing things the way we did back in colonial days, which I outlined a bit earlier. I think that it is important to learn from our mistakes. Anything we do as a parliament and as a government is about the wellbeing of people, in this case the wellbeing of our First Nations people. One of the other findings that Susan makes is:

Western quality of life measures cannot adequately capture the interconnected nature of First Nations...wellbeing.

That means First Nations people see their wellbeing—see their being—differently from how we do as white western people. Any model of governance that talks about First Nations people should adopt First Nations philosophy. We should adopt that and come together with western philosophy and not impose our philosophy upon them.

The bill, in my opinion, does not reflect, if you like, the essence or the meaning of the Uluru Statement from the Heart. I mentioned the voice, which this bill was supposed to create. I do not think it meets the requirements of that statement at the state level. That is the only conclusion I can reach in terms of what the First Nations people are seeking.

In terms of the second element, the treaty element, I will quote from the report because to do anything else would be an injustice to this report because she has done a wonderful job. She quotes Noel Pearson, who is well known to all Australians, and this is about treaty and she describes the meaning of the word 'Makarrata':

The Yolngu concept of Makarrata captures the idea of two parties coming together after a struggle, healing the divisions of the past. It is about acknowledging that something has been done wrong, and it seeks to make things right.

That is what treaty is about, that process of doing that. It is relevant to the extent of this bill because I think we should use those principles in forming this bill, and in this new body and we have not. We have not done that. I think we need to do that.

The other element of the Uluru Statement is about truth. In terms of truth, I again quote from Susan's report:

...a truth-telling process that completely exposes the previous injustices First Nations [people] have endured since Colonisation and the ongoing effects this has had on their wellbeing. This would encourage a greater understanding of Australian history amongst its citizens and assist in proper reconciliation.

This bill is about forming a body which would advise parliament and the government on how we proceed to actually reduce the gap between white western Australians and First Nations Australians, but again I do not think neither the process nor this bill does that.

I think the significance of the Uluru Statement from the Heart is not well understood. Sadly, it has been dismissed by the federal Liberal Party in the way they behaved. That is my interpretation; others may disagree. I think the previous Prime Minister made some token efforts, but I do not think the current Prime Minister has even done that. Again, I quote Susan's report:

Overall, The Uluru Statement from the Heart is not a list of demands rather a means of finding common ground between First Nations Australians and Non-First Nations Australians. As quoted by Dean Parkin, a Quandamooka man and signatory of the document, 'It is not a submission or a petition to the government. It is an invitation to you, the Australian people.'

Then it goes on to quote Alyawarre woman Pat Anderson, when she says:

We meaningfully and consciously gave the Uluru Statement from the Heart as a gift to the Australian people...It's a gift of healing. And indeed love. We don't often like to use that word. But, you know, it's a very...emotional document.

The Uluru Statement from the Heart is about establishing some principles, a process where First Nations and non-First Nations people can come together, find common ground and, as we are told at various ceremonies, walk together from now on. While this bill, I think, is a part of that process and seeks to do that, I come back to Susan's examination of this subject area where she says:

The wellbeing of First Nations Australians has been adversely affected by well meaning but ultimately misguided policies.

I think this is another example of well meaning—I do not wish to suggest there is any ill meaning—but it is misguided. Certainly, people in my community would have some problems with that.

I think, if I wanted to summarise and conclude my comments, if we are going to do this, we do it properly. If we do it properly, it means genuine engagement and genuine engagement usually reflects a respect for the other parties, and it is also time for self-determination. A bill that sets up the structure for a voice based on colonial principles is certainly not the way to go.

**Mr PICTON (Kurna) (17:40):** I rise to speak in relation to the Aboriginal Representative Body Bill 2021 that has been introduced by the Premier. This is a bill that is supposedly to give a voice to parliament for Aboriginal people in South Australia. However, unfortunately, it does not appear to do what it purports to do.

This is a bill that would give some voice—and I will get to the detail of that shortly—not to the parliament or to the government but to a committee of this parliament. I think it is fair to say that this bill has been met with a significant degree of disappointment across Aboriginal nations in South Australia, and it comes on the back of a number of disappointments over the past few years.

All of us will know very clearly the Uluru Statement from the Heart. It called very clearly for truth, voice and treaty. This bill does not even attempt to deal with two elements of the Uluru Statement from the Heart. It attempts to deal with one, but it deals with that very badly. There is no attempt to deal with truth, there is no attempt to deal with treaty, and in relation to voice it is not a voice to this parliament but a voice to a committee of this parliament.

It is a voice in which originally the body will have zero elected members from our Aboriginal communities in South Australia, and then once elections are held only five of the 13 members will be directly elected; two will be indirectly elected and the remainder of those members will be appointed.

