

## HOUSE OF ASSEMBLY

### Tuesday, 28 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.

#### *Bills*

### **WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 16 November 2023.)

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (11:01):** Everyone deserves to be safe at work and to return home at the end of their shift. Workplace deaths are an unspeakable tragedy and so often preventable. As a community, we work toward this by employers providing a safe workplace and employees acting with due care for themselves and their colleagues. It is a sad moment when anyone suffers an injury at work and experiences uncertainty, stress, and the possibility of changes to their long-term capacity to support themselves and their family. But it is an absolute tragedy when anyone loses their life at work, and we have an obligation to do all we can to prevent this from happening.

In the past year, 15 people in South Australia lost their lives due to workplace accidents. Over the last 10 years, more than 100 South Australians have lost their lives at work. Every one is an unspeakable tragedy for friends, for family and for the broader South Australian community. These figures should serve as a stark reminder to both our community and policymakers of the urgent need for robust work health and safety legislation. Such measures are crucial in preventing avoidable workplace injuries and, ultimately, saving lives. With this in mind, we went to the 2022 election with a promise to introduce industrial manslaughter legislation if we were elected, and the bill before us today is another example of the Malinauskas government delivering on its election promises.

Sometimes there are genuine and tragic accidents that are almost impossible to avoid, but there can also be circumstances where a person or an organisation recklessly or negligently breaches their legal obligations. Under this legislation, 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.

The maximum penalties are a clear deterrent to people or organisations who do the wrong thing, with fines of up to \$18 million for companies or imprisonment for up to 20 years for individuals. These penalties recognise the grief and trauma suffered by families of victims of workplace tragedies who die in circumstances that could and should have been avoided. Employers already have an obligation to provide a safe workplace and act with due care, so this bill does not introduce any new legal obligations that do not already exist. What the bill does is ensure there is an appropriate penalty when those obligations are breached.

The bill before us follows extensive consultation with businesses, unions and health and safety professionals. If passed, the legislation would also bring South Australia into line with other jurisdictions, including Western Australia, the Northern Territory, Queensland, Victoria and the ACT. They have all introduced industrial manslaughter laws. 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. With this in mind, our bill has been drafted to be consistent with the majority of other states and territories.

On average, a dozen South Australians die every year at work, with roughly three-quarters of these occurring in just three areas: primary industries, transport and construction. Every one of these people was a valued member of their family, their community and their workplace. They had more to give and more to achieve in their lives.

The overwhelming majority of South Australian businesses do the right thing by taking the health and safety of their workers seriously. Businesses know their greatest asset is their people and they take steps to protect, support and develop their employees. This bill sends a clear message to the small number of employers who are reckless or grossly negligent with their workers' health and safety, and this will ensure they are held to account.

The Attorney-General in his second reading speech specifically recognised the advocacy of both Andrea Madeley and Pam Gurner-Hall in this area. Both have experienced unspeakable loss as a result of the workplace death of loved ones, and they have used these experiences to passionately and tirelessly advocate for workplace safety.

As our community evolves and changes, so do risks in our workplaces, and we have seen increasing reports in recent years about risks to delivery drivers and the health impacts of working with engineered stone. Our Labor government is proud to be taking other measures to improve worker safety and reduce the risk of injury or death.

In August this year, the Attorney-General announced new regulations to introduce an express prohibition on the uncontrolled processing of engineered stone products. This was in line with changes by Safe Work Australia to model work health and safety laws. Under the regulations, it will be an offence for a person conducting a business or undertaking to direct or allow a worker to process engineered stone without specific control measures in place to minimise the risk of silica dust inhalation.

All workers involved in cutting, grinding, trimming, sanding or drilling engineered stone products must be provided with respiratory protective equipment and use a dust control system, such as a water suppressant or exhaust ventilation. These regulations carry penalties of up to \$6,000 for an individual or \$30,000 for a body corporate, in addition to existing criminal offences under the WHS Act, which provide for up to five years' imprisonment and fines of up to \$3 million for reckless conduct which exposes a person to the risk of death or serious injury or illness.

The new regulations came into effect from 1 September 2023, and I understand further work is ongoing at the national level to consider other actions to possibly ban the importation of or consider new regulations dealing with high-risk crystalline silica processes. The Attorney-General has also moved to improve SafeWork SA and the South Australian Employment Tribunal. Importantly, and something I am very proud of, we passed the Fair Work (Family and Domestic Violence Leave) Amendment Bill 2023 in this place earlier this year.

Work is a fundamental part of our community. It produces the things we need to survive, and it offers dignity to people to earn an income and make choices about how they spend it. It builds wealth that pays for critical public services. To make sure that workers and workplaces around the state continue to make the best possible contribution to our economy and our community, we have an obligation to make them as safe as possible.

Personally, I would like to dedicate this bill to all the people who have lost members of their family or their close friends due to workplace accident or injury and I commend the bill to the house.

**Ms HUTCHESSON (Waite) (11:09):** Everyone deserves to be safe at work. No matter your occupation, it is everyone's responsibility to ensure workplaces have the necessary policies, procedures and protective equipment to protect their workers, including the owners and the managers. Every day, my son heads off to work in the construction industry. He spends his day climbing up and down ladders, between roof trusses and under heavy beams. He uses power tools that can seriously harm and even kill people, and every day I worry about him. I worry I will get a call that something has happened.

For me—touch wood—so far, it has been just some cuts and bruises and scratches, but for other mothers, other fathers and other siblings, it is different. Their loved one went to work one day and never came home, and it is heartbreaking to know that many of these deaths could have been avoided. I have heard firsthand from a family who have experienced just that. Their 16-year-old son, Jacob, went off to work on a cattle station and never came home. He was crushed by a cattle truck. His mother is still searching for answers as to what occurred. According to SafeWork, there was no breach of workplace laws, but that does not help his mum, Kylie. She now has to live every day without Jacob, and that is heartbreaking.

This bill will not bring Jacob back, but what it will do is ensure that employers or persons conducting a business or undertaking do all they can as far as reasonably practicable to ensure the health and safety of their workers. This bill delivers on our government's election commitment to introduce an offence of industrial manslaughter in South Australia. 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 bill's main purpose is to encourage safe work practices and to encourage employers to take the health and safety of their workers seriously, because, if they neglect to do so, the maximum penalty is a fine of up to \$18 million for companies or imprisonment for up to 20 years for individuals. This bill does not introduce any new legal obligations on employers. Employers are already responsible for their workers' health and safety and should be making it their number one priority. What this bill does do is ensure that employers will face serious penalties if they ignore their responsibilities and the worst occurs.

This bill is the outcome of an extensive consultation process with business, unions and health and safety professionals. Our unions are there to ensure workers know their rights, to assess workplaces for health and safety and to ensure employers are doing the right thing by their workers. I want to thank them for all that they do and, no doubt, the countless lives that they have saved. The purpose of this bill is to deter unsafe work practices and recognise the significant and traumatic loss suffered by the families and victims of workplace tragedies.

It is the case that this bill now brings us in line with other states, including Western Australia, the Northern Territory, Queensland, Victoria and the ACT, who have all introduced manslaughter laws. As I said previously, it is too late for the hundreds of families who grieve every day for their loved ones, and it is most definitely well overdue. I am also glad to hear that 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.

Every year, on average 12 South Australians die from a workplace accident, with roughly three-quarters of these occurring in just three areas: primary industries, transport and construction. The construction industry—the industry my son works in—is incredibly dangerous, and I hope that this bill will encourage all employers to review their workplace practices and their health and safety guidelines, and enforce them to ensure that their workers are safe. While the overwhelming majority of businesses in South Australia do the right thing, this bill sends a clear message to any employers who are recklessly or grossly negligent with their workers' health and safety that they will be held to account.

I would like to thank the Attorney-General and his team for the work they have done to bring this bill to the house, along with Andrea Madeley and Pam Gurner-Hall, whose advocacy after losing their loved ones has helped shape this bill. To Kylie, Mick and the countless families who grieve for their loved ones, I hope that this brings some comfort that this government takes work health and safety seriously. The swift passage of this bill into law will help protect workers into the future. It will not bring your loved ones back, but it might just save a life of someone else's. I commend the bill to the house.

**Mrs PEARCE (King) (11:13):** I firmly believe that every worker should be able to come home safe from work. This is a belief that was instilled in me from a very young age. Unfortunately, I have seen friends hurt and know of people who have died on worksites. It is a reality that I have grown up with. I believe that I have shared before in this place the promise that my dad and a few of his workmates made to one another: should something happen to one of them, the others would be

there to take care of their families left behind. That is something more than words; it is a promise that they absolutely lived by, because the reality is that, whilst their work is incredibly rewarding and vital, it is also quite dangerous.

I have always been determined to do what I can to help make improvements in this space because the unfortunate reality is that workplaces today are still not always safe. There are still workplace injuries and deaths occurring throughout the country. Sometimes they are a tragic accident; other times they are completely preventable. Either way, the pain caused reverberates around the worker after this happens.

To better help protect workers, we understand that more needs to be done so that they can return home from work in the same condition that they left it. That is why I am so proud to stand here today to speak in support of the Work Health and Safety (Industrial Manslaughter) Amendment Bill, as it will go some way to making sure that workers are safer in the workplace. It is an election commitment that I am proud that we are delivering on because it is one that is going to help workers stay safe so that they can go home—home to their kids who are busting with excitement to tell their mum and dad about their day; home to mum and dad after beginning their new job or to a partner who is waiting for their loved one to return home just as they had left it.

Of course, this is the case for many workers across the state, as the overwhelming majority of businesses believe it is a priority to preserve the health and safety of their workers. However, for those employers who are engaging in reckless or grossly negligent practices, this bill intends to send a clear message that they will be held to account for the wellbeing and safety of their workers. It is an incentive to encourage better.

Where there is a health and safety breach, either recklessly or with gross negligence, and this causes the death of another person, a person will now be able to be convicted of industrial manslaughter. This will include the primary duty of care of a person conducting a business undertaking to ensure, as far as reasonably practicable, the health and safety of workers that they engage. If employers do not ensure this, they can face maximum penalties of a fine up to \$18 million for companies and imprisonment of up to 20 years for individuals.

Importantly, this bill does not introduce extra or any new obligations on employers. What it does do is ensure that there is an appropriate penalty for employers who recklessly or through gross negligence breach those obligations which are there to keep workers safe.

Around the country, more and more jurisdictions have introduced industrial manslaughter laws, with commonwealth, state and territory work health and safety ministers having agreed earlier this year that industrial manslaughter will form part of model national laws. Currently, industrial manslaughter laws operate in Queensland, Victoria, Western Australia, the Northern Territory and the ACT, and this bill before us today has been drafted so that it is consistent with those states and territories.

The unfortunate reality we face is that on average every year a dozen South Australians will die at work. Of these deaths, three-quarters occur across just three sectors: primary Industries, transport and construction. Accidents happen—I do not dispute this—but ultimately employers have a responsibility to ensure that workers who turn up to work can, at the end of the day, clock off and head back home, and an employer must be able to provide a safe workplace to make this happen.

Across the country, we have seen workplace deaths trend downwards, decreasing 57 per cent from a peak in 2007 and 35 per cent over 10 years, as highlighted by Safe Work Australia's 'Key work health and safety to statistics, Australia 2022' report. It is really positive to see this, but there is still so much work to be done, because in 2021 we still had 169 workplace deaths recorded, of which 16 happened here in South Australia. In my belief, that is 16 too many.

The pain and devastation that is caused by losing a loved one who is just going about their day, turning up to work with the expectation that they will be able to go home at the end of their shift, is immense. That pain reverberates not only through the immediate family; it impacts their friends and communities that they are also part of.

For families, the loss of a loved one can add further to the struggle of making ends meet. Families are left behind having to contend with the overwhelming feelings of grief and trying to work

through that, while also having to contend with the realities of life's demands. Families must still ensure that their bills are being paid on time, that there is enough money for food, getting to appointments, looking after the welfare of their kids, while still dealing with the pressures of life which do not stop with the tragic death of a family member at work, which unimaginably compounds these challenges. There is also the impact on health and wellbeing of family members who, processing the trauma and loss, are negatively affected both physically and mentally, often for years after the death has occurred.

There is one component of this bill that I especially would like to touch on. New section 30A(2) provides that conduct is taken to cause the death of an individual if it 'substantially contributes' to the death, and that the concept of substantially contributing to a death is intended to include conduct that causes a person to be injured or to contract an illness (which includes mental illness) later causes the person's death.

Recognising mental illness as a form of injury in the workplace is a cause that is incredibly close to my heart. I do not speak about this too often but, as many in the chamber know, my brother took his life just a few years ago. It was a very traumatic experience for my family and I, and we are still healing. It has been quite the journey. Through his experiences, I know that improvements like this bill will help to save lives.

In a period leading up to his death, my brother experienced harassment in the workplace over an extended period of time. Knowing the behaviour was unacceptable, he reached a point where he wanted to take a stand because his belief was that if he were just to leave, the behaviour would continue and somebody else would be impacted. I will say at this point that I am incredibly grateful for the union movement for the support that they provided him during that time, advocating for improvements to be made and checking in on him whilst he was in the midst of a toxic environment seeking change.

What he experienced in the workplace was direct, through behaviour such as verbal abuse, derogative behaviour and active disengagement, and also indirect, where he was actively pressured to deliver more whilst also constantly feeling that his position was not secure and that he was not valued. All of this had a tremendous impact on his health and wellbeing, even after action had been taken.

I often wonder whether, had more incentives for employers to invest in wellbeing in the workplace and more awareness of the expectations of this form of injury in the workplace been available, would things be different now? We spend so much of our lives at work. We cannot pretend that we are able to switch off at the end of the day, able to shed all that we have been exposed to and that it does not have a lasting impact on our wellbeing. I was not able to prevent what happened, nor can I change it. What I can do is I can learn from the experience.

I feel the impact deeply that a loss like this has and how widespread it can be. It is why I want to do what I can to ensure that there is less of a chance of this happening to somebody else. Regulations around psychosocial hazards are one progressive step, as is today's bill because it creates additional incentive and makes it abundantly clear that there is a responsibility to protect workers from this form of injury.

As I said earlier, I do acknowledge that accidents occur, and unfortunately the reality is that accidents will continue to occur. But not every workplace death is an accident, and where the employer does not undertake their obligations to ensure a safe workplace for workers and foreseeable outcomes occur through their reckless or gross negligence, their impact is not just one worker losing their life: it is a community of people losing a loved one, and the impacts of that are felt far and wide.

It is a community of people who have called for this change to be implemented, from the families affected by the loss of a loved one at work through to the trade union movement, who are there to protect workers, and the many people across the community who demand that more must be done to take a stand to be able to send a clear message to employers who are not doing the right thing that if a worker dies at work, they will be held accountable.

This will ensure that legislation will act as a deterrent for such gross contraventions and neglect of our work health and safety laws, which are there to ensure the safety of all workers, and in doing so it will come with penalties that recognise the costs of workers dying at work and the impact that this has on their family, their friends and the wider community. I commend this bill to the house, and I cannot wait for its implementation so that we can help ensure more workers return home safe.

**Ms HOOD (Adelaide) (11:24):** I rise today in support of this amendment bill that will aid in keeping workers safe. I want to reiterate the comments of the member for King and express my condolences and love and support to her family on the loss of her beautiful brother.

I am proud to be part of a government that delivers on its promises. We were proud to make a commitment, prior to the election, to introduce an offence of industrial manslaughter in South Australia, and now we are delivering on this very important promise. This amendment bill will mean that 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.

Everyone has the right to feel safe at work. Every worker should go to work knowing and believing that their workplace will not harm them. No worker's life should be at risk at work. It goes without saying that the health and safety of workers should be the number one priority for businesses. They have a duty of care and they should protect their workers as far as reasonably practicable. These amendments will introduce a fine of up to \$18 million for companies and imprisonment of up to 20 years for individuals. This is a small price to pay in exchange for a worker's life.

Unsafe work practices can be rife within many businesses; however, most of these businesses are uninformed or wilfully ignorant, which is where our unions step in. Our union representatives, our organisers and our delegates on the shop floor, in the warehouses, on the worksites, on our roads and on the ground are holding businesses to account and doing their best to ensure the health and safety of all workplaces around the state.

This bill adds another layer of protection for workers. This bill will deter unsafe work practices and recognise the significant and traumatic circumstances of a loss of life in the workplace. It reflects the loss suffered by the families of victims of workplace tragedies and it ensures there is an appropriate penalty when their duty of care is breached.

This bill does not introduce any new legal obligations for employers, but, make no mistake, these penalties will force the health and safety of workers to be taken even more seriously. The fact is that in the last two years 30 South Australians have lost their lives at work, occurring largely in industries such as transport, construction and primary industries. This legislation sends a clear message to those employers that human life is precious and that those who are recklessly or grossly negligent with the health and safety of workers will be held to account.

My father works in primary industries, my brother operates heavy machinery in the mines and my partner works in construction. It is not lost on me how important these reforms are for keeping our loved ones safe and ensuring they come home to us every night.

I applaud the Attorney-General for introducing these reforms. I also acknowledge the tireless efforts of both Andrea Madeley and Pamela Gurner-Hall, advocates who have experienced unspeakable loss as a result of the workplace deaths of loved ones. A mother who lost her son and a wife now widowed, both understand the impact an industrial death can have on a family. These families deserve justice, and this legislation is the closest that they will get to it. No-one should risk their life to earn a living. I commend this bill to the house.

**Mr BROWN (Florey) (11:27):** I am pleased to rise today to support the Work Health and Safety (Industrial Manslaughter) Amendment Bill. This bill represents the delivery of an important election commitment made by Malinauskas Labor prior to the 2022 election to introduce an offence of industrial manslaughter in South Australia. I believe it will be difficult to find a person in our state, or indeed in our nation, who would not agree that coming home from work alive and well should be one of the fundamental rights that every Australian has a daily opportunity to avail themselves of.

I feel confident that there is no question at issue in terms of whether it is desirable—whether it is a legitimate and widely recognised social and moral imperative—that people in our community

should have the opportunity to return home safely to their loved ones after each working day has ended.

The differences in view that you are more likely to find, I suspect amongst both the broader community and within this house, will be in relation to what actions should rightly be taken by government in the attempt to positively influence the degree of meticulousness and care in the efforts that are undertaken within South Australian workplaces to create and maintain safe conditions for workers and, in so doing, to try to mitigate the incidence of workplace deaths in our community.

I would like to hope that everyone in this place would agree that workplace deaths occur far more frequently than they should. The most recent data available from Safe Work Australia indicates that as of 9 November this year 132 workers around the nation have lost their lives at work this year. It strikes me that 132 workplace fatalities for the year so far ought to feel like a high number, but in fact in each of the last four previous years, that is to say in the years 2019 through to 2022, the lowest total number of workplace fatalities in any of those calendar years across Australia, as reported by Safe Work Australia, was the 2021 figure of 172 workplace deaths. Each of the other three years—2019, 2020 and 2022—saw a number above 190.

Encouragingly, over time the numbers have been trending in the right direction. Available data tells us that workplaces are consistently safer than they have been in previous periods. For example, according to Safe Work Australia's data the peak in workplace fatalities in contemporary Australia occurred in 2007 with a shocking 310 people around the nation losing their lives at work that year.

