HOUSE OF ASSEMBLY

Thursday, 18 November 2021

The SPEAKER (Hon. D.R. Cregan) took the chair at 10:59 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) (11:01): I bring up the final report, together with the minutes of proceedings and evidence, of the select committee.

Report received.

Ms MICHAELS: I bring up the report on the Select Committee on the Conduct of the Hon. Vickie Chapman MP Regarding the Kangaroo Island Port Application. On the 12—

The SPEAKER: I am advised, member for Enfield, that momentarily you must move first that it be noted.

Ms MICHAELS: I move:

That the report be noted.

Mr BROWN: Point of order: I believe the minister needs to move that it be published first, does he not?

The SPEAKER: I am advised that it is automatically published under the standing orders.

Ms MICHAELS: On 12 October 2021, this house resolved to establish a select committee to inquire into and report on the conduct of the Hon. Vickie Chapman MP in relation to her decisions and statements made to this house regarding the rejection of the Kangaroo Island port application made by Kangaroo Island Plantation Timbers (KIPT) in her capacity as Minister for Planning.

The resolution required the committee to author a report by today, 18 November 2021. By any measure, the committee's task was onerous when contemplating the time within which it was to be achieved. The committee was charged with the duty to establish the framework for the hearing of evidence, request and/or require witness attendance by way of summons, and from that evidence form both findings of fact and deliver consequential recommendations to this place.

This report of the committee is the culmination of difficult deliberations by the committee, after having heard all of the available evidence and in consideration of the closing submission of counsel assisting the committee, dated 15 November, and the submission by Ms Frances Nelson QC for the Attorney-General, dated 16 November.

I acknowledge the seriousness of the allegations against the Attorney-General. The committee has deliberated on the weight of the evidence that has been adduced from the witnesses before the committee, the submissions received and in delivering this report. The format for this inquiry was unprecedented in South Australia and rare in Westminster democracies.

Senior counsel's appearance and guidance was greatly appreciated by the committee. It enabled the committee to obtain impartial advice and expert assistance in the collection and collation of evidence, including the difficult task of examining witnesses and, further, it assisted the committee in ensuring the inquiry was conducted in accordance with the requirements of procedural fairness. The process was effective, successful and one which I believe ought to be adopted by parliamentary inquiries of a similar nature in the future to promote the interests of the public.

I acknowledge the invaluable assistance given by Dr Rachael Gray QC, counsel assisting the committee, and her instructing solicitors Mr Skip Lipman, Mr Rowan Tape and Ms

Courtney Chow. The committee held eight public hearings and has spent many more hours in private deliberation considering the evidence advanced before the committee, compiling this report and formulating its recommendations.

A significant amount of information was gathered through the hearing of witnesses, the disclosure of government department documents, and other records, all of which contributed to the committee's understanding of the circumstances in relation to the Attorney-General's decision on the Kangaroo Island port application. That evidence identified concerning shortcomings in governance practices in the lead-up to and the actual decision by the Hon. Vickie Chapman MP.

I would like to acknowledge and thank those witnesses and submitters whose contributions assisted us in gaining a clearer understanding of the events surrounding the Attorney-General's decision to refuse the KI port application. The committee has, regrettably, also had to endure and manage witnesses who were entirely uncooperative and obstructive, and Mr Pengilly is a clear example.

I want to acknowledge the tireless work of Dr Joshua Forkert and Mr Adam Marafioti, Parliamentary Officers to the committee, and Ms Stefania Giannopoulos, Research Officer to the committee, for the collation of a significant volume of documents and extensive research provided to the committee. On behalf of the committee, I thank them all for their assistance.

Finally, in commending this report to the house, I would like to make the following brief observations. Ministers of the Crown hold a great deal of discretionary power and bear a great deal of responsibility in exercising that power. The Attorney-General, as the first law officer of the Crown, carries with her significant common law functions and duties. Ministers, in particular the Attorney-General and the Premier, must accept and uphold standards of conduct to the highest order. She did not do that.

It is with grave disappointment that this report demonstrates that those standards were seriously breached in this instance. South Australians deserve better. The quite remarkable criticism directed at Dr Gray QC by the Attorney-General and her representative is unwarranted. Dr Gray was appointed as an independent senior counsel to assist and advise the committee and upheld her role at all times. That role is significantly different to that of Ms Frances Nelson QC. Ms Nelson's role is to act for and advance the interests of the Attorney-General as a client.

That representation is clear from the submission by Ms Nelson QC for the Attorney-General dated 16 November. The language contained within those submissions simply seeks to promote the Attorney-General's private agenda, at best. Those submissions are entirely inconsistent with the evidence heard before the committee.

It therefore came as no surprise to me that Ms Nelson's submission simply sought to advance the personal and political interests of the Attorney-General from a subjective point of view, rather than the objective and impartial assessment of the evidence and analysis of legal principles in the approach adopted by independent counsel assisting and the committee itself. It is in these circumstances that I reject the submissions of Ms Nelson QC.

Finally, it must be stated that blatant denialism of objective evidence and plain truth does the Attorney-General no favour. Trumpesque at best, simply repeating that no-one has done wrong does not make it so. In terms of the factual findings and recommendations of the committee, I would like to briefly set those out now.

The overwhelming evidence before the committee—and I encourage members to consider the evidence themselves as set out in Dr Gray's closing submission—provides the basis of the factual findings of the committee that the Attorney-General, firstly, misled parliament while giving a ministerial statement on 26 May 2021 and answering a question from me on 25 August 2021 when she made comments to the effect that she had no pecuniary interest in the affected property or business of KIPT, nor any property or industry associated with or potentially impacted by the proposed wharf, and that neither the minister nor any family member or related entity owned property near or impacted by KIPT forests or the proposed port. This is referred to as statement 1 in the report.

Secondly, the Attorney-General misled parliament on 25 August 2021 during question time, when the Attorney stated:

> There is no proposed route past [Mayor Pengilly's] house for loads of trucks.

This is referred to as statement 2 in the report.

Further, the Attorney-General misled parliament on 2 August 2021 while in estimates in response to questioning whether the government had commissioned its own assessment report for the best location for a timber port at Kangaroo Island when the Attorney said, and I quote:

> The government had not commissioned its own assessment of a best location for that port to export timber from Kangaroo Island or to undertake a process…

and I quote:

> …to look at where an ideal port would be to get timber off Kangaroo Island.

This is referred to as statement 4 in the report. In respect of these matters, the committee recommends that the house finds the Attorney-General guilty of contempt for deliberately misleading parliament following the committee's factual findings that statements 1, 2 and 4 were each false, were known to be false by the Attorney-General when she made them and were intended to mislead parliament.

The committee sets out in recommendation 1(d) a number of options available to the house to consider as penalties for each finding of contempt if it makes those findings. The committee's recommendation to the house in respect of this matter is to suspend the Attorney-General from the service of the house for nine days based on a punishment of three days' suspension for each finding of misleading the house.

The committee also made factual findings that the Attorney-General, firstly, acted in a position of conflict of interest, both actual and perceived, in relation to the development application for the Smith Bay port on Kangaroo Island arising by way of:

(a) the Attorney-General's property interests on Kangaroo Island, in particular the property owned on Western River Road directly across the road from the KIPT contracted forest; and

(b) the Attorney's friendship with Mayor Michael Pengilly who was an outspoken critic of the proposed port.

In respect of this matter, the committee recommends that the house finds the Attorney-General guilty of contempt for acting in a position of conflict of interest, both actual and perceived, based on the committee's factual findings. The committee's recommendation to the house in respect of this matter is to reprimand the Attorney-General and insist on a public and unreserved apology for her conduct.

The committee also made factual findings that the Attorney-General breached the Ministerial Code of Conduct due to her failure to disclose the conflict of interest. The committee recommends to the house that it makes such a finding and that the house considers the breach of the code of conduct involved conduct of sufficient severity to amount to contempt of this parliament. The committee's recommendation to the house in respect of this matter is to reprimand the Attorney-General and insist on a public and unreserved apology for her conduct.

The committee also recommends to the house that it considers referring the matter of potential legislative amendment in respect of major developments under the Planning, Development and Infrastructure Act 2016 to the Environment, Resources and Development Committee for inquiry and reporting. There was significant evidence before the committee concerning the undesirability of having a single decision-maker in respect to major developments, and we recommend that that be inquired into.

I note that the committee has resolved to defer matters set out in finding 11 of the report to the Ombudsman pursuant to section 14(1) of the Ombudsman Act 1975.

Again, I would like to thank my fellow committee members, counsel assisting and parliamentary staff who assisted in this report. This has been a monumental effort, but one which we did not shy away from given the seriousness of the allegations against the Attorney-General. I know that the members in this place understand the seriousness of this matter, and I know that they know the importance of upholding the privileges enjoyed by this parliament and protecting it from any contempt.

It is bitterly disappointing that the Attorney herself is so defiant in the face of all evidence presented to the committee that she is putting this house in this position. The job of this place now, Mr Speaker, is to consider the factual findings of this report and make decisions based on those findings of fact based on the evidence, and that is what I ask members of this place to bear in mind. I commend this report to the house.

Mr TEAGUE (Heysen) (11:13): Well, someone better quickly tell the member for Lee that he needs a copy of this pronto because yesterday he told us that tomorrow he would seek a suspension. More tea?

For those who are following along outside this building, I think we appear to have skipped along to chapter 11 of Lewis Carroll's illuminating text. Chapter 7 is complete. Now, that was somewhat delayed by the application of the standing orders, a modicum of due process reminding us that that is out there somewhere.

Members interjecting:

The SPEAKER: Order!

Mr TEAGUE: The application of standing orders yesterday served to provide further evidence of the embarrassment of those who were prosecuting this case, led by the member for Lee, yesterday. But we have moved right along from the mad tea party to the question that now appears to be before the house of who stole the tarts. Presumably, we are going to hear Alice's evidence at some point.

I do not have the benefit of the report in front of me, so I will address the submissions of counsel Gray that were made orally on Monday of this week and subsequently provided in writing. I might just indicate that in amongst all of the haste of the committee's work one thing it did do was provide the means for this material to be published so that it could be read and followed along at least to that extent.

In relation to conflict of interest, the Gray submissions address, and relevantly, those principles. They are at F.3, paragraph 154, page 48 onwards. This might be, I hope, of some service to the member for Lee as he leafs through the report that is now available. The rubber hits the road at paragraph 171. Dr Gray is right to advert to Charisteas and the High Court's test, as articulated earlier this year. It is indeed a three-step test: first, to identify what the issue might be; secondly, to connect the issue to the purported departure from an assessment on the merits; and then, thirdly, to take a look at the reasonableness of that asserted apprehension. So the test is uncontroversial.

It is important to point out, as Dr Gray does at paragraph 161, that there can be no conflict where a member is only affected as a member of a broad class, and we see that expressed, relevantly for those in this chamber, in our own statement—

Members interjecting:

The SPEAKER: Order!

Mr TEAGUE: —of principles for members of parliament that now finds voice in the code of conduct that was moved and incorporated into standing orders just this week, but there is nothing new about that. Further, when it comes to the assessment of the reasonable person, that reasonable person should be in possession of all the material facts and not only hearsay and assertion. I address further, at F.4, Dr Gray's expression at paragraph 188—

Members interjecting:

The SPEAKER: Order, the member for Mawson!

Mr TEAGUE: —of the importance of prejudgement and—

Mr TRELOAR: Point of order, Mr Speaker.

The SPEAKER: Yes, member for Flinders.

Mr TRELOAR: The house listened carefully and quietly to the member for Enfield and I think the member for Heysen deserves the same.

The SPEAKER: He certainly does, and it is for that reason that I asked the house to come to order and particularly identified the member for Mawson. The member for Heysen has the call.

Mr TEAGUE: I am at paragraph 188, where Dr Gray sets out and distinguishes relevant conflicts of interest from principles relating to prejudgement. For reasons that I will describe briefly in the very short time that is available to me, prejudgement is very much at the heart of what is relevant to this house's consideration of this report let alone the consequences that might flow, the very serious consequences that are said to flow that we heard about from the member for Enfield just now.

The committee, in my view and on my reading of the submissions, appears not to have inquired in any meaningful sense into the facts of the matter. Facts that were adduced were almost entirely from evidently disappointed proponents of the project—KIPT and those associated with it. While it might be expected that unsuccessful proponents who had prosecuted a case for several years might be disappointed, the consequence does not lead ipso facto to these outcomes. The connection appears to have been assumed.

In truth, this is a matter that is finely balanced. It has exercised those charged with the responsibility for making the decision since at least October 2016, going back to the previous government and over a number of ministers. Those matters are set out in the chronology provided by Ms Nelson QC at paragraph 3.

With respect to the impugned statements, in my view, seen in the light of the committee's process, it is obvious that the committee did not undertake the sort of genuine inquiry that would be necessary with regard to the impugned statements. I will address only statements 1 and 2 because, in my view, statements 3 and 4 speak for themselves.

It is important to put on the record that the unchallenged evidence of the Attorney-General is that she did not know that the forest adjacent her land on Kangaroo Island, at the very far western end of the island, was under contract to KIPT, as it remains privately owned. It is well known and uncontroversial that the forest had been there for 30 or 40 years and that at some stage it would be harvested.

Moreover, the fact that trucks could attend to move logs from that forest is not something that is consequential upon anything that the Attorney needed to determine. With respect to statement 2, it is also uncontroversial that haulage routes were not a matter determined or settled by reference to the assessment process at the stage that it had reached.

Moreover, and specifically because it was the focus of the committee's work, with regard to conflict it is important to note that far from 'blindly barrelling on' as counsel Gray put it on Monday—rather pejoratively, in my view—the Attorney turned her mind to this matter and, in line with ICAC's June 2021 guide (and see in particular page 9 of that guide), evidently, because it is on the public record, kept returning to the matter, including as recently as in May 2021, contrary to the case that was put to the committee.

The primary defects here are, first, the evident prejudgement, particularly the member for West Torrens, but also permeating throughout the process there is an evident fait accompli that is associated, even prior to the receipt of the submissions on behalf of the Deputy Premier. The member for Lee's notice of motion of no confidence yesterday was startling evidence of precisely this and invites risible analogies to the circumstances of General Sir Anthony Cecil Hogmanay Melchett in the trial of Blackadder.

Members interjecting:

The SPEAKER: Order!

Mr TEAGUE: Secondly, an extension of that taint of prejudgement is the extraordinary lopsided and one-eyed process adopted by the committee. Counsel really is more accurately described as a prosecutor engaged for the purpose. I note that it is odd here that the champion of parliament's supremacy and its capacity to determine these things appears not to have had the confidence himself to take on this task. And the haste—I might say the breathless haste—of the committee to complete its work—

Members interjecting:

The SPEAKER: Order!

Mr TEAGUE: —speaks very loudly to prejudgement at the core of all this. It is particularly galling for counsel to have drawn comparison with select committees of the past. She does so at paragraph 122, page 39. This was anything but one of those august select committees. To compare it to that associated with Federation is extraordinary. I ask: where is the attendant public outcry? Where are the people marching in the streets in relation to this issue? It lacked almost all of the features of a thoroughgoing inquiry, beginning with good faith and objectivity.

The grave conclusion here is that there may be serious consequences indeed for the subject of the committee's inquiry. There are even more serious consequences for the reputation and good standing of this house. It should be rejected, as it brings the house into disrepute.

The SPEAKER: Members, before I call a further speaker, I return to a question asked earlier in relation to whether a report of a select committee would be published under the standing orders without further action needing to be taken. I draw members' attention to standing order 346:

> Report brought up
>
> When a report of a select committee has been brought up,
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> 1. the report is published;
> 2. the report may be read;
> 3. to permit debate on the report, a motion is moved (no amendment being allowed) 'That the report be noted'.

That process has been followed. Further speakers?

Ms MICHAELS (Enfield) (11:24): I want to thank the member for Heysen for his contribution and raise a couple of matters in response. This inquiry was very document driven. Much of the evidence was in the documentation itself and confirmed by the witnesses, including witnesses from the Public Service themselves and from the minister's office and other impartial witnesses not related to KIPT. All of those witnesses were on the face of it fair and honest in their responses to this inquiry.

In relation to the statements that the member for Heysen referred to, again the documents themselves cannot be ignored when the Attorney-General received two assessment reports with truck routes in them—one from the Chief Executive of the Department for Infrastructure and Transport, who gave evidence that they were agreed truck routes. In the 2021 assessment report, where it talked about the salvage operation to get the logs that were burnt from the fires, the assessment report itself, which the Attorney stated she had a good read of, has a map with her property on it along one of those routes. These are objective facts from the documents.

The house itself set the deadline of today. We worked towards that in as fair and impartial and prudent a manner as the committee could, and I want to put that on the record and thank the committee for that.

Motion carried.

SELECT COMMITTEE ON LAND ACCESS

The Hon. G.G. BROCK (Frome) (11:29): I bring up the final report of the select committee, together with minutes of proceedings and evidence.

Report received.

The Hon. G.G. BROCK: I move:

> That the final report of the committee be noted.

This Select Committee on Land Access was established on 2 March 2021 to inquire into the laws that apply when an exploration or mining company wishes to carry out activities on land owned by a private landowner. In South Australia, these landowners are frequently farmers who are running long-established agricultural businesses on the land the company seeks to access.

Mining and agriculture are both billion-dollar primary industries. Their value to South Australia cannot be overestimated. Together, they produce critical commodities, generate exports and create wealth and vital employment. They are the passion and livelihood of many

South Australians, and their prosperity benefits us all. While they are fundamentally different industries, what they have in common is that they are both reliant upon access to land.

South Australia is fortunate to have an abundance of mineral resources waiting to be mined, but much of this lies below our best agricultural land. This land is estimated to amount to as little as 4 per cent of the state's surface area and it is tightly held, often by multigenerational farming families for whom it is not only their workplace but also their home.

When a resource company comes along seeking to access the land for mining—which they have the right to do—the result can be a conflict that takes too long, costs too much and challenges our sense of what is fair. Balancing the competing interests of mining and agriculture is a difficult task of compromise, and compromise never leaves anyone entirely satisfied.

South Australia's land access regime has been under review since the Leading Practice Mining Act's Review began in 2016. After much consultation and debate, changes to the mining laws came into effect on 1 January 2021. The reforms were an improvement, but the select committee was established in recognition that there was still discontent amongst some stakeholders. There is still more to come.

The select committee aimed to give a voice to those who felt they had not been heard and who had new ideas to put forward to make South Australia's land access truly national best practice. Our aim was to ensure that South Australia's land access laws fairly balance the rights of both land owners and the resource industry.

The committee received 36 written submissions and heard oral evidence from 45 witnesses over the course of 11 hearings. The organisations and individuals who provided the submissions and spoke to us were landowners, resource companies, industry associations, community action groups and government bodies. They presented a diverse range of views, and I am very grateful to everybody who took the time to do so.

The committee heard evidence predominantly in Adelaide, but also took the inquiry to the regions. There were hearings at Wudinna and Tumby Bay on Eyre Peninsula and in Ardrossan on Yorke Peninsula. The committee also undertook two site visits to Naracoorte and Penola in the South-East to see firsthand examples of properties affected by the existing land access regime. The select committee has made six recommendations aimed at addressing several broad areas of concern that were raised with the committee in evidence.

Firstly, the Department for Energy and Mining needs to be a strong regulator of the mining industry. The department is perceived by some landowners as having a conflict of interest, as it is both the proponent and the regulator of mining. Some operators in the resource industry exhibit poor conduct and are not held to account. For example, the committee heard some appalling examples of poor rehabilitation of land after exploration or mining activity had concluded. Regulation must be proactive, consistent and effective.

Secondly, agricultural land is not sufficiently protected from invasive mining. Our agricultural land is enormously important to the future prosperity and security of the state. We simply cannot afford to lose it to mining or anything else.

Thirdly, the committee looked at the experiences of landowners trying to navigate the land access regime and identified specific areas for improvement. These included providing landowners with adequate compensation and reimbursement of costs, having regard for the long life of mining leases and how the uncertainty of their success impacts landowners' ability to plan in the long term, simplifying the complex nature of the regime that leaves landowners struggling to find time to respond to land access requests and having consideration for how neighbouring properties can be affected by nearby operations.

This select committee listened carefully to those concerns and formed its recommendations to support both the resource industry and the agricultural industry to thrive alongside each other. The six recommendations are:

1. That a mining ombudsman be established. This is an important reform aimed at strengthening regulation so that unscrupulous resource companies can no longer get away with doing the wrong thing. The ombudsman would oversee and enforce regulation of exploration in accordance with the Mining Act and develop and administer a code of conduct for exploration. It

would also incorporate the existing Landowner Information Service, which the committee found to be an excellent and effective resource.

2. That the Department for Environment and Water undertake a comprehensive mapping of existing land use and attributes with a view to the development of a standalone planning legislation that will afford greater protection for agricultural land.

Our agricultural land is limited and must not be lost to invasive mining. Any new legislation would be informed by investigation of the land access regimes in Queensland and New South Wales, which were the two jurisdictions most frequently referred to in evidence as having effective measures for protecting agricultural land. It would also build upon work already undertaken in relation to land-use potential by the Department for Environment and Water and the Department of Primary Industries and Regions.

3. That the amount available to a landowner for the cost of obtaining legal assistance in relation to exempt land under section 9AA of the Mining Act be increased to $10,000 and the scope expanded to include all professional fees. The current maximum amount of $2½ thousand is simply unrealistic. Consideration should be given to providing an ongoing income stream should a mine be developed.

4. That the notice of entry period before a resource can access land, currently 42 days, be increased to 90 days and that the code of conduct to be developed by the mining ombudsman require explorers to have regard to the impact of the time of year due to the seasonal work of farms. This is to recognise that farms run on inflexible time frames and a resource company wishing to access farmland must respect that.

5. That the mining ombudsman be tasked to simplify the documentation associated with the land access regime, which currently can be very complex and overwhelming for landowners. The ombudsman would develop a template land access agreement in conjunction with the Department for Energy and Mining and also be tasked with providing help to resource companies in the difficult task of identifying every party with an interest in the land.

6. That resource companies undertaking exploration be required to consult with landowners whose properties physically adjoin the land that is the subject of the exploration and keep them informed of their activities. Neighbouring properties may not be directly impacted, but the indirect impacts can be severe.

These recommendations are designed to favour neither mining nor agriculture. Instead, where access is sought and the landowner objects, the conflict should be resolved by a process of negotiation in good faith, including fair compensation for loss. The resource industry, as the instigator of these matters, should be accountable for its actions, respectful of landowners' rights and environmentally responsible.

Finally, agricultural land, which we recognise is an uncommon and valuable natural resource, should be subject to more rigorous protections. In addition to tabling this report, the select committee wished to take some immediate action to address particular concerns about the regulation of the resources industry. The committee heard evidence of alleged breaches of the Mining Act by resource companies that were reported to the Department for Energy and Mining yet were not followed up, or were seemingly dismissed without proper investigation.

I will mention the example of Mr Barry Stringer, a resident of Naracoorte in the South-East, whose property adjoins a limestone quarry. Mr Stringer has become very frustrated because his repeated complaints to the department about excessive noise and vibration from the quarry have never been addressed to his satisfaction. He is one of many landowners who gave evidence to the committee that, in their experience, the department is not a reliable, impartial and effective regulator.

The committee therefore resolved, as a result of evidence received by the committee, to refer matters to the Ombudsman to investigate the effectiveness with which the Department for Energy and Mining conducts the following activities:

1. Regulates, considers and investigates complaints against exploration and mining operations regulated by the Department for Energy and Mining.

2. The enforcement of possible breaches of any regulation, statute, or agreement by industry participants with the Department for Energy and Mining as a result of any complaint or notification.

3. The breaches detailed in the committee tabled report.

The manner in which exploration and mining operational conditions are monitored and enforced.

It is critical that landowners can have confidence in the regulator. The select committee has referred this matter to the Ombudsman for investigation as an action that can be taken right now to improve that confidence.

I would like to also thank the members of the committee—the member for Narungga, the member for Giles, the member for West Torrens, the member for Davenport and the member for Flinders—who share my interest on this important topic. We have collaborated very well to form recommendations that we believe represent constructive steps forward in this complex matter. I would also like to thank the parliamentary committee staff, Mr Shannon Riggs and Ms Lucy Dangerfield, for their support.

In closing, I would also like to thank very sincerely all the people who came forward and expressed their inner views and some of their inner thoughts and their frustrations that they have been bottling up. Again, I commend this report to the house.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:40): I will say a few short words in response to the Chair of the committee in his outlining the report, both as a country and outback member of parliament and as the Minister for Energy and Mining. I am very pleased to hear that the committee found that the reforms our government put in place on 1 January this year are recognised as a significant improvement and also that there is more work to do, because that is 100 per cent in line with the comments that I have made publicly as minister, the comments I have made publicly as a country member of parliament and the work that our Department for Energy and Mining has been doing.

We have consistently said that we would make improvements, essentially in bite-size chunks, to deal with what can be dealt with, put it in place and then move on and deal with the next set, put it in place; the next set, put it in place. While the report has only just been made public 10 or 15 minutes ago, so I have not had a chance to read it, it does seem that the committee's recommendations are largely in line with exactly what our Department for Energy and Mining and our government are doing anyway, which is good.

I have no doubt that when the committee members and members of this house more broadly become aware of the work that we have been doing in regard to the next set of reforms, subsequent to the very positive ones that we put in place on 1 January 2021, and it is able to see the fantastic work the Department for Energy and Mining has done, those members who contributed to this report will be very satisfied with the progress that is already underway and work that was being done on behalf of landholders and the resources industry to take another very positive step forward for both of them.

Mr TRELOAR (Flinders) (11:42): As a member of this committee, I would like to contribute today and say that I am very pleased that we have got to a point where we have been able to table a report with recommendations. The Select Committee on Land Access was established on 2 March 2021 by a resolution of the House of Assembly. Its purpose was to inquire into the laws that apply when an exploration or mining company wishes to carry out activities on land owned by a private landowner.

In South Australia, these landowners are frequently farmers running long-established agricultural businesses on the land that the company seeks to access. The committee aims to ensure that South Australia's land access laws fairly balance the rights of both landowners and the exploration and mining industry.

Land access had been a subject of much review and debate in the years preceding the select committee, and certainly as the member for Flinders representing much of Eyre Peninsula and the agricultural areas of Eyre Peninsula, I am well aware of the debate and discussions that have been going on around this.

In 2016, a review of mining legislation led to a range of reforms including to land access laws that came into operation on 1 January this year 2021. While these reforms were an improvement, the select committee was established in recognition that there was still discontent amongst some stakeholders. The committee sought to hear these voices and to make recommendations to ensure South Australia's land access regime was effective, equitable and an example of national best practice.

The committee invited written submissions; heard oral evidence, both in Adelaide and regional locations; and conducted two site visits, including one to Mr Barry Stringer in the South-East. Evidence presented to the committee offered perspectives from the agricultural industry, the resource industry, state and local government, community organisations and individuals impacted or affected by land access issues.

At the heart of the matter is the conflict that arises when two different but equally important parties have interest in the same land. On one hand, mineral wealth is a valuable public asset and mining is of great economic importance to the state. On the other hand, a landowner has a right to enjoy their land and, in the common situation where the landowner is a farmer, to operate their business. Agriculture is also of great economic importance to the state.

Based on the evidence, the committee found that neither mining nor agriculture should be favoured in matters of land access. Instead, where access is sought and the landowner objects, the conflict should be resolved by a reasonable process of negotiation in good faith, including fair compensation for loss. The exploration and mining industry, as the instigator of these matters, should be accountable for its actions, respectful of landowners and environmentally responsible. Further, agricultural land should be subject to more rigorous protections.

To that end, the committee made six recommendations to improve South Australia's land access regime. The recommendations aimed to address several broad areas of concern that were raised with the committee in evidence. Our Chair, the member for Frome, has already run through those recommendations, so I will not go through them again, but certainly they will be available on the parliamentary website after today.

The first issue the committee needed to address and deal with and consider is that the Department for Energy and Mining needed to be a strong regulator of the mining industry, overcoming a perceived conflict of interest as both the proponent and regulator of mining, and that is something we heard time and time again. One of our recommendations is that a mining ombudsman be established to oversee the process to at least remove that perception.

Agricultural land was not sufficiently protected from invasive exploration or mining, given its importance to the future prosperity and security of South Australia. Compensation and reimbursement of costs for landowners in disputing land access was not always adequate or properly accounted for the impact of exploration or mining upon a landowner's home and business. I will come back to that point in my closing remarks.

Rehabilitation of land after exploration of mining had concluded was not always performed correctly due to lack of standards and/or funds. The long life of mining leases and the inherent uncertainty of their success had a detrimental impact upon landowners' ability to plan for the land and businesses in the long term.

As I mentioned earlier, as the member for Flinders covering a broad agricultural area in the west of the state, I have seen many mining proposals put over the last 12 or so years that I have been the member, and I am going to stand here and say today that not one of them has developed into a mining operation, and therein lies the difficulty and dilemma for landowners who have this proposal, which will impact significantly their livelihoods and the land they earn that livelihood from, hanging over their head.

Some operators in the resource industry had exhibited poor conduct and were not held to account. I continue with the dot points: landowners could feel overwhelmed by the complexity of land access issues on which they were not required to be experts and could struggle to find time—farmers are busy people—to respond to requests for access while also running their businesses.

The last dot point we considered was that neighbouring properties were not always consulted or taken into consideration in a land access arrangement, although they may have been severely

impacted by nearby exploration or mining or, for that matter, be considered as part of the broader mining proposal.

By strengthening South Australia's land access regime, the committee hoped to support both the exploration and mining industry and the agricultural industry to thrive alongside each other. So, they were the recurring themes we sought to make recommendations on. The Chair of the committee, the member for Frome, has identified those recommendations to the house and they will be available.

I shared this with the committee in one of our closing sessions—and unfortunately I did not come to this conclusion until relatively late in the inquiry—and I am going to term it a bit of a light-bulb moment for me, the member for Flinders, an active farmer for some 30 years, retaining an interest in a farming property in the 12 years that I have been here and have every intention of going back to that property and becoming more involved with agricultural production in the future.