This is a bill which, from its very basis, has had a very flawed method of consultation. Consultation is something that is talked about a lot in regard to the development of legislation. The Attorney will know that we do raise it quite often in relation to her bills that she introduces here. But no bill, I think, is more important to have a firm basis of consultation behind it than this bill to set up an Aboriginal representative body, as it is being called.

This has got to be one of the worst consultation processes that I have seen in my time in this parliament. From what we have heard, the bill was drafted in the last week of August 2021. Consultation, I am told, opened on 7 September and closed on 17 September—giving people, to be generous, 11 days as part of that consultation. It was not on the YourSAy website, it was not put out on the Premier's website, it was not put out by media release. There was not any promotion made available of it. There were no resources in video or in languages for Aboriginal people across our state to be able to understand and get the details of in their own language.

There were no in-person consultations while the draft bill was online. There were no summaries provided of any in-person consultations and comments had to be emailed. None of them were posted publicly online. So this was a significantly poor process right from the beginning. This should have been a process that involved Aboriginal people from nations across our state every step of the way. Unfortunately, that has not occurred, and I think we really need to now go back and do that consultation, to listen to Aboriginal people.

We are lucky to have some amazing leaders of Aboriginal communities in South Australia, and one who I would like to pay the greatest respect to and thank for his incredible work is Dr Roger Thomas—and all of us in the opposition do that. He was, of course, the Treaty Commissioner under the previous Labor government and is now the current Commissioner for Aboriginal Engagement. Speaking on ABC radio on 17 September, Dr Thomas said:

I've expressed to the Premier, I've expressed to the process. I find it very, very insulting that it doesn't give Aboriginal people sufficient time to talk this through because it's such a significant piece of legislation.

I certainly back the views of Dr Thomas in relation to that. We have a piece of legislation that has been presented that does not meet the key asks of the Uluru Statement from the Heart. It does not meet a proper definition of a voice to parliament because it is a voice to a committee, and it has gone through a very poor level of consultation with Aboriginal people across South Australia, and is now presented here and asked for us to pass it. I have very significant concerns in relation to that, and I think that all members should very assiduously listen to leaders such as Roger Thomas when they are expressing those concerns.

We should be having a proper voice to this parliament, but we should also be progressing the need for treaty in South Australia. That is what the government—of which I was proud to be a member in the past four years of its term from 2014 to 2018—was embarking upon doing. It was establishing treaty but, unfortunately, that process was halted upon the election of Steven Marshall as the Premier. In fact, he went as far as to say that treaty was 'a cruel hoax.'

It has now been more than 1,600 days since the Uluru Statement from the Heart, more than 1,700 days since the South Australian government, under the previous Labor government, announced that we were working towards negotiating treaty with Aboriginal people in this state, and then the Marshall government was elected and described treaty—which is, of course, one-third of the Uluru Statement from the Heart—as a cruel hoax. Let's refer to what the Uluru Statement from the Heart says. It says:

Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

There is hardly self-determination in what has been put forward when we have hardly even spoken to Aboriginal people across South Australia before the Premier is pushing forward this legislation, let alone stopping the work on treaty that was started under the previous government. I am very proud that the Leader of the Opposition, the member for Croydon, made it clear very early on after taking the reins of our party that one of the first things we would do upon, hopefully, winning the next election was to restart those treaty negotiations and also to have a proper voice to parliament.

I think that this will be a very clear choice for people in the lead-up to the next election, where we will be committing to treaty, and we will be committing to a proper voice to parliament, one where

we properly talk to Aboriginal people and offer them the ability to give us and to give the parliament views on how that is shaped, rather than a very disappointing consultation process that led up to this legislation.

I think it is also important to note that there is so much work to do in terms of making sure that we address the inequalities, 'closing the gap' as it has been called. Unfortunately, we have seen very little action on a whole range of measures.

Recently, I had the privilege of being with the Leader of the Opposition, as well as the member for Giles, as well as the Hon. Kyam Maher and the member for Wright, to visit the APY lands. The needs there are very stark and they are being significantly ignored under this government. We are not seeing any action in terms of addressing the housing needs on the lands that are very acute and that have been raised repeatedly. We are not seeing the health service issues addressed.

Nganampa Health, who do an excellent job in terms of providing health services, spoke to us very clearly about their concerns in terms of their ability to meet the requests under Gayle's Law—that they have insufficient funding at this time to do so and that their calls have fallen on deaf ears from this government. As well as that, they expressed great concern about the lack of funding and assistance they have had in terms of the vaccine rollout and understanding what the plans would be, if and when COVID cases are identified on the lands, in terms of assisting people. These are very real needs that should be addressed.