I believe it is no coincidence that the defeat of the Howard government occurred at the beginning of a period of observable decline in workplace deaths. The reduction in fatalities following the years after 2007 offers persuasive evidence that the strength of legislative frameworks in the area of industrial relations can and does influence workplace safety as a whole. It does so not only directly through a strengthening of laws but also in terms of promoting social awareness and affecting a cultural shift towards recognising and respecting the rights of working people, including in the area of workplace safety. The actions taken by governments do matter, and a Malinauskas government intends, in part through this legislation now before the house, to continue improving conditions and strengthening workplace protections for South Australian workers.

To return to the numbers, Safe Work Australia's data can be examined on a state-by-state basis. Over the period of the years 2003 through to 2022 inclusive, the data indicates that the total number of workplace fatalities in South Australia was exactly 300. That is 300 workers who deserve to be safe, 300 families whose loved one left for work and never returned. That is an experience that nobody should have to endure. Some of those deaths were, of course, caused by tragic accidents—events that cannot be attributed to any one person's fault. It is a very sad truth that terrible misfortunes will occasionally arise that likely could not have been prevented by greater care taken or stronger laws in place.

Accidents do happen—sadly, they always will—but it is also the case that many of the deaths that we see in our workplaces arise from incidents that could have been prevented with the right safety measures firmly embedded and diligently adhered to. Meticulous attention to workplace safety can make a substantial difference to outcomes. There can be little dispute that breaches of and underlying inadequacies in workplace safety practices do play a meaningful role in the incidence of fatalities.

Laws that strengthen accountability can only serve to heighten the level of attention that workplaces will dedicate to ensuring safety for workers. Such a contention is not pure speculation: it is supported by experience. Under the provisions of this bill, which creates a new offence of industrial manslaughter, a person can be convicted of that offence if they breach a health and safety duty either recklessly or with gross negligence and this breach 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 is reasonably practicable, the health and safety of workers they engage.

The purpose of the bill is unequivocally and straightforwardly to deter unsafe workplace practices by creating consequential disincentives. The maximum penalties proposed are a fine of up to \$18 million for companies and imprisonment for up to 20 years for individuals. It is quite important

to underscore the fact that this bill does not introduce any new legal obligations for employers which are not already in place under our current laws. It simply provides that, where it is warranted, an appropriate penalty may be applied—a penalty more befitting of the gravity of the offence—when those obligations are breached recklessly or with gross negligence.

The intention is that this legislation will act as a deterrent to unsafe workplace practices. We do not want workplace fatalities in South Australia. The meaningful deterrent measure represented in the provisions of this bill cannot reduce the incidence of tragic accidents to zero, but the intention is that they will act as a powerful driver of increased attention to workplace safety on the part of enterprise. Where charges are brought and a successful prosecution is carried out, we want the penalties to be appropriate to the gravity of the offence and to do justice to the magnitude of the tragedy that has resulted in the preventable loss of a life.

If you want an example of exactly what we hope to see a lot less of you need to look no further than the following incident. On 9 May 2006, there was a terrible explosion at a munitions factory near Gladstone in South Australia. The incident killed three workers and two others were injured. The Industrial Relations Court heard that the blast destroyed the factory and levelled nearly everything within a 100-metre radius.

In June 2010, the operators were found guilty and convicted of the offences on the basis that one of the proven defects in the factory equipment was causative of the explosion. Industrial Magistrate Ardlie found that the explosives company failed in its obligation to ensure the safety of its employees and failed to provide and maintain the plant in a safe condition. A second defendant, the responsible officer of a body corporate, was found to have failed to take reasonable steps to ensure compliance by the first defendant with its obligations under section 19(1) of the Occupational Health, Safety and Welfare Act 1986.

An appeal was lodged against both the conviction and the penalty. It was heard in 2011 and a judgement was delivered which, despite the convictions of both the company and the responsible officer for breaches of work health and safety laws still standing, ordered the fines arising from the original decision to be reduced. The fines were reduced from the near maximum amount of \$95,000 each to \$75,000 for the company and \$60,000 for the responsible officer. That is a total of \$45,000 for every human life that was lost.

What kind of message does that send to workers? What kind of message does it send to their families? If that example is not convincing, we would do well to consider the horrific workplace death of Daniel Madeley and the findings of the court in relation to it.

In 2004, Daniel was an 18-year-old apprentice toolmaker. At the time of his accident he was operating a horizontal borer at his Edwardstown workplace. The machine was 30 to 40 years old, manufactured in the Soviet Union, and featured no guarding or other safety devices. The only safety measure incorporated into the machine was the emergency stop button, which in fact did not operate any differently from the ordinary stop button.

Daniel Madeley was using this machine unsupervised. He had been trained in its operation by another apprentice. The loose-fitting dust coat Daniel was wearing, which was issued to him by his employer, suddenly became ensnared in a rotating spindle of the machine. In an instant, he was pulled in. To say simply that Daniel suffered horrific injuries is not sufficient. As he was viciously thrown around, every part of his body was brutalised by the machine. His brain bled severely and his spine was lacerated. He suffered multiple fractures of the ribs, significant bruising of the lungs and significant bleeding into the pleural spaces. There was bruising of the heart and kidneys, along with bruising and laceration of the liver and spleen. His arms and his legs were broken. Both of his feet were severed. The Coroner found that Daniel's direct cause of death was respiratory failure secondary to closed chest trauma.

The court heard that Daniel was a careful, even meticulous, worker. Findings indicated that Daniel's death was 'entirely preventable'. The magistrate's judgement said of the case:

This is not the worst I can envisage which might involve wilful disregard of warnings or near misses but in my view it is not much less culpable...In my view the defendant's failures put it at a level which demands a particularly high penalty.



That particularly high penalty was \$72,000. In the Coroner's findings, you can read the following:

The penalty imposed upon Diemould of a fine of \$72,000 was one-third of the cost of the replacement horizontal boring machine that was purchased by Diemould in August 2004. Thus, the penalty imposed was significantly less than the cost to Diemould of replacing the horizontal boring machine.

I do not suggest that an economic decision was ever made by Diemould that it would be cheaper to pay a fine in a prosecution under the Occupational Health, Safety and Welfare Act 1986 (the maximum penalty being \$100,000) than invest in a new horizontal boring machine, the cost of which would be 230% higher than the maximum penalty available under the Act.

However, it might be considered a matter of public concern that in an operation such as Diemould's, the cost of acquiring safe plant and equipment far outweighs the likely penalty in a criminal prosecution.

How can we expect workplace safety to be taken seriously to the appropriate extent when a circumstance like this can occur? The penalties must be changed. In the absence of sufficiently compelling reasons to ensure safe workplaces, unscrupulous employers and careless people can cut corners essentially without fear of serious legal repercussion.

The overwhelming majority of employers and workplaces do the right thing, but we cannot let the recklessly negligent minority skate by on the supposition that if caught out in the event of a tragedy, they will only be subject to trivial penalties. A conscientious government should be making them rethink their recklessness and their negligence. We should be convincing them that it is worth their effort to do better, and that is the intent of this legislation.

The development of this bill has been informed by an extensive consultation process with the business community, with our unions and with health and safety professionals. Our government approached this consultation in good faith and has sincerely listened to the feedback from both the business community and unions. It was taken into consideration in the drafting of this bill.

It is important to mention that in our efforts to bring these reforms, we are not a pioneering jurisdiction. In fact, this bill brings South Australia into line with many other jurisdictions, including Western Australia, the Northern Territory, Queensland, Victoria and the ACT, all of which have introduced industrial manslaughter laws. The provisions of the bill have been drafted in a way that is consistent with the majority of other states and territories.

Commonwealth, state and territory work health and safety ministers have also come to agreement that industrial manslaughter will form part of the model for national laws. So we are far from operating on the fringe. These reforms are widely recognised as sensible and important. Every worker deserves to be able to access their right to come home safely after each shift. Tragic accidents will always happen, risks will continue to exist across our industrial landscape, and there will always be industries and occupations that have a higher level of risk typically associated with their activities.

I believe the appropriate way to address these realities is by strengthening our efforts to ensure that all employers and workplaces are strongly motivated to exercise all possible care in relation to workplace safety. It is also important to note in this debate that the overwhelming majority of workplaces and employers in South Australia are already habitually doing the right thing. If that were not the case, we would be seeing a much higher number of workplace fatalities each year.

All those who are doing the right thing now should not have any cause for concern in relation to this legislation, but this bill sends an important message to any South Australian employers and workplaces that take a reckless or grossly negligent approach to their workers' safety. These penalties will ensure that such employers are held to account in a way that is appropriate to the situation where a preventable workplace fatality occurs as a result of reckless or grossly negligent safety breaches.

This bill also recognises the unspeakably traumatic losses suffered by the families of South Australians who have been killed in the workplace. This legislation will mean that grieving families who have lost a loved one to a fatal workplace accident are no longer left to hope for a successful prosecution for the existing offence of manslaughter. Such prosecutions can be difficult when the death is not the direct result of one particular person's actions but, rather, a set of conditions or circumstances within the workplace.

The Attorney-General and many others have paid tribute to the long-time advocacy of Andrea Madeley and Pam Gurner-Hall. Both are people who have endured unspeakable loss as a result of workplace deaths. They have dedicated so much of themselves to fighting for change in this area of law so that fewer South Australian families have to suffer the unspeakable pain that they know all too well.

Twelve deaths per year is 12 too many. It is my view that we in this place have a moral obligation to take decisive measures to deter unsafe practices in workplaces. We must take action to strengthen accountability and put on notice enterprises that are reckless and grossly negligent in their failure to maintain safe workplace practices.

The Malinauskas Labor government understands that the laws of our state can better reflect community expectation and should reliably deliver appropriate justice for the victims of preventable deaths and their grieving families. Other jurisdictions have pressed ahead; it is now time for South Australia to take this necessary and meaningful step. I commend the bill to the house.

**The Hon. D.G. PISONI (Unley) (11:41):** I will just continue the remarks that the house kindly gave me leave to do so last time I was on my feet on this matter. I was in the process of raising concerns that—

**The SPEAKER:** Member for Unley, I am seeking advice from the Clerk in relation to whether you are able to make a contribution. Member for Unley, I am informed that the way for you to have made a contribution was to speak first. I have also sought advice from the Clerk as to whether I could permit you to speak on indulgence; I am advised that would not be a sensible course. It may be that there is another speaker we can turn to on the opposition's side.

I would be guided by the house. If there is no objection from the government, despite the advice I have received I am very, very reluctant to prevent the opposition from making a contribution in these circumstances. There is alternative advice from the Clerk that there might be a contribution in the third reading, but despite the advice—and I have received it and considered it carefully—I am nevertheless going to turn to the member for Unley.

**The Hon. D.G. PISONI:** Thank you, sir, for your indulgence. I was speaking to raise concerns that small businesses will have about overreach, if you like, with this legislation, these new penalties. It will be on very rare occasions—very rare occasions—when employers will be successfully prosecuted, but I know that many small businesses are concerned that there will be a lot more occasions when there will be attempts for prosecutions that will fall well short. Of course, that is enormous reputational damage for a small business, and costs in order to defend that. We are really talking about fighting over sheep stations here.

An overzealous prosecution—driven by an ideology or, alternatively, encouraged by a particular union—may very well see small businesses hauled before the courts, spending tens of thousands of dollars, if not hundreds of thousands, defending a case of industrial manslaughter to prevent the directors from ending up in jail, when not all the work has been done before that case is brought forward and it fails because there is simply not enough evidence that it was reckless or that it met the criteria here in the legislation for the prosecution to happen.

We know there is a very high bar in the legal system when it comes to any criminal offence. Because this is a new penalty that is coming into South Australia at a time of enormous industrial change at a federal level, that gives the union movement much more power to intervene in private business and to impose their will on private businesses, and I touched on that in the first half of my contribution last sitting week.

I think this is a just concern. We saw how badly the CFMEU behaved against people it took a dislike to (and that was at that time the Master Builders Association) not long after the election last year, an election in which the CFMEU played a significant role in rolling out very tacky and tasteless election posters—even putting a rat's body on the then Premier's head—as part of a very negative election campaign that the Labor Party claimed they had no control over. But they did, of course, take a \$125,000 donation from the CFMEU, and the CFMEU behaved so badly after the election that they were forced by pure embarrassment to return that money to the CFMEU.

So when you are dealing with organisations like that, which under new federal laws will have much more opportunity to enter building sites, or other unions entering factory sites and non-union businesses, we may very well see zealous campaigns, simply driven by an expansion of or a desire to expand union membership, of a case being built by a union and presented to the appropriate authorities that could start a process that could end up in court or costing the proprietors of that business a lot of money to defend allegations or theories, rather than facts, that may have been discovered by the union in order to try to get an outcome under the new criminal penalties through the amended amendments we are discussing today.

This is something that I think has been overlooked. An area I think is very relevant, and I will have some questions about this during the committee process, is the use of medical marijuana and the difficulty in understanding the effects it has on impairment. I know that even ReturnToWorkSA pays for some of their WorkCover recipients to be on medical marijuana rather than opioids for reducing pain.

Of course, that is a significant issue when it comes to regular drug testing in some industries where drug testing is mandatory. What impact will that have if a so-called progressive employer, for example, says, 'I am a supporter of medical cannabis. If someone has been prescribed medical cannabis and they come up with a THC reading in the drug test that we do every morning, we know it's because of medical cannabis and we are going to let that go.' But then when that employee goes on to run over somebody with a forklift and kill them, where does that employer stand in that situation?

Working with SafeWork SA, working with the medical profession and making a decision based on the best evidence that is available, yet clearly that accident would probably not have happened if there were no impairment to that employee. That has not been addressed by any of the government speakers in this bill. The impact of medical marijuana, or any other new drug that might be introduced, that we are still learning the side effects of, being a contributing factor to a case was not addressed by the minister. I look forward to pursuing that further in the committee and I thank the Speaker for the ability to continue my remarks.

**The SPEAKER:** Before I call the minister, I have been referred to standing order 147, which states:

Member adjourning debate entitled to be heard first

The Member upon whose motion any debate is adjourned by the House is entitled to be heard first on the resumption of the debate. A Member who is granted leave to continue their remarks and who fails to continue immediately on the resumption of the debate may not speak again at any subsequent stage of the debate.

In any case, resolve the matter much more practically.

**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) (11:51):** You may wish to indicate, sir, that I am rising to close the debate.

**The SPEAKER:** To close the debate.

**The Hon. S.E. CLOSE:** I will sum up some responses to some of the matters that were raised in various contributions, but before doing so I thank people for their contributions and for participation in a respectful way and, of course, particularly for at least one of our members who has suffered a personal loss, having the courage to talk about that is always impressive and moving.

First of all, there were some comments about prosecution guidelines from the member for Colton that proceedings for industrial manslaughter should be reserved for the most egregious conduct. I am advised that this is absolutely the intention of this piece of legislation. The decision to commence prosecution is made in accordance with the Director of Public Prosecutions' Statement of Prosecution Policy and Guidelines.

In particular, the following factors must be taken into account before a prosecution is commenced: first, the existence of a prima facie case, that is, whether the evidence is sufficient to justify the institution of proceedings; second, a reasonable prospect of conviction, that is, an evaluation of the likely strength of the case when it is presented in court, taking into account such matters as the availability, competence and credibility of witnesses and their likely impression on the

court or tribunal that will determine the matter; the admissibility of any confession or other evidence and any lines of defence available to the defendant.

The third is a public interest test. This may include consideration of the seriousness or conversely the triviality of the alleged offence or whether it is only of a technical nature; any mitigating or aggravating circumstances; the characteristics of the duty holder: any special infirmities, prior compliance history and background; the age of the alleged offence; the degree of culpability of the alleged offender; whether the prosecution would be perceived as counterproductive, that is by bringing the law into disrepute; the efficacy of any alternatives to prosecution; the prevalence of the alleged offence and the need for deterrence, both specific and general; and whether the alleged offence is of considerable public concern. This will not change with the introduction of the industrial manslaughter offence.

The next point raised was about the comparison between industrial manslaughter and common law. During the committee stage in the other place, the government was asked to explain how the thresholds for establishing industrial manslaughter and, in particular, the requirements to prove either recklessness or gross negligence compare with the requirements for establishing manslaughter under common law. There was some suggestion, based on comments made by the Law Society, that if industrial manslaughter is to reflect the common law requirements for manslaughter, then recklessness should not feature in the bill. The concern was that the inclusion of recklessness would lower the threshold of a criminal manslaughter charge.

Under the common law, there are two ways that manslaughter can be established: one is manslaughter by criminal negligence; another is manslaughter by unlawful and dangerous act. Manslaughter by criminal negligence under common law involves three elements: first, the accused's breach of a duty of care to a person through criminal negligence; second, that negligence caused the victim's death; and, third, the accused's act or acts were voluntary and deliberate.

The first element can be broken down into four issues or subelements: first, the accused owed the victim a duty of care; second, the accused breached that duty of care; third, a reasonable person in the situation of the accused would have appreciated that his or her actions would involve a high risk of death or grievous bodily harm; and fourth, the degree of breach constituted criminal negligence—that is, the act involved such a great falling short of the standard which a reasonable person would have exercised, and involved such a high risk that death or grievous bodily harm would follow, that the doing of the act merits criminal punishment.

An example of manslaughter by criminal negligence would be where the parent of a young child fails to provide necessary nutrition, hydration and/or medical care, resulting in the death of the child. There is no requirement that the parent intended the tragic result. The focus instead is on the standard of care that would have been exercised by a reasonable person and the risk of death or grievous bodily harm arising from the negligent acts or omissions.

The requirements for industrial manslaughter by gross negligence in the bill substantially align with the elements of manslaughter by criminal negligence under common law. Industrial manslaughter by gross negligence requires proof that the breaches of duty with respect to health and safety involve such a falling short of the standard of care that a reasonable person would exercise in the circumstances, and such a high risk of causing death or serious injury or illness, that the conduct merits criminal punishment.

The other form of manslaughter under common law is manslaughter by unlawful and dangerous act, which consists of four elements: first, the accused caused the victim's death; second, the relevant act was voluntary and deliberate; third, the relevant act was unlawful; and, fourth, the relevant act was dangerous. An act is dangerous for the purpose of the common law offence if it exposes a person to an appreciable risk of serious injury. It is necessary to prove that a reasonable person in the position of the accused would have realised that they were exposing the other person to an appreciable risk of serious injury. An appreciable risk means more than a remote or mere possibility of serious injury.

An example of unlawful and dangerous act manslaughter is where an accused intentionally punches a victim in the head, causing the death of the victim. The accused does not need to intend the death of the victim or even appreciate the risk that death could result. In such a case, the critical

question will be: would a reasonable person in the position of the accused have realised that in punching the victim in the head they were exposing the victim to an appreciable risk of serious injury?

The requirements to establish reckless industrial manslaughter in the bill are broadly in line with the requirements to establish the common law offence of manslaughter by unlawful and dangerous act. Division 5 of part 2 of the Work Health and Safety Act 2012 prescribes offences for failing to comply with a health and safety duty under the act, hence the requirements in new section 30A(1)(a) and (b) of the bill mirror the third element of manslaughter by unlawful and dangerous act: that the relevant act was unlawful.