My thinking is that the reality of this situation is that the world is not going to starve if some of our land here in South Australia is given over to an alternate use. It has often been mentioned, and is included in the report, that just 4 per cent of South Australia is classified as agricultural land. It is a small percentage, but the reality is that it is a huge area—probably as much land as is contained in some European countries. There is plenty of land.

But it is not about the land. It is about families and their businesses. It is about the people and how those people are treated and the resulting impact on their families and businesses. We have heard from families who have become really quite distraught about the way they have been treated along the way. Mining companies and farmers both need to treat each other with respect as these negotiations go on, understanding full well that they both have a right to be there.

I was pleased to hear the Minister for Energy and Mining speak just a moment ago and indicate that his department is working towards further possible changes to this legislation and further improvement in the way these two industries develop in the years ahead.

Mr HUGHES (Giles) (11:51): I will only take a short period of time, given the comprehensive description of both recommendations and the process we entered into from the Chair, the member for Frome. I fully endorse the light-bulb moment from the member for Flinders, and I think that does bring us down to the nub of the issue and sometimes the conflict that occurs.

My electorate has the largest mines in the state: Olympic Dam, Carrapateena, OZ Minerals, the deposits in the Middleback. They all make an enormous contribution to our state, both in terms of jobs and financially. There are mine proposals on Yorke Peninsula and mine proposals on Eyre Peninsula. Whether they ever get off the ground, who knows, but clearly they have caused angst in those localised areas where exploration is going on.

The process we entered into with the committee once again emphasises the important role of committees. The media will never be interested in committees because there is no colour or movement, and usually there is no intense conflict. This was yet another example of people of different parties getting together and, in a deliberative process, coming to a set of recommendations and the compromises that were entered into, after listening to both the mining industry and those people from the primary industries sector.

What we have come up with is an incremental set of improvements. Probably one of the important elements, given the perception amongst people within primary industries (or at least some people within primary industries) was that the Department for Energy and Mining was often seen as both the regulator and the promoter of mining. The way that we got around this to address some of those concerns, whether perceptual concerns or concerns based in reality, was to recommend the establishment of a mining ombudsman that would be independent and oversee that things are done the way they should be done. Of course, a code of conduct which is to be developed will form a part of that, and I think that is a real incremental improvement.

I want to finish off by recognising the role of the parliamentary officers. They did a great job. Lucy Dangerfield and Shannon Riggs both contributed excellent input into the process. Of course, I thank the members for the manner in which they took on board all the information presented and the way they then formulated the recommendations, which I believe will lead to an improvement without massive wholesale change because we recognise that both our primary industries and our mining industry make a significant contribution to the wellbeing of our state. I am very aware that the member for Narungga wants a couple of minutes, so I will close on those remarks.

Mr ELLIS (Narungga) (11:55): I will make just a brief couple of remarks. As members would be well aware, this issue has been quite a highly charged one in the seat of Narungga over not just this term of parliament but terms before that.

At least from where I sit, it was tremendously pleasing to see the parliament endorse the select committee, and if I could extrapolate from the words of the member for Giles it is wonderful to have a select committee the aim of which is to improve the lives of South Australians—the actual people who vote for us. It is tremendous to see a report of a select committee tabled today which we can talk about and which might have a tangible benefit to the people who vote for us and the people who send us here to do a job.

It was wonderful to be a part of it, and hopefully the recommendations, which I think are wonderful and which I will touch on ever so briefly, will be endorsed, and hopefully we can really strive to make sure that that balance is fairly struck between miner and farmer. It has been tremendous to get out and visit regional South Australia as part of this. I knew from my experience in the electorate office that there were quite a large number of people who had strong views about this topic. It was pleasing that the committee saw fit to get out on the road, visit with those people and hear from them directly how this was impacting them.

It was quite clear that, as the member for Flinders said, the impost on families and people can be quite damaging. The indefinite period of time over which a mining lease might be sitting over the top of your land and the uncertainty about what might happen to that mining lease—whether it might get off the ground or whether it will not—clearly has an impact on people who are suffering from that uncertainty, and that was plain for us to see as a committee when we were out there conversing with those people.

I would like to touch on the recommendations, and they have been articulated carefully by the Chair of the committee. Particularly recommendations 1 and 2, I think, will be tremendously beneficial to the seat of Narungga. There were ample complaints that the regulator was not doing an appropriate job of enforcing the rules on exploration companies particularly and, to borrow a phrase that is commonplace currently, there was clearly a perceived conflict about where the Department for Energy and Mining was both the promoter and the regulator. It is pleasing that recommendation has been made.

Interestingly enough, I did meet with SACOME yesterday and, whilst the committee has recommended that the regulator be split off from the Department for Energy and Mining, SACOME suggested that perhaps it would be worth investigating whether the Department for Mining remain the regulator and the promoter be split off and sent elsewhere. To be frank, that is a matter I do not think the committee considered throughout the course of our deliberations, but it does indicate that SACOME has given some consideration to how that might best be done.

Recommendation 2 I know does not have the support of SACOME, which they made clear yesterday, but I think it would mean wonderful progress for the State of South Australia. There would be some work done on mapping the state, as has been done in Queensland and New South Wales. They have identified the parts of their state they consider to be strategic cropping land and the parts of their state where they might consider that the hurdle should be slightly higher for those mining companies to jump over that wish to enter into those parts of the state. I think that would be tremendously beneficial work, and recommendations 1 and 2, I think, especially would be wonderful.

I reiterate the thanks to Lucy Dangerfield and Shannon Riggs for the work they did on the committee. I commend the report to the house.

The Hon. G.G. BROCK (Frome) (11:59): I would like to thank the Minister for Energy and Mining for his contribution and also the members for Flinders, Giles and Narungga. One of the things I want to make quite clear is that I was very impressed with the contribution from both sides of politics on this committee. There were lots of suggestions and recommendations from both sides—all parties—to get the best opportunity for our regional people in particular. Again, I commend the report.

Before I do that, even though these are recommendations, I sincerely hope that, whoever the government is in the new year, these recommendations are implemented. Far too often, recommendations from a select committee, or any committee, are recommendations only. I stress to both sides of politics that whoever is in charge next year after the election should implement these

recommendations and not just let them sit on the *Notice Paper.* Thank you for the opportunity to chair the select committee. It has been a great privilege.

Motion carried.

Bills

STATUTES AMENDMENT (SPIT HOOD PROHIBITION) BILL

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (12:00): I move:

That this bill be now read a second time.

I rise to speak on this bill, as introduced by the Hon. Connie Bonaros MLC in the other place. In 2019, Ms Bonaros introduced a similar bill. That bill amended the same piece of legislation as this new bill; however, it only prohibited the use of spit hoods on persons under 18 years. This bill inserts a prohibition on the use of spit hoods into five pieces of legislation: the Correctional Services Act 1982, the Mental Health Act 2009, the Sherriff's Act 1978, the Summary Offences Act 1953 and the Youth Justice Administration Act 2016.

Since the introduction of the 2019 bill, I am proud to announce that the government has taken steps to prohibit the use of spit hoods and I am pleased to inform the house that spit hoods are no longer in any of the agencies impacted by this bill. We have already achieved this outcome by changes in policy. However, this bill puts beyond doubt our commitment to cease the use of spit hoods.

I should also advise that, since the end of September this year, spit hoods are no longer used in any South Australian prisons, and alternative personal protective equipment is being used to protect Correctional Services staff. In September 2019, I advised the house that we also committed to a ban on the use of spit hoods in the youth justice system and for children detained under the Mental Health Act 2009. This took effect on 1 July 2020.

I am very pleased to indicate the Marshall Liberal government's support of this bill. I place on the record my appreciation of the excellent work of the former Minister for Correctional Services, the Hon. Corey Wingard, and, more recently, the Hon. Vincent Tarzia, and, of course, the Hon. Michelle Lensink, who is the Minister for Human Services and has direct responsibility in relation to youth justice. These are significant reforms. They are being incorporated into statute by this bill. I seek the support of the house that it pass.

Mr ODENWALDER (Elizabeth) (12:03): I rise to speak on behalf of the opposition on the Statutes Amendment (Spit Hood Prohibition) Bill 2020. This bill has been a long time coming. As the Attorney pointed out, the Hon. Connie Bonaros has done an awful lot of work in this area. She first introduced the bill, which essentially prohibited the use of spit hoods on minors, back in 2019. This of course responded to an Ombudsman's report from September that year and followed national reporting—very widespread reporting—on the use of spit hoods in the Northern Territory's Don Dale Youth Detention Centre.

That bill passed the Legislative Council with the Labor opposition's support, but it did languish here for quite a while before it was finally agreed to. As the Attorney said, that bill did deal with only those under 18—that is, minors—and the use of spit hoods in places where minors are detained. This new bill seeks to ban spit hoods entirely.

It follows not only from the reports into the Don Dale Youth Detention Centre but also from the tragic death of Wayne Fella Morrison in South Australia. Mr Morrison died after being restrained, hooded and then placed in a prison van. The Morrison case triggered some earlier changes to our Coroners Act that were necessary after a group of people who may have had knowledge of the death refused to answer coronial questions for fear of penalty.

In the period between the consideration of the earlier bill and the bill before us, South Australian government departments informed members that they had introduced a range of administrative measures to phase out the use of spit hoods in both adults and minors. The opposition, the shadow attorney-general in the other place and I received submissions from, for instance, SAPOL on their historic use of spit masks and the fact that they did not at the time use anything like spit

hoods in their places of detention. Corrections, similarly, were committed to phasing it out and, as the Attorney has just assured the house, they phased them out entirely by September of this year. I understand they were used rarely.

This is a conversation I have had with the Hon. Ms Bonaros for the best part of two years now, since she first raised the matter in her minors bill. She also sought to make some amendments to the corrections amendment bill, quite a comprehensive bill that was brought by the government a year or so ago. She sought to insert amendments, which effectively were the same as this bill, into the corrections act.

At the time, I had some quite detailed consultation with both the PSA, who represent Corrections workers, and the Police Association, who represent police officers. It is fair to say they supported the spirit of this measure, and they certainly supported the spirit of the need to get rid of anything that could be considered inhumane in terms of the treatment of prisoners or detainees.

But there was in the back of their minds a personal protective equipment (PPE) question, and their only caveat to their support for this measure—and I do not want to misrepresent them and I apologise if I am wrong—was that there were measures in place to properly protect workers from spitting, biting, and so on, from prisoners. Regardless of what it was used for in less pleasant circumstances, that is what the equipment is designed to do.

I have had a lot of conversations with the Hon. Ms Bonaros about this matter and I have arrived at the conclusion that spit hoods should be prohibited and that this is a good measure that, as the Attorney says, removes any doubt that these measures are unacceptable in modern places of detention. We also discussed it in relation to the OPCAT bill. Once OPCAT is fully realised in this jurisdiction and across Australia, things like spit hoods will be very much under the spotlight. In that sense, the Hon. Connie Bonaros is ahead of the game in terms of making us OPCAT compliant, as she has been in so many other areas.

In supporting this bill, I want to again acknowledge the work of the Hon. Connie Bonaros. She is sincere in her efforts to make our justice system and our corrections system more humane and more responsive to community expectations in the modern world. More than that, I want to publicly acknowledge, thank and pay tribute to the family of the late Wayne Fella Morrison, in particular Latoya Rule.

The shadow attorney, other MPs on this side of the house and I have had opportunity to talk at length to Ms Rule. It is fair to say that she has turned adversity and tragedy into something positive—into advocacy and something that actually changes the world for people like the late Wayne Fella Morrison. I welcome and acknowledge the time spent with Latoya Rule and discussing these matters subsequently with the shadow attorney-general. I just wanted to put that on the record.

In the end, the bill unanimously passed the upper house. Criminal sanctions were retained. There was some discussion about whether criminal sanctions should be applied or whether there should be a civil sanction. Eventually, the Legislative Council landed on the side of criminal sanctions and I support that conclusion.

It passed the other place on 22 September and came to the House of Assembly on 23 September, in time for the fifth anniversary of Wayne Fella Morrison's death on 25 September. It is unfortunate, therefore, that it has taken so long to arrive at this place today and the government did not take the opportunity to prioritise this legislation in the two, three or four sitting weeks that we have had in the interim.

The parliament is not designed to cater to the interests of individuals, but it was a missed opportunity for the government to take some real action in this area to protect people who might find themselves in detention, and also as a symbolic measure. In part, this is a broad symbolic measure, but it is also very symbolic for the family of Wayne Fella Morrison, who have fought so hard for this change.

After the bill passed in the other place, we were advised that the Attorney-General would take carriage of it and make it a priority, I was advised. The weeks turned into months and here we are on what was scheduled to be the last sitting day of parliament and we find ourselves passing this bill today, with no time to spare.

It is an important change. It is a change that, as I said, was not without controversy, and that is why we had lengthy discussions in the first place with the Hon. Connie Bonaros about the efficacy of such a move or indeed the necessity of such a move. But I do concur with her, with the shadow attorney-general and with the Attorney-General that the measures we are putting in place today leave absolutely no doubt that spit hoods are no longer acceptable in places of detention, including in police stations.

Notwithstanding the delays that I have talked about, Labor does welcome this bill, of course. Parliament is not just about laws. It is about values. It is about showing leadership, it is about showing empathy and it is about showing understanding. I want to apologise to Latoya and the family of Wayne Fella Morrison for how long this bill has taken since the conclusion was come to by all parties, it seems, earlier this year that this was the right path to go down.

I understand they have been watching the parliament closely to see how we move on this and, as I said, it is very symbolic for them. I hope that, today, Latoya and the rest of the Morrison family can take some comfort in the fact that Wayne's death has led to something substantive and something positive and a real change in the way we treat people in detention. I commend the bill.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (12:12): I also wish to acknowledge the opposition's indication of support for this important bill. I understand there is no indication of wanting to go into committee on this bill. We have read with interest and the parliament here has the opportunity to now endorse this bill without further discussion. I commend the bill to the house.

Bill read a second time.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (12:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SENTENCING (HATE CRIMES) AMENDMENT BILL

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (12:14): I move:

That this bill be now read a second time.

I indicate that this bill amends section 11 of the Sentencing Act that sets out individual sentencing factors to add that the court must take into account that the offence was wholly or partly motivated by hatred for or prejudice against a group of people to which the defendant believed the victim belonged, including, without limitation, the same factors as mentioned in the previous discussion on this legislation in the other place.

I want to recognise the Hon. Tammy Franks, who has been responsible for the presentation of this to the other place and its passage therein. It is true to say that it was a much wider ambit, including provisions for new offences under the Criminal Law Consolidation Act. That has not been progressed, but the issue in relation to mandatory consideration under the Sentencing Act has been, and I am very pleased to support this initiative.

Whilst hate or prejudice may currently be taken into account at sentencing for criminal offences—section 11(1) of the act—it is the government's view that making it a mandatory and explicit consideration would ensure greater consistency in sentencing and consideration of the offence in a wider context. It does so without complicating or creating distinctions in aggravated offences. Indeed, this change does not create any new offence. Jurisdictions which I think have already been acknowledged and which have undertaken hate crime reform—namely, New South Wales, Victoria and the Northern Territory—have done so at this sentencing stage.

During debate, I remind members that on the self-defence laws last year, when the partial defence of provocation was abolished, all parties agreed that crimes committed on the basis of hate could not and should not be considered mitigating. That is correct, but it is also the government's

view that hate on the basis of immutable or protected characteristics adds a different dimension to an offence that ought to be considered in sentencing.

In addition to the examples already proffered by the Hon. Ms Franks in her second reading contribution, crimes against Australians of Chinese background during the onset of COVID or the defacement of a synagogue property or vilification of Jewish members of the community are further relevant and contemporary examples of where this consideration would be appropriate. The government thanks the Hon. Tammy Franks for bringing the bill to the council, and I commend the bill to the house.

Ms HILDYARD (Reynell) (12:16): I rise to speak on this bill and indicate that I will be the lead speaker for the opposition. In doing so, I thank the Hon. Tammy Franks in the other place for bringing this very important bill to the parliament. I note that the response to hate crimes is a longstanding issue, and amendments were proposed to a previous piece of legislation that sought to achieve similar aims. It is absolutely an issue it is incumbent upon us to address.

The original bill in the Legislative Council sought to make two changes: firstly, the introduction of a new aggravating factor for offences to section 5AA of the Criminal Law Consolidation Act 1935 and, secondly, the addition of a new sentencing factor to the Sentencing Act 2017. The proposal around the Criminal Law Consolidation Act said that an offence would be aggravated if:

> …the offender committed the offence as a result of, or for reasons related to, the offender's hatred for, or prejudice against, a particular group or groups of people (including, without limiting this paragraph, people of a particular race, religion, sex, sexual orientation, gender identity or age, or people having an intersex variation or living with a particular disability; and knowing, or believing, that the victim was a member of that group or groups whether or not there were also other reasons for the commission of the offence.

There was some concern that the proposal may unintentionally capture people whose actions could possibly be construed as hate, even though they were seeking to protect vulnerable people or parts of the environment. Further, an aggravating factor would simply increase the maximum allowable penalty and not necessarily result in greater penalties for offenders. Accordingly, the bill was amended to remove this element.

What remains is a proposal to change the Sentencing Act 2017 to add a new individual sentencing factor that says a judge must consider:

> …whether the offence was wholly or partly motivated by hatred for, or prejudice against, a group of people to which the defendant believed the victim belonged (including, without limiting this paragraph, people of a particular race, religion, sex, sexual orientation, gender identity or age, or people having an intersex variation or a particular disability)

In doing so, the bill requires judges to consider the element of hatred, amongst many others, when determining the sentence for a crime. The prospect of spending longer in prison may, of course, also act as a deterrent for offenders. Any prejudices shown against any group of people in our community is absolutely something that no decent community should ever tolerate. This bill is focused on ensuring that we do not.

Whilst prosecutions as a result of the passage of this bill for such offending may be few and far between, this bill sends a very important message to our community. However, with regard to that message that we send as legislators and as community leaders, I note that this bill has been in the House of Assembly for almost three months. Despite that length of time, we find ourselves debating this bill and therefore the message it sends very, very late into this parliamentary year.

When a bill effectively consists of one clause and has universal support from the government and opposition and it is focused on such a crucially important message, it is difficult to understand why the government could not find 10 or so minutes of government time before today to progress this bill. The term 'hate crime' has been popularised from the United States, but South Australia has sadly never been immune from the horrific acts that such a term contemplates.

Until quite recent years, the absolutely horrific term 'gay bashing' was heard in conversations around South Australia. The utterly tragic murder of Dr George Duncan, a university law lecturer, at the River Torrens in 1972 rightly triggered community outrage and a change to decriminalise homosexuality, but we did not change the law to specifically recognise the element of hate in such crimes.

Over the last two centuries, utterly shamefully, Aboriginal people have been attacked for their race alone and, in more recent decades, other minority groups have suffered abuse and violence for looking or sounding different. Today, trans people and women find themselves the targets of unfounded acts of aggression.

It is so very sad that these laws are needed, but our parliament has a duty to progress such laws to send a message to our community and to protect members of our community. Importantly, we absolutely have a duty to protect any person who is marginalised or part of a minority group within our community. The opposition commends this bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (12:22): I indicate my appreciation to the opposition for their indication of support in relation to the Statutes Amendment (Hate Crimes) Bill 2020. I commend the bill to the house.

Bill read a second time.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (12:23): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Mr BROWN: Sir, I draw your attention to the state of the house.

A quorum having been formed:

MUTUAL RECOGNITION (SOUTH AUSTRALIA) (FURTHER ADOPTION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 October 2021.)

The Hon. S.C. MULLIGHAN (Lee) (12:26): I rise to make a contribution on behalf of the government—sorry, my mind gets ahead of me, sir. I think it is late March already!

I rise to speak on behalf of the opposition regarding the government's Mutual Recognition (South Australia) (Further Adoption) Amendment Bill. Members may be aware that this continues efforts which stem all the way back—

The DEPUTY SPEAKER: I am sorry to interrupt, member for Lee. You are the lead speaker?

The Hon. S.C. MULLIGHAN: Yes—but, unlike custom, brief lead speaker, sir. Members may be aware that—

The DEPUTY SPEAKER: Well, let's wait and see. Don't sell yourself short, member for Lee.

The Hon. S.C. MULLIGHAN: No. Thank you for your guidance, sir. Members may be aware that these efforts stretch back more than two decades and find their root in efforts from former federal governments to ensure that, as part of competition policy reforms, states had harmonised arrangements governing the recognition of licensing, regulation and so on of certain professions and workers within certain industries.

It has been a contentious reform. As you might imagine, sir, there are different regimes for licensing and regulation of particular workers within industries that have developed over many years across states and territories. Basically, the difficulty with this reform was: how could we make sure that if we had a consistent scheme we were choosing a level of standard that was not only consistent but reflected the wishes of all of the states?

States that had more onerous restrictions or requirements on particular sets of workers did not want to see those standards diminished in order just to be sure that they had the same standard as another state or territory. That has taken many, many years to try to settle. One, for example, which has not yet been settled—and I am glad that the government is, pardon the pun, recognising

this—is the profession of teachers. I understand from debate in the other place that the government proposes to exempt the teaching profession from the terms of this bill to recognise the particular requirements and requisites that we have here in South Australia for that profession.

But there are many others, dozens in fact of other professions, which will be captured by the terms of this bill including, for example, in the current context, while we are in the middle of a housing boom, many of the building trades, the idea being that these arrangements under this bill would encourage and enhance labour force mobility between the states and territories so that if there were worker shortages in one jurisdiction, then workers from another would be able to come in relatively seamlessly and work in that economy.

There is one area, though, that I did want to draw attention to and that is real estate agents. In the albeit limited consultation I was able to undertake on this bill, the one standout profession that remains uncomfortable with this bill is the real estate industry. They are very concerned at the prospect of having real estate agents come in from interstate and work in our real estate industry despite not having the same levels of experience in our environment with our particular real estate industry laws that existing practitioners have here in South Australia.

That is a potential problem, and it is a potential problem in the current context, where most people would recognise that we have a very hot real estate market where there is a very swift turnover of properties. People are listing properties, they are selling very swiftly and they are also selling for record prices.

You can imagine the attraction for some real estate practitioners from other states who might think that they now have an opportunity to come and practise here in South Australia to take advantage of those conditions despite the fact that they might not be fully conversant with our legal frameworks and our requirements, both on their making sure that they are providing a high level of service to their clients and in terms of our particular sale by treaty laws or auction laws, etc. They are particular to South Australia and do require some familiarity, so that is a concern they have.

I already mentioned that I think it is good that the government is excising teachers for at least a five-year period from this regime. I do wonder whether there are any intentions to recognise other professions where there are still some particularities and concerns about whether these arrangements should apply to them, but that is perhaps something we can briefly explore during the committee stage. I will leave my remarks there.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (12:31): I appreciate the shadow treasurer's contribution on this debate. There is no need for me to go back over the details of this topic; a lot of them are immediately apparent, and of course there will be an evolution of this mutual recognition should this bill pass.

I am strongly in support of this principle; I suspect more so than most MPs. There are things that we do differently in states and in different types of jurisdictions as well—and that not being only states and territories—where we have an additional burden that need not be there. I commend the bill to the house. I am not sure if the opposition wants to go into committee, but I get the impression that it does want to go into committee. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.C. MULLIGHAN: Perhaps, if the minister could advise the house with whom the government consulted in the preparation of this bill?

The Hon. D.C. VAN HOLST PELLEKAAN: The commonwealth led most of the consultation. I am advised that pretty well all industry bodies that were known as potentially being affected by this were consulted with. I am told that a list could be procured from the commonwealth and shared if that is what the state opposition would like.

I am told that the state consultation was largely with regulators. So, in my mind, breaking that down: commonwealth on the principle and with industry, state more about the potential implementation should it pass.

The Hon. S.C. MULLIGHAN: Thank you to the minister. I appreciate his advice. Can I then ask which of the regulators the state government was engaged with in the preparation of this bill. Also, were any representations made to the government from local industry representatives or employer groups, etc.?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that there were no representations made to the government from any local state-based industry organisations; there were from national industry representative bodies. I believe it would be the case that that was the same submission that would have gone to the commonwealth in that case.

With regard to local agencies, essentially the Commissioner for Consumer and Business Services, Health, EPA, SafeWork SA, Teachers Registration Board and the architects board were the primary ones the state engaged with.

The Hon. S.C. MULLIGHAN: Of the national representative bodies that contacted the state government about this, could the minister advise which of those raised concerns and what those concerns were?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that the electrical trades were the main ones that expressed some concerns. They were supportive in principle of the direction. They were concerned about potential differences in training regimes and training outcomes across jurisdictions, but I am advised that those concerns were allayed during the discussions with the state.

Mr PICTON: That is an important point to get some more clarification on. To the minister: what are those concerns in terms of the training issues that have been raised? Are there particular issues where there are training requirements in other states that would not meet the criteria that are in place in South Australia and therefore may allow for accredited people to be in place that we would not allow Are there any specific occupations or areas of accreditation where those concerns have been specifically raised?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that, whilst some concerns were raised about potential different levels of training between states, the deeper issue was about some qualifications in some states allowing broader work to be done, and in some other states, jurisdictions, a narrower range of work to be done.

If they were essentially homogenised, somebody who might have only been trained and qualified in a narrower range could then automatically, potentially, become qualified to operate on a broader range, and the way this is being implemented prevents that from happening. A person would not be able to be qualified and certified to do the work unless it could be proven that they had actually got the appropriate training and experience.

Mr PICTON: I am most familiar in terms of health. It sounds like what would be referred to in health as the scope of practice of a health practitioner in terms of what they are allowed to do based on their training.

You are saying that concerns have been raised that—for the lack of a better phrase—the scope of practice of somebody who has had training would be able to be broader because of the recognition of other states where they have different arrangements, but this is now preventing that occurring. How is this preventing that from now occurring?

The Hon. D.C. VAN HOLST PELLEKAAN: I suppose I should say clearly that the question was about what concerns were raised. The question was not about what concerns still remain. I am advised that these concerns no longer remain. I think really the best answer I can give to the member is the one I gave before. It will not be possible for somebody to practise a trade—and we are talking at the moment about the electrical trade—without actually being trained, experienced and qualified in that way.

Mr PICTON: I asked in my first question whether there are any specific areas, or whether you have a list of those areas of trades or professions, where this is a particular issue. If the minister can provide that information I would appreciate it.

The Hon. D.C. VAN HOLST PELLEKAAN: Again, it is important for me to stress that these are concerns that were raised not necessarily the concerns that still remain. We have talked about electrical trades. Radiation was another area I am advised was raised, and that is being addressed

to be sure that no practitioners—for the choice of a word—would be able to ply their trade without being properly trained, properly experienced and properly certified.

I should add, too, that this legislation is not about mutual recognition of every trade, every work practice, every industry in every jurisdiction being exactly the same. It is about putting it in place where it is sensible to do it, where it is practical to do it and where it is safe to do it. Where a concern is raised and that concern has not been addressed satisfactorily, then the mutual recognition does not automatically flow. We only implement the mutual recognition when it is appropriate to do so.

Mr ODENWALDER: My question relates to the same clause. I note that the bill refers specifically to security industry trainers as one of the professions listed that will be affected by this legislation that will allow movement across borders of people properly qualified in security industry training, presumably. I wonder if there are any other security related professions that are not listed there that will be encompassed by this, such as security guards.

The Hon. D.C. VAN HOLST PELLEKAAN: In addition to security industry trainer, security agent and investigation agent fall in that category.

Mr ODENWALDER: Security industry trainers, investigation agents, and what was the other one?

The Hon. D.C. VAN HOLST PELLEKAAN: The additional two were security agent and investigation agent.

Mr ODENWALDER: All those professions—but particularly trainers, perhaps—are involved in the provision of security to South Australians. I wonder whether South Australia Police and the Police Association were consulted about the inclusion of these people.

The Hon. D.C. VAN HOLST PELLEKAAN: Yes, both.

Mr ODENWALDER: Both?

The Hon. D.C. VAN HOLST PELLEKAAN: Sorry, I misheard. SAPOL was, PASA was not.

Mr ODENWALDER: By way of clarification, I wonder whether South Australia Police offered any objection or changes to the legislation, if they raised any concerns, and if you could table those concerns, if they exist.

The Hon. D.C. VAN HOLST PELLEKAAN: There were some concerns or questions raised. I am advised that CBS run the accreditation on behalf of SAPOL and that, through the course of those constructive discussions, SAPOL ended up being comfortable with the process.

Clause passed.

Clause 2.

The Hon. S.C. MULLIGHAN: I was given a list of the occupations. I am not sure whether it relates to the existing occupations that are already covered by mutual recognition arrangements or whether they are the ones which are proposed to be covered on the adoption of this bill into legislation. I will whip through them as quickly as I can. While I am doing so, perhaps the minister can clarify which are the occupations the government intends to include on the passage of this bill? With regard to the specific wording of the clause, are they all due to come into commencement on the same date or is it staggered?

What I have is: accredited assessor for high-risk work, asbestos removalist, asbestos assessor, gasfitting work, dangerous goods driver, blasters, pyrotechnicians, employment agents, operate radiation apparatus, use or handle radioactive substances, architects, building work contractor, building work supervisor, plumbing contractor, gasfitting contractor, electrical contractor, plumbing worker, gasfitting worker, electrical worker, conveyancer, land agent, land sales representative, property manager, auctioneer, trainee, second-hand vehicle dealer, investigation agent, security industry trainer, labour hire service provider, collector, bookmaker agent, pest management technicians (should they not get rid of them rather than just shepherd them?), registered architects, building certifiers, well driller's licence, native vegetation accredited consultants, cadastral surveyors, third-party service providers, site contamination auditor, regulatory food safety auditor, regulatory auditors and teachers. Are they the current or the proposed?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that all occupations listed—and I am told that the list that you have just read out is the list—are covered by this updated mutual recognition legislation and that they all come in on the same commencement date, but then the exemption provisions apply to a subset of all those occupations. That exemption list could be provided to the opposition, but I do not think we have it here.