I think, unfortunately, when the Premier has taken on that role of Minister for Aboriginal Affairs, we have not seen action to address those needs in terms of closing the gap and we have not seen action in terms of treaty. We have not seen appropriate action that meets the needs and wants of the Aboriginal communities in this state in terms of a voice to parliament. Everywhere, there is not enough action to address what are very real needs to help the First Nations people of our state.

We see this legislation, and I am sure that the Premier regards this as a tick, 'Oh, here's something I've done,' but in a real sense there is very little that has actually been achieved. This legislation is completely insufficient. As to the treaty and the ending of that process, it is a great shame for all South Australians, I think, that that process has been ended and that the needs in terms of health services and other services such as housing go unresponded to.

You only have to look as well at what we have seen in terms of Ceduna Aboriginal health services, who are in a building that is literally falling apart. It has been said to be basically condemned. This is an SA Health building they are operating in, and the pictures, if people have seen them, are absolutely shocking. They have been turned down for any help from the Marshall Liberal government.

It is extremely concerning that those health services are stuck in that service. This is something where the Hon. Kyam Maher and I have been meeting with those health services. I acknowledge as well the interest and the advocacy of Senator Marielle Smith from the federal parliament, who has been advocating on behalf of health services for Aboriginal people in Ceduna as well. We do not see sufficient action to address those needs.

I hope that we can make sure there is a better process to address these needs, not only in terms of treaty, which needs to be restarted, and not only in terms of a better voice to parliament than is currently being proposed as a voice to a committee and without proper consultation in the lead-up to that, but ultimately as a better voice to parliament that will help to raise with this parliament those issues of concern to Aboriginal people.

As to those issues of concern—in terms of health services, in terms of employment, in terms of local policing services that have been raised, in terms particularly of the needs of the housing situation that are shockingly bad—we need to make sure that there is a robust voice to this parliament so we can truly listen to the needs and concerns of the First Nations people in this parliament. Sadly, I do not believe that what has been put up so far is going to meet that requirement.

**Ms BEDFORD (Florey) (17:54):** I acknowledge parliament meets on Kurna land, as I rise to speak on the Aboriginal Representative Body Bill, a bill for an act that aims to give Aboriginal people a voice that will be heard by the South Australian parliament, coming here through cabinet, state authorities, other persons and other bodies.



I would first like to acknowledge the work of Commissioner Roger Thomas, who has done his very best in drafting this bill to address the competing demands he and the bill face in encouraging acceptance of it as a voice to this parliament for Aboriginal people.

It would be fair to say I had no real awareness of Aboriginal people until 1988, when I attended my son's school. He was in grade 5 and his teacher had come down from the APY lands and taken over a job at The Heights School. He put on an invasion play, which, it would be fair to say, most of the parents in the room were fairly shocked by, but it began my awareness of Aboriginal people and their struggle in this country.

Not very long after in 1992, when I watched the Mabo decision, I realised I knew absolutely nothing about Aboriginal people. I am afraid to say I was nearly 40 before I realised exactly what was going on, and I think that in itself is something I am ashamed of.

One of the effects of this bill is to repeal the Aboriginal Lands Parliamentary Standing Committee Act 2003. This committee aimed to review the Aboriginal Lands Trust Act 2013, the Maralinga Tjarutja Land Rights Act 1984 and the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981. The committee is charged to make inquiries into the interests of the traditional owners of the lands and into how the lands are being managed, used and controlled. It is also charged to inquire into matters of health, housing, education, economic development, employment, training and welfare of Aboriginal people.

The inaugural meeting of this committee was held on 27 November 2003, chaired by the then presiding member, the now late and our former colleague, the Hon. Terry Roberts MLC. Almost a year later, in September 2004 its first annual report was tabled before both houses of parliament, finding most Aboriginal communities remain cut off from parliament and its processes. I quote from his speech at that time, where the Hon. Terry Roberts went on to say:

An ongoing goal of the Committee is to make Parliament a more welcoming and familiar environment for Aboriginal people regardless of their age, life experience or mother tongue.

Standing here today in 2021, I am not sure we have made very great progress on that. In fact, I spent a great deal of my time not long after I was first elected bringing groups of Aboriginal people into this place. They found it all quite traumatic by the end of it all, and it is something we did not carry on with for a number of reasons.

By travelling to the lands in various locations over the years, the committee was able to understand the lived experiences of Aboriginal people and recognise some of their issues and concerns. Unfortunately, membership turnover rates were very high for a number of reasons and meant it was difficult to maintain long and continuous relationships with the various communities, as often members only visited each of the communities once.

