

HOUSE OF ASSEMBLY

Thursday, 2 November 2023

The SPEAKER (Hon. D.R. Cregan) took the chair at 11:00.

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

The SPEAKER read prayers.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE: BURIAL AND CREMATION (SURRENDER OF INTERMENT RIGHTS) VARIATION REGULATIONS 2021

Mr FULBROOK (Playford) (11:01): I move:

That the report of the committee, on the Burial and Cremation (Surrender of Interment Rights) Variation Regulations 2021, be noted.

The burial and cremation surrender of interment rights regulations I just mentioned were tabled in both houses of parliament on 30 November 2021 and then referred to the committee. The committee raised concerns that these regulations went against two of the committee's current standing scrutiny principles. I gave a notice of motion to disallow the variation regulations as a holding motion on 1 June 2022. A subsequent report has now been prepared, which I ask to be noted by the house today. Given a holding motion remains in the form of a disallowance motion, I intend to keep this in place and allow reasonable time for members to consider the report. I commend the report to the house.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) REGULATIONS 2021

Mr FULBROOK (Playford) (11:03): I move:

That the report of the committee, on the Controlled Substances (Youth Treatment Orders) Regulations 2021, be noted.

These regulations were tabled in both houses of parliament on 30 November 2021 and referred to the Legislative Review Committee. The committee found that the regulations raised concerns against two of the committee's current scrutiny principles. On behalf of the committee, I gave a notice of motion to disallow the regulations as a holding motion on 1 June 2022. A subsequent report has been prepared, which I ask to be noted by the house today. Given a holding motion remains in the form of a disallowance motion, I intend to keep this in place and allow reasonable time for members to consider the report. I commend the report to the house.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: TERMINATION OF PREGNANCY REGULATIONS 2022

Mr FULBROOK (Playford) (11:04): I move:

That the report of the committee, on the Termination of Pregnancy Regulations 2022, be noted.

These regulations were tabled in both houses of parliament on 5 July 2022 and referred to the Legislative Review Committee. The committee raised a concern against one of the committee's scrutiny principles, that being whether an instrument unduly trespasses on personal rights and liberties. On behalf of the committee, I gave a notice of motion to disallow the regulations as a holding motion on 2 November 2022. A subsequent report has now been prepared, which I ask be noted by the house today. Given the holding motion remains in the form of a disallowance motion, I intend to

keep that in place and allow reasonable time for members to consider the report. I commend the report to the house.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: POLICE (POLICE SECURITY OFFICERS) AMENDMENT REGULATIONS 2022

Mr FULBROOK (Playford) (11:05): I move:

That the report of the committee, on the inquiry into Police (Police Security Officers) Amendment Regulations 2022, be noted.

For context, police security officers (PSOs) are critical to the SAPOL frontline workforce, adding additional capacity and often alleviating pressure by performing a number of duties currently undertaken by police officers. The report, through the Legislative Review Committee, that accompanied the regulations advised that these regulations were drafted to support a transition from protective security officers to PSOs. As part of the reforms, PSOs can be assigned additional duties and are granted increased powers when conducting those additional duties.

To understand the possible impacts upon the public, the committee sought and received the views of the Law Society of South Australia, the Legal Services Commission of South Australia and the Aboriginal Legal Rights Movement. These organisations provided oral or written evidence on the Police (Police Security Officers) Amendment Regulations 2022. It should be noted that the committee did not decide to place a holding motion against these regulations and they are already in effect. That said, a subsequent report has been prepared and, on behalf of the committee, I ask that it be noted by the house today.

Mr TELFER (Flinders) (11:06): I rise to speak on this report that was pretty briskly gone through by the member for Playford. I want to highlight to the house some of the issues that the committee had brought up in terms of these regulations. It really does reflect a rushed process and a lack of awareness about some of the challenges that this regulation brings to the impingement on personal rights and the opportunity for someone who is much less trained than an ordinary police officer to have the same powers as a police officer.

The committee heard evidence that a number of the provisions in the amendment regulations are beyond the scope of the act that they apply to and are inappropriate for enactment by the executive through regulations. The amendment regulations provide that a PSO with much less training than a police officer has the same powers as a police officer. As the member for Playford highlighted, we did hear evidence in that committee from a number of legal representatives from around South Australia about their concerns about what powers these regulations actually give to police security officers. It does mean that the power of arrest is in the hands of someone who has only received 13 weeks of training.

We who have looked closely at the training regulations and obligations that police officers have know that there is significant training that goes on, and rightly so. These are people who are doing the good work of keeping our communities safe but doing it in a way that is legal and able to be relied on by our community. To have police security officers having these same rights of arrest raised concerns by those legal representatives, and this is why we, particularly as members of the committee, wanted to highlight that in the committee report. You can get a situation where an individual, including a minor, can be arrested by a relatively untrained PSO, and they are not entitled to the same fundamental rights mandated to protect a person being arrested by a police officer.

We heard from witnesses to the committee that the act does not contemplate providing PSOs with the same powers that are bestowed upon police officers, particularly the power of arrest. These extra powers that were given through these regulations also gave the opportunity for any other additional powers as seen fit by someone with the standing above, e.g. the police commissioner, to give police security officers any more powers.

I understand that PSOs do good work in our community. I do understand that the police minister and this government are relying on them as a stopgap in the short term while they are more than 200 police officers down on their standing force. Make no mistake, a PSO should not be doing the role of a police officer.

The extra powers that are given to a PSO, the lessened responsibility for the rights of people being detained by a PSO, have been highlighted to our committee. I am surprised at this point that we have not had any action from the government. This is something that needs to be fixed up. Either they believe that they are right and the legal advice that the committee heard is wrong, and they are going to ignore the committee, or they believe this needs to be changed and fixed up so it better reflects the legislation this regulation applies to.

The committee agreed that the abrogation of these rights by the amendment regulations trespasses unduly on personal rights and liberties. In looking at this report, there is a clear direction and a clear recommendation for action. I hope those who have the ability to fix up this mistake, whether it is the police minister or the Attorney-General, really take into consideration all the evidence that the committee has noted in this fulsome report.

As specified in the section of the Police Act that it refers to, additional duties should be set out in regulations, sure, but there needs to be more scrutiny, especially from the parliament and the associated committees rather than special orders made by the commissioner. The opportunity for a commissioner to make special orders for additional powers for a police security officer lacks a level of transparency and public accountability, which is really necessary to make sure we garner confidence within our police force.

Police security officers have not had the same level of training as members of our police force. They are not sufficiently trained to exercise arrest rights and their powers should not be extended beyond the limited power to detain, which existed under the previous legislative arrangements for protective security officers.

The recommendations within this report are fulsome, as I said. The committee went through a well-structured and properly followed process. The recommendations that follow should not just be ignored by this government, they should be acted upon.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:12): I was not intending to make a contribution, but I think—

Members interjecting:

The SPEAKER: Order! Preparations are being made for the minister to conform to the standing orders.

The Hon. J.K. SZAKACS: I have almost been a minister longer than you have.

The SPEAKER: Order!

The Hon. J.K. SZAKACS: I apologise for my disorderly conduct. I was not going to make a contribution, but I think it is important that, as a minister in the government, I do so overtly, despite the contribution from the member for Flinders, and commit our full support for the police commissioner. This is a worrying accusation that the police commissioner is—

Mr Telfer interjecting:

The SPEAKER: Order, member for Flinders!

The Hon. J.K. SZAKACS: This is a worrying accusation from the member for Flinders, who was a member of this committee, that the police are improperly exercising or the police commissioner is unfairly and improperly exercising his prerogative.

Mr Telfer: I did not say that at all.

The SPEAKER: Member for Flinders, order!

The Hon. J.K. SZAKACS: I would also say and remind the member for Flinders that the enabling legislation for this reform was actually undertaken by the former Liberal government—undertaken by the former Liberal government—one that we were very proud to support in opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. J.K. SZAKACS: I also, on behalf of the hardworking sworn police security officers around the state, including those who are protecting us in this building as we speak, will overtly move our government away from any accusation that they are not properly trained, that they are not capable, that they are not professional, that they are not—

Members interjecting:

The SPEAKER: Order!

The Hon. J.K. SZAKACS: It would be—

Mr Telfer interjecting:

The SPEAKER: Order!

The Hon. J.K. SZAKACS: It would be much to the relief of the member for Flinders to know—in fact, it may be some surprise to him, based upon his contribution to this debate—that a sworn police security officer is not a police officer. They are two distinct roles and two very important functions; in fact, so important that this government acted decisively to commit through an extra \$80 million of funding the employment of 189 sworn police security officers. They play an important role, they are well trained, they are well led by the police commissioner. We certainly as a government trust the exercise of the prerogative that the police commissioner has, both under the act and as an outstanding leader in this state.

Mr TEAGUE (Heysen) (11:15): I rise just to indicate I really do commend this motion to the house. I really hope that it does attract the support, unanimously, of members of this place. The motion moved by the member for Playford indeed brings to the attention of the house the report of the Legislative Review Committee. Far from some unnecessary political characterisation and all this that we just heard from the minister, the job of the Legislative Review Committee is to highlight where matters that ought to be dealt with by other means than by regulation are done so, and they are brought to the attention of the house so that if it is necessary and appropriate the house can legislate.

As the member for Flinders has highlighted—and, indeed, as a member of the Legislative Review Committee who has joined in the work of the member for Playford and other members of the Legislative Review Committee—the concerns that the work of the committee has elicited from no less than the Law Society, the Legal Services Commission, the Aboriginal Legal Rights Movement are legitimate concerns about the administration of justice. Sure, they might go to the merits of structures being put in place, but at its core this is about analysis of what is appropriate to be dealt with by way of regulation and what ought to have the scrutiny of this place.

It is interesting that the attention of the minister has been piqued by this spotlight being shone on what the member for Playford has quite rightly highlighted are regulations that are already in place. Unlike the motions that have been brought earlier in this short moment, the Legislative Review Committee has the opportunity to put in place the relevant motion to disallow—and then, in this case, undertake not one, not two, not three, this is the fourth of them—reports setting out the reasons why.

This one stands out, and therefore it is at the government's feet, unusually, in that the regulations have been made, they are in force, and the issues that are arising are now very much matters of executive responsibility to determine. Let there be no doubt about it, I am sure the house will not be fooled for a moment by these sorts of attempts to characterise or to smear either the capacity and integrity of the commissioner or, indeed, the important work of PSOs. Nothing could be further from the truth.

The responsibility of the executive government is to regulate within the law and to regulate in the best interests of all the people of South Australia in terms of the disposition of the administration of justice—that includes the process by which individual citizens might find themselves arrested, as the Legislative Review Committee has rightly pointed out.

I commend the motion to the house. I hope that it sees hasty passage through this place so that members of the House of Assembly can indeed note the report. I think all eyes will then be on the executive, and the minister in particular, to see what is going to be done to address this particular problem that is very much lying at the government's feet at present.

Motion carried.

PUBLIC WORKS COMMITTEE: FLINDERS MEDICAL CENTRE NEW 20-BED INPATIENT WARD

Mr BROWN (Florey) (11:20): I move:

That the 33rd report of the committee, entitled 'Flinders Medical Centre new 20-bed inpatient ward', be noted.

The Department for Health and Wellbeing, or SA Health, proposes to deliver a new 20-bed inpatient ward at Flinders Medical Centre through a comprehensive refurbishment of existing non-clinical areas. This initiative will be completed prior to the Flinders Medical Centre's major redevelopment works anticipated for completion in the 2027-28 financial year and will create additional inpatient bed capacity. The project forms part of the state and commonwealth governments' \$400 million commitment to upgrade and expand the Flinders Medical Centre. The total investing budget for the project is \$12 million. Construction works have commenced, with practical completion in March 2024.

The Flinders Medical Centre forms part of the Southern Adelaide Local Health Network and provides care for people living in the southern Adelaide suburbs, surrounding regional areas and the Northern Territory. It is the largest hospital servicing the southern metropolitan area and is one of the two major trauma centres in South Australia.

Flinders Medical Centre provides core health services, which include medical, surgical, rehabilitation, aged care, mental health, and women's and children's services. The hospital provides whole-of-life care, from neonatal services through to palliative care, and offers an extensive range of acute inpatient, outpatient, and allied health services.

The Southern Adelaide Local Health Network's catchment population is increasing and it is significantly ageing. It is projected that over the next 20 years there will be a 75 per cent growth of the over 75 age group, which will drive an increase in the need for healthcare services. Older demographics are the highest consumers of healthcare services, and this health network will have one of the oldest demographics in Australia.

The southern redevelopment project has been created to address the issues with rising demand for health care in South Australia, with a primary intent to increase hospital bed capacity for the communities of southern Adelaide and improve emergency department patient flows. The new 20-bed inpatient ward will free up existing ward space, easing pressures on patient flows and potential bed block. The ward will be directed at assisting the older population through the delivery of a specialist acute medical unit for older persons and will house the Older Persons' Assessment and Liaison team, known as OPAL, and the Residential Care Outreach Team, known as RCOT. OPAL and RCOT are responsible for providing specialist care for older persons.

The OPAL service provides a care pathway for the elderly presenting to the emergency department with signs including increasing cognitive impairment, multiple falls, and confusion and frailty, while the RCOT team admits residents from aged-care facilities with the aim to return them within 72 hours of admission.

The 20 additional inpatient overnight bed places provide a means of effectively co-locating specialist care services for older patients, with an average length of stay of approximately three days. Along with offering a specialist acute medical unit for older persons, the ward will consist of a dementia-friendly design and additional space for diversional therapy. The project will deliver contemporary health infrastructure to support the ongoing functionality of the two emergency department pathways to ease pressure on emergency department beds and support patient flows.

Plans submitted by SA Health call for the construction of a new inpatient ward, which will comprise:

- 20 patient bed places with a mixture of single and shared rooms;
- central diversional therapy space for allied health functions, including physiotherapy and occupational therapy, mobility and assessments, and exercises;
- a quiet and private meeting area;

- a central patient lounge to provide seating and a respite area for older patients walking to the ward;
- a dedicated trainee medical officer and multidisciplinary allied health office space for clinical staff;
- a staff base adjacent to the ward entrance with an integrated medication room fit with automated drug dispensing cabinets; and
- a staff room and meeting area with kitchenette facilities and secure staff lockers.

The project team have established formal processes to ensure that ecologically sustainable development principles have been incorporated and integrated into the design, construction and operation of the new ward. These formal processes will be implemented into the works during all phases of the project life cycle and will seek to enhance ecologically sustainable development features in the existing building and new building components where practicable.

SA Health states that consultation and engagement has been a key theme throughout the concept planning and will continue with various stakeholders during the design and construction process. Stakeholders and specialist consultation include but are not limited to clinicians, work health and safety, infection control and hygiene advisers, and industrial bodies. This consultation will continue, and stakeholders will remain informed of the works as it progresses through construction and into service readiness.

The committee examined written and oral evidence in relation to the Flinders Medical Centre new 20-bed inpatient ward project. Witnesses who appeared before the committee were Mr John Harrison, Director of Building Projects, Department for Infrastructure and Transport; Mr Jeremy Kelly, Principal Architect, Silver Thomas Hanley; Ms Melissa Nozza, Director, Capital Projects and Infrastructure, Department for Health and Wellbeing; and Ms Amy Ross, Acting Executive Director, Infrastructure and Digital Health, Southern Adelaide Local Health Network. I thank the witnesses for their time. I would also like to thank the member for Davenport for her written statement supporting this project in her electorate.

Based upon the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REPORT 2022-23

Mr HUGHES (Giles) (11:26): I move:

That the 2022-23 annual report of the committee be noted.

The Aboriginal Lands Parliamentary Standing Committee's functions include reviewing the operation of three acts: the Aboriginal Lands Trust Act 2013, the Maralinga Tjarutja Land Rights Act 1984 and the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981. The committee can also inquire into matters affecting the interests of the traditional owners of the lands. It also looks into the manner in which the lands are being managed, used and controlled. Other functions include inquiring into matters concerning the welfare of Aboriginal people.

The committee has traditionally visited many Aboriginal lands and communities. It has also held strong relationships with the Aboriginal landholding statutory authorities. Speaking with representatives from those communities and statutory authorities allows the committee to be updated on current issues.

During the 2022-23 year, the committee continued with its two active inquiries, the Aboriginal governance inquiry and the Aboriginal heritage inquiry. The Aboriginal governance inquiry did not receive any further written submissions after the committee readvertised the inquiry in May 2022. On 15 November 2022, the committee tabled its final report, which contained four recommendations. These recommendations focused on increasing accountability for state-based trusts containing public moneys under the Trustee Act.

The committee was impressed with the Western Australian charitable trusts legislation after meeting with the Western Australian Attorney-General, the Hon. John Quigley. The committee also recommended that the previously introduced amendments to the Associations Incorporation Act be reintroduced in order to increase the transparency of Aboriginal incorporated associations for community members.

The majority of the reporting period focused on the committee's Aboriginal heritage inquiry. The inquiry dated back to February 2021 when the committee resolved to inquire into Aboriginal heritage issues. The inquiry looked at the operations of the Aboriginal Heritage Act 1988 and how Aboriginal heritage is managed in this state.

The destruction of the Indigenous heritage site at Juukan Gorge in Western Australia sparked reviews of Aboriginal cultural heritage protection across the commonwealth and states, including this jurisdiction. The inquiry received submissions from 16 stakeholders, and the committee received oral evidence from 27 witnesses.

On 13 June 2023, the committee tabled its final report on the Aboriginal Heritage Inquiry, which contained recommendations to review the current Aboriginal Heritage Act and for the minister to consider wideranging amendments. Without repeating my earlier speech in this chamber, I would like to reiterate the importance of this inquiry with recommendations aimed at protecting the ancient cultural heritage for future generations of First Nations people. The committee was grateful for the evidence provided by traditional owners who came and told us their concerns regarding their land and waters. The committee thanks all the stakeholders who made a submission, including Aboriginal Affairs and Reconciliation and the State Aboriginal Heritage Committee.

The annual report is the Aboriginal Lands Parliamentary Standing Committee's final report to be tabled in the Parliament of South Australia, so this is something of a historic day. I believe the committee has been in place for 20 years or so. It was an initiative of the Aboriginal Affairs minister at the time, the late Terry Roberts, going back many years.

The committee wishes to acknowledge the support and assistance it has received from Aboriginal communities and organisations throughout the past 20 years. The committee deeply appreciates the generosity and openness in sharing time, community, culture and personal stories. The numerous trips to Aboriginal communities made by the committee enabled a connection with First Nations people that could not be achieved by solely holding meetings in metropolitan Adelaide. The committee also sincerely thanks those who travelled to Adelaide to discuss issues of importance with the committee. It was through the contributions made by First Nations people that the committee gained a clearer understanding of the lived experiences of Aboriginal children, families and communities.

I thank both the former and current members of the committee for their significant contributions to this committee over the past 20 years. I would specifically like to mention the most recent membership of the Aboriginal Lands Parliamentary Standing Committee: from the other place, the Presiding Member, the Hon. Tung Ngo; the Hon. Tammy Franks; the Hon. Laura Henderson; and, from the house, the member for Heysen; and the member for Newland. I would also like to thank the committee officers. We have been incredibly fortunate to have exemplary officers.

Not long after I was first on the committee, Shona Reid took over the position. Shona was a fantastic secretary to the committee. She is highly organised, highly articulate, with very strong connections to Aboriginal communities. It is a measure of the high regard in which she is held that she is now the Guardian for Children and Young People and previously the CEO of Reconciliation SA. The most recent secretary for the committee has been Lisa Baxter. Once again, she is someone who made a fantastic contribution to the committee. She, too, is a highly organised individual, deeply articulate and has great research skills. I could not sing the praises of both those people loudly enough because they did an absolutely fantastic job.

I am very mindful that this is the last speech I will be giving on the committee in this chamber, and I do acknowledge all the effort that has been put in over the years. I think it is important, and I think it is a progressive step that, in a sense, we are going to be replaced by a direct Voice to Parliament made up of Aboriginal people and voted in by Aboriginal people. I think it is incredibly important that the people with the lived experience, the people who come from communities, come

from the lands, should be the ones to speak to the parliament and to make recommendations to the parliament, but ultimately it is up to this house to determine what is initiated as a result of that. But that direct voice in preference to a committee, which was a conduit and an important conduit, is something to be commended.

Mr TEAGUE (Heysen) (11:34): I rise to commend the motion and, rather than repeat many of the more particular observations of the member for Giles, I would endorse and amplify his remarks in terms of summarising the recent work of the Aboriginal Lands Parliamentary Standing Committee, its two reports it concluded in the course of this parliament and, of course, the annual report that is the subject of the motion.

I start really in terms of where the member for Giles left off and it might be at this point where we differ in a significant way. I think there is room for reform. Clearly, there is a mood of reflection at a time when what has been described as a final annual report of the Aboriginal Lands Parliamentary Standing Committee is to be noted in this place if the motion passes. I just say very clearly to members that this moment should never have come along.

I am at one with the member for Giles in terms of the observations that have been made, including over the course of this parliament, with regard to the need to review and adapt the purposes and the work of the standing committee of this parliament whose chief, primary and only purpose is to focus on the better interests of Aboriginal people in this state.

The mistake—and it is an egregious one in what is now a series of errors made by this government over the course of this year in particular—is to chart a course that starts with removing this committee altogether. That has been the subject of debate and, of course, I will not traverse the debate in relation to the State First Nations Voice. We are yet to see that machinery come into place.

But I just say very clearly to the house that it is not some inadvertent accident by the government that has seen the ending of this committee with all its parliamentary resources, with all its parliamentary processes and powers and capacity to go and engage with Aboriginal people and to identify their needs by hearing from them both here and in the lands, by travelling as the committee report says and by Aboriginal communities coming to this place to raise issues of concern in turn to deploy the productive capacity of the parliament and the interests of Aboriginal people. That will be lost. It has been lost as of 30 June. It is gone.

The virtue that the government presents in the course of rolling out its State First Nations Voice legislation is, as the member for Giles has summarised, that this body, which is to be the subject of an election process that has been put off now from September until March next year—at least we are told—is to somehow replace the work of the parliamentary standing committee and I just say to members of this house that that could not be any further from any coherent possibility or reality. It just cannot be, and at the very least it denies those who would be involved in such a body, if it ever comes to fruition, the capacity to use the machinery of the parliament in their own interests.

Let us be clear: this was the subject of proposed amendments on this side. There is nothing new. I have argued it to the best of my ability: amend the legislation at least to keep the parliamentary machinery working in a coherent way towards the best interests of Aboriginal people. The Malinauskas Labor government wanted nothing to do with it. The Attorney-General made it clear to me that the body that is to be established is to replace the committee, yet it cannot do it on the face of the structure of the Voice.

The Voice is a body, if it ever comes into fruition sometime next year or who knows when, that will meet four times a year. It is legislated to have a maximum number of meeting times without the permission of the minister. Goodness gracious! Who would have ever thought such a thing could contain a parliamentary process. Not only that, compared to a committee of the parliament that can meet every sitting week or as often as it wants to, the Voice will have no coherent point of communication with the parliament in anything like the same way a standing committee of the parliament can have.

I completely hear and take on board what the member for Giles says about the need for the parliament to credibly, thoroughly, relevantly be able to engage with, relate to and take on board matters of concern for Aboriginal people. But that ought to mean that if you are going to establish

some new body—and let us bear in mind it is not only detached from the parliament; the act makes it clear it is detached from all the existing Aboriginal bodies, including Native Title Services and the list goes on—at the very least you would say to that body, 'Alright, you've got a parliamentary committee at your disposal. You can go and engage with the parliamentary committee and, guess what, then you will have members of the parliament, members of both houses of the parliament, armed with all of the capacity of the parliament—powers to inquire, powers to call evidence, all the rest of it—that you can work with towards coherent outcomes.'

Instead, the government said, 'No, it will have to replace the parliamentary committee,' but the engagement—

Mr BROWN: Point of order, Mr Speaker: as reluctant as I am to interrupt the member for Heysen in full flow, he is continually referring to votes of the house and talking about how his amendments failed to be accepted. I wish you to draw his attention to refraining from doing so.

Mr TEAGUE: I am happy to address the point of order, but that may or may not be necessary.

The SPEAKER: It is unlikely to be necessary. I think the member for Heysen knows well the standing orders, and I am sure he can craft a continuing contribution in accordance with them.

Mr TEAGUE: The member might just have a close look at page 14 of the annual report. Have a close look at page 14 of that report, because it will stand as a historical marker of the course that is now being charted. There is no doubt about that. There is no mystery to any of that. What is important for the house to take on board at the time that it would note this report—and I would certainly hope that the house indeed supports this motion of the member for Giles.

It is important that the house note this annual report, because in time there will be time to reflect on the course that we are told by the government we will now be charting over the months and years ahead. It remains my sincere view—and I think it ought to be one shared by members of this house without hesitation—that the powers of the parliamentary committee process and the standing committee process in particular are one of the most powerful tools in the interests of the community.

They are a means by which the parliament can act independent of the executive. They are a means by which the parliament can act in a bipartisan and multipartisan way, and they are a means by which the parliament can get to the bottom of issues of importance in the community and, in particular for this committee, with those matters in mind, the interests of Aboriginal people in the community in South Australia. It is a sad day that we see the noting of this report recording, as it does, the demise of this standing committee.

We have seen already in the course of short months numerous examples of the kind of work that the committee could easily have latched onto. Let us not forget that it was at the beginning of this year that the committee shone a light on the vandalism at Koonalda Cave. That in turn was a driver for securing \$400,000 of federal money, which in turn is now being administered in the interests of the preservation of that important heritage. Without the committee's work it would not have happened, at least not with the same dispatch, and—please gainsay me if anyone has a contrary view—that is one of many examples.

The SPEAKER: The member for Heysen's time has expired.

Mr TEAGUE: I will close on that note. It is abundantly obvious the committee should be reinstated.