The Hon. S.C. MULLIGHAN: I may be able to assist. I have, you will be pleased to hear, a much shorter list of those occupations that I understand it is the intention of the government to exempt or delay for a period of time: teaching, which I mentioned in my second reading contribution; well drillers; transport-related occupations, including tow truck operators, marine pilots and passenger transport accreditation; food safety auditors; and EPA contamination auditors. My question is: are they the ones that the government is currently considering exempting or delaying, or are there any further, or have I got the list wrong?

The Hon. D.C. VAN HOLST PELLEKAAN: That list is correct, I am advised.

The Hon. S.C. MULLIGHAN: Of that five or so list of exemptions, teachers, as I understand it, are to be delayed by five years or reconsidered in five years, whatever the right way of expressing that is, but what about those other occupations? Are they proposed to be brought in after a certain period of time or just exempted on an ongoing basis?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that there is a range. Environmental and public safety type categories are expected to be quite long, longer potentially than five years, as you mentioned for the teachers. But architects and some other trades like that are really looking at some very short-term exemptions, just to get some of the nuts and bolts sorted out.

Mr ODENWALDER: I have just a quick question. I am sorry; I was not paying full attention to the member for Lee's listing off of the occupations, but does it include driver trainers or assessors on the initial list, on the long list of occupations?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that the transport industry will be seeking a long-term exemption for driver trainers.

Mr ODENWALDER: That prompts the question: why?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised the reason is that driver training industry is undergoing significant change as we speak and not exactly the same change in every state. The member would be aware of a bill in this house on exactly that topic. From a practical perspective, it is not expected that can all be ironed out and then a mutual recognition framework be developed in the short or medium term.

Mr PICTON: The minister mentioned before in one of his answers a number of professions that will be delayed for some time, including teaching, and I understand it was for five years that teaching was to be delayed. What happens between now and five years' time? Is there a process that the government is going through in terms of consultation and consideration before the end of that five years, or is this just a waiting period until that five years is up?

The Hon. D.C. VAN HOLST PELLEKAAN: There is not really an answer to that question, member for Kaurna. All jurisdictions, industry, are working together. They are working collaboratively, trying to develop a framework that would be appropriate, but it is not actually known how long that will take and it is certainly not expected to be in the short term.

Clause passed.

Clauses 3 and 4 passed.

Clause 5.

The Hon. S.C. MULLIGHAN: Under clause 5, 4A makes sense, but it is 4B I want to ask about. Section 4B(1) requires certain details of an individual that may be required to be furnished to establish their identity or their bona fides. Can I ask whether this is what is required in order to establish somebody's identity and capacity to work in an industry, or will there be additional requirements that are occupation specific?

For example, we have their basic identity—where do you live and where are you working or where do you usually work, etc.,—but will a worker need to demonstrate, for example, that they hold

a particular trade licence as a plumber, for example, and how does that apply across different occupations by way of example?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that different trades, different industries, might be dealt with slightly differently. Some industries will require that, when a person who is qualified in one jurisdiction moves to another and wants to work in the second, that person needs to contact the regulator in the jurisdiction that person wants to go into to seek that regulator's assessment of that person's bona fides and then give them the permission to work.

There will be other circumstances where that is not required and a person might seek to move from one jurisdiction to another and might not seek the regulator's approval. That is as it exists exactly at the moment, but I am told that a significant number of industries are going to seek to have included in the implementation of this the obligation that the relocating person seeks the authorisation from the new jurisdiction.

I misunderstood this bit—it is not seeking a transfer of the qualifications; it is purely advice to the regulator, making sure that the regulator knows that person is moving from one state to another and wants to do work in the second. We can also imagine situations where companies would be working across state borders on a regular basis anyway.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

Petitions

WAITE GATEHOUSE

Mr DULUK (Waite): Presented a petition signed by 12 residents of greater South Australia requesting the house to urge the government to reverse its decision to demolish the Waite Gatehouse.

SPORTS VOUCHERS

Mr DULUK (Waite): Presented a petition signed by 101 residents of greater South Australia requesting the house to urge the government to allow members of the Scouts SA and Girl Guides SA Inc. to access the $100 Sports Voucher Scheme for their respective activities.

BEACH RETENTION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition): Presented a petition from 654 residents of Adelaide and greater South Australia requesting the house to urge the government to re-evaluate the quantity of sand needed to be extracted from Glenelg, Semaphore and Largs Bay beaches and examine possible methods of retaining sand at West Beach.

BEACH RETENTION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition): Presented a petition from 1,070 residents of Adelaide and greater South Australia requesting the house to urge the government to delay any further work on the sand pipeline from Semaphore to West Beach and consider alternative solutions to fixing the problems at West Beach.

WAITE ROAD-CROSS ROAD INTERSECTION

Mr DULUK (Waite): Presented a petition from 280 residents of greater South Australia requesting the house to urge the government to invest in a new concept that provides greater safety measures and traffic flow at the Waite Road and Cross Road intersection, Urrbrae.

Parliamentary Procedure

ANSWERS TABLED

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

COMMISSION OF OATHS

The SPEAKER (14:06): I have to report that I have received from the Governor a commission under the hand of the Governor Her Excellency and the public seal of the state, dated

18 November 2021, empowering me to administer the oath of allegiance or receive the affirmation necessary to be taken by members of the House of Assembly.

PAPERS

The following papers were laid on the table:

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

Club One (SA) Ltd.—section 24A (4)Gaming Machine Act Special Club Licence condition 3—reference to distribution of funds among community, sporting and recreational
groups Annual Report 2020-21
Controlled Substances Act 1984—Return of Authorisations Issued under Section 52 by SA Police Charter
Coroners Court—Annual Report 2020-21
Courts Administration Authority—Annual Report 2020-21
Evidence Act 1929—Suppression orders made pursuant to Section 69A Report for Period 2020-21
Freedom of Information Act 1991, Administration of the—Annual Report 2020-21
Law Society of South Australia—Annual Report 2020-21
Legal Practitioners Disciplinary Tribunal—Annual Report 2020-21
Legal Practitioners Education and Admission Council (LPEAC)—Annual Report 2020-21
Legal Profession Conduct Commissioner—Annual Report 2020-21
Legal Services Commission of South Australia—Annual Report 2020-21
Outback Communities Authority—Annual Report 2020-21
Police Act 1998—Review under section 74A Report for Period 2020-21
Public Trustee—Annual Report 2020-21
Serious and Organised Crime (Unexplained Wealth) Act 2009—Review under section 34 (1)
Summary Offences Act 1953—
Dangerous Area Declarations Return Pursuant to Section 83B
Part 16A, access to data held electronically Annual Report 2020-21
Road Block Authorisations Return Pursuant to Section 74B
Training Centre Review Board—Annual Report 2020-21
Victims' Rights, Commissioner for—Annual Report 2020-21

By the Minister for Planning and Local Government (Hon. V.A. Chapman)—

Local Government Grants Commission, South Australian—Annual Report 2020-21
Surveyors Board of South Australia—Annual Report 2020-21
West Beach Trust—Annual Report 2020-21

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

Adult Safeguarding Unit, South Australian—Annual Report 2020-21
Ambulance Service, South Australia—Annual Report 2020-21
Chief Psychiatrist of South Australia—Annual Report 2020-21
Child Death and Serious Injury Review Committee—Annual Report 2020-21
Government Response to Standing Committees—
Social Development Committee—Inquiry into the Surgical Implantation of Medical Mesh in South Australia—Submission from the South Australian Government
Social Development Committee's review of the South Australian Public Health Act 2011—Department for Health and Wellbeing responses to recommendations
Health Advisory Council—South Australian Ambulance Service Volunteer Annual Report 2020-21
History Trust of South Australia—Annual Report 2020-21
Local Health Network—
Barossa Hills Fleurieu Annual Report 2020-21
Central Adelaide Annual Report 2020-21
Eyre and Far North Annual Report 2020-21

Flinders and Upper North Annual Report 2020-21
Limestone Coast Annual Report 2020-21
Northern Adelaide Annual Report 2020-21
Riverland Mallee Coorong Annual Report 2020-21
Southern Adelaide Annual Report 2020-21
Women's and Children's Annual Report 2020-21
Yorke and Northern Annual Report 2020-21
Retirement Villages Act 2016—Review September 2021
Teachers Registration Board of South Australia—Annual Report 2020-21

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

Children and Young People, Office of the Guardian for—Annual Report 2020-21

By the Minister for Environment and Water (Hon. D.J. Speirs)—

Government Response to Standing Committees—Natural Resources Committee Recommendations on the Final Report: Inquiry into Urban Green Spaces

By the Minister for Police, Emergency Services and Correctional Services (Hon. V.A. Tarzia)—

Correctional Services, Department for—Annual Report 2020-21
Fire and Emergency Services Commission, South Australian—Annual Report 2020-21
Parole Board of South Australia—Annual Report 2020-21

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr DULUK (Waite) (14:11): I bring up the 192nd report, entitled Harpers Field Community Building and Sporting Club Redevelopment Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 193rd report of the committee, entitled Payneham Memorial Swimming Centre Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 194th report, entitled Murray Bridge North School Redevelopment Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 195th report of the committee, entitled Woodend Primary School Redevelopment Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 196th report of the committee, entitled Ayers House Activation and Upgrade Works.

Report received and ordered to be published.

Mr DULUK: I bring up the 197th report of the committee, entitled Elizabeth Vale Primary School Redevelopment Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 198th report of the committee, entitled Parafield Gardens Primary School Redevelopment Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 199th report of the committee, entitled Golden Grove Primary School Redevelopment Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 200th report of the committee, entitled Morialta Secondary College.

Report received and ordered to be published.

Mr DULUK: I bring up the 201st report of the committee, entitled Port Bonython Jetty Refurbishment Project.

Report received and ordered to be published.

Mr DULUK: I bring up the 202nd report of the committee, entitled Sand Beach Pumping System Project: Semaphore South to West Beach Project

Report received and ordered to be published.

Parliament House Matters

ABC CAMERAS

The SPEAKER (14:12): Before I call questions without notice, I observe the presence in the gallery of an ABC camera crew. The ABC were the first crew to approach me today seeking permission to film in the chamber.

I refer to the 1998 conditions for granting rights to film in the chamber, particularly emphasising conditions 1 and 2. Condition 1 is that cameras are to focus on the member on his or her feet speaking, with some scope for wide-angle shots, and condition 2 emphasises the fairness of reporting. It is also the case that the ABC has undertaken to supply pool footage to any other broadcasting service that seeks it.

Motions

STANDING ORDERS SUSPENSION

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:13): Nothing I am about to say should be misconstrued as supporting the subsequent motion, but I move without notice:

That standing orders be so far suspended as to enable the member for Lee to move a motion forthwith in lieu of question time, in the 60 minutes of question time.

Motion carried.

No-confidence Motion

MEMBER FOR BRAGG

The Hon. S.C. MULLIGHAN (Lee) (14:13): I move:

That this house—

(a) no longer has confidence in the member for Bragg to continue in her role as Deputy Premier, Attorney-General, Minister for Planning and Local Government and as a member of the Executive Council, for deliberately and intentionally misleading the House of Assembly and breaching the Ministerial Code of Conduct;

(b) calls on the Premier to immediately advise Her Excellency the Governor to revoke the member for Bragg's commission to serve as minister of the Crown; and

(c) calls on the Speaker of the House of Assembly to present Her Excellency the Governor with a copy of this motion, if adopted, expressing this house's will that the member for Bragg no longer serve as Deputy Premier, Attorney-General, Minister for Planning and Local Government and as a member of the Executive Council.

It should not have come to this. The simple truth is that by now the member for Bragg should have already resigned as a minister of the Crown. The situation and the facts could not be clearer. The facts have been investigated, they have been established, they have been corroborated and they have been reported on to this place.

Those facts show that the member for Bragg, in her capacity as a minister, has not only misled this parliament on three separate occasions on three separate topics, all regarding the application by Kangaroo Island Plantation Timbers for a deep sea port, but she had a conflict of

interest and she failed to declare or manage that conflict of interest when she exercised her ministerial functions as a decision-maker.

Not only has the member for Bragg misled parliament and done it repeatedly but she has now put us in the position where, having done so, none of us can have any confidence in what she tells us from now on. How can we possibly take the word of the member for Bragg in her capacity as a minister when she is answering a question in question time, when she is managing a bill, on anything that she advises the house? She now is tainted. She now has a proven reputation for misleading this house and we can no longer have confidence in her for that reason. Worse, in her performance as a minister she has failed to recognise, declare and manage her conflict of interest when making a decision as a minister.

We know from what has been investigated and reported back to us that it was not just a perceived conflict of interest: it was an actual conflict of interest. This of course means that she has clearly and obviously breached the Ministerial Code of Conduct. How can South Australians have any confidence in her conduct as a minister, in her conduct as a decision-maker? When she has such an obvious conflict of interest, she keeps that to herself, she fails to declare and manage it, and she continues to make decisions despite it. This is simply not good enough. This does not meet the standards of this parliament. This does not meet the standards that the Ministerial Code of Conduct requires. She must resign as minister.

Parliamentary convention and parliamentary history dictate that she must resign. Only recently, in the last Liberal government, former Liberal Premier John Olsen resigned for misleading parliament; former tourism minister Joan Hall resigned for misleading parliament; former Deputy Premier Graham Ingerson resigned for misleading parliament. The Deputy Premier should be aware of this. She replaced Graham Ingerson as the member for Bragg. This is the standard that this parliament expects of ministers.

Even her current colleagues have established that she should resign as a minister of the Crown. We have had the member for Schubert and the member for Chaffey resign as ministers over the country members' accommodation allowance scandal. We have had Terry Stephens of the other place resign as President of the Legislative Council over the country members' accommodation allowance scandal. We have even had the member for Hammond resign as Government Whip due to the country members' accommodation allowance scandal, and we had a former member of the other place David Ridgway resign as tourism minister for filling out blank time sheets. That is the standard that parliaments past and present have set for a minister and the standard that the member for Bragg fails to meet. She must resign.

These are the facts that have been established and reported to the parliament. We know that the Deputy Premier, as Minister for Planning, already had a view against this project before it even got to her. We know that she turned up unannounced to a meeting between former member of parliament, now Mayor of Kangaroo Island, Michael Pengilly, and Kangaroo Island Plantation Timbers and told them that they had their proposal in the wrong location on Kangaroo Island.

Some three years later, when she finds herself in the position of Minister for Planning after the ministerial resignation of the member for Schubert—and I might say, one wonders whether she insisted on getting the portfolio of planning, knowing that this issue remained unresolved—she finds herself as the decision-maker. She had a conflict, not just a perceived conflict but an actual conflict of interest.

We know that other members of the Liberal Party were aware of this conflict and they resolved to raise it with her. We know that members of her own department, her own officers in her own department, were aware of this conflict and they raised it with her. We know that her own ministerial staff raised this conflict with her. They even went to the point of preparing the necessary paperwork so the Deputy Premier would refer this matter away from her to another minister so that it could be decided without a conflict of interest. What did the Deputy Premier do? She ignored all that advice and she went ahead and made the decision.

Everybody perceived the conflict and took steps necessary to avoid it—everyone except the member for Bragg. She deliberately and knowingly made that decision despite that conflict of interest. The conflict is obvious. It has been obvious to the media and it has been obvious to this parliament. Of course, it has been obvious to Kangaroo Island Plantation Timbers and it is now obvious to the community.

Anyone who has seen that graphic, showing the proximity of her rental property to a forest which was contracted to be felled by Kangaroo Island Plantation Timbers, realises that there is an obvious conflict. The Deputy Premier, who has assured this house that she thoroughly read that report, would have seen that same evidence. She was aware of her conflict and acted despite it—absolutely extraordinary. Despite her department actually recommending that this project be approved, what did the Deputy Premier do? She went ahead and did not approve it. She denied that project from proceeding. She withheld her ministerial approval, contrary to the advice of her department.

It gets worse. Once it became obvious to everyone that this is how the Deputy Premier had conducted herself, when she was questioned about it in this place on different occasions, she misled the house—not once, not twice, but three times: once about her own interests in the project, once about the now mayor, former member of parliament and factional colleague of the Deputy Premier, Michael Pengilly's interest in the project, and once about whether the government had done any work on alternative locations. She did it knowingly, she did it deliberately and she did it repeatedly.

Her defence? Her defence to these charges of misleading the parliament and having a conflict of interest is laughable. Her defence to having a conflict of interest, despite everybody raising it with her, despite everybody showing her the written documentary evidence that she had one and despite the steps that were taken to try to mitigate her conflict of interest, she says, 'Well, I assessed whether I had a conflict of interest and I reached the judgement that I don't.' As if that is good enough.

On the charges of misleading parliament, not once, not twice but three times, she says that this has already been raised as a matter of privilege by the opposition, that it has already been furnished to the former Speaker, the member for Heysen, factional colleague of the member for Bragg, and he assessed that she had not. As if that is good enough. We now know that not only did she mislead the parliament on three occasions, but that ruling by the member for Heysen, when he was Speaker, is completely wrong—absolutely wrong.

If it is not worse that she has misled the house three times and she has failed to manage her conflict of interest, her conduct through these recent weeks has been absolutely appalling. In an effort to try to deviate these efforts to uncover her behaviour, she has issued a threat of defamation against the member for West Torrens. She has claimed that issuing this threat means that the matter is allegedly sub judice and that would prevent the parliament from getting to the bottom of this matter. What a joke! She writes to the member for West Torrens and says, 'You better deposit $100,000 in a nominated bank account within two weeks, or else.' I have seen more persuasive Nigerian scam emails than the conduct by the Deputy Premier. It is laughable.

If that was not bad enough, then she and the Premier had their ministerial staff, their ministerial advisers run around to the media backgrounding all sorts of slanders and aspersions against the counsel assisting the select committee, the member for West Torrens and the member for Enfield. It is absolutely appalling behaviour. The fact of the matter is, she is not fit to be a minister. She has misled this house deliberately and repeatedly. She has failed to manage her conflict of interest. The standard has been set by her current colleagues and former Liberal ministers. She must resign.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:25): I think we have had a lot of bluff and a lot of bluster from those opposite but no cogent argument whatsoever which would support the motion. The member for Lee of course moved this motion yesterday. I do not support it one iota, but it is very instructive that he moved it yesterday before the select committee report was even tabled. Magically, he had some sort of insight into what was going to be provided to this house today.

That is what we are basically left with at the moment, to consider a motion which I do not support and I do not think many members in this house will support because the reality is it is not based upon facts. In fact, the member for Lee has outlined that 'now we have the facts before us'—I dispute that completely and utterly.

If we look at the evidence that has been provided, we now have a report which has been tabled only hours ago in this chamber and which supposedly we are meant to have considered by the time we got to the member for Lee's pre-emptive motion, which was provided to us yesterday. We also now have a dissenting report. This was not a unanimous decision of the select committee.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. S.S. MARSHALL: We have a dissenting statement, which has been included in the documentation, which has been provided to this house. It was not a unanimous decision.

The Hon. L.W.K. Bignell: Did you write it or Vickie?

The SPEAKER: Order, member for Mawson!

The Hon. S.S. MARSHALL: And, of course, we now have a decision by the select committee to refer this matter to the Ombudsman. This is something that the government actually supports and the reason why we support it is that there are issues which have been raised and we do need to have this dealt with once and for all. But I do not support that the select committee has had the time to consider this. The parliament has not had the time to consider this before it comes to this motion which is before the house—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —at the moment. The motion that the member for Lee moved yesterday says that the house has lost confidence in the member for Bragg because she deliberately and intentionally misled the House of Assembly. This has not been established. In fact, previously—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. S.S. MARSHALL: —this was asserted by members opposite—I think the member for West Torrens and the member for Enfield. This was a matter which was considered by the former Speaker. He provided his advice and his decision to this house, which was dealt with very disparagingly by the member for Lee—

Members interjecting:

The SPEAKER: Order, member for West Torrens and member for Playford!

The Hon. S.S. MARSHALL: —but the advice and the decision were very clear: that was not something which occurred. There was no deliberate, there was no intentional misleading of this house. The three reasons for which those opposite will ultimately be seeking a sanction against the member for Bragg just do not stack up in any way, shape or form.

It goes on to say that there has been a breaching of the Ministerial Code of Conduct. The reality is that we can all see what is written in the Ministerial Code of Conduct. It provides that a minister needs to form an opinion as to whether or not there has been an actual conflict of interest or perceived conflict of interest.

The Deputy Premier has made that assessment. She has my 100 per cent support. I do not believe for one second that there has been any breach of the Ministerial Code of Conduct and there is absolutely nothing which has been provided in evidence to the select committee which would make me change my mind whatsoever—nothing whatsoever.

It is then we have the second paragraph that suggests that, if this motion passes, I now need go and see the Governor, Her Excellency the Hon. Frances Adamson AC, and ask her to remove the commission for the Deputy Premier. This will not happen. I will not be doing this. I will not be told that this is a reasonable course of action because there is no basis for this whatsoever, especially when we consider that this is a matter which is now referred to the Ombudsman, the right person to be making this assessment, not the select committee cobbled together, making hasty decisions, not providing full evidence to be provided and only considered by this house earlier this morning. I will not be travelling there.

The third paragraph, sir, provides that you will then be heading to Government House to advise the Governor that the house has lost confidence if this passes. Well, again, as you would be aware, as I am sure Her Excellency is aware, she does not take advice from the Speaker of the House of Assembly. She takes advice from the Premier and from the cabinet, and I will not be providing that advice. I simply will not be providing that advice.

The member for Lee then, out on a limb, suggests what should happen is for the member for Bragg to resign. He thinks that she should resign and he states precedents. He states the precedents that have occurred in this parliament. I will tell you the most recent precedent, and that is the successful no-confidence motion that was passed in Ian Hunter. There was not one—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —successful no-confidence motion, not two successful no-confidence motions: there were three successful no-confidence motions. In fact, when these decisions were being debated, none other than the Leader of the Opposition was in the other place defending the Hon. Mr Hunter. There is only one person in this entire chamber—

The Hon. S.C. Mullighan: Well, who wouldn't want to swear at Barnaby Joyce?

The SPEAKER: Order, member for Lee!

The Hon. S.S. MARSHALL: —who has had any experience whatsoever with regard to a successful motion of no confidence, and that is the Leader of the Opposition himself who actually defended Ian Hunter, lost the debate—three times. Did he resign? No. Was he sacked by his leader at the time? No. That is the most recent precedent that we have to deal with.

Members interjecting:

The SPEAKER: Order, member for Lee!

The Hon. S.S. MARSHALL: The reality is that I am not going to be lectured on integrity by those opposite. I am not going to be lectured on what I should be doing as the Premier of South Australia. I have to form my own opinion as to whether or not the member for Bragg is worthy of continuing in this role and enjoying the confidence of myself and my cabinet—and the answer to that is unequivocally yes. She enjoys my 100 per cent confidence.

I have known the member for Bragg since before I came to parliament. I have been impressed by her aptitude, her capability, her intelligence, her compassion in every single decision that she has made. She works night and day. When I became the Premier of South Australia there was nobody better to be the Deputy Premier and Attorney-General in South Australia than the member for Bragg.

We have worked together as a leadership team now for almost nine years. I think this is now the longest leader-deputy leader relationship in the history of the Liberal Party in South Australia and, as I may have remarked to the house the other day, it is a relationship which is about twice the length of my marriage. It is a very long relationship and it is one that I have enjoyed, and I have always had extraordinary confidence in the member for Bragg as the Deputy Premier, as the Attorney-General in South Australia and, in more recent times, as the minister responsible for planning and also for local government.

The reason for that is that I can see her judgement. I see her judgement every single day of the week. Our cabinet meets twice per week. We meet on Mondays. We meet on Thursdays. Every member of the cabinet needs to work very hard to prepare themselves for the decisions that need to be made. I do not think anybody works as hard as the Attorney-General. Her breadth of understanding across the portfolios that exist in South Australia is unparalleled. Her application as the Attorney-General driving important reforms in South Australia, like the establishment of an appeals court in South Australia, is excellent. She has reformed many areas of important—

Members interjecting:

The SPEAKER: Order, member for Playford!

The Hon. S.S. MARSHALL: —legislation, including in the area of domestic and family violence, with the Domestic Violence Disclosure Scheme, the intervention order reforms, leading our charge in terms of the National Redress Scheme. Then, of course, as well as in other areas recently driving the necessary reforms in terms of local government, driving the necessary reforms in terms of the Planning, Development and Infrastructure Act in South Australia.

This is a reform that was not without its controversy, not without its opponents. It was put in place under the previous government—in fact, it was led by the then Attorney-General who was also acting as the planning minister—but it is being delivered in full by this government and by the Deputy Premier. There is absolutely not a single, solitary shred of evidence that has been provided to the select committee that moves me one iota from where I was prior to that select committee—

The Hon. A. Koutsantonis: Trumpesque, this is Trumpesque.

The SPEAKER: Order, member for West Torrens! The Premier has the call.

The Hon. S.S. MARSHALL: —being put into place.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Order, member for Lee.

The Hon. S.S. MARSHALL: Earlier this week, we heard the spurious argument from the Leader of the Opposition that perhaps because the Deputy Premier had a property that she occasionally rented out somehow some logging across the road would diminish her capacity to earn an income from that was a reason why she should move away from that decision. I have never heard such poppycock in my entire life.

In fact, most of the time the people who are on that property are people who have found themselves in a difficult situation, like we saw when people were allowed to use that accommodation when they were rebuilding their lives after the recent bushfires on Kangaroo Island.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order, member for West Torrens!

The Hon. S.S. MARSHALL: The reality is that the Deputy Premier is doing an excellent job. There is no way whatsoever I will be going to Government House to ask for her commission to be removed.

The Hon. S.C. Mullighan: You can't do without her.

The SPEAKER: Order, member for Lee!

The Hon. S.S. MARSHALL: In fact, sir, I expect to continue to serve as the Premier with the member for Bragg as my deputy to get through this extraordinarily tough time that we have over the next two or three months.

There were many occasions on which the deputy and I had to work night and day, especially during the early days of the coronavirus. There were some weeks where we held cabinet four, five or six times in a single week. At every opportunity, when there were complex legal issues to be dealt with, legislation changes to be dealt with, planning changes, local government changes, to make sure we could optimise our performance as a state through the coronavirus, the Deputy Premier, the Attorney-General, the planning minister, the local government minister, was by my side.

She has served her state, she has served her seat, she has served this government with distinction, and I completely and utterly reject the comments from those opposite.

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:37): The Premier has eloquently given me the frame for the beginning of my speech today. I fear he has not had the opportunity to read the report because he appears to be a little short on the detail of the very serious errors of judgement that the committee found the Deputy Premier has committed.

I will just go through some of the edited highlights. There are so many it would take too much time to go through all of them, but these are the ones that particularly struck me as being concerning. First of all, there is the problem of having deliberately misled the parliament, and two of those examples I found particularly egregious when I was sitting here listening to them. The first was in a ministerial statement the minister read out: 'Neither the minister nor any family member owns property near or impacted by KIPT forests.'

We know that is not true. You have even said that is not true because you know, Premier, that there is a property owned by the Deputy Premier adjacent to KIPT forests.

Members interjecting:

The SPEAKER: Order!

Dr CLOSE: The second one, 'near or impacted by' and this one particularly struck me when I was sitting here—

Members interjecting:

The SPEAKER: Order! The Premier is called to order.

Dr CLOSE: 'It's not adjacent, it's not adjacent.'

Members interjecting:

The SPEAKER: The Premier is called to order.

Members interjecting:

The SPEAKER: Order! The Minister for Transport is called to order.

Dr CLOSE: The second one—

Members interjecting:

The SPEAKER: The member for Hammond is called to order.

Dr CLOSE: No—

Members interjecting:

The SPEAKER: The Minister for Education is called to order.

Members interjecting:

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

Dr CLOSE: The second one was the suggestion that there is no proposed truck route going near the mayor's house. The Deputy Premier said, 'There is no proposed route past the house for loads of trucks.' I knew sitting here that that was wrong because I had been on Kangaroo Island a few months earlier with the Natural Resources Committee and been past the mayor's house and was told on that bus, 'This is the proposed route for the trucks when they go up to Smith Bay, and there's Michael Pengilly's house.' So I could not understand why she would even say that and must have known that it was wrong, so not only misleading but deliberately misleading.

Then we move to the conflicts. Now there is an actual conflict because of the property owned by the Deputy Premier and by her family. That is an actual conflict. You cannot wish it away by saying, 'I don't mind trucks.' You cannot wish it away by saying, 'One day maybe those trees were going to be knocked over anyway.' If you own property that close to an area that is going to be affected, then you have an actual conflict and there is no other way to find.

But I find more egregious the perceived conflict because that matters to this institution that we act not only appropriately but above question, that people cannot wonder if you made the wrong decision. The Deputy Premier has a longstanding family history on Kangaroo Island, is aware that this is a divided community over that proposal and has been for a long time about those forests, is a very close—although I find that inexplicable—friend of the mayor, Michael Pengilly, and is an owner of extensive properties, as is her family, across the island. The department raised this because they could perceive it was a problem yet the Deputy Premier does not perceive that that could be seen to endanger a government decision.

I have admired the Deputy Premier for a long time. She has been a very senior female member of parliament and she has been a senior Liberal female member of parliament at a time when it was even harder for women to be sitting on those benches than it appears to be now. But I am disappointed that the Deputy Premier is letting down this institution by not acknowledging her error of judgement and not putting the interests of this institution above her own.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:41): I move that the motion be amended as follows:

Delete paragraph (b):

(b) calls on the Premier to immediately advise Her Excellency the Governor to revoke the member for Bragg's commission to serve as a minister of the Crown

therefore, current paragraph (c) becomes a new paragraph (b).

The SPEAKER: It has been moved. Is it seconded?

Honourable members: Yes, sir.

The SPEAKER: The motion is in order. As I understand it, there is a call from the floor to make plain the terms of the amendment. The Leader of Government Business might assist.