I know how important that sort of relationship and the length of time can be because, when I first opened my electorate office in the Modbury Triangle Shopping Centre in 1997, I put three flags in the window: the Aboriginal flag, the Torres Strait Islander flag and the Australian flag. I seek leave to continue my remarks.

Leave granted; debate adjourned.

At 17:59 the house adjourned until Thursday 18 November 2021 at 11:00.

*Answers to Questions***SOUTH ROAD UPGRADE**

**857 Ms STINSON (Badcoe)** (15 October 2021). With regards to the South Road upgrade works and unnotified residents:

- (a) How many people in Glandore did not receive a letter from DIT on 28 September indicating they would be 'directly impacted' and compulsorily acquired – despite being on the list of target properties?
- (b) How many people called or emailed DIT to ask if they were being acquired, despite not receiving an initial contact by mail, even though they were on the list for acquisition?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

- (a) Letters were sent to all registered property owners identified as being directly impacted by land acquisition in Glandore. Letters were sent to the nominated addresses registered on the South Australian Integrated Land Information System.
- (b) Three individuals contacted DIT to express they had not received the official correspondence regarding property acquisition. The owners of these three properties have been assigned case managers and are being assisted through the acquisition process.

**SOUTH ROAD UPGRADE**

**858 Ms STINSON (Badcoe)** (15 October 2021). With regards to South Road upgrade works and further acquisitions:

- (a) Will there be more compulsory acquisitions for Glandore, Black Forest, Kurralta Park or Everard Park? When will these be announced?
- (b) When will compulsory acquisitions for the Marlestone area be announced? How many properties will be targeted?
- (c) Is the government still intending to acquire only 390 properties?
- (d) Why is the government announcing land acquisitions suburb-by-suburb rather than all at once with the release of the reference design, as indicated in November and December 2020?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

- (a) A total of 105 properties in Glandore have been identified by the reference design as being required for acquisition, and impacted owners have been contacted. Based on the reference design for stage 1 of the project, south of Anzac Highway, no property acquisition has been identified as being required in Black Forest or Everard Park.
- (b) Land requirements for stage 2 of the project, north of Anzac Highway, will be confirmed by the end of 2021.
- (c) Yes.
- (d) The Torrens to Darlington Project has listened to clear community feedback that people prefer to hear about impacts to their property as soon as practically possible, to give them certainty and allow them time to make informed decisions.

**SOUTH ROAD UPGRADE**

**859 Ms STINSON (Badcoe)** (15 October 2021). With regards to the South Road upgrade reference design:

- (a) When will the reference design for South Road be released publicly?
- (b) When will the community reference groups see the reference design?
- (c) How will the reference design be released publicly? Will local people get to see it first?
- (d) Why are DIT officials showing some people who are having their homes acquired a concept design for the Cross Road to Gallipoli Underpass section while others don't have access to this? Why has the concept design not been published?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

- (a) By the end of 2021.
- (b) Community reference groups have been shown elements of the reference design as these have been confirmed. The groups will be shown the full Reference Design by the end of 2021.

(c) The reference design will be released by the end of the year, with details of how it will be released being finalised. As with elements of the Reference Design that have already been confirmed, wherever possible the project will seek to first engage privately and confidentially with people who are directly impacted before any broader public announcements are made.

(d) Each impacted property owner has access to the same information, and elements of the Reference Design have been shown to the public as they have been confirmed.

#### SOUTH ROAD UPGRADE

**860 Ms STINSON (Badcoe)** (15 October 2021). With regards to the South Road upgrade works and land acquisition up-front payment:

(a) Can people who are having their homes acquired, spend the \$10,000 upfront cash payment on 'whatever they want'?

(b) If not, why are they being told this by DIT officials in one-on-one meetings?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

Section 26B of the Land Acquisition Act 1969 states the authority may pay an owner of land (owner of the fee simple in the land in relation to which a notice of intention to acquire is given) an amount not exceeding \$10,000 towards payment of legal and valuation costs.

If an owner has been paid the \$10,000 towards professional fees and the professional fees exceed \$10,000, then all fees being claimed will need to be appropriately assessed in line with the government's policy that they must be reasonable costs that arise naturally, reasonably and directly from the acquisition and are incurred in seeking professional advice on a person's entitlement to compensation (with legal costs reimbursed will be in accordance with the Higher Courts Costs Scale, previously the Supreme Court Scale) as this position is consistent with the scheme and case law and valuation fees must be at the prevailing market rate, all as stipulated in the Legal and Valuation Fact Sheet.

There may be situations whereby an owner does not spend the entirety of the \$10,000 on legal and valuation fees. In this scenario it is usually not in the authority's interest to initiate recovery action for any unspent funds that the party having their property acquired may have been able to save on professional fees.