Further, the concept of dangerousness for the purposes of unlawful and dangerous act manslaughter is similar to that of recklessness in the bill, with some key differences. Recklessness will only be established if the person is aware of a substantial risk that death or serious injury or illness will happen and, having regard to the circumstances known to the person, it was unjustifiable to take the risk. This requires actual or substantive knowledge of the substantial risk of death or serious injury and illness.

This is arguably a more onerous requirement than the objective reasonable person test under the common law offence. Further, to prove recklessness in industrial manslaughter, the accused must be aware of a substantial risk rather than a mere appreciable risk of death or serious injury or illness. Again, this is a higher threshold than under the common law.

The position adopted in the bill broadly reflects the common law position. For manslaughter by criminal negligence, the level of risk required to establish criminal negligence is such a high risk that death or grievous bodily harm would follow. For manslaughter by unlawful and dangerous act, an act is dangerous if it exposes a person to an appreciable risk of serious injury. Neither form of common law manslaughter is limited to a degree of risk of death alone.

Changes made to the draft bill in response to consultation: in response to some questions taken on notice in the other place, honourable members asked about changes made to the bill during the consultation process. I can advise that between the two consultation drafts of this bill a number of changes were made in response to stakeholder feedback.

Those included confining the alternative verdict provisions only to proceedings commenced within the same statute of limitations as the lower level offence; including a 'gross negligence' standard for category 1 offences; reflecting a threshold of 'death or serious injury or illness' to more closely reflect the common law of manslaughter; and inserting a definition of recklessness for additional clarity. Otherwise, I can confirm that all drafts of the bill included a threshold of both negligence and gross recklessness, consistent with the recommendations of the Boland review.

Resourcing of SafeWork SA: finally, the member for Colton in his contribution raised concerns that the bill is not coupled with more resourcing for SafeWork SA. Let me say this: the resourcing of our health and safety regulator is an issue on which the opposition has zero credibility given its appalling record in government. When the member for Colton reflects on the resourcing of our regulator, perhaps he should consider the four years of deliberate decline and neglect enforced upon SafeWork SA during his own party's government.

The Marshall Liberal government oversaw the most dramatic reduction in the capability of our health and safety regulator in its history. From 2018 until the 2021-22 budget, SafeWork's savings target was continually increased and, by then, totalled \$7.6 million. This forced SafeWork SA to reduce FTEs by 35, and this meant the loss of dozens of experienced staff members dedicated to education, training and prevention of workplace injuries.

In comparison, we are making record investments in SafeWork SA to rebuild its capability from the parlous state in which it was left by the former Liberal government. Funding for SafeWork SA has increased by nearly \$4.2 million this financial year, including extra funding for new investigators and inspectors, a complex cases unit to deal with matters like industrial manslaughter, a family liaison officer to support families of victims of workplace accidents and additional training and support positions to help educate businesses about work health and safety before accidents or injuries occur.

SafeWork SA is undergoing a significant recruitment drive to fill vacant positions within its inspectorate. There are currently 184 budgeted positions across the agency, 115 of those in the

Compliance and Enforcement Directorate; 32 staff have been recruited in the last six months. Recruitment is ongoing to fill an additional 16 vacancies in the Compliance and Enforcement Directorate.

We have also implemented significant reforms following the independent review of SafeWork SA to build its capability. That includes the establishment of the SafeWork Advisory Committee so that the regulator's leadership can hear directly from representatives of the business community. We are very pleased to have organisations like Business SA, the Master Builders Association, Ai Group and the Motor Trade Association working as part of that committee to build stronger relationships between business and the regulator to improve health and safety. These efforts to build the capability of the regulator are in stark contrast to the approach of the former Liberal government. With those clarifying notes, I will move that the bill be read a second time.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**Mr COWDREY:** I have some introductory questions in regard to the consultation on the bill. If the minister could please provide us a list—as I understand it with this particular bill, and I understand it to be standard practice with IR-related changes, there have been a number of drafts for comment that have gone out to the industry groups in regard to shaping the legislation, coming back with comments.

Are you able to provide us with the details of that consultation—the number of drafts for comment in regard to this bill that were provided to industry groups and the number of responses that were received in regard to each of those rounds of consultation? Also, are you able to provide us with the names of both those groups that responded to the initial consultation and those that were involved in the subsequent rounds of the drafts that were put out for comment?

**The Hon. S.E. CLOSE:** There were two rounds of consultation, so two versions, the second of which is the one that is before us. I will note that prior to the first draft going out, there was a discussion paper and there were round tables with businesses and unions in September 2022. There was then the first consultation draft, which was consulted on between November 2022 and February 2023.

The organisations that were consulted with were Australian Hotels Association, Ai Group, Australian Institute of Health & Safety, Australian Minerals and Energy Council, Business SA, Civil Contractors Federation, Housing Industry Association, Law Society of South Australia, Master Builders Association, Motor Trade Association, Self Insurers of South Australia, SA Wine Industry Association, Specialist Contractors Association, SA Unions and Voice of Industrial Death.

In the second round, when a revised draft was sent around, that occurred between April 2023 and May 2023. The organisations that were consulted with were Business SA, Housing Industry Association, SA Wine Industry Association, Apprentice Employment Network, Ambulance Employees Association, CFMEU, Ai Group, Law Society, Motor Trade Association, Self Insurers of South Australia, Transport Workers' Union and SA Unions. It was then introduced on 6 May this year.

**Mr COWDREY:** Are you able to confirm that it is standard practice for the government to provide a draft for comment in regard to IR-related changes? Also, in regard to the last question and the answer that was given by the minister, you referenced that consultation was 'undertaken with'. Was the draft distributed to a wider group, and those were the groups where a response was solicited from them? Can you confirm? If not, my assumption is that these were the groups that responded to the distribution. Are you able to confirm the distribution list in terms of who it was provided to and also the question of standard practice around industrial relations changes and the provision of a draft for consultation?

**The Hon. S.E. CLOSE:** Yes, it is standard practice to put out a draft bill for consultation. The bill was made available to the public through the Attorney-General's website, so it was broadly

available to anyone who sought it. Indeed, the organisations I have read out are those that responded to each of those rounds.

**Mr COWDREY:** I might go back briefly to one of the comments the minister made in her closing remarks on the second reading. The opposition, in our second reading contributions, made the point about bringing charges or allegations of industrial manslaughter only in the most significant of circumstances. Your response was that there was a framework of decision points that needed to be addressed by the DPP and others involved in the process before taking the decision to charge somebody with the offence of industrial manslaughter.

If the minister is so confident in the process that is involved in that decision, then why—in the upper house, where the amendments were put to remove the alternate verdict framework that would allow and does allow, under the current draft before us at the moment, a trier of fact to reduce an industrial manslaughter charge to a category 3 offence, which is a significant difference in both penalty and potential irreparable harm to a business by way of media or otherwise, or public standing—is the government intent on reducing the alternate verdict framework available to a category 3 offence, if it is so confident in its decision-making process and its ability to bring forward these charges in only the most significant of circumstances?

**The Hon. S.E. CLOSE:** Regarding the inclusion of alternative verdicts, an alternative verdict of guilt for a category 1, 2 or 3 offence will be available if the trier of fact is not satisfied that a person is guilty of industrial manslaughter but is satisfied that the person is guilty of a lower tier offence. The bill clarifies that alternative verdicts are only available if an industrial manslaughter prosecution is brought within the same limitation period that applies to a lower category offence. If an industrial manslaughter prosecution is brought after the expiry of that limitation period, no alternative verdict will be available, which is the same provision that applies in the Northern Territory, with the exception of category 3 offences.

The government notes comments from the business community stating that this provision may be prosecuted as a matter of course, knowing that a lesser verdict can later be found. This is not the intention of the provision; instead, it is ensuring that the trier of fact can make this decision based on the information before them. An alternative verdict can only be made if the court is satisfied to the criminal standard that a person is guilty of the lower level offence, based on all the evidence available before the tribunal.

The answer to the substance of the question is that this provides an alternative for the trier of fact, the judge, and that while there is a stringent process of determining the level of seriousness, the likelihood of prosecution, the lack of successful prosecution, the lack of triviality and the other factors that I read out, while all of that is true of any prosecution the Director of Public Prosecutions brings forward, it does not mean a 100 per cent certainty of what occurs within a court. It is important that a trier of fact has available to him or her the alternatives in order for the most fulsome response to the incident that has occurred.

**The Hon. D.G. PISONI:** In explaining my question, minister, many of these industries that would be considered as being dangerous where reckless behaviour could lead to a serious work injury tend to be masculine businesses, and the owners are men who are likely to be executive directors but their wives maybe non-executive directors. Will non-executive directors—that is, partners—be also subject to these penalties if directors are charged with and convicted of industrial manslaughter? In other words, a silent partner, if you like, where a married couple are both directors of the business but only one of those directors is actively involved in managing and running that business.

The question is: will the non-executive director, the director who may have an ownership or a directorship for family reasons, or for whatever reason they have decided to structure the business in that way, also be subject to the penalties?

**The Hon. S.E. CLOSE:** That will depend on the duties of the directors and their responsibilities, but if they are indeed an equal partnership then it would be likely that they would be deemed to have that duty.

**The Hon. D.G. PISONI:** Minister, are you saying that if they are an equal partnership in ownership but the decisions are made entirely by the working partner—the other director may be in full-time caring responsibilities with a young family and does not attend directors' meetings, there may only be two directors of the company, the husband and the wife, or two wives or two husbands but one of them has the caring responsibilities—in that situation would the caring partner who has equal ownership of the business and equal directorship of the business also be charged or convicted under this legislation?

**The Hon. S.E. CLOSE:** In those circumstances it really depends on the make-up of the business, and the management and control of each of the directors would be taken into account.

**The Hon. D.G. PISONI:** Just to be clear, could a silent partner be subject to equal liability as a managing partner under this legislation under these penalties?

**The Hon. S.E. CLOSE:** Again, it is difficult to talk in too many abstract hypotheticals. SafeWork SA forms a judgement based on the control and the management responsibilities of those involved. So while one partner might not have any control over workers—not be actively involved in that—they might well have financial control over the amount of maintenance expenditure that there is in the company. So it would depend on the circumstances of the death and it would depend on the nature of the involvement of each partner, and that is going to vary widely, so it is impossible to give a general statement that covers all circumstances.

**Mr McBRIDE:** My question to the minister is in regard to this new act in its intentions. Do you think it is fair to reasonably suspect that large corporate businesses with directors at the top are going to be as scrutinised and as vulnerable as small businesses with a couple of directors, as the previous member just asked?

**The Hon. S.E. CLOSE:** The short answer is yes. They would be treated in the same way. The question is what control a person has over the business and therefore liability if something is not done or, alternatively, done that ought not have been.

**Mr McBRIDE:** Thank you for the answer, and I suspected that that would be the answer. Would the minister agree then that, with the structures of large corporations in Australia—but we are talking here about South Australia—and the complexity of layers between the chairman and the directors of a large company right down to the shop floor—and I will give an example. I will not even name the business. There was a business here in South Australia that had some deaths in it in a sector where there were blue-collar tradespeople cooked alive in a boiler because safety strategies were not met.

The question then, minister, on that terrible example I am giving you, is about these large corporations that have shopfloor managers, HR representatives and further sectors of their business broken up, split up—you are construction, you are mining, you are HR, you are OHS, and so forth, for example—and the top tier, the directors on the most money, the most money out of anyone in the company nearly, has all these levels before it gets to them.

My question then that I am explaining to you, as the member for Unley asked, is about the mum-and-dad directors of a small business that does not have these layers. It does not have the OHS layer and shop floor; maybe it does not even have a shop steward or a manager as such who might sit underneath the two owners. It would be fair to assume that the large end of town could be very much protected here by what we are doing, yet the small end of town is very much vulnerable here.

**The Hon. S.E. CLOSE:** It is certainly not the intention to have a disproportionate impact. Someone who is at the top or near the top of an organisation inevitably has more power and more decision-making and more responsibility, which you cannot devolve away. Particularly as you get to the top, you have the financial responsibility on top for where investments do or do not occur. That is not possible to simply devolve away and excuse yourself.

Clause passed.

Clause 2.

**The Hon. S.E. CLOSE:** I move:



Amendment No 1 [DeputyPremier-1]—

Page 2, lines 6 and 7—Delete clause 2 and substitute:

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Part 2 of this Act (other than section 7(2) and (3)) comes into operation on a day to be fixed by proclamation.

I have four amendments, and I will speak to them just once, as they form a package. If I am able to move them all together that would be useful—

**The CHAIR:** We can only do one at a time because they are on different clauses.

**The Hon. S.E. CLOSE:** —but if not then I will simply speak once and allow that to stand for the others as I move them.

**The CHAIR:** I assume they are consequential amendments?

**The Hon. S.E. CLOSE:** They are essentially a single package, yes, that is right. The government amendments do not affect the substantive operation of the proposed industrial manslaughter offence. These amendments are purely procedural and deal with the interaction between the offences under the Work Health and Safety Act and the Criminal Procedure Act 1921.

In summary, the effect of these amendments is that proceedings for an industrial manslaughter offence will follow the same criminal procedure as other major indictable offences. The amendment expressly states that the offence of industrial manslaughter is a major indictable offence and that committal proceedings for the offence must be commenced in the Magistrates Court. This is the same procedure for major indictable offences under other acts, such as the Criminal Law Consolidation Act 1935, with the procedures including for joinder and separation of charges in turn set out in the Criminal Procedure Act 1921.

The amendment also allows for instances where a summary offence or minor indictable offence under the Work Health and Safety Act 2012, such as category 1, 2 or 3 offences, is joined in information with a major indictable offence, that these also proceed in accordance with the ordinary procedure applicable to the major indictable offence. A major indictable offence in this instance may be the offence of industrial manslaughter or a major indictable offence under another act. This is to ensure that matters that are charged on the same information can be dealt with in the same way that is applicable to major indictable offences under the Criminal Procedure Act 1921; that is, you follow the criminal procedure applicable to the most serious offence on the information.

**Mr COWDREY:** I have a question in regard to the first amendment, which is largely around the commencement of the bill. It essentially stipulates that sections of the bill—clauses (1) and (2)—will commence on assent and that the remainder of the bill commences after that. I am keen to understand the time frame the government is envisaging that this comes into operation for the remainder of the bill.

**The Hon. S.E. CLOSE:** It is intended to be six months after passing.

**The Hon. D.G. PISONI:** On the commencement of the act, once the act has commenced what recourse is available for an employer or a business owner who may be dragged through the court process, named as somebody who has been charged, and then that process collapses and the prosecution withdraws the charges and the case goes no further? Is there a financial recourse or a reputational recourse available to the employer?

**The Hon. S.E. CLOSE:** There are not any provisions under this act, no.

Amendment carried.

**Mr COWDREY:** In the minister's second reading speech in the other place, he touched upon the commonwealth government's progress in regard to this issue and their desire to introduce similar legislation during their current term in the federal parliament. Are you able to provide details on the progress and the expected time line in terms of a federal bill coming to their house and, further to

that, what the government's expectation is in terms of whether this legislation that we are introducing today be repealed at a later point, that the federal legislation will override what is being done here?

Are you able to provide us an understanding of whether this is just a short-term stopgap before this disappears altogether? Is there going to be a delineation in terms of the federal and state jurisdiction in regard to this issue?

**The Hon. S.E. CLOSE:** We are not sure where the commonwealth's legislation is up to. We have no public information on that and so we will have to watch that on the news together. In any case, there was an agreement by all work health and safety ministers that each jurisdiction would make their own legislation for their own jurisdiction. The commonwealth will cover commonwealth workers who are not covered by our legislation.

**Mr COWDREY:** I do hope that the Deputy Premier will be given some sort of notice as to a bill of this nature coming to the federal parliament, but one should never assume. In regard to what has just been discussed, has there been any discussion at the federal level or in the ministers' meetings in regard to the way that our bill is set out? Obviously, we have acknowledged over the course of the debate to this point the fact that there are substantial differences across the majority, despite the agreement that there should be harmonised legislation.

We all understand that harmonisation at the federal level, whether that be in taxation or any other forum—this being one of them—is much better in theory than it is necessarily in practical demonstration. Is there an expectation that we could be back here in a period of time effectively replicating what could be a federal law to ensure that there is, to a degree, some level of harmonisation between what the federal government land on, whether that be in regard to the threshold issue of reckless or just gross negligence, whether that be in regard to who is captured by these laws?

Again not pre-empting what the federal government are going to proceed with, is it the intent of this state government to ensure that, as close as practicable, by way of definition those captured within the act in terms of threshold issues, in terms of the substantive elements that come together to form this issue, that be as best replicated when and if the federal legislation comes down?

**The Hon. S.E. CLOSE:** No, my understanding is that the harmonisation is in fact simply that there would be industrial manslaughter legislation in each jurisdiction, rather than the detail of the model of how it is done. There is no expectation at present that this legislation would change as a result of another jurisdiction's decisions, including the commonwealth.

**Mr COWDREY:** Earlier, you mentioned that we have not addressed this through the process to this point of those who are captured by federal legislation, as opposed to state legislation. One of the things I am keen to understand is who is not actually captured at the moment by the legislation as it stands in South Australia. Could you walk us through whether that be issues of whether the company is trading on federal land as opposed to state land, or whether there is a delineation in terms of public sector versus private sector. Can you give us as best you can an encapsulation of who currently will not be captured by the South Australian legislation when this law passes and is enacted?

**The Hon. S.E. CLOSE:** Essentially, it is the federal public sector and any businesses that are covered currently by Comcare, which is the commonwealth equivalent.

Clause as amended passed.

Clause 3.

**The Hon. D.G. PISONI:** This question relates to the definitions. Will these penalties be imposed on an employer who enables an employee who fails a drug test because they are prescribed with medical cannabis to continue in the workplace? The reason I ask the question is that the committee looking into the use of medical cannabis was told by ReturnToWork a few weeks ago that they actually do pay for their clients to participate in medical cannabis programs for pain relief. We have heard from witnesses who have previously lost their jobs because they were prescribed medical cannabis and could not pass drugs tests. There is an argument about measuring the measurement

of impairment with medical cannabis. Not all medical cannabis has THC, but some medical cannabis does.

We know that alcohol impairs, and there is an accepted level of .05 with alcohol, but no such measure has been developed, from what we know so far, about the use of medical cannabis in supporting people for various reasons, mainly pain relief. Options other than medical cannabis are some of the many highly addictive opioid drugs that are also prescribed.

My question is: an employer who participates in a medical cannabis program that is sponsored by ReturnToWork or as prescribed by a doctor, and who ignores a THC reading from someone who has presented a prescription and a note from their doctor to say that they are on medical cannabis to control pain, which enables them to get back to work, if that person does happen to be impaired—and the current impairment as I understand it for driving is any trace of THC is enough for you to lose your driver's licence—is that employer liable?

If the employer is working with ReturnToWork and ReturnToWork is paying for the treatment, they are obviously engaging that worker to get back into the workforce with this treatment, but if that worker causes an accident that kills them or somebody else, who is liable for penalty under such a situation?

**The Hon. S.E. CLOSE:** In those circumstances, the obligation on the employer is to either eliminate or manage risk. A doctor writing to say that someone is on a particular medication that may have this effect is something that an employer needs to take account of in allocating duties to that person. In many ways, it is a question of the reasonableness of the judgement that is made, as I referred to in the second reading reply—that question of whether a reasonable person would make that decision that it was appropriate for that person, in those circumstances with all the information known, to get the employee to do that particular activity.