Mr PEDERICK (Hammond) (11:45): I rise to speak on the final report of the Aboriginal Lands Parliamentary Standing Committee. Indeed, as the member for Heysen has outlined, it is a sad day because it essentially signals the absolute end of that committee, which was wound up earlier this year. I served on the committee previously and got around the state—the little bit of travel that I did. I wish I had the opportunity to do more, and it would have been more if the committee had still been in place. We visited Ceduna, Yalata, Koonibba and all around the West Coast and obviously had hearings with people there. We had some informal and formal meetings and also had many formal meetings here in Adelaide hearing evidence around the various subjects of the committee.

The inquiry around the Aboriginal governance I found extremely interesting. We were requested, under the rules of the committee, to review governance standards in South Australian Aboriginal community-controlled organisations. It was requested that the committee undertake this review, under the former government, on 1 February 2021. The committee formally resolved to undertake the inquiry on 15 February 2021.

In particular, the committee was asked to consider the key elements of a comprehensive governance capacity-building framework that will support South Australian Aboriginal organisations and corporations to deliver on Aboriginal community aspirations for self-determination. It was outlined what this committee may look at, and it included what policies and processes will best support directors and boards to meet their statutory and financial obligations and oversee the management of their organisations.

It was also to consider what policies and processes will best support directors and boards to ensure culturally safe processes and also governance structures that enable South Australian Aboriginal community-controlled organisations and corporations to maximise economic opportunities for the benefit of their communities. It also looked at governance structures that enable South Australian Aboriginal community-controlled organisations and corporations to maximise cultural opportunities for the benefit of their communities. It also looked at best practice in training and mentor supports appropriate for the boards of Aboriginal community-controlled organisations and corporations.

It also looked at examples of good governance in First Nations organisations nationally and internationally that have local relevance, including practical examples of how to implement good governance principles such as accountability, transparency, integrity—including management of real or perceived conflicts of interest—cultural authority, efficiency, leadership, culturally safe processes and incorporating Aboriginal decision-making principles. What was also under investigation were the specific pathways to support young Aboriginal people and Aboriginal women to step into leadership roles in their communities.

The committee was advertised across the board in metropolitan and regional publications as well as on the committee's website, and obviously it went through the pretty standard submission process of asking certain people to write in with their submissions.

The initial report, an interim report, was tabled on 26 October 2021, and on 18 February 2022 we received responses to that interim report from the then minister with that function, former Attorney-General the Hon. Josh Teague MP. The committee also received an interim response to its interim report from the then commonwealth Minister for Indigenous Australians, the Hon. Ken Wyatt MP.

As has been said, the committee was readvertised under the new government; however there were no further written submissions. On 15 November 2022 the final report was tabled, and there were four recommendations, as follows:

1. The committee recommends that the Trustee Act 1936 (SA) be reviewed by the Attorney-General with a view to amendments to increase accountability in relation to trusts that contain public moneys, whether from state or federal sources (for example native title compensation moneys), to apply to trusts already established under that legislation.

2. The committee also recommends that the Trustee Act 1936 (SA) be amended to offer inexpensive mechanisms for beneficiaries (including common law holders) to inspect the records in relation to the management and expenditure of trust moneys being invested on their behalf. The proposed Western Australian charitable trusts legislation may provide the Attorney-General with a model for potential reforms in the South Australian jurisdiction.

3. The committee recommends that the Attorney-General introduce a bill that amends the Associations Incorporation Act 1985 (SA) to increase oversight and dispute intervention powers for the Commissioner for Corporate Affairs. The committee encourages the parliament to pass the previously proposed reforms provided for in the Associations Incorporation (Miscellaneous)

Amendment Bill 2021 in order to increase the transparency of Aboriginal incorporated associations for community members.

4. The committee also recommends that the Commissioner for Corporate Affairs, within Consumer and Business Services, be resourced to provide regular governance training and education to Aboriginal community-controlled associations around their obligations under the Associations Incorporation Act 1985 (SA). This includes providing training on any new amendments arising from the proposed reforms, on good governance practices and on communication. The committee recommends that such training include the provision of necessary template documents, including flowcharts and visible representations of requirements which can be tailored to the particular association.

Earlier this year, in February, the Hon. Andrea Michaels, the Minister for Consumer and Business Affairs, responded to the committee's recommendations 3 and 4, and the minister supported both recommendations in principle. On 14 March 2023 the Hon. Kyam Maher MLC, Attorney-General, responded to the committee's recommendations 1 and 2, but the Attorney-General did not support the implementation of recommendations 1 and 2.

I found it concerning that those first two recommendations were not supported by the Attorney-General, because that was part of the whole point of having the governance inquiry, and I think it showed, apart from the other inquiries, including the heritage inquiry that was conducted as well, the excellent work of this committee getting out and about, talking to communities, talking to associations and talking to individuals and having individuals present to the committee.

Sadly, some alarming issues came up, like boards not having meetings for 20 years, and issues around general governance. It does not matter where the money is going, we must know where public money is going, there must be accountability.

I think this committee did great work researching that, and I applaud some of the other initiatives around education in communities, but we have lost all that communication because the committee has been wound up and we have not been able to reach out to do that valuable work of the Aboriginal Lands Parliamentary Standing Committee. As with the member for Heysen, I think it is a sad day that that committee has now wound up and we lose the opportunity to do that valuable work into the future.

Mr HUGHES (Giles) (11:56): I thank everyone for their contribution and I do not intend to prosecute again the whole debate we have had in this chamber when it comes to the establishment of a Voice, which is the best way forward. I acknowledge the committee has done some good work, and I also acknowledge that when it comes to the area of governance there need to be some additional initiatives so that there is a greater degree of transparency and accountability on behalf of communities where public money is expended. That is an important issue that needs more attention.

I think there is a bit of pre-judgement going on about the effectiveness of the Voice. I am not a big supporter of setting and forgetting something. It is important to see, once the Voice is up and running, how it operates and how effective it is. We want it to make a difference, and I do believe that it is important that it is the Aboriginal people themselves directly communicating with speaking to the parliament.

For too long white people, Europeans, have spoken on behalf of Aboriginal people. It is their land: let them have the opportunity to speak to this chamber, to the parliament. Let's see how it goes and let's hope that it will be an effective body that will make a real difference. With those few words, I acknowledge the passing of the committee, I acknowledge once again some of the good work it has done, but let's see what the Voice can deliver.

Motion carried.

*Bills***WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL***Second Reading*

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:58): On behalf of the Deputy Premier, I move:

That this bill be now read a second time.

Today I introduce the Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023. This government is firmly committed to the fact that every worker deserves the right to come home safe to their family and loved ones at the end of each working day. Sadly, and far too often, this is not the case.

Last year, 15 South Australians lost their lives from traumatic workplace injuries, and more than 100 South Australians have lost their lives at work over the last decade. This is a sobering figure but, if anything, it is an underestimation because more than 100 lives do not include deaths from occupational diseases such as asbestosis or silicosis or deaths related to mental illnesses caused by work.

As a community, and as policymakers, these figures should focus our attention on the essential need for strong work health and safety laws which avoid preventable workplace injuries and save lives. The bill delivers on the government's commitment to make industrial manslaughter a crime in South Australia but, more importantly, it answers the long call of injured workers, of victims' families, of unions and of the community, for this parliament to make a stand and make it clear that every death at work is a death too many.

This is a reform which has taken too long. Where once South Australia could have been a leader on this issue, we have fallen behind the rest of the nation. Industrial manslaughter is now a crime in Western Australia, the Northern Territory, Queensland, Victoria and the Australian Capital Territory. The commonwealth has committed to introducing its own industrial manslaughter laws. Earlier this year, the commonwealth, state and territory work health and safety ministers unanimously agreed that industrial manslaughter would form part of our model national work health and safety laws going forward.

With the passage of this bill, South Australia joins the rest of the nation in recognising the severity of preventable workplace deaths. There have been three key guiding principles to how the government has approached this important reform. First, industrial manslaughter must be a real deterrent against serious contraventions of work health and safety, and carry a penalty which recognises the dignity of human life and the devastating consequences for families whose loved ones are taken due to workplace injury.

Secondly, we should strive for consistency with the recommendations of the 2018 national 'Review of the model Work Health and Safety laws' report, which recommended the introduction of an industrial manslaughter offence in the model Work Health and Safety Act, as well as the industrial manslaughter laws of other jurisdictions across Australia.

Thirdly, industrial manslaughter legislation should be developed in consultation with the community, including South Australian businesses, rather than being imposed from above without discussion. This is because the essential aim of this bill is to deter unlawful, dangerous behaviour, and to achieve that we need the cooperation of the business community and their representatives. Each of those principles are reflected in the bill now before the parliament.

This bill is a product of an extensive consultative process. This government was elected with a clear mandate to criminalise industrial manslaughter which formed an important pillar of our industrial relations policy. Following the election, we released a discussion paper and held roundtable forums with both business groups and trade unions to discuss the design of these new laws. Following those round tables, we released two consultation drafts of this bill for comment, the first between November 2022 and February 2023, and then a second from April to May 2023.

These laws were also discussed at innumerable forums and meetings over that same period. I am very grateful for the constructive feedback we received from both unions and business groups

about this consultation process, and am pleased to say that much of the feedback has been taken into account in this final bill.

Some have questioned why these laws are necessary when an offence of manslaughter already exists under our criminal laws. There are several reasons why. One of the primary functions of this parliament is to protect the dignity of human life and to vindicate victims of gross criminal misconduct. We have watched over past decades as South Australia has fallen further and further behind the rest of the nation in introducing industrial manslaughter laws. It would be a disturbing outcome if that failure was seen to reflect that this parliament treats the tragedy of preventable workplace deaths as a lesser concern than other jurisdictions around the country.

As a matter of legislative policy, it is important that industrial manslaughter is integrated within our work health and safety framework, not something that stands apart from it. Criminal manslaughter laws are effective at dealing with the misconduct of an individual person, but not where a death results from a chain of decision-making failures by a large corporation or where a serious health and safety risk simply falls through the cracks.

The reality is that our criminal laws and our work health and safety laws are monitored and enforced by different investigating agencies applying different principles. It is important that both businesses and workers have certainty that the standards of misconduct for industrial manslaughter are assessed against the same health and safety duties already owed under the Work Health and Safety Act.

If you are complying with your existing work health and safety duties, then you have nothing to fear from these laws. The sole function of industrial manslaughter is to ensure that, where those duties are breached and where that results in the death of a person, the penalty is commensurate to the gravity of that offence. These laws will result in systems which are more just to victims, easier to understand for the community and fairer to businesses who do the right thing and meet their current responsibilities under the Work Health and Safety Act.

Turning to the precise provisions of this bill, the offence of industrial manslaughter will be dealt with by inserting new section 30A into the Work Health and Safety Act. Subsection (1) provides that the offence of industrial manslaughter will apply where:

- (a) the person has a health and safety duty; and
- (b) the person engages in conduct that breaches that duty; and
- (c) the conduct causes the death of an individual to whom that duty is owed; and
- (d) the person—
 - (i) engages in the conduct with gross negligence; or
 - (ii) is reckless...

The adoption of a criminal standard of either recklessness or gross negligence is consistent with the overwhelming majority of other states and territories across Australia. The only state which does not provide for a negligence standard is Western Australia.

An industrial manslaughter offence will incur a maximum penalty of up to 20 years' imprisonment for a person and a financial penalty of \$18 million for an offence committed by a body corporate. These penalties are consistent with the uniform national penalties unanimously agreed to by the commonwealth, state and territory work health and safety ministers earlier this year. The offence of industrial manslaughter will apply to both persons conducting a business or undertaking, and officers. This is also consistent with industrial manslaughter laws in other jurisdictions. The offence is subject to the same exceptions for volunteers which already exist under section 34 of the Work Health and Safety Act and which already apply to other criminal offences.

Statutory definitions of recklessness and gross negligence will be inserted into section 4 of the Work Health and Safety Act. This directly responds to requests from stakeholders seeking greater legal certainty about these criminal thresholds during the consultation process. The definitions of recklessness and gross negligence are based on the ACT and NT criminal codes, which were endorsed in the 2018 review of the model work health and safety laws when it recommended a gross negligence standard for industrial manslaughter. These definitions are intended to codify the

common law of recklessness and gross criminal negligence. They are not intended to impose a higher criminal threshold than would otherwise be found at common law.

Subsection (2) provides that conduct is taken to cause the death of an individual 'if it substantially contributes to the death.' This provision reflects the common law of causation and makes clear the mere fact that conduct contributing to death is alone insufficient. The concept of conduct substantially contributing to a death is intended to include conduct that causes a person to be injured or to contract an illness, including a mental illness, that later causes the person's death.

This is also intended to include deaths due to injuries or illnesses which are caused cumulatively, such as exposure to hazardous chemicals or injuries which arise over an extended period of time, such as dust diseases like asbestosis or silicosis. Subsection (3) provides for the availability of an alternative verdict where a person may be convicted of a category 1, category 2 or category 3 offence under the Work Health and Safety Act if their conduct does not meet the relevant threshold for an industrial manslaughter conviction.

These alternative verdicts are only available if an industrial manslaughter prosecution is commenced within the same statutory limitation period as would apply to the lesser offence. Section 31 of the act is also amended to introduce an alternative criminal threshold of gross negligence to category 1 offences. This amendment is consistent with recent changes to the model national work health and safety laws.

While the government had initially intended to progress these changes as part of a later bill, feedback from the business community was that this should be done concurrently with the introduction of industrial manslaughter to avoid any incentive for a prosecuting authority to overcharge an offence as industrial manslaughter when a category 1 charge may be more appropriate. Section 232 of the act is amended to make clear that there is no statute of limitations for an industrial manslaughter prosecution. This is consistent with industrial manslaughter laws in other jurisdictions, as well as the ordinary law of criminal manslaughter.

I want to close by expressing my immense gratitude for the work of many unions, community organisations and the family members touched by workplace tragedies, like Andrea Madeley and like Pam Gurner-Hall, who have campaigned for these laws for years, and sometimes for decades. Pam has worked as a passionate and tireless advocate for health and safety in workplaces after the tragic death of her partner, Jorge Castillo-Riffo, at the Royal Adelaide Hospital in 2014. I also particularly want to acknowledge the advocacy of Andrea Madeley, who has been such a valuable support to so many others.

Andrea lost her 18-year-old son, Daniel, in a horrific workplace accident in 2004. Daniel was in the first year of his apprenticeship as a toolmaker. In the midst of that terrible loss, Andrea had to navigate a criminal investigation, legal proceedings and a coronial inquest. As a result of that experience, Andrea founded the advocacy group Voice of Industrial Death, which has provided support to innumerable other families affected by workplace tragedies.

In 2011, informed by her own exposure to the legal system, Andrea made the decision to study law, and now as a lawyer she helps people injured at work navigate the complexities of our legal system. Andrea has pressed governments of both political persuasions to take stronger action on workplace safety and has spoken frequently with the Attorney-General during the development of this bill. The fact that Andrea has been able to devote her life to doing so much good after such a horrendous tragedy is nothing short of inspirational. It is entirely fitting that Andrea, in 2023, was nominated for Australian of the Year.

The introduction of industrial manslaughter laws in this state has taken far too long but I hope, thanks to the tireless work of individuals like Andrea and Pam, that these laws will go some way to ensuring that no other family has to go through that experience ever again. I commend the bill to the house. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Work Health and Safety Act 2012*

3—Amendment of section 4—Definitions

This clause inserts new defined terms of *industrial manslaughter offence*, *gross negligence* and *reckless* for the purposes of Part 2 of the Act.

4—Insertion of section 30A

This clause inserts a new section 30A containing the offence of industrial manslaughter into the principal Act.

30A—Industrial manslaughter

Proposed section 30A establishes the offence of industrial manslaughter.

A person commits an industrial manslaughter offence if they have a health and safety duty and engage recklessly or with gross negligence in conduct that breaches that duty, and the conduct causes the death of a person to whom the health and safety duty is owed.

The proposed maximum penalty is 20 years imprisonment for an offence by an individual, or an \$18,000,000 fine in the case of an offence by a body corporate.

Proposed section 30A(3) provides for alternate verdicts in a trial for an industrial manslaughter offence.

5—Amendment of section 31—Reckless conduct—Category 1

This clause amends section 31 of the principal Act to include gross negligence as an element of a Category 1 offence, and amends the title to reflect the change.

6—Amendment of section 216—Regulator may accept WHS undertaking

This clause amends section 216 of the principal Act to indicate that WHS undertakings may not be accepted for a contravention or alleged contravention that is an industrial manslaughter offence.

7—Amendment of section 230—Prosecutions

This clause amends section 230 of the principal Act to disapply subsection (4) in relation to an industrial manslaughter offence.

8—Amendment of section 231—Procedure if prosecution is not brought

This clause amends section 231 of the principal Act to allow a person to make a written request to the regulator for a prosecution to be brought in certain circumstances where the person considers that an industrial manslaughter offence has occurred, and no prosecution has been brought.

9—Amendment of section 232—Limitation period for prosecutions

This clause amends section 232 of the principal Act such that the limitation period for prosecutions for offences against the principal Act does not apply in relation to an industrial manslaughter offence.

Mr COWDREY (Colton) (12:13): I rise to provide a contribution on the Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023, and begin my contribution by highlighting the fact that I am the lead speaker for the opposition on this bill. I also want to clearly state that the opposition and the Liberal Party's strong view is that all South Australian workers deserve to return home safely after a day's work.

We all, on both sides of the house, understand that anybody who does not return home is somebody's son or daughter, somebody's wife or husband, somebody's granddaughter, grandson or friend. It is something that both sides of the house share, our view that everyone deserves to come home from work safely. Where we differ from the government is in our opinion that this measure is the right way to go about achieving that goal.

The purpose of the bill before the house today is to create an offence of industrial manslaughter in South Australia. Through provisions of the bill, an individual or body corporate commits industrial manslaughter if the individual or body corporate has a health and safety duty and the individual or body corporate engages in conduct that breaches that duty, and the conduct of the individual or body corporate causes the death of a worker to whom that duty is owed and the

individual or body corporate either engages in the conduct with gross negligence or is reckless as to the risk to a worker, whether that be of death or serious injury or illness.

The bill provides for a substantial penalty provision where a breach of an existing duty through gross negligence or recklessness results in the death of an individual. The proposed maximum penalty is 20 years' imprisonment for an offence by an individual or an up to \$18 million fine for an offence by a body corporate. The bill proposes that the two-year limitation period for prosecution under the act would not apply to industrial manslaughter prosecutions.

It has already been foreshadowed in the other place that the opposition will not be supporting this legislation. We came to this position for the following reasons. The first is the Liberal Party's long-held view—a position that was also put forward by employer organisations and others, including Business SA, the MTA, the AHA and others, in their submissions to the minister on this bill—largely that this legislation is not necessary.

The offence of manslaughter is contained in the Criminal Law Consolidation Act of this parliament. This offence already covers the field in this regard. Manslaughter is still manslaughter, whether that be in the workplace or any other setting, and there is nothing stopping, nor has it stopped, criminal charges being laid before in this state. In fact, there are examples of charges being laid and successful prosecutions under the existing model. As would be assumed, there are obviously serious penalties that are available to the court in these instances.

Second is the fundamental principle that has underpinned WHS laws in South Australia and in fact nationally for a significant period of time—an issue that I will touch on again later in my contribution—the principle of mutual obligation to workplace safety. For decades, it has been understood by workers, employers, contractors, directors or those conducting a business that everybody involved in a workplace has a collective responsibility for workplace safety. No matter where you go or in what workplace you undertake your work, I think everybody in South Australia would have come across a sign or a policy or a meeting note that states that workplace safety is everyone's shared responsibility.

They would have done that because those words are more than a slogan. It is a principle that acknowledges that despite the best training, the best policies and the best intent there is a shared responsibility on everybody, both employee and employer alike, to implement and conduct themselves in line with those policies and in line with those responsibilities, and to ensure that their actions protect each other.

It is our firm view that we cannot achieve what is desired here, to ensure that every South Australian returns home from work to their family at the end of the day and to reduce as much as practically possible workplace injury and deaths, without the yin and yang and without both sides working together, and the principle of mutual obligation is entirely central to that being achieved.

What this bill does is say that, despite all those involved in workplaces across our state having obligations for each other's safety under the WHS Act, some are more responsible than others and will face greater penalties than others. Under this bill, some individuals may have a health and safety duty and may engage in conduct that breaches that duty, particularly where an employer has taken all reasonable steps, but under this bill they would not be prosecuted to the same threshold.

In our view this significantly changes the decades-old principle of mutual obligation and creates a segmentation of workplaces—an unfortunate 'us and them' mentality—which is ultimately unhelpful and which will be unhelpful in achieving a common and shared goal that everyone shares. To this end, again, the MTA, the AHA, Business SA and other employer organisations have rightly pointed out a number of deficiencies, particularly with regard to the shift away from this fundamental principle.

I recall the suggestion being floated on many occasions that, if the Labor Party want to send a message to those who are doing the wrong thing by increasing penalties for breaches of duties owed under the WHS Act, they could do this simply by increasing the available penalties under category 1 offences that apply to everyone with a duty under that act. Instead, they have chosen to proceed down this path which creates an 'us and them' mentality and which steps away from the decades-old convention of shared responsibility for WHS in the workplace.

Thirdly, we have significant concerns regarding aspects of the bill before us, and we share those concerns of a number of employer organisations and others. The first of those centres around the potential for significant and irreparable reputational damage for businesses and individuals or body corporates as a result of being charged with an offence of industrial manslaughter, despite eventually potentially not being able to be found guilty of that offence.

It is our view that this parliament should take all steps available to it to ensure that, if we are going to go down this route, charges for industrial manslaughter are quarantined for the most egregious offences rather than seeing instances that could significantly damage otherwise good reputations of businesses trying their best to employ South Australians and to create jobs and opportunities for South Australians, who have already taken a substantial risk to put their capital on the line to attract investment to our state and to export and make products.

It would seem counterintuitive not to ensure that we set up a regime that at the very least protects and encourages those who charge these offences, those within SafeWork SA or within our bureaucracy more broadly, that the mindset taken when an event sadly does occur is taken in a mindful way that looks at and balances the potential irreparable reputational damage that could be done with the breach that has occurred.

In an instance where we have an alternative verdict framework contained within this bill, should the trier of fact not be able to ascertain that an industrial manslaughter offence has in fact occurred, that could potentially slip not to a category 1 offence should the judge be of the mind that the breach that has occurred has reached that threshold, not to a category 2 offence should the judge be assured that the breach has reached that threshold, but all the way down to a category 3 offence. The difference, both in terms of available penalty and damage to the reputation of an individual or business, would be absolutely immense should that ever be the case. It is why the opposition moved an amendment to that end in the other place when the bill was before our colleagues there.

We understand that businesses, like individuals, can suffer reputational damage. Given the complexity that comes from suggesting any sort of suppression regime, which has been brought up by submissions from some employer organisations, our initial response to those was to look for the amendment that I have just referenced to make changes to the alternative verdict framework in the absence of making changes or trying to suppress charges that had been potentially laid under this legislation.

There is a balance where we have the principle that has always stood within our legal system, the right to innocence until proven guilty, which should of course be maintained, but we also, from a practical perspective, understand that public reporting, particularly of these instances, is going to be significant. It does not appear that that suggestion, in our view, was practical, hence why we explored the avenue we did in regard to an alternative verdict framework.

Despite the rejection of that particular amendment in the upper house, our view has not changed in that regard. We do not think that the alternative verdict framework contained in the bill at the moment is appropriate, nor does it provide an appropriate level of risk mitigation to businesses and individuals in South Australia.

Had the government supported these amendments in the other place, South Australians could have had a greater level of confidence that industrial manslaughter charges, should they be brought, would have been brought in situations of near certainty of a conviction, and the potential reputational damage to South Australian businesses and individuals would have been limited—but, alas, that was not the case.

Instead, the government blocked those amendments, amendments that were supported by the MTA, by Business SA, by AHA and other employer bodies. I will not use the parliament's time to prosecute all of those amendments that were moved in the other place again, but we certainly stand with those organisations and the business community and their concerns, particularly in regard to potential reputational damage and impacts that may come as unintended consequences of this legislation.

I think it is important I have referenced the feedback that was provided to the minister responsible for this legislation, as well as the government more broadly. I think, given where we are,

it is helpful at a high level to go over some of the feedback that was provided to the government and, in particular, highlight some of the recommendations for improvement to the bill that were not taken up by the government, changes that were, in the view of these organisations, sensible and would have limited the potential impacts.

In particular regard to the AHA submission on 9 February to the minister responsible in the other place, I will highlight that they pointed out in their submission the primary and fundamental point that underpins the opposition's reasoning for not supporting this bill:

Our position is that there already exists sufficient avenues in the criminal jurisdiction for an employee or group of employees to pursue action against an employer, if in the event a workplace death was to occur.

Under the criminal jurisdiction there have been multiple cases in the past in South Australia where an individual who has a health and safety duty has been convicted of manslaughter under common law by reason of undertaking an unlawful and dangerous act in the workplace. The introduction of industrial manslaughter legislation within a work, health and safety context is an unnecessary piece of legislation.

The AHA goes on to point out one of the fundamental complexities of this bill in regard to the threshold, particularly around the level of confusion around 'reckless and/or grossly negligent', in the changes that have occurred, both at the category 1 offence level and in an agreement within the national framework, and what that means in terms of our thresholds here.

The minister has been at pains to point out that existing duties have not changed. That may be true, but the penalty provisions for those existing duties have changed significantly and also with a threshold that could be argued to have been reduced. So the AHA points out, in a suggestion list of ways to improve the bill, that:

Amending Section 30A(1)(d)—Reckless or grossly negligent—

would be helpful. The AHA continues:

The Amendment Bill under Section 30A(1)(d) states 'the person is reckless or grossly negligent as to the risk to an individual of death'....Our position is that the term 'reckless' should be removed from this section altogether such that the section should be amended to read 'the person is grossly negligent as to the risk to an individual of death'. Alternatively the Bill could [simply amend or change] the word 'or' to 'and', such that the section states 'the person is reckless and grossly negligent as to the risk to an individual of death'.