#### SOUTH ROAD UPGRADE

**861 Ms STINSON (Badcoe)** (15 October 2021). With regards to the South Road upgrade works time line—does the government's commitment to allow landowners until June 2023 to accept an offer from the government and pay no rent to stay in their property thereafter, apply to residents in Clovelly Park and other suburbs too? If not, why not?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

Due to the extended period of time between early notification to property owners and when the possession of properties is required, the state government has committed to taking a flexible approach in issuing Notices of Acquisition, which will be served in June 2023 for the owners and tenants in Glandore where requested, as the land is not required until November 2023.

The land at Clovelly Park is required for construction before the Glandore land, therefore all Notices of Acquisition will be served by June 2022.

#### SOUTH ROAD UPGRADE

**862 Ms STINSON (Badcoe)** (15 October 2021). With regards to land acquisition funds access:

(a) From the point when a landowner agrees to sell their property to the government, how long will it take for that landowner to have access to the proceeds of that sale? That is, how long will they wait to access funds that they can withdraw to purchase another property?

(b) Is it true it will take two months, or longer, for a landowner to have access to the proceeds of their home after they sell it to government? What is being done to ensure this wait is shortened?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

There are two ways in which an owner can access funds related to the acquisition of their property.

In the first instance, once a Notice of Intention has been issued, the authority and the property owner may reach a negotiated settlement before a compulsory acquisition. In this scenario, a standard settlement process would occur whereby the owner will engage a conveyancer and the authority will do the same. It is a matter for the conveyancers to determine how quickly the settlement can occur, however generally in most cases it can take 4 to 6 weeks from when the contract is executed.

Where a property is compulsorily acquired, pursuant to section 23A of the Land Acquisition Act 1969, the authority must within seven days after making an offer of compensation, pay the amount offered into the Court.

The claimant has a right to remove the funds paid into Court without impacting their right to claim additional compensation. The claimant can have their lawyer make an application for the funds to be removed or can request the Department for Infrastructure and Transport (DIT) instruct the Crown Solicitor's Office (CSO) to make the application on the claimants' behalf at no cost to them.

Once the application is made it is out of DIT's control as to how long an order is made by the Court considering all relevant consents, including that of the mortgagee is required.

In both a negotiated settlement and compulsory acquisition, DIT does everything possible to ensure the claimant receives their compensation as soon as possible.

#### SOUTH ROAD UPGRADE

**863 Ms STINSON (Badcoe)** (15 October 2021). With regards to South Road upgrade land acquisitions—what provision will be made in monetary offers for land, considering the current market situation, to ensure people can purchase like-for-like with the proceeds received from the government? ('like-for-like' means a similar property in a similar nearby suburb).

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

The Department for Infrastructure and Transport instructs valuers to undertake an assessment of compensation consistent with section 25 of the Land Acquisition Act 1969.

The authority may increase the amount of compensation payable to a person if at the time the Notice of Intention to acquire land is given, they are the owner and occupier of the land, and it is their principal place of residence. The additional solatium amount is 10 per cent of the market value or \$50,000, whichever is the lesser amount, and is payable on final resolution.

#### SOUTH ROAD UPGRADE

**864 Ms STINSON (Badcoe)** (15 October 2021). With regard to South Road upgrade land acquisitions and mental health impacts:

- (a) What mental health services are available to people who are having their homes acquired?
- (b) Why must a person contact the DIT official managing the acquisition of their property to request access to 'confidential' counselling sessions?
- (c) Can the minister concede that a counselling service is not confidential if an affected landowner needs to identify themselves to DIT to gain access to such services?
- (d) Has a psychology provider been identified? Are they currently providing services? How many people have they assisted so far?
- (e) What is the name of the government's chosen psychology provider and what are their contact details?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

The Department for Infrastructure and Transport (DIT) appreciates that land acquisition can be distressing and tries to provide as much assistance and support to those impacted by land acquisition as is reasonably possible. In this respect, although not governed by the Land Acquisition Act 1969, DIT will pay for up to five confidential counselling sessions where such assistance would be helpful.

DIT staff discuss this service with impacted owners during confidential land acquisition meetings and the Land Acquisition Fact Sheet provided to all impacted property owners refers to this service.

Where an owner or tenant requests additional information regarding this service or where a case manager considers it appropriate to reiterate the availability of the service, DIT will provide the relevant contact details. Offering the counselling service is a sensitive topic and parties react in different ways, therefore case managers carefully and respectfully manage the process on a case-by-case basis.