It is very contextual. The fact of being on a prescription is a piece of information, but it is how that affects the individual in their performance of particular tasks, and whether that represents serious risk, that is the heart of the question for this legislation.

**The Hon. D.G. PISONI:** What happens if the employer has a different view to ReturnToWork? For example, what if ReturnToWork say, 'We believe that this duty should be done,' and as an employer you are saying, 'I don't agree, I'm not prepared to take the risk, I don't want to go to jail if something goes wrong,' and there are no other duties for that employee and that employee is then no longer able to work at that business? How is that resolved?

**The Hon. S.E. CLOSE:** This really belongs in the same category as any challenge between an employer and ReturnToWork. ReturnToWork may form a view about the appropriateness of an employee for an activity. The employer still has obligations to ReturnToWork but also to the safety of their employees and the functioning of their business. There will be a process that resolves those disputes, but none of that is captured in this change to this legislation.

**The Hon. D.G. PISONI:** Has ReturnToWorkSA advised the minister or the government about any risk to programs that it currently has in place for easing employees back into the workforce because of an increase in risk-averse practices by employers who would be frightened of going to prison if they continued the progressive, cooperative work they have been doing with ReturnToWorkSA under this new legislation and the worst happened? Has the government received any advice on what WorkCover's attitude to that would be?

I do know that challenging WorkCover can also be an expensive process, and there are consequences for attempting to remove an employee from your payroll if they are receiving benefits from ReturnToWork. I can just see situations where smaller employers in particular do not have the flexibility of being able to move somebody from a job they have been doing for years, or even for decades, into a brand-new job. The business is just not big enough to be able to absorb something like that. They may very well be happy to take a financial risk in working with ReturnToWork but certainly not happy to take a risk that could see them incarcerated in that process.

Minister, I am asking whether there has been any advice or correspondence or any request for advice to or from ReturnToWork work about how these types of situations may be addressed.

**The Hon. S.E. CLOSE:** We are not aware of any advice that has come from ReturnToWork about that matter.

**Mr TEAGUE:** We will get to how it operates in clause 4 more particularly, but I am really just concerned about the definition and purpose of 'reckless' for the purposes of this new offence. By reference to how it is applied in clause 4, I understood the Acting Premier's analogy to common law manslaughter earlier. You have, on the one hand, manslaughter by an unlawful or dangerous act and, on the other hand, by criminal negligence.

The Acting Premier spelled out the three elements of criminal negligence and the four elements, I think, within the first element, and that more or less is said to equate to gross negligence for the purposes of that test. Then I understood the Acting Premier to equate the 'unlawful or dangerous act' side of involuntary manslaughter at common law to something that might resemble recklessness.

Is it not, rather, that at common law recklessness, or the degree of carelessness that might go to constituting criminal negligence, is really more where recklessness has a role to play and that at common law we are talking about unlawful or dangerous action in terms of, generally speaking, a criminal offence of some sort falling short of intending to cause death or grievous bodily harm—generally, assault. One-punch attacks have been cited as a good example of where death might follow; another is perhaps in circumstances of driving offences.

I think another one of those old authorities that is often cited as the circumstances of the dangerous act is where consent is no longer necessary, death ensues. I forget the name of the authority now, but where you have two people administering drugs by consent to one another and one of them dies, you have there the dangerous conduct that leads to the death and the possibility to make out the offence. In any event, here—and we will get to it in clause 4—are we not replacing the unlawful or dangerous act with the breach of a person's health and safety duty?

That is the relevant threshold that is now being introduced, and then we go on to say that breach was done with what is now described as gross negligence and recklessness. I consider there is real force in the amendment that we might see moved by the member for Mount Gambier in terms of saying the test is akin to criminal negligence if it is gross negligence. Alright, we would have that argument or consider why the departure from the common law in that respect, but why the need to include recklessness?

The question might be: is it not really relevantly that the intent here is to bring into an industrial framework a heightened level of seriousness associated with breach of an existing health and safety duty? That is the real core of what is being done here. Alright, we have that argument, but why then leave these two alternatives: gross negligence or recklessness? Maybe to wrap up, and this might complete my questions for clause 3, why not leave us with a definition of criminal negligence rather than gross negligence and, if so, why not simply refer to the common law test for criminal negligence for these purposes?

**The Hon. S.E. CLOSE:** I am advised that negligence is already included as a test and, indeed, recklessness is part of the consideration of category 1 in the existing hierarchy, so that is why they have both been included in this amendment.

**Mr TEAGUE:** Perhaps I might repeat, as I realise I did wrap up what might have been regarded as a number of questions in one. Why not adopt the test of criminal negligence, either by reference to the common law or as defined? Why the departure from criminal negligence to gross negligence for this purpose?

**The Hon. S.E. CLOSE:** I appreciate that the member remains concerned about the use of the term 'gross' rather than 'criminal', but I did spend quite a significant amount of time in the close of second reading explaining the government's position on the way in which the definition in this piece of legislation aligns with common law. It probably does not bear repeating that it may be that it remains a point of difference between the two parties. I have no more to add than I said in the close of second reading.

**Mr TEAGUE:** We appreciate that. It might be that there is a point of difference. It might be that there is a deliberate intent to retain the civil words on the one hand, or adopt the same words as

the civil words, because we are now going to move this offence into what has previously been civil legislation. The question might all the more be put that if, as we are, now introducing a serious criminal offence, a major indictable offence, into the Work Health and Safety Act, then why not draw the distinction, to the extent there is one, and say that if there is going to be an industrial manslaughter offence, criminal negligence needs to be the test, and all the more harmonise with the common law test of ordinary manslaughter, or is there a deliberate endeavour here to adopt the same formulation of gross negligence as applied previously in a civil context?

**The Hon. S.E. CLOSE:** Obviously, I am not privy to all the discussions that occurred in the drafting detail of the preparation of this bill, but it is the case that, although all the jurisdictions have not agreed to harmonise to have exactly the same legislation, nonetheless the model does talk about gross negligence, and that is one of the reasons, presumably, that that was decided on.

Progress reported; committee to sit again.

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

#### **ADELAIDE UNIVERSITY BILL**

*Assent*

Her Excellency the Governor assented to the bill.

#### **GAS (OTHER GASES) AMENDMENT BILL**

*Assent*

Her Excellency the Governor assented to the bill.

#### **PETROLEUM AND GEOTHERMAL ENERGY (ENERGY RESOURCES) AMENDMENT BILL**

*Assent*

Her Excellency the Governor assented to the bill.

#### **SOCIAL WORKERS REGISTRATION (COMMENCEMENT) AMENDMENT BILL**

*Assent*

Her Excellency the Governor assented to the bill.

#### **STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (OTHER GASES) BILL**

*Assent*

Her Excellency the Governor assented to the bill.

#### **HYDROGEN AND RENEWABLE ENERGY BILL**

*Assent*

Her Excellency the Governor assented to the bill.

*Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** Before I turn to the Deputy Premier, I acknowledge the presence in the gallery today of representation from South Australia Police, including the Acting Commissioner, Linda Williams; the Acting Deputy Commissioner, Scott Duval; the Assistant Commissioner, Ian Parrot; and, also, I understand that the president, Mark Carroll, and other police representing PASA are also present.

*Condolence*

#### **DOIG, BREVET SERGEANT JASON CHRISTOPHER**

**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) (14:02):** By leave, I move:

That the House of Assembly expresses its deep regret at the tragic death of Brevet Sergeant Jason Christopher Doig of Lucindale, who lost his life serving our state, and places on record its appreciation of his dedication and service to South Australia Police and our state, and that, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

I rise to perform an especially sad duty. Less than half an hour north of Bordertown and barely 15 minutes from the Victorian border, Senior is usually a quiet, peaceful community but, at 11.20pm on Thursday 16 November, a property on Senior Road became a scene of horror and tragedy.

Brevet Sergeant Jason Doig, the officer in charge at the police station in Lucindale, and two colleagues from Bordertown—Sergeant Michael Hutchinson and Constable Rebekah Cass—attended a report of use of a firearm involving an animal. There was nothing to indicate that this would be anything more than a routine investigation. However, the shocking events that unfolded that night have not been experienced by our state in almost four decades.

After the officers arrived at the property, the suspect opened fire, with Sergeant Hutchinson sustaining non-fatal gunshot wounds. However, Sergeant Doig was not so fortunate. Despite heroic efforts to save his life, in the cold, early hours of Friday 17 November, 53-year-old Sergeant Doig died at the scene. The gunman also sustained gunshot wounds from police, and it speaks volumes for our officers that Constable Cass rendered immediate aid to both of her colleagues and the suspect until paramedics arrived.

The shock reverberated far outside the close-knit community of the South-East, and today our parliament stands with our police and the people of South Australia in grief and sorrow at this loss. Sergeant Doig was well known in the region—an experienced career police officer who had dedicated his life to serving the people of South Australia. His loss is keenly felt, especially by his mother, Faye, and his brothers, Brett and Greg.

Every officer who wears the SAPOL uniform knows that they are taking on a mighty responsibility, and every officer knows the risks that come with doing one of the hardest and most important jobs that society can ask of its citizens. Our police officers make that commitment to us all knowing that, by protecting us from danger, they are volunteering to put themselves in harm's way.

We all recall the bravery of brevet sergeants Ian Todd and Jordan Allely, who faced life-threatening injuries during their investigation of a minor disturbance in Crystal Brook—a stark reminder of the dangers that our police face in the line of duty. Thankfully, they are reported to be recovering well from their injuries and our thoughts remain with them through this process.

Every police officer knows the risks they face each time they answer a call, yet day after day they turn up for us regardless. Our SAPOL officers are there when they are needed, ready to do their duty no matter the situation. Every day they show courage, they show dedication, they represent true public service to the people of South Australia, and sometimes tragically they pay the greatest price of all.

On Monday 20 November, state government buildings and landmarks were lit up in blue to honour the life of Brevet Sergeant Doig, including the police headquarters on Angas Street. We have also confirmed that a state funeral will be held at the Adelaide Convention Centre on Monday 4 December and will be live streamed for those unable to attend in person.

There are condolence books held at many police stations across the state for those wanting to pay their respects to Brevet Sergeant Doig, and there is also an online book at the SA Police website—[police.sa.gov.au](http://police.sa.gov.au)—so that even more people can leave their messages of support and sympathy. SA Police Legacy is gratefully accepting donations in support of family and friends, which can be made through their website at [policelegacysa.org.au](http://policelegacysa.org.au).

We are fortunate to live in a peaceful society in which events such as these are so rare as to be truly shocking. It is a great credit to our police forces and the care and professionalism they demonstrate every day keeping the peace and diffusing countless situations that could so easily escalate were it not for our highly skilled officers whose cool heads and commitment to duty make such a vital difference at such moments. Sixty two South Australian police officers have lost their lives in the line of duty, and that is 62 deaths too many. We shall never become complacent about their sacrifices. Theirs is a debt we can never repay.

We grieve alongside the SAPOL family, including Commissioner Grant Stevens, who suffered his own unimaginable tragedy only days later with the loss of his son in a tragic car accident in Goolwa. We grieve alongside the people of the South-East who have lost a family member, a colleague, a neighbour, a friend. Brevet Sergeant Doig shall be remembered. With honour he served. May he rest in peace.

Mr Speaker, I move that this motion be commended to the house.

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:08):** I rise on behalf of the opposition, the Liberal Party of South Australia, to make some remarks to complement in the most bipartisan way possible the comments that have just been provided to the house as the Acting Premier moved this motion.

I would also like to pay tribute to the many representatives of the South Australian police force who are here today, including Acting Commissioner Linda Williams and, of course, the President of the Police Association of South Australia, Mark Carroll, as well as other members of PASA and other members of SAPOL.

Fifty-three-year-old Brevet Sergeant Jason Doig was lost in the line of duty on Thursday 16 November 2023 during a fairly routine call-out to a property at Senior, 15 kilometres north of Bordertown in our state's Limestone Coast region. The loss of Sergeant Doig and the impact of that on the South-East community, on his friends, on his family and on the SAPOL family cannot be overestimated.

Sergeant Doig was the officer in charge of the Lucindale Police Station about 140 kilometres south of the crime scene, and he was one of three officers to attend a property at about 11.20pm. His attendance at that property would have been seen by all involved as completely routine, completely normal. He and the officers who accompanied him would have turned up with the same sense of duty as they would have when undertaking the countless jobs, the hundreds of call-outs that they would have been involved in over an extended career—a career, in the case of Sergeant Doig, which had extended back since joining the police force in 1989.

This was a long-serving officer. This was someone who had given his entire working career to the police force. In doing that, he gave his entire working career over to public service, and that public service meant keeping South Australians safe. It meant turning up at crime scenes, but it also meant being a first responder at the scene of vehicle crashes across rural roads. It meant turning up on the doorsteps of people he knew to tell them that loved ones had been lost as a result of such accidents. This was a police officer who had spent his career in service and who lost his life in service.

No police officer has lost their life in South Australia as a result of a firearms incident since 1985, and so the seriousness of this incident and the pain that must be reverberating through the Limestone Coast community and the SAPOL family simply cannot be overestimated.

Sergeant Doig was not the only officer involved. He was the only one to lose his life, but we must also turn our minds to the pain and suffering and the scarring, both physical and mental, that will afflict Sergeant Michael Hutchinson, who was also a victim of a firearm wound, and Constable Rebekah Cass, who bravely provided assistance to both her colleagues. While she may not have been physically injured, let us not for one moment think that the memories and experiences that she had at those moments in Senior will not stay with her for the rest of her days. Her bravery must be recognised by each one of us in the House of Assembly today, and I know that her bravery will be recognised by the families and the communities that Jason Doig and Michael Hutchinson called home.

I want to take this opportunity to say a sincere thank you on behalf of the opposition of South Australia for the huge level of public service that our police officers give day in and day out. It is so easy to say that: those can be just words, they can be just lip service. We need to go beyond that in this instance. It is with sincere gratitude that I say on behalf of the opposition—and I know that the Deputy Premier's words were meant with exactly the same legitimacy and authenticity—we are incredibly grateful for those who put themselves out there to serve our state, to keep us safe, who respond to 99 per cent of incidents with the likelihood of something happening to them being next to zero. But there is then that 1 per cent when something might go wrong, and in the case of Brevet

Sergeant Jason Doig, and the incident that occurred in the South-East, something went horribly wrong.

It has been a hard couple of weeks for the police force in the state of South Australia. The loss of Sergeant Doig followed by the incredible tragedy inflicted on the Stevens family have really elevated in the consciousness of South Australians exactly what our police officers do. Whether it was, in the case of Sergeant Doig, turning up to an incident following a call-out, or whether it was the long-serving duty that Commissioner Stevens has given to our state in a way that elevated him to a position of leadership, respect and affection across our state's population, the incidents of the last fortnight have given us as a state, as a parliament, as the police family here in South Australia, the opportunity to pause, to reflect and to give thanks for those who undertake the ultimate public service.

Occasionally—ever so occasionally, and we hope it does not happen again in our near history—that public service can lead to the sacrifice of one's life in the interests of the safety of South Australians. We extend our sympathies to the South Australian police force. We provide our love, our prayers and our support to the families and friends of the impacted officers, and we remember the service of Brevet Sergeant Jason Doig. Vale, Jason Doig.

**The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:16):** We come together to pause today in consideration of this motion and the enormous tragedy that has beset the police family in South Australia, and with an outpouring of emotion from our entire community in support of our police family. Since the tragic loss of the life of Brevet Sergeant Jason Doig, I have had the privilege to speak to his colleagues, and his community, and to learn of the man Jason was, of the police officer Jason was. Their stories, their memories and their anecdotes have painted a picture of a man full of dedication, full of commitment, full of humility, of generosity of service to his community, his beloved community of Lucindale.

Shortly after I learned of the death of Jason, I travelled to the South-East, where I found a community in loss, a community that was still coming to grips—as they remain today—with the senseless act of violence which took the life of their friend, of their colleague, of their local cop, Jason. Whilst I was in that community, in Lucindale that evening we also learned of the tragic news of the passing of Charlie Stevens. It was horror, and it was a compounding horror for that community who were already grieving so immensely.

This may well in fact be the toughest weekend that SAPOL have had to endure. I wish that I could stand here, and I am sure that all of us wish this, and give the guarantee that there will not be more tragedy that is faced by the SAPOL family but, as the Acting Premier and as the Leader of the Opposition have already remarked, this is part of policing: the risk, the service and the potential tragedy are omnipresent factors in the service that our police give to our community.

In Bordertown, in Naracoorte and in Lucindale—some of the communities that were so impacted by the loss of the life of Jason—I found a stoic community. I found people, his colleagues, who were getting on with the job. As is so often the case with policing, there is a tragedy and then within mere moments, in this case in mere hours, the job of service to our community once again takes hold and is given the primacy and the dedication we know our police undertake their service with every single day.

I recognise that grief takes many shapes and that while we condole today, the grief and the loss will be felt for some time to come. In fact, the grief will never go away for those who loved and knew Jason. In Lucindale, there was a beautiful outpouring of support from the local community to drop flowers at the Lucindale Police Station, which was adjacent to Jason's home, where just one night before he was roused to go to a call, an incident, in support of the community and in support of his colleagues.

At this beautiful memorial that remains at the police station were letters from the community, notes from the community and a beautiful picture drawn obviously by a child expressing her condolences to Jason, to his family and to the entire police community. It was beautiful. It was a reflection of the extraordinary outpouring of support and emotion that has accompanied this tragic loss and the cascading tragic losses that the police family have been living through in the last week.



In Lucindale, I met with Mayor Patrick Ross, who knew Jason very well, and also the member for MacKillop, who knew Jason well. I know he is grieving the loss of his constituent, his local cop and his friend. The Lucindale community told me over a couple of beers and a counter meal at the pub that Jason loved his dogs, and he had a special relationship with a local dog breeder. He, of course, loved his motorbikes, always safely, I was told, which is a testament to some of the commitment that Jason Doig had to road safety. I was told that Jason was a regular at the footy club on a Thursday night. He would be there for the meal—a great meal I am told and one that I hope I can return to pretty soon with the member for MacKillop to enjoy myself.

One thing that really struck me and remains with me and I hope will inspire all of us is that I was told that Jason was never happier than when he would get up on a Sunday morning and see 30 cars parked in the footy club car park, because Jason knew that he had done his job, that he had convinced those 30 people not to drive home, and to get home in a safe manner. Jason saved lives. Jason and cops right across the state, particularly in regional communities, constantly save lives on our roads.

Just 24 hours before that, 53-year-old Brevet Sergeant Jason Doig was killed. The trauma that his colleagues, Sergeant Michael Hutchinson and Senior Constable Rebekah Cass, will live with will be significant. They were heroes on that day. They responded in a brave way, and I know and trust that their heroism will be recognised. They not only served their fallen colleague but they sought to save the life of the man who took the life of Jason Doig. That is service.

The risks faced every single day by our police are known. It was just earlier this year that officers Ian Todd and Jordan Allely were stabbed in the line of duty in Crystal Brook. We could so easily have been standing in this place doing the same thing as we are today but for the intervention, the heroism of first responders and, if I can say, a bit of good luck on that day.