Other suggestions from the AHA include the inclusion of workers in the bill. Again, this goes back to the fundamental principle of mutual obligation that I discussed earlier in my contribution. The unintended consequence—or perhaps it is intended; I am not sure—of this bill is an us and them situation and a delineation of the workplace in terms of potential impacts of breaches of duties that are owed, as it currently stands, by everybody in the workplace.

The AHA has argued that the inclusion of workers in the bill through an amendment to section 30A(1) should effectively have the description or definition of PCBU removed, and that simply leaving a person or worker within the current definition of the act would be a sensible course, given that section 28(b) of the WHS Act, as it stands at the moment, requires workers to take reasonable care to ensure that their acts or omissions do not adversely affect the health and safety of all other persons.

Workers also currently have a duty to follow any reasonable instructions in the workplace, covered by section 28(c) of the WHS Act, and a duty to cooperate with any reasonable policy or procedure of the PCBU as defined in section 28(d) of the WHS Act and that such a breach could, for example, include a serious failure to follow directions from the PCBU as to safety procedures or processes.

The other section in regard to potential improvements for the bill was highlighted by the AHA, and again, I have referenced this to a degree already around the alternate verdict framework. As I said, there was an amendment moved in the other place in regard to this particular issue, but I will put forward the position from the AHA in that regard.

New section 30A(3) refers to a person potentially being found guilty of a category 1, 2 or 3 offence, where a finding of industrial manslaughter is not satisfied. This has the potential of prosecutions for industrial manslaughter being brought as a matter of course, knowing that an alternate verdict may be found.

The bill should not reflect the position where an unsuccessful prosecution for industrial manslaughter automatically defaults to a possible verdict of a category 1, 2 or 3 offence. The prosecution should ultimately decide as to whether they are seeking a verdict of industrial manslaughter, and if the verdict is unsuccessful then the case is dismissed. There would be subsequent opportunity to prosecute the matter under a different category or offence.

I know the member for Mount Gambier will discuss further some of the other feedback from the AHA, so I will not go into any more detail in regard to their submission to the minister. I will move to Business SA's submission. Again, I start from the top by highlighting the fundamental principle that we addressed earlier. As the Liberal Party does, Business SA, and I quote:

...maintains its position that introducing industrial manslaughter into the Work Health and Safety Act 2012 (WHS Act) is not needed.

They go on to particularly highlight the issue of irreversible reputational damage. Given the significant consultation that was undertaken—and I am certainly not knocking the process in terms of the period of time that was provided to organisations to take part in and to go back and forward with the government—what I think is clear from these submissions and what I am highlighting is that there was still a significant gap between where the business community and employer organisations were in terms of their expectation of the government on this, and where we have landed.

While a consultation period may have happened, while the government may have had representations provided to them, it does not appear that they have acted on them. In particular, Business SA highlights in what I point out is their second submission, so to the second draft of the bill that was provided, and I quote:

It does not address the concern that it may lead to industrial manslaughter being prosecuted more readily.

Again, they make the case that matters should be heard in camera and that a business owner initially charged with industrial manslaughter but later found guilty of a lesser offence, say a category 2 or 3 offence, may suffer that irreversible reputational damage.

Again, the amendment that was put forward by the opposition in the other place, while not directly addressing the issue of in camera prosecutions, or cases being heard in camera, it certainly did address the second half of Business SA's position in regard to the alternate verdict framework. What I am sure we all in this place want—but some of us are more willing to ensure that this is the case, given the lack of support in the other place for this amendment—is to ensure that those charges being brought for industrial manslaughter are only brought in the most egregious of circumstances where there is almost no chance that a successful prosecution is not to come from those charges.

The second point, one that I have not got to just yet but will touch on in more detail in my contribution at a later point, is in regard to appropriate resourcing of SafeWork SA. Business SA rightly fully point out, and again, I am directly quoting here:

As previously raised in our last submission, with new provisions being included in the WHS Act, SafeWork SA must be adequately resourced, and staff trained to have the required expertise, to appropriately manage its responsibilities.

I will come back to that point a little later.

Finally, in regard to submissions to the government, I just want to touch on those put by the MTA. Firstly, I think it was rightfully raised in the committee process in the other place the complexity that comes with group training organisations (GTOs) and their interactions with this legislation. We know in the majority of circumstances of employment there is a reasonably direct relationship between employer and employee, where in most circumstances you would have either the employer, a manager—somebody who is directly responsible from an internal organisational perspective—who would, in most circumstances, see, look after, supervise their employees at a reasonably direct level.

What we have in regard to GTOs is obviously an employment relationship between the group training organisation and their employees—who are, in most circumstances, trainees or apprentices—who are employed by the GTO but are housed in businesses that they do not have direct line of sight of from a day-to-day perspective 24/7 by any stretch of the imagination. While the government has committed to working with GTOs in particular to provide frameworks around what that looks like, to provide clarity to them and guidance on how they need to navigate this change, I

think it would be remiss for this side of the house to not urge the government to do that as a matter of priority.

The last thing that we want, and I am sure I speak for both sides of the house in regard to this, is to see apprenticeship numbers drop, to see employee numbers drop from our GTO organisations based on fear of what that would potentially mean or what the potential impacts of these changes would mean for their organisation moving forward.

We have a strong GTO industry here in South Australia. There are so many of our young people, whether they be in trades that are directly linked to the MTA—mechanics or panel beaters or other vocations directly involved in that industry—or, more broadly, others in construction as well, and it would be a terrible unintended consequence of this legislation if we were to see significant drops or people exiting the market or people being too concerned to enter the market in those roles off the back of not having those things in place.

As the shadow minister responsible, I certainly implore the minister to do that work with haste, to work as closely as he possibly can to ensure that the GTO sector is provided as much clarity as possible. It was made clear to GTO providers specifically that they would not have any legislative protections, given exactly what I have just described and the lack of proximity in terms of their relationship with their direct employees, but at the very least what they have asked for should be provided to them to at least help minimise and mitigate those risks to the industry and to the broader South Australian economy. That is surely not too much to ask.

Also in their submission, the MTA rightly draw attention to the threshold issue that we addressed earlier through the AHA submission, that the inclusion of gross negligence in a category 1 offence is confusing. We note the changes that are being made at a national level and we note the government's position that they had chosen to update some of the threshold language in this bill rather than wait for the WHS revisions as a whole, but we do point out that the MTA would like to see that industrial manslaughter and the threshold for it should be clearly above and beyond just reckless behaviour.

In regard to other issues that were pointed out in the MTA's submission, similar to what I discussed earlier, the capturing of all those in the workplace with responsibilities under the WHS Act, particularly in instances where an employer can take all reasonable steps to ensure—and again I quote:

While an employer can take all reasonable steps to ensure the safety of workers, the actions of a reckless employee causing the death of another should be equally captured under Industrial Manslaughter.

Again, I point out the underlying principle that is being brought to the fore here, and that is that we are creating a situation within our workplaces moving forward where the existing fundamental principle of mutual obligation no longer exists. There is a delineation in terms of what people are going to be provided with moving forward based on this legislation.

The final point that the MTA raises in their submission—again, this is their second submission to the draft bill—is in regard to consistency of penalties. There are a number of states in Australia that have these laws in place now. The Labor Party has had their will through a number of states in regard to introducing this legislation. While there have been pushes at a federal level to provide some sort of harmony across this legislation, but more broadly WHS law generally, there still remains significant differentiation across each of those jurisdictions. I will go into that in a couple of minutes, to provide some information to the house around the current state of industrial manslaughter laws around different jurisdictions and where we sit comparatively to that with what is being proposed here today.

There has been some ground given by the MTA. While they are not necessarily enamoured with the penalty provisions in the current bill, they certainly understand and support in principle the consistency argument that has been put forward in terms of provisions. Their argument is: why put us at the upper echelon of the thresholds of penalties; would it not be better to do that when we update and harmonise the model WHS laws later on?' That is an argument they have included in their submission.

I mentioned earlier that I was keen to touch on the issue of appropriately resourcing SafeWork SA. It is a point that I think is particularly important, because it is one thing for the government to make changes like this but another thing entirely to ensure that the independent agency responsible for undertaking these duties, for keeping our workplaces safe, is appropriately resourced.

Essentially, on one hand the government is saying that we need to do more, but from a question on notice from an estimates committee earlier in the year provided to the Attorney-General in the other place it has become abundantly clear that SafeWork SA is running at least 20 FTEs short across their inspectorate staff—across inspectors, investigators and specialist staff. It is hard to reconcile the position that we are doing everything we can to minimise workplace injury and death when the government of the day, the Labor Party, is running 20 FTEs short in that area.

Unless there is a plan—and I will come later to some of the other changes that are being proposed by the government, particularly in regard to changing potential avenues to address WHS complaints—unless there is a nefarious and underhanded strategy that the government is looking to slowly execute, why would they not be properly resourcing SafeWork SA to do what they are doing at the moment?

This is not even implying the additional resources that will be necessary to undertake the additional responsibility that they are about to be handed when these laws pass. Everyone understands the nature of this chamber and the fact the government is going to pass these laws. Surely, for a government that is willing to say that they want to make employees safe as much as they practically can and to minimise injury and death, the bare minimum would be to ensure that the number of staff working at SafeWork SA in the particular area to investigate WHS issues will be commensurate with what they have in their budget. That is galling—it is absolutely galling.

Earlier in the week at a hearing of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation we spoke to the Master Builders Association. They, too, called out this fact, that it is in everyone's interest. It does not matter if it is employers, employees or industry organisations, it is in everyone's interest to ensure that our independent regulator of workplace safety is appropriately resourced, but sadly this government has not chosen that as a priority.

Another key fundamental issue with the legislation before us is the fact that, while we are looking at every possible way that we can improve work health and safety, and while certainly we are willing, able and open to considering other potential changes being put forward by the government, this legislation is focusing on a retrospective issue.

Again, if we are going to go forward, if we are going to make changes, we should be focusing on a proactive approach to ensure that workers come home safely. That should be our primary concern. Our primary concern should be about improving the standards, improving training, improving education, preventing injury, preventing death before it occurs. That is where our fundamental effort should be. As we have already pointed out, there are existing legislative mechanisms that cover the field in this area.

One of the other areas that I wanted to touch on was the jurisdictional comparison of where things are at at the moment, obviously noting that there are changes that will come given the agreements that have taken place at the national level. I will just put into context where the current laws are in place—and it is certainly not around the whole of Australia—what they look like and where they differ, because they are significant.

We have been provided information that, in 2008, the Council of Australian Governments (then known as COAG) entered into the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety to harmonise work health and safety laws across Australia and to develop a nationally uniform legislative framework. The model laws were developed in 2011 and have been implemented in all jurisdictions, including the commonwealth, with the exception of Victoria.

However, when adopting the model laws jurisdictions included some variations from the model, and some have made subsequent amendments. Consequently, WHS laws as they stand across Australia are not uniform at all. The laws in place in other jurisdictions, particularly around

penalties, at the moment are varied. While there has been agreement to move towards a more uniform approach, it certainly is not in place at the moment.

In regard to the threshold issue, we have variances of reckless or negligent in the Northern Territory through to just negligent in Queensland, negligent in Victoria and, in WA, the threshold test is knowing that the conduct is likely to cause the death of or serious harm to an individual and in disregard of that likelihood. So if you look around the nation at the moment, there are effectively four different threshold tests.

If we then look further at the scope of who is covered, we have carve-outs for volunteers who are not covered by the legislation in Victoria, and we have an almost carve-out but for existing duties in the Northern Territory. Again, that is one of the concerns that was raised in the other place: that there does not appear to be clarity around this issue in terms of express words in this bill to clearly define whether volunteers are captured, are not captured, or if the intent is to capture or not to capture. That part has been missing and attention drawn to it through the process in the other place.

We then get to the penalty provisions and how they apply across the nation. We have differences, noting that the South Australian bill before us implies 20 years in prison or an \$18 million penalty. In the ACT, it is likewise 20 years, but a sixteen and a half million dollar penalty. In the Northern Territory, it is life imprisonment or roughly an eleven and a half million dollar penalty. In Queensland, it is 20 years or a fifteen and a half million dollar penalty—so Queensland's legislation is probably the most similar to our legislation. In Victoria, it is 25 years or nineteen and a bit million dollars. So there is no consistency in terms of this legislation across the nation at the moment.

The question was put to the Attorney in the other place as to how they arrived on the numbers that they have. Again, his answer was reasonably understandable: this was the agreed position moving forward, and that WHS laws would be updated to have a penalty provision that looks somewhat similar across jurisdictions. Again, that is not the case as we stand at the moment. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Deputy Premier (Hon. S.E. Close)—

Commissioner for Public Sector Employment, Office of the—State of the Sector
Annual Report 2022-23

Director of Public Prosecutions, Office of the—Annual Report 2022-23

Government Response to Standing Committees—Aboriginal Lands Parliamentary Standing
Committee: Inquiry into Aboriginal Heritage Government Response

By the Minister for Infrastructure and Transport (Hon. A. Koutsantonis)—

Government Response to Standing Committees—Aboriginal Lands Parliamentary Standing
Committee: Inquiry into Aboriginal Heritage—

Recommendation 5 Government Response

Infrastructure and Transport, Department for—Annual Report 2022-23

National Heavy Vehicle Regulator—Annual Report 2022-23

By the Treasurer (Hon. S.C. Mullighan)—

Annual Reports 2022-23—

Electricity Industry Superannuation Scheme
Parliamentary Superannuation Board, South Australian
Police Superannuation Board

By the Minister for Health and Wellbeing (Hon. C.J. Picton)—

Health and Community Services Complaints Commissioner—Annual Report 2022-23

By the Minister for Child Protection (Hon. K.A. Hildyard)—

Annual Reports 2022-23—

Child Protection, Department for
Guardian for Children and Young People—Child and Young Person Visitor
Safe and Well: Supporting Families, Protecting Children

By the Minister for Human Services (Hon. N.F. Cook)—

Training Centre Visitor—Annual Report 2022-23

By the Minister for Education, Training and Skills (Hon. B.I. Boyer)—

Child Development Council—Annual Report 2022-23

Inquiry into the Application of the Aboriginal and Torres Strait Islander Child Placement
Principle in the Removal and Placement of Aboriginal Children in South Australia—
With Recommendations Report October 2023

Preliminary Report to the Inquiry into the Application of the Aboriginal and Torres Strait
Islander Child Placement Principle in the Removal and Placement of Aboriginal
Children in South Australia—Government Response October 2023

By the Minister for Police, Emergency Services and Correctional Services (Hon. J.K. Szakacs)—

Regulations made under the following Acts—

Fire and Emergency Services—Regulations—Permits

VISITORS

The SPEAKER: Before I call questions without notice, I welcome to parliament students from St Michael's College, guests of the member for Colton. Welcome.

Question Time

DEFENCE NAVAL SHIPBUILDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:03): My question is to the Premier. Can the Premier explain what a continuous shipbuilding program here in South Australia looks like? With your leave, sir, and that of the house I will explain.

Leave granted.

The Hon. D.J. SPEIRS: In *The Advertiser* today it has been reported that shipbuilder BAE Systems may build the frigates at its Govan shipyard in Glasgow, rather than at the Osborne Naval Shipyard.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:03): I thank the Leader of the Opposition for his question. One would have thought that what constitutes a continuous ship build would be rather obvious or self-evident, but nonetheless I'm more than happy to provide a further explanation to the Leader of the Opposition. A continuous ship build is where you build one ship and then another and then another and another in—

Members interjecting:

The SPEAKER: Order! Members to my left and right, order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier has the call.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Order, the Treasurer! Premier.

The Hon. P.B. MALINAUSKAS: The commonwealth has made it clear that it has accepted the recommendations in chapter 8 of the Defence Strategic Review. Chapter 8 of the Defence Strategic Review calls for a continuous shipbuilding program to be based in Australia, more specifically in South Australia. We as a state government have adopted a bit of a different approach to the government prior in that we are willing to lean in to a serious effort, both publicly and privately to—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Order, member for Morialta!

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS: —demand of the commonwealth that they honour that commitment. I note that there has been some unsourced speculation in the media that has got members of the opposition very excited about the prospect of ships not being built in South Australia. That is not—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —a degree of excitement that this government shares. We much prefer—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —to see a degree of bipartisanship applied to the strategically important nature of not just a domestic ship build for the purpose of South Australian industry but, far more importantly, for the interests of our national security. We have seen in Australia lessons being learnt the hard way as a result of chop-changing policy when it comes to shipbuilding in South Australia. We have seen the consequences—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —of a commitment—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The Member for Morialta!

The Hon. V.A. Tarzia interjecting:

The SPEAKER: The member for Hartley!

The Hon. P.B. MALINAUSKAS: We have seen the consequence of the former Abbott government's—

Mrs Hurn interjecting:

The SPEAKER: Member for Schubert!

The Hon. P.B. MALINAUSKAS: —decision to build the submarines in Japan, and that program—

Mr Pederick interjecting:

The SPEAKER: Member for Hammond!

The Hon. P.B. MALINAUSKAS: —not being committed to being in Australia.

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: We don't want to see a chop-changing nature of ship build policy in our state, which is why we endorse the DSR recommendation released by the commonwealth. It is our firm expectation that the Hunter class program be delivered here in South Australia, and we have every—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —confidence in our ability to make sure that we prosecute that argument on the national stage both publicly—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: —and privately to ensure that our interests are protected for the purpose of future generations in our state—

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: —getting the jobs and the work that they deserve.

Members interjecting:

The SPEAKER: Order! The level of interjections is considerable from both the left and the right.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The leader.

DEFENCE NAVAL SHIPBUILDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:07): My question is again to the Premier. Has the Premier sourced and received assurances from the federal Minister for Defence that nine Hunter class frigates will be built at Osborne? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: On ABC radio this morning the Premier said, and I quote:

I haven't spoken to the Deputy Prime Minister in the last 24 hours on the back of the reports and the media this morning.

Members interjecting:

The SPEAKER: Order!

Mrs Hurn interjecting:

The SPEAKER: Member for Schubert, order! Premier.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:08): Well, I stand by my remarks when the Leader of the Opposition has asked similar questions in recent days and weeks. It is true: I have not spoken to the Deputy Prime Minister in the last 24 hours. He is currently overseas.

DEFENCE NAVAL SHIPBUILDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:08): My question is again to the Premier.

Members interjecting:

The SPEAKER: Order! The interjections are preventing the leader being heard. The leader.

The Hon. D.J. SPEIRS: My question is to the Premier. Does the Premier stand by his comments of 19 October, and if so what does he claim to do about it? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: On 19 October the Premier said, and I quote:

If the government were to abandon Hunter from the earlier stages then the problem with that would be straight back to the drawing board and we go immediately back into a valley of death.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:09): Of course, I do, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: Our position is very clear.

The Hon. S.S. Marshall: Shoot him a text.

The Hon. P.B. MALINAUSKAS: The member for Dunstan seems to be a little bit chipper today, sir. The member for Dunstan is very chipper, sir—

Members interjecting:

The SPEAKER: Order! The member for Chaffey, the member for West Torrens, the member for Schubert—in fact, nearly 47 members, almost all at once, are interjecting and contributing when the Premier is seeking to make a contribution of his own. The Premier has the call.

The Hon. P.B. MALINAUSKAS: Thank you, sir. I say to the member for Dunstan, if two out of three ain't bad, then one out of three is. We certainly won't be taking any—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: I can assure you of that, sir.

Members interjecting:

The SPEAKER: Order! Member for Florey!

The Hon. P.B. MALINAUSKAS: In respect to the Leader of the Opposition's question—

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey!

The Hon. P.B. MALINAUSKAS: My remarks on 19 October, and all my remarks in respect of this program, remain unchanged. The consequences—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —of a departure of the federal government away from the Hunter class program, in the first instance, would have very severe consequences.

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order, member for Dunstan!

The Hon. P.B. MALINAUSKAS: This weekend down at Osborne we are seeing a very substantial effort—

Mrs Hurn interjecting:

The SPEAKER: Member for Schubert!

The Hon. P.B. MALINAUSKAS: —where both the state government and the commonwealth, along with the Navy—

Mr Brown interjecting:

The SPEAKER: Member for Florey!

The Hon. P.B. MALINAUSKAS: —will be holding a jobs expo down at Osborne—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Premier, please be seated. The—

Members interjecting:

The SPEAKER: Order! Members to my left and right, order! The member for Dunstan, amongst others, seems to believe he is at a Norwood football match, but that is actually not the case. It is the last sitting day of the week and there is a vigour in the room, but can we please observe the standing orders.

The Hon. A. Koutsantonis: It's like a night at the Fringe, Steven.

The SPEAKER: Order! The Premier has the call.

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: The member for Dunstan pipes up again asking: what jobs? With a record low unemployment rate, who would have thought someone couldn't find a job in the state of South Australia?

Members interjecting:

The SPEAKER: Order! The member for Florey is warned, the member for Morphet is warned, the member for Chaffey is warned.

Members interjecting:

The SPEAKER: Order, member for Mawson! The member for Florey is warned for a second time.

Members interjecting:

The SPEAKER: Order, member for West Torrens! The member for Dunstan is warned.

The Hon. P.B. MALINAUSKAS: Mr Speaker, down at Osborne this weekend, in conjunction with the Royal Australian Navy, we are conducting a comprehensive jobs expo for the extraordinary amount of opportunity that exists—

Mr Cowdrey interjecting:

The SPEAKER: Member for Colton is warned.

The Hon. P.B. MALINAUSKAS: —at the moment. We are—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: —looking forward to continuing to partner with organisations such as BAE. Down at Findon Technical College, as we speak, we are well and truly under construction—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The member for Morialta is warned.

The Hon. P.B. MALINAUSKAS: We have a technical college that is being built as we speak with very substantial enrolments for the advanced manufacturing course, where young South Australians will be able to conclude their advanced manufacturing program at school, graduate from that with their SACE, and then go straight into BAE with a guaranteed job at the end of it.

This is a government that is working assiduously to make sure that we are investing in the skills and the workforce that is going to be required for one of the—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —biggest programs we have seen in the history of the state when it comes to naval shipbuilding.

Members interjecting:

The SPEAKER: Order! The member for Hartley is warned. Member for Badcoe! Member for West Torrens!

HUNTER CLASS FRIGATE PROGRAM

Mr PATTERSON (Morphett) (14:14): My question is to the Minister for Defence and Space Industries. Has the minister met with the Deputy Prime Minister to seek an assurance that there will be no cuts to the Hunter Class Frigate Program and, if so, on what date?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:14): I have of course met with the Deputy Premier. Most of the discussions in the interim have occurred via the Premier.

Members interjecting:

The SPEAKER: Order! Please be seated, Deputy Premier. The—

Members interjecting:

The SPEAKER: Order! It is not possible for the Chair and therefore presumably for other members to hear the Deputy Premier. We will hear the Deputy Premier.

The Hon. S.E. CLOSE: I have of course met with the Deputy Prime Minister and, following the Defence Strategic Review, most of the discussions subsequent to that have occurred via the Premier, as is appropriate. The question of his, in the present case, is specifically about the speculation in the press in the last day and, of course, the Deputy Prime Minister is overseas at present.

Members interjecting:

The SPEAKER: Order! Member for Dunstan, your colleague is seeking to ask a question.

Members interjecting:

The SPEAKER: Member for Florey, order!

HUNTER CLASS FRIGATE PROGRAM

Mr PATTERSON (Morphett) (14:15): My question is to the Minister for Defence and Space Industries.

Members interjecting:

The SPEAKER: Member for West Torrens, order!

Mr PATTERSON: Has the minister sought advice about the impact to South Australian defence businesses of the Hunter Class Frigate Program being relocated from Osborne to Glasgow?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:15): I would like to thank the shadow minister for his question. It helps highlight the fact that the Liberal Party seem to be rather excited about speculation on speculation.

Members interjecting:

The SPEAKER: Order! Premier, there is—

Members interjecting:

The SPEAKER: Order! Member for Morphett, your colleague is seeking—

Members interjecting:

The SPEAKER: Order! I think we well know the provisions of 134. We can return to the member for Morialta.

The Hon. J.A.W. GARDNER: Standing order 98: the question was specifically relating to whether a minister had sought a briefing about a set of circumstances as has been reported in the media. The Premier, by characterising the debate as the intentions of the member asking, is debating. It's pure and simple debate. It's contrary to standing orders.

Members interjecting:

The SPEAKER: Order! That may be; however, it is barely possible to hear the Premier, given the level of interjections. I will listen carefully. It would aid us all greatly if the level of interjections were to reduce, otherwise 137A will be necessary.

The Hon. P.B. MALINAUSKAS: The state government has absolutely no reason to believe, and we certainly received no advice, despite having repeated conversations with the commonwealth, including the—

Members interjecting:

The SPEAKER: The member for Hartley is warned.

The Hon. P.B. MALINAUSKAS: —including with the Deputy Prime Minister over a substantial period, as has been explained to the Leader of the Opposition in this forum on a number of occasions. I have spoken to the Deputy Prime Minister regarding the Defence Strategic Review and the surface ship review on a number of occasions. I haven't spoken to the Deputy Prime Minister in the last 24 hours, that is true, but I have spoken to the Deputy Prime Minister on a number of occasions over the last few months, including in recent weeks, regarding the Defence Strategic Review and the surface ship review. My last conversation with the Deputy Prime Minister, as I think I explained in the house yesterday, for those who were present—and I appreciate not all members opposite are always present in the house during question time—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: My last conversation—

Members interjecting:

The SPEAKER: The member for Florey is warned.