The Hon. D.C. VAN HOLST PELLEKAAN: Remove point (b).

An honourable member interjecting:

The Hon. D.C. VAN HOLST PELLEKAAN: No.

The SPEAKER: As I understand it, the substantive motion seconded is to remove paragraph (b) of the motion now before the house. Perhaps the Leader of Government Business might address us on the amendment.

The Hon. D.C. VAN HOLST PELLEKAAN: Point (b) is not going to happen regardless. It is frivolous to have it in there. I certainly submit to this house that it should be removed from this motion.

But, back to the main motion, let's look at the history of what is going on here. For the last 3¾ years, we have been subjected in government to frivolous, imaginative attacks from those opposite, trying to create motions of no confidence, trying to do anything they can to just throw mud, hope something sticks somewhere—all nonsense and all rubbish. Yet, when those opposite were in government and motions of no confidence were moved against their ministers, they just ignored them. They pretended they did not happen, they pretended they did not matter, but now they become one of, in their minds, their best methods of attack. They have just completely changed their spots. They are not to be trusted. They are not to be believed.

I remember that, when I was in opposition and those opposite were in government, I heard the member for West Torrens say to a colleague of his when the member for Bragg was on her feet contributing to a debate, 'I would have her on my team anytime.' He said, 'I would have her on my team anytime.' But that was okay when the member for Bragg was in opposition. Now the member for Bragg is in government, it is a completely different perspective: just attack anybody on this side of the chamber—just attack anybody.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: They are changing their spots from being in government to being in opposition.

Members interjecting:

The SPEAKER: The member for Wright is called to order.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, have no doubt: this has got nothing to do with Kangaroo Island Plantation Timbers. This has got nothing to do with Smith Bay. This has got nothing to do—

The Hon. Z.L. Bettison interjecting:

The SPEAKER: Order, member for Ramsay!

The Hon. D.C. VAN HOLST PELLEKAAN: —with the state's economy and nothing to do with the planning system. This is just an attack on the member for Bragg, the Deputy Premier, the Attorney-General and the Minister for Planning.

Mr Picton: What a joke.

The SPEAKER: Order, member for Kaurna!

The Hon. D.C. VAN HOLST PELLEKAAN: It is just a personal attack led by the member for West Torrens—a politically motivated, mudslinging fishing exercise, just hoping that they can get something to stick somewhere. What I would say to those opposite, what I would say to anybody who is thinking about supporting this motion, is beware—beware of the member for West Torrens because he used to say that he would have the member for Bragg on his team anytime, and guess what? Any one of you is in line for the same treatment one day if that is what he decides.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: Guess what? You know it. You have seen it. You have seen it in action over the last 20 years. So, you people, I suggest you be very, very careful—

Members interjecting:

The SPEAKER: Order, the leader!

The Hon. D.C. VAN HOLST PELLEKAAN: —about what you ask for. There is a presumption by those opposite that the member for Bragg—

Mr Malinauskas interjecting:

The SPEAKER: The leader is called to order.

The Hon. D.C. VAN HOLST PELLEKAAN: —is guilty. There is just a presumption and it starts with the public attacks even before the committee began taking evidence. The member for West Torrens had accused the Attorney-General—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —of deliberately and intentionally misleading the house even before starting to take evidence. The member for West Torrens said, and I quote, 'Vickie Chapman has no option but to resign.'

Dr Close interjecting:

The SPEAKER: Order! The deputy leader is called to order.

The Hon. D.C. VAN HOLST PELLEKAAN: It goes on and on and on. Somebody who wanted to be in an apparently objective parliamentary committee had made some very serious attacks before even seriously contemplating what was going on. Now the committee not only wants to do the investigation but wants to do the sentencing as well. The committee has decided in a majority that it thinks there are questions to be answered. The committee has referred this matter to the Ombudsman, to a higher authority—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —to have a look at, but before the Ombudsman starts the investigation, before the Ombudsman comes back with findings, those opposite want to execute the member for Bragg. They think it deserves another look by the Ombudsman, but they do not actually want to wait to see what the Ombudsman has to say. They want to jump straight to the chase, which is the personally motivated political attack.

That is all there is to this, except of course the fact that the committee is made up of five people and consistently three of them had one view and two of them had another view, so it is true to say that in a majority the committee came to findings, but it is also true to say that 60 per cent of the committee had one opinion and 40 per cent of the committee had another opinion.

So 60-40 is hardly a damning outcome, so much so that annexure E in the report is actually a dissenting statement by 40 per cent of the committee. Forty per cent of the committee disagrees with the findings, yet those opposite want this chamber to just roll along with their personal attack as if it is fact, as if it is united, that just because they say so it ought to be believed. Because they say so, it ought not to be believed.

The SPEAKER: The member for West Torrens has the call.

The Hon. A. KOUTSANTONIS (West Torrens) (14:49): Thank you, sir. I remember reading a book in high school that stuck with me most of my life, and it was *Nineteen Eighty-Four*, and I remember this quote:

> …if all others accepted the lie which the Party imposed—if all records told the same tale—then the lie passed into history and became truth.

The Attorney-General would have us believe that she did not know an assessment report, which she told this house she had thoroughly read, would show that freight routes went past her close personal friend's house. Yet she told this house for a reason that it did not. Why? Why would the Attorney-General not tell us that she knew the proposed freight routes would go past Mayor Pengilly's house? Do you know why? There was not a single piece of advice before her telling her to reject this development.

On the basis of all probabilities, every piece of advice from the Department of the Premier and Cabinet, from Minister Patterson's department, from Minister Wingard's department and from the Department for Environment and Water—every agency—recommended approval. So why would the Deputy Premier not tell this parliament about the freight routes and trucks laden from 6am to 6pm—two trucks every six minutes—that would go past his house? Why would that be?

Why would the Deputy Premier not tell this house that she owns land adjacent to the contracted KIPT forest to be felled and that there would have been diesel trucks, diesel generators and chainsaws from 6am in the morning to 6pm at night for a period of one year to 18 months? Why would she not tell us that? Why would she tell the parliament, 'No, I have no property adjacent or adjoining any KIPT operations'?

Why would she tell us that when she knows full well that it was not true? When she got that assessment report there were maps, there were routes, there were diagrams. Is anyone going to tell me in this house that, when she opened and saw those maps, she did not know where her house was?

The Premier said 'some property the Deputy Premier owns, some piece of land she occasionally goes to'. Well, it is interesting what the Deputy Premier herself says about this property and how much it means to her, because after becoming Deputy Premier after a long 16-year wait in this parliament, this is what the Deputy Premier told a media outlet about her Kangaroo Island home and the property directly adjacent to the KIPT contracted forest:

> When I return, I still feel like I'm coming home,' Ms Chapman said. 'It will always be home to me and I hope to return permanently when my career is finished.

This is the home she does not care that trucks are going by. This is the home she does not care that there are chainsaws and diesel generators across the road. The Premier can scream and shout as much as he likes, until he is blue in the face. I do not care. The truth is this: the Deputy Premier has been caught misleading the parliament.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Mr Speaker—

Members interjecting:

The SPEAKER: Order! The member for Chaffey is called to order.

The Hon. A. KOUTSANTONIS: —the important thing about this parliament since 1856, since responsible government, is this: we give the executive extraordinary powers either by statute or by cabinet declarations, or by ministerial decisions, whatever it might be, that require them, whenever parliament is sitting, to present to the chamber for one hour to answer questions from all of us.

We cannot tell them like a court. The Speaker cannot hold a minister down and tell them, 'No, no, answer the question.' A minister can answer as they see fit, and it has been that way forever. The one rule they all have to abide by, the one rule that they cannot break is that they cannot mislead us. They do not have to answer the question. They can avoid answering the question, they can divert

from the topic and offer us background detail, they can talk about something else, but they cannot mislead. When they get caught misleading—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —when you get caught taking money—

Mr Whetstone interjecting:

The SPEAKER: Order, member for Chaffey!

The Hon. A. KOUTSANTONIS: —when you get caught doing something wrong, you resign. That is what happens.

Members interjecting:

The SPEAKER: The member for Chaffey is called to order.

Members interjecting:

The SPEAKER: The Minister for Transport is warned.

The Hon. A. KOUTSANTONIS: The truth is that when—

Members interjecting:

The SPEAKER: Order! The member for West Torrens has the call.

The Hon. A. KOUTSANTONIS: —a secret report was commissioned by the Department of Planning, Transport and Infrastructure, called the Wavelength report, that was commissioned to find an alternative site for the port. We heard evidence from KIPT executives that in 2017 the Deputy Premier walked into a meeting and said that she thought the proposal for the port was in the wrong place. Smith Bay was the wrong place. That might have been true. It might be the wrong place, but she showed to the proponents that she had an apprehended bias. They said, 'Well, if we move somewhere else—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —there's a marine park there.' The Deputy Premier apparently told the representatives from KIPT: 'I can move that. I can just change that.'

Why the intense issue with Smith Bay? Could it be it would ruin the views of her close personal friend, the Mayor of Kangaroo Island? Could it be? Could that be just the issue? Or could it just be that no-one else on the island or no-one else in government can have any say about what happens on that island unless the Chapmans and the Pengillys decide it? Let's go even further. Let's dig a bit deeper here. The Premier—

Members interjecting:

The SPEAKER: Order! The Leader of Government Business is called to order.

The Hon. A. KOUTSANTONIS: —has told this house he would have made exactly the same decision as the Deputy Premier. He would have rejected that port. The truth is this: every piece of advice before the department, every single department gave advice to approve the port.

Members interjecting:

The SPEAKER: Order! The Minister for Police is called to order.

The Hon. A. KOUTSANTONIS: The reason the Deputy Premier could not delegate this to anyone else is that if it had gone to any other minister it would have been approved. There would have been no basis for them knocking it back, no piece of advice from an independent officer saying, 'Do not approve.' Not one. Planning and infrastructure: support. Investment and trade: support. Premier and Cabinet: support. Environment and water: support.

On what basis could any other minister with an unbiased mind turn to the recommendation and say, 'Despite all the recommendations to approve this port, I'm going to say no'? That is why the

Deputy Premier did not delegate this decision—because she knew what would happen. That is why she is guilty and that is why she has to go. She had a bias, she is conflicted, and to cover that conflict she misled us.

And when you mislead the parliament you cannot govern because all the people have is the parliament to hold the executive to account. We have nothing else. This is it—question time. This is all we have to hold the parliament to account. I will also point out that when the former Speaker gave his exoneration, wasn't it amazing that all of those emails to and from the Speaker's office, the Deputy Premier's office and the department were all blacked out? Something about legal professional privilege, despite the Attorney-General telling us she never sought any legal advice about this. I wonder what that advice was saying? Yet here we are.

Evidence: she owns a property adjacent KIPT-contracted property, the mayor's house is on a freight route and there was a report for alternative sites. There were those reports. There was a fourth case that we could find that the Deputy Premier misled the parliament, but the Queen's Counsel recommended that we not do that point because there was an attempt at clarification in the committee that was not really a clarification, but it was open to us to find.

It is clear as day: the Deputy Premier has got to go—got to go. People have gone for less. But the reason she will not go is that the Premier does not have the backbone to do it because his government is on its knees. Why is it on its knees? Because it is about to lose a no-confidence motion in a minister.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:58): I have listened to the speeches from earlier today. I have listened to the contributions from the member for Lee, the Deputy Premier and the member for West Torrens. I find it stunning that the member for West Torrens is talking today because he himself personifies the reason why the committee's report should not be given weight by this parliament and why the parliament, indeed why this chamber, should not support it. Its findings should have no bearing on the decisions of this chamber.

He demonstrated before, during and since a bias that is personal, nasty almost to the point of being deeply problematic. Throughout this entire debate today—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —he has not stopped shouting. No matter what is going on, no matter what the nature of the contributions being made, as every day in this parliament, he keeps on shouting. He keeps on shouting. He has an aggression that he cannot seem to constrain himself from sharing. And he did it in the lead-up to the presentation of the proposal for there to be a privileges matter, and he did it during the select committee inquiry and he did it in public. He has done it in this building, and it is absolutely inappropriate. It actually undermines the integrity of what we can take out of this report.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: I urge all members to reflect on that because it is no small thing to have bias before the committee even starts sitting when considering the matters that are being dealt with. The parliament has before it a motion that is quite significant in its dramatic terms, to the point where it behoves this parliament to take very seriously that consideration. I bring the parliament's attention to the words of Dr Gray QC in talking about the importance of members of the select committee taking no bias into the matter, where she said:

> …it is…important for each member of this committee to bring an unbiased mind to this inquiry…to engage in the fact-finding functions of this inquiry free from any preconceptions.

I contrast significantly the member for West Torrens and, potentially, other members of the Labor Party in their perceived bias and their actual bias with the diligent manner with which the Attorney-General, the Minister for Planning, conducted her considerations in relation to this matter. There are three key matters—

Members interjecting:

The SPEAKER: Order, member for West Torrens!

The Hon. J.A.W. GARDNER: —that I think are really important for all members of this house to seriously consider when forming a position on the vote in front of us. Did the Deputy Premier mislead the parliament? Indeed, the select committee alleges that she did, and not just that she misled the select committee; it also alleges—and it is beyond me how they can reach this assessment—that she did so knowingly.

The second question goes to whether there was a conflict. The third question is that which I have started to address and will come back to again later: does the committee inquiry's statement that she misled the parliament amount to any real evidence that she did or is there the possibility—and I encourage all members to think very seriously on this—that members of this select committee, prior to suggesting that there be a committee, prior to putting forward their arguments, had already formed the view on what they would find should they be a member of that committee? If that is the case, you cannot give ground, you cannot give weight to the findings of the committee, and we know very strongly that that is the case. The question comes across: what about Dr Gray?

Members interjecting:

The SPEAKER: Order, member for Playford!

The Hon. J.A.W. GARDNER: Dr Gray is not a member of this parliament. Dr Gray has not been elected by the people of South Australia to serve in this parliament. Indeed, in the Westminster tradition we have quite a different way of going about our business to that which is in America. I heard the member for West Torrens, amongst his other shouts earlier, saying that this is like Donald Trump. America has a tradition where people are appointed to investigate, prosecute and aggressively try to bring down political opponents.

This morning, we heard the member for Enfield allege that the way that this select committee had gone about its business in a novel way, where a QC had been instructed by solicitors at who knows what expense—sir, I assume you know what expense; was it $90,000, or was it more?—to the people of South Australia by solicitors and informed by, I think, four members of this parliament's staff.

It is an extraordinary body of work at great cost to the taxpayers, all with one purpose in mind, set up by the Labor Party of South Australia: to try to bring down the Deputy Premier of South Australia for the political gain of the Labor Party.

Members interjecting:

The SPEAKER: Order, member for Mawson!

The Hon. J.A.W. GARDNER: That is why the Labor Party put forward this motion. That is why the Labor Party convinced—I think unfortunately—members of the crossbench to set up the inquiry, to support the inquiry. Its consequence was in effect an American-style investigation that was supported with taxpayers' funds for the pure political motive of bringing down the Deputy Premier. At its heart, at its core of being, is there a member in this house who does not believe that the member for West Torrens had that in mind when he was conducting negotiations with members of the crossbench in relation to the establishment of the inquiry?

Does anyone in this house not believe that caucus was discussing this, maybe even again on Tuesday when caucus was so long extended that many of them missed an appointment that they promised to have with me and Healthy Harold, the giraffe? Is there a single member of this parliament who does not think that this is exactly what they had in mind all along?

If you do believe that there was bias and if you do believe that the member for West Torrens and the member for Enfield went into this committee inquiry with a preconception, with prejudgement of what the outcome would be, then you cannot give weight to the committee's findings. You simply cannot if you believe that they prejudged the matter.

As to the questions in relation to whether the Deputy Premier misled the parliament, I will address the comment made by the member for Port Adelaide. The very opening statements of her remarks included this suggestion, this allegation of fact that the Deputy Premier owned property opposite KIPT property.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: I am corrected, sir. The Deputy Leader of the Opposition tells me that she said she owned property opposite KIPT timber.

Members interjecting:

The SPEAKER: The member for Hammond is called to order.

Members interjecting:

The SPEAKER: The member for Port Adelaide is called to order. The member for Playford is called to order.

The Hon. J.A.W. GARDNER: I will accept that. If I am incorrect, then I will accept her correction that it was opposite KIPT timber. The fact is—

Members interjecting:

The SPEAKER: Order, the minister for Transport!

The Hon. J.A.W. GARDNER: —you have to establish more than the opposition has, or indeed more than the committee inquiry found, because you have to establish first that there was a knowledgeable—

Members interjecting:

The SPEAKER: Order, minister for industry and skills!

The Hon. J.A.W. GARDNER: —conflict, indeed that there was any conflict at all. The Deputy Premier has stated that she did not know that it was KIPT timber, as was said, then the Labor Party in their committee and in today's evidence has not established—

The Hon. A. Koutsantonis: So she didn't read the report.

The SPEAKER: Order, member for West Torrens!

The Hon. J.A.W. GARDNER: —that there was a KIPT property—because it was not; it was privately owned forest—

Members interjecting:

The SPEAKER: Member for Ramsay!

The Hon. J.A.W. GARDNER: —that was always going to be logged at some point because that is the purpose—

The Hon. A. Koutsantonis: It was in the report!

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

The Hon. J.A.W. GARDNER: —of a privately owned forest. The Labor Party—

Members interjecting:

The SPEAKER: Member for Kaurna!

The Hon. J.A.W. GARDNER: —in saying that the Deputy Premier misled the parliament also has to establish that she did knowingly do so. I would submit that she neither misled the parliament irrespective or knowingly.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: And certainly not knowing that KIPT had some sort of contractual arrangement, whatever the details of them are—the member for West Torrens seems to be—

Members interjecting:

The SPEAKER: Order, member for Playford!

The Hon. J.A.W. GARDNER: —very deeply of the understanding of the timing and everything else of the contract with KIPT; he can advise the house. But the critical thing is that the Labor Party needed to establish that the Deputy Premier knew that KIPT had a contract over that timber to even bring forward the perceived conflict that it has alleged, let alone the actual one.

On the actual one, there is a very serious statement to be made in relation to actual conflicts of interest. Somebody is not disqualified purely by being a member of a broad class or a member of the public, otherwise, anybody on Kangaroo Island would be incapable—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: Anyone who owned property—

The SPEAKER: The minister has the call.

The Hon. J.A.W. GARDNER: —or lived on Kangaroo Island would be incapable of making a determination in relation to any property matter on Kangaroo Island because it is only—

Members interjecting:

The SPEAKER: The leader is called to order.

The Hon. J.A.W. GARDNER: —as a member of such a broad class that the Deputy Premier would have to answer such a claim. The Hon. Russell Wortley would be prevented in such a case from answering a claim. The Hon. Frank Pangallo would be prevented in such a case from answering a claim, as indeed would property owners on Kangaroo Island.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: The idea put forward by the Labor Party that because—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: It was repeated by every speaker so far that because the Deputy Premier has, and I quote, 'a close personal friendship—

Members interjecting:

The SPEAKER: Member for Waite!

The Hon. J.A.W. GARDNER: —with the former member for Finniss, Michael Pengilly', that somehow makes it a conflict and there are certain areas there. Deep personal friendship does not amount to a familial relationship. It does not amount to a personal relationship of a spouse or a loving couple. It was put forward in evidence to the committee inquiry that the Deputy Premier did not go to school with the member for Finniss. She knew him, obviously, as a member of the island. There are very few people on Kangaroo Island the Deputy Premier does not know. He was indeed a member of this chamber. He was a colleague. He was significantly older than the Deputy Premier.

It must be said, and this is something of which I have some knowledge, that the Deputy Premier did not even necessarily support the Mayor of Kangaroo Island in each and every one of his political endeavours. There was at least one occasion that I am very familiar with when she was supporting somebody else—unsuccessfully.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: It is absolutely no evidence of the fact that there is a relationship of any sort with the Mayor of Kangaroo Island that would be relevant to the committee's inquiries or the opposition's statements, yet they have each mentioned it as if this is a salient point.

I think that there is a piece of property on Kangaroo Island that was the subject of obviously a very tragic set of circumstances. It is very unfortunate that that set of circumstances was brought into the debate in the chamber, and I will clarify. It is very unfortunate that the outcome of that set of

circumstances was brought to this chamber as part of the debate as some of the reason why people felt that there was a conflict. That is tawdry, that is inappropriate and it is deeply unfortunate.

The fact is that the Labor Party, its members, its arguers, the people who have put forward the propositions in this debate, have continually said that there was a clear recommendation, that this approval needed to be offered. The fact is that we know from the evidence to the inquiry that it was not so clear-cut. We know from evidence to the inquiry that even the provisional recommendation with conditions that was recommended was even then a lineball decision and, further, that any decision was a matter for the Minister for Planning. According to the legislation supported by those opposite, that was the outcome.

The fact that there was a recommendation, the way it was put by the Labor Party is not accurate and the way it was put has no bearing on this case. There was no misleading of the house, there was no conflict of interest and the committee report's findings should be given no weight by members of this house. I urge all members to oppose this ridiculous, frivolous, politically motivated, nasty motion.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:11): There can be no misapprehension about the significance of the vote that is about to be cast. Regardless of the outcome, this is going to be a historic moment.

The Hon. D.G. Pisoni: Just talk into here.

The SPEAKER: Order! The Minister for Innovation and Skills!

Mr MALINAUSKAS: The parliament is now at the precipice, the precipice of choosing maintenance of a basic standard—

The Hon. D.G. Pisoni: What's behind your tie?

The SPEAKER: Order! The Minister for Innovation and Skills is warned.

The Hon. S.S. Marshall: You're all miked up!

The SPEAKER: Order! The leader has the call.

Mr MALINAUSKAS: —the precipice of choosing to maintain a basic standard that has been fought for and won over hundreds of years of parliamentary democracy, or choosing the abyss of deliberate acquiescence—

The Hon. D.G. Pisoni: Does it flash when it's on?

The SPEAKER: Order!

Mr MALINAUSKAS: —of parliament deceit. Let there be no doubt: the Attorney-General is a formidable woman. She is confident, strong and steadfast. She is articulate and informed—

The Hon. D.G. Pisoni: So you're reading this, Pete? You're the only one reading it.

The SPEAKER: Order!

Mr MALINAUSKAS: —which begs the question: how has the Attorney let it come to this? How is the government of South Australia—

The Hon. D.G. Pisoni: Even Susan Close didn't have to read it!

The SPEAKER: The Minister for Innovation and Skills is warned for a second and final time.

Mr MALINAUSKAS: —in now such a state of complete political paralysis?

Members interjecting:

The SPEAKER: Order, member for Playford! Member for Wright!

Mr MALINAUSKAS: We are all human. We each have our failings, but it has become clear the Deputy Premier suffers the greatest dose of pride one has ever seen. Unfailing pride denies the Deputy Premier any sense of self-awareness. Pride blinds the Attorney from the realisation that her actions alone are now suffocating the Marshall Liberal government. Pride renders the Attorney incapable of seeing the forest from the trees—in this case, both literally and metaphorically.

Members interjecting:

The SPEAKER: Order! The Minister for Transport is warned.

Mr MALINAUSKAS: The parliamentary committee has laid bare the evidence. There is no doubt—

The Hon. S.S. Marshall: There was a dissenting statement!

The SPEAKER: Order, the Premier!

Mr MALINAUSKAS: —the Attorney-General did have a conflict of interest. The Attorney-General did not declare the conflict of interest. The Attorney then acted in accordance with the conflict and rejected a private sector development despite official advice recommending otherwise. Then, as a pièce de résistance, she knowingly misled the house, which is code for 'the Attorney-General—

Members interjecting:

The SPEAKER: Order, member for Hammond!

Mr MALINAUSKAS: —the first law officer of our great state, lied to this house'.

Members interjecting:

The SPEAKER: The Minister for Education is called to order.

Mr MALINAUSKAS: For those observing these proceedings today, and ultimately in time immemorial, they must understand that this is not a victimless act of political belligerence. The consequences of the Attorney's actions are grave. The report to the committee itself finds, and I quote:

> The existence of a conflict or bias also has the potential to undermine investor confidence in the State, with associated negative consequences on employment and development.

At a time when this state for the majority of this calendar year has had the highest unemployment rate in the land, at a time when this state is suffering wages growth—

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: —below the rate of inflation, à la a real wage cut—

Members interjecting:

The SPEAKER: Order, the Premier! The leader has the call.

Mr MALINAUSKAS: Now more than ever we need investors having confidence in due process.

Members interjecting:

The SPEAKER: The member for Hammond is warned.

Mr MALINAUSKAS: There are consequences also of knowingly misleading the house. The propriety of what we say in this house is underpinned entirely by the value of our word. If we accept ministers walking into this place and knowingly misleading the house, then everything we say in this place has the potential to become redundant.

And then why are we here? At that point we must ask: what is the point? How can question time serve its legitimate and critical function within a parliamentary democracy to hold the executive to account if the opposition and crossbench members can ask questions of the government and they knowingly mislead the house without consequence? At that point, our whole system fails. Now more than ever it is critical that our system of government, our parliamentary democracy succeeds.

It remains true that this state remains in a declared state of emergency. The words that we say must be honest. The words that we speak in this place, more than any other, must remain true so that the people of this state can have confidence that when their leaders ask them to make sacrifices in an emergency, that those words are based in truth. The moment the test of truth fails at any point, let alone during the course of a declared emergency, then people's confidence in

government erodes, then people's capacity to show faith in their leaders in their time of need diminishes.

It is telling that throughout the course of this debate, that during the course of the 30 minutes of defence of the Attorney-General's actions, we have heard complaints about process, we have heard about Harold the healthy giraffe, we have heard the member for Stuart and the Premier seek to issue slurs against the member for West Torrens as they have been backgrounding against the member for Enfield, participants in the process—

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: —but what we have not heard—

Members interjecting:

The SPEAKER: Order, members to my right!

Mr MALINAUSKAS: —for 30 minutes from the government is any explanation about how the Attorney did not have a conflict of interest.

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: The Ministerial Code of Conduct—

Members interjecting:

The SPEAKER: Order, member for Chaffey!

Mr MALINAUSKAS: —refers directly—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. Marshall interjecting:

The SPEAKER: Premier, you are called to order.

Members interjecting:

The SPEAKER: Minister, you are called to order.

Mr MALINAUSKAS: The Premier's actions, the Premier's conduct speaks for itself. The Ministerial Code of Conduct says very clearly that a conflict of interest does not only encompass actual conflicts of interest—

Members interjecting:

The SPEAKER: Order! The leader's time has expired. If there is only one sentence to go, I will hear it.

Mr MALINAUSKAS: I have just one sentence and I would like to be able to say it with a degree of protection from the Chair.

Members interjecting:

The SPEAKER: Order, members to my right! The remarks are about to conclude. We will hear them.

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: A conflict of interest does not only encompass actual or direct conflicts of interest between a minister's public duty and private interest: a potential or perceived conflict of interest may also constitute an actual conflict of interest. The case is clear. The minister must resign.

Members interjecting:

The SPEAKER: Order! Member for Chaffey, you are testing the patience of the house.

Members interjecting:

The SPEAKER: Order! Members are called to order.

Ms LUETHEN (King) (15:18): I rise to speak against the motion and make a contribution and support—

The SPEAKER: Member for King, as much as I would wish to indulge you, and I do recognise you, I see that the time for the debate has, in fact, expired. The question before the Chair is that the amendment be agreed to.

The house divided on the amendment:

Ayes.....26
Noes 19
Majority 7

AYES

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

NOES

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Szakacs, J.K.
Wortley, D.		

Amendment thus carried.

The SPEAKER: The question is now that the motion as amended be agreed to.

The house divided on the motion as amended:

Ayes.....23
Noes 22
Majority 1

AYES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Bignell, L.W.K.	Boyer, B.I.	Brock, G.G.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Duluk, S.	Gee, J.P.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A.	Malinauskas, P.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Stinson, J.M.
Szakacs, J.K.	Wortley, D.	

NOES

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

Mr Malinauskas interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, members! Members, I bring your attention to standing order 141. There will be no quarrels across the chamber as the count continues.

Motion as amended thus carried.

Matter of Privilege

MATTER OF PRIVILEGE

The Hon. A. KOUTSANTONIS (West Torrens) (15:29): I rise on a matter of privilege. Sir, as you would be aware, a report was tabled in the House of Assembly by the select committee on Kangaroo Island plantations investigating the conduct of the Deputy Premier and Minister for Planning. The house has just passed a no-confidence motion. That report contains evidence of contempts of parliament and I ask that you assess that report and report back to the house whether or not a matter of privilege should take precedence to consider the penalties for those breaches.

The SPEAKER: The member for West Torrens has raised a matter of privilege. I have within my possession a copy of the report. In view of the seriousness of the matters raised and also the passage through the house of a motion of no confidence, I propose to give extempore reasons in relation to a decision as to whether a prima facie case of privilege exists within the hour. For the moment, I understand the question before the house is that the house notes grievances.

Grievance Debate

MEMBER FOR BRAGG

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:30): Clearly, the air is tense in the parliament because I think we all appreciate the gravity of what has just occurred. During the course of the last week—

The Hon. D.G. PISONI: Point of order: the leader appears to be reflecting on a vote of the house.

The SPEAKER: This is a grievance debate, minister. I will hear out the leader—

Members interjecting:

The SPEAKER: Order! I will hear out the leader, but it is a grievance debate.

Mr MALINAUSKAS: I think we are all very conscious of the gravity and the seriousness of what has just occurred. Some time ago, I had reason to ask the parliamentary library to investigate the history regarding motions of no confidence in ministers of the Crown in the state of South Australia. They could find no precedent. As far as they could go back and research, they could find no precedent. We are now in uncharted waters.

The house having resolved that it has no confidence in the first law officer of our state plunges this government into even more chaos than was the case previously. I do want to put on the record my disappointment that it has come to this. The reason there is no precedent for the circumstance we now find ourselves in is that traditionally by now the Premier of the state has acted—

the Premier of the state has intervened into the chaos and decided to exercise the function of leadership to protect the government, à la the confidence of people in the government.