I recognise the extraordinary support that serving officers have received from SAPOL and also from the Police Association of South Australia. I thank SAPOL and PASA for their support and their leadership during this time. I recognise and acknowledge the extraordinary leadership of Acting Commissioner Linda Williams. Linda is an outstanding individual, and she has had an incredible weight and cross to bear in these past days. I thank Linda for her extraordinary leadership during this time.

I offer my condolences to Jason's family, those by birth, those by in-law and those family in blue. Every worker has the right to go to work, to be safe and to come home. What compounds the tragedy of this loss is not only did Jason not return from work but he did not return because of a senseless act of violence. Rest in peace, Jason Doig.

**The Hon. V.A. TARZIA (Hartley) (14:26):** I, too, rise to pay my respects and pass on my condolences following the very tragic events of the past two weeks. I rise also to acknowledge the tremendous work of the whole South Australia Police family that are represented here today. To the acting commissioner, representatives from PASA—Mark and your team—Police Legacy and other representative bodies, I sincerely pass on my deepest condolences to Commissioner Stevens' family and also the family of Brevet Sergeant Jason Doig of Lucindale.

Jason was the officer in charge of Lucindale, about 140 kilometres south of the crime scene where these tragic events unfolded. He had been called to the property with his colleagues, Sergeant Michael Hutchinson and Constable Rebekah Cass, as we have heard. Rebekah was thankfully uninjured, and whilst Michael has suffered some injuries he has been able to recover. We have heard today of the trauma that these officers will continue to experience, and that will never leave them. I do want to thank and acknowledge the bodies that help in dealing with that. The South Australia Police family has gone through an extraordinary amount of trauma. These people were known to many right throughout the force, their community and the state as well.

We all understand the importance of our police force in South Australia. We know that they work tirelessly day in, day out. To SAPOL, we say thank you for all that you do. We are sincerely sorry for your loss. There is no more noble profession than one working in the service of others. These officers are some of the most revered, loved and respected officers in Australia—some would say even the world—and the courage that they display, the professionalism that they display, is second to none.

Brevet Sergeant Jason Doig will never be forgotten. The South Australia Police officers who have lost their lives serving our state, who have lost their lives on duty, will never be forgotten. To the family, to the friends, to the colleagues of Brevet Sergeant Jason Doig: our thoughts and our prayers are with you, and may he rest in peace.

**Mr McBRIDE (MacKillop) (14:28):** I rise today to speak to the motion moved by the Acting Premier to express my deep regret at the death of Brevet Sergeant Jason Doig, who on Thursday 16 November tragically lost his life in the line of duty. I acknowledge his bravery, sacrifice and service to SAPOL. I acknowledge the bravery of Sergeant Michael Hutchinson, who was wounded during the incident, and the bravery and heroism shown by Constable Rebekah Cass, who also attended.

Brevet Sergeant Jason Doig (or Doigie, as he was affectionately known) was a highly respected police officer who has been the officer in charge of the Lucindale Police Station for 12 years. Lucindale is a town within my electorate of MacKillop. It has a population of 637 people but still has its own police station, a building adjoining a house that is just a stone's throw from the local pub, post office and deli. As the town's only officer, Jason was a much-loved and respected member of the community. He was an important part of our cultural and social functioning of the district. He was also someone I called a friend, someone who over the years had invited me to go fishing, motorbike riding—invisibly I sadly, due to other commitments, was never able to accept.

On Friday 17 November, like many people I woke to the news of the horrific accident that unfolded at Senior, near Bordertown, the night before. I had been asked to do a radio interview on local ABC to talk about the death of an officer and injury of another, both of whom had been shot while responding to an incident. My first instinct was to call Jason to see if he could give me more insight about what had unfolded. He never answered. Just hours later I would learn why.

The death of a police officer in a regional community hits hard, especially in a town like Lucindale. Jason was the type of officer who would turn up at the local pub to tell those inside that he was on duty, with the intent of giving people the opportunity to make good choices. His position as a police officer was never clouded by friendship, and he administered his police work without fear or favour. He was big on prevention policing. He liked nothing more than to see a line of cars at the local footy oval on a Sunday morning, as the minister alluded to, evidence that people had the night before found an alternative way home rather than risk it and drive after having a few drinks.

He was there in the region that was impacted by bushfires, like at Keilira, Blackford and others. He put his community first, and he wore his uniform with pride. As is often the case, tragedies can be the catalyst for really learning about a person. Since his death, people in Lucindale, Naracoorte and Bordertown and surrounding areas have come together and shared stories about Jason, and those stories have made people laugh, and cry. At Lucindale last Tuesday, a wreath laying ceremony attended by the Assistant Commissioner, Linda Williams, and other dignitaries drew hundreds of people. This was a testament to the high regard in which Jason was held.

The night before, landmarks here in Adelaide were lit up in blue, a sign of respect that Jason would never have believed or expected. Jason was, quite simply, a genuine, kind bloke. He loved his motorbikes, his boat, fishing and his beach house at Robe. He loved a chat, particularly if it involved talking about his motorbikes, a trait that led to many an eye-roll from the person on the receiving end of his passionate discussion. He was always the first to help out, even if he was in his casual clothes and not officially on duty. He was a fierce advocate for the country cop and the role they played in keeping our community safe, and we know he did that to the very end.

Brevet Sergeant Jason Doig was a cut above the rest. His death and the injury to Sergeant Michael Hutchinson and the bravery of Constable Rebekah Cass serve as a powerful reminder of the risks associated with being a first responder. They serve our community, they put their lines on the line every day for us, and we should be forever grateful.

To Jason's mother, Faye Edwards, stepfather, Robert Edwards, and brothers, Brett and Greg, the MacKillop electorate sends its deepest sympathies for the devastating loss you are all feeling. But you should also feel incredibly proud of your son and brother and the indelible mark that he has left on the people and community of the South-East. Brevet Sergeant Jason Doig, may you rest in peace. I commend the motion to the house.

**Mr ODENWALDER (Elizabeth) (14:34):** I want to add a very brief word of condolence to the family and friends of Brevet Sergeant Jason Doig. While I know a few of the police officers in the South-East, I did not know Jason, but I now know something of his character. As well as being a terrible tragedy for his family and friends, this was also clearly a great loss for his local community.

I do not know the exact circumstances of the hours that led up to this tragedy, but I do know that police officers—what we used to call general patrols, in particular, but not exclusively—almost never know what is going to confront them when they go on a job. Often, the job will appear on the dispatch as a disturbance, with very little detail. Although the communications people try very hard to furnish those patrols with as much detail as possible, there is often very little to work on by way of background.

As a result, every house they visit, every car they stop, every person they meet on the street is a potential risk and, indeed, could be the difference between life and death. As has been said, every copper knows this is the case going into every job, and still they go in. They do it for us. Jason Doig did what he did because it was his duty to his community, and his community now clearly are feeling it because, as has been observed, country cops are a breed apart again, from all the other observations we make about police officers.

They usually, more than most metropolitan cops, are individually pillars of their local communities. They make it their business to know everyone. They support local events and charities. They absolutely embed themselves in that community, both to keep that community safe and to provide cohesion and a focal point for that community so that, when things go wrong, people know who to look to. By all accounts, Jason Doig was that sort of copper, as are Michael Hutchinson and Rebekah Cass.

Beyond Jason Doig's family and friends and the community he served, there is the broader police family. Police officers look after each other on the job, often with a view that they are all in this together. It is a culture of strong camaraderie so that, when something tragic like this happens, it is felt very deeply by those who did not even know Jason personally. I have met and spoken with several of these police officers over the past week.

As has been observed, Brevet Sergeant Doig's death is the first we have seen on active duty in more than 20 years and the first firearms incident of this seriousness for nearly 40 years. In our state's short history, 62 of our police officers have died on duty. Again, when we say 'on duty', we have to remember what that means. It means they are out there going into places and talking to people the rest of us might choose to avoid, and they do it every day to keep the rest of us safe.

There will be a funeral next week to honour the life and service of Brevet Sergeant Jason Doig. There will also be a live stream from the event, and members of the public wishing to pay their respects can sign condolence books placed at police stations, including one in my community at the Elizabeth Police Station. Finally, members of the public are encouraged to make a contribution to support police officers and their families through Police Legacy, which is a charity that I know does a fantastic job supporting South Australian police families by offering financial support and emotional and social support in situations like this and others.

Again, my very sincere condolences to the family of Jason Doig, to all those who worked with him, to the community in the South-East and to the broader police family, who have all suffered such cruel and unnecessary loss. Vale, Jason Doig.

**Mr TELFER (Flinders) (14:37):** I, too, rise to pay tribute to Brevet Sergeant Jason Doig, who was fatally shot while attending a property late on 16 November at Senior, north of Bordertown. He was a man who was simply doing his work of keeping our community safe, a job which he had been committed to for decades, and he was cut down in such a brutal fashion.

Collectively, our hearts and thoughts have been with those who love Jason the most: his family, his friends, his work colleagues. I acknowledge the members of SAPOL and the Police Association in the gallery. I know how hard that community has been hit. What the police officers faced that night was unimaginable to those of us who have not served in the police force. In talking with many police officers around the state, it is a real and present danger that is faced regularly by those who have the responsibility of keeping our community safe.

Jason Doig served the South Australian community for decades, most recently, as has been mentioned, in the South-East and Lucindale but before that on Eyre Peninsula, in my electorate, predominantly in Cleve on the eastern Eyre Peninsula. That is where I met Doigie and knew him, from his time in Cleve. Regional policing roles such as these, in single-officer towns, are unique and challenging. Each officer handles that challenge differently and balances out their responsibilities and community involvement differently.

It is a challenge indeed when you might be chatting with a community member at the bakery at one time and then pulling them over for a DUI the next, when your children could be joining in with other families and kids as part of a team playing community sport and then later that week you could be working through a family dispute with one of the parents of those kids.

A regional police officer plays a unique and incredibly important role in our regional communities—often isolated, self-sufficient, motivated and driven, and with the best for their community's safety at their heart. That was the sort of officer that Doigie was. He was a man of faith, a man of integrity and a man driven by the great responsibility of keeping his community safe.

The tragic circumstances we saw play out on the night of 16 November are a stark reminder of the sacrifice and the spirit of service our police force live out in their work every single day. The people of South Australia and especially we, as elected representatives, join together in condolence, recognising the ultimate sacrifice that was made by Brevet Sergeant Jason Doig in keeping our community safe.

I want to finish with a scripture verse, which is used by SAPOL regularly when recognising such sacrifice, from the Book of John 15:13, 'Greater love has no one than this, than to lay down one's life for his friends.' Vale and thank you, Brevet Sergeant Jason Doig.

**Ms HOOD (Adelaide) (14:41):** I, too, rise to pay tribute to Brevet Sergeant Jason Doig. I grew up in the South-East in the Naracoorte community, so my heart breaks for them, for Jason Doig's family and for the SAPOL family.

My best friend from Naracoorte High School lives in Lucindale with her husband and three young children, so I want to pass on a few words from a local who knew and loved Brevet Sergeant Jason Doig, as follows:

Doigie always got involved in supporting the community and local activities. He was known to have a meal at our local footy club every Thursday night to support the local footy and netty teams. He pretended to breatho the kids in the car to see them laugh. When on official duty, he would always tell the locals he was by presenting himself in uniform. Doigie did everything by the book and made our community feel safe. This makes it even harder to accept the way his life was taken. Doigie was always there to help out and volunteer in our community. We will miss him.

My heartfelt condolences to our families back home in Lucindale and Naracoorte and Bordertown, to Brevet Sergeant Jason Doig's family and to his SAPOL family. Our sincere condolences. Our hearts break for you. May Brevet Sergeant Jason Doig rest in peace.

**Mr PEDERICK (Hammond) (14:42):** I rise to give my sincere condolences on the sad loss of Brevet Sergeant Jason Doig, thinking of his family, his police family and all the people of the South-East he worked with. My thoughts are with Michael Hutchinson and Rebekah Cass, who were both on duty that night and suffered their own injuries, whether physical or mental.

I just want to reflect on country policing, and it has been talked about a bit today, and especially single-operator stations. There is one down the road from me from Coomandook, at Coonalpyn, and there are ones around the district at Pinnaroo, Lameroo, Karoonda and other areas. You get a real insight into how local police operate.

You meet those police for a range of matters, for better or worse to be frank. They are firm but fair, whether it is guiding you through, back in the day, getting your licence when you are 16 and helping you get your special truck licence when you are 17 so that you can cart your grain to the local silo, giving you a bit of advice through that process when you are crunching the gears, whether you are at the local footy and you happen to be sitting next to, for instance, Justin from Karoonda while you are doing the time keeping for the Senior Colts. That is what local police do in their community.

Also, as has been said—and I did not know Brevet Sergeant Doig personally—they keep their community safe, as he did, letting people know that they should not be driving home and making sure that they made those right decisions. In some cases, country police give people the option and take them home, and say, 'Well, if you don't take up that offer, I will be back on the street in three-quarters of an hour and you will be booked,' and that is exactly what they do: they give people that option in those far-flung communities when they do not have an easy option to go home.

My heart goes right out to the police community, to Jason Doig's family and also to the Stevens family on the sad loss of Charlie soon after that terrible tragedy. My heart goes out to everyone involved. My thoughts are with the Doig family. May they know that he worked as a community man. He worked as a man who was working towards his retirement at Robe to live in his beautiful beach house down the track and he never had that opportunity. Vale, Brevet Sergeant Doig.

Motion carried by members standing in their places in silence.

**The SPEAKER:** The house will stand suspended until the ringing of the bells.

*Sitting suspended from 14:47 to 14:57.*

#### *Petitions*

### **ENCOUNTER BAY MARINA**

**Mr BASHAM (Finniss):** Presented a petition signed by 3,617 residents of South Australia and visitors to the City of Victor Harbor requesting the house to urge the government to reject any proposal to build a marina near the bluff at Encounter Bay and to reject any proposal to release land and/or further develop the area near the bluff or behind Whalers Inn.

#### *Parliamentary Procedure*

### **ANSWERS TO QUESTIONS**

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

### **PAPERS**

The following papers were laid on the table:

By the Speaker—

Independent Commission Against Corruption—Evaluation of Grants Administration—  
Phase one: Commercial Grants Report  
Parliament of South Australia—Joint Parliamentary Service, Administration of Annual  
Report 2022-23

By the Deputy Premier (Hon. S.E. Close) on behalf of the Premier (Hon. P.B. Malinauskas)—

Remuneration Tribunal—  
Accommodation and meal allowances for Ministers of the Crown and the Leader  
and Deputy Leader of the Opposition Determination No. 7 of 2023  
Review of accommodation and meal allowances for Ministers of the Crown and the  
Leader and Deputy Leader of the Opposition Report No. 7 of 2023

By the Minister for Climate, Environment and Water (Hon. S.E. Close)—

Animal Welfare Advisory Committee—Annual Report 2022-23  
Botanic Gardens and State Herbarium, Board of the—Annual Report 2022-23  
Premier's Climate Change Council—Annual Report 2022-23  
SA Water Corporation—Annual Report 2022-23

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

Parliament of South Australia—Sitting Schedule 2024

Regulations made under the following Acts—

Motor Vehicles—

Conditional Registration—Individually Constructed Vehicles  
Consular Exemptions

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

Dairy Authority of South Australia—Annual Report 2022-23  
Dog Fence Board—Annual Report 2022-23  
ForestrySA (South Australian Forestry Corporation)—Annual Report 2022-23  
HomeStart Finance—Annual Report 2022-23

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

Commission on Excellence and Innovation in Health—Annual Report 2022-23  
Health Advisory Council—  
Barossa and Districts Annual Report 2022-23  
Berri Barmera District Annual Report 2022-23  
Bordertown and District Annual Report 2022-23  
Country Health Gift Fund Annual Report 2022-23  
Gawler and District Annual Report 2022-23  
Hills Area Annual Report 2022-23  
Kangaroo Island Annual Report 2022-23  
Kingston Robe Annual Report 2022-23  
Lower North Annual Report 2022-23  
Loxton and Districts Annual Report 2022-23  
Mallee Health Service Annual Report 2022-23  
Local Health Network—  
Barossa Hills Fleurieu Annual Report 2022-23  
Eyre and Far North Annual Report 2022-23  
Flinders and Upper North Annual Report 2022-23  
Limestone Coast Annual Report 2022-23  
Wellbeing SA—Annual Report

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

Guardian for Children and Young People—Annual Report 2022-23

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

Children's Education and Care Quality Authority, Australian—Annual Report 2022-23

By the Treasurer (Hon. S.C. Mullighan) on behalf of the Minister for Local Government (Hon. G.G. Brock)—

Behavioural Standards Panel—Annual Report 2022-23  
Outback Communities Authority—Annual Report 2022-23

By the Treasurer (Hon. S.C. Mullighan) on behalf of the Minister for Veterans Affairs (Hon. G.G. Brock)—

Veterans SA—Annual Report 2022-23

By the Minister for Small and Family Business (Hon. A. Michaels)—

Small Business Commissioner, South Australian—Annual Report 2022-23

By the Minister for Consumer and Business Affairs (Hon. A. Michaels)—

Club One—Annual Report 2022-23

By the Minister for Arts (Hon. A. Michaels)—

Adelaide Festival Centre Trust—Annual Report 2022-23  
Adelaide Festival Corporation—Annual Report 2022-23  
Adelaide Film Festival—Annual Report 2022-23  
Art Gallery of South Australia—Annual Report 2022-23  
Carrick Hill Trust—Annual Report 2022-23  
Country Arts SA—Annual Report 2022-23  
Film Corporation, South Australian—Annual Report 2022-23  
JamFactory Contemporary Craft and Design Inc—Annual Report 2022-23  
Libraries Board of South Australia—Annual Report 2022-23  
State Opera South Australia—Annual Report 2022-23  
State Theatre Company of South Australia—Annual Report 2022-23  
Tandanya National Aboriginal Cultural Institute—Annual Report 2022-23

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

Correctional Services, Department for—Annual Report 2022-23  
Fire and Emergency Services Commission, South Australian—Annual Report 2022-23  
Parole Board—Annual Report 2022-23

By the Minister for Trade and Investment (Hon. N.D. Champion)—

Trade and Investment, Department for—Annual Report 2022-23

By the Minister for Housing and Urban Development (Hon. N.D. Champion)—

Urban Renewal Authority—Annual Report 2022-23

By the Minister for Planning (Hon. N.D. Champion)—

Regulations made under the following Acts—  
Planning, Development and Infrastructure—General—Ancillary Accommodation  
and Schedule 6A

*Ministerial Statement*

### **VIOLENCE AGAINST WOMEN**

**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) (15:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.A. HILDYARD:** From 25 November, International Day for the Elimination of Violence against Women, through to 10 December, Human Rights Day, communities around the world acknowledge the 16 Days of Activism against Gender-Based Violence and join together to call for the prevention and elimination of violence against women.

This year's 16 days started with our community mourning the deaths of four women in South Australia in the space of one week, allegedly at the hands of a partner or former partner. I offer my love and deep condolences to the loved ones of these women—women who are mothers, daughters, friends, sisters, neighbours. Their deaths are unacceptable. Their loss and the prevalence of violence against women elicit in all of us both grief and anger.