The Hon. P.B. MALINAUSKAS: My last conversation with the Deputy Prime Minister regarding the surface ship review, the 90-day review, was last week. We have sought assurances from the commonwealth that they remain committed to the acceptance of the recommendation of the continuous ship build here in South Australia. There has been no departure from that position. I am aware of the report in the *Adelaide Advertiser* this morning. We do not have any advice or any reason to believe that there is any prospect of the program being cancelled here in South Australia and replaced in Scotland. I know those opposite seem to be rather excited about that proposition. I think that would be a—

Members interjecting:

The SPEAKER: Order! The member for Hartley is warned for a final time. Member for Morialta, under 134.

The Hon. J.A.W. GARDNER: Point of order: standing order 98, the Premier is again debating.

Members interjecting:

The SPEAKER: Order! There is some force in the matter that the member for Morialta raises, although this is a question that of course invites quite a considerable amount of context. I will listen carefully.

The Hon. P.B. MALINAUSKAS: We will continue to advocate to the Deputy Prime Minister and every other member of the commonwealth government at every level regarding the state government's very clear position on the matter.

DEFENCE SA CHIEF EXECUTIVE

Mr PATTERSON (Morphett) (14:19): My question is to the Minister for Defence and Space Industries. Has a replacement been found for the outgoing chief executive of Defence SA?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:19): Of course, Richard Price is still in the position at present, and I understand the advertisement is going out either at the end of this week or early next week.

Members interjecting:

The SPEAKER: Order!

DEFENCE AND SPACE INDUSTRIES

Mr PATTERSON (Morphett) (14:20): My question is to the Premier. When will the Premier assume responsibility for the Defence and Space Industries portfolio?

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:20): The Defence and Space Industries portfolio sits with the Deputy Premier of South Australia, and she is doing an outstanding job—an outstanding job.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: I am very grateful. I am very grateful to be able to work—

Members interjecting:

The SPEAKER: Member for Flinders!

The Hon. P.B. MALINAUSKAS: —hand in glove with the Deputy Premier on all matters regarding Defence and Space Industries.

HOUSING AUTHORITY

Mr COWDREY (Colton) (14:20): My question is to the Minister for Human Services. What personal involvement has the minister or her office had in the case of managing concerns that have been raised about antisocial behaviour occurring at a social housing property in Windsor Gardens? With your leave, sir, and that of the house, I will explain.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Point of order: the member inserts facts into the question, sir, or purported facts. I would ask the shadow minister to rephrase the question.

The SPEAKER: I will give the member the opportunity to recast the question.

Mr COWDREY: Has the minister or her office had any involvement in managing concerns that were raised about antisocial behaviour occurring at a social housing property in Windsor Gardens? With your leave, sir, and that of the house, I will explain.

Members interjecting:

The SPEAKER: Order! Member for Colton, there is a point of order, which I am bound to hear under 134. The member for West Torrens.

The Hon. A. KOUTSANTONIS: Point of order: standing orders are quite clear. There can be no argument or debate in the question. He is purporting facts that the complaints were made about a particular property. I would ask the member to rephrase the question.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: Point of order: the characterisation of standing order 97 by the minister would invite almost no question on anything that had ever been in the public domain if it was applied that strictly. The member for Colton was seeking leave to make an explanation, and that would be appropriate with the standard form to leave it as he has just rephrased it.

The SPEAKER: Very well. I am going to turn to the member for Colton.

Mr COWDREY: For approximately nine months, Carmen D'Angelo and Russell Bennett, tenants of a housing property in Windsor Gardens, have raised concerns with various authorities, including their MP and the South Australian Housing Authority, about antisocial behaviour at their complex. On 30 October 2023, these tenants spoke at a press conference about their concerns. Following the press conference, the tenants were visited by members of the South Australian police force, who cautioned them about filming over the fence which had been performed by the media.

The SPEAKER: I am going to deem that portion of the contribution a portion that otherwise might have been introduced by leave.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:22): I thank the member for the question. The property in question is a community housing property. The neighbours did reach out to our office a couple of weeks ago, and we referred that particular issue back to the community housing provider. Of course, we stand ready to offer any assistance or advice if anything is required, but there is most definitely a process that needs to be followed in terms of houses that are managed by landlords. As those opposite would know—they have plenty of lived experience in that regard—you are actually unable just to enter property as a landlord and take action. You need to follow protocols.

I can't speak to anything that has happened as a result of media that happened the other day, but I personally have now reached out to the housing provider to see if they were okay following that story and whether there was any support required. I am unaware of any reports that were made

to the Housing Authority at all. I am unaware that this has been occurring over a nine-month period also. I do know that we were reached out to two weeks ago.

HOUSING AUTHORITY

Mr COWDREY (Colton) (14:24): Supplementary: did the minister, her office or her agency request that SAPOL attend the property at Windsor Gardens on 30 October?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:24): I'm happy to go back and double-check, but I am very confident that that was not as a consequence of any action from my office.

HOUSING AUTHORITY

Mr COWDREY (Colton) (14:24): My question is again to the Minister for Human Services. Does the minister's office have a protocol to apply when it is alerted to media attendance at public housing properties? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: On 18 October, Channel 7 attended a property at Davoren Park. Maintenance workers attended the property within hours of the notification on the same day the minister was alerted to an opposition press conference at a property in Paralowie. Clean-up crews were sent urgently to attend to the property just prior to the press conference commencing.

Mrs Hurn: Shut it down!

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:25): The opposition interjects, 'Shut it down'. I am not sure what they're referring to.

Members interjecting:

The Hon. N.F. COOK: Yes, potentially. I thank the member for the question. Again, if there is a media inquiry that's made to my office, we reach out to the department via their channels to check—

Members interjecting:

The SPEAKER: Order!

The Hon. N.F. COOK: We care very deeply about public housing tenants and, in fact, the amenity of the neighbourhood, so we reach out to get advice, as I did the other day, to be told that we actually had nothing to do with the management of that property.

Members interjecting:

The SPEAKER: The Treasurer is called to order. The member for Hartley is on a final warning.

The Hon. N.F. COOK: We also reach out to double-check in regard to what may have happened to lead up to such an issue and see if there are any specifics around that tenancy. I might like to talk a little bit about what has been happening over the past few weeks with tenancies that the opposition have seen to objectify and actually bring attention to.

Following the first incident where a person's belongings, including toys, were shown in the media—toys belonging to a child who came to a home on a background of enormous trauma, a family that had been through enormous trauma and had been subject to leaving that property—the opposition chose to use that property and that example—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: Point of order.

The SPEAKER: Minister, there is a point of order, which I will hear under 134.

Members interjecting:

The SPEAKER: The member for Florey is on a final warning. The member for Chaffey is also warned.

The Hon. J.A.W. GARDNER: The question was directed to the minister in relation to protocols her office has about cleaning when there is a media attendance at—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —public housing properties. The minister's characterisation of what the opposition did or didn't do is utterly irrelevant. It is debating.

The SPEAKER: I bring the minister to the question.

The Hon. N.F. COOK: We do reach out to our department to find out if there is any history to do with the tenancy. As described, a traumatised family had been in at least one of these properties, if not more. There was vision of a child's toys then being shown on the television that night in print media. I did write to the shadow minister to actually highlight this. We reached out and advised the media that this was the background of the house and that it was quite sensitive. I wrote the following, 'I write to raise my concerns with the media conference—'

Members interjecting:

The SPEAKER: Order!

The Hon. N.F. COOK: '—you held this morning.' This is difficult to listen to, I understand, but I would like to place it on the record.

Members interjecting:

The SPEAKER: Order! Member for Chaffey, order!

The Hon. N.F. COOK: I would like to place this on the record:

I write to raise my concerns with the media conference you held this morning at Campbelltown—

This was written to the shadow minister in the other place, Michelle Lensink—

A critical role of the opposition is to hold the government to account and I welcome you raising concerns about policy and services. While I wouldn't normally invest time in responding to your media statements, your conduct today raises serious questions—

Members interjecting:

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

The Hon. J.A.W. GARDNER: Point of order.

The SPEAKER: The member for Morialta, under 134.

The Hon. J.A.W. GARDNER: The standing orders apply to all ministers, standing order 98 included. The minister is debating.

The SPEAKER: It is a little difficult to determine because I am not certain exactly what bearing the portion of written text will ultimately have.

Members interjecting:

The SPEAKER: Order! We haven't come to the conclusion of that portion of the contribution. However, I will listen very carefully and do bring the minister to the question.

The Hon. J.A.W. GARDNER: Point of order on the point of order, then: the minister has referred to a property. It's not a property that was relevant to the question. It's not relevant to the protocol of the minister in addressing public housing concerns. It is irrelevant to the question. It is criticising a member of the Legislative Council for the minister's own joy. It is debate.

Members interjecting:

The SPEAKER: Order! I bring the minister to the question.

The Hon. N.F. COOK: This is exactly pertaining to the property at Campbelltown.

Members interjecting:

The SPEAKER: Order!

The Hon. N.F. COOK: The property at Campbelltown—

Members interjecting:

The SPEAKER: Order! The member for Hartley is on a final warning and will depart under 137A. The member for Florey will join him for the remainder of question time.

The honourable members for Hartley and Florey having withdrawn from the chamber:

The Hon. N.F. COOK: This particular house started a trend. There have been a number of these. I said:

While I wouldn't normally invest time in responding to your media statements, your conduct today raises serious questions about your judgement—

An honourable member: This is what you use your ministerial resources to do.

The SPEAKER: Order!

The Hon. N.F. COOK: —that I cannot allow to go unchallenged. When questioned by journalists about the government's response—

Members interjecting:

The SPEAKER: Order!

The Hon. N.F. COOK: —to rubbish and belongings on the side of the road, you responded, 'it's not for lack of them knowing, because they've been advised about it.' When further questioned—

The Hon. J.A.W. Gardner: We're not even talking about the same properties.

The SPEAKER: Order! The member for Morialta is warned.

The Hon. N.F. COOK: —about how long the local MP had been receiving complaints about this matter you responded that this had been 'for a matter of weeks'. To be clear, my office received correspondence—

Members interjecting:

The SPEAKER: Order! Member for Frome!

The Hon. N.F. COOK: —about this matter from the local MP at 4.05pm on Monday 9 October and it was referred to Housing SA for advice and action. In comparison, your media conference occurred 9 office hours after the correspondence was sent and this raises much more serious questions about why—

Members interjecting:

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

The SPEAKER: Order!

The Hon. N.F. COOK: I will come to the point.

Members interjecting:

The SPEAKER: Order! The Treasurer is called to order. The member for Frome is warned, the member for Chaffey is warned and the Treasurer is warned. The member for Morialta under 134.

The Hon. J.A.W. GARDNER: With 15 seconds to go, the minister is yet to address either of the properties that were raised in the question.

The SPEAKER: Minister, your time has nearly expired.

The Hon. N.F. COOK: That's a shame, sir. To continue:

While this is disappointing, it reflects common practice from the Opposition to send correspondence and then almost immediately raise the matter in the media or Parliament. As happened in Parliament recently, this tactic has a risk of backfiring.

The SPEAKER: Very well. I call the member for Mawson.

AUSTRALIA-CHINA TRADE RELATIONS

The Hon. L.W.K. BIGNELL (Mawson) (14:32): My question is to the Premier: can the Premier inform the house about any updates regarding the trade relationship between Australia and China?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:32): I thank the member for Mawson for his question. The member for Mawson is probably one of the most powerful advocates in this state for the wine industry broadly. I would like to acknowledge his contribution, particularly when it comes to advocacy for the region in the McLaren Vale.

Members interjecting:

The SPEAKER: Member for Chaffey!

The Hon. P.B. MALINAUSKAS: I recently had the opportunity, as the parliament is aware, to travel to China with a very significant trade delegation made up in no small part with members of the wine industry, many of whom the member for Mawson is well familiar with. We had a very explicit objective as a delegation in China, and that was to assist in any possible movement on behalf of the People's Republic of China regarding their punitive tariffs they have imposed upon not just the wine industry but also the seafood industry here in South Australia.

These tariffs have a firsthand, very substantial impact on a range of businesses in our state and also on families—families who are dependent upon the viticulture sector to derive their incomes. The member for Chaffey, along with the member for MacKillop and the member for Schubert, will be well aware of just how significant an impact these punitive tariffs have had. This season, in particular—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: This season in particular still prospects to be quite a challenging one.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: What our country needs, and indeed what grapegrowers and wine producers around our state need, along with the seafood industry, is a mature, serious government at the helm in Canberra who is actually capable of advocating for a diplomatic position that advances the nation's interest in a principled way. What is always concerning is where we see politicians seeking to advance their domestic political interests ahead of the national interest—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —and the consequences of that—

Members interjecting:

The SPEAKER: The member for Morphett, order!

The Hon. P.B. MALINAUSKAS: The consequences of that are real and consequential for the people it affects. I am very pleased to report to the house, as has been known in the media for a couple of weeks, that the People's Republic of China have now agreed to review the punitive tariffs they have imposed upon the wine industry in our state. That will be a five-month review. We, of course, would have liked that to be more swift, but it will be a five-month review ahead of the possible reduction in those tariffs, which will be very welcome for the people it affects. The first reports of any such manoeuvre came the day that our trade delegation left China, when it was reported in Chinese state media—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —and then it followed in *The Australian* that the Chinese wanted a package deal—

Members interjecting:

The SPEAKER: Member for Colton, order! Member for Chaffey!

The Hon. P.B. MALINAUSKAS: The Chinese wanted a package deal, which now looks as though—

Members interjecting:

The SPEAKER: The member for Morphett is warned!

The Hon. P.B. MALINAUSKAS: —it was a precursor to a further announcement regarding the reduction—

Members interjecting:

The SPEAKER: Member for Badcoe!

The Hon. P.B. MALINAUSKAS: of punitive wine tariffs.

Members interjecting:

The SPEAKER: Member for Colton!

The Hon. P.B. MALINAUSKAS: So on this side of the house, we accept these responsibilities. We are very happy with the progress and we want to see more to come.

BORDERTOWN WATER SUPPLY

Mr McBRIDE (MacKillop) (14:36): My question is to the Minister for Climate, Environment and Water. Can the minister provide an update on SA Water's supply for the town of Bordertown? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr McBRIDE: SA Water has previously advised the local community that its water supply was at capacity and any new industrial and residential development could not be supplied at this time.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:37): Thank you very much for the question. The member has had a meeting with a couple of ministers and some of the officials, as well as the people from Bordertown, and of course I have also had a meeting on site when we were down there for community cabinet at the end of last week. For the benefit of the house, the water that is supplied to Bordertown comes from an aquifer, which is largely a brackish aquifer. There is a freshwater lens that sits over the top that comes via the Tatiara Creek. When it's in overflow, it goes into Poocher Swamp, and Poocher Swamp drains into that aquifer through some gaps in the limestone that manages to recharge it.

Since about the nineties, that amount has been reducing. I think from over 20 kilometres of the lens it's now down to around nine kilometres, so there is clearly a trend where there's insufficient water coming in and/or too much coming out being used. There has been some concern from Bordertown about not only whether they can grow in the way that they are intending to, and therefore take even more water from the freshwater lens, or indeed whether the freshwater lens itself is under threat from a lack of inflow and perhaps overextraction.

SA Water has put into the RD24, the regulatory proposal for the next regulatory period, a serious groundwater monitoring process which is going to be built into planning what the trajectory of that water supply is, and therefore what options are required. Several options have been canvassed: a desalination plant so that the brackish water can be used is one; an additional pipeline is also possible from the Murray; and there is also an alternative treatment for the water that has been proposed. All of that will be considered alongside this additional groundwater monitoring.

During that regulatory period, we will be in a much better position to determine the future. We have conveyed that to Bordertown. They remain, obviously, concerned about wanting to be able to grow, and I believe this will be an ongoing discussion.

CHILDREN IN RESIDENTIAL CARE

Mr TEAGUE (Heysen) (14:39): My question is to the Minister for Child Protection. Is the minister meeting her duty to protect the children who are placed in state residential care facilities? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: By her report, the Child and Young Person's Visitor Annual Report 2022-23, the Guardian for Children and Young People reports that over one in four young people were reported as missing in the three months before the commissioner's visit to the residential care facilities, with the youngest person reported missing under 12 years old.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (14:40): Thank you very much to the shadow minister for child protection. It is a question that has been traversed by successive ministers in relation to children in care, particularly in residential care, and the number of children who go missing from residential care.

First of all, just to clarify for the shadow minister, what I can say in relation to the number of children who go missing is that around 30 per cent of those missing person reports relate to a very small number of children. The reason they relate to that small number of children, and the reason children in residential care do from time to time leave their particular residential care placements, relates to a really difficult, complex range of issues that those children experience in their lives and that their families often experience.

Those children and young people are children and young people who, together with their families, have experienced a range of issues: poverty, intergenerational trauma, mental ill health, substance misuse, sometimes housing stress and a range of other really complex issues. This means that those children and young people are sadly experiencing a great deal of very difficult and complex trauma, which means that their behaviours can be also similarly complex, sometimes dysregulated, which means that sometimes they do seek out particular situations. They do leave residential care settings.

That, of course, is a problem, and it is a problem that we seek to deal with through a range of mechanisms. As I said, a lot of the time, they may leave residential care settings because of the experience that they may have encountered prior to going to care. What I can say first of all is that, unlike children and young people who do not live in residential care settings, each time a child or young person goes missing from their residential care home, there is contact in those circumstances. In particular circumstances, there is a report made to police, and rightly so.

Again, that is unlike what happens for other children and young people in our community, but it is a really important step to make sure that there is an interagency focus on the particular issues and the particular environments that those children and young people may be in. That is the first step, but there are a range of other measures as well as working across agencies and very closely with SAPOL in those circumstances.

There are a range of other measures and programs that are used in residential care to improve the experience of children and young people. I know I am running out of time, but I am certainly happy to meet with the member at some point and fill him in on the MyPlace program, on the Sanctuary model of care and on a range of other programs that we initiate. I did want to also speak about the—

The SPEAKER: Minister, your time—

Members interjecting:

The SPEAKER: Order! Your time has expired.

CHILDREN IN RESIDENTIAL CARE

Mr TEAGUE (Heysen) (14:44): My question is again to the Minister for Child Protection. Will the government implement suggestions made by the Guardian for Children and Young People in relation to the protection of any children in care who feel unsafe? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: In her report, the Child and Young Person's Visitor Annual Report 2022-23, the Guardian for Children and Young People said that many people she visited reported feeling unsafe in their houses. More than 80 per cent of the suggestions she made to DCP and NGOs for placement improvement related to young people feeling unsafe.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (14:45): The point that I wanted to get to at the conclusion of my last answer fits perfectly to elaborate on now in relation to this question from the shadow minister. Very importantly, the shadow minister speaks about the safety of children and young people in care. What I would really like to fill the shadow minister and the house in on is that for some time in opposition we called on the former government to actually fund the Child and Young Person's Visitor. We called on them and called on them and called on them.

Mr Whetstone: We were fixing up your 16 years of mess.

The SPEAKER: Order!

The Hon. K.A. HILDYARD: There was a trial of the Child and Young Person's Visitor scheme and Penny Wright, who did an extraordinary job during that trial period, actually wrote to the then minister and tendered her resignation from the role of Visitor because those opposite refused—utterly refused—to fund the Visitor program, which is rightly, as the shadow minister has pointed out, a really important mechanism in ensuring that there is a person dedicated to visiting children and young people in residential care to speak with them, to ensure their voices are amplified, to make sure that they have an avenue to raise any concerns and to highlight particular issues they are experiencing.

So very, very importantly, after calling and calling on those opposite to fund the Visitor, given the previous Visitor had resigned because they refused to fund the Visitor—

The Hon. J.A.W. GARDNER: Point of order.

The SPEAKER: Minister, there is a—

The Hon. K.A. HILDYARD: —we funded the Visitor—

The SPEAKER: Minister, there is a point of order.

The Hon. K.A. HILDYARD: —so we can hear these issues.

The SPEAKER: Minister, be seated, please. There is a point of order under 134.

The Hon. J.A.W. GARDNER: The question relates to what the government is doing from the suggestions of the Visitor. The minister has spent two minutes explaining that she has funded the Visitor's existence, but hasn't even gone near—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —the question that was raised, which relates to whether the government is responding to the Visitor.

Members interjecting:

The SPEAKER: Order! I will listen carefully and bring the minister to the question.

The Hon. K.A. HILDYARD: I will try to explain again for the shadow minister's benefit. It is really important that—

Mr TEAGUE: Point of order.

The SPEAKER: Member for Heysen, the minister has barely recommenced, so I'm not sure whether you are either taking in content that has already been dealt with by a point of order, in which case I will hear you, or you are forecasting material that the minister is about to contribute. Which is it?

Mr TEAGUE: It's neither of those two. It is standing order 98A. The minister has foreshadowed the description of the importance of the role of the Visitor. The question is the implementation, moving right along, of the suggestions made by the Visitor. That's the question that the minister is not answering and hasn't answered for the balance of her answer.

Members interjecting:

The SPEAKER: Order! As the member for Heysen well knows, the test is not relevance but instead whether the minister is responding to the substance of the question. Material introduced by a minister is more likely to respond to the substance if it lies close to the heart or the pith of the question. That does not mean that the material introduced by the minister must be immediately or directly relevant. I will listen carefully.

The Hon. K.A. HILDYARD: Thank you very much, Mr Speaker. As I was saying, the Child and Young Person's Visitor role is incredibly important to ensuring the safety and wellbeing of children and young people, because the Visitor goes to residential care settings and, very importantly, listens to children and young people and raises issues that they feel are very important to them. So, to go to the question about ensuring the safety of children and young people, we acted on that call to fund the Visitor for children—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: —and young people—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: —because it is really, really, important. Having listened to the Children and Young Person's Visitor that we have funded, we are doing a range of things to enhance the safety of children and young people. I did mention some of the programs in my previous answer around My Place and the Sanctuary Model of Care. We are also partnering with the University of South Australia and with the Western Australian government on a range of programs around harmful sexual behaviours in residential care. We are funding that program, that body of work.

We are engaging in other mechanisms to keep children and young people safe, and some of those will absolutely be evident—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: —when we also introduce legislation in the coming months.

The SPEAKER: Minister, your time as expired. The member for Narungga.

MAITLAND CFS AND SES SHED

Mr ELLIS (Narungga) (14:51): My question is to the Minister for Emergency Services. What has happened to the planned upgrade of the Maitland CFS and SES shed? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: A new build has been on the cards for a number of years but to date no work has appeared or started.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:51): I thank the member for his question. It is a matter that he has raised with me personally before and particularly during our time in his wonderful electorate during country cabinet, and also it is a matter that is raised by local council. I am very pleased to advise that the works are progressing. It is a \$4.6 million project managed by SAFECOM on behalf of a joint facility between the SES and CFS.

At the moment I can advise that, to the best of my most recent advice of about a week ago, SAFECOM on behalf of our agencies is engaging at present with the Department for Infrastructure and Transport to receive final reports, as well as engineering and further cost estimations. My most recent advice in the last week—and I would be very happy to come back to the member should this be not accurate, but I understand that early works will be starting around June of 2024. Of course, if that is different to my most recent advice of about a week ago I will be very happy to let the member know.

STATE ECONOMY

Ms HUTCHESSON (Waite) (14:52): My question is to the Treasurer. Can the Treasurer update the house on the South Australian economy?

Mr Whetstone interjecting:

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:52): For some it will be, Tim! I am very grateful to the member for Waite for this question because, as members may have seen on Monday, the South Australian economy continues to perform strongly compared to the rest of the nation. Specifically, South Australia is now ranked second in the CommSec State of the States report—second! And just think, Mr Speaker, only 18 months ago, at the time of the last election, we were ranked fifth in the nation. What a remarkable improvement.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: It's extraordinary—

Members interjecting:

The SPEAKER: Order! The Treasurer has the call.

The Hon. S.C. MULLIGHAN: —because some people opposite, people who watch the job vacancy stats really closely—

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey!

The Hon. S.C. MULLIGHAN: —for example, think that they left a solid economy—

Members interjecting:

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

The Hon. S.C. MULLIGHAN: —when they exited after only one term, but of course the opposite is true, because the reason why we are ranked second in the nation, as opposed to fifth—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Member for Morialta!

The Hon. S.C. MULLIGHAN: —in the nation is because our jobs market leads the country. There are 50,000 South Australians now in work that weren't at the time of the last election—40,000 of them, 80 per cent of them, are full-time.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: That is at the same time that job vacancies remain at historically high levels, because the truth is that here in South Australia, if you want a job, now is the best time to get a job. It has never been a better environment for those people with a full CV to get out there and have a crack. That's the sign of a strong economy.

But it is not just the CommSec State of the States report, Mr Speaker. No, it's the ANZ Stateometer as well. That's really strong as well; now a standout performer in their most recent report. The Business Council of Australia not only ranks us as the lowest cost jurisdiction for business, but it's the best place in the country to do business. So a great place to be employed, but a great place to employ people, Mr Speaker. There's never been a better time to have a go; it's never been—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: If not now, when?

Mr Cowdrey interjecting:

The SPEAKER: Member for Colton!

The Hon. S.C. MULLIGHAN: I mean, the time is ripe, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey!

The Hon. S.C. MULLIGHAN: It's extraordinary, Mr Speaker, it's remarkable. The groundwork is laid, the foundations have been built, and now it is time for anyone to paint in their canvas.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: It is an extraordinary time for opportunity. Not only that, there is now \$400 million more in private new capital expenditure in the last quarter compared to what there was at the time of the last election.

Mrs Hurn: What's that got to do with you?

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: The member for Schubert says, 'What's that got to do with anything?' Well, that tends to be an important part of creating economic activity—

Members interjecting:

The SPEAKER: Order! Member for Schubert!

The Hon. S.C. MULLIGHAN: It tends to be an important contributor to creating jobs. Exports are \$4.3 billion higher now than at the time of the last election, 32 per cent higher.

Members interjecting:

The SPEAKER: Order! Member for Morphet! Member for Chaffey!

The Hon. S.C. MULLIGHAN: If you are fond of going overseas you can sell your goods in a market like never before, it's never been a better time; unalloyed good news for our state's economy, and we hope everyone gets an opportunity.