It appears that the Premier of this state is intent on denying himself the opportunity to show leadership and, rather, is perpetuating the crisis of confidence in the Deputy Premier, who also has extraordinary responsibilities to the people of South Australia at this very moment.

South Australians would well be aware, as I referred to in my earlier remarks, albeit under extraordinary interjection from those opposite, that we are in a state of declared emergency. We know that on 1 December a critical piece of legislation expires, namely, the COVID emergency bill, I think it is called. The Attorney-General is responsible for that legislation.

The pageant has been and gone. We are almost in December. Today is supposed to be the last sitting day. Thankfully, your intervention, Mr Speaker, will hopefully now allow the government to turn its mind to, rather than itself and its crisis, ensuring there are the legislative underpinnings that are necessary to maintain the Commissioner of Police, the State Coordinator, being able to exercise their critical functions.

But, of course, we have not seen any evidence of that from the government thus far because they are in a state of crisis. They are in a state of paralysis and we have a Premier who seems to be completely divorced from reality. The Premier now seems to be in a land of total delusion where the House of Assembly, the house in which government is formed, can pass a motion of no confidence against the first law officer of the state and the response that he intends to provide is nothing. This is truly extraordinary.

I would draw the Premier's attention to the *Australasian Parliamentary Review*, which refers to responsible government and the things that underpin responsible government in our great country. That review refers to High Court rulings on issues of confidence and responsible government. I refer specifically to a High Court matter in Egan v Willis, which states;

> The courts have also pointed out that responsible government depends on a combination of law, convention and political practice.

I quote:

> Responsible government is a concept based upon a combination of law, convention and political practice. The way in which that concept manifests itself is not immutable. The nature and extent of the responsibility which is involved in responsible government depends as much upon convention, political and administrative practice and a climate of public opinion as upon rules of law.

The Premier is throwing out all the convention that holds our system together at a very time of crisis in the state of South Australia, at the very time that the government should be focused on ensuring they engender confidence in the truthfulness of the words they say in this place. The Premier is actively ignoring the fact that this house has definitively resolved that it has no confidence in the first law officer because she misled this house. She took her privilege—

The DEPUTY SPEAKER: The leader's time has expired—

Mr MALINAUSKAS: —and she abused that privilege.

The DEPUTY SPEAKER: —a little while ago.

Mr MALINAUSKAS: Now the Premier must show leadership and dismiss the Attorney-General.

The DEPUTY SPEAKER: Leader, your time has expired.

HARTLEY ELECTORATE

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (15:36): Today, I rise to update the house on commitments that we took to the last state election. I am able to advise the house that we have listened to our local residents, we have acted and we have been able to achieve everything we set out to do for our local residents.

We know that, for example, the Newton Road and Graves Street intersection has been upgraded. What a fantastic improvement there. It has resulted in a much better outcome for motorists and pedestrians and everybody who uses that intersection. That was actually upgraded in March 2020.

We know that the intersection of Silkes Road and Gorge Road had been abandoned for years and years by the former Labor government. That upgrade is actually happening now as we speak and is going to be finished in a matter of weeks. The Silkes Road and Gorge Road intersection has been quite troublesome for a long period of time. We have listened to residents over an extended period time. We have rallied, we have lobbied the government and I am proud to say that intersection is about to be fully finished.

Lights have also been installed at the corner of OG Road and Turner Street at Felixstowe, which has enabled much better traffic flow throughout the north-east for residents in places like Felixstowe and Campbelltown. Again, it is a multimillion dollar upgrade resulting in not only much better traffic flow but also safety for pedestrians.

While we are talking about facilities, we all have a duty in this place to make sure that we have the best education facilities for our children. I am pleased to say that we have allocated funding for upgrades, completed upgrades or we are in the process of completing upgrades in schools like East Marden Primary School and Magill Primary School.

What about our high schools? Charles Campbell College is getting a magnificent upgrade. Norwood Morialta High School at the moment at the Magill campus is being upgraded substantially with tens of millions of dollars in investment, and of course we have a new school being built on the old Norwood Morialta campus. We are going to be the envy of other parts of the state because we have upgraded education facilities that are going to provide enormous potential for our students to make sure that they can be the best that they can be.

We know that park-and-rides across the state are very popular. Those opposite had the Paradise park-and-ride in the budget. We were elected to government. What did they do? They never fulfilled their promise to fix that park-and-ride, but we have delivered. We have delivered a park-and-ride at Paradise now catering for over 800 car parks. It is a fantastic facility that is being used every single day by not only Hartley residents but also surrounding residents.

When you come to amenity, you talk about development, and we know that from time to time the right balance has to be struck. Of course, we had a former minister who thought that it was a good idea—an outrageous idea—to allow some minimum allotment sizes of 150 square metres in Campbelltown. We got elected to government and we said, 'We're going to fix this.' We fixed it. It took some time, but working with residents that has now been changed to 250 square metres as a minimum allotment. Whilst we are limited by what we can do about the former Labor planning minister's outrageous allowances to allow 150 metres, I am proud to say that working with residents we have now changed that in Campbelltown to 250 square metres.

While we are at it, the Campbelltown sports and community club, the soccer club, has received $1.5 million. I would say that it is probably the most popular local soccer/football facility in the state. There is a new synthetic pitch and there are new change rooms there. It is a magnificent site and we have now futureproofed Campbelltown City Soccer Club. Max Amber is getting a fantastic upgrade as well: lights have been delivered, and new change rooms and facilities are being delivered as well.

Last week, I attended a sod-turn for the Magill Village master plan. This is going to result in much better shrubbery, lighting, footpaths and roads for that part of the electorate. It is really going to breathe life into that part of Magill Road.

All in all, it continues to be an absolute privilege and honour to serve the people of Hartley. I am proud to say that we have been able to deliver everything we said we would locally. Of course, there is plenty more to do, and we will continue to work hard to make sure that we deliver for the people of Hartley now and into the future.

SOUTH ROAD UPGRADE

Ms STINSON (Badcoe) (15:41): The biggest issue in my electorate right now is, of course, the future of South Road and what it means for my constituents. This is not a flash in the pan hot topic of the moment: this is an issue of key concern for my local area—and it will be for the next decade.

For months, I have been sitting down at kitchen tables of hundreds of local people, hearing their stories, understanding their difficulties and shock, their feelings of sadness and despair, and

even on occasion bearing witness to their tears. I have heard what their homes mean to them. With the personal, the professional, the social and the financial impacts of the acquisition and their feelings of loss and shock and even confusion at the lack of reliable and full information at this difficult time, I have done my best to assist them with accurate information and personalised support at every turn.

The people of Badcoe are not the beneficiaries of the tunnel. Our suburb will be divided by an open-cut chasm and loomed over in parts by an aerial roadway. Although the upgrade of South Road is necessary, there are so many questions about how decisions were reached, who was consulted and even the very basic decision of what is even being planned to be built by the government. So very many important questions are unanswered.

In late September and early October, as the latest round of compulsory acquisitions was made public via postings on social media, I requested an urgent briefing from the minister because I want accurate information I can share with the people I am elected to represent and I want to be able to advise and support them at this time. I have done that, despite the lack of interest in the same from the minister. I have been sent absolutely no information at any stage from the department or the minister as the elected representative for this area, despite repeated requests. To me, that sends a powerful message to people in my area about the regard this government has for them.

The questions my community have are in no way secret, and I have spoken about them repeatedly in this place. Today, I place a few more of my community's questions on record yet again in the hope that they might be answered. The big question, of course, and the primary question for Badcoe people is: where is the reference design and why is the government not releasing it?

Home owners, business owners and tenants have been told their properties are being acquired on occasions throughout most of this year, and many have now been transferred into government ownership, yet people still do not know why their land is targeted and what is proposed to be built. If a person was wishing to challenge the necessity of their land being taken by the government, right now they could not because they do not have this critical information.

Where is the concept design for the area north of the Gallipoli Underpass, and why will the government not publish that? We know they have it because some residents selectively have been shown the image while others have not. This is not the way to inform the community, although it is the way that the government are repeatedly seeking to do business. Where is the map of the properties to be acquired north of the Gallipoli Underpass and along Anzac Highway? It is critical that this is released.

As the local MP, I have more than a handful of residents and business owners coming to me saying they have had no communication from this government about whether they are being acquired or not. Many of them live next door to acquired properties and suspect they are on the chopping block, but when they call the so-called information line, they have had no definitive answer and are told to call back later or that someone will call them back in several weeks. This map must be released so our community is informed and can access support and information at this tough time.

I am pleased to have been and to continue to be an effective advocate for the interests of those I am elected to represent. Even from opposition, I have challenged poor terms for my local residents and achieved swift change in relation to South Road. When local residents in Glandore raised with me that they were told by DIT that they would have to pay market rent to the government after being forced to sell their homes to the government, I took up that fight. I hit the airwaves, and 48 hours later DIT advised my constituents in Glandore in writing that they would no longer need to pay market rent to the government, and that is a win for my community.

However, as land acquisitions have been commenced in the third and, hopefully, final round in Marleston and Ashford, those residents are again being told by DIT that they will need to pay the government rent after their homes are acquired if they remain in their homes. How can that be? Why would there be one rule for one suburb and a different rule for another suburb? Are the DIT officials ill informed or are there seriously different policies for different suburbs across my electorate? These and so, so many more questions need to be answered and I call on this government to start answering some of them.

HENLEY SQUARE GROUNDWATER WORKS

Mr COWDREY (Colton) (15:46): I would like to today draw the house's attention to a longstanding issue my local community at Henley Beach, this being the groundwater issue at the

retail and residential complex at Henley Square. I am pleased to stand here today and report that after near 10 long years the fix is underway on Seaview Road.

By way of background, this solution will rectify the alleged illegal take of underground water that came as a result of the building's basement intruding into the underground aquifer. Contractors on behalf of the Department for Environment and Water will install the groundwater reinjection system under the road verge along the front of the apartment complex. The work is expected to take approximately three weeks—although I note that this is already underway—and will be undertaken at night from Sunday through Thursday to minimise disruption to traffic and the community.

Given the environmental risks, this government has decided to intervene and install the groundwater reinjection system, which will continually return water back to the aquifer in order to mitigate the risk of seawater intrusion. The basement of the apartment and the retail complex sits within the shallow freshwater aquifer. Intercepted groundwater has, since the building's construction, been directed to holding tanks in the basement car park and is periodically pumped onto the beach in front of Henley Square.

For years, this issue has been the subject of ongoing discussions between the state government, the developer and the City of Charles Sturt after the government became aware that underground water was struck during construction of the complex. It is evident and incredibly clear that not enough was done under the previous government to rectify this issue. No steps were taken beyond discussions. Having provided procedural fairness on coming to government, further discussions were had. This government took action starting in 2020.

DEW formally issued the developer with a notice on 13 October 2020 pursuant to section 107 of the Landscape South Australia Act 2019. The developer has appealed the notice and the matter is currently before the Environment, Resources and Development Court. The notice required the developer to commence works on the approved reinjection solution by 1 June 2021 and be completed by 31 August 2021 to avoid the long-term risks.

The state government intends to pursue all costs associated with the planning and installation of the groundwater reinjection system. I know that my local community will well and truly welcome this outcome, and I am proud to have worked to deliver it. It provides certainty finally to the retail leaseholders and property owners within the complex and, most importantly, after 10 years, it delivers closure for those parties and brings to an end this sorry saga that went on for far too long.

TORRENS ELECTORATE

Ms WORTLEY (Torrens) (15:49): It is a privilege to advocate on behalf of the electorate of Torrens in this place, particularly during these challenging times. I am sure members here would join me in acknowledging and thanking South Australians across the state for their ongoing efforts in doing the right thing regarding COVID restrictions, from checking in with QR codes to wearing a mask in designated areas, staying at home when they feel unwell and being tested when they have cold-like symptoms.

These efforts are particularly important, but what is difficult for me to understand here is why the government is not doing the right thing in relation to promises it made to residents of Torrens in the lead-up to the last election. There are a number of issues that remain unresolved. In some cases, we have waited in excess of six weeks for a response to letters to the Premier and ministers, with some unanswered. In fact, I am still waiting for a response from the Premier, which has been outstanding for eight months.

There are related local issues that are of considerable importance. One of them is the need for Hampstead Primary School to have the Minister for Education take them seriously following the fire that destroyed buildings in 2019, leaving some burnt-out shells. After numerous cancelled start dates, work is now scheduled to begin in the school holidays, a start date that I asked the minister to put his stamp on to ensure it is well underway before the students return in January, more than two years from the day of the fire.

In Hillcrest, we have the North East Community Assistance Project (NECAP), which I understand was promised in the lead-up to the election by Liberal members and the candidate that a new suitable home would be found for them. Despite having three years of uncertainty around their future due to the government selling the land, they were finally told in December 2020 that they could stay at their premises, but this was followed by a 'however', and the minister states they would need

to pay the ongoing maintenance on the building they reside in, which is not in a reasonable condition to start with, and they had already pointed that out.

They are a registered charity, run by volunteers, that provides emergency relief to domestic and family violence victims, people who find themselves homeless and often unable to afford groceries and clothing. This just reinforces how out of touch and uncaring this government is. NECAP has been providing a valuable service to our community in the north-eastern suburbs since 1980. A relatively small sum would be required to ensure the future of NECAP. Today, I call on the government to provide adequate funding to enable NECAP to continue its wonderful work in our community.

Right next door to NECAP is North East Community Children's Centre, which has been desperately trying to negotiate with the minister for increased access to their site, including for emergency services vehicles and sufficient parking for staff and parents. The minister again decided to make a decision that impacts our community instead of helping it, by subdividing and selling the land that borders the centre, leaving them with no dedicated car park, no suitable access point for emergency services and no capacity to increase services to the community. Today, I again call on the minister to allocate the funding to address these significant safety issues.

We know the government closed the Strathmont pool. The Hampstead Rehabilitation Centre pool has been closed to the public and the government refuse to respond to my many requests for consideration of land to be put aside for a swimming pool in our local area, prior to the government selling the land to Villawood Properties to build the 1,500 homes they have highlighted.

I have highlighted the fact that closures and lack of swimming pool facilities have resulted in members of our community missing out on swimming, water safety, water therapy for young and old and people with a disability, impacting also on our culturally and linguistically diverse families, many who come from land-locked countries have little or no swimming or Australian water safety knowledge.

Now, with the additional 1,500 houses to be built in Oakden on the former Strathmont site and the Villawood plan to build a swimming pool to be accessed only by those in the development, again the residents of Torrens will be left out. I call on the government to actively pursue the building of a public swimming pool on the site or nearby in partnership with the City of Port Adelaide Enfield and the federal government. They could even include Villawood. It would benefit greatly the residents of our north-eastern suburbs.

Gaza football club is still awaiting the election promise by the former Liberal candidate for Torrens who told the committee that, if elected, a Liberal government would meet Labor's commitment for new female change facilities. When the sports minister stands up and says they are delivering on their promises, he forgets about the promise made to Gaza football club. I call on the minister to honour this 2018 election promise.

This is just a small snapshot of issues I raise again on behalf of the residents of Torrens and the wider community. I can only hope those opposite can see the genuine need to keep the promises they have made and to deliver.

ELDER ELECTORATE

Mrs POWER (Elder) (15:54): Many of my constituents know that I am there to assist and serve them—it is my number one priority. When I was elected as the member for Elder in 2018, in the lead-up to that election and since I have spoken lots about wanting to raise the bar of political representation for my local area. It has been my priority, working hard each and every day since then, ensuring that I am listening, approachable and accessible for our local residents and providing assistance and advocating on their behalf about the issues that matter to them.

It means working with local residents to deliver what we need in our local area and for our state. It has been our combined efforts that have indeed delivered great outcomes like saving the Repat. Together, so many South Australians fought against the closure of the Repat by the former Labor government and those across the chamber. I am very proud—so proud—to be a part of the Marshall Liberal government that has not only listened to those South Australians, not only promised to save the Repat, but delivered on that promise, reactivating it into a thriving healthcare precinct.

This achievement belongs to everyone in my electorate and to everybody who fought to save the Repat. It is an achievement by our community for our community. Of course, I have worked really hard to ensure that along every step of the way our community has continued to be involved in the reactivation of the site.

We have recently celebrated the official opening and the completed construction of the town square and the brain rehabilitation sports centre, another amazing milestone, which community members have had the opportunity to come along and check out firsthand. I had this idea of hosting behind-the-scenes tours of the Repat so that residents could continue to be a part of that journey and see what was happening as construction was underway.

Those behind the scenes tours of the Repat have been extremely popular. I have already held three. I have another couple coming up and they have almost sold out—not that I am actually selling tickets. The waiting list has been so full that I hope to host more in the new year with the minister. At the last tour, it was incredible to see the heart and soul of the Repat being returned, for residents to be able to ask questions and watch it come alive. Local residents shared how fantastic it was to see that we are indeed building what matters, not just creating local jobs but creating better lives for people with this significant boost to our health system.

My local community has also had the opportunity to experience another amazing win for the southern region: the opening of Glenthorne National Park, just up the hill from my electorate. Thinking outside the box, I decided I would host another tour, a tour of Glenthorne National Park, with the Minister for Environment and Water, David Speirs, as our tour guide. He is indeed passionate about that site and he shared the history of the site and the vision for its future.

We had this incredible morning, walking around the national park, being a part of nature, sharing in a morning tea afterwards. Residents were just so delighted to see up close and personal the progress that has already been made at this site. We are not only saving 1,500 hectares of open space—a big win for our environment—but we are also making it home for a local wildlife care campus. Again, it is really a great win for our local area.

Whilst the Repat and Glenthorne National Park are two big wins for our community and for our state, I have also enjoyed sharing the little wins and the regular meetings and the regular milestones that occur within our community. I have been out and about to lots of local community and sporting groups, attending their AGMs and their meetings and supporting them in the incredible work that they do, all made possible because of so many volunteers giving of their time and making our community the strong, great community that it is. I would like to take this opportunity to pass on my heartfelt thanks to all those in our local area who are working to make it great.

WAITE ELECTORATE

Mr DULUK (Waite) (15:59): Of course, we all know there is an election happening next year in March—we assume in March—and it is incumbent on each and every one of us who wants to be re-elected to put our best foot forward and fight for the best outcome for our community. That is what I will be seeking to do between now and election day, as I have sought to do every day I have been in this place.

I would like to put on the record some of the key issues I think will be important locally in my electorate, and there are, of course, the statewide issues as well that dominate so much at the moment. That is what I will be doing out and about in the community, talking about the issues that are important to them and then delivering for my community back here in this place.

I want to work with the community and with all sides of politics to ensure we have better roads in our communities, that we see grade separation on the rail freight routes and train station upgrades. Road improvements are happening at the moment but more needs to be done. There are crucial health and education upgrades, and it was such a privilege to be at the Repat last weekend to see some of the great work happening there, and more to come.

There is ensuring that the ambulance crisis is dealt with, investing in our schools, reducing cost-of-living pressures on families and setting a holistic vision on where the state views economic matters as well around debt and tax reform. These are all issues that are very important to the community.

As you know, Deputy Speaker, I have spoken many times in this chamber about the need to fix the freight issue for South Australia, but by fixing that we fix a really big issue for my electorate of Waite. I recently spoke at a forum up at Mount Barker to discuss our state's current road congestion issues and the movement of freight throughout the state. Many people I spoke to at the forum, as well as over the past three years, have been disappointed that the government backtracked on GlobeLink, and more disappointed that no alternatives were offered at the time.

I am asking for major infrastructure investment to fund both a northern rail freight bypass and alternative road freight solutions. These are critical. These are important. There is another forum tonight at Scotch College, in my electorate, on this very issue. Unfortunately, I believe the question in the house yesterday in terms of the future of Cross Road was not adequately addressed by the minister.

These projects and investments would deliver significant environmental, economic and social benefits to South Australia and open up the Belair rail line for increased public transport use. Of course, a better public transport system provides many benefits and would encourage fewer commuters on our roads. I want to see local investment in train stations on the Belair line as part of the Station Refresh Program.

We are seeing a huge investment in the Gawler line. No doubt that will be of benefit for people using that line, but none of my residents use the Gawler line for their daily commute. They use the Belair line, and there are many stations on that line that need to be upgraded to improve public transport outcomes for my community.

Regarding more frequent bus services, we fought a huge campaign some two years ago to save bus services in our community. That was something I was able to do with my community as an advocate on their behalf. Investments in new technology such as tap-and-go and on-demand bus services as well are critical.

I mentioned the level crossing upgrades that will help reduce congestion on our roads and increase freight movement and efficiency: Glenalta Railway Station, Blackwood Railway Station and of course on Cross Road at the Hawthorn station. Infrastructure Australia has identified both of these at-grade level crossings in their 2021 priority list. As part of this, I ask the government to fund a boom gate maintenance program as well, to really put aside capital for the long-term upgrade of boom gates across the state. Longer boom gate closures create barriers and reduce amenity in our urban areas.

Of course, we have the roads as well. We need a road revitalisation program. Belair Road, Old Belair Road, and Main Road at Coromandel Valley all need to be resealed and they all need to be invested in. We need to have a proper solution to Laffers Road and Main Road, Belair, to Northcote Road and Shepherds Hill Road, to Kitchener Street and Clarement Avenue in Netherby. These are all matters I am passionate about and that I will fight for and deliver for our community.

Of course, there is protecting the environment, protecting open space and greening our suburbs and activating those spaces. In health, it is looking at how we can use suburban hospitals to take the strain off the health system. It is ensuring that Bellevue Heights Primary School has that new air conditioning that has been asked for, that Eden Hills Primary School their playing field and Coromandel Valley Primary School the Frank Smith revitalisation project. We need to help families who are the backbone of our community have the very best education outcomes for their schools.

Of course, cost of living, lowering fuel prices, working with the member for Florey on her campaign, expanding the sports vouchers scheme—so important that Scouts and Girl Guides have access to that scheme—and investing in our community organisations. I will continue to elevate the needs of my community as an invitation for the two major parties to commit to delivering these projects in Waite. It is so important that we work together to deliver the best for our communities.

COVID-19 TRAVEL RESTRICTIONS

Ms BEDFORD (Florey) (16:05): The member for Waite has just done me a great favour in drawing my mind back to the things that are really important to our electors, and that is the fact that they rely on the house to take their part in everything that is going on and rely on us to be telling the absolute truth at all times.

With that in mind, I think the number one issue I am focused on along with my staff, my hardworking staff, back at the Florey electorate office—and I acknowledge all their work on behalf of our constituents and, more broadly, the north-eastern area—because 23 November looms large. Along with everybody else, I am not really certain exactly what is going to happen on 23 November.

My phone was running hot last night with queries from people who are arranging travel, coming back from overseas and interstate, who have been told by SA Health they can come, refused by police, they are not sure what to do with airline bookings. So we are kind of back to where we were on 21 September when the Department for Health provided MPs with a briefing on border exemptions.

I, along with other members, attended that in the Old Chamber where we were addressed by officials from the department and told, yes, it was a five-week wait in some cases to have your papers approved but, not to worry, there was going to be an app that would take two more weeks to be brought about, and then you could follow your application wherever that might be within the five, six or seven-week continuum. From what I have heard, there have been some improvements but not a lot.

While I again state, as I did that day, I am sure everybody is doing their best, I did see on one of my Facebook feeds this morning the department advertising for immediate starts for people to get involved with the COVID response. So that means, I imagine, those people need to be trained, and that is not leaving a lot of timing when you consider today is 18 November.

Getting back to the briefing on the 21st, we were basically all told everything was okay when in actual fact it clearly was not, and that seems to be the tenor of things these days. People stand up, tell us everything is alright, and then anybody who says, 'But please, sir, I don't think that's the case,' is then labelled as not being a team player or being disloyal or whatever other derogatory adjective could be ascribed to them.

So on that particular day, I heard several people in the room raise concerns, basically to be told the same thing, that everything is okay and not to worry. So I then made a contribution something along the lines of, 'We are not talking about pumpkins; we are actually talking about people.' These people have lives and they have responsibilities. They do not have endless amounts of money or places to stay, nor do they have time in a lot of cases to even get on an app and sit on an app or get on a phone when no-one is answering the phone to be told not to lecture the Department for Health officials who were in the room.

At the time there were audible gasps and it was actually very comforting for me to see elder abuse identified in the room by my younger colleagues, but it was not in fact a bullying exercise. It was just plain rudeness. That is why I was staggered to read earlier this week that the head of the Department for Health, Chris McGowan, actually fronted a committee this week and admitted that they had got that wrong. They had got border exemptions wrong.

I am not sure how that is supposed to make us all feel about 23 November looming large. I am not sure how bespoke arrangements for however many thousands of people are going to work. I am not sure if hospitality venues know what they are doing or are going to do in the face of a COVID outbreak. I am not sure what the AMA or GPs are going to do. I am just asking on behalf of my constituents and people in the community to perhaps ask for another briefing by the Department for Health for members of the parliament where we might again ask some serious questions about what might be going on.

I am not sure if I have support in that, but I think it would be something I would call on the department to do or whoever called the last one to get around to doing that very, very quickly. I am not comfortable facing my community saying, 'Don't worry. Everything is going to be okay,' when in actual fact I am not certain that is the case.

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY) (INQUIRY INTO FOSTER AND KINSHIP CARE) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

AGEING AND ADULT SAFEGUARDING (RESTRICTIVE PRACTICES) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

SOCIAL WORKERS REGISTRATION BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

GENDER EQUALITY BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

INQUIRY INTO PALLIATIVE CARE BILL

Final Stages

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

No. 1. Clause 2, page 2, lines 4 to 7—Delete clause 2

No. 2. Clause 4, page 2, lines 17 and 18 [clause 4(2)]—Delete subclause (2)

The SPEAKER: Consideration of the amendments, minister?

The Hon. J.A.W. GARDNER: On motion.

The Hon. A. PICCOLO: I wish to amend that motion: to deal with them forthwith.

The SPEAKER: You can do that, yes. The amendment put by the member for Light is that message No. 161 be dealt with forthwith.

The house divided on the motion:

Ayes.....21
Noes 25
Majority 4

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E.
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A. (teller)	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

NOES

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

Motion thus negatived.

COORONG ENVIRONMENTAL TRUST BILL

Final Stages

The Legislative Council disagreed to amendments Nos 1 and 3 made by the House of Assembly for the reason indicated in the following schedule and disagreed to amendment No. 2 but made an alternative amendment in lieu thereof:

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF ASSEMBLY AND DISAGREED BY THE LEGISLATIVE COUNCIL

No. 1. Clause 2, page 3, line 2—Insert 'Within' after the word 'operation'

No. 2. Clause 4, part 2, page 3, line 32—Insert after the word 'established' the words 'to raise and administer philanthropic funds to support the ecological wellbeing of the Coorong.'

And after line 36—Insert:

The Minister will approve an initial set of rules relating to the membership, management and operations of the Trust.

Thereafter, the Trust will maintain the rules of the Trust.

The Trust must publish any variations it makes to the rules of the Trust in its Annual Report.

The Crown does not incur any liability for the Trusts / all costs associated with the Trust are to be met by the Trust.

No. 3. Clause 10, part 3, page 6, lines 6 and 7—To delete 10(1) and insert in lieu thereof:

(1) the Minister will appoint an initial board of management of the Trust to carry out the day to day operations of the Trust and to manage its general affairs. Thereafter, 2 voting members will be appointed by the Minister.

SCHEDULE OF THE REASON FOR DISAGREEING WITH THE FOREGOING AMENDMENTS

Because the Amendments were not drafted by Parliamentary Counsel and are nonsensical and the alternate Amendments do what the Minister intended to do.

SCHEDULE OF THE ALTERNATE AMENDMENTS MADE BY THE LEGISLATIVE COUNCIL IN LIEU OF AMENDMENT NO. 2 OF THE HOUSE OF ASSEMBLY

No. 1. New clause, page 6, after line 3—Insert:

9A—Trust rules

(1) The Trust must prepare, adopt and maintain a set of rules relating to the membership, management and operations of the Trust.

(2) The Trust must ensure that a copy of the Trust rules (as in force from time to time) be published on a website determined by the Trust.

No. 2. Clause 10, page 6, lines 6 to 8—Delete subclauses (1) and (2) and substitute:

(1) A board of management of the Trust will carry out the day to day operations of the Trust and manage its general affairs.

(2) The board will consist of 7 persons (who will be called *directors*) of whom—

(a) 5 will be members of the Trust holding office in accordance with this Act; and

(b) 2 will be persons appointed by the Minister for a term and on conditions determined by the Minister.

(2a) The Trust may initially appoint 5 members of the Trust as directors, who will hold office until directors are elected under section 11.

No. 3. Clause 10, page 6, line 9—Delete 'The Trust must seek to ensure, as far as is reasonably practicable, that' and substitute:

Appointments and elections of directors to the board must be conducted so as to ensure that

No. 4. Clause 11, page 6, line 30—After 'a director' insert '(other than a director appointed by the Minister)'

No. 5. Clause 11, page 7, line 1—Delete 'subsections (4) and (5)' and substitute 'this section'

No. 6. Clause 11, page 7, line 12—Delete 'by resolution of the Trust' and substitute 'under section 12'

No. 7. Clause 12, page 7, line 19—After 'remove a director' insert:

(other than a director appointed by the Minister)

No. 8. Clause 12, page 7, after line 23—Insert:

(2) The Minister may remove a director appointed by the Minister from office—

(a) for breach of, or non-compliance with, a condition of appointment; or

(b) for misconduct; or

(c) for failure or incapacity to carry out official duties satisfactorily.

FAIR TRADING (MOTOR VEHICLE INSURERS AND REPAIRERS) AMENDMENT BILL

Final Stages

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

No. 1. New clause, page 2, after line 5—Insert:

1A—Commencement

This Act comes into operation on a day to be fixed by proclamation.

No. 2. Clause 3, page 2, lines 10 to 20—Delete the clause and substitute:

3—Amendment of section 4B—Administration of Act

Section 4B(2)—after paragraph (b) insert:

and

(c) Part 3B (other than section 28K).