The deaths of these women were preventable. Indeed, the ongoing prevalence of violence against women is preventable. And it must be prevented—because we do not want to mourn any women, because more than one woman per week in Australia is killed as a result of domestic

violence, because women facing intersectional barriers are even more likely to experience domestic violence.

Our government is determined to help advance change that means men do not harm women, that shifts the gender inequality and harmful attitudes toward women that precipitate disrespect and violence and that prevents violence against women in all its forms. Our government is committed to working alongside our entire community in these efforts, alongside women's organisations, other service providers and stakeholders, and, crucially, alongside women experiencing violence, to help prevent and help eradicate domestic and family violence.

In December, the Premier and I will convene a meeting with key sector leaders, relevant ministers and agencies to discuss what immediate actions can be taken across government, with the sector and our community. As a government, our commitments span a range of legislative measures, preventative actions and policies, and options for recovery to empower women to heal and walk new, safer pathways.

Our government has passed legislative reform, including making the experience of domestic violence a ground of discrimination in the Equal Opportunity Act and enshrining 15 days' paid domestic violence leave for workers engaged in the state industrial system. Other initiatives include reviewing legislation around consent to sexual activity. We have introduced legislation to require electronic monitoring as a condition of bail for those charged with serious breaches of domestic violence intervention orders.

We have restored funding to Catherine House and to the Domestic Violence Court Assistance Service after this funding was cut. We have provided \$1 million toward establishing a southern and northern domestic violence prevention and recovery hub to co-locate services to assist women to access integral information and support. Paid staff members are now employed in the 10 regional safety hubs across the state.

Just last month, our funded program to raise awareness about gender inequality and its link to disrespect and violence toward women began to roll out in sporting clubs, and early in 2024 we will introduce legislation to criminalise coercive control. To prevent coercive control, we need more people in our community aware of it, those who experience it to feel empowered to seek help, and those who perpetrate it to stop.

Our government has led work to strengthen our community discourse and understanding and help to progress this really important change through the See the Signs campaign launched earlier this year. During the campaign period, this reached almost a combined two million impressions across different forms of social media, and spurred countless, necessary conversations across our community.

We also know, however, that more has to be done and that one person, government, or the sector, cannot advance change alone. We must all commit to playing our part in calling out disrespectful behaviours, in shifting gender inequality which, in its every expression—whether that is in a lack of career opportunities, pay inequity, a lack of access to sporting or other facilities—sends a message that women are not equal, and in supporting women facing situations of violence to recover and to heal.

These 16 days of activism and beyond, I encourage all in this place, and every South Australian, to speak and to act to prevent violence against women. I urge people to push through discomfort and call behaviours out. I urge people to be involved. Whatever a person's role, sphere of influence, postcode, profession, your voice, your actions can make a difference.

Our government applauds all who speak up and act and we encourage those who have not yet used their voices to do so. We will continue to work on actions that can be taken in the short and the medium term and will work with colleagues across government, the sector, and with our community to tackle the horrific scourge of domestic, family and sexual violence.

**STEVENS, CHARLIE**

**The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (15:10):** I seek leave to make a ministerial statement.



Leave granted.

**The Hon. J.K. SZAKACS:** I rise today to express my deep sorrow, an emotion I am sure that is shared by all members of this place, on the passing of Charlie Stevens. I extend our condolences to his family, his remarkable parents, Grant and Emma, and all those who knew and loved Charlie.

The entire state's heart broke last Saturday when we learned the news that Charlie had been struck by a vehicle at Goolwa Beach while celebrating schoolies with his friends. His death is a tragedy that remains incomprehensible even today.

Over the time of police commissioner Grant Stevens' leadership of South Australia Police, we have all come to know him extremely well. He has been a rock of stability. He was in our homes every evening as we tensely waited for the updates on the COVID pandemic, advising us of what we could do to keep ourselves and our families safe. He gave us a sense of calm amid the extraordinary chaos. He gifted us the luxury of safety. Grant and Emma, who sacrificed so much in recent years, are the last people on earth on whom such cruelty should fall now, but yet, in their trauma, they have continued to give.

I have been approached by so many South Australians with their reactions to this extraordinarily sad event. It is remarkable how many people were touched by Charlie during his all too short life. I have come across many people who knew Charlie from school or from footy or a child who knew him. Others see in Charlie a boy, a son, who was so much like their own, because South Australians know the Stevens family so well and this is close to home.

The open letter that Grant and Emma penned about Charlie—Charlie Boy, Chas, Links, Steve—is one of the most powerful public statements I can recall. I am not ashamed to say that it brought me to tears. I cried with my family that morning and I held them even tighter, and I expect the same quiet scene has been repeated in thousands of kitchens and bedrooms across the state and around the nation.

In Grant and Emma's letter we find a young man who loved his job and had an ambition for the future. He was a force of nature with a 'beautiful, cheeky, disarming smile'. Charlie was 'a lovable ratbag from the moment he could talk'. He would also 'befriend the lonely, and help those who were struggling'. The grief in this letter is immense. With time, I know its grace will remain shining brightly.

It is an incredible burden to be processing private loss as a public figure. There is no escape from the public interest, as well as empathy in this darkest moment. Yet Grant and Emma continued to think of others and how they could help us. They have sought to raise awareness of organ donation so that lives can be saved from the loss of others. They have expressed the full and terrible devastation that occurs when lives are lost on our roads as a message to others. This is true strength and this is selflessness from a family of the deepest compassion.

Charlie had passions and plans for life that will now not be known. Charlie is not just 101, he is more than just a number on a tragic tally. Sadly, he is also now one of 105 lives that have been lost on our roads in 2023. In each case, there are families who weep, there are communities who are broken and there are lights that are dimmed. The finality of all this is just brutal. We feel, and are, helpless to mend these wounds.

I implore all South Australians to honour Charlie's memory by slowing down and taking even greater care on our roads. No family should suffer the loss of a child. It is one small commitment that we can all make to stem this suffering. Vale, Charlie Stevens.

*Parliamentary Committees*

#### **NATURAL RESOURCES COMMITTEE**

**The Hon. L.W.K. BIGNELL (Mawson) (15:15):** I bring up the fourth report of the committee, entitled Innamincka and Moomba Fact-Finding Visit.

Report received and ordered to be published.

**The Hon. L.W.K. BIGNELL:** I bring up the fifth report of the committee, entitled Inquiry into Biochar.

Report received and ordered to be published.

#### **PUBLIC WORKS COMMITTEE**

**Mr BROWN (Florey) (15:16):** I bring up the 56<sup>th</sup> report of the committee, entitled Lower Brown Hill Creek Capacity Upgrades.

Report received and ordered to be published.

**Mr BROWN:** I bring up the 57<sup>th</sup> report of the committee, entitled North-South Corridor: Torrens to Darlington Project.

Report received and ordered to be published.

#### **CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE**

**Mr ODENWALDER (Elizabeth) (15:17):** I bring up the seventh report of the committee, entitled Report of the Crime and Public Integrity Policy Committee into the Operation of the Police Complaints and Discipline Act 2016.

Report received.

#### *Question Time*

#### **DOMESTIC AND FAMILY VIOLENCE**

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:18):** My question is to the Acting Premier. Does the government support a royal commission into domestic and family violence? With your leave, sir, and that of the house, I will explain.

Leave granted.

**The Hon. D.J. SPEIRS:** Between 15 and 21 November 2023, four women in South Australia were killed, allegedly at the hands of men known to them, in what has been described as the worst week for fatal domestic violence in our nation's history. SAPOL statistics also show family and domestic abuse related offences have soared, jumping by over 18 per cent over the past two years—the equivalent of five extra offences per day.

**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) (15:18):** This is, of course, an extraordinarily important topic and has been spoken about in this chamber already, very movingly, by the Minister for the Prevention of Domestic and Family Violence.

The request for a consideration of a royal commission is being taken very seriously by this government because of who has made the suggestion. These are advocates who have worked, often for most of their careers, trying to address domestic and family violence and they have requested that we consider this option.

Whether in fact a royal commission, which of course is not only expensive but takes a significant length of time, is the most appropriate course will be determined in due course by both the Premier and the minister with a discussion at the cabinet level. What we have determined is to spend a period of time with the sector. The Premier and the minister will have a meeting with the leaders of the sector and perhaps some other relevant ministers to discuss the issues before too long and work out a path forward collaboratively and together.

I note that the Liberal opposition have already proposed an alternative. They have written to the Social Development Committee and suggested that that might be a place to have an inquiry. I further note that there was an inquiry not too many years ago undertaken by that committee. Nonetheless, it is again a suggestion that is worthy of consideration. We will take the time to make sure that we are talking properly with the sector.

Specifically about this suggestion, I know that the minister spends an enormous amount of time in the sector and knows this area of public policy extraordinarily well. I also know that the Minister for Human Services, of course, interacts significantly with that sector. I myself spent an hour yesterday at a forum on coercive control, to which I was invited by a community organisation from

my electorate, so many of us spend time. But a particularly focused discussion about this, I think, is of merit and ought to be undertaken with proper weight and consideration.

#### **DOMESTIC AND FAMILY VIOLENCE**

**Mr TEAGUE (Heysen) (15:21):** My question is to the Minister for Women and the Prevention of Domestic and Family Violence. Does the minister support calls for a royal commission into domestic and family violence? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr TEAGUE:** Advocates, including Rosie Batty, Embolden alliance and all their industry members, Zahra Foundation, Catherine House, OARS, Working Women's Centre and victim survivors, among others, on Friday called for urgent action and a commitment from the government for a South Australian royal commission into domestic and family 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) (15:22):** Thank you to the shadow minister for the question. Can I just say again how devastated I am and how devastated our community is about the absolutely horrific killing of four women in the space of just one week. It is absolutely horrific. Again, I offer my love and my condolences to all who mourn them.

I also, in saying that, absolutely acknowledge the domestic violence sector. It's a sector that I have been proud to stand with, literally for decades. I know how incredibly hard they work and how much they approach all that they do with compassion and with deep commitment to supporting and empowering women and also how much they focus on trying to shift the inequality that we know precipitates disrespect and violence towards women. What I also know is that moments like this are particularly difficult for them as they continue to go about that tireless work to make a difference in the lives of women experiencing violence. It is a really, really difficult time for them, and I want to acknowledge each of them.

I also acknowledge that the shadow minister joined me not only at the event that was held on Friday but also the rally that was held by Rotary, Zonta and BPW on Saturday. I mention that particular event because what was really important about it, as are all of the events around DV prevention, is that it was a group of people that I stood with and that I walked with, many of whom said to me this was their first time participating in this type of public action. That makes me hopeful about the changes that we can make.

As I just spoke about in my ministerial statement, whilst as a government we are undertaking numerous measures to help with the prevention and eradication of violence against women, we will of course consider what else we can do in the short, medium and long term. As the Deputy Premier has just outlined, as we always do, as I always have, I will consider suggestions from the sector about particular ways forward. I will consider their suggestions with the seriousness that those suggestions deserve.

In relation to their proposal for a royal commission, as the Deputy Premier just said, of course we will consider that proposal. We will also consider other ways forward, other ways forward that see us in the short and medium term continuing to take action focused on the prevention of violence against women. I do appreciate the shadow minister's interest through this question, and I reiterate what the Deputy Premier said, and that is that we will consider this request from the sector. Again, I thank the sector, and I will continue to stand with them and walk alongside them as I always have done.

#### **DOMESTIC AND FAMILY VIOLENCE**

**Mr TEAGUE (Heysen) (15:26):** My question again is to the Minister for Women and the Prevention of Domestic and Family Violence. Has the minister since Thursday last week had any discussions with the Premier regarding the calls for a royal commission into domestic and family violence in South Australia?

**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) (15:26):** I think, also as the Deputy Premier said, this is a matter that the Premier and myself and other ministers will consider. Of course I have discussions with the Premier and also, rightfully, I have discussions with a range of ministers and my colleagues. When we go about doing what we can to help to prevent and eradicate domestic violence—noting that no one government, nor the sector, nor one person alone can actually make change—when I go about thinking what we can do together, I also speak with other ministers.

There is a role, of course, for the Minister for Education in terms of the respectful relationships education that is undertaken in various school settings. There is a role, of course, for the Minister for Human Services to play in terms of the role that homelessness support, housing and the provision of affordable housing play in the prevention of domestic violence and, crucially, in support of those who experience domestic violence.

I also speak with the Minister for Health and Wellbeing. Again, health and wellbeing absolutely plays a role in domestic violence prevention and eradication. It is incredibly important that clinicians in every sort of medical setting have the skills to identify signs of domestic violence and feel confident about asking particular questions and about connecting those who experience domestic violence with the relevant supports.

I also, of course, speak with the Minister for Police. I do not think I need to go into great explanation about why that is the case. That is often the case in some really difficult circumstances around domestic violence. Again, the police play a really important role in terms of building community awareness and understanding about the supports that are available.

Very recently, I have also had a discussion with the Minister for Planning and the Minister for Consumer and Business Affairs around the role that the real estate industry and the finance industry can play when particular women, following an experience of domestic violence, find themselves bearing the brunt of unpaid mortgages, damaged property or financial abuse, where they have been coerced into taking on particular loans, etc.

So, yes, of course I speak with the Premier about these issues but I actually speak with all of my cabinet colleagues and all the people on this side of the house about the role that we can all play—

**Mr Whetstone:** What about the four women who died? Who helped them?

**The Hon. K.A. HILDYARD:** I beg your pardon.

**The SPEAKER:** Member for Chaffey!

**The Hon. K.A. HILDYARD:** —and I will continue to do so. As I have always done throughout the course of my life I will continue to advocate for all that can be done by community, by government, by the sector to help to prevent domestic violence.

My record is very clear on this issue. It will continue; my relationship with the sector remains strong. I will continue to stand with them as I have done for a very, very long time. I will take any issues, any suggestions that they bring to my attention very seriously. This is no different. As the Deputy Premier has said, we will continue to very seriously consider this particular suggestion.

Can I say again in light of the words, the commentary over there, I am absolutely heartbroken by the death of four women in our community, absolutely heartbroken. It affects me very, very deeply, as it does many other people. What I hope is that I don't hear any more of that commentary trying to make this into some sort of political pointscoring exercise.

*Members interjecting:*

**The SPEAKER:** Order!

### DOMESTIC AND FAMILY VIOLENCE

**Mr TEAGUE (Heysen) (15:31):** My question is again to the Minister for Women and the Prevention of Domestic and Family Violence. Has the minister since Thursday last week attended any sporting, tourism or other public events which the Premier has also attended?

*Members interjecting:*

**The SPEAKER:** Order!

**Mr TEAGUE:** I can ask the question again.

*Members interjecting:*

**The SPEAKER:** Order! Member for Cheltenham, you are warned. The member for Elder is warned. Member for Chaffey, order!

**Mr TEAGUE:** My question is to the Minister for Women and the Prevention of Domestic and Family Violence. Has the minister since Thursday last week attended any sporting, tourism or other public events which the Premier has also attended?

**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) (15:32):** Thank you so much, Mr Speaker, and I can't quite bring myself, as I usually do, to thank the shadow minister for the question, because I find the question despicable.

*Members interjecting:*

**The SPEAKER:** Order! There is a point of order, which the Chair must turn to immediately.

**The Hon. J.A.W. GARDNER:** Standing order 98: commentary on a question like that is clearly debate.

*Members interjecting:*

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

**The Hon. K.A. HILDYARD:** Again, I am really saddened by this politicisation of something that many of us are absolutely devastated about—absolutely devastated about.

*Members interjecting:*

**The SPEAKER:** Member for Newland!

**The Hon. K.A. HILDYARD:** I didn't want to make some of the points that I am about to make, but in light of this particular question that has been asked can I just say that just earlier I absolutely acknowledged that we have more to do as a sector, as a government, as an entire community, and I rightly acknowledge that all of us in the community, all of us in this place have more to do. But I also set out a comprehensive list of actions that this government has taken that we committed to a long time ago. Some of the actions—

*Mr Brown interjecting:*

**The SPEAKER:** Member for Florey!

**The Hon. K.A. HILDYARD:** Some of the actions that we are taking are actions that I moved for repeatedly from opposition—repeatedly from opposition, twice.

*Mr Brown interjecting:*

**The SPEAKER:** Member for Florey!

*Mr Whetstone interjecting:*

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

**The Hon. K.A. HILDYARD:** I moved legislation to criminalise coercive control from opposition. I moved legislation from opposition to electronically monitor those who had been charged—

*Members interjecting:*

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

**The Hon. K.A. HILDYARD:** —with serious domestic violence offences—

*Members interjecting:*

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

**The Hon. K.A. HILDYARD:** —as a condition of their bail. I moved—

*Mr Brown interjecting:*

**The SPEAKER:** The member for Florey is warned for a final time—

*Mr Whetstone interjecting:*

**The SPEAKER:** —joining the member for Chaffey on a final warning. I am not in the mood; I am not. The member for Florey is on a final warning, and if you want to join him you can continue to interject.

**The Hon. K.A. HILDYARD:** I moved from opposition a bill to criminalise coercive control. I moved for the experience of domestic violence to be enshrined in the Equal Opportunity Act as a ground of discrimination: not supported. My coercive control bill: delayed, delayed, delayed, delayed. My Wicked campers bill: two years delayed. Originally, I had a bill—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** I moved a bill—

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

**The SPEAKER:** The Treasurer is called to order.

**The Hon. K.A. HILDYARD:** I moved a bill from opposition a really, really important bill to increase—

**Mr TEAGUE:** Point of order, sir.

**The SPEAKER:** Minister—

**The Hon. K.A. HILDYARD:** —penalties for breaches of domestic violence intervention orders. Those opposite—

*Members interjecting:*

**The SPEAKER:** Order! The member for Elder is warned. The member for Heysen under 134.

**Mr TEAGUE:** Standing order 98(a). There is a question: has the minister attended at a public event at which the Premier has attended since last Thursday? I might say, following the non answer of the previous question, it's the same point.

**The SPEAKER:** Member for Heysen, you know well that it is not an opportunity for a monologue from you in relation to the standing orders, and I wouldn't make those comments, except to say that this is maybe the second or third time in the last two weeks that you have done it. Let me take you to Speaker Eastick's ruling in 1979, and the circumstances in which he became Speaker might be of interest to you, member for Heysen:

Although members, including Ministers, may not debate the answer to a question, Ministers have always been allowed more latitude than have other members. This has been the practice in this House and in the House of Commons for many years.

So I will listen carefully, but this house has been receiving some heavy news recently and I will not tolerate the type of gamesmanship that sometimes characterises the last week of sitting, if this is to be the last week of sitting, so we will turn to the minister.

**The Hon. K.A. HILDYARD:** Thank you very much, Mr Speaker. As I was saying, one of the really important measures that I moved from opposition was a bill to increase penalties for breaches of domestic violence intervention orders because we know, sadly, that that period after an intervention order is put in place is one of the most dangerous times for a woman who has been experiencing violence. That's why I moved it. Originally, those opposite would not support it. It was only when members of the crossbench—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** —decided to—

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

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

**The Hon. J.A.W. GARDNER:** Standing order 98: the question went directly to public events at which the minister and the Premier were both present—and the answer, with 30 seconds left, we are awaiting.

**The SPEAKER:** There is some merit in the point of order that has been raised with me. Minister, I take you back to the question.