Members interjecting:

The SPEAKER: Order!

KANGAROO ISLAND CFS

Mr PEDERICK (Hammond) (14:57): My question is to the Minister for Police, Emergency Services and Correctional Services. Is the minister aware of any active members of the Kangaroo Island CFS—

An honourable member interjecting:

Mr PEDERICK: I will start again—

Members interjecting:

The SPEAKER: Order!

Mr PEDERICK: Is the minister aware of any active members of the Kangaroo Island CFS being banned from attending a meeting with him in coming days? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PEDERICK: The opposition has been advised of claims that the member for Mawson is seeking to prevent at least one active member of the local CFS brigade from attending a meeting this week hosted by the minister and senior members of the CFS.

Members interjecting:

The SPEAKER: Order, members to my left! There is a point of order.

The Hon. A. KOUTSANTONIS: Point of order: the house gave leave to the member to explain his question, then he proceeded to breach standing orders by making personal reflections on another member. I would ask him to rephrase.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: Point of order: that is a bogus point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: They have made no claim of personal reflection but assumed it as fact, did not have a standing order, and the explanation should stand.

Members interjecting:

The SPEAKER: Order! Standing order 127 is clear in its terms. It requires, amongst other matters, that a member not impute an improper motive to another member. It would ordinarily be the case that I would turn to the member for Mawson, for instance, if he were on his feet; he is not present—

Members interjecting:

The SPEAKER: Order! It is not appropriate to reflect in the way that members are seeking to, by way of interjection, on whether I would do that or not. I am very careful in the circumstances to apply 127 because it may be that the reputation of a member is improperly impugned. I am going to turn to the member for Hammond and give him an opportunity to recast the question. It occurs to me that it is entirely possible to ask the same question without naming any member.

Mr PEDERICK: My question is to the Minister for Police, Emergency Services and Correctional Services. Is the minister aware of any active members of the Kangaroo Island CFS being banned from attending a meeting with him in coming days?

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:59): No, I am not, none whatsoever. In fact, I am very pleased to have been in Kangaroo Island on, now, a number of occasions. The most recent occasion was with country cabinet, where the Premier, the Deputy Premier and I attended a meeting with locals from KI,

including some CFS members, who were deeply impacted by the fires that ravaged that community. It was a wonderful meeting, one that I think I will reflect on on behalf of all the ministers who attended. It was one that was emotional and informed by the significant trauma that the community has gone through. I can be very, very clear for the member that there is nothing, to my understanding or to my knowledge, in line with that member's question.

Members interjecting:

The SPEAKER: Order!

DOMESTIC AND FAMILY VIOLENCE PREVENTION

S.E. ANDREWS (Gibson) (15:00): My question is to the Minister for Women and the Prevention of Domestic and Family Violence. How is the government exploring options to assist women impacted by family and domestic violence?

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (15:00): Thank you very much to the member for this question and for her extraordinary commitment to help prevent and eradicate family, domestic and sexual violence, a commitment that many of us in this place and beyond share, a commitment that we must continue to hold because the facts about the horrific prevalence of domestic, family and sexual violence relentlessly persists.

At the forefront of our collective effort to drive change are those remarkable community sector workers who support and empower women experiencing violence, often facing financial hardship through bearing the brunt of mortgages, unpaid rent and other debts due to that experience. Our Women: Safety, Wellbeing, Equality policy is comprehensive and multifaceted. Amongst its many initiatives lies our commitment to work with the domestic violence sector and the finance and real estate industry to explore and determine how the state government can collaboratively work with these sectors to drive initiatives that support victim survivors as they recover and heal.

We know that a combination of factors affect a woman's economic security over her lifetime, and we know that victim survivors are likely to experience economic insecurity as they juggle health and legal appointments, additional caring responsibilities or time away from work whilst also sometimes having to maintain contact with the perpetrator about mortgage repayments, joint accounts or other shared financial responsibilities.

Victim survivors often experience significant financial and legal repercussions due to unpaid rents, mortgages and loans. As well as impacting their financial security and stability, these repercussions can severely limit their ability to obtain secure new housing. Perpetrators often use these unpaid rents and loans to inflict further financial abuse on victim survivors, particularly following separation.

Our government does not ever want women to have to choose between their safety and a place to call home and financial security. Everyone deserves a safe place to call home. To help bring this commitment to life, our government is hosting round tables to support engagement between the DV sector and the finance and real estate industries. The first round table focused on addressing the burden of unpaid rent occurred earlier last month. It was great to be joined by representatives from the Real Estate Institute SA, Ray White, the Centre for Women's Economic Safety, the National Council for Women, Embolden, Zahra Foundation, Neami, Shelter SA, Uniting Country SA and OARS Community Transitions. It was also excellent to be together with Minister Michaels, Commissioner Dini Soulio and the Office for Women.

It was incredibly powerful to directly hear from a courageous victim survivor about experiencing homelessness as a result of domestic violence and her former partner's control of her and their finances. The thoughtful conversation and engagement by attendees identified suggestions on how to better assist renters experiencing violence who may not be eligible for financial assistance, ensure people experiencing violence are not held liable for damages caused by the perpetrator and how to best provide support for the real estate industry to recognise violence and help deal with its impact.

The second round table in November will bring together stakeholders from banking, the DV sector, financial assistance organisations and people experiencing violence to discuss the burden of unpaid mortgages. Through our collaboration, we are reaching a shared commitment to better support victim survivors of domestic, family and sexual violence and create and drive meaningful change.

Grievance Debate

GLENELG DRUG AND ALCOHOL REHABILITATION CENTRE

Mr PATTERSON (Morphett) (15:04): In August, I presented a petition to parliament from 1,015 people that urged the government to reject Maturin House, Glenelg as the proposed location for a drug and alcohol rehabilitation centre that the Malinauskas government has provided funding for. The primary reasons laid out in the petition were to ensure the wellbeing of local primary school students and to provide clients of the proposed facility greater prospects of successful treatment.

Maturin House is an old house from the 1890s, with small rooms and only one common room, and the only outdoor area is the front yard on the same street as the local primary school, St Peter's Woodlands, which has an entrance 200 metres away from the proposed drug and alcohol rehabilitation clinic. It is just the wrong location.

In a major development regarding the proposed drug and alcohol rehabilitation centre at Glenelg, local residents are having to commence legal proceedings against the Labor health minister to stop this Crown development application that has taken away the ability for individuals to be consulted. The residents are wonderful people, who are considerate and do charity work. They understand the need for rehabilitation centres in the correct location. Their arguments laid out in the legal proceedings are the same arguments that I have been challenging the Minister for Health on.

The Minister for Health took the extraordinary step of avoiding public scrutiny by sponsoring this simple change of use application as essential infrastructure, a title normally reserved for major projects, such as hospitals and schools. Residents are saying that the health minister has behaved unlawfully, and have now been left with no option but to seek a judicial review in the Supreme Court.

Recently, I attended the State Commission Assessment Panel, where the panel met to provide a recommendation to the Minister for Planning regarding the rehabilitation facility. Because the change of use application was sponsored by the Minister for Health as a Crown development, only the City of Holdfast Bay and Uniting Communities could make representations.

At the meeting, it was revealed that the drug and alcohol rehabilitation facility will be the largest facility that Uniting Communities has ever operated in Adelaide—nearly double—and also only 200 metres from a primary school. To rub salt into the wound of the school community, who have not been able to be heard, one of the panel members asked if the school was comfortable with the drug rehabilitation facility, and Uniting Communities answered on behalf of the school community.

What a joke! This is like asking the fox if the chickens are comfortable with the fox looking after them in the henhouse. It just shows that this is a bungled process by the health minister, with poor procedure all the way along, where concerned parents and community members have been continually blocked from their right to have a say on this controversial drug facility development. It is just not fair. No wonder concerned parents feel the health minister has turned his back on them and their children.

The local community is also concerned that the government's tender for this facility stipulated 22 suburbs recommended by SA Health as being best suited for a drug and alcohol rehabilitation facility. All 22 of those suburbs were within Labor-held electorates. The tender outlined that alternative offers may not be submitted, but instead Glenelg, which was not on the suburb list, was chosen by the Malinauskas Labor government.

The Labor government has left my local community with no other way to have their concerns heard than to take legal action against the Minister for Health, who has labelled these concerns of parents and residents as 'blatant nimbysism and shameful'. In fact, it is the actions of the Minister for Health that are shameful, because in a cost-of-living crisis locals, including pensioners, are having to dip into their own pockets to fund legal action because he refuses to listen to their concerns.

They have started a GoFundMe page to fight this, but it need not come to that. I am calling on the health minister to cease his Crown development application and ask Uniting Communities to respect the concerns in the community and submit their change of use application with the Holdfast Bay council, to give people in my community the opportunity to be consulted and respected, bringing with it the proper public scrutiny that has been missing in a process that has been botched right from the start.

WAR WIDOWS DAY

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:09): Earlier this year on 16 March, it was my privilege to announce at the Port Pirie RSL that 19 October had been declared War Widows Day in South Australia. This followed a request from Mrs Diane Carr, President of the Australian War Widows of South Australia, to make such a declaration in our state, as was already the case in New South Wales and Queensland.

It is worth noting the bipartisan nature of the War Widows Day declaration. I would particularly like to acknowledge the support of the proposal by the member for Hammond and the member for Dunstan. Establishing a dedicated day to recognise and honour our war widows and widowers is a simple yet significant gesture to acknowledge all who have been touched and bereaved by the death of a spouse resulting from defence service.

The War Widows' Guild was founded by Mrs Jessie Vasey in 1946. Mrs Jessie Vasey was the widow of Major General George Vasey. During World War II, while on leave, Major General Vasey called in on the widow of one of his former men. He was appalled at the living conditions of war widows and decided that after peace was declared it would be his intent to fight for better compensation for war widows.

Following her husband's death in an air crash just outside Cairns in 1945, Mrs Vasey decided to carry on with her husband's pledge and remind the government of their promise made to the men who enlisted that their widows and children would be cared for. The organisation has continued to support and give a voice to war widows, since at both state and national level, as well as provide companionship and a supportive community for war widows.

The date of 19 October is the birthday of Mrs Vasey and an appropriate day to acknowledge the ongoing contribution and support of the South Australian war widows. On War Widows Day, approximately 100 war widows attended a high tea at Ayers House, and later in the day our Governor Her Excellency the Hon. Frances Adamson AC hosted a reception to commemorate Australian War Widows Day 2023. A number of members of this house attended this particular event. Also, Parliament House was lit up in royal blue, the official colour of the Australian War Widows of South Australia.

I would like to congratulate the members of the Australian War Widows of South Australia on their advocacy and persistence to make this day a reality and on the work they do on behalf of those who have sacrificed so much on behalf of our nation.

I would also like to take this opportunity to remind members that Saturday 11 November is Remembrance Day. At 11am on 11 November 1918, the guns of the Western Front fell silent after more than four years of continuous warfare. Of the Australian population of five million, more than 400,000 men and women served in the Great War. Approximately, 60,000 Australians died and 156,000 were wounded or taken prisoner.

Across our history, more than 103,000 Australians have paid the ultimate sacrifice to preserve our democratic way of life. Our thoughts are with all the families who have had to bear the loss of loved ones during all conflicts, loss that is impossible to fathom for those of us who have not experienced it. I would encourage all members of this house and the other place and the general public to attend a Remembrance Day service on 11 November. Lest We Forget.

BIOSECURITY MANAGEMENT

Mr WHETSTONE (Chaffey) (15:13): I rise to talk about a biosecurity issue that is now not only impacting nationally but having a detrimental impact on South Australia. The varroa destructor

mite is the most serious global pest to honey bees. Australia was the only honey bee industry free of varroa mite until it was detected in New South Wales last year.

The federal government has now announced the transition from eradication to management and in South Australia the 2,000 registered beekeepers support a \$2 billion horticultural industry and 85 per cent of that industry relies on pollination services.

Chaffey is the premium food bowl of South Australia, with perennial crops and annual crops, incorporating citrus, stone fruit and vegetables. Importantly the almond industry, the most important part of the apiary industry, is a billion dollar industry to the state's economy.

Here in South Australia we currently have between 60,000 and 70,000 beehives. We are currently 10,000 short. Those 80,000 beehives are needed for a period of one month for pollination services to make those almond industry trees viable. For those 12,000 hectares in the ground, it currently costs about \$200 per hive to service the industry—that is a \$12 million up-front cost before a single almond is picked. With growing demand and increased plantings of trees, the almond industry is currently pouring millions of dollars into combating varroa mite, and yet the almond industry were not consulted by this consultative committee.

This new advisory committee has been set up and it has been put on the agenda. It will have a make-up of the Beekeepers' Society of South Australia, two representatives from the South Australian Apiarists' Association, one representative from the Australian Honey Bee Industry Council, and a representative from each pollination-dependent industry—yet there is no-one from the almond industry. I think it is just outrageous that this announcement has been made without contacting the Almond Board of Australia.

The chair, Don Plowman, is a highly respected public servant. I have worked with Don as a minister; I worked with him as a shadow minister. He will do a sterling job, but he will have challenges. The chair will have to cut through the committee individuals' own self-interests to make sure that the state bodies have a responsible committee set up in the best interests of the honey bee industry.

I have spoken to state bodies, national bodies, people within apiary and the nut industry to gain a better understanding. Today, the questions have been asked: will the government, PIRSA or Biosecurity SA consider gazetting Lindsay Point as being part of South Australia with honey bee movement? Those pollination services are now becoming more complex every day.

If the advisory committee is to be of value to South Australia, it needs to be serious about preparing for varroa and managing detections, which means regulated movement needs to be addressed, we need to educate and upskill apiarists as well as liaison officers on the ground, and we need more surveillance. It is critical that the government take responsibility to set up this committee and act quickly. As the ag minister has said, the varroa destructor could result in losses of \$70 million. I must advise the minister: \$70 million is the tip of the iceberg; \$70 million is just the initial impact of having varroa mite come into our honey bee population. We could have far-reaching impacts on pollination-dependent industries, particularly those permanent horticultural crops.

While I am here speaking about biosecurity, I do want to touch on Queensland fruit fly. South Australia has been dealing with a scourge of not only the Queensland fruit fly but in recent years we have seen the Mediterranean fruit fly that hit every Adelaide backyard. What we saw was that the pressure put on people who had backyard fruit trees was like never before. But now we have an upcoming season, which means more pressure, more movement. We currently have 42 outbreaks in the Riverland. Not only is it a significant cost to the Riverland's economy but it is also seeing people moving out of the horticulture industry due to the unviability of being able to grow fruit and put it into our markets.

We have zero tolerance, the liaison officers, the Loxton facility, the Port Augusta irradiation facility, and the Mediterranean fruit fly releases of sterile flies. It is up to growers and householders to continue to be vigilant. I am calling on all Riverlanders and all South Australians and visitors not to bring fruit to the Riverland, and make sure you pick up and make hygiene a number one priority around your fruit trees.

BUCKINGHAM ARMS HOTEL REDEVELOPMENT

Ms HOOD (Adelaide) (15:18): I rise on behalf of my local community in regard to the proposed development at 1 Walkerville Terrace, Gilberton, the site of the former Buckingham Arms Hotel. I want to first acknowledge some of the locals in the gallery today who have come here to show our collective support as a community: in particular, Pip Duigan; the Mayor of Walkerville, Melissa Jones; the Deputy Mayor, Liz Trotter; and Councillor John Zeppel, as well as all the other local residents. Thank you for being here today.

Through a code amendment process first initiated under the former Marshall Liberal government in 2021, the former Buckingham Arms Hotel site was rezoned to a maximum height of six storeys. Despite this, a developer is seeking to build a high-density housing development featuring three 10-storey towers. It will feature 174 dwellings, 146 of those being residential apartments, and 305 car parks.

The majority of the local residents who have contacted me as their local MP or those with whom I have spoken at streetcorner meetings or over the phone provided their feedback and strongly oppose this development in its current form. Many residents believe the excessive scale of the development goes too far, does not pass the pub test and will have a significant detrimental impact on our local community.

It is important to note that the majority of these local residents do support development at the site—specifically, a well-designed, sustainable, medium-density development within the allowable six-storey limit.

We do acknowledge there is a housing crisis across our nation, and sites close to the CBD, services and the Adelaide Parklands provide an opportunity to provide such housing. But overwhelmingly, local residents say the excessive scale of the proposed high-density development of three 10-storey towers will, to name but a few issues:

1. Create a negative entry statement to the historic character suburbs of Medindie, Gilberton and Walkerville.
2. Negatively impact the amenity of the neighbourhood, including noise and privacy impacts.
3. Significantly impact traffic in the area, leading to increased congestion at the five-arm intersection, in particular Northcote Terrace and Walkerville Terrace.

The suburbs of Medindie, Gilberton and Walkerville are well known for their character and heritage. Local residents say having a development of such excessive scale as the entry statement to their community will have a negative impact on the suburbs renowned for their heritage and character. We argue that the developer has failed in its attempt to provide integration with the local community. Placing the lower-built form townhouses and office buildings on the northern boundary of the site in no way detracts from the excessive bulk and height of the three 10-storey towers. We then come to the issue of the heritage of the Buckingham Arms itself.

It does not make sense to my community that the developer, in retaining and conserving the heritage elements of the former Buckingham Arms Hotel, then seeks to qualify for a 30 per cent increase in the zoned height given the significant size of the site. Any benefits gained from retaining the heritage is more than cancelled out by the detrimental impact to amenity that will be caused by the excessive scale of the building. Many local residents have also raised concerns regarding privacy and noise impacts, in particular around the continuous noise generated from 174 dwellings and 305 basement car parks.

As I said earlier, a major concern is the significant impact on traffic in the area, leading to increased congestion at the five-arm intersection and also a concern around the increase in rat running, particularly around Buckingham Street and James Street and, on the northern side of Walkerville Terrace, Tyne Street and Gilbert Street, as motorists attempt to avoid the intersection. This will only be exacerbated by the fact that residents of this new apartment building will be able to turn right across Walkerville Terrace.

Given that I only have five minutes, I have only just scratched the surface on the concerns raised with me by local residents. In conclusion, I would like to reiterate the view of my local community that we do support a sustainable, well-designed development of this site. But given the current proposal before us the majority of the residents who have shared their feedback strongly oppose a high-density development of three 10-storey towers at this site. A proposed development at this site should contribute positively to the community and not create significant angst and concern, as this proposal has done, largely driven by its excessive scale.

On behalf of my local community, it is my privilege to ensure their voices are heard in this place. I once again thank the many locals for attending today, along with the many others who joined us recently at a community meeting on the development site, and to all of those who provided submissions to the State Commission Assessment Panel (SCAP). We stand together as a community and eagerly await the SCAP's decision.

SCHUBERT ELECTORATE

Mrs HURN (Schubert) (15:23): Last parliamentary sitting week, I had the opportunity in this place to recognise some of the amazing sporting feats that we have had in my local community of the Barossa Valley and right across the northern Adelaide Hills, but unfortunately I could not get to all of them. There are a number of local clubs and teams that have had great success. Today I would like to update the house on some additional success that we have seen across the electorate in a range of sports.

I would like to start with basketball. The Barossa Basketball Association does a truly remarkable job. I must say that the participation rates that we are seeing in basketball in the region, particularly at the junior level, are absolutely extraordinary, to the point where scheduling is now fast becoming a nightmare for all the volunteers who work so hard to cram in as many games as they possibly can at the rec centre.

Congratulations to all of the teams, from the under 10s to the under 18s. We had wins from Echoes Dark, the Magic, the TBC Takers, Echoes Light, Panthers White, the Bulldogs and the Tigers. Well done to all of those juniors. Every single time I have been out at the rec centre watching them, I see the passion and the joy it brings them, and I find myself reflecting on the basketball that I grew up playing at the old rec centre on the outskirts of Tanunda.

In the A-grade for the men, I would like to congratulate the Angaston Panthers, my old club. In the B-grade men, we had a win from the Bricklayers. For the C-grade men, that went to Echoes Dark. Congratulations to all of the men's teams in the basketball competition who took home the premiership victory this season. In the A-grade women, the TBC Takers won that grand final. In the B-grade, we had the Barossa Bandits, and in the C-grade women we had again Angaston Panthers White.

A particular congratulations to all those teams, but to everyone who has participated in basketball over this season, well done. It is not just the players but, of course, we know that they would not be able to take the court if it were not for the umpires, the coaches and all of the staff who run the rec centre, whether that be in the canteen or making sure that they have fantastic facilities. I know that they are in desperate need of some more space, and that is something that as a local community we all need to work on.

In hockey, there is the Barossa Valley Hockey Association. We had a number of milestones across a whole host of clubs this year, particularly in the men's comp. We had a number of players who reached 300 games playing for a particular club, 400 games and even 500 games, and that is an absolute feat. Like all legends from the country, they take this in their stride, and I just hope that they reflect on the massive success that they have been able to have.

In the A-grade, this is a pretty amazing one: AM United won their eighth premiership in a row. AM United won their eighth premiership in a row, which is absolutely fantastic. A number of those players have played in multiple premierships, so a massive shout-out to them. I caught up with a few players recently when I was presenting them with their Active Club grant certificate, and it is fair to say that they were still all absolutely ecstatic. I wish them all the best for next season as well.

In the B-grade, Nuri did make it to the big dance. Unfortunately they went down, but it was fantastic for them to be there. In the C-grade, the Tanunda men won, so a big congratulations to them. In the under 16s, we had AM United again take home the premiership victory. In the A-grade women, we had Tanunda make it, but unfortunately they lost. I would like to give a particular shout-out, though, to Lilly Neldner, who was awarded the best player on the day, which I think is particularly fantastic on a losing side, so congratulations to Lilly. I wish them all the very best for next season.

Again, like I reflected on for basketball and like I have reflected on for all the winter sports in my local community, the associations, all of the coaches and all of the volunteers do a remarkable job. Sport is a big part of the Barossa Valley and the northern Adelaide Hills. It is the heartbeat of our region in so many ways, bringing together people from all over the district. Congratulations to everyone on their winter sports, and all the best for next year. To all of the teams who are coming up for their summer sports, I wish you all the very best as well.

GREENINC

The Hon. D.R. CREGAN (Kavel) (15:29): It is a pleasure in this place to rise and reflect on the opening and establishment of GreenInc, a social enterprise run by Bedford in Totness in my community. GreenInc is embracing a new perspective in terms of disability employment. Rather than offering supported disability employment, GreenInc's objective is to ensure that open employment can be offered to as many in my community as are able to contribute to GreenInc's program and for GreenInc to continue to win contracts to deliver horticultural and green waste services, in addition to the creation and maintenance of open and green spaces, work which they have been performing to date.

It was a true honour to meet with staff and also with executives of GreenInc and Bedford. I received a close briefing of the scope of works that is likely to be performed and I also really appreciated the heart and purpose of the organisation. It was clear to me that GreenInc had reflected carefully on the service offering that it was able to provide in my community. There have been a number of companies, including Lanser, Peet and of course also the Mount Barker District Council, that have to date embraced GreenInc and welcomed their services, but I expect there will be a number of other organisations that will make contact with GreenInc and embrace their services in months and years to come.

As I said, it was an absolute pleasure to meet with staff and also with GreenInc's executives and to hear directly from Bedford about its work to establish GreenInc and to ensure that it can continue to thrive in my community. I look forward to a close association with GreenInc and its employees and I look forward to its continuing contribution to my community in years to come.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (15:31): I move:

That the house at its rising adjourn until Tuesday 14 November 2023 at 11am.

Motion carried.

Bills

WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr COWDREY (Colton) (15:32): Prior to the break, I referenced the quite significant disparity between the current states that have industrial manslaughter laws in place, both in terms of the question of threshold and also in terms of potential carve-outs for volunteers and how they are captured, or not captured as the case may be, in other jurisdictions. We also worked through the different penalty provisions that are in place in those jurisdictions that have industrial manslaughter laws in place at the moment.

While I certainly acknowledge that there has been a push to bring some level of harmonisation, particularly around the penalty provisions, it is important to note that, should this bill pass in its current form, and one would assume that that will most likely be the case given the current composition of the house, it is important to note that we will have some of the highest penalty provisions of all the states.

It is also important to note that there had been a push and there had been this issue raised by some of the employer organisations in this state that there could be a better approach to this, an approach that was put to the Attorney-General, and that perhaps waiting for the point in time where we were going to have a more holistic review of the WHS Act would be a more appropriate time to bring the South Australian jurisdiction in line with those significant penalty provisions, rather than starting at that point.

I think it is also helpful in regard to the bill before us to have a conversation about the genesis of the movement towards industrial manslaughter as a concept. The first jurisdiction in Australia to move in this direction was Queensland, and in preparing for this debate I had a close peruse of the debate that took place in Queensland at that point in time. There was significant reference which was probably helpful in the context of where we are in South Australia at the moment and the changes that have taken place in regard to the running of the CFMEU here in South Australia given the context of the Victorian takeover of the South Australian branch and the donation that was received by the Labor Party and then returned subsequent to the election on the back of pressure put on the government here in the house.

I just want to quote directly from the *Hansard* of the Queensland house at that point in time to give some level of context. I quote Mr Bleijie, who is the member for Kawana in Queensland, if my memory serves me correctly:

It was obvious where these laws came from: the mining division of the CFMEU. The amendments that have been flagged through the media and through the Queensland Resources Council were not subject to review, were not subject to any committee analysis and were simply an afterthought following a closed-door discussion with union bosses as Dr Anthony Lynham tried to get back into the good books with the CFMEU after they called for his resignation in May this year. I have spoken to the honourable member for Hinchinbrook, our shadow minister with respect to natural resources. I know of the concern he will express if the mining sector is included in industrial manslaughter laws applicable to the mining sector. However, as I indicated, thus far the minister has put forward no amendments dealing with the mining sector [at all].

I end that quote there, suffice to say there has certainly been a view in that parliament that these laws originated from within the CFMEU. I certainly do not by any anticipation throw into question or by any stretch minimise the impacts on those families that the government has referenced in regard to the reasoning for their introduction of the laws to this place.