#### SOUTH ROAD UPGRADE

**865 Ms STINSON (Badcoe)** (15 October 2021). With regards to South Road upgrade land acquisition valuations:

- (a) What is the government's chosen valuation firm and what are their contact details?
- (b) How was this valuation firm chosen?
- (c) What are the terms of their provision of services to the government?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

The Office of the Valuer General (OVG) undertakes the valuation procurement process on behalf of the Department for Infrastructure and Transport. Once submissions have been received, the OVG makes a recommendation based on the most suitably qualified valuer having regard to their experience, cost and capacity, with a range of valuation firms having been awarded contracts for the South Road Project.

The property valuers are instructed to complete an assessment of compensation that is in accordance with the Land Acquisition Act 1969.

#### SOUTH ROAD UPGRADE

**866 Ms STINSON (Badcoe)** (15 October 2021). With regards to the South Road upgrade engineering:

(a) Will there be any green space between the sound wall or edge of the sunken roadway portion of South Road, and residential properties?

(b) Is the telephone exchange been relocated from its current location on the corner of South Road and Glengarry Ave?

- Where is it moving to?
- What impact will there be on local telecommunication services?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

(a) Where noise walls are required, it is intended to install them as close to the motorway as possible. Having walls as close as possible to the motorway is the most effective way to reduce noise, and also allows the project to maximise the amount of green space between walls and residential properties.

Opportunities for landscaping and greening of areas within the Torrens to Darlington Project site will also be investigated as part of the project's City Shaping strategy. The Torrens to Darlington Project has committed to contributing to a greener corridor – increasing tree canopy by 20 per cent with additional trees and increasing biodiversity along the corridor through new native plantings.

(b) The telephone exchange on the corner of South Road and Glengarry Avenue will not be relocated as a result of the Torrens to Darlington Project.

#### SOUTH ROAD UPGRADE

**867 Ms STINSON (Badcoe)** (15 October 2021). With regards to the South Road upgrade land acquisition and schools:

(a) Will any land from Black Forest Primary School be acquired?

(b) Will there be any impact on Black Forest Primary School – either temporary or permanent?

(c) What measures will be taken by the government to ensure safe pedestrian and cycle access to Black Forest Primary School?

(d) Will any land from Richmond Primary School be acquired?

(e) Will there be any impact on Richmond Primary School – either temporary or permanent?

(f) What measures will be taken by the government to ensure safe pedestrian and cycle access to Richmond Primary School?

(g) Will any land from Warriappendi School be acquired? Will the school be relocated? If so. Where to?

(h) Will there be any impact on Warriappendi School – either temporary or permanent?

(i) If the school remains, what measures will be taken by the government to ensure safe pedestrian and cycle access to Warriappendi School?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

(a) No.

(b) No.

(c) As part of the reference design, safe and direct pedestrian and cyclist access to Black Forest Primary School has been prioritised. To guarantee safe access to the school, the Torrens to Darlington Project is building a new shared-use pedestrian and cyclist overpass across South Road, so children and parents can walk or ride from the Glandore area to the school. The new overpass is a safer and more convenient option than the current crossing on South Road and will encourage children and families to walk or cycle to and from school.

It will also create more reliable journeys for road users, including public transport users along South Road.

The project is also building a new dedicated drop-off and pick-up area right in front of the school, distanced from South Road traffic, improving safety and access to Black Forest Primary School.

The project will work closely with Black Forest Primary School on the final design of the shared pedestrian and cyclist overpass to ensure its suitability for everyone who'll use it. These changes will help improve east-west connectivity and improve traffic flow and safety for all road users.

(d) The reference design for the Torrens to Darlington Project will be released by the end of the year for sections north of Anzac Highway.

#### SOUTH ROAD UPGRADE

**868 Ms STINSON (Badcoe)** (15 October 2021). With regards to South Road upgrade land acquisition legal fees:

(a) Why is the government taking a position of determining that 'reasonable costs' under the Act are defined as costs compliant with the Supreme Court Scale – when that is not the definition in the Act?

(b) Why has this definition been adopted?

(c) On what basis has the government arrived at this definition of 'reasonable costs'?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

The Authority takes the position that reasonable legal costs that arise naturally, reasonably and directly from the acquisition and are incurred in seeking legal advice on a person's entitlement to compensation, are to be reimbursed in accordance with the Higher Courts Costs Scale (previously the Supreme Court Scale), as this position is consistent with the scheme and case law.

The Land Acquisition Act 1969 does not indicate that a claimant is to receive a complete indemnity for legal costs incurred. In fact, section 36 of the Act confers a discretion on the Court when determining costs that is expressly directed to matters that arise at the negotiation stage. The Court has held that a claimant will not generally be awarded legal costs on solicitor/client basis in a compulsory land acquisition matter. The existence of an indemnity in respect of legal costs would be inconsistent with the evident emphasis of the act upon negotiation.