**The Hon. K.A. HILDYARD:** I will just conclude that that bill was only passed when the crossbench decided—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** —to support it. Those opposite cut funding to Catherine House and to the Domestic Violence Court Assistance Service. What I will say in conclusion is that I find it just abhorrent that that is the path they go down: to someone and to a party absolutely who has supported—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** —and stood alongside brave victim survivors of domestic violence—

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** —for years, and that is what they've got. I don't have a thing to—

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

*Members interjecting:*

**The SPEAKER:** Order! Minister, there is a point of order, but it also may be that your time has expired. Do you wish to continue your remarks?

**The Hon. K.A. HILDYARD:** No.

**The SPEAKER:** Very well, I turn to the opposition side.

### INFRASTRUCTURE PROJECTS

**Mr COWDREY (Colton) (15:39):** My question is to the Treasurer. Does the Treasurer stand by the answer provided by the Premier in the house on 15 November? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr COWDREY:** When asked whether the hydrogen power plant and the north-south corridor project changes and the new Women's and Children's Hospital changes which are being considered are being monitored by Infrastructure SA, the Premier responded, and I quote:

Infrastructure SA has a range of responsibilities, including providing assurance reports, and is monitoring each of those projects, to the best of my advice.

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (15:39):** I thank the member for Colton for his question. As members would be aware, Infrastructure South Australia is an organisation that is administratively and functionally responsible to the Premier. I have no information or advice which

leads me to believe that any advice that the Premier provided in his previous answer, which was referred to by the member for Colton, needs to be corrected or cannot stand on its own.

**The SPEAKER:** The member for Colton and then the member for King, who has been waiting patiently.

### INFRASTRUCTURE PROJECTS

**Mr COWDREY (Colton) (15:40):** My question is to the Deputy Premier. Can the Deputy Premier confirm that a benefit-cost ratio assessment has been completed by Infrastructure SA for the hydrogen power plant and, if so, that the BCR was positive?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:40):** I will contact ISA to try to get a detailed answer for the shadow treasurer. I will also check my correspondence to see whether he has written to me asking for this information and see whether or not—

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! Member for West Torrens, there is a point of order, which I will hear under 134.

*The Hon. A. Koutsantonis interjecting:*

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

**The Hon. J.A.W. GARDNER:** Standing order 98: the Treasurer, having just advised the house that Infrastructure SA is responsible to the Premier, the Minister for Transport receiving a letter is obviously therefore completely irrelevant to the question that was asked.

*Members interjecting:*

**The SPEAKER:** Order! Well, that—

*Members interjecting:*

**The SPEAKER:** Order! That may be, but we are so early in the answer that it is impossible to form a view.

**The Hon. A. KOUTSANTONIS:** It is so important to note for my young friends opposite that I am also the Minister for Energy, in case they haven't noticed, who is charged with the construction of the hydrogen power plant. I will go to ISA and see what the analysis is—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** —and I will attempt to get an answer for my young friends opposite as quickly as possible.

*Members interjecting:*

**The SPEAKER:** Order! The member for King, as earlier foreshadowed.

### VAILO ADELAIDE 500

**Mrs PEARCE (King) (15:42):** My question is to the Treasurer. Can the Treasurer update the house on the 2023 VAILO Adelaide 500?

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (15:42):** Indeed I can. It gives me great pleasure to update the house on the success of the VAILO Adelaide 500, which was held in Adelaide over this weekend just passed.

In fact, last night I was fortunate enough to represent the government at the Supercars Championship Gala Awards. Now that the race has been returned to South Australia and is now held



as the last rounds of the championship season, the gala awards dinner is now held in Adelaide as well. It is attended, of course, by drivers and their teams, by sponsors, by team members, as well as by other supporters of this major sporting code in our country.

Last night, the VAILO Adelaide 500 was voted the best V8 Supercars event of the year. That is the second time in a row it has won that event. Just think, you've got—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** —Bathurst, you've got the Gold Coast rounds, yet Adelaide stands proud and tall above all other events at hosting a V8 supercars event better than anywhere else in the country. It was an extraordinary weekend—260,700 attendees, just absolutely extraordinary—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** There was one notable absentee, of course, who didn't go—

*Members interjecting:*

**The SPEAKER:** Order! Member for Morphet, you are warned.

**The Hon. S.C. MULLIGHAN:** I saw former Premier Brown there and former Premier Olsen there.

*Members interjecting:*

**The SPEAKER:** Member for Newland!

**The Hon. S.C. MULLIGHAN:** I saw former Premier Kerin there. Who was missing?

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

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

*Members interjecting:*

**The SPEAKER:** The member for Elder is warned for a second time. Member for Chaffey, you are on a final warning. Member for Hartley, order!

**The Hon. J.A.W. GARDNER:** I will take 98, sir.

**The SPEAKER:** Very well.

**Mr Whetstone:** Did anyone buy a ticket? Anyone?

**The SPEAKER:** The member for Chaffey is on a final warning.

*Members interjecting:*

**The SPEAKER:** Order! Treasurer, please be seated. The member for Florey and the member for Chaffey, who continue to interject, will depart under 137A for the remainder of question time. The member for Elder and the member for Newland are on a final warning.

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

**The Hon. S.C. MULLIGHAN:** Remember that last year the return of the event injected \$53 million into the state's economy. There are some who believe that cancelling this event and replacing it with Barossa Contemporary: Festival for the Curious was in the state's best interests, but as we now have seen two years in a row the Adelaide 500 is not only the premier supercars event in the nation but it delivers a massive economic benefit.

*Members interjecting:*

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

**The Hon. S.C. MULLIGHAN:** This year there were some particular additions which caught the attention of fans and attendees. Not only was the championship won in the last round by Brodie Kostecki but also we had a former rookie win their first supercars race on the Sunday. We had the global phenomenon of Dave Kindig from Kindig customs come and make his first trip to Australia to come and judge the best customer-modified cars in the Kindig custom pavilion. And what about the F-35? That was absolutely extraordinary, absolutely extraordinary.

**The Hon. A. Koutsantonis:** Did everyone like them?

**The Hon. S.C. MULLIGHAN:** Everybody thought it was the most stunning and impressive display of defence hardware they have seen in South Australia. It was universally welcomed. It was absolutely fantastic. To see that Royal Australian Air Force jet fly over twice in the middle of the day on the weekend was absolutely fantastic and embraced by everyone, I am sure, including all those opposite—except, of course, the member for Dunstan.

#### NORTH-SOUTH CORRIDOR

**Mr COWDREY (Colton) (15:47):** My question is again to the Deputy Premier. Can the Deputy Premier confirm that a benefit-cost ratio assessment has been completed by Infrastructure SA for the rescoped north-south corridor project and, if so, that the BCR was positive?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:47):** This is the same question being repeated over and over again.

*Members interjecting:*

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

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** When you speak, take your glasses out of your mouth. It's rude to have things in your mouth—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** It's rude.

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** About being rude?

**An honourable member:** Yes.

**The Hon. A. KOUTSANTONIS:** No, I don't.

**The SPEAKER:** The exchange between the member for Dunstan and the member for West Torrens will cease.

**The Hon. A. KOUTSANTONIS:** I will take this question to ISA and get a response for members opposite. But, given the curiosity of the member for Dunstan, who is so keen to find out information in question time—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** —maybe you should attend with us.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** Who is it who has missed more question times—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** —than anyone else? Oh, it's the member for Dunstan, the part-time member for Dunstan.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** The part-time member who has decided to grace us with his presence the last week—

*Members interjecting:*

**The SPEAKER:** Member for Dunstan!

**The Hon. A. KOUTSANTONIS:** He came here to check in the card in case there's a bonus, in case there's a bonus paid before Christmas—

*Members interjecting:*

**The SPEAKER:** Member for Hammond, order!

### CHILDREN IN CARE

**Ms HUTCHESSON (Waite) (15:48):** My question is to the Minister for Child Protection. How is the government investigating options for siblings in care to keep connected?

**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) (15:48):** Thank you very much to the member for this question and for her commitment to the wellbeing of children and families. When children come into contact with the child protection and family support system, they are often facing a wide range of complex and interrelated issues. The decision about whether and how they stay connected with their brothers and sisters may be beyond their control.

While for many families, siblings staying together is the best option, there are circumstances where siblings are separated. Sometimes separation, ideally temporary, is necessary for the safety of a child and in their best interests. There are also occasions when facilities to accommodate large sibling groups can be challenging to find.

The Guardian for Children and Young People rightly advocates for sibling connections to be nurtured and maintained, and suggests more consensus and collaboration between care team members to listen to children's voices, and to act in the interests of sibling contact. Children's voices need to be heard and amplified. I listened closely to their voices in opposition and continue to work to recognise and represent their interests. To ensure that children's voices are at the centre of decision-making it is crucial that we do.

That is why earlier this year we funded CREATE Foundation to investigate and report on sibling connection in SA. CREATE's advice was practical and helpful, including recommendations that the department should:

- discuss sibling rights with young people when they first come into care;
- regularly review sibling connections (for example, through care plans and care team meetings), particularly when the child enters care at a young age;
- ensure that children and young people are aware of, and more able to exercise, their rights to make applications for contact orders with their siblings; and
- engage young people with a care experience to shape best practice guidelines and policy on sibling connection.

We are committed to continuing to focus on the interests of siblings, whilst always prioritising individual safety. I look forward to our continued work on these recommendations from CREATE and highlight some of the work already underway.

Currently, DCP policy promotes keeping siblings together as the first preference when making placement decisions, again where this is safe and a placement is available. Staff consider various factors when making decisions about sibling connection and consult a psychologist when consideration is being given to separating or attempting to intervene.

Under the Children and Young People (Safety) Act, DCP is rightly required to consult with recognised Aboriginal and Torres Straight Islander organisations on placement decisions, and practice guidance is in place that describes Aboriginal kinship and family structures, including sibling relationships, in Aboriginal families. Further consideration is being given to how we can bolster practice guidance on case planning and annual reviews to promote sibling connection and contact, including ensuring that the views of the children are sought out and given due consideration.

A strong bond between brothers and sisters can be a foundation stone for families to build resilience, social and emotional wellbeing, achieve positive educational and developmental outcomes, and a sense of security and love that can last a lifetime.

I will continue to work with the Guardian and the CREATE Foundation to explore the development of a structured mechanism for me to hear directly from young people, and to ensure that the voices and interests of siblings are amplified. Children and young people are strong and resilient; their voices on what is important to them should always be heard.

#### INFRASTRUCTURE PROJECTS

**Mr COWDREY (Colton) (15:53):** My question is again to the Deputy Premier. Have the government's infrastructure projects complied with Premier's circular 49 requirements relating to InfrastructureSA assessments?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:53):** I have received no advice to the contrary.

#### INDIA TRADE MISSION

**The Hon. L.W.K. BIGNELL (Mawson) (15:53):** My question is to the Minister for Trade and Investment. Can the minister update the house on any outcomes from the recent bipartisan trade mission to India?

**The Hon. V.A. Tarzia:** Didn't he take you?

**The Hon. L.W.K. BIGNELL:** I was in Mexico, mate.

**The SPEAKER:** Order!

**The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (15:53):** I thank the member for Mawson for his question and his great interest in our international trade missions, which of course seek to expand our global networks and build on our existing relationships. Last week, I embarked on an international mission to India, the first mission by a South Australian minister since 2017 and the first since the signing of the Australia-India Economic Cooperation and Trade Agreement.

Importantly, it was a bipartisan mission, and I was accompanied by the member for Chaffey, and my shadow minister, which I think was a pleasant surprise to both Australian and Indian companies and to government officials. I think the government officials, in particular, found it a unique feature of South Australia's very gentlemanly and citizen-based politics that we had a team South Australia approach to trade.

India is the world's largest democracy, with 1.4 billion people, a growing geopolitical and economic power in the world, and the growth that we have seen India have means that it is now the world's fifth largest economy with the Modi government targeting a \$5 trillion economy by 2024-25. We have already seen the benefits of their AI-ECTA, which is the opening of the export market valued at over \$24 billion when it came into effect last year on the 75<sup>th</sup> year of Australian-Indian relations.

The trip began in the silicon valley of India, Bengaluru, a city boasting a huge technological workforce: 25,000 IT companies, a substantial annual foreign direct investment of around \$5 billion to \$6 billion. I attended meetings with Ather Energy, Wipro, Big Basket and the Minister for

Commerce and Industries in the government of Karnataka, Dr Patil. The delegation also attended a StudyAdelaide event. India is our state's largest source of international students, with the student cohort growing 36 per cent over the last year to 14,000 enrolments.

On the last day of our stay in Bengaluru, we hosted a tech roundtable event, which saw the announcement of a partnership between Astrogate Labs and Hex20, allowing for high-speed intersatellite data transmission. That is an example of the growing opportunities for the space industry between the two nations.

The second part of the mission was in the commercial and industrial centre of India, in Mumbai. At that time, we announced a new dedicated permanent country director for India based in Mumbai. This will help the South Australian government focus on even greater opportunities for our commerce and engagement with India. We think it is really important to have that dedicated opportunity. Of course, wine figured prominently, as it always does, in all of this.

**The Hon. L.W.K. Bignell:** Hear, hear!

**The Hon. N.D. CHAMPION:** The member for Mawson will be proud to hear that we had both Wirra Wirra and Metala receive contracts from their presence at ProWine Mumbai last year. We announced at ProWine Mumbai this year, an event held by the Department for Trade and Investment, two new ambassadors and a new chapter of the South Australian Wine Ambassador's Program. Pritish Matai and Nikhil Agarwal are two new ambassadors who will help champion our wine industry in India. As I said, we attended the launch of ProWine Mumbai. We had a wine masterclass event. It is no surprise that two South Australian brands received best in show awards. Metala and, of course, Penfolds both won awards for their wine.

#### IMMIGRANT DETENTION

**Mr TELFER (Flinders) (15:57):** My question is to the Minister for Police, Emergency Services and Correctional Services. Are there any community safety risks to South Australians due to the recent immigration detainee release by the federal government? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr TELFER:** On 8 November, the High Court found that indefinite immigration detention was unlawful. Following the decision, at least 132 immigration detainees have been released into the community, including people convicted of murder, sex offences and other criminal convictions.

*Members interjecting:*

**The SPEAKER:** Member for Gibson!

**The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (15:58):** I thank the member for his question and I will do my best, not being the Minister responsible for the High Court, nor for the Attorney-General or for the federal Minister for Immigration, to provide a brief up for this. I recall that last time I was in this place and asked a question by the member, I gave the best that I could about the background to this and also particularly the circumstances that led to the release of these detainees, and there wasn't an interest from the other side.

But I can advise the member, as I did at the time, that there were between five and eight individuals SAPOL had suspected may have some links to South Australia and therefore may facilitate travel to South Australia. I can advise that number is now five. There are five individuals who have been released from federal detention as a result of the High Court decision who have or are suspected to be potentially travelling to South Australia.

Of course, since we were in this place last—again, all quite digestible from public information, but for the member's benefit—the federal government has announced a suite of direct funding for both the Australian Border Force and the Australian Federal Police, as well as legislative instruments that would seek to, and now do, apply to individuals who are subject to this release without existing or ordinary orders available to them.

On the most recent advice that I have received, I can advise that there are two individuals who have been released from federal immigration detention, who had live South Australian-based orders against them. What that means is that the Department for Correctional Services effectively could, and has, re-enlivened the monitoring, reporting and compliance that does lead to community safety outcomes—immediately. That's a good thing. We are somewhat fortunate in that case that those two individuals did have existing state-based monitoring or other orders applied to them. In that case, it is the Department for Correctional Services which has been applying the acute case management and electronic monitoring.

For other individuals who are subject to release from federal immigration detention as a result of this High Court decision, most of those don't have live state-based orders. In that case, the enabling legislation that has now passed through the federal parliament has given the ability for federal agencies—the Australian Border Force and the Australian Federal Police—to electronically monitor these individuals. It also gives the Australian Federal Police new powers to ensure compliance, investigation and, ultimately, prosecution.

In any case, no matter the individual and no matter the way that they find themselves in South Australia—they may be a permanent resident, they may have been born here, in fact they may be here for holidays for a couple of weeks—they are subject to the laws of this state. The laws of this state are applied by South Australia Police. They do so in a very profound way, they do so in a very good way, and I can give the member for Flinders and his question the assurance that SAPOL continues to keep our community safe, no matter who you are and in which manner you find yourself in South Australia.

#### IMMIGRANT DETENTION

**Mr TELFER (Flinders) (16:02):** Supplementary to the Minister for Police, Emergency Services and Correctional Services: are there any financial implications for the South Australian government due to the recent release of immigration detainees?

**The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (16:02):** I do recall that I was asked this exact question by the member for Flinders a couple of weeks ago—in fact, sorry, it wasn't the exact question because he asked me whether there was any financial implication for SAPOL, who were to be applying electronic monitoring, and I had to inform the member that SAPOL don't provide electronic monitoring.

As in my former answer, there are two individuals in South Australia who are subject to state-based orders. They are being electronically monitored in exactly the same way that, at any given time, a very large number of individuals are being case managed by the Department for Correctional Services. So the cost implication is marginal and is, to all advice, of zero impact to our department. These are two individuals who are being supported by the outstanding workforce at the Department for Correctional Services Community Corrections.

I did advise the member, when he last asked this question in parliament, about the significant number of surge electronic monitoring devices that our department carries. That is for good measure and is exactly the reason that we don't sit back and hope for the best when it comes to additional ankle bracelets or other electronic monitoring devices. These two are immaterial; they are being managed and there is no impact.

#### IMMIGRANT DETENTION

**Mr TELFER (Flinders) (16:04):** My question is to Minister for Police, Emergency Services and Correctional Services. Has the minister received advice on the circumstances of any released immigration detainees in South Australia who have refused to wear an electronic tracker? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr TELFER:** It has been reported in the media today that a released immigration detainee, who apparently refused to wear an electronic tracker, has been uncontactable to police and they remain in the community at large. The federal government has refused to provide information about this case, including the individual's suspected whereabouts, criminal history and physical description.

**The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (16:04):** I would obviously suggest to the member that he could, if he was endeavouring to seek information from the federal government, contact them or contact one of his members from the federal caucus. But, no, there is no advice for those individuals who are either here or seeking to travel to South Australia.

#### HOMELESSNESS SERVICES

**Mr ODENWALDER (Elizabeth) (16:05):** My question is to the Minister for Human Services. How is the Malinauskas government responding to single women facing homelessness?

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (16:05):** I really thank the member for Elizabeth for the question and also for his commitment to assisting people in need, particularly those experiencing homelessness. Last month, I was really pleased to stand here and tell the house about a new homelessness hub in the CBD. The hub isn't a shopfront for clients to access but a place for government and non-government organisations to share ideas and challenges while crafting better responses for people who often present with really complex circumstances that cut across portfolios.

My colleague the Minister for Women and the Prevention of Domestic and Family Violence has just been talking about how we work together as a caucus, particularly when there are these complicated situations for people in our community. I am absolutely certain that some of the women involved in this new service are absolutely those with a background of domestic violence.

This week, the story continues with another homelessness development in the city. In the past fortnight, I was honoured to open a new service in the CBD that is focusing on single women who would otherwise be homeless. The new service houses up to 10 single women aged over 40, each with their own room, ensuite and onsite supports. The intention is to offer housing and support for up to three months while people stabilise so they can then access longer term housing. Critically, this means that 10 fewer single women who were sleeping rough, living in their cars or couch surfing every night are now getting support in a place of shelter and comfort.