Certainly, that is not what I am saying by any stretch of the imagination, but I think it is also something that needs to be put on record, that there has been a clear historic connection between the CFMEU and the laws that have entered our parliament today.

Moving further to some of the information that was put on record during the debate in Queensland, a number of points were made, and I think I have tried to articulate one as succinctly as I can here in terms of moving away from the implied or real principle of mutual obligation. I lift this passage directly from the Queensland Master Builders' submission to the Queensland parliament in regard to these laws and through the committee review process. I quote:

...but rather shift the focus of safety improvement from practical safety solutions and education to one of punitive action, fear and retribution. In an era where improving safety culture is proven to be the key to safer workplaces, and where industries are seeing the benefits of better safety leadership, we cannot understand why the government is so intent on stifling this process.

It further outlines in its submission something that I think is important to note in this house to provide greater context to the debate that we are having here today as well, and I quote:

In the early 2000s there was a substantial shift across all jurisdictions' regulators towards an educative and advisory approach to safety compliance rather than taking hard punitive actions. Since this shift there has been substantially improved safety culture across all industries which has resulted in a decline in workplace incidents. More specifically, the Best Practice Review, highlighted that Queensland—

in particular, at that point in time—

had one of the highest increases in traumatic injury fatalities between 2010 and 2015.

It also goes on, through its submission, and again I quote:

Further to this, the worker fatality rates nationally have dropped substantially over the last 15 years, as highlighted in the table below—

in its submission—

from the Safe Work Australia Comparative Monitoring Report...2003-15.

With that link into the history and some of the origins of the bill that has entered this place, I also want to reflect on the substantial changes that are being proposed in some cases. In particular, I reference the discussion paper that the Attorney-General has out for consultation at the moment around WHS breaches and the ability for third parties to bring an action directly to SAIT should it not be resolved in a 48-hour period.

I am certain I will be having more to say on this issue into the future, but it is directly relevant to this bill as well, because what we on this side of the house want to see, as I have already expressed, is SafeWork SA, under this government—which is calling for every practical step to reduce workplace deaths—being appropriately resourced, particularly through the investigative branches. Running them significantly under what they are budgeted for is not a helpful outcome by any stretch of the imagination, but feeds into the fact they will also be taking on additional responsibilities from this move. Earlier in my contribution I referenced this potential plan.

If the union movement, if the Labor Party as the political wing of the union movement, were looking to try in some way to diminish the scope, the work, of the independent regulator in SafeWork by allowing or introducing legislation that would essentially allow unions to undertake the work that traditionally has been done by an independent regulator, to set up a legal process that would allow unions to take action directly to the SAIT, that is something we would be concerned about. When I say 'we' I speak not just for myself but also for a number of employer organisations in the state.

It is something we will be watching closely that has a direct linkage to the bill before us today. What we are seeing here, what we have witnessed in terms of actions from this government since they have come to government, is them taking steps to make things more difficult for business, to make things more expensive for business, whether you look at the return to work levy changes that occurred earlier on in the life of this government or whether you look at the payroll tax arrangements as they stand.

Despite significant wage growth and contraction of the labour market, that has forced big businesses to pay a much higher amount of payroll tax to our state's coffers based on the fact that their wage bills have all increased substantially over the last 12 to 18 months. It is not just small businesses that have now hit the threshold for payroll tax that were not paying it previously, based on the changes that were made by the previous government in regard to that threshold back in 2018 that for the first time effectively exempted a significant number of small businesses from paying that impost.

What we have seen is a government and a Premier who says all the right things, who says he is a pro-business Premier, who says he is happy to work with business and advance, as best he can, their interests. On the other hand, we are seeing a Premier who is simply pushing through the bidding of the unions. That is the juxtaposition, that is the public issue that this government is going to have and face at a point in time.

With regard to amendments that are coming before the house, it is my understanding that the member for Mount Gambier will be moving a number of amendments to the bill. Some are of a similar nature to those moved by the opposition in the other place more than a week ago. We will take them at face value. We will do our usual processes to ensure that we look at those closely, but if they are in a similar vein to what has been proposed in the other place and in line with the concerns or work in the direction of alleviating the concerns of industry, then I foreshadow that we will have no issue supporting those amendments should they be put to this house. With that, I end my contribution on this bill and look forward to the subsequent phases of debate.

Mr HUGHES (Giles) (15:45): I rise obviously to support the Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023. Given we are a Labor Party, our perspective on this is going to differ fundamentally from the opposition. Indeed, I would be one of those people who would like to have seen legislation of this nature introduced far earlier. Maybe that is because when it comes to one's perspective on these issues, some of your formative influences and some of your occupational influences are going to come to the fore.

I do not think there are many people in this chamber who have actually worked in heavy industry. I have worked in heavy industry—I have worked at heights, I have worked in confined spaces, I have worked with fumes, I have worked with molten metals—so I have worked in places where injuries were too common at that period. Injuries were too common and some of them were horrendous injuries and, unfortunately, deaths were relatively frequent as well.

I would have to say that things have improved and improved very significantly over the years. The major employers did start to give workplace safety a far greater priority. Most major companies will say that the safety of the workforce is their number one priority. Indeed, there are practices and policies in place that indicate that is the case. When you look at the stats, there has been a decline in a number of industries when it comes to workplace deaths. Unfortunately, on average in South Australia we still get around 12 deaths a year from a variety of industries.

In the industries I used to work in deaths did occur and occurred far too frequently. I still recall the nature of some of those deaths. A young apprentice working for a contractor on the steel site at height, working way beyond the subscribed legal hours, fell to his death from the top of the BOS. The BOS is where the metallic iron is turned into steel. He lost his life. His family was absolutely shattered, and the company and the individuals involved got a slap on the wrist. That was commonplace. When someone died there was no real justice, and I am talking about when there has been negligence.

Of course, the threshold in this bill is very high. It says a person can be convicted of industrial manslaughter if they breach a health and safety duty either recklessly or with gross negligence and this causes the death of another person.

That is actually a high bar. People are innocent and corporations are innocent until proven guilty, so there is a whole process behind whether a penalty is going to be imposed, but at least the penalties here now reflect, to a degree, the value of a human life. Once again, we are talking about gross negligence. This is not going to be commonplace.

So there was that young apprentice who died. The most recent death in Whyalla—and this is interesting. When I listen to the member for Colton speak, he has this semi-idealised view of what happens in the workplace. I tell you what: in the workplace, that semi-idealised view that we are all in there for the safety culture does exist to a significant degree, but in practice it does not always happen.

The latest death in Whyalla unfortunately—and it was quite a few years ago now, but it was within this century—I think was around about 2010. That death was of a Filipino worker. He was asked to do a job that none of the Australian workers on that site would do, because they knew it was dangerous. But this Filipino worker was on a 457 visa. There was a degree of vulnerability, and there might not have been the same level of awareness when it comes to safety. The Aussie workers would refuse to do that particular job. He did that job, and he died. His family—his kids, his wife—lost their father. There would have been a bit of a payout, but that is not going to go anywhere near bringing that life back. That was gross negligence. The workers there knew it was unsafe, and yet the employer (management) was able to prevail upon this Filipino worker to do that job that ended his life.

I can recount a number of other incidents where there has been that level of negligence. It was not only the fact that I used to work in heavy industry. As a mature age student, I went off to uni and when I graduated I was working at doing after injuries at worksites, doing worksite assessments, doing return to work planning and a whole range of other things.

Some of the things that I used to see included safety guards having been removed in a rail sleeper factory in order for the job to be done more efficiently. A worker lost part of his hand as a

result of that, and when I went out on that site those safety guards were in the paddock at the back of the factory. A decision had been made to remove them. In that case, a life was not lost but there was a very traumatic injury.

We are coming up to that time of year again when we acknowledge all those people who have passed away as a result of exposure to asbestos. My community of Whyalla was one of the hotspots when it came to asbestos exposure. There were a lot of people from my community, and people who scattered elsewhere when the shipyard closed, and there was a downsize in the steel industry, but a lot of people had their lives cut short as a result of being exposed to asbestos. We know that the figures from early in this decade indicated that, by 2020, 20,000 people in this country will have died from exposure to asbestos, largely through mesothelioma.

Indeed, it was a Whyalla worker, a shipwright, who was the first in 2009, I think, to get exemplary damages under the act at the time, the Dust Diseases Act 2005. In 2009, he was the first to get exemplary damages. He was not killed. He had plaques, he had asbestosis, it did have an impact. As far as I know, he did not ultimately die as a result of his exposure to asbestos, but many other workers did.

The issue here was that it was not a case that the companies did not have the knowledge: they did have the knowledge. In the Supreme Court, when the court found in favour of this gentleman, William James Parker, who went for exemplary damages, in the summing up Justice Lovell indicated that this was a systemic failure on the part of BHP. They knew well that asbestos was dangerous, that asbestos can kill people.

This is one of the issues here when it comes to gross negligence. I would argue that for all those people, or at least most of those people, who died as a result of occupational exposure to asbestos in companies that had the knowledge, had the awareness, that was gross negligence. We knew in the 1950s it had been established that asbestos caused lung cancer and by 1960 we knew that specifically it caused mesothelioma, yet the companies did nothing. If anything, they covered it up, and they downplayed it. It was a whole bunch of companies. Obviously, Hardie was the notorious company but there were companies such as BHP, Rio Tinto and a whole range of others doing the same thing, the covering up and the downplaying of the danger of asbestos. So all those lives were cut short.

This is why I say that my perspective is different from someone who probably has worked as a white-collar worker most of their lives, went to uni and the rest of it. I come from an industrial community. I have seen the direct consequences when there is negligence that leads to somebody dying. It is tragic and there should be consequences for that. There should not be just a slap on the wrist, a fine for a company that could be worth billions of dollars. If someone has lost their life through gross negligence, there should be some justice.

Things have improved in heavy industry, things have improved in mining, and some of that was not as a result of a road to Damascus conversion by some of these companies: it was scathing findings before judges in courts. I know that when it came to BHP, the thing that triggered a far greater focus and an evolution of the focus on safety was as a result of work that was being done at the coke ovens at the time. It was a bunch of contractors working at the coke ovens who were exposed to high-temperature steam that damaged their lungs. One of those people involved ultimately had their life shortened, but that was some years later.

It was the finding of the court in relation to that incident that led to the focus shifting more heavily onto safety as a priority with BHP as it was at the time in Whyalla prior to 2000. Things have improved. The sort of semiregular deaths that we used to get in the steel industry are now, fingers crossed, something that belongs to the past. There has not been a death now for over 10 years. That is a very good thing. I know that at BHP at Olympic Dam there has been a relatively recent death. OZ Minerals was the contractor. It was not so much related to the mine itself but I think it was related to work that was going on on some transmission assets, and somebody died there.

This bill has been a long time coming. As has been indicated, the other states have already gone down this particular pathway. I commend the bill. It is bringing at last some justice to bear when it comes to gross negligence leading to the death of workers.

Debate adjourned on motion of Mr Odenwalder.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 1 November 2023.)

The CHAIR: I declare the examination of the report of the Auditor-General 2022-23 open. I remind members that the committee is in normal session. Any questions have to be asked by members who are on their feet, and all questions must be directly referenced to the Auditor-General's 2022-23 Report and Agency Statements for the year 2022-23, as published on the Auditor-General's website. I welcome the Minister for Infrastructure and Transport and also the member for Hartley and the member for Morphett. I call for questions from the members of the opposition.

The Hon. V.A. TARZIA: Thank you, sir. Good afternoon, minister, and to your team. I refer to page 289 in relation to SA Regional Roads—Safety Package, the \$35 million figure. Is the minister please able to outline the details on how and where that \$35 million received from the commonwealth government for regional roads has been and will be spent?

The Hon. A. KOUTSANTONIS: My understanding is, as you see detailed in the Auditor's statement here on page 289, there is a \$35 million South Australian road safety package coming from the commonwealth government. That is detailing when the money has come in; it does not detail the package of works. I can get that for you on notice.

The Hon. V.A. TARZIA: Thank you, minister. This time I will go to page 296. Is the minister able to explain why maintenance defects have increased by \$267 million to \$440 million since November 2021?

The Hon. A. KOUTSANTONIS: Roads represent one of the large groups of South Australian government assets. The management of our rural roads includes approximately 13,000 kilometres of sealed road, about 10,000 kilometres of unsealed roads, 742 bridges and over 100,000 electrical assets such as signals, lighting, ITS devices, CCTV and variable message signs. The replacement value of the road assets is \$42 billion. Our total road maintenance package is \$176.9 million, which is a dramatic piece of expenditure per annum.

You might recall that the previous government went out to tender for a number of regional road packages. The advice I received is that those tenders were extremely optimistic in what the previous government thought could be achieved. I will have more to say about that in the house in the coming weeks and months in the lead-up to next year about what I thought was quite irresponsible tendering activities by the previous government.

The idea that some of these figures could have been accepted by the previous government are laughable, given what the expenditure was once we left office compared to the tenders that were received, given in a cycle of high escalation and higher cost. But over half of our road maintenance budget is spent in regional areas. There has been some failure to intervene for road pavement surfaces issues at critical time frames, which resulted in more damage. Therefore, it increases the maintenance backlog.

While maintenance costs to remediate road assets increases exponentially, the backlog in my opinion is increasing because of the contracts we were left with by the previous government. Those contracts are substandard, and I think nearly over a quarter of the increase in backlog maintenance has been because of the construction price index impacting the quantity of maintenance works that can be delivered, but we are attempting to try to deal with this as much as we possibly can.

I do point out that the backlog maintenance grew exponentially under the previous government, and the advice I have is that at no stage did that backlog maintenance decrease while members opposite were in office. We have attempted to do the best we can with limited resources to try to deal with that, as well as with the appalling contracts we inherited.

The Hon. V.A. TARZIA: Again, on page 296—the same sort of issue. Is the minister able to please explain why the road renewal backlog has increased 670 kilometres since 2020, now totalling an estimated 2,090 kilometres as of December 2022, with the estimate to increase to 2,700 kilometres? Is it the same reason or different?

The Hon. A. KOUTSANTONIS: It is the same reason. We have inherited road maintenance contracts that are not fit for purpose and cannot meet the demands. I will be making a lot of that detail public very soon, and it will be fascinating reading for people to see what we inherited and what we were left with. It is a very, very disappointing set of circumstances that we inherited.

Backlog maintenance is core business, as far as I am concerned. I think the backlog maintenance that occurred on top of the weather conditions we received over the last four years during La Niña were dramatic, and the contracts were not fit for purpose. I stand by my previous answer that we do not have contracts in place that are able to meet that. Outsourcing all our road maintenance contracts so that the state government performs none of that anymore, I think, has been a disaster—an absolute disaster—and you are seeing that now in the figures.

The Hon. V.A. TARZIA: In terms of the road maintenance backlog that we are talking about—again, we are talking about page 296 and those figures given—is the minister able to please provide a breakdown of that backlog per regional area? You may have to take it on notice.

The Hon. A. KOUTSANTONIS: I am not sure that is part of the subject of the Auditor-General's review, but I will consider that and get back to the committee sine die.

The Hon. V.A. TARZIA: I come to page 274 in regard to the north-south corridor land purchases at the bottom of the page. There is a reference to \$368 million as a cost to purchase additional land for the north-south corridor. I have a few questions here. How many dwellings is that? How many of those dwellings or parcels are residential and how many are commercial and how many acquisitions are still to be undertaken broken down into residential and commercial?

The Hon. A. KOUTSANTONIS: This audit report obviously looks backwards, so I will get back to you for the period under audit for what we have purchased and a breakdown between commercial and residential.

The Hon. V.A. TARZIA: Why don't we talk a little bit about patronage levels on public transport, which is page 290. If you look at page 290, there is a graph and some figures given there. I notice the number of public transport patronage in 2018-19 was 62.2 million compared to 49.6 million in 2022-23. Is the minister able to break that down for a comparison for bus, train and tram?

The Hon. A. KOUTSANTONIS: For 2018?

The Hon. V.A. TARZIA: If you do not have the figure at hand for 2018-19, do you have it for 2022-23?

The CHAIR: I just remind the member that the Auditor-General's Report refers to 2022-23. Any information should be about that.

The Hon. V.A. TARZIA: Yes, but he refers to—

The CHAIR: Do not argue with the Chair. That is the ruling.

The Hon. A. KOUTSANTONIS: I do not have the 2018-19 numbers; they are not under audit. But for the parts that are under audit, bus patronage is 40,522,000, tram is 7,494,000 and train is 12,058,000, totalling 60,074,000.

The Hon. V.A. TARZIA: Thank you, minister. When do you expect patronage numbers to return to pre-COVID levels?

The Hon. A. KOUTSANTONIS: It is a very good question. I think once we have completed the return of our trains and trams to the public hands and they are back in the public control, we can then unleash the full power of the Public Service and the Rail Commissioner to do the very best we can to try to re-incentivise people to get on our trains and trams. I think the work that has been done

to electrify the spine of the Gawler line and the Seaford line has helped. I think the improved amenity of the diesel hybrid electric trains will have a good effect.

We have stopped ordering diesel buses. The previous government was addicted to diesel—dirty diesels. I have been waiting a long time to say 'dirty diesels'. We have stopped ordering those. My view is: frequency, frequency, frequency. What we need to do is make sure that our trains give the appropriate amenity and scheduling required. We are trying to make it easier to get people onto public transport by bringing in tap-and-go facilities, which allow people to use their iPhone, watch, credit card or mobile phone to get on and off public transport easily.

We want to make scheduling as good as possible. I am very excited about the work that the previous government started under Keoride in Mount Barker. I think that on-demand service has been a huge success. I am very excited about the way that we could use that to integrate higher frequency shuttle services between train stations to get people in and out on trains to and from Adelaide. COVID has had a big impact on patronage numbers. The work-from-home phenomenon is sticky and hard to break. I also think that the government's investments in the road transport network may have had a perverse incentive of people staying in their cars.

We are at full employment. Being at full employment, it is hard to recruit bus drivers, train drivers and tram drivers, so making sure that we are offering a full suite of services is hard. It is a long process to recover. A lot of those pre-COVID numbers also involved the shutting of the Gawler line, which had another impact on top of COVID. There are some people who have not returned to our train services from the north. We certainly are encouraging them back on.

I do not have a definitive answer for the opposition about when we can get back to those pre numbers other than to say it is in our mutual interest to get as many people as possible onto public transport because the costs of grade separation and intersection upgrades are absolutely horrendous. We are building for a peak demand and there is latent capacity in our bus, train and tram networks. You can walk around in the middle of the day and see our buses moving air around and our trains and trams moving air around, so there is capacity there for us to try to decongest our network without doing more and more. It is an ongoing project.

The Hon. V.A. TARZIA: Minister, the former minister appears to have enjoyed a higher patronage rate on public transport than you. How do you feel about that?

The CHAIR: Minister, can you just take a seat for a second.

The Hon. A. KOUTSANTONIS: Yes, sir.

The CHAIR: When did the Auditor-General make that comment?

The Hon. V.A. TARZIA: On page 290, sir. On page 290, there is a patronage chart given from July 2018 to July 2023.

The CHAIR: Sorry, put that again to me.

The Hon. V.A. TARZIA: I have said to the minister that it appears that the former minister appeared to have enjoyed a higher patronage rate on public transport to now.

The CHAIR: Okay, thank you. Did you mean the former member for Gibson? Is that who you were referring to?

The Hon. V.A. TARZIA: Yes.

The CHAIR: Okay, as long as we have the same person.

The Hon. A. KOUTSANTONIS: I think he is wrong. If you read these charts, I think he is talking about Minister Knoll, rather than the preceding minister.

The Hon. V.A. Tarzia interjecting:

The Hon. A. KOUTSANTONIS: The former government now, not the former minister? My young friend can get confused sometimes with these types of charts. They are a little bit confusing. We were defeated in March 2018 and then there was a gradual drop in patronage and then a dramatic drop in patronage during COVID. That recovery has not been even, but you have seen,

since the change of government, a spike in patronage, so for the entire time that we have been in office it is higher than it was for the entire time my predecessor was minister and for a short period of time while Minister Knoll was, so the real person you are comparing me against is Minister Mullighan and that is where your argument, through youth and inexperience, falls flat. Continue. Here endeth the lesson.

The Hon. V.A. TARZIA: We were still there in 2018. Let's go to 279, which is the AGFMA ICT systems. Is the minister able to explain why the department had not performed a risk assessment of the draft findings regarding that ICT system?

The Hon. A. KOUTSANTONIS: Given that we are so fond of talking about previous ministers, my young friend must know that this is talking about a procurement that was done by the previous government and must know, reading this audit report, how this reads as a report card of the previous government's outsourcing of these services and might remember the criticism the former government received from the then opposition about this outsourcing and how risky it was.

I have grave concerns about this contract and the way it was managed and the way it was outsourced. The previous government put the current government and the people of South Australia at severe risk. The Ventia contract—the AGFMA contract—quite frankly, is not performing to the standard we were promised by the previous government; in fact, its performance is very substandard. I am very concerned about warranties and registrations not being recorded and about the slow progress delays in invoicing and poor management.

In fact, this reads like every criticism and warning we made to the previous government before they privatised this contract and warned them of this. We told them, 'Don't get rid of the experienced contractors who know how to use these. Don't get rid of the people, the mums and dads and the small businesses.' They knew how to fix government infrastructure. They had been doing it for the last 20 years. They ignored us. We held round table after round table with contractors who were telling us the dangers of consolidating this contract to one provider and here it is. It is like being proven right.

Unfortunately, the current government now has a great deal of work to do to try to get this contract back on track or sever it because when it comes to procurement practices, whether it is the buses, trams or trains or whether it is this, the previous government seem to have a bit of the Errol Flynn around them.

The Hon. V.A. TARZIA: I refer to page 284 at the top of the page, the fourth dot point. Is the minister able to explain why the detailed condition inspections of bridges appears to be overdue?

The Hon. A. KOUTSANTONIS: The top of the page states:

DIT's road asset risk registers had not been reviewed or updated, with some treatments not updated since 2018-19.

The response is:

- it is developing an updated risk management plan and risk register for its road corridor assets. The risk management plan covers sealed roads, unsealed roads, bridges and electrical.
- it has commenced an update of its asset management strategy for road and bridge assets, including an initial review of domestic and international best practice...

It is as you see outlined there in the response the Auditor-General makes, but I do point out that this is a criticism of the last five years, not the last 12 months. We are putting measures in place to make sure the government does the appropriate reviewing of these assets as needed, and we will prioritise these programs and deliver them as we see fit, and we will do that on a risk-based process.

I have great faith in my agency and the highways commission to be able to deliver this program through a very strict and timely way of managing our road maintenance budget to make sure we can do the repairs that we need to.

Obviously, there are budget processes and MYBR processes that we plug into as we need to, but this audit is a sobering reminder of the importance of having the appropriate checks and balances in place, which we are now putting in place after four years of their absence.

The Hon. V.A. TARZIA: Thank you, minister. Let's move on to the road safety package on page 53 of the Executive Summary, Part A. Is the minister able to please explain why the road safety package for regional South Australia actually appears to be \$46 million compared to the \$49 million budget in 2022-23?

The Hon. A. KOUTSANTONIS: I am advised the reason the expenditure is lower than the original budget is due to revised scheduling of works to enable consultation and additional design on occurred plans to work. It was introduced to undertake road safety treatments across the road network of South Australia, and safety measures included shoulder sealing, audio tactile line marking, physical barriers to prevent run-off road crashes and median treatments to prevent head-on vehicle collisions.

We spent nearly \$23 million on the Horrocks Highway, nearly \$9 million on the Barrier Highway and nearly \$5½ million on the Spencer Highway. The Eyre Highway had money spent on it, along with the Karoonda Highway, the Stuart Highway, the Birdseye Highway, Minlaton Road and other works, totalling \$43 million, but I understand that it is about better consultation and better design work to make sure we get maximum bang for our buck, and we will do that work as quickly as possible.

The CHAIR: Member for Morphett, are we going to energy?

Mr PATTERSON: Thank you, yes.

The CHAIR: We need to change the advisers. Member for Morphett, you have the floor.

Mr PATTERSON: I refer to the financial statements for the Office of Hydrogen Power SA in the expenses at page 14, 4.1, Supplies and services. In 2023, the Office of Hydrogen Power SA spent \$4.675 million on contractors. Could the minister please advise and provide a breakdown of who those contractors were and the services they provided?

The Hon. A. KOUTSANTONIS: KPMG, GPA Engineering, GHD, Frontier Economics, BDO Services, legal fees and serviced legal agreements, accommodation and expenditure and, of course, accommodation at Wakefield House. Those were some of the consultants used.

Mr PATTERSON: On the same financials, in 2023 the Office of Hydrogen Power spent \$1.474 million on legal fees. Can the minister please provide a detailed breakdown of who provided those legal services?

The Hon. A. KOUTSANTONIS: The advice I have is \$1 million was for payments for external legal advice and \$0.5 million to the Crown. They related to the Hydrogen Jobs Plan and Port Bonython projects. I understand there may have been some external legal opinions received about the Port Bonython projects and Office of Hydrogen Power. I will get the name of the legal firm and get that to the member on notice.

Mr PATTERSON: What was that legal advice in relation to?

The Hon. A. KOUTSANTONIS: All legal advice is privileged.

Mr PATTERSON: On the same page, in 2023 the Office of Hydrogen Power SA spent \$2.655 million on consultants. Can the minister provide a detailed breakdown of who those consultants were?

The Hon. A. KOUTSANTONIS: I just did.

Mr PATTERSON: If you are referring back to the original question I asked previously, that was just around the contractors. There are contractors for \$4.675 million, a line item there, and then there are consultants for \$2.655 million.