No. 3. Clause 4, page 3, lines 15 to 17 [clause 4, inserted section 28H, definition of *Commissioner*]—Delete the definition

No. 4. Clause 4, page 3, lines 34 to 36 [clause 4, inserted section 28I(3)]—Delete 'contain provisions of a saving or transitional nature consequent on the declaration of an applicable industry code of conduct' and substitute:

—

(a) prescribe fees in respect of the administration of an applicable industry code of conduct; and

(b) make provisions of a saving or transitional nature consequent on the declaration of an applicable industry code of conduct.

No. 5. Clause 4, page 4, lines 5 to 7 [clause 4, inserted section 28J(1), penalty provision]—Delete the penalty provision

No. 6. Clause 4, page 4, lines 8 to 27 [clause 4, inserted section 28J(2) to (4)]—Delete subsections (2) to (4) (inclusive) and substitute:

(2) The Small Business Commissioner must, on or before 30 September in each year, prepare and submit a report to the Minister responsible for the administration of the *Small Business Commissioner Act 2011* containing the following information in respect of the immediately preceding financial year:

(a) the number of proceedings commenced by the Commissioner under section 86B for an alleged civil penalty contravention against section 28J(1);

(b) the outcome of those proceedings.

(3) A report required under subsection (2) may be combined with a report of the Small Business Commissioner required under any other Act (provided that such reports relate to the same period).

No. 7. Clause 4, page 4, lines 35 to 37 [clause 4, inserted section 28K(1), penalty provision]—Delete the penalty provision

No. 8. Clause 4, page 5, lines 7 to 9 [clause 4, inserted section 28K(2), penalty provision]—Delete the penalty provision

No. 9. Clause 4, page 5, line 17 to page 6, line 6 [clause 4, inserted section 28L]—Delete the section and substitute:

28L—Regulations

(1) A proposal for regulations for the purposes of this Part (other than section 28K) may be initiated by the Minister responsible for the administration of the *Small Business Commissioner Act 2011*.

(2) If the Minister responsible for the administration of the *Small Business Commissioner Act 2011* initiates a proposal for regulations for the purposes of this Part, the Minister must, before the regulations are made, consult with each organisation that the Minister considers to be representative of an industry likely to be affected by the regulations.

(3) For the purposes of the *Subordinate Legislation Act 1978*, the Minister responsible for the administration of the *Small Business Commissioner Act 2011* is to be taken to be the Minister responsible for the administration of this Act in respect of regulations made for the purposes of this Part (other than section 28K).

No. 10. New clause, page 6, after line 6—After clause 4 insert:

5—Amendment of heading to Part 7 Division 3A

Heading to Part 7 Division 3A—delete 'for contravention of industry codes'

6—Amendment of section 86A—Interpretation

Section 86A(a)—delete 'contravenes section 28E and the contravention is of a class declared by regulation to be subject to a civil penalty' and substitute:

—

(i) contravenes section 28E and the contravention is of a class declared by regulation to be subject to a civil penalty; or

(ii) contravenes section 28J(1), 28K(1) or (2)

No. 11. New Schedule, page 6, after line 6—Insert:

Schedule 1—Related amendments

Part 1—Amendment of Small Business Commissioner Act 2011

1—Amendment of section 5—Functions

(1) Section 5(1)—after paragraph (d) insert:

(da) to administer Part 3B (Regulation of motor vehicle insurers and repairers) of the *Fair Trading Act 1987* to the extent that responsibility for that administration is assigned to the Commissioner under that Act; and

(2) Section 5(1)(e)—after subparagraph (i) insert:

(ia) non-compliance with an applicable industry code of conduct declared under section 28I of the *Fair Trading Act 1987* that may adversely affect small businesses; and

No. 12. Long title—After 'Fair Trading Act 1987' insert:

and to make related amendments to the *Small Business Commissioner Act 2011*

(ia) non-compliance with an applicable industry code of conduct declared under section 28I of the *Fair Trading Act 1987* that may adversely affect small businesses; and

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

Final Stages

The Legislative Council disagreed to the amendment made by the House of Assembly for the reason indicated in the following schedule:

SCHEDULE OF THE AMENDMENT MADE BY THE HOUSE OF ASSEMBLY AND DISAGREED TO BY THE LEGISLATIVE COUNCIL

No. 1. New clause, 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.

SCHEDULE OF THE REASON FOR DISAGREEING WITH THE FOREGOING AMENDMENT

Christmas is a time for giving not taking away.

Consideration in committee.

Mr BELL: I move:

That the House of Assembly's amendment be insisted on.

I ask that it be the will of this house to move forward.

The Hon. S.C. MULLIGHAN: It will not surprise the house to know that we on this side of the chamber do not support the member for Mount Gambier in seeking to insist on the house's previous amendment. The Legislative Council is entirely correct: Christmas is a time for giving and not for taking away.

More seriously, do we honestly think that it is appropriate in this day and age when we are seeking to confer an additional right on workers, that that should mean that an existing right should be taken away? That is not how workers' rights have been provided in this country over the last 140 years.

It was not the case when the working week was established. It was not the case when the working day was established. It was not the case when annual leave, sick leave, maternity leave, paternity leave or parental leave were provided. It was not the case when retirement benefits, superannuation or workers compensation were provided, or the requirement for safe workplaces or occupational health and safety legislation.

This is the sort of 19th century carry-on we would expect from those Tories opposite: those people who seek to denigrate workers, their rights and their entitlements. It is an outrage. More to the point, think of the practical application of this. Now we have people who are scheduled to work on Christmas Eve who are now going to lose their penalty rates so that people who are scheduled to work the following day, on Christmas Day, can have theirs. That is outrageous.

I thought the Liberal Party was meant to be the party of business. That is what they tell us. I would have thought that they would realise that in running a business and scheduling their workers to work in that business—if, indeed, they do need to work over this particular part of the festive period—that they would be rostering on some workers on Christmas Eve and rostering on other workers on Christmas Day. How do they justify to their employees that some people now will receive penalty rates and some people will not? How do they draw a distinction between the importance of Christmas Eve and the importance of Christmas Day?

Maybe the Liberal Party has not woken up to the modern era of families and realised that a lot of families—I would contend, perhaps, even the vast majority of families—spend that entire period attempting to catch up with family and loved ones to celebrate Christmas in various ways, over Christmas Eve and over Christmas Day. We should not be saying that Christmas Eve is not as worthy as Christmas Day, or vice versa. The truth is they both are.

It is extraordinary that those opposite would now give rise to the situation that a publicly employed paramedic who is working on Christmas Eve will now, under the terms of this amendment, no longer be entitled to penalty rates, but that same paramedic, should they be working on Christmas Day, will be. More to the point, different employees—one scheduled to work on Christmas Eve and one schedule to work on Christmas Day—will receive a different level of take-home pay because of the disparity in penalty rates.

I know that this government has got it in for paramedics. I know that in the middle of a global pandemic the Premier and the Treasurer, Rob Lucas, thought it was a good idea to engage in a 12-month long industrial dispute while ramping raged out of control. I know that is what they think of paramedics. Finally, now that dispute is over, they glibly tell paramedics that they value their worth to the community, that they respect their work. Today, once again those words from those opposite, those on the government benches, have been shown to be completely hollow and meaningless.

I think those who seek to insist on this amendment, creating this disparity between workers over less than a 36-hour period—a disparity between workers working for the same employer, a disparity between workers often providing essential government services—should be ashamed of themselves, absolutely ashamed of themselves. Here in the modern era, what on earth have those

people opposite got against people who are forced and required to give up their labour during the festive season?

Please do not give me that argument, 'Well, it's voluntary. You can choose not to work.' The reality is that is no choice for most workers. The reality is that, if people choose not to work over one of these periods, they know they will not get work in the future, or they know they will get diminished work in the future. There is no choice.

I cannot believe that tomorrow it will be four months out from the next state election. I cannot believe that those opposite occupying very marginal seats—including the member for Newland, the member for King, the member for Adelaide, the member for Elder—want to stand at a polling booth and have to eyeball their constituents and say, 'I voted for you to lose penalty rates over the festive period. I had the option to make sure that everybody had penalty rates over Christmas and Christmas Eve, but I rejected that option and I made sure that there are some haves and there are some have-nots.'

Even by my use of the expression, of course, it rings true to all of us that that is what the Liberal Party stands for: ensuring that there is a disparity in our community between the haves and the have-nots. I really hope the member for Newland thinks carefully about this. I really hope the member for Adelaide thinks carefully about this, as do the member for Adelaide and the member for King, because this will be yet another opportunity for people on this side of the house—members of the Labor Party—to remind their constituents how once again those members of parliament have let down their communities.

I really hope none of them need an ambulance over the festive period. How must they feel, if they are conscious, when they are in that situation, that somebody attending to them might have had that penalty rate stripped away by their own vote on this very day only four months out from the next election? It is just appalling—absolutely appalling. I do not know what the member for Mount Gambier's motivation is in coming up with this amendment. Maybe he thought that this was some sort of King Solomon-like solution, where the difference would be split down the middle, so to speak.

I do not think he has recognised the practical impact of this. I do not think he has understood what it means to members of his own community. I do not think he has realised that there will be some workers in some places of employment who will now get a penalty rate in the same brief window of the Christmas period while other employees will not. I think that is a terrible shame.

That is why we do not support this motion by the member for Mount Gambier. We believe that people working over the Christmas period deserve penalty rates, whether it is in the evening of Christmas Eve or whether it is on the day of Christmas Day. We recognise that those people are giving up not only their labour but their opportunity to be with family, with loved ones to celebrate Christmas. To have that taken away by the member for Mount Gambier and those opposite is a shameful act.

The ACTING CHAIR (Mr Pederick): Member for Lee, you do not have a question?

The Hon. S.C. MULLIGHAN: No. Do you feel ashamed of your shameful acts?

The ACTING CHAIR (Mr Pederick): Sit down. You did not have the call. Next time, I will not ask.

The Hon. D.C. VAN HOLST PELLEKAAN: The government does support the member for Mount Gambier's very sensible amendment. Those opposite have come into this chamber and have said, 'We want penalty rates for Christmas Day.' Well, the member for Mount Gambier's amendment provides penalty rates for Christmas Day. That is the heart of this. We all want people to be paid well for every day they work, and we all accept that on particular days there are reasons for them to receive a little bit more.

What this amendment says is there is a swap of the five hours from 7pm to midnight on Christmas Eve that under the current circumstances would receive a penalty rate. That would be swapped, essentially, for receiving the whole day of penalty rates on Christmas Day. Those opposite say that it should just be both. It should not be a trade, it should not be a compromise, it should be both. We say that almost everything that goes through this house is a bit of a compromise.

This only applies on the very rare occasions when the calendar means that we have this unusual situation where, as it currently stands, people on Christmas Day would get standard rates and people on the Monday following Christmas Day would get the penalty rates then. I understand that the people working on Christmas Day and the people working on the Monday may or may not be the same people, but the penalty rates paid across the whole period are the same.

What we are doing by supporting the member for Mount Gambier is saying, yes, we do support his proposal that people get penalty rates on Christmas Day when these circumstances occur, when the calendar means that as a rare occasion it would not otherwise happen. I actually have some good news for the member for Lee. I have some very good news for the member for Lee. His greatest concern was that public employees working on Christmas Eve would now not get the penalty rates.

I have great news for him: I have confirmation from the Treasurer that public employees working on Christmas Eve will get the penalty rates in exactly the same way as the original form of the rules applying, before the bill came into place, had no penalty rates required to be paid on Christmas Day. The Treasurer has said that doctors, nurses, police officers, ambulance officers, all those people who work for the government would still get the penalty rates on the Christmas Day.

If this bill is amended, if this bill passes, then everybody will get the penalty rates on the Christmas Day; and for the 7pm to midnight section on Christmas Eve, where essentially there is a compromise to lose those rates, all the people who the member for Lee says that he is concerned about—the public employees, the doctors, the nurses, the police officers, I think he might have said ambulance officers as well—will get the penalty rates on the Christmas Eve at the time that they would have otherwise got them anyway, and I have that commitment to share with the house from the Treasurer.

I think that this is a very positive outcome. This is a positive outcome in the sense of swapping a whole day's Christmas rates coming in for surrendering them for those five hours. But, on top of that, this is now better for all those workers than it was when we discussed this same amendment yesterday because now we have the additional commitment from the Treasurer that all those public employees, if this amendment passes—

The Hon. A. Piccolo interjecting:

The ACTING CHAIR (Mr Pederick): Order!

The Hon. D.C. VAN HOLST PELLEKAAN: If this bill passes, and if the other place chooses to accept it, then all those public employees—the doctors, the nurses, the security people, all sorts of health professionals, emergency services workers—all those essential workers employed by the state will still receive—

Members interjecting:

The ACTING CHAIR (Mr Pederick): Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —the penalty rates on Christmas Eve. The government supports this. It is better for workers. More workers will be in a position to receive more penalty rates under the amendment proposed by the member for Mount Gambier.

Mr PICTON: Well, well, well! We have here now the government saying, 'No need to worry about us taking away the part-day public holiday on Christmas Eve because we are going to look after public servants.' What about everybody else who is going to miss out on that? Usually, it is the government coming in here saying, 'We should be focusing on the private sector because they are the ones where most people work. They are the ones who generate the income,' but now the government is trying to assure us, 'This is all fine, taking away this part-day public holiday, because public servants will be okay.'

How about the people you privatised who now work for Keolis Downer running our public transport services? They are now not going to be covered by a part-day public holiday. How about in the COVID plan you have just released this week saying that ambulance transfers, once we open the borders, are going to be conducted by private contractors under your plan? They are not going to be covered by the public holiday on Christmas Eve.

How about cleaners who work for private companies in our public hospitals? They are some of the lowest paid people who work in our public health system or anywhere across the government. Those people who work for private companies, doing an essential job in the age of COVID, cleaning our hospitals, they are not going to be covered by this part-day public holiday.

How about nurses and other staff who work in private hospitals that this government has now contracted to provide care for public patients under another privatisation by stealth? They are not going to be covered by this part-day public holiday, let alone the people who work in service stations, let alone the people who work in night fill, let alone the people who work in hospitality. None of those people are going to be covered by part-day public holiday. I do not know about you, but as a dad I love the night before Christmas, putting the cookies and milk out for Santa, the excitement—

The Hon. D.C. van Holst Pellekaan: Keep a straight face, Stephen.

Mr PICTON: I am serious. People who—

The Hon. A. Piccolo interjecting:

Mr PICTON: That's right.

Members interjecting:

The ACTING CHAIR (Mr Pederick): Order!

Mr PICTON: Families spend this time together as a ritual. It is a cherished family time, Christmas Eve and, like Christmas Day, if you miss out on that time with your family we believe you should be appropriately compensated for it. But this government is saying, 'You should be compensated for it if you are a public sector worker, but not if you are a private sector worker, not if you work in a petrol station or in night fill in a supermarket or if you work in hospitality. You should not be compensated for losing that time with your family.'

That is why I am proud to stand on this side of the house, where we support workers' benefits and we support that message that we received from the Legislative Council saying 'Christmas is a time for giving not a time taking away', but, unfortunately, what this government and what the member for Stuart in his contribution are seeking to do is to take away the benefits that were otherwise going to people in Port Augusta and Port Pirie. Do not worry, we will be reminding people in those areas of the decision that is being made today to take away their penalty rates on a cherished Christmas Eve this year.

Mr BELL: I thank all members who have contributed to the debate—

The ACTING CHAIR (Mr Pederick): I am not going to hold it up if other people want to go on, but it does not close the debate. I just make that clear.

Mr BELL: I will just make a contribution.

The ACTING CHAIR (Mr Pederick): You can just make a contribution to it.

Mr BELL: We have this classic case here at the moment. On this side, we are hearing all about workers, and that is very important. I have worked at Coles stacking shelves, my son works at Coles, all my kids work. However, there is also the other side, and that is business owners who have done it tough for two years, who choose whether to open or close over this period.

This is where the competitive tension in the debate should be, and it is good to have healthy debate in this chamber around that. The simple reality—and I think people are forgetting this—is that this is only when Christmas Day falls on a Saturday. It is something I am very hopeful the next government will give serious consideration to and fix once and for all.

We have to get that balance right. In my opinion, Christmas Day is the most important day to have penalty rates, for that Saturday when it falls on a Saturday. Yes, this is a compromise. Some people say they do not compromise and all the rest of it, but the reality is that if this bill is rejected and the numbers stack up so that Christmas Day is not a penalty rate day, a public holiday, workers are going to be left worse off.

We will go from what is the currently proposed four-day holiday or penalty rate period—Saturday, Sunday, Monday and Tuesday—back to a 3½ day public holiday penalty rate system—Friday 7pm to midnight, Sunday, Monday and Tuesday. This amendment actually brings us into line

with every other state except Queensland. Other people say the Northern Territory, but the Northern Territory does not have the Sunday as a penalty rate day either.

All I am trying to do is make Christmas Day a penalty rate day, a public holiday. That is what this bill achieves. If it is defeated, or a subsequent bill is defeated, those workers will not have Christmas Day as a penalty rate day. That is a very important point to make.

One of the first things you learn in this place is how to count, and I am pretty sure the numbers are going to line up that Saturday is not a penalty rate day; that is Christmas Day, and those workers are going to be worse off. This chamber can do something about that; we can give a surety to business owners as well as workers.

I accept the argument that you should not be taking something away to give something else. That is true; however, we are at this point with 38 days to go before Christmas, and this amendment gives balance to both the business owners and, of course, the workers.

The Hon. S.C. MULLIGHAN: I am grateful for the contribution of the member for Kaurna because, as someone who knows the health system very well, he has pointed out the practical application of this in public hospitals, where there will now be a disparity on Christmas Eve between those who are publicly employed and working in a public hospital and those who are privately employed in a public hospital, working side by side on the same floor, together, at the same time. One group will get penalty rates and one group will not.

What is the possible justification for that? Confirmation has had to be hastily sought by the Minister for Energy from the Treasurer, Rob Lucas, 'Don't worry, don't worry. We've kept the public sector workers sweet.' Well, depending on which month it is, there are roughly 850,000 South Australians who have a job and only 100,000 of those work in the public sector.

So there are three-quarters of a million South Australians who stand to be worse off should they find themselves in employment where they are required to work on Christmas Eve at those times—simply not good enough—let alone all those people who will be working in purely private institutions. The member for Kaurna has talked about how Keolis Downer now has the contract to run our public transport services. So for the first time, those bus drivers, train drivers and tram drivers, working on Christmas Eve in the evening are going to lose their penalty rates.

Those people for the first time working in the Adelaide Remand Centre, privatised by this government, a high-security prison—or not so high security in the kitchen, of course, because under this government the bars on the windows have been known to come loose and people wriggle through them. Notwithstanding that, in this privatised high-security prison facility, they will no longer get penalty rates despite having to work on Christmas Eve. What is the justification for Correctional Services staff at Yatala on Christmas Eve getting paid penalty rates but not in the Adelaide Remand Centre?

Imagine what happens in the prison transfer. One corrections officer has to eyeball another; one on penalty rates and one not. It is like an Industry Super ad—compare the pair. It is extraordinary. This is what those opposite stand for, disparity between workers—have and have not, those who have a benefit and those who do not, those who are privileged and those who are not. It is just outrageous and it is indefensible.

The people who do have a choice, of course—and the member for Mount Gambier uses the example where he has worked and his kids work of that poor hard done by company that has had it so tough for the last two years, Coles, which had the biggest jump in turnover in profits in their history. They could not sell enough toilet paper. It is just extraordinary. They can choose to operate or not. So there is a choice for the employer. Should the employer choose to operate or trade or open in that period, then it is the employees who quite often do not have a choice.

Unbelievably, now this may create a situation where within the one place of employment, workers 38 or 39 days out from Christmas, whatever it is, may actually be flocking to work on Christmas Day rather than Christmas Eve so that, in giving up time that they would have otherwise spent with their family or loved ones over the Christmas period, at least they are going to get penalty rates on Christmas Day.

How could we be legislating that situation? How could we be encouraging workers to feel like the only way they can be adequately remunerated over Christmas is to choose to spend time

away from their families on Christmas Day? It is remarkable, absolutely remarkable. So my question to the minister is—

The ACTING CHAIR (Mr Pederick): No, you cannot. The proponent is the member for Mount Gambier.

The Hon. S.C. MULLIGHAN: Sorry. Perhaps the minister—

The ACTING CHAIR (Mr Pederick): Well, just try and run by the rules, that is all. Keep going.

The Hon. S.C. MULLIGHAN: My question to the member for Mount Gambier is: does he think it is reasonable that these disparities will exist in our public hospitals—workers working side by side, one publicly, one privately, employed on Christmas Eve either will or will not get paid penalty rates depending on their employment; workers working in our correctional facilities, Adelaide Remand Centre versus Yatala, or Yatala versus Mount Gambier Prison, another privatised prison—that there is disparity?

Progress reported; committee to sit again.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:55): I move without notice:

That standing orders be so far suspended as to enable me to move a motion forthwith for the rescission of a sessional order.

The ACTING SPEAKER (Mr Pederick): There not being an absolute majority, ring the bells.

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

The SPEAKER: Leader of Government Business, it may be that you wish to address me on the suspension. You have leave. The motion has been accepted.

The Hon. D.C. VAN HOLST PELLEKAAN: The government seeks to suspend standing orders to revoke the sessional order that was brought into this place on 12 October that allows the Speaker to set any potential additional sitting days. The reason that we need to suspend standing orders to do it is that this is the last day of the scheduled sitting program.

Members interjecting:

The SPEAKER: Order! The Leader of Government Business has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: A letter has been received by all MPs from the Speaker indicating the Speaker's wish with regard to other sitting days but, given that this section of the time in the chamber is devoted to debating the suspension or otherwise, the reason that we need to suspend parliament to do this now is that it is of course time sensitive. This is the last scheduled day for parliament and so this is—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —the time to determine whether it is the will of the house for the sessional order to stay in place or the will of the house for it to be revoked. To do it any time later than this would be a waste, of course, and completely inappropriate. It is without doubt necessary that this matter is considered by the house now.

The Hon. A. KOUTSANTONIS (West Torrens) (16:59): What an antidemocratic, anti-accountable—

Members interjecting:

The Hon. A. KOUTSANTONIS: —terrified of scrutiny—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Terrified of having questions asked of them, terrified of what comes next. But do you know what? I understand the fear. I can see the fear in the member for Gibson.

The SPEAKER: There is a point of order. Member for West Torrens, please be seated.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, I ask you to direct the member back to the substance of the debate, which is the suspension.

The SPEAKER: Yes, It was a spirited debate. I will draw the attention of the member for West Torrens to the substance of the debate.

The Hon. A. KOUTSANTONIS: The government at 5 o'clock today, a couple of months away from the next state election, does not want the parliament to sit again. Why? Why would the government not want to sit again? Perhaps they want to suspend standing orders—

Members interjecting:

The SPEAKER: Order! There is a point of order. Member for West Torrens, please be seated.

The Hon. D.C. VAN HOLST PELLEKAAN: Again, the member is trying to debate something different from the substance, which is the suspension of the standing orders.

The SPEAKER: Yes, well, I have allowed the member for West Torrens quite some latitude. We will come to the substance of the suspension question.

The Hon. A. KOUTSANTONIS: There is only one reason the government feels that it is urgent to suspend standing orders, and that is to run protection for their embattled Deputy Premier, who has just faced a humiliating no-confidence motion—the first passed since responsible government began in South Australia—in the house of government.

Never before, and now they do not want anymore scrutiny. Why? Because the house will impose penalties on a member who has misled us. What they are trying to do is shut down our democratic institutions.

The SPEAKER: Member for West Torrens—

The Hon. A. KOUTSANTONIS: Could you go any lower, Premier?

The SPEAKER: Order! Member for West Torrens, be seated.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, I have asked three times. On the second time I asked you directed the member and he is defying your ruling.

The SPEAKER: Well, I have not in fact upheld the point of order, but on this occasion I will. The point of order has been upheld. Member for West Torrens, we must come to the substance.

The Hon. A. KOUTSANTONIS: Attempting to suspend standing orders, they are working to attempt to weaken the office of Speaker. The office of Speaker, as we speak, is considering a matter of privilege into the Deputy Premier, given a select committee report we have received. Why they want to suspend standing orders now, an hour before we are due to rise, is that they wish to run for cover and not reappear for scrutiny in the parliament for four months.

Not a confident government, not a confident Premier, but a Premier leading a scandal-prone government that is fearful of scrutiny. That is why they want to suspend standing orders, but what they are afraid of today is an independent Chair overseeing the parliament, making sure the parliament sits when it is in the public interest. We will not be supporting this from a cowardly Premier.

The SPEAKER: I will put the question. Does the leader wish to exercise a right of reply?

The Hon. D.C. VAN HOLST PELLEKAAN: I want to vote on this matter and then move on and vote on the next one—democracy.

The house divided on the motion:

Ayes.....24
Noes 22
Majority 2

AYES

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

NOES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Bignell, L.W.K.	Boyer, B.I.	Brock, G.G.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Szakacs, J.K.
Wortley, D.		

Motion thus carried.

Motions

SESSIONAL ORDERS

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (17:08): I move:

That the sessional order adopted by the house on 12 October, titled Alternative Meeting of House in Certain Circumstances, be rescinded.

The house divided on the motion:

Ayes 24
Noes..... 22
Majority..... 2

AYES

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

NOES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Bignell, L.W.K.	Boyer, B.I.	Brock, G.G.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Szakacs, J.K.
Wortley, D.		

Motion thus carried.

SITTINGS AND BUSINESS

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (17:13): I move:

That at its rising today the house adjourns until Tuesday 3 May 2022.

The SPEAKER: Order! Debate will follow. The member for West Torrens wishes to debate the motion.

The Hon. A. KOUTSANTONIS (West Torrens) (17:14): I move to amend the motion as follows:

Delete '3 May 2022' and insert '30 November 2021'.

So the house, at its rising, recommence on Tuesday 30 November 2021. May I speak on this?

The SPEAKER: Tuesday 30 November, the first day of the optional sitting week?

The Hon. A. KOUTSANTONIS: Yes.

The SPEAKER: The question before the Chair is that the motion as amended be agreed to.

The Hon. A. KOUTSANTONIS: There is a new definition of cowardly, sir. What a brave government we have before us, so fearful of scrutiny, so fearful of actually trying to govern. How many bills are on the list here, which the government said to us were urgent, will now be abandoned? Child protection—apparently, it is not important anymore. Look at the other government business they are going to abandon now—our brave Premier—a long, long list. Here we are—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Of course, we have the Civil Liability (Institutional Child Abuse Liability) Amendment Bill: gone. We have Criminal Law Consolidation (Abusive Behaviour) Amendment Bill: gone. We have the petroleum and geothermal act to encourage hydrogen activity here in South Australia: we do not need it, apparently. We have associations incorporated, suicide prevention, driver training and assessment. Apparently, they are worried about child sex offenders and corruption in driver training but they are happy to defer it until May next year. Of course, the Premier's pet project—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —the Aboriginal Representative Body Bill, which of course will never see the light of day this year.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Why? Because the government is mired in scandal.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The government is on its knees. The government has lost its majority. The Deputy Premier, the first minister of the house of government, since responsible government was introduced in South Australia, has been found by a select committee to have misled the parliament on three occasions, breached the Ministerial Code of Conduct and has a conflict of interest. We passed a no-confidence motion on her, and the parliament is about to debate whether or not we should censure her or suspend her from the house for those offences—

Mr Brown: Quick, shut that down.

The Hon. A. KOUTSANTONIS: —and what do they want to do? Shut it down. You can walk out on me, Premier, but you cannot walk out on the people of South Australia. They want a representative government. They want a parliament. They elected one. The parliament should be sitting and it should be sitting to do the people's business—and we have business to do. Why would the government shut it down? Because they do not want questions asked. The transport minister, not knowing he employed his sister-in-law—he did not know who she was when she was working in his office.

Then, of course, there are other matters we want to debate. We want to talk about the Ombudsman and the Ombudsman's inquiry. Of course, we found out in the Crime and Public Integrity Policy Committee that the Premier, the Premier's office, has been referred to the Ombudsman by Office for Public Integrity. Why? Not only do we have one investigation by the Ombudsman into the government, the Premier and the deputy leader but we have two—two. That is why they want to shut down the parliament. I know the Deputy Premier thinks this is funny. She is the only minister—

Mr Brown: It's all for her.

The Hon. A. KOUTSANTONIS: It's all for her. The only reason we are not sitting is that she cannot face any more questions, questions about how she misled us deliberately—not once, not twice but three times—telling this parliament things she knew were not true to cover up and conceal her conflict. And here she is now trying to delay the parliament sitting again until after the next election. Governments that are not afraid of scrutiny are not afraid of parliament. When parliament sits the people have scrutiny and the people's business is done.

Today is the day the Premier has told every South Australian he cannot face scrutiny. Today is the day the Premier has told every South Australian he is afraid of the parliament. Today is the day the Premier has told the people of this state that his government is so riddled with scandal, so paralysed by fear, it cannot act, it cannot govern, it cannot sit in parliament. A government that cannot sit in parliament should not govern. If you are not up to governing, quit and let someone else do it.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (17:20): I move:

That the time available for this debate—

Members interjecting:

The SPEAKER: Order, members to my left! The Leader of Government Business has the call.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: I move:

That time remaining for this debate be limited to three more minutes.

The house divided on the motion:

Ayes 23
Noes..... 23
Majority..... 0

AYES

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.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

NOES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Bignell, L.W.K.	Boyer, B.I.	Brock, G.G.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Duluk, S.	Gee, J.P.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A.	Malinauskas, P.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Stinson, J.M.
Szakacs, J.K.	Wortley, D.	

Members interjecting:

The SPEAKER: Order! Standing order 141 prevents quarrels between members across the chamber. There being 23 ayes and 23 noes, the ballot is tied and I cast my deciding vote with the noes.