Further, the Uniform Civil Rules 2020 includes a scale that has been determined by the court to specify the appropriate charge (as varied from time to time) for the provision of legal services.

#### SOUTH ROAD UPGRADE

**869 Ms STINSON (Badcoe)** (15 October 2021). With regards to South Road upgrade land acquisition financial impacts:

(a) Will acquired landowners be compensated for any loss to their superannuation or welfare benefits incurred as a result of their acquisition?

(b) What advice is provided to landowners about the tax, superannuation, and financial impacts of receiving a land acquisition payment prior to a homeowner entering into an agreement with the government for the sale of their property?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

The Department for Infrastructure and Transport advises parties to consult with appropriately qualified professionals if required to assist with their personal circumstances.

Before parties engage any professional adviser and incur any fees, it is recommended that they contact their acquisition case managers to discuss reimbursement or payment of those fees.

#### SOUTH ROAD UPGRADE

**870 Ms STINSON (Badcoe)** (15 October 2021). With regard to South Road upgrade land acquisition stamp duty waivers—given the current market climate, will the government extend the period for acquired landowners to receive a stamp duty waiver on their next purchase, beyond the current 12-month limit? If no, why not?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

Section 26D of the Land Acquisition Act 1969 sets out the provision for the payment of transfer costs.

The purchase of replacement land must satisfy all requirements set out in the act and regulations. The act stipulates a period of a 12-month stamp duty waiver from when the relevant land is acquired.

For the north-south corridor project, considering the extended timeframes between early notification and when possession of the property is required, the Department for Infrastructure and Transport takes a flexible approach

with issuing the Notice of Acquisition, in close consultation with the property owner. Therefore, if an acquisition occurs closer to the date a property is required, it follows that the ability to have transfer costs paid is also extended as the 12-month provision only commences once the land has been acquired or a negotiated settlement prior to compulsory acquisition is reached.

#### SOUTH ROAD UPGRADE

**871 Ms STINSON (Badcoe)** (15 October 2021). With regards to South Road upgrade design options:

(a) Is the Government considering the proposal put forward by engineer Luigi Rossi which was publicised in the *Sunday Mail* in October 2021?

(b) Is the Government assessing any alternatives to the hybrid+ model?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing):** I have been advised:

(a) No.

(b) No.

#### INTERNATIONAL STUDENT SUPPORT PACKAGE

In reply to **the Hon. Z.L. BETTISON (Ramsay)** (28 October 2021).

**The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment):** The Treasurer has advised the following:

The International Student Support Package is part of the \$795 million COVID Support Fund payments and the Treasurer is responsible for the allocation of this funding.

#### *Estimates Replies*

#### MINISTERIAL STAFF

In reply to **the Hon. S.C. MULLIGHAN (Lee)** (28 July 2021). (Estimates Committee B)

**The Hon. R.I. LUCAS (Treasurer):** I have been advised the following:

The following two attachments relate to the Department of Treasury and Finance for the period 1 July 2020 to 30 June 2021.

Between 1 July 2020 and 30 June 2021, there were nine roles abolished within the Department of Treasury and Finance.

Title	Total Employment Cost (\$)
Senior Business Analyst	140,001
Director Financial Operations & Reform	237,111
Project Manager	132,664
Principal Claims Consultant	132,664
Project Officer	108,077
Project Manager, Emergency Planning	140,001
HR Systems Transformation Lead	140,001
Communications Manager	108,077
Senior Group Leader Data Integrity	108,077

The total annual employment cost for these appointments is \$1,246,673.

Between 1 July 2020 and 30 June 2021, there were 37 roles created within the Department of Treasury and Finance.

Title	Total Employment Cost (\$)
Manager Financial Accounting	132,664
Manager Financial Analysis/ Business Case Development	132,664
Senior Procurement Officer	108,077
ICT Cyber Security Analyst	108,077
Principal Consultant, Performance and Career Transition	118,542
Principal Consultant, Performance and Career Transition	118,542
Senior Procurement Advisor	108,077
Senior Procurement Advisor	108,077
Principal Program Manager Not for Profit Funding	118,542
Senior Finance System Accountant	108,077
Procurement and Systems Manager	132,664
Principal Investigator	108,077
Principal Investigator	108,077

Title	Total Employment Cost (\$)
Principal Investigator	108,077
Principal Consultant Disability, Diversity and Inclusion	118,542
Communications Manager	140,001
Mobilisation Project Lead	132,664
Principal Consultant, Culture and Engagement	132,664
Director, Workforce Planning and Capability	180,114
Facilities Management Project Officer	108,077
Facilities Management Project Officer	108,077
Executive Director Financial Management, Reporting and Policy	300,772
Advisor Banking Procurement	132,664
Senior Analyst Emergency Management	118,542
Industry Advocate Consultant	108,077
Director, Finance	210,631
Manager Data and Reporting	118,542
Head of IT Service Delivery	140,001
Marketing and Member Experience Manager	118,542
Business Relationship Manager	108,077
Business Relationship Manager	108,077
Business Relationship Manager	108,077
Member Insights Lead	132,664
Head of Advice	140,001
Advice Administration Lead	118,542
Head of Transformation	140,001
Head of People and Culture	140,001

The total annual employment cost for these appointments is \$4,781,584.