The Hon. A. KOUTSANTONIS: Okay, sorry; I read out the consultancies in the first question. The consultants were KPMG, GPA Engineering, GHD Pty Ltd, Frontier Economics and BDO Services. The contractors were Ernst & Young, OPEX Nominees, R-Cubed Consulting, Woods Street Partners, and Akeria Partners.

Mr PATTERSON: Referring to those consultants, what were the services each of those companies listed provided?

The Hon. A. KOUTSANTONIS: KPMG provided economic modelling, business development and commercial advisory services; GPA Engineering provided expert engineering and technical risk services to support the Hydrogen Jobs Plan; GHD provided specialised advice relating to land transfer; Frontier Economics provided energy market analysis and advice; and BDO provided probity advisory services.

Mr PATTERSON: In terms of the modelling that was undertaken, can the minister advise if that modelling indicated that the Hydrogen Jobs Plan will reduce power prices for South Australian households? If so, by how much?

The Hon. A. KOUTSANTONIS: First and foremost, these are working documents. I am convinced that it will have a dramatic, positive impact on the wholesale market. I have seen nothing in the consultants' reports that would change my view on that. This plan is designed to firm renewable services and offer those wholesale price reductions, which will then feed into retail prices dropping.

What South Australians are sick and tired of is politicians getting up and saying, 'Vote for me, I'll drop power prices by \$303.' Members opposite made that promise in 2018 and got nowhere near close to achieving that; in fact, throughout almost the entire time they were in office power prices were higher under them than they were under the previous Weatherill government, when they said that the power prices were unacceptably high.

There was a moment in the last election campaign when the then opposition leader, the now Premier of South Australia, said, 'South Australians are sick and tired of politicians making these promises. What we've done is we've said we want to impact the wholesale market.'

I will say this again in the little time I have left—and I do not want to take away the ability to question, because I know it is important—the wholesale market and the retail market are being impacted not because of renewables but because of the thermal energy and the gap they provide to firm those services. The gap is what we are paying for, and the gap is the expensive part, and the gap is what we are attempting to break the back of with our hydrogen renewables job plan.

If we can produce cheap hydrogen at a cost-effective price, and firm renewable energy, and bid into the market—not to recover inordinate rent back from the market—we can lower those wholesale prices. If you lower wholesale power prices you then ultimately lower retail prices because retail prices price in the risks of what wholesale power prices may or may not be over the coming 12 months. So we have to make sure that we do all we can to try to smash that wholesale market as best we can by actually having in there a government operator who is selling power contracts into the wholesale market, not to return an extraordinary rent back for the use of our services—yes, get a return on our investment—but ultimately lower power prices, and that should ultimately flow through to residential consumers.

Mr PATTERSON: Just in terms of that modelling, bearing in mind that in the financial year we are going through inflation in South Australia was 7.9 per cent, so the highest inflation in the nation, did the modelling take into account or indicate the effect of this inflation on construction costs and how it would relate to the original pricing outlined by the then opposition of \$593 million?

The Hon. A. KOUTSANTONIS: I do not want to pick a quarrel with my good friend, the member for Morphett, but the person sitting alongside him regularly criticises me about what he calls these unforeseen blowouts in infrastructure programs, saying, 'How could there possibly be this much escalation?' while his colleague sitting right alongside of him says, 'Well, there must be a cost escalation here because inflation is higher.'

The Hon. J.A.W. Gardner: Well is there or isn't there?

The Hon. A. KOUTSANTONIS: Here we are. If I float, I'm a witch. If I drown, I'm innocent. Which one is it? You are silent on both.

The Hon. V.A. Tarzia: Pick one.

The Hon. A. KOUTSANTONIS: Pick one, yes.

Mr PATTERSON: In terms of where the Hydrogen Jobs Plan was at, as of June 2023, is it still the intention of the government to have their power station up and running by December 2025?

The Hon. A. KOUTSANTONIS: That summer we expect that hydrogen power plant to be open.

The CHAIR: The time available to examine this part of the Auditor-General's report has expired. I call on the Minister for Tourism, Minister for Multicultural Affairs, and the member for Morialta. The member for Morialta, you have the floor.

The Hon. J.A.W. GARDNER: Let's begin with page 13 of Report 8 in relation to the Adelaide Venue Management Corporation. In relation to Coopers Stadium, the report says that as of 30 June 2023, AVMC had spent \$42 million of the funding on this project. At \$3 million remaining, the project is due to finish in 2024-25. Can the minister confirm if the upgrade project will be within budget, and the latest update in relation to timing?

The Hon. Z.L. BETTISON: Obviously, this is quite an important upgrade for the state. It will enable us to participate in the FIFA Women's World Cup. With the money remaining, the works yet to be completed include a stadium signage upgrade, and that will be completed in November 2023, this month, and a pitch replacement that is scheduled to be completed post the 2023-24 A League season. Works will commence in May, with completion in October 2024.

You asked about additional money. The original upgrade included a roof over the east stand, additional change room facilities, and a pitch lighting upgrade F&B outlet. There will be an upgrade of toilet facilities refurbishment and improved disability access. ABM has invested a further \$8.5 million of which \$6.2 million has been spent on technology and event infrastructure upgrades, including two large video replacement screens, LED perimeter pitch signage and a public address system.

The Hon. J.A.W. GARDNER: In relation to the \$8.5 million that the minister just referred to as being additional expenditure, can the minister clarify: is that additional on top of the \$45 million budget or is that \$8.5 million of the \$45 million budget additional investment?

The Hon. Z.L. BETTISON: In addition. It is in addition to the \$45 million. Obviously, it was quite a long project. I hazard a guess that these improvements were considered necessary, as well as that big, major upgrade.

The Hon. J.A.W. GARDNER: The \$42 million has been expended and was expended prior to 30 June, as reported by the Auditor-General, and we have achieved what was necessary to have the FIFA Women's World Cup. So, there is \$3 million further plus the \$8.5 million the minister has just referred to. Is the minister advising the house that all of the remaining works that she listed will be completed within the \$11.5 million budget?

The Hon. Z.L. BETTISON: You are misrepresenting some of what I have said. As I said, \$8.5 million was in addition, and most of that has been spent already—\$6.2 million on tech and event infrastructure upgrades—and there was a carryover submitted to do the LED perimeter pitch signage and public address system. I think most of those were completed already. The only outstanding work is the \$3 million that I identified, which is for a stadium signage upgrade and the pitch replacement, and a little bit more on the tech and event; I think it is \$1.3 million, if my maths is correct.

The Hon. J.A.W. GARDNER: Can I clarify an earlier question: do I take it that the \$8.5 million that the AVMC chose to invest is captured within the \$45 million that the Auditor-General has described?

The Hon. Z.L. BETTISON: No, it is not.

The Hon. J.A.W. GARDNER: The total budget for the program, then, is \$53.5 million, or is the \$8.5 million a completely separate figure?

The Hon. Z.L. BETTISON: No, this is completely separate. Obviously, I remember lobbying the previous government at the time about how important it was to have the upgrade, the \$45 million, which would make us eligible to participate in the FIFA Women's World Cup. The \$8.5 million that I have talked about is completely separate to that.

The Hon. J.A.W. GARDNER: I will go back to my initial question, then. Some \$3 million remains to be spent out of the projects that I was asking about. What is that for and when will it be completed?

The Hon. Z.L. BETTISON: Just to reiterate, that remaining money is for stadium signage, and that will be completed this month. The pitch replacement will be completed post the 2023-24 A-League season. It is expected to be completed in October 2024.

The Hon. J.A.W. GARDNER: Going to the Independent Auditor's Report of the Adelaide Venue Management Corporation on page 7, there is an increase of \$162,000 for remuneration of key management personnel. Can the minister identify what that is for?

The Hon. Z.L. BETTISON: What are you referencing?

The Hon. J.A.W. GARDNER: This is the Independent Auditor's Report, which is one of the annexures to the document we are looking at, page 7 for the AVMC audit report.

The Hon. Z.L. BETTISON: It does not appear we have a copy of that, but I am happy for you to proceed with questions again, if you would like to repeat that.

The Hon. J.A.W. GARDNER: The minister can take my word for it that the total compensation for key management personnel is listed as \$1.842 million in 2022 and \$2,004,000 in 2023, an increase of \$162,000. I am just wondering what that comprises.

The Hon. Z.L. BETTISON: When it talks about key management personnel, as I am advised, it is the board, the chief executive officer and the executive team. You spoke about the total compensation. It excludes salaries and other short-term employee benefits, which is what it relates to.

The Hon. J.A.W. GARDNER: I am happy to have a question taken on notice if the minister prefers, but I am interested to know why the significant increase there.

The Hon. Z.L. BETTISON: Can you just repeat your question?

The Hon. J.A.W. GARDNER: I have described several times that there is a significant increase in the money. I am interested in what comprises the increase.

The Hon. Z.L. BETTISON: I think what we will do is take it in full on notice, but I understand there was a movement in one of the positions. The Chief Financial Officer became the Chief Governance Officer and was paid additional money, as well as the CFO. So there were two significant staff changes that made that go up, but we will also come back to you and take it on notice to reflect if there are any other changes that need to be included.

The Hon. J.A.W. GARDNER: Also on page 7 and onto page 8 it talks about members of the board. It appears that there are two extra board members. There are two board members whose terms ceased on 31 January—there are three actually, including the Deputy Chair—and they were all replaced. Then the two normal board members who ceased on that day were replaced by four new board members, who started the following day: Jodi Glass, Ian Horne, Penelope Lion and Gretchen Richards. Can the minister identify the process that was undergone to identify the four board members—skills matrices applied or advertising? What was the process for choosing those four board members?

The Hon. Z.L. BETTISON: Certainly, as a minister, I was looking at the opportunity for that board and the different parts of AVM. Obviously, it is our Convention Centre, our Entertainment Centre and Coopers Stadium as well. We were looking for a diversity of experiences. The people who did come onto the board have a diversity of experience in tourism and hospitality, the arts community and, of course, business conferences as well. We are looking for a mix of skills and experiences, and that is what we have.

The Hon. J.A.W. GARDNER: Was the process managed entirely within the minister's office?

The Hon. Z.L. BETTISON: Yes.

The Hon. J.A.W. GARDNER: Was there any consultation undertaken with either the executive team or the existing board of AVMC in identifying who the new board members would be?

The Hon. Z.L. BETTISON: If I recall accurately, I had some conversations with the chair of AVM at that time and some discussions about the diversities, skills and experience within the board.

The Hon. J.A.W. GARDNER: Was this an application process or direct approach from the minister to the people involved?

The Hon. Z.L. BETTISON: To be honest, I am going to have to take that on notice. I have to recall the process. I know that my focus was entirely about the skills and experience of the board and the diversity of those skills and experiences.

The Hon. J.A.W. GARDNER: In relation to the minister having taken that on notice, she might also, if willing, answer this: if any of the three members who were not reappointed on that occasion had applied, I would be interested to know if there was any particular reason why they were not re-endorsed.

The Hon. Z.L. BETTISON: I do recall that there were current members who indicated they did not want to continue, but I think it is best I provide that information on notice.

The Hon. J.A.W. GARDNER: Thank you very much. Still in the independent auditor's report, but specifically within the letter provided to the chair of the board, it talks about the role of the acting chief executive officer in assessing the entity's ability to continue as a going concern, taking into account policy and funding decisions, and also the acting chief executive officer being responsible for disclosing, as applicable, matters related to going concern, using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Clearly, the acting chief executive officer has a very important role in engaging with the Auditor-General in the preparation of this report. Noting that the acting chief executive officer would have been appointed, I think, this financial year, not last financial year, so it must have been quite late to the process, is the minister able to outline how far into the engagement with the Auditor-General the previous chief executive officer was? Is the acting chief executive officer in a position to have been able to sign off on everything in relation to this audit?

The Hon. Z.L. BETTISON: Well, of course he was. He was a senior member of the team and was very much across the brief, and that is why Mr Martin Radcliffe is the acting chief executive officer. I could not answer entirely how far one had gone and the other, but I have no concerns at all about the ability to have these audit reports signed off.

The Hon. J.A.W. GARDNER: Is the minister able to advise what the plan is for a permanent CEO? Has the acting chief executive officer already been appointed permanently, or is that process still underway?

The Hon. Z.L. BETTISON: This is a decision of the board. I understand that they are undergoing that recruitment process right now.

The Hon. J.A.W. GARDNER: In relation to the decision that was taken to ban Melbourne supporters from the site, is the minister able to advise what conversations she had, if any, with the previous chief executive officer prior to the decision being taken?

The Hon. Z.L. BETTISON: I do not think this has any relevance at all to the Auditor-General's Report.

The Hon. J.A.W. GARDNER: Is that the ruling, sir?

The ACTING CHAIR (Mr Odenwalder): That is the ruling, yes.

The Hon. J.A.W. GARDNER: In the interests of time I will move on.

The Hon. Z.L. Bettison interjecting:

The Hon. J.A.W. GARDNER: Yes. Let's go to SATC. Thank you very much. In relation to page 413 of the larger document under 'Income', the identification is that income rose significantly to \$135 million as a result of increases in appropriations and SA government grants. The main drivers

were major new tourism marketing initiatives on the one hand and, secondly, money received from the Department of the Premier and Cabinet's Major Events Fund. In relation to that money received from the Major Events Fund for new, ongoing and expanded sponsored and managed events, is the minister able to provide an exact figure of funding received from the Department of the Premier and Cabinet's Major Events Fund?

The Hon. Z.L. BETTISON: That would be \$34.1 million.

The Hon. J.A.W. GARDNER: Is the minister able to provide a breakdown for new, ongoing and/or expanded sponsored and managed events—what the \$34.1 million is comprised of?

The Hon. Z.L. BETTISON: No. That is commercial-in-confidence.

The Hon. J.A.W. GARDNER: Are each of the payments from the Premier's Major Events Fund singularly and individually commercial-in-confidence?

The Hon. Z.L. BETTISON: Yes. Perhaps I could talk a little bit more at length about the important work we do with these major events. Of course, coming to government, this is a key part of our election priorities, and we added \$40 million over four years for major events.

The role of the South Australian Tourism Commission: we have the South Australian Tourism Commission-owned and managed events, such as the Santos Tour Down Under, Tasting Australia presented by RAA Travel and, of course, the National Pharmacies Christmas Pageant. What has been slightly different with these new events that have come on, such as LIV Golf Adelaide and the AFL Gather Round, is that they are SATC-sponsored events with a component of marketing, event delivery and city dressing that is managed by the SATC.

Now, of course, there are many other events that we fill out the calendar with, like the Adelaide International, WOMADelaide, the Adelaide Equestrian Festival, Illuminate Adelaide, Harvest Rock and *Frida & Diego: Love & Revolution* that are SATC-sponsored events. Then, of course, you have the NRL Ampol State of Origin, which is an SATC-sponsored event with a component of city dressing managed by the SATC. So there is a combination of ways we support and manage these events. The details of sponsorship payments are subject to contractual confidentiality restrictions and therefore cannot be disclosed.

The Hon. J.A.W. GARDNER: For how many events was the SATC provided with funding from the Major Events Fund to help run them?

The Hon. Z.L. BETTISON: Obviously, we have seen the cost of events increase quite substantially, so in order to maintain some of our events and bring on new events we saw a variety of those events supported, such as the Tour Down Under, which we brought back in its traditional format and which had some additional support. Of course, there was LIV Golf, AFL Gather Round and Harvest Rock as well.

We are always in continuous conversation about how we present new events and also keep fresh those events that are much loved by South Australians and also those ones that attract interstate guests as well. I think that is one of the key things with that additional funding that came in under the election that has enabled us to continue to have that growth.

As I say, more people are talking about South Australia in the last year than in a decade. Major events are a great catalyst for people to book and come to Adelaide. Of course, marketing is just as important, and that is something we pride ourselves on as well. This is something that we continue to work on together as a team and we have really been pleased with what we have been able to deliver.

The Hon. J.A.W. GARDNER: The minister has identified LIV Golf and Gather Round and then separately the Tour Down Under in relation to funding from the Major Events Fund towards the SATC. I wonder if I can ask: is it possible to express using a number how many events the Major Events Fund has supported SATC to deliver?

The Hon. Z.L. BETTISON: I have already detailed those.

The Hon. J.A.W. GARDNER: With respect minister, you have not, unless the number is four. I think we heard specifically referenced the AFL Gather Round, LIV Golf, Harvest Rock and

Town Down Under as being major events funding towards SATC. Are there any other events in addition to those four that have been sponsored or supported by grants from the Major Events Fund towards the SATC?

The Hon. Z.L. BETTISON: I stand by my previous answer: four events in 2022-23. We have had additional events announced but they were not part of that financial year.

The Hon. J.A.W. GARDNER: How many additional events?

The Hon. Z.L. BETTISON: Part of that financial year that we are talking about today.

The ACTING CHAIR (Mr Odenwalder): I think the answer you were looking for, member for Morialta, was four.

The Hon. J.A.W. GARDNER: Thank you, Mr Acting Chair. That was my guess, but I appreciate your support. In relation to these events, is the minister able to identify whether there is a process that SATC has input into as to how that funding is apportioned? For example, does the SATC seek funding from the Major Events Fund, having gone through its own internal processes, or is the Major Events Fund a procurer of services from the SATC?

The Hon. Z.L. BETTISON: The Major Events Fund sits within the Department of the Premier and Cabinet. Ultimately, any significant event the state wishes to pursue will be funded through the Major Events Fund. SATC meets regularly with DPC to ensure information is shared. There is a strong level of coordination and collaboration between SATC and DPC. That means that we are both working together to bolster the state's events calendar to deliver outcomes for our state.

The SA Tourism Commission with its great depth of experience in this area does undertake the analysis of event opportunities, makes recommendations and manages the event contracts. Obviously, a key part of the role that we play is the strategic approach to the development of our state's event calendar. We are trying to complement that core listing of our regularly occurring managed and sponsored events by securing those additional new events to ensure a balanced calendar across the year.

The role of SATC means that it submits bids and negotiates directly with the promoters to secure new events. It focuses on events that will generate significant benefits for the state, contribute to our brand position, and generate media coverage and visitation from national and international markets.

One of our strengths as a state is being the Festival State, a key part of our DNA, but we are also looking at music, food and wine. Of course, there is the cycling, the Tour Down Under next year. The year after next we will celebrate 25 years. We are looking at those mass participation events and one-off national and international events.

What we are always looking for is a mix of drivers for people to book and come into the city. On Saturday, we will be holding the National Pharmacies Christmas Pageant, which is a free event, as is the Santos Tour Down Under, for people to come along. So it is a mixture of ticketed and free events.

The Hon. J.A.W. GARDNER: In relation specifically and only to events funded by the Major Events Fund, I have a couple of questions. Can I clarify: in relation to the AFL Gather Round, the expense borne by the SATC, was that entirely met by the grant from Major Events or was there other expenditure that SATC chose to spend itself?

The Hon. Z.L. BETTISON: I think that would be a question best directed to the Premier, who is responsible for the Major Events Fund.

The Hon. J.A.W. GARDNER: With respect, minister, I will put my question in a different way. Did the SATC expend any funds over and above those it was granted from the Major Events Fund on the AFL Gather Round?

The Hon. Z.L. BETTISON: That is not my understanding. As I said, it was a sponsored event and we did the marketing event delivery city dressing, managed by the South Australian government, but that is how it was supported. Going forward, that is how major events will be funded. There was a significant change, but these major events do not happen very quickly. They have a

long plan period, although I have to say that LIV and AFL were rather quick to turn around. It was such a successful experience as well, and we were so thrilled when the AFL signed on for the next three seasons—2024, 2025 and 2026. We worked incredibly hard to turn it around. It was an excellent event to have at Mount Barker and in Norwood as well.

The Hon. J.A.W. Gardner interjecting:

The Hon. Z.L. BETTISON: Well, I answered that already.

The Hon. J.A.W. Gardner interjecting:

The Hon. Z.L. BETTISON: Yes. It gives me the chance to talk about what was an excellent event and talk about the other roles we played.

The CHAIR: The Hon. Mr Gardner, can you please leave the commentary to yourself.

The Hon. J.A.W. GARDNER: I will seek a point of order next time.

The CHAIR: We can do that.

The Hon. J.A.W. GARDNER: In relation to these events, the management of them, on behalf of the Major Events Fund, is done by the SATC. Can the minister provide any information about how many tickets were given away for free to each of the four events—LIV, Tour Down Under (less so Tour Down Under, if it is free), AFL Gather Round and Harvest Rock—by ministers or the Premier?

The Hon. Z.L. BETTISON: In relation to AFL Gather Round, the AFL is the owner and the promoter and therefore it is responsible for ticketing. In what was a generous gesture from the AFL, tickets were free to club members to games involving their clubs. Beyond that, we understand the tickets were sold to the general public or issued in line with commercial partnerships. The state received ticketing as part of the partnership with the AFL, and I understand the ticketing was used primarily for business purposes and key stakeholders. In regard to LIV Golf, as the SATC is not the event owner or promoter, those questions would have to be answered by LIV Golf.

The Hon. J.A.W. GARDNER: And in relation to Harvest Rock?

The Hon. Z.L. BETTISON: It is a very similar situation. It is owned by Secret Sounds. They are the promoter of the event. Where there are tickets the state received, they will be used for key stakeholders.

The Hon. J.A.W. GARDNER: In relation to Harvest Rock, can the minister explain a ticket apparently given to someone called Alice, who is on Twitter, now known as X, at @alice_r0se, who asked the Premier for tickets to Harvest Rock and the Premier replied, 'Private message me your email address and I will get you some tickets'? Under what state government policy were those tickets provided?

The Hon. Z.L. BETTISON: Are you referring to Harvest Rock in 2022?

The Hon. J.A.W. GARDNER: I am referring to the one on the weekend where Alice asked for a ticket, apparently was given one, was very excited by the process and it raised interest from a number of other people wondering how they can get tickets, as I am sure many people in South Australia are also wondering.

The Hon. Z.L. BETTISON: Thank you so much for that question.

The CHAIR: You are referring to an event that took place when?

The Hon. J.A.W. GARDNER: The event may have been recently, but the funding was provided by the Major Events Fund to SATC in the financial year in question.

The CHAIR: Member for Morialta, you are getting very close. You will answer my questions, too. My question is: you are referring to an event that took place when, as far as you know?

The Hon. J.A.W. GARDNER: The event took place last weekend. It was funded, I believe, during the period for which the report is in question.

The CHAIR: You can ask a question about how that money was expended during the period, not beyond the period. Anyway, the time has expired. I welcome the Minister for Education and also the member for Morialta. Are we ready to go? The floor is yours.

The Hon. J.A.W. GARDNER: Thank you very much, sir. I turn to page 76 of the larger document. We will start talking about infrastructure, if we might. The Auditor-General talks about the 20-year infrastructure plan; the section is headlined 'Education had not finalised its 20-year infrastructure plan.' I remind the minister that last year the minister said that the department's 20-year infrastructure plan was presented to the senior executive group on 21 July last year and that it would be completed by the end of November this year. Can the minister advise why, a year later, that still does not seem to have taken place—or indeed, since the audit, has that taken place?

The Hon. B.I. BOYER: Thank you, member for Morialta. I understand that the 20-year infrastructure plan is very close. If I recall from some of the documentation I read in preparation for today, I think the previous government had one underway as well that may not have quite seen the light of day. We are very, very close to having ours complete. Some of the things that it will be considering, which I am sure will not come as a surprise to you, will be where new facilities will be required in terms of demographic growth, locations for targeted capital investment as part of a broader school improvement strategy, and where investment is needed to maintain and refresh aged school and preschool infrastructure—of which there is a lot.

I understand that the plan to date has been through Infrastructure SA—two of the gateways, I think, is what they referred to. The advice of Infrastructure SA will form a part of the 20-year plan as it is finally presented which, as I said, is not far away.

The Hon. J.A.W. GARDNER: After last year offering us a November date, which we did not make, I understand the minister's reluctance to put a firm time frame on that. Can I potentially ask: if Infrastructure SA has indeed passed it through those two gateways, is it now just up to the department to give final approval and present to cabinet? Are there any other barriers until we have concluded this body of work?

The Hon. B.I. BOYER: I might clarify my previous answer. It has been through the first gateway, but I understand that it has not been through the second gateway. All the school parts of it are complete. We are dealing with the three-year-old preschool part. I would assume there was probably a hold-up waiting for the findings of the royal commission. Once that is done it will be complete, so not far away.

The Hon. J.A.W. GARDNER: I thank the minister for that answer, that does make sense. Can I ask about the interplay then between the draft 20-year infrastructure plan and decisions that have been made for the implementation of infrastructure over the year in question, including increased funding for some projects, entirely new expenditure on other projects? Is there an interplay between the 20-year infrastructure plan or are these extra ones in the short term being provided in isolation of that?

The Hon. B.I. BOYER: There is interplay between those projects to which you refer and the 20-year infrastructure plan. What I can say is that the project, which I understand the member for Morialta is referring to, has come to me at the advice of the department, so certainly there is a relationship between the projects that I think you are referring to that have received extra money. I think the ones that spring to mind most readily to me are projects where there was a cost overrun, probably because a lot of time had elapsed in some cases between it being announced and between the project either starting or being completed and more money needed to be delivered to either give those communities the scope—

The Hon. J.A.W. Gardner: The price of steel going up.

The Hon. B.I. BOYER: The price of steel going up and all those sorts of things. The department has sent them out on a number of occasions—I can think of projects like Seaview Downs most recently where I think we added around \$4 million and Morialta Secondary College, where things went up. I am not making any criticism of anyone because of that, and the department recommended to me that we either shrink the scope or we add extra money to deliver what the

communities were promised in the first place. I think those priorities will be consistent with what we understand is going to be delivered in the 20-year infrastructure plan.

The Hon. J.A.W. GARDNER: On the same page, page 76, it talks about how in May 2023 the chief executive approved Education's Strategic Asset Management Framework, which includes an asset management policy and asset management strategy. Can the minister explain how these assets or documents, or whatever they are, interplay with the 20-year infrastructure plan, and is this framework relevant for the discussion that has been going on with Infrastructure SA?