The Hon. A. KOUTSANTONIS: Not only are they cowards, they are incompetent cowards. They are afraid of debate, afraid of parliament and then they try to cut the debate about cancelling parliament until May next year to three minutes. What does that say about the government? We have Minister Tarzia's Auditor-General's examinations to come soon, and of course they are afraid of it. Why? What is there to be afraid of? Are you waiting, are you? You are trying to adjourn the house. You just voted for it; you might have noticed.

Mr Odenwalder: Let's do it in May next year!

The Hon. A. KOUTSANTONIS: 'Let's do it in May next year,' he says. The idea that the Premier would come in here with the audacity to say, 'I'm going to shut down parliament for four months before an election'—

Members interjecting:

The Hon. A. KOUTSANTONIS: —five months: sorry. The members opposite are correcting me—five months. It is longer: no scrutiny for five months.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: And here they are, attempting to tell us that they are ready to take on the future. Well, if you are not ready to take on the present, how can you take on the future? If you cannot govern now, how can you govern after the election? If you cannot run the parliament, how can you run the state? If you cannot run your party, how can you be Premier? These are all fundamental questions the Premier cannot answer and the scrutiny has overcome him.

The cowardice of this act will go down in the annals of history in this place alongside the first no-confidence motion on a minister of the Crown in the house of government. It is unprecedented that the government would attempt to shut down the scrutiny here. There are many matters that we need to consider, many matters that we need to debate. Emergency powers will be expiring soon. They need to be considered here, but the government does not seem to care about that.

Have they consulted Professor Spurrier? Have they consulted Commissioner Grant Stevens about the fact that they were about to silence the parliament? Have they? Have they informed anyone else that they were planning on silencing the parliament? The real question the people of South Australia need to ask themselves is why would the government not want to sit? What is the motive that they have for not wanting to sit? I will tell you what it is, in my humble opinion: it is that they are cowards.

They are frightened. They are frightened of this house. They are frightened of the justice that is coming the Deputy Premier's way for deliberately misleading this house on three occasions and committing a contempt of parliament. They are frightened of independent statutory officers having the protection of parliament to table reports into maladministration and misconduct. We now know of two inquiries into the Premier, one referred to the Ombudsman by the Office for Public Integrity into

the office of the Premier and the Liberal Party. No wonder they do not want parliament to sit because the Ombudsman requires the protection of this place.

Then, of course, there is the referral from our committee, the select committee on the maladministration and misconduct of the Deputy Premier. The committee wanted to interview the Premier, but of course he was too afraid to come and answer questions of the committee. The advice we received is that, because the Premier refused to accept our invitation, we could not make any findings about what the Premier knew, what he did, how he acted and so we should refer to the Ombudsman. So the Premier has been referred to the Ombudsman by a committee of this parliament and by the Office for Public Integrity.

I think that is why the Premier does not want parliament to sit—because he knows what questions he might have to answer: 'Have you been interviewed by the Ombudsman? Have you engaged legal counsel? Who is paying for that legal counsel? What questions have you asked? Have you invoked legal professional privilege over documents that the Ombudsman needs to have to see whether or not the Premier's office committed maladministration, misconduct or potential corruption in public administration in the way they handled the data scandal?'

But of course we will not get to ask questions because the government wants to suspend the parliament post the election. I think that speaks volumes about what it is this government stand for—nothing. They believe in nothing, they stand for nothing, they have nothing to say, they have nothing to do, they have nothing to legislate. All they are doing is running a protection racket for the ministers. That is all they are doing.

The sessional order, which I thought was an excellent sessional order and which was just revoked, was the first of its kind to remove the Crown's reserve powers to call the parliament. Why? We are in a unique situation during the global pandemic. The parliament may need to sit. Who else would be better placed than our Speaker, our independent Speaker, to tell us when it is in the public interest for us to sit and meet?

Of course, when we meet what are the requirements of the executive, the cabinet? They must front here for an hour and answer questions—scrutiny. In any democratic institution scrutiny is the most important tool we have. When you are the minority, it is the only tool you have. Had it not been for scrutiny we would not have found out that the Deputy Premier had misled the parliament on three occasions because the former Speaker ruled there was nothing to see, despite an independent member of the bar, using the proof of evidence required of people who practise at the bar, finding that the Deputy Premier misled the house. That is just stunning.

Ask yourself this: perhaps the reason they do not want to sit and not come back on 30 November, on that Tuesday, is that we might ask questions of the Deputy Premier about what interactions her office had with the then Speaker's office, who wrote that opinion the Speaker happily read out exonerating her and how it is that all that advice from Ingo Block and the Speaker's office was blocked out for legal and professional privilege.

It is almost as if there were some sort of—what is the word I am looking for?—cover up, conspiracy, collusion. Well, I have felt a bit of guilt about moving the motion that removed the former Speaker, a little bit of guilt—after all, I had employed him once a long time ago to be my lawyer.

The Hon. S.C. Mullighan: Did you win?

The Hon. A. KOUTSANTONIS: No, I didn't win. However, I felt a bit of guilt, but after I was reading those papers that we summoned from the Attorney-General's Department and I saw that advice blacked out backwards and forwards from the Speaker, I thought, 'That's appalling.'

I do not know what it said, but I will give the former Speaker the benefit of the doubt. It might have been, 'Mind your own business. I'll come to an independent mind of what I'm going to find.' Maybe the advice said, 'Yes, I know the Attorney-General said she didn't have land near or adjacent to a KIPT contracted forest, but she does.' Maybe it said, 'Mayor Pengilly's house is directly alongside freight routes,' maybe it did say that the government did commission a secret report to evaluate the sites of a potential port—all those things the Deputy Premier told this parliament never actually happened but are all factually true.

Maybe it also said that the assessment reports did have recommendations and that those recommendations did recommend an approval, but the former Speaker said there was no case to

answer. So maybe this tactic is about that, or maybe it is about what we read in InDaily today about how the Deputy Premier told the parliament yesterday that she does not operate an Airbnb, yet InDaily found caches on the internet that that property at Gum Valley, directly opposite a KIPT forest, had been operated as an Airbnb since 2013.

It is almost as if there is a pattern of behaviour here. It is almost as if misleading the parliament is just routine for some people. I will give you another example of a question we might ask if parliament sits again on Tuesday. The Deputy Premier, in the committee, said that she has 3,000 trucks go past her house every day on Portrush Road. Portrush Road? 'I am used all that traffic. Those trucks do not bother me.' There is only one problem: the Deputy Premier does not live on Portrush Road. She lives in a quiet suburban street.

But of course when there is a pattern on misleading the parliament, when there is a pattern of just not telling the truth, you can get away with it. Perhaps we would have asked questions next week on the Premier's declaration of register of interests, where for every year he was in opposition and did not control the numbers in this house, he declared the Steven Spence Marshall Family Trust and everything in it. Now he does not. Perhaps we would have asked him questions about what was in that trust. Perhaps we would have asked him questions about his interests in business. Perhaps he was concerned that there might be matters that we would ventilate that might embarrass him in the lead-up to the election.

Perhaps we would have asked him about the October ramping figures. Perhaps he is worried about us getting the November ramping figures. Perhaps he is worried about the ramping figures over December and January and perhaps he is really worried about the ramping figures in February. So, of course, if parliament is not sitting, he does not have to hold a press conference. He can hide in cowards castle in the state administration building and not answer any questions.

That is why we are going to move an amendment that this house come back on Tuesday 30 November to ask the government questions again. Perhaps we will ask questions: why the adjournment, why the rush, why the fear? Perhaps shadow ministers and community groups will ask: why is it now no longer important to have an Aboriginal voice to parliament? Perhaps we will ask that. Perhaps we will ask why driver training reforms are no longer necessary.

Perhaps we will ask about the COVID powers that expire on 1 December 2021 and may need to be extended. Perhaps they can tell us and we can ask the Premier's suicide prevention representative—which is the Premier, because he cannot find anyone else to do it because they keep on sacking him, to be fair. To be fair, it is the other way round.

Dr Close: They keep leaving him.

The Hon. A. KOUTSANTONIS: They keep on leaving him. So apparently that is not important, but let's talk about driver training for a moment. The government has told all of us in our briefings that they believe there is corruption in driver training and there need to be cameras installed in cars to protect minors from sexual predators in their cars. They said it was urgent. Now they do not care. Now the government could not give two stuffs about it. They do not think it is important.

The government claim that they care about hydrogen. They care about it so much they have spent $1 million on it for the last 3½ years to come up with a regulatory framework. That regulatory framework is before us, and they are so worried about it and they want to pass it so quickly that they want to come back and do it next year. The abusive behaviour amendment bill in the Criminal Law Consolidation Act—

Ms Hildyard: I have had that on the agenda for a year and they have just moved it.

The Hon. A. KOUTSANTONIS: There you are.

Ms Hildyard: That's how much they care about it.

The Hon. A. KOUTSANTONIS: Of course, there is the Mutual Recognition (South Australia) (Further Adoption) Amendment Bill. It is clear to me that this government now has serious issues. A commentator asked, 'What is bugging the Premier? Why is he always so angry?' I think Mike Smithson said, 'What is up his nose?'

The Hon. S.C. Mullighan: What has got up his nose?

The Hon. A. KOUTSANTONIS: What has got up his nose?

I do not know what is up his nose. I do not know why the Premier is always angry and grumpy—grumpy at pesky questions about being Premier.

Mr Malinauskas interjecting:

The Hon. A. KOUTSANTONIS: Yes, there are two extreme moods we get from the Premier: the moody, angry, non-combative, dark, surly Premier to the really up and about, positive, 'How are you going? How's Anthi? How are the kids?' Premier—the two extremes. I do not know what it is, but something is in the air. I do not know if it is something he caught at a Jonas Brothers concert. I do not know if it is something that is bothering him, but something has changed the mood of the Premier.

It could be that his deputy has been found guilty of misleading the parliament. It could be that the man he said would be a future Premier is leaving. It could be that his closest ministerial colleague, the member for Chaffey, had to resign in disgrace. It could be that there are a series of independent statutory officers who are about to make adverse findings about his government. It could be that the polling is just bad. It could be that people just never really liked the Premier. It could be a whole series of reasons.

What I think it really is is that he is up against his worst nightmare. He is up against a Leader of the Opposition who is everything the Premier is not, and I mean that in every aspect—every aspect of leadership, of governance, of vision, of decency, of honesty, of ethics, of courage, of plans and of leadership. Can you imagine a moment at any stage where our leader would be afraid to front parliament? Can you imagine at any stage that he would let us stay in our roles if any of us had deliberately and intentionally misled the parliament?

Do you think he would let any of us get away with what the Manager of Government Business is attempting to do today by the stifled debate for three minutes? No. Do you think he would abandon what ministers have told us is important legislation just because he is afraid of scrutiny? No. Do you think he would just leave the police commissioner hanging about an extension in December? No. Do you think he would leave the Chief Public Health Officer hanging about the powers to make sure they can keep South Australians safe in place? No.

Our leader would not do any of that. Our leader is ready to govern. Our leader is ready to lead, and leaders are born in the parliament. The parliament is where they are tested and the parliament is where the public gets to see how leaders react to things. It is how they test them. That is why our founding fathers, the people who designed the Westminster system, made it an adversarial system. It is a U-shape so we can face each other. They even call us the opposition. They call us shadow ministers for a reason—so we can shadow the government. Why? So the public can hold up the two to the light and look at them and say, 'Okay, that's what the opposition leader is like under pressure. That's what the Premier is like under pressure' and they can choose at an election.

What have they seen today? A Premier who is gutless and afraid of parliament and a Premier who has thumbed his nose at 150 years of Westminster conventions—

Ms Stinson: The South Australian people.

The Hon. A. KOUTSANTONIS: —and the people of South Australia. Tom Playford, looking down upon the Premier, must be thinking to himself, 'What is going on with my party?' He was never afraid of an election. Yes, sure, he had a hand on the scales slightly, but he was not afraid of the people. He had to convince fewer of them of course, but that was different. Nevertheless, he was not afraid.

Don Dustan was never afraid. In fact, in 1968 the then Premier Don Dunstan lost an adjournment debate. He lost the debate. The Premier at the time said, 'I consider this a matter of confidence. I'm not afraid of parliament. I'm not trying to run away.' He lost and Steele Hall became Premier—courage, absolute courage. That was a member for Norwood you could be proud of. That was a member for Norwood we venerate.

I know it has become popular to put up one-term Premiers' portraits in the parliament. I understand that the costs are quite significant. I understand that the costs of two one-term premiers is more expensive than parliamentary justice through the Kangaroo Island select committee, but apparently that is a good expense of money. Perhaps we ought to ask those questions.

This is a childish, postgraduate attempt at politics, and every single commentator watching this, watching the Premier say, 'I do not want parliament to sit again until May,' must be thinking to themselves, 'What is he thinking?'

Mr Szakacs: What's he hiding?

The Hon. A. KOUTSANTONIS: Yes, indeed. What is he hiding? More and more his judgement, the Premier's judgement, is coming under criticism, and that is why he is grumpy, and that is why he does not like questions, and that is why he does not like us asking questions, and that is why the Leader of the Opposition scares the hell out of him.

That is why he does not want to be here because of the contrast, because parliament is the great equaliser and they are alongside each other, and it is the Leader of the Opposition standing up asking good questions and the Premier giving terrible answers.

I will give an example of one of those terrible answers the Premier gave. He said to us that he would have done exactly the same thing that the Deputy Premier did with KIPT, yet all the evidence we have is that his department supported the development, and when it was knocked back his then chief executive asked for an urgent briefing from the department about what the hell was going on.

We were also told that evidence was due to go to cabinet and that was pulled at the last minute. We also heard that the Minister for Environment and Water supported, the Minister for Transport and Infrastructure supported and Minister Patterson supported. They all supported this.

I would have asked the question of the Premier when we came back, 'What basis would the Premier have to oppose the development? What advice would he have followed?' Of course, the one thing that the government is confusing is that we do not say the approval of the port was meritorious. That is entirely within the scope of the development minister.

What we say is that she was conflicted and then lied about that conflict to the parliament. That is what we say, not that the port should or should not have been approved. I have to say perhaps that is why the Premier is fearful because we would have asked, 'If you had made the same decision, on what advice would you have made the same decision?'

This is truly a very sad parliamentary tactic to fear the scrutiny of parliament. It is sad because the government, quite frankly, has lost, I think, its moral compass, and the moral compass is when a minister is found guilty of misleading the parliament and a no-confidence motion is passed they resign. That is the honourable thing to do.

John Olsen, honourable. Graham Ingerson, honourable. Joan Hall, honourable. The Premier said, 'But Ian Hunter had a no-confidence motion passed on him.' Well, I will give the Premier a lesson in civics. This is the house of government; it is the house of review. Governments are formed in this house, not the other house.

The Labor Party could have the majority in the Legislative Council and it would mean nothing in terms of Executive Council or government. This is the house that forms government, and the idea that this house can pass a no-confidence motion in the minister and they not resign is abhorrent to the Westminster traditions. There is not a Westminster parliament that would not think this is appalling.

The only example in Australia of a government that did not accept the will of the parliament in passing a no-confidence motion is the Queensland parliament—not a bicameral parliament, a single house parliament. The Borbidge government at the end of its time had a no-confidence motion passed on their minister. They refused to resign. That government was roundly defeated at the election because the people know. They can sense something is wrong. They can sense something is up. They can sense something is dodgy.

They can smell it. They can feel it. They know that this government is up to no good and that is why they do not want to sit. That is why they do not want to be here and that is why they are afraid of scrutiny. That is why they are afraid of being asked questions, questions that are at the heart of our democratic process. Nothing is more important in our democracy than holding those decision-makers to account, forcing them, compelling them to sit here and answer our questions. As I said in the no-confidence motion debate, we cannot force them to answer the question. We cannot do what a judge does and direct a witness to answer the question.

We cannot do that. There is only one rule we can enforce so they cannot lie to us: you do not have to answer but you cannot lie. That is a fundamental tenet of our democratic system. You cannot lie to this place. Anyone who lies to this place does not belong in this place, especially not on those benches, because not lying is at the heart of our democracy. I fear for the South Australian government, not in terms of the Marshall government but as an institution, because if this is how they are treating the parliament, how are they treating the public sector?

I have heard horror stories of rage. I have heard stories of cuts. I have heard stories of work not being done, and it concerns me. The only place we can ventilate those concerns is here. It is the only place that we can do that. If we do not do that, we are not doing our jobs. I do not know how any minister can take a salary between now and the election if they are able to adjourn the house until May. It is just appalling. So all we have left is our agency to get up and argue on behalf of our constituents.

I can tell you without fear or favour, for those who vote for me and against me in my electorate, the people of West Torrens want me here doing my job, holding the government to account. I can say that for every man and woman in the opposition. They want us here doing our jobs and they want the Leader of the Opposition putting up alternative policies. They want the government answering for their policies. They want accountability. They want it and they demand it and they deserve it and we have to give it to them.

If we do not, we have let them down, we have let the parliament down, we have let our democracy down. The idea that the government can just shut us down because they are afraid of the Deputy Premier—how much of a hold does this person have on them? I have never seen anything like it. It is remarkable. It is like she is going to hold onto all of them as they sink to the bottom and they are fine with it. It is like Stockholm syndrome. It is remarkable.

It is clear she has misled the parliament. There is no doubt about it. It is clear that she is guilty of contempt. There is no doubt about it. It is clear that she breached the Ministerial Code of Conduct. There is no doubt about any of this, but they are clinging to her like a life vest. I have to say I also enjoy the fact that I live rent free in most of their heads whenever they make a debate about no-confidence motions, about what it is that I do to all of them. What I do to you is simple: I bring you to parliament and make you do your jobs.

I know it is difficult, but come here, sit down and answer the questions. That is why you are paid $350,000 a year. That is right: $350,000 a year and you want to take a five-month holiday. Five months! Five months before the election, they want to have a holiday and they are paid $350,000 a year. We get lectured about wasting taxpayers' money to find out if the Deputy Premier lied to parliament and whether they had a conflict of interest. I can tell you what the public would say. The public would say spend the money on their wages and make them sit there and answer our questions every day. That is what the public would want. Absolutely.

What would the public say about letting the government go on a five-month holiday, not sitting in parliament for five months? Great move, Dan. Great move. It will go down well in Port Augusta and Port Pirie, trying to shut down the parliament. The member for Frome is ready to stay here and do his job. He is ready to turn up every day. The member for Stuart is so worried about his seat that he wants to go home and doorknock, and God knows he needs to. He needs to after what he did on Christmas holidays. He has to explain to all those workers why he thinks why they should not get paid public holiday rates on Christmas Eve.

Let them all know why he thinks it is no good and then he can explain, as a basketball great, why a basketball stadium is the best thing for the people of Port Pirie and Port Augusta on the Parklands of Adelaide. That will go down well in Port Pirie and Port Augusta. In fact, I am going up to Port Pirie next week—great place. I look forward to telling the locals up there about what their Liberal candidate wants to do: take a five-month holiday on $350,000 a year. Not bad, not bad work if you can get it, not bad. I can tell you, if there is a change of government, our leader will make us work every single day.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (17:55): Well, it is truly amazing, isn't it? What an extraordinary day in the life of the history of the South Australian parliament: not only do we have the day reveal the true nature of this Premier and this government to the extent that they do not have the confidence of the house in respect of the Attorney-General

and not only now do we have the Premier saying, 'So what? Hundreds of years of tradition within the Westminster system, let's dispense with it all.' That is how much this Premier believes in due process.

The irony of those opposite complaining earlier today about due process and then subsequently ignoring hundreds of years of due process by seeking to ignore a motion of no confidence in the Deputy Premier for none other than misleading the house. Not only is that the case but now they seek to foist upon the parliament a five-month adjournment—a five-month adjournment. I mean, give me a break. The fact is that today this parliament is seeking to resolve the question about whether or not workers should be getting recognised for working on Christmas Day and Christmas Eve: these guys want to go on leave for five months.

I will tell you what is most extraordinary: the question about how serious this government is when it comes to managing COVID. We know that the Premier's course of action in respect of COVID has been to relinquish all their responsibility to others. I tell you what, that is a decision that has been an astoundingly good one. Handing over responsibility to Grant Stevens and Nicola Spurrier has served our state incredibly well because today we have learned a little bit about the alternative. Today, we have learned a little bit about what the world might look like if Steven Marshall, or the Premier, was actually in charge of running the COVID response.

They would seek to hoodwink the South Australian public into believing they are serious about COVID management, but of course the Leader of Government Business' attempt to adjourn the parliament until May means the government does not care too much about the current state of affairs of the powers that are invested in the State Coordinator.

I would draw the attention of the house—I would draw the attention of all South Australians—to the fact that the COVID-19 Emergency Response Bill fundamentally changes the powers invested in the State Coordinator. Without the COVID-19 Emergency Response Bill, the powers in the State Coordinator allow the State Coordinator the extraordinary authority to direct a person—to direct a person. What this parliament has had the wisdom to do, with the unqualified bipartisan support of the opposition in respect of this question, is to confer on the—

The SPEAKER: Does the Leader of the Government Business rise on a point of order?

The Hon. D.C. VAN HOLST PELLEKAAN: No, sir. I rise to move:

That the house sit beyond 6pm so that the leader can continue his remarks.

The house divided on the motion:

Ayes.....24
Noes 22
Majority 2

AYES

Basham, D.K.B.	Bell, T.S.	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.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Power, C.	Sanderson, R.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

NOES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Duluk, S.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Szakacs, J.K.

NOES

Wortley, D.

Motion thus carried.

Mr MALINAUSKAS: As I was explaining to the parliament, none other than the Deputy Premier told this house, and presumably when she did this she was telling the truth, that it was absolutely necessary that the Emergency Management Act be amended to clarify the powers of the State Coordinator. For the purposes of clarity for South Australians, the State Coordinator has the authority, under the Emergency Management Act, in a declared emergency to issue directions to a person.

During the course of COVID, it became evident that there was a potential live legal question about whether or not the police commissioner's powers extended to a direction to a whole class of people as distinct from a person. The government, in their wisdom, came into the parliament, sought to amend the Emergency Management Act through the COVID-19 Emergency Response Bill to make it clear that the police commissioner's powers do not apply to a person but, rather, an authorised officer may provide an instruction to a whole class of people. The act provides:

> The State Co-ordinator (or a delegate of the State Co-ordinator) may give a direction or make a requirement under this section that applies to persons generally throughout the State.

The COVID-19 Emergency Response Act, set to expire on 1 December, confers a power on the police commissioner to provide a direction on all people throughout the state. That expires on 1 December.

If I cite *Hansard,* the Attorney, when we were discussing these powers, made it clear on 24 August that extending these provisions is necessary for the ongoing management of the risk of COVID-19 in South Australia, and I quote:

> By extending these provisions, we will ensure that the State Coordinator has the power he needs to issue the directions required to keep South Australians safe.

Those powers expire on 1 December, which means that, on the Attorney-General's logic, assuming she was telling the parliament the truth on this occasion, there is a necessary extension to those authorities for the police commissioner, yet the Leader of Government Business has walked into this chamber today and said, 'Let's all go home for five months.' How can the government have any credibility when it comes to honouring its obligation to ensure the police commissioner has the powers he needs in order to manage COVID. They have no credibility—no credibility whatsoever.

Of course, this is, in my assessment, an incredibly significant revelation because what all South Australians know is that the only thing that this government have going for them with any political effect is their COVID management or, I should say, the police commissioner and Nicola Spurrier's COVID management. Without that, this government is nothing but an absolute basket case—a basket case that is riddled with division, with ineptitude, with no semblance of a moral compass when it comes to telling the truth, with no empathy towards those people during their time of need, with no empathy to low-paid workers, no empathy towards emergency services workers, and with no empathy towards patients in our hospitals who are ramped at 500 per cent more than was the case in 2017.

Apparently, they have no particular interest in a plan for the state past COVID. The only policy vision they have on the table for the people of South Australia at the next election is a basketball stadium that very few people seem to want or actually need. What this state does need, however, is a thoughtful, progressive vision about realising the undeniable opportunity that we have as a people as we emerge out of the COVID crisis.

Instead of having a debate, whether it be in this forum or at Business SA tomorrow where the Premier and I were expected to debate—apparently the Premier has run away chicken from appearing at what should be his home turf at a Business SA debate—not only is the Premier not willing to debate me at Business SA, Master Builders, the Property Council, the nurses federation but he is not willing even to debate us here.

He is not willing even to face the scrutiny of legitimate questions on behalf of the opposition here, and that is telling. But, of course, what we all know, and anyone paying attention to the events of today knows and understands, is that we have a Premier who is deprived the function of leadership. He does not have the ability to exercise the authority that is vested him. Every time this Premier is called upon to use good judgement and use the authority of the state that the people have vested in him, he tries to find someone else to hand responsibility to—every single time. But, of course, today he has been found wanting because there is no-one to hold his hand now.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker.

The SPEAKER: The Leader of Government Business on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: I move that the question be now put.

The house divided on the question:

Ayes.....24
Noes 22
Majority 2

AYES

Basham, D.K.B.	Bell, T.S.	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.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Power, C.	Sanderson, R.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

NOES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Duluk, S.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Szakacs, J.K.
Wortley, D.		

Question thus agreed to.

The house divided on the amendment:

Ayes.....23
Noes 23
Majority 0

AYES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Bignell, L.W.K.	Boyer, B.I.	Brock, G.G.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Duluk, S.	Gee, J.P.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A.	Malinauskas, P.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Stinson, J.M.
Szakacs, J.K.	Wortley, D.	

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.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

The SPEAKER: There being 23 ayes and 23 noes, the ballot is drawn. I cast my ballot with the ayes.

Amendment thus carried.

Matter of Privilege

MATTER OF PRIVILEGE, SPEAKER'S STATEMENT

The SPEAKER (18:22): Members, earlier I indicated that I would return within the hour to rule in relation to a matter of privilege that had been raised with me. Matters—

Members interjecting:

The SPEAKER: Order, members! Other business intervened. On the report of the Select Committee on the Conduct of the Hon. Vickie Chapman MP regarding Kangaroo Island Port Application being brought up earlier today, I have had the opportunity to closely and carefully consider the report of the committee.

I refer now to standing order 132, which provides that any question of privilege suspends all other business before the house until the matter is decided. The practice has evolved since at least the early seventies of a Speaker listening to an allegation, deliberating on it and later giving a ruling on whether a prima facie case has been made out, and if so found, to give precedence to a motion.

In arriving at a decision, it is not my role on behalf of the house to form an opinion on any allegation that may be raised as a matter of privilege. In *Parliamentary Practice in New Zealand*, McGee expressed the view that the test for whether a matter is a matter of privilege might be determined by asking whether it could, given its proper construction, genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties. That test has been, as I indicated on an earlier occasion, adopted by other Speakers. I have also earlier indicated that I adopt that test. I use that test here.

In my opinion, the findings and recommendations set out in the report are of sufficient weight to make out a prima facie case of privilege. In my view, the matters raised in the report could genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties.

In order to take a different course from the one that I have now proposed to the house, I would have needed to set aside each of the 12 findings made by the committee, make alternative findings or find some other error with each finding so as to take a different course. That would have been an extraordinary course to take in view of the findings as I have considered them. Accordingly, I propose to give precedence to enable members to pursue this matter as a matter of privilege immediately if they wish.

Parliamentary Procedure

SITTINGS AND BUSINESS

Ms MICHAELS (Enfield) (18:25): Earlier today, I gave notice of a motion and I think this is the appropriate time, given your comments just now, to debate that motion. To refresh members' minds, the motion was that the house agrees to the recommendations of the report of the Select Committee on the Conduct of the Hon. Vickie Chapman MP regarding the Kangaroo Island Port Application presented earlier today.

The Hon. J.A.W. GARDNER: Point of order.

The SPEAKER: Member for Enfield, I understand there is a point of order, but it may be that the member for Enfield would wish to move a particular way and that might resolve the point of order.

Ms MICHAELS (Enfield) (18:25): I move:

That we now consider the motion—

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

The SPEAKER: Perhaps, I will hear out the member for Enfield and then come to your point of order, as it may be that the member for Enfield's motion resolves the matter.

Ms MICHAELS: Mr Speaker, I revise my motion and I will move that on 30 November 2021 I will move the motion that I gave notice of earlier as a matter of priority.

Bills

ELECTORAL (ELECTRONIC DOCUMENTS AND OTHER MATTERS) AMENDMENT BILL

Final Stages

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

No. 1. Clause 5, page 3, lines 15 and 16—Delete the clause.

No. 2. Clause 7, page 3, line 23—Delete 'prescribed by the regulations' and substitute:

considered appropriate by the Electoral Commissioner

No. 3. New clause, page 3, after line 27—Insert:

9A—Amendment of section 29—Entitlement to enrolment

Section 29(1)(a)(iii)—delete subparagraph (iii) and substitute:

(iii) has their principal place of residence in the subdivision and—

(A) has lived at that place of residence for a continuous period of at least 1 month immediately preceding the date of the claim for enrolment; or

(B) lives at that place of residence and satisfies the Electoral Commissioner with evidence that complies with any requirements of the Electoral Commissioner that they will live there for more than 1 month from the date of the claim for enrolment; and

No. 4. New clause, page 3, after line 31—Insert:

10A—Amendment of section 32—Making of claim for enrolment or transfer of enrolment

Section 32—after subsection (1a) insert:

(1b) If a person makes a claim for enrolment or transfer of enrolment pursuant to section 69(1a), the person will be taken to have made a claim for enrolment or transfer of enrolment in accordance with this Act (even if the claim does not comply with the requirements to be in the manner and form approved by the Electoral Commissioner and given to an electoral registrar).