#### CORPORATE OVERHEAD COSTS

In reply to **the Hon. S.C. MULLIGHAN (Lee)** (28 July 2021). (Estimates Committee B)

**The Hon. R.I. LUCAS (Treasurer):** I have been advised the following:

Table 1 shows the Department of Treasury and Finance's total FTE, actual and budgeted, to provide communication and promotion activities for the period 2020-21 to 2021-22:

Table 1: FTE employed in communication and promotion activities

		2020-21 Actual	2021-22 Budget	2022-23 Budget	2023-24 Budget	2024-25 Budget
Revenue SA	FTE	2.9	2.4	1.4	1.4	1.4
	\$m	0.311	0.261	0.159	0.161	0.164
Super SA	FTE	8.8	9.0	9.0	9.0	9.0
	\$m	0.832	1.054	1.070	1.086	1.102
Safework SA	FTE	5.0	5.0	5.0	5.0	5.0
	\$m	0.529	0.570	0.579	0.588	0.597
Total	FTE	16.7	16.4	15.4	15.4	15.4
	\$m	1.672	1.885	1.808	1.835	1.863

Table 2 shows the CTP Regulator's total FTE, actual and budgeted, to provide communication and promotion activities for the period 2020-21 to 2024-25:

Table 2: FTE employed in communication and promotion activities – CTP Regulator

		2020-21 Actual	2021-22 Budget	2022-23 Budget	2023-24 Budget	2024-25 Budget
CTP Regulator	FTE	3.2	3.0	3.0	3.0	3.0
	\$m	0.326	0.304	0.311	0.316	0.321

Table 3 shows the Office of the Commissioner for Public Sector Employment's (OCPSE) total FTE, actual and budgeted, to provide communication and promotion activities for the period 2020-21 to 2024-25:

Table 3: FTE employed in communication and promotion activities – Office of the Commissioner for Public Sector Employment



		2020-21 Actual	2021-22 Budget	2022-23 Budget	2023-24 Budget	2024-25 Budget
OCPSE	FTE	2.8	4.4	4.4	4.4	4.4
	\$m	0.290	0.690	0.700	0.710	0.720

Table 4 shows the HomeStart Finance total FTE, actual and budgeted, to provide communication and promotion activities for the period 2020-21 to 2024-25:

Table 4: FTE employed in communication and promotion activities

		2020-21 Actual	2021-22 Budget	2022-23 Budget	2023-24 Budget	2024-25 Budget
HomeStart	FTE	6.4	6.5	6.0	6.0	6.0
	\$m	0.6	0.7	0.7	0.7	0.7

Table 5 shows the Renewal SA total FTE, actual and budgeted, to provide communication and promotion activities for the period 2020-21 to 2024-25:

Table 5: FTE employed in communication and promotion activities

		2020-21 Actual	2021-22 Budget	2022-23 Budget	2023-24 Budget	2024-25 Budget
Renewal SA	FTE	12.6	12.6	12.6	12.6	12.1
	\$m	1.552	1.654	1.692	1.729	1.666

Table 6 shows the Return Work Corporation of South Australia total FTE, actual and budgeted, to provide communication and promotion activities for the period 2020-21 to 2024-25:

Table 6: FTE employed in communication and promotion activities

		2020-21 Actual	2021-22 Budget	2022-23 Budget	2023-24 Budget	2024-25 Budget
ReturnToWorkSA	FTE	3.9	3.9	3.9	3.9	3.9
	\$m	0.5	0.5	0.5	0.5	0.5

In relation to Funds SA, the South Australian Employment Tribunal, the Office of the Industry Advocate and the Lifetime Support Authority, no FTE's are directly assigned to advertising or promotional activities.

As an open and transparent government, marketing communications activity reports and annual media expenditure details are proactively disclosed. The reports list all marketing campaigns over the cost of \$50,000 and are disclosed on the DPC website:

<https://www.dpc.sa.gov.au/about-the-department/accountability/government-marketing-advertising-expenditure>.