The Hon. B.I. BOYER: I am advised, member for Morialta, that they are separate. The infrastructure plan is a strategic plan. The asset management framework, which is already in place, has guided some of the day-to-day decisions the department has made around some of those projects I just mentioned and others, but it will be updated to reflect what is in the 20-year infrastructure plan once that is finalised.

The Hon. J.A.W. GARDNER: Does the asset management framework feed into the decisions that are made about the minor works budget, for example, that is expended every year?

The Hon. B.I. BOYER: Yes.

The Hon. J.A.W. GARDNER: In relation to the minor works budget, are there any inputs into the decisions that are made that are outside of this Strategic Asset Management Framework?

The Hon. B.I. BOYER: I understand they would need to be consistent with the asset management framework but when a request, for instance, might be made around a site needing further expenditure, the department goes and visits the site and physically inspects it to make sure that what they see there is consistent with what is in the asset management framework. I guess in some cases maybe where it is not, then you could say that not every project is consistent with what is in the asset management framework. But that is definitely the aim: essentially doing the due diligence and going and making sure that what they sighted physically is consistent with the information that is already held in the asset management framework.

The Hon. J.A.W. GARDNER: If I can summarise my understanding, if the framework of the program of potential works exists in the department before expending money, it would be checked. In addition to that, there might be a request and the department might physically check that because it is a large volume of buildings, assuming that sometimes the information in the computer system is not all accurate. Outside of those two examples, are there any other mechanisms by which schools or preschools or other sites have been added to the minor works budget or, indeed, infrastructure works in the budget?

The Hon. B.I. BOYER: I understand that if new information comes to light about a serious deterioration that was not expected—there might be examples, for instance, in some schools of the presence of mould and things like that—obviously we would need to take action and it is potentially not already contained in the asset management framework. But if the physical inspection upon that request being made shows that it is of an urgent nature, which as you would know comes up too frequently, then it might be prioritised. But other than that, no.

The Hon. J.A.W. GARDNER: I will go to the previous page. In relation to OSHC, can the minister reflect on the reflection from the Auditor that the education department will not complete its annual formal contract performance review until eight months after the end of the preceding school year? More broadly in relation to OSHC, what is the department proposing to do? Are there reforms that the department has been working on during this financial year that would inform the Auditor's comments here?

The Hon. B.I. BOYER: There are a couple of things I can say in response to your question. The first is that your characterisation of it not being done in time is correct. The contract management plan was approved on 30 June. Perhaps I can give you a bit of context around what it includes:

- the requirement to monitor the outcomes of OSHC advisory committee meetings and annual reviews at sites, including data collection and communication processes;
- a risk management plan and detailed risk report which addresses the strategies to manage and monitor identified risks; and

- the expectations for annual individual contract management meetings, including frequency of meetings based on the number of services, the role and purpose of meetings with the industry advisory group and individual service providers.

So, done as of 30 June—not done within the specified time frame, but we will endeavour to make sure the next one is. The annual OSHC contract review for 2022 has now been completed also.

Separate to that, in terms of actions we are trying to take to have better systems management over things like this in the out-of-school-hours care sector include an investment of more than \$10 million in the OSHC management team—essentially centrally, which manages all those contracts. As you would know there are many of those, so we have given a very big boost to that team to increase its capacity to have line of sight, monitor contracts and make sure that, in addition, things like the review and the CMP are actually done on time next time.

The Hon. J.A.W. GARDNER: I have a question in relation to the infrastructure plan. I hope that I do not cause Mr Temperly and Mr Bernardi any backache, but if so, I apologise. You may know this off the top of your head. Last year, the minister was good enough to give us an update on progress towards schools in Mount Barker and the northern suburbs of Adelaide. At that time, there was no need identified for a third CBD high school. Is the minister in a position to provide an update, 12 months having elapsed since the last one?

The Hon. B.I. BOYER: When I referred earlier to the Infrastructure SA gateways, I am told that was actually in reference to the Mount Barker and northern suburbs schools. They are still continuing through that process now, but I am told that I will have some further advice on the results there, hopefully before the end of the year.

The advice to which the member for Morialta refers from last year, about the potential need for a third CBD school, remains the same. The department has not identified, at this stage, any need for a third CBD school.

The Hon. J.A.W. GARDNER: Can I clarify with the minister: when he talks about, I think it was the two gateways gone through, was that for both a school in the northern suburbs and Mount Barker?

The Hon. B.I. BOYER: For both, in terms of regions, Mount Barker as a region and northern suburbs as a region—so identifying exactly what that need might be in terms of how many schools for both areas, potentially.

The Hon. J.A.W. GARDNER: So we could be talking about additional infrastructure within the region, rather than specifically a new school. Do I draw that accurately, or do we believe that it is a new school?

The Hon. B.I. BOYER: There will definitely be a need for new schools in both.

The Hon. J.A.W. GARDNER: My last question on this: are there any other regions that have been identified, in that financial year, as needing to work with Infrastructure SA on the potential for a new school?

The Hon. B.I. BOYER: Not at this stage.

The Hon. J.A.W. GARDNER: I will turn to page 80. In relation to the heading '21 per cent of employee performance development plans were overdue', the Auditor reports:

In recent years we have reported that many of Education's employee performance development plans were not reviewed as required by Commissioner...and Education policy. Our 2023 review found that 21% of Education's employee performance development plans were overdue.

Education provided us with an update on its strategies to reduce the number of overdue performance development plans.

Now that Mr Bernardi has found the page, can I ask if there is any information that the minister can provide us as to how the department is going to address this issue? Is there any interrelationship between this challenge and the Labor Party's policy to enable it to be easier for principals to remove underperforming teachers?

The Hon. B.I. BOYER: I will endeavour to give an answer on the performance and development policy figure specifically while I get a bit of information around the government's election commitment on managing poor performance. So, yes, you correctly identified 21 per cent of the department's PDPs were overdue as at 30 June—still, obviously, too many, but an improvement compared to the 30 June 2022 date. It was almost 12,000 that year; 6,500 still this year.

There is a range of things the department has been doing to bring that down and is doing to bring it down further. Some of those strategies include a biannual campaign, where all employees are expected to have a current PDP on 31 May and 30 November each year. During the six weeks leading up to both those dates, the department puts out a communications plan reminding people and promoting bringing the PDPs up to date. We think that that has been an effective tool so far in getting that figure down from the almost 12,000 in June last year to the almost 6,500 in June of this year. All line managers can now access real-time reporting regarding PDPs that are due, overdue or on hold, and reminders are sent to employees when their review is due to prompt them to set up their PDP discussion.

Completion rates increased by 23 per cent from November last year to May this year, so we are seeing improvement. Further, to support the effectiveness in schools and preschools, the department has developed a performance and development framework to articulate the connection between developing those individual practices and school and preschool improvement, business unit improvement and performance and development processes. I might get a little bit more advice in terms of any interplay, as you put it, between this and the policy on managing poor performance.

If I could characterise it like this: on the advice I have from the department, not just then but before today, the process in place now is within a term, start to finish, which is what we endeavoured to do, and there really is not any interplay between that and the PDPs or any reason the PDPs would be stymieing that process.

The Hon. J.A.W. GARDNER: That is good to know. I refer to page 79, 'Missing employee contracts':

Education was not able to provide signed contracts for 41% of a sample of new appointments we tested.

In relation to this:

Education responded that it would develop a procedure to support hiring managers with their roles and responsibilities for establishing employment contracts.

How is it going?

The Hon. B.I. BOYER: That is a very fair question. I acknowledge that the agency has acknowledged to me, when we have discussed this in the past, that the current rate of those without a signed employee contract is not acceptable, but there is a range of things that we are doing to try to make sure that that is done.

I know the member for Moriatta would already know this, but I feel I should put it on the record regardless. This does not include things like working with children checks. They obviously have to be done and complete before the employee can go on site. I understand there is a letter of offer of employment which has to be accepted by the staff member before going on site, but that does not change the fact that there is still an issue with being able to find signed contracts.

In terms of things we are doing, for all ongoing and temporary appointments in sites, the nominated person receives an appointment letter outlining the employment conditions associated with their role and is required to respond in writing via email with their name formally accepting the offer. This is an automated process through the system. For corporate roles, the department has mapped the onboarding process to provide clarity about when employment contracts are issued.

The people and culture division will document a procedure to support hiring managers with their roles and responsibilities in relation to employment contracts. We are doing what we can, but clearly there is a lot of room for improvement still.

The Hon. J.A.W. GARDNER: I just indicate that, although I have many, many questions on TAFE, we do not have much time for it. I have one more on education and then we might move to TAFE, if that helps with the advisers. Going to page 73, there is a series of issues that have been

raised that are relevant here. I think there is a preceding page as well, although I have lost it. In terms of procurement and acquisition plans, there is a series of questions here that suggest education is going to:

...reinforce with its procurement staff the need to seek and retain documented approval of extensions to tender open periods.

They had not been done before. There is more in relation to acquisition plans not meeting minimum requirements, and complexity assessments for procurements not followed. For many of these, Education has responded that it would reinforce with staff or remind staff to do what they are supposed to do. Is the minister able to identify if there are system improvements underway here or if there is an explanation as to why this series of challenges seems to be besetting the department?

The Hon. B.I. BOYER: Again, member for Morialta, we acknowledge an issue here in terms of procurement functions of the department. Perhaps I could outline the things that have been done to try to improve our performance in that area. Those key initiatives include increasing the training that is provided to procurement officers within the department, which is going to continue, and undertaking a review of our procurement framework and policies to improve clarity about the processes.

We commenced the centralisation of waste management in schools, which will see the management that was previously undertaken by the schools themselves now performed by the department. The initiative is planned for completion in term 1 of next year. The issues identified by the Auditor-General highlight the need for ongoing training and support by officers that are leading procurement processes within divisions and for officers within the procurement unit. We will continue to work through all those issues raised by the Auditor-General as part of our continuous improvement. I feel comfortable as minister that it is being taken seriously and the department is doing everything it can to try to improve that.

The Hon. J.A.W. GARDNER: I refer you to page 482, in relation to TAFE. I probably have time to address the two significant issues written on there. The first is in relation to asset management. The report states that 'user access to the asset management system was not reviewed' and recommendations have been made. The second is in relation to payroll, with overpayments to staff due to delays in processing forms and so forth. There were 97 instances and the report states:

TAFE SA responded that it would implement a number of solutions to address the issue, including updating its policies and procedures.

Is the minister able to explain what he or TAFE are doing in relation to this?

The Hon. B.I. BOYER: The system management issues that you have identified in terms of asset management for TAFE are actually a whole-of-government issue that has been affecting all the partnering agencies in terms of those that are part of the Across Government Facilities Management Arrangements (AGFMA)—I am not going to try to give it a different name. Participating agencies have raised this issue with the reference group and the Facilities Management Governance Group for investigation and rectification.

In terms of TAFE and its response specifically, TAFE has current policies and procedures to control access to information, ICT systems, infrastructure and applications, and compliance with statutory and regulatory requirements, including the Code of Ethics for the South Australian Public Sector and the South Australian Cyber Security Framework. TAFE SA has delegations authorising special-purpose payments and expenditure associated with services under the AGFMA contract incorporated within the TAFE SA delegation framework.

Maybe even more specifically, in terms of the finding that Panorama user access controls may not appropriately restrict user actions, TAFE is addressing the Ventia delegations of authority in Panorama as a priority. TAFE will review existing policies and procedures to include specific reference to accessing SA government ICT systems.

The Hon. J.A.W. GARDNER: The minister may like to answer, or not, but on page 67 of the document, going back to school education, we have a reference to 25,500 FTEs. I note that the Australian Education Union has just voted to go on strike next week. Does the minister care to provide his thoughts?

The Hon. B.I. BOYER: On the vote to strike, in particular?

The Hon. J.A.W. GARDNER: Yes.

The CHAIR: The minister is not required to reply.

The Hon. B.I. BOYER: I am not, but if you would indulge me, sir.

The CHAIR: It is up to you. I am just saying that you are not required to.

The Hon. B.I. BOYER: I am happy to. I daresay I am going to need to provide this statement out of this place anyway. It is disappointing. I have asked for some work to be done by the department on the number of students who will be having exams on Thursday and what those exams are and how many students will potentially be affected. Of course, one of the complexities, as the former minister would well remember, is that we will not know specifically how many staff are actually going to take action, basically until the day. So it is hard for us to map what the effect will be.

I have said from day one of this industrial bargaining process that I do not think this is necessary. We have been on a good track, and ultimately it is the decision of the union and its members whether or not they take strike action. My advice to them, before and now, is that if the desired outcome is to make the government in some way more willing to come to an agreement, that is not going to work because we have remained at the table and have remained as keen as you can be to get agreement as quickly as possible.

I guess it will fall to me and to Professor Westwell, as the chief executive, over the next few days, whether that strike does go ahead. Of course, we will do what we can to try to avoid it, if possible, to reassure families of those students who will be taking year 12 exams next Thursday.

Progress reported; committee to sit again.

Bills

WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

S.E. ANDREWS (Gibson) (17:38): I rise to speak on the Work Health and Safety (Industrial Manslaughter) Amendment Bill. I would like to start by acknowledging all those women and men who have lost their lives at work. Every South Australian has a right and a fair expectation that, when they go to work, they will come home safe.

This bill delivers on the government's election commitment to introduce an offence of industrial manslaughter in South Australia. On average, a dozen South Australians die every year at work, with roughly three-quarters of these deaths occurring in just three areas: primary industries, transport and construction. Employers in these industries need to do all they can to ensure the safety of their employees. This includes guaranteeing that primary industry workers have appropriate safety training and equipment to protect them from death or injury.

In the transport industry employers need to make certain that the vehicles their employees drive are safe and roadworthy, and that they do not apply pressure on their employees to meet unrealistic time lines. The construction industry is inherently risky due to the heights, materials and machinery involved; however, it can be safe if employers and workers combine together to ensure the safety of all employees.

While accidents do happen, the first responsibility of every employer is that they provide a safe workplace. This bill sends a clear message to all employers who are reckless or grossly negligent with their workers' health and safety that they will be held to account. A person can be convicted of industrial manslaughter if they breach a health and safety duty, either recklessly or with gross negligence, and this causes the death of another person. This includes the primary duty of care of a person conducting a business or undertaking to ensure, as far as reasonably practical, the health and safety of the workers they engage.

We are not speaking of accidents in this bill but of recklessness or gross negligence, people deliberately endangering the lives of workers in our state. The purpose of this bill is to deter unsafe work practices; additionally, we recognise the significant and traumatic loss suffered by the families of victims of workplace tragedies.

It is important to note that this bill does not introduce any new legal obligations on employers that they do not already have. Every employer currently has the responsibility to ensure the safety of their workers. This bill ensures that there is an appropriate penalty when those obligations are breached.

The bill is the product of extensive consultation with businesses, with unions and with health and safety experts, and now brings South Australia into line with other jurisdictions, including Western Australia, the Northern Territory, Queensland, Victoria and the ACT, all of which have introduced industrial manslaughter legislation. The bill is drafted to be consistent with most states and territories. Commonwealth, state and territory work health and safety ministers also agreed earlier this year that industrial manslaughter will form part of the model national laws.

The maximum penalties under this bill are a fine of up to \$18 million for companies and imprisonment for up to 20 years for individuals. This should act as a significant disincentive for those in our community who do not value and prioritise the safety and lives of workers. There is no place for recklessness or gross negligence in our workplaces.

I encourage all workers to join their union, to ensure their workplace has trained work health and safety reps, and to report any safety concerns they have regarding their workplace to their managers, their health and safety reps, or SafeWork SA. I would like to thank all union reps, our trade union movement and SafeWork SA for the work they do raising and investigating safety issues. I commend the bill to the house.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (17:43): I am very pleased to rise to speak in this debate on the Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023, a bill that has been long called for by many members of our South Australian community—and rightly so.

Our South Australian government absolutely believes that every worker deserves a fair go, that every worker should be treated with dignity and respect, and that every worker deserves to be safe in their workplace and to arrive home from work each day or night or afternoon to their loved ones safe, healthy, happy and satisfied with the work they have undertaken during their particular shift.

Having represented workers in a range of settings—in the community sector, in local government, in the legal industry, in the transport industry, in energy, in the finance sector, those working as clerical and administrative workers in call centres and a range of other settings—I have witnessed what can happen when workers suffer a work-related injury. I have witnessed the difficulties and the ongoing trauma and pain that a worker can experience, and the ongoing impact that this can have on that worker, but also on their loved ones, on their family life, on their ongoing ability to positively engage in community life, and to sometimes re-engage in their particular work environment.

I have also seen the utter devastation that can happen for families, for colleagues, for communities, indeed for employers, when the very worst happens, when someone's life ends as a result of a dreadful work accident, an accident that could in no way be prevented.

Some years ago I met Andrea Madeley, an extraordinarily courageous lovely woman who spoke with me at that time about her precious son, Daniel, who tragically lost his life at work. It was heartbreaking. I was deeply honoured to support Andrea and other families suffering similar terrible bereavement, to support Andrea as she and others set about establishing an annual church service on 28 April each year, the International Workers' Memorial Day.

I remember very, very clearly the first church service. I remember the atmosphere there. I remember each family that was there honouring their loved ones, with photos of their loved ones, lighting candles for their loved ones, and just how much they held their loved ones in their hearts and

in their minds on what was no doubt an incredibly difficult day in what would have been—and I am sure is continuing to be—a really difficult journey that they traverse.

It was heartbreaking, it was deeply moving, and it was absolutely a call to action. I thank Andrea and those others for their courage, for their resilience, and for the ongoing support that Andrea has provided to so many others who have also traversed such a heartbreaking journey through her tireless advocacy and her tireless calling for this particular change.

This Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023 rightly progresses a commitment that our government made at the election, and is one that sits alongside a series of really important impactful industrial reforms that our Attorney-General is progressing, reforms that reflect our government's steadfast commitment to improve work health and safety for the entire South Australian community, and to hold those who are utterly reckless about work health and safety to account.

Today, as we progress this really important reform, we are ensuring that although we recognise that devastating, tragic accidents—things that are unavoidable—happen, there is an appropriate penalty absolutely incurred when tragedies occur as a result of the reckless negligence of employers in relation to the health and safety welfare obligations they have to their employees.

As outlined in this bill, this does not introduce any new legal obligations on employers. Rather, rightly, as the member for Gibson has set out, it ensures an appropriate level of penalty for that negligence for the breaches of those very serious obligations that cause the death of another person.

This obligation includes the primary duty of care of a person conducting a business or undertaking (a PCBU) to ensure, as far as reasonably practicable, the health, safety and welfare of workers they engage. As the member for Gibson and others have done, I wholeheartedly thank the many unions and workers who have rightly been advocating for these reforms for some years and the many unions, businesses and health and safety professionals who participated in the extensive consultation process that has led us to this moment of introduction of this bill.

Particularly, in making those acknowledgements, I really want to thank the incredible network of health and safety reps in workplaces right across our state, those workers who, as well as undertaking their particular role with diligence, choose to represent their fellow workers. They do so with a desire to ensure that their fellow workers do have access to environments and practices that are safe and healthy for them in every part of their work. They are an extraordinary group of people, as I said, who generously decide to volunteer their time at work on top of the particular role that they undertake.

I want to mention that a number of those representatives for many years have undertaken various training and particular courses, etc., to learn about how they exercise their responsibilities in relation to people's physical health, safety and welfare. Increasingly, I know that many of those health and safety reps are also deeply learning mental health first aid and undertaking a whole other set of duties, again very generously, to be aware themselves and to raise awareness in their workplace about mental ill-health, to promote the checking in with people and supporting and connecting people to resources should they be unsafe at work in that particular way or be dealing with mental ill-health in any aspect of their life.

I also want to thank, as well as unions and businesses who have engaged in this process, those work health and safety reps who often undertake those roles for a very, very long period of time with and for their fellow workers. They now do so in other ways as well, providing that really important mental health awareness.

As has been stated, the introduction of appropriate penalties will see a maximum penalty set as a fine of up to \$18 million for companies and imprisonment for up to 20 years for individuals. As I said at the beginning of my remarks, the overwhelming majority of employers ensure that their workplaces across South Australia absolutely take the health, safety and welfare of the workers they engage really seriously and, rightly, follow every necessary health, safety and welfare requirement.

While I know that is the case, that it is the overwhelming majority, it is really important, as this bill does, that we send a very clear message to those who do not similarly take their obligations

seriously and deliberately cut corners or undertake their operations in particularly unsafe ways that potentially place workers' lives at risk and potentially also put workers at risk of injury. This absolutely sends a very clear message to those that they will be held to account, and rightly so.

As well as deterring unsafe work practices and sending that very clear message to that minority of employers who do not engage in appropriate health and safety requirements, this bill also rightly recognises the enormous, traumatic loss suffered by families and other loved ones of victims of workplace tragedies. I think it has been said before in this debate that, tragically, every year on average sadly around a dozen South Australians die at work, with the majority of these tragedies occurring in the sectors of primary industries, transport and construction.

As I said before, when speaking about the incredible Andrea Madeley, I also offer my love to all of those families who have suffered this unspeakable loss of a loved one through a workplace incident. I also thank so many of those family members who, following this utterly tragic loss, have raised their voices and advocated for greater workplace safety and for the introduction of the penalties that we progress in this debate today.

I think it is extraordinary when somebody does go through such a traumatic experience that they actually choose to give their voice, their time, their energy and their passion fronting up to add to the calls, to the consultation that will ensure, or help ensure, that other families do not have to go through such a difficult experience as they have done. Again, I offer my love to all of those families who have spoken up in that way.

I am really proud, again, that this legislation that has long been called for is now progressing through this parliament. I am very proud that through the progression of this legislation South Australia will be brought into line with a number of other jurisdictions that have moved rightly similar legislation. I am proud that we will be brought into line with jurisdictions including Western Australia, the Northern Territory, Queensland, Victoria and the Australian Capital Territory, which have also introduced similar industrial manslaughter laws.

This bill, I understand, is consistent with the majority of other similar laws right across this country. I understand that, alongside this bill bringing South Australia into line with the majority of jurisdictions, the Attorney-General and industrial relations ministers or work health and safety ministers—depending on which jurisdiction you are in and in terms of which particular portfolio construction there is—have also agreed that industrial manslaughter will form part of the model national laws.

This is also an incredible step forward in terms of each jurisdiction and us a nation very importantly sending that message about what the expectation is in terms of looking after and caring for workers, and what every jurisdiction says to those who are reckless about the health, safety and welfare of workers in any industrial setting. I seek leave to continue my remarks.

Leave granted; debate adjourned.

At 17:59 the house adjourned until Tuesday 14 November 2023 at 11:00.

*Answers to Questions***ABORIGINAL FAMILY SUPPORT SERVICES**

131 Mr TEAGUE (Heysen) (30 August 2023). A press release of 20 June 2023 states that a program to divert Aboriginal children aged between 10 and 13 years charged with a minor offence away from a custodial environment with appropriate support has two more years of funding:

- (a) Will the government commit to expanding this program to include all Aboriginal children and young people?
- (b) How will the government measure the success of this program?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services):

(a) The Child Diversion Program (CDP) focuses on the specific needs of Aboriginal children and young people at the critical age of 10 to 13 years. It is delivered in the context of a suite of programs and services open to other age groups, with relevant through-care arrangements in place. Additional programs and services available to Aboriginal children and young people include Metropolitan Aboriginal Youth and Family Services (MAYFS), a dedicated Aboriginal service with a focus on diverting young people away from the justice system, and the Service to Aboriginal Youth (STAY) program, which is funded to assist Aboriginal children and young people between the ages 10 and 19 to achieve their goals and strengthen their cultural and community connections.

2023-24 priorities for CDP include further expanding its presence in regional South Australia in active partnership with local Aboriginal communities and continuing to increase its intake to further reduce the number Aboriginal children aged between 10 and 13 years in custody.

(b) The Department of Human Services is committed to commissioning a full, independent evaluation of CDP. The evaluation will consider all aspects of CDP including any next steps.

KURLANA TAPA YOUTH JUSTICE CENTRE

133 Mr TEAGUE (Heysen) (30 August 2023).

The minister has advised that Youth Justice is targeting recruitment of Aboriginal workers to ensure that young people within Kurlana Tapa can maintain cultural connection and cultural inclusion:

- (a) How have you been doing that?
- (b) How many Aboriginal workers have been recruited?
- (c) How many workers have specifically been recruited through the 'six-weekly intakes'?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services):

(a) The Youth Justice Recruitment, Training and Retention Strategy (RTR) commenced in the first quarter of 2023. It aims to support the recruitment and retention of staff at Kurlana Tapa and includes specific actions around increasing Aboriginal workforce.

A key element of the RTR Strategy is community outreach to promote DHS and Kurlana Tapa as an employer of choice for Aboriginal people. This includes presence at events to speak about employment opportunities at Kurlana Tapa directly with members of the community. Roles are also advertised through the Koori Mail Online, in addition to standard channels.

Retention is also a key focus of the RTR Strategy. In addition to an overarching commitment to providing a culturally safe work environment, individualised support is also available to ensure new and existing Aboriginal staff are supported in their roles. This includes mentoring by more senior Aboriginal staff, opportunities for Aboriginal staff to participate in Department of Human Services forums and events, facilitating external cultural supervision, supporting leave to attend cultural events and other supports depending on individual needs and preferences.

- (b) In 2023, as at 20 September, six out of 48 new employees recruited identified as Aboriginal staff.
- (c) In 2023, as at 20 September, 45 youth workers and youth support workers have been recruited through monthly rolling recruitment.

SAFEGUARDING TASKFORCE REPORT

In reply to **Mr TELFER (Flinders)** (14 September 2023).

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services): The Minister for Human Services has advised:

The final report produced by the Safeguarding Task Force can be found here: https://dhs.sa.gov.au/about-our-department/inclusion-engagement-and-safeguarding/safeguarding-taskforce-report/_nocache.