No. 5. Clause 11, page 4, line 7—Delete 'prescribed by the regulations' and substitute:

considered appropriate by the Electoral Commissioner

No. 6. Clause 12, page 4, line 10—Delete '2' and substitute '14'

No. 7. Clause 12, page 4, after line 10 [clause 12, after subclause (1)]—Insert:

(1a) Section 48(4)(a)—delete '3 days after the date fixed for the close of the rolls' and substitute:

9 days after the date of the issue of the writ

No. 8. Clause 12, page 4, line 14—Delete 'prescribed by the regulations' and substitute:

considered appropriate by the Electoral Commissioner

No. 9. Clause 13, page 4, line 19—Delete 'prescribed by the regulations' and substitute:

considered appropriate by the Electoral Commissioner

No. 10. New clause, page 7, after line 20—Insert:

21A—Amendment of section 69—Entitlement to vote

Section 69—after subsection (1) insert:

(1a) A person is entitled to vote in an election for a district if the person—

(a) is entitled to be enrolled on the electoral roll for the district (whether by way of enrolment or transfer of enrolment); and

(b) after the close of rolls for the election and no later than 6 pm on polling day, makes a claim for enrolment or transfer of enrolment (as the case requires) under section 32 to the Electoral Commissioner or an officer.

(1b) If, in relation to a person claiming an entitlement to vote under subsection (1a), the district for which the person is entitled to be enrolled as an elector for the purposes of this Act is not able to be determined at the time of the making of the claim, the person is entitled to make a declaration vote for each district for which the person might be entitled to be enrolled, provided that—

(a) the Electoral Commissioner must, as soon as reasonably practicable after the making of the claim, determine the district for which the person is entitled to be enrolled as an elector; and

(b) the Electoral Commissioner must ensure that only the declaration vote in respect of that district is accepted in the counting of votes for the purposes of the election.

No. 11. Clause 22, page 7, after line 24 [clause 22, after subclause (1)]—Insert:

(1a) Section 71—after subsection (1) insert:

(1a) However, an elector to whom section 69(1a) applies may only exercise their vote by making a declaration vote.

No. 12. Clause 29, page 10, after line 4 [clause 29, after subclause (5)]—Insert:

(5a) Section 84A—after subsection (2) insert:

(2a) Regulations relating to an assisted voting method that involves telephone voting must at least provide for the method to include the following requirements:

(a) a witness who listens to the entire telephone communication between a prescribed elector voting using the method and the officer taking the vote and ensures that—

(i) the prescribed elector's vote is accurately marked by the officer in the presence of the witness; and

(ii) the officer then reads the marked vote aloud to the prescribed elector; and

(iii) the prescribed elector confirms that their vote has been accurately marked or, if the prescribed elector seeks to amend their vote, the officer accurately marks the amendments and reads the amended marked vote aloud to the prescribed elector;

(b) a witness who performs the functions referred to in paragraph (a) in relation to an assisted vote—

(i) records a unique identifier number (being a number provided to the prescribed elector in relation to their assisted vote) on the declaration envelope into which the vote is to be placed; and

(ii) signs the declaration envelope; and

(iii) folds the ballot paper and seals it inside the declaration envelope.

(2b) Regulations made under section 84A(2)(f) cannot disapply or modify the operation of subsection (2a) in relation to an assisted voting method that involves telephone voting.

No. 13. Clause 29, page 10, lines 6 and 7 [clause 29(6), inserted definition of *prescribed elector*]—Delete the definition of *prescribed elector* and substitute:

prescribed elector means—

(a) a sight-impaired elector; or

(b) an elector with a disability within the meaning of the *Disability Inclusion Act 2018* (other than sight-impairment); or

(d) any other elector, or class of elector, specified for the purposes of this definition in a direction under section 25 of the *Emergency Management Act 2004*.

No. 14. Clause 29, page 10, after line 7—Insert:

(7) Section 84—after subsection (4) insert:

(5) For the purposes of paragraph (b) of the definition of *prescribed elector* in subsection (4), the regulations may declare that a reference to a disability in that paragraph—

(a) will be taken to include a disability of a kind prescribed by the regulations; and

(b) will be taken not to include a disability of a kind prescribed by the regulations.

No. 15. Clause 33, page 11, lines 15 and 16 [clause 33(2), inserted subsection (4)]—Delete 'this Act and the requirements prescribed by the regulations' and substitute:

this section and the other relevant provisions of this Act

No. 16. Clause 33, page 11, after line 16 [clause 33(2), after inserted subsection (4)]—Insert:

(5) In connection with section 89(4), the following requirements apply in relation to the scrutiny of ordinary votes taken at a pre-polling booth before polling day undertaken before the close of poll:

(a) the scrutiny is to be conducted in 1 or more areas determined by the Electoral Commissioner (*restricted areas*);

(b) the Electoral Commissioner must appoint an officer as a responsible officer for a restricted area;

(c) a person must not enter a restricted area before the close of poll unless—

(i) the responsible officer grants the person permission to enter the restricted area, which may be subject to conditions determined by the responsible officer; and

(ii) the person gives the responsible officer an undertaking not to leave the restricted area before the close of poll;

(d) a person must leave a restricted area on being required to do so by the responsible officer for the restricted area;

(e) a person must not enter a restricted area before the close of poll if the person is in possession of a device that enables information to be conveyed to a person or machine outside the restricted area;

(f) a person in possession of a device of a kind referred to in paragraph (e) in a restricted area before the close of poll must surrender the device on being required to do so by the responsible officer for the restricted area and the responsible officer may retain the device until the close of poll;

(g) a person who is or has been in a restricted area must not, before the close of poll, disclose to any person outside the restricted area any information relating to the scrutiny of votes (including the counting of votes) undertaken before the close of poll.

(6) A person who contravenes or fails to comply with a requirement under subsection (5)(c) to (g) is guilty of an offence.

Maximum penalty: $5,000.

(7) A person who contravenes or fails to comply with an undertaking made, or a condition of a permission granted, under subsection (5)(c) is guilty of an offence.

Maximum penalty: $5,000.

(8) The Electoral Commissioner may grant a person an exemption from a provision of subsection (5) to (7) in an emergency or to deal with an urgent situation.

(9) A person who contravenes or fails to comply with a requirement to leave a restricted area under subsection (5)(d) may be removed from the restricted area by a police officer or a person authorised by the responsible officer for the restricted area to remove the person.

No. 17. New clause, page 12, after line 9—Insert:

36A—Amendment of section 115A—Automated political calls

Section 115A(1) and (2)—delete subsections (1) and (2) and substitute:

A person must not make, or cause or permit the making of, a telephone call consisting of a pre-recorded electoral advertisement.

Maximum penalty:

(a) if the offender is a natural person—$5,000;

(b) if the offender is a body corporate—$10,000.

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

Final Stages

In committee (resumed on motion).

The CHAIR: The member for Mount Gambier, I understand, has moved that the amendments be insisted upon.

Mr BELL: Correct.

The CHAIR: You have moved that and spoken to it. Are you happy to take any questions or I could ask for any further contributions?

The Hon. D.C. VAN HOLST PELLEKAAN: The stage we were at when we moved onto the work we have just been doing was that the member for Lee had finished a question/contribution and the member for Mount Gambier was about to respond to that if he wanted to. That is where we were.

The CHAIR: Thank you, minister. I do appreciate that because I was not actually chairing this committee earlier today. So, member for Mount Gambier, do you wish to speak to that?

Mr BELL: I think we have all agreed, Chairman, to move through this stage to progress to a vote to get some surety around this bill as soon as possible.

The CHAIR: There are no further contributions? If not, I will put the question and the question before the Chair is that the motion put by the member for Mount Gambier that the amendment be insisted upon be agreed to.

The committee divided on the motion.

Ayes 25
Noes..... 21
Majority..... 4

AYES

Basham, D.K.B.	Bell, T.S.	Chapman, V.A.
Cowdrey, M.J.	Cregan, D.R.	Duluk, S.
Ellis, F.J.	Gardner, J.A.W.	Harvey, R.M. (teller)
Knoll, S.K.	Luethen, P.	Marshall, S.S.
McBride, N.	Murray, S.	Patterson, S.J.R.
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.		

NOES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.

NOES

Boyer, B.I.	Brock, G.G.	Brown, M.E.
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P. (teller)	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

Motion thus carried.

Personal Explanation

MEMBER'S REMARKS

Mr TEAGUE (Heysen) (18:35): I seek leave to make a personal explanation.

Leave granted.

Mr TEAGUE: In a contribution to the debate earlier this afternoon, the member for West Torrens made reference to certain communications. I have requested and obtained a draft, the rush of the *Hansard*, and so I will read from it. The member for West Torrens said:

> I will also point out that when the former Speaker gave his exoneration, wasn't it amazing that all of those emails to and from the Speaker's office, the Deputy Premier's office and the department were all blacked out?

I have considered the matter and my memory and any record that I can think about and indicate that I have been misrepresented. So far as I am aware, no such email went to or from the Speaker's office in any context related to the matter that the member for West Torrens spoke of. I have been misrepresented and I am concerned that the house may have been misled.

The member for West Torrens, in his contribution to the debate, at around 5.30 this evening further expanded on that to the extent that he may have misspoken or slipped or intended otherwise. I think that matter was further expanded upon at around 5.30. I have requested the *Hansard* for that period as well. That is not presently available, I am advised, and so I am unable to refer to it. It is otherwise the first occasion that I have had the opportunity to bring that to the house's attention and so I do that.

The SPEAKER: There is nothing further you wish to do with that? I will come to the member for West Torrens in a moment. Nothing further you wish to do with that now, member for Heysen?

Mr TEAGUE: That is on the record.

MEMBER'S REMARKS

The Hon. A. KOUTSANTONIS (West Torrens) (18:37): I seek leave to make a personal explanation.

Leave granted.

The Hon. A. KOUTSANTONIS: I accept the explanation of the member for Heysen and I withdraw and apologise unconditionally.

The Hon. D.G. Pisoni: What else did you get wrong?

The SPEAKER: No.

Members interjecting:

The SPEAKER: Order! The member for West Torrens has made a personal explanation. The Minister for Innovation and Skills is called to order. The Minister for Energy and Mining has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: Well done to both the member for Heysen and the member for West Torrens.

Bills

ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 18:40 the house adjourned until Tuesday 30 November 2021 at 11am.

Answers to Questions

ELECTRIC VEHICLES

453 The Hon. S.C. MULLIGHAN (Lee) (1 May 2021). As at 31 March 2021, how many electric vehicles are registered in South Australia?

(a) How many fully electric vehicles does Treasury estimate will be registered as at 30 June 2022?

(b) How many fully electric vehicles does Treasury estimate will be registered as at 30 June 2023?

(c) How many fully electric vehicles does Treasury estimate will be registered as at 30 June 2024?

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

There were around 1,900 electric vehicles registered in South Australia in April 2021. This includes battery electric vehicles and plug-in hybrid electric vehicles.

Forecasts of electric vehicle take up rates are subject to a high degree of uncertainty. They are particularly sensitive to assumptions about the price of electric vehicles and model availability.

The Department of Treasury and Finance considered electric vehicle take-up assumptions from a number of sources including the Bureau of Infrastructure, Transport and Regional Economics (Department of Infrastructure, Transport, Regional Development and Communications), the Future Fuels Strategy (Department of Industry, Science, Energy and Resources), and the Australian Energy Market Operator.

For forecasting purposes, I am advised that the Department of Treasury and Finance has estimated the total number of plug-in hybrid electric vehicles, battery electric vehicles and fuel cell electric vehicles registered in South Australia as follows:

- Around 3,100 vehicles as at 30 June 2022
- Around 5,000 vehicles as at 30 June 2023
- Around 7,900 vehicles as at 30 June 2024

ADELAIDE CONVENTION BUREAU

679 The Hon. Z.L. BETTISON (Ramsay) (25 August 2021). Did the Adelaide Convention Bureau receive all or a part of the additional $4 million funding for attracting events and conventions to South Australia? If yes, what was the estimated return on investment of this $4 million?

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

The Adelaide Convention Bureau received part of the additional $4 million funding for attracting events and conventions to South Australia.

The Adelaide Convention Bureau secured 71 events in 2020-21. These business events will generate a forecast $181 million for the South Australian economy.

LAND TAX

790 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). As at 22 September 2021, how many land tax bills have been sent to landowners for land liabilities for the 2020-21 financial year? How many bills remain unsent as at 22 September 2021?

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

As at 15 November 2021, approximately 50,942 land tax notices had been issued with up to 4,800 remaining to be sent.

CONVEYANCE DUTY REVENUE

792 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). What is the conveyance duty raised for residential property transactions from 1 July 2020 to 30 June 2021 with assessable property values of:

(a) $0 to $200,000

(b) $200,001 to $300,000;

(c) $300,001 to $400,000;

(d) $400,001 to $500,000;

(e) $500,000 to $600,000;

(f) $600,001 to $700,000;

(g) $700,001 to $800,000;

(h) $800,001 to $900,000;

(i) $900,001to $1,000,000;

(j) $1,000,001 to $1,100,000;

(k) $1,100,001 to $1,200,000;

(l) $1,200,001 to $1,300,000;

(m) $1,300,001 to $1,400,000;

(n) $1,400,000 to $1,500,000;

(o) $1,500,000 to $2,000,000;

(p) $2,000,001 to $2,500,000;

(q) $2,500,001 to $3,000,000;

(r) $3,000,001+?

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

The following table provides the number and value of residential (properties classified as residential for conveyance duty purposes include houses, units, and apartments, along with a range of other property types of a residential nature including aged-care facilities, student accommodation, and vacant land intended for residential development)conveyance duty transactions by value range in 2020-21.

2020-21			
Value			
From	To	Transactions (no.)[(a)]	Duty ($m)
$0	$200,000	11,600	46
$200,001	$300,000	8,900	80
$300,001	$400,000	8,600	118
$400,001	$500,000	7,000	131
$500,001	$600,000	5,100	122
$600,001	$700,000	3,100	90
$700,001	$800,000	2,000	69
$800,001	$900,000	1,300	51
$900,001	$1,000,000	800	35
$1,000,001	$1,100,000	400	20
$1,100,001	$1,200,000	400	22
$1,200,001	$1,300,000	300	22
$1,300,001	$1,400,000	200	17
$1,400,001	$1,500,000	200	14
$1,500,001	$2,000,000	500	41
$2,000,001	$2,500,000	200	20
$2,500,001	$3,000,000	<100	12
Over	$3,000,000	100	25
Total		50,600	932

(a) Rounded to the nearest 100

FIRST HOME OWNERS GRANT

798 **The Hon. S.C. MULLIGHAN (Lee)** (23 September 2021). How many First Home Owner Grants were paid in:

(a) 2018-19?

(b) 2019-20?

(c) 2020-21?

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

The number of First Home Owner Grants paid in the relevant financial years is as follows:

Financial Year	FHOG Paid
2018-19	2,828
2019-20	3,128
2020-21	4,266

FIRST HOME OWNERS GRANT

799 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). How many First Home Owner Grants are estimated to be paid:

(a) In 2021-22?

(b) In 2022-23?

(c) In 2023-24?

(d) In 2024-25?

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

In the 2021-22 state budget, the estimated number of First Home Owner Grants to be paid in each year were as outlined in the table below.

Financial year	Estimated number of grants
2021-22	5,700
2022-23	2,600
2023-24	1,400
2024-25	3,200

FIRST HOME OWNERS GRANT

800 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). How much is budgeted across the state budget's forward estimate period financial years for First Home Owner Grants in each of:

(a) 2021-22?

(b) 2022-23?

(c) 2023-24?

(d) 2024-25?

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

In the 2021-22 State Budget, the estimated value of First Home Owner Grants to be paid in each year was as follows:

Financial year	Budget ($m)
2021-22	86
2022-23	39
2023-24	21
2024-25	48

ELECTRIC VEHICLES

801 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). How many full electric vehicle (no internal combustion engine) vehicles are currently registered in South Australia?

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

There were around 850 full electric vehicles registered in South Australia in April 2021.

ELECTRIC VEHICLES

802 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). How many full-electric vehicle (no internal combustion engine) vehicles are estimated to be sold, or first registered in South Australia, in:

(a) 2021-22?

(b) 2022-23?

(c) 2023-24?

(d) 2024-25?

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

Forecasts of electric vehicle take-up rates are subject to a high degree of uncertainty. They are particularly sensitive to assumptions about the price of electric vehicles and model availability.

The Department of Treasury and Finance considered electric vehicle take-up assumptions from a number of sources including the Bureau of Infrastructure, Transport and Regional Economics (Department of Infrastructure, Transport, Regional Development and Communications), the Future Fuels Strategy (Department of Industry, Science, Energy and Resources), and the Australian Energy Market Operator.

For forecasting purposes, I am advised that the Department of Treasury and Finance has estimated the number of new full electric vehicles registered in South Australia as follows:

- Around 550 vehicles in 2021-22
- Around 850 vehicles in 2022-23
- Around 1,350 vehicles in 2023-24
- Around 2,100 vehicles in 2024-25

ELECTRIC VEHICLES

803 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). How many plug-in hybrid electric vehicles are currently registered in South Australia?

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

There were around 1050 plug-in hybrid electric vehicles registered in South Australia in April 2021.

ELECTRIC VEHICLES

804 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). How many plug-in hybrid electric vehicles are estimated to be sold, or first registered in South Australia, in:

(a) 2021-22?

(b) 2022-23?

(c) 2023-24?

(d) 2024-25?

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

Forecasts of electric vehicle take-up rates are subject to a high degree of uncertainty. They are particularly sensitive to assumptions about the price of electric vehicles and model availability.

The Department of Treasury and Finance considered electric vehicle take-up assumptions from a number of sources including the Bureau of Infrastructure, Transport and Regional Economics (Department of Infrastructure, Transport, Regional Development and Communications), the Future Fuels Strategy (Department of Industry, Science, Energy and Resources), and the Australian Energy Market Operator.

For forecasting purposes, I am advised that the Department of Treasury and Finance has estimated the number of new plug-in electric hybrid vehicles registered in South Australia as follows:

- Around 650 vehicles in 2021-22
- Around 1,050 vehicles in 2022-23
- Around 1,650 vehicles in 2023-24
- Around 2,550 vehicles in 2024-25

EX GRATIA PAYMENTS

807 The Hon. S.C. MULLIGHAN (Lee) (23 September 2021). Has the Treasurer approved or made any ex gratia payments since 1 January 2021?

(a) To whom were the payments made?

(b) For what purpose were the payments made?

(c) What is the amount of each payment?

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

1. The secrecy provisions of the Taxation Administration Act 1996 prevent me from releasing the names of the recipients of state tax related ex gratia payments, including those in receipt of payments approved or made since 1 January 2021. This is consistent with a ruling made under the former government when I sought similar information under the Freedom of Information Act 1991.

2. In the period since 1 January 2021 to 30 September 2021, I have approved ex-gratia payments for the following purposes:

- Land tax ex gratia payments (e.g. for deceased estates);
- Land Tax Reform Aggregation Transition Fund relief;
- Land Tax Reform Affordable Housing Concession payments;
- Job Accelerator Grants;
- Payroll tax general ex gratia payments;
- Payroll tax small business rebates;
- Payroll tax 2017-18 in lieu of proposed legislative changes to the statutory rate;
- Stamp duty ex gratia payments (e.g. including pre-construction grant and foreign ownership surcharge);
- Bushfire relief ex gratia payments;
- Support for organisations to help them continue to operate throughout the COVID-19 pandemic (payroll tax and land tax relief).

I have also approved ex-gratia payments to be made by other Ministers to businesses impacted by COVID-19.

3. Since 1 January 2021 (up to and including 30 September 2021) the Department of Treasury and Finance has paid the following ex gratia payments that I have approved for the purpose listed as follows:

- Land tax general ex gratia payments, $466,533;
- Land Tax Reform Aggregation Transition ex gratia payments, $992,380;
- Land Tax Reform Affordable Housing Concession ex gratia payments, $21,440;
- Job Accelerator Grant payments $2,000;
- Payroll tax general ex gratia payments, $994,025;
- Payroll tax small business rebates, $45,822;
- Payroll tax 2017-18 rate reduction administered by way of ex-gratia payments, $111,730;
- Stamp duty ex-gratia payments, $962,324;
- Bushfire relief ex-gratia payments, $2,463;
- COVID-19 payroll tax waiver by way of ex gratia payments, $134,618,643; and
- COVID-19 land tax relief for landlords and commercial owner occupiers by way of ex-gratia payments, $9,249,699.

I note this list does not include ex-gratia payments made by agencies other than the Department of Treasury and Finance.

In addition, COVID-19 assistance has also been provided through various grant programs, such as the business support grants for small businesses.

ANTIMICROBIAL RESISTANCE

809 Ms BEDFORD (Florey) (13 October 2021). What research has the SA Expert Advisory Group on Antimicrobial Resistance completed or is currently undertaking to reduce inappropriate antibiotic prescriptions– as 23.5 per cent of prescriptions prescribed in 2017 were found to be inappropriate according to the hospitals which participated in the NAPS survey?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

The remit of the SA expert Advisory Group on Antimicrobial Resistance (SAAGAR) is to develop educational and stewardship resources for prescribers and consumers to optimise antimicrobial prescribing in South Australia.

Current research and other activities of SAAGAR to reduce inappropriate prescribing of antimicrobials includes:

- Participation in the National Antimicrobial Prescribing Survey (NAPS). All metropolitan local health networks (LHNs) participate in NAPS, which is a point prevalence study conducted annually to assess the appropriateness of prescribing within hospitals. NAPS allows identification of areas of clinical practice where prescribing can be improved or optimised.
- The National Antimicrobial Utilisation Surveillance Program (NAUSP), managed by the Antimicrobial Programs team with the Communicable Disease Control Branch in SA Health. NAUSP monitors hospital antimicrobial consumption around Australia. Currently, 19 South Australian public and private hospitals contribute dispensing data to NAUSP; this data enables identification of possible over-prescribing or unexpected changes in prescribing clinical areas, to allow further investigation and intervention by SAAGAR if required.
- SAAGAR have collaborated with immunologists in South Australia to develop guidance and web-based resources for prescribers and consumers regarding antibiotic allergies. Inaccurate documentation of antibiotic allergies is a focus area for antimicrobial stewardship because patients labelled with an allergy are more likely to be prescribed broad spectrum alternatives.
- Members of SAAGAR individually contribute to research into antimicrobial use and resistance in their local LHNs or other areas of practice.

ROYAL ADELAIDE HOSPITAL

810 Ms BEDFORD (Florey) (13 October 2021). How does the Royal Adelaide Hospital accept and manage its appointment referrals?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

The Royal Adelaide Hospital, including ophthalmology services, accepts referrals by fax and email.

Once the referral has been received it is registered in the Sunrise Electronic Medical Records system where it is then triaged by medical staff.

ROYAL ADELAIDE HOSPITAL

811 Ms BEDFORD (Florey) (13 October 2021). Does the Royal Adelaide Hospital still require referrals for ophthalmology services to be sent by fax machine? If not, when did the hospital last receive the last referrals sent via fax for ophthalmology or any other service?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

I refer the member to the answer provided for Question on Notice 810.

COUNTRY HOSPITALS

821 Mr PICTON (Kaurna) (14 October 2021). In the 2020-21 financial year, which country hospitals had times of no medical coverage at their emergency department, and how many days for each of those hospitals?

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

All country emergency departments have had continuous medical coverage either physically or virtually from the South Australian Virtual Emergency Service (SAVES), support from Medstar (for high acuity cases) or virtual coverage from neighbouring hospitals.

MENTAL HEALTH

823 Mr PICTON (Kaurna) (14 October 2021). I have been advised:

Data on Emergency Department performance is published by the Australian Institute of Health and Welfare, and reported in real time on the SA Health emergency department dashboard.

MENTAL HEALTH

824 Mr PICTON (Kaurna) (14 October 2021). What is the total number of mental health patients who waited greater than 24 hours in a public metropolitan hospital emergency department this calendar year to date, broken down by month?

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

Data on emergency department performance is published by the Australian Institute of Health and Welfare, and reported in real time on the SA Health emergency department dashboard.

MENTAL HEALTH

825 Mr PICTON (Kaurna) (14 October 2021). How many mental health patients have waited more than 48 hours in public metropolitan hospital emergency departments this calendar year to date, broken down by month?

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

Data on emergency department performance is published by the Australian Institute of Health and Welfare, and reported in real time on the SA Health emergency department dashboard.

MENTAL HEALTH

826 Mr PICTON (Kaurna) (14 October 2021). What are the longest 10 occasions a mental health patient has spent in a public metropolitan emergency department this calendar year to date, and at what hospital/s did they occur, and in which month?

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

Data on emergency department performance is published by the Australian Institute of Health and Welfare, and reported in real time on the SA Health emergency department dashboard.

CODE BLACK INCIDENTS

828 Mr PICTON (Kaurna) (14 October 2021). What is the total number of code black incidents this calendar year to date, broken down by month and by each metropolitan hospital?

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

	Code Blacks								
Month	RAH	LMH	FMC	TQEH	NH	MH	WCH	GH	HRC
January 2021	235	226	211	83	29	26	80	23	0
February 2021	367	203	209	58	18	64	54	43	0
March 2021	284	246	238	85	52	42	90	19	1
April 2021	311	250	240	77	34	31	33	11	0
May 2021	292	155	187	89	29	43	55	19	1
June 2021	277	202	217	104	24	38	69	17	0
July 2021	363	141	184	95	21	26	68	14	1
August 2021	364	200	211	130	26	54	72	17	0
September 2021	292	198	118	168	17	23	46	12	0

EMERGENCY DEPARTMENTS

829 Mr PICTON (Kaurna) (14 October 2021). What was the average time patients spent in each public metropolitan hospital emergency department over the past four financial years?

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

Data on emergency department performance is published by the Australian Institute of Health and Welfare, and reported in real time on the SA Health emergency department dashboard.

HOSPITAL BEDS

830 Mr PICTON (Kaurna) (14 October 2021). What was the average number of occupied overnight beds in metropolitan Adelaide hospitals over the past three financial years?

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

During the period 2018-19 to 2020-21, on average, the following number of overnight beds in metropolitan public hospitals were occupied:

Financial Year	Average Occupied Overnight Beds
2018-19	2,260

Financial Year	Average Occupied Overnight Beds
2019-20	2,282
2020-21	2,196

MEDI-HOTELS

834 Mr PICTON (Kaurna) (14 October 2021). How many breaches (low, medium or high level) have been identified of any staff member in the medi-hotel program, broken down by category of staff member (hotel, security, health, police etc)?

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

As of 15 October 2021, there have been a total of 942 infection control breaches since the commencement of the medi-hotel program, broken down in the following categories;

1. SAPOL, 29 infection control breaches deemed to be low risk,

2. Australian Defence Force, one infection control breach deemed to be low risk,

3. MSS Security, 53 infection control breaches deemed to be low risk,

4. Medi-Hotel staff, 113 infection control breaches deemed to be low risk and 4 infection control breaches deemed to be high risk,

5. SA Health Nurses, 49 infection control breaches deemed to be low risk and 3 infection control breaches deemed to be high risk,

6. SA Pathology, two infection control breaches deemed to be low risk and one infection control breach deemed to be high risk,

7. South Australian Ambulance Service, four infection control breaches deemed to be low risk and one infection control breach deemed to be high risk,

8. Guest/Member of the public, 623 infection control breaches deemed to be low risk and 20 infection control breaches deemed to be high risk, and

9. Other (category includes external cleaners, drivers), 39 infection control breaches deemed to be low risk.

There has been no COVID-19 transmission from the above infection control breaches.

BAROSSA CONTEMPORARY

In reply to **the Hon. A. KOUTSANTONIS (West Torrens)** (12 October 2021).

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

The SATC does not have the attendee number for the Transcendence event.

BAROSSA CONTEMPORARY

In reply to **the Hon. A. KOUTSANTONIS (West Torrens)** (12 October 2021).

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

The details of the South Australian Tourism Commission's sponsorship agreement with Barossa Contemporary, including payments and key performance indicators, are subject to contractual confidentiality restrictions, and therefore cannot be disclosed without breaching the duties of confidence contained in the relevant contracts.

BAROSSA CONTEMPORARY

In reply to **the Hon. A. KOUTSANTONIS (West Torrens)** (12 October 2021).

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

The Barossa Contemporary Festival for the Curious is a celebration of the Barossa showcasing the region's identity as a breeding ground for artisanal food and wine with thought provoking experiences.

The Iridescence dinner was a premium event that celebrated Barossa food and wine and furthermore provided an immersive art and design experience.

The event organisers were responsible for ticketing the Iridescence dinner and thus the SATC does not have information on paid ticket sales.

AUDITOR-GENERAL'S REPORT

In reply to **Mr PICTON (Kaurna)** (26 October 2021).

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): I have been advised:

The $1.7 million relates to the increase in commonwealth grants received under the National Legal Assistance Partnership (NLAP) in 2020-21. The NLAP is the mechanism through which the commonwealth government provides funding to the states and territories for the provision of legal assistance services.

This funding does not relate to COVID-19 stimulus funding.

In response to the COVID-19 pandemic and its significant impact on local businesses, community organisations, industry sectors and jobs, this government established the Business and Jobs Support Fund and the Community and Jobs Support Fund to support businesses, jobs and community organisations.

The Funds have supported a range of businesses and community organisations during COVID-19, and with the vaccine rollout now underway, the funds have been combined to create the COVID-19 Support Fund.

Total funding provided to the COVID-19 Support Fund is $795 million.

AUDITOR-GENERAL'S REPORT

In reply to **Mr PICTON (Kaurna)** (26 October 2021).

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): I have been advised:

The Local Government Research and Development Scheme (LGRDS) has made a substantial commitment to the Local Government Association (LGA) to support councils to implement reforms in the Statutes Amendment (Local Government Review) Act 2021 (the amendment act).

I am advised that the LGRDS has provided $640,000 in funding to the LGA for two projects to supports its local government reform implementation work, which includes $150,000 for local government reform implementation and $490,000 for the LG Equip Program. This program provides councils with information, resources and other support needed to successfully implement the many reforms to local government contained within the amendment act.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. A. KOUTSANTONIS (West Torrens)** (26 October 2021).

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): I have been advised:

There were no costs for legal indemnities for the 2020-21 audit period.

Reimbursements for legal costs under Legal Bulletin 5 in the 2020-21 audit period totalled $64,426.28.

A total of six MPs have received reimbursement for legal costs since 1 July 2018 at a total cost $ $321,883.92.