The new development is a partnership between the Toward Home Alliance, who are providing case management; Carrington Cottages, who are managing tenancies; and Baptist Care SA, who are offering the site at a peppercorn rent. In opening the facility, I was joined by the most amazing women. Chief among them was Rhubee Neale, who painted the picture that welcomes people into the new facility and who will be there to help people on their journey.

Rhubee shared her story at the opening, and it was a reminder of just how important these places are. Rhubee explained how she, as a 59-year-old Aboriginal woman, found herself couch surfing and wondering where to turn. After looking for help, she found Carrington Cottages. She stayed at one of their new facilities, which is another partnership with the South Australian government, called Jordan Place. I had the great joy of opening Jordan Place earlier this year following an anonymous donation of \$1 million, which we then as a state matched, to buy and refurbish a former backpacker hostel.

Rhubee will be coming to the new facility—she has already moved in there—in a very different capacity from the one when she joined the family at Jordan Place. Having stabilised her circumstances, Rhubee will be a paid caretaker at the new facility in addition to being able to offer her own advice and example to those around her. Mel Rendell and Deb Buckskin joined us from Baptist Care SA. Shaya Nettle was there from Toward Home Alliance, and Karen Aistrope represented Carrington Cottages.

I am constantly humbled by the creativity, passion and sheer dedication shown by these women and their colleagues to making our community fairer and making a more just society for those who are often forgotten or walked past by so many others. While the organisations who partnered to deliver this new service all receive government support of one kind or another, this new service was delivered without a budget bid or new funding. They saw a need, they saw an opportunity to respond and then they made it happen. It is a fine example that deserves our recognition and support. The journey of Rhubee from homelessness to employment is one that we will all remember.

**SA HOUSING AUTHORITY**

**Mr TELFER (Flinders) (16:09):** My question is to the Minister for Human Services. Is the minister aware of any changes to the reports of antisocial behaviour at properties managed by the SA Housing Authority and, if so, what is the cause of this change? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr TELFER:** Media reports from earlier this year indicate that SA Housing Authority data revealed a 25 per cent increase in complaints for the 2022-23 financial year to an almost decade high of nearly 6,900 complaints.

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (16:10):** I thank the member for the question. Certainly, it is really concerning to hear reports of antisocial behaviour, and we take them all very seriously. Often, there are different responses for different circumstances. As many members would know, a lot of these complaints or raising of concerns come through the offices of members of parliament.

The vast majority of people who live in public housing live in public housing very calmly and quietly. They get along and on with their business. In fact, I think the split is something like 60 per cent of tenants or thereabouts, half, are living in a very stable tenancy without causing too much trouble or concern for their families, their neighbours and their communities. There are certainly about a third of our tenancies that do require some additional support because they have quite a range of complex backgrounds, including medical and psychosocial challenges, disability and other challenges that life has dealt them along the way, no more than poverty and disadvantage as well.

We do know that about 10 per cent of our tenancies require quite significant additional support. I have mentioned in this place before and I will mention again that it has been made extremely difficult to provide that additional support given the cut of 20 per cent of staff that happened in four years between 2018 and 2022. What we are doing is we are changing the way we go about our business and the way we do things. We are putting in place some strategic opportunities in our team of housing support officers where they can work together to build community and build neighbourhoods in some of the neighbourhood or congregate living sites, which previously would have been referred to as maybe walk-up flats or cottage flats.

Some of those strategies that are being put in place will start to reap rewards. I will not bore the member again with my analogies of chickens and trucks and turning things around. It does take some time, obviously, to turn things around, but we are very confident in housing. Some of the changes we are making and some of the investments we are doing not just with our staffing and the culture within our department but also with the capital works that are going on and some of the upgrades, improvements and investments, the changes in the types of housing and where we are building them, are being made.

We are confident that these will set a better standard for the future for people living in public housing. I think the emphasis and the focus that is being put on the need to supply affordable and dignified housing for people who have complex challenges in the community is something that is not just happening from a state point of view. This is happening nationally. We are working really hard with the federal government as well to come up with a really solid and connected plan nationally around housing and homelessness that will see better outcomes for people into the future, a really connected way of working as a federation, as a national and state government team.

We have met as a team of housing and homelessness ministers, and that cuts across a number of other portfolios in here. Of course, we have Minister Champion, who has planning, urban development and renewal, and we have the Minister for Consumer and Business Affairs as well. We are also working together on policy that will inform that national plan, and I look forward to working on that over the next six or so months with the excellent Minister Collins from the Australian government.



### SCHOOLS, ALLIED HEALTH SERVICE PROVIDERS

**The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (16:14):** My question is to the Minister for Education, Training and Skills. Does the Department for Education have any plans to reduce the volume of allied health service providers seeing NDIS clients on school sites during the day and, in the alternative, does the government support proposals to make it easier for allied health providers to engage with NDIS clients on school sites?

**The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (16:14):** I thank the member for Morialta for his question, an important question, and I understand a question that has already been asked of the Hon. Emily Bourke today in the other place around whether or not there has been a change in policy or whether there is a change in policy that is coming soon that might in some way preclude allied health providers, most likely as part of NDIS supports, from coming and offering those supports on school sites.

I have taken the liberty of checking with the chief executive about whether or not he is aware of any changes that are foreshadowed that might make it less likely that those allied health providers can find a place at the school to provide their very important services to families there. I have been informed that there is no change planned.

Of course, we know, as does the Minister for Human Services and many other members of this place, there is a huge need for those services in our community broadly, but of course that is often felt very acutely at schools and in terms of our ability to make sure that we can have those settings provided in a place that is comfortable and safe and welcoming for parents. I think it is very easy for us to forget in the jobs that we do that many people in society, particularly those who might come from a more disadvantaged background, are more wary of going to access the kinds of services that might be provided in the broad sense from government that we would accept as just a daily part of our life and raise no question.

For that reason, offering them in-school settings is good and it suits those families. It helps us make sure that it is provided to all those children who need it, and I certainly wouldn't support any changes that would make it harder for those allied health professionals to get access to schools to provide those services.

I understand the policy that we operate in at the moment that governs the rules around what third-party allied health providers can and can't do in school sites is part of a policy signed off in 2019. It is the policy that we have kept. In some cases, I understand there are some schools that really struggle for space—a legitimate issue with actually having the physical space there to provide any kind of area, not even a fit-for-purpose one, for those allied health providers to actually come and offer their services.

In cases like that, there is the ability for our school principals in terms of the autonomy that we give them to have control on decision-making powers around their school site to say that they don't believe that they are in a position to be able to provide that space to allied health providers in which case they do their best to accommodate them elsewhere.

But I know, as would the member for Morialta—and the two of us have visited many, many schools, as has the member for Port Adelaide, and spoken to many principals—that I don't know of a school principal in any part of the schooling system in South Australia whether it's public, Independent or Catholic, who wouldn't bend over backwards to do everything they can to make sure that an allied health provider could have the space available there so that young people and families get access to those really important services in a space that is comfortable and welcoming for them.

*Grievance Debate*

### TRANSPORT FUNDING

**The Hon. V.A. TARZIA (Hartley) (16:18):** South Australia was dealt a savage infrastructure funding blow just recently. What we saw was the federal Labor government slash around \$400 million in infrastructure investment here in South Australia. What we saw was that they have robbed country Peter to pay city Paul. What we saw is that Labor's cuts hurt, they hurt badly and they will hurt for many, many years to come here in South Australia.

Recently, what we saw was that the federal infrastructure review was actually code for infrastructure cuts, and that is exactly what we have seen. We have seen cuts all over South Australia. For example, look at where they should actually be spending the money. They should be fixing what is becoming a highway to hell at Truro, a highway that needs to be fixed because it is unsafe. You have another road situation in Hahndorf that is also unsafe—again, subject to these savage cuts. You have a crucial Mount Barker upgrade, which outrageously has been cut by this federal government, despite the repeated advocacy of people like yourself, sir. Of course, Old Belair Road remains old and outdated in parts as well. Five key South Australian projects were cut by this Labor federal and state government, totalling \$400 million in federal funding.

In regard to Hahndorf, we know that in 2019 the government consulted with the local community and identified several different key issues that needed addressing. There was \$250 million put on the table in relation to those improvements and associated works. We know that diverting trucks down River Road has created a dangerous situation for the residents of River Road. In recent times, I have been to Hahndorf with the member for Heysen and the Leader of the Opposition, and we all know and empathise with these residents whom we have come to know and the situation that they are going through at the moment.

Something is not adding up. Hahndorf has been let down once again by this government. Not that long ago, in this house we were actually told that no trees would be cut down, but then we learnt that over 20 trees had in fact been cut down. You also have the Truro freight route. Well, what can I say? If there is no Truro freight route then there is no Greater Adelaide Freight Bypass. How can you have a Greater Adelaide Freight Bypass when one of the most crucial legs of that does not happen? No upgraded Truro freight route means no Greater Adelaide freight route as well, and that means that there are going to be more trucks on Portrush Road, more trucks on Glen Osmond Road and more trucks on Cross Road.

The \$202 million Truro freight route has had 80 per cent of its funding cut—\$161.6 million to be precise. Ultimately, this has cancelled this infrastructure project. We know that several thousand vehicles per day travel through Truro, and many of these are heavy vehicles at the moment. Then you also have planned upgrades of Main South Road between Myponga and Cape Jervis, which are meant to make that route one of Australia's most loved tourist destinations safer, not to necessarily keep it the way it was. With projects being cancelled, more of this infrastructure is going to continue to deteriorate. It is time for this state Labor government to stand up for South Australia.

In recent times, we have seen what other state premiers have had to say. What happened in Queensland? We saw that Ms Palaszczuk has called out federal infrastructure minister, Catherine King, for showing no appreciation for Queensland's infrastructure challenges as the state struggles with an influx of migration. What we have seen is that the Labor lion has again been kept out of the limelight. Why will this Premier not allow the Labor lion here, the member for West Torrens, to encourage the federal minister for infrastructure to actually commit—

**An honourable member:** More a tiger.

**The Hon. V.A. TARZIA:** Yes, exactly right. We need a more committed tiger to actually commit to some of this funding for these key projects. What we see here today is that what we have assumed the whole time has been proven—that is, this infrastructure review is nothing but a code for infrastructure cuts.

An amount of \$400 million has been stripped. As I said, the federal government has robbed country Peter to pay city Paul. It is simply not good enough and I cannot reiterate enough that if there is no Truro freight route then there is no Greater Adelaide Freight Bypass either. That is simply not good enough and residents in the city are going to suffer for many, many years to come.

#### **WHYALLA ASBESTOS VICTIMS SUPPORT GROUP**

**Mr HUGHES (Giles) (16:23):** When parliament is not sitting, I always join in with the Whyalla Asbestos Victims Support Group on their memorial day, which happened last Thursday. It is never a joyous occasion. In fact, it is incredibly sad and tragic when you reflect on the fact that from just mesothelioma alone over 20,000 Australians have died over the past years with more to come, and that is not counting the other asbestos-related lung cancers and diseases.

This year in Whyalla was particularly sad. Each year the number of crosses with names grows, but this year was particularly sad because a man by the name of John Arthur passed away. John Arthur had his start working down here in Adelaide for Hardie's at Elizabeth, manufacturing asbestos piping. Then he went on to work for the old E&WS where he also worked with asbestos piping.

John eventually ended up in Whyalla. Twenty years ago he started the Whyalla Asbestos Victims Support Group along with his wife, Marlene, and over the years they put in an enormous amount of work. John was always there to support others, to be a hug, a set of ears, to listen to people, to provide tangible and practical support and advice to people, families and workers who had been exposed to asbestos and who were faced with incredibly difficult circumstances.

John passed away this year, and he did suffer from asbestosis. He was often short of breath, often in pain, but finally he passed away this year after that 20 years of being a stalwart for the Whyalla Asbestos Victims Support Group. It is with great sadness that I note his passing.

It is interesting to reflect upon the fact that 29 December will mark 20 years since the total ban on asbestos in Australia occurred. That was too late for many, many people. When you consider that the evidence in relation to mesothelioma was established 40 years before that total ban, when you consider that the evidence for general lung cancers in relation to asbestos had been established even before that—and asbestosis itself goes back even further—the fact that it took 40 years after proving that asbestos caused mesothelioma for it to be totally banned in this country was nothing short of a disgrace, with all those lives cut short and cut short in a very, very difficult way for many people.

Hopefully, we have learnt some lessons. Coming up imminently at a national level there will be that decision about whether to ban engineered stone. Engineered stone has a very high silica content. It is already killing people. There will be an opportunity for an outright ban, so one would hope that the state governments, in conjunction with the federal government, will introduce an outright ban.

I am incredibly pleased that the Malinauskas Labor government have indicated that if that does not happen here in South Australia we will act alone, but I cannot see that happening. I think that other states will act, and I think that the federal government will act because we do not want a repetition of what has happened in the past with asbestos.

We all know that when it comes to engineered stone it is not a necessity. There are all sorts of options—benign options—that we can use, and I am not going to list them, as you all know them. Hopefully, in the very near future, I think over the next few days or a bit longer, we will get a good result and we will not revisit the profound tragedy that has been the exposure to asbestos in this nation.

### HAHNDORF BYPASS

**Mr TEAGUE (Heysen) (16:28):** Well, 16 November 2023 is a date that will now loom large as a date of ignominy for federal Labor and state Labor governments alike. It was the day when the federal infrastructure minister, Catherine King, announced that the federal Labor government would be cutting federal funding, including to five key infrastructure projects in South Australia, the largest of which was the fully funded—by previous state and federal Liberal governments—bypass of the Hahndorf township. This was a project that the communities in not only Hahndorf but the surrounding Hills districts have been calling for for decades and know is a matter of the keenest priority for the local area of the Hills.

It was the largest of those projects that was cut by federal Labor on that day. The state Labor response was to say, 'Funds that were associated with that, that the former Liberal government had applied to make sure that those projects could be achieved—well, who knows? They're off somewhere in the ether.' This is a moment when the people of South Australia—and, indeed, the people all throughout Australia—will see the difference between walking the walk and simply talking the talk. It will loom large as a day of ignominy for Labor, both state and federal, in the Hills.

The federal government's so-called 90-day review made a determination that the Hahndorf bypass project, and I will quote here:

...[does] not demonstrate merit, [lacks] any national strategic rationale and [does] not meet the Australian Government's national investment priorities.

Well, try telling that to the people of Hahndorf. Try telling that to the people of Echunga. Try telling that to the people of Mylor. Try telling that to the people of Maccy or Meadows or Strathalbyn or surrounding districts who know very well just how necessary and meritorious that work is to ensure safety and productivity for the Hills more broadly and in the most visited town in the state, no less.

State and federal Labor have walked away entirely, and what are we left with? What does state Labor have to show for it now we head towards two years of this state Labor government? What do they have to show for it? Just the disaster of the River Road diversion. River Road locals have spoken up every day since 24 August this year to say, 'Do not do this. Whatever else you do, do not do this. You are doing something that is unsafe, that has no expert grounding in recommendation or feasibility, and you will be making a sore and urgent problem worse.'

What are they left with? The Hahndorf community and those surrounding districts are left with the disaster of River Road and, more than that, they are left with a minister and a state government whose response to their concerns is to say, 'Oh, well, you go ahead and do the work. You go ahead and chart a course. You go ahead and work your way through this and maybe we'll listen to you.' I can tell you the message that has come through loud and clear to my community: it is that state Labor has never been listening to them, and what they now know since 16 November is that federal Labor is certainly not listening to them. The result has been \$200 million in federal money withdrawn and the accompanying \$50 million of state Liberal money now off into the ether.

I say thank you to my federal colleague the shadow assistant minister for infrastructure and transport, Tony Pasin, member for Barker, for coming to Hahndorf last week and for spending the time to talk to the locals with me, to walk up and down the street, to highlight just how important this project is and remains to state and federal Liberal colleagues. We call on Labor to recommit this important money to Hahndorf and the district and to make sure that this project comes to fruition.

### NEWLAND ELECTORATE SCHOOLS

**Ms SAVVAS (Newland) (16:33):** It is for so many of us a really exciting time of year, celebrating Christmas events with community groups and also end-of-year celebrations with both primary school and high school graduates. I thought that I would take a moment today to acknowledge some of the students in my community who have been successful either in my very large Christmas card competition or perhaps in receiving some of the awards I have been sponsoring at local schools around the community.

This year we had hundreds of entries for my Christmas card competition, and I did something a bit sneaky and actually chose three winners; last year there were only two. But of course there were such wonderful pictures from a variety of schools and kindies that I felt that I really had to honour more of the contributions that were made to the competition.

Firstly, I would like to acknowledge Alia. Alia is five years old and from Modbury kindy. Her picture will actually feature on my 2024 calendar instead of a photo at the top. Alia has drawn for us Christmas in Tea Tree Gully, and she has drawn a beautiful picture of Civic Park Carols, which is such an important event for us in our community. I felt very lucky to celebrate with Alia and her mum at kindy last week, and present her with a little prize and a copy of the calendar with her beautiful drawing on it.

I would also like to acknowledge Chloe from Tea Tree Gully Primary School. Her picture will be on the front of my Christmas card that will go to the constituents, and it has this beautiful green background with a koala on the front. I think that Tea Tree Gully Primary School are very much punching above their weight in terms of drawings. Last year, one of their students, Charlton, also won the competition for a picture of a koala—no bias there; obviously I really like the koala pictures—and, of course, a third koala picture from Alexis at St Agnes Primary, which went on to my community Christmas card which will be going to community groups, sports clubs and the like.

I think one of the best parts about running this competition was just seeing the excitement on the students' faces, not only as they had the opportunity to draw the pictures but as they compared

them with those of their friends, and the excitement that they shared for their friends when receiving the exciting news that they had one a portion of the competition.

I have also spent the last few weeks, and will continue to spend the next few weeks, at school graduations across the community. We have had a large number of winners of different awards, and I do present differing awards at different schools, whether that be because I am continuing traditions from former members or whether different schools have had different requirements for their students. One such example of that is the Newland Science Award. Whenever I am asked why I am giving a science award, the answer is simple: the former member was a scientist and he presented a science award. Science has never been a specialty of mine, but I was pleased last week to join at Torrens Valley and give Elizabeth the science award.

Last night, at Torrens Valley, I awarded the Makin award on behalf of Tony Zappia to a student named Emily, and throughout this week and next week there will be more winners as well. We have Yalarasey from Modbury High School; Lesedi from Modbury High School; Lucas from Modbury P-6; Kurtis from Modbury West; Lukey from Modbury Special School; Gracie from Highbury Primary School; Madison from Modbury South; Tia from Banksia R-6; Tyson and Samara from Fairview Park; Ryan from Tea Tree Gully Primary—and Ryan is very much a born leader and I could not be more impressed with Ryan; Ivy from Ridgehaven; Shilah and Will from St Agnes; and the winners from Ardtornish are yet to be released.

This week as well I will be joining at Banksia Park International High School, a really fantastic and significant school celebrating their 50<sup>th</sup> year this year, which is particularly special for me because my mum is an old scholar of that school, and I have loved sharing in the memories of Banksia over the last 50 years throughout their celebrations this year.

Noah will be receiving an award from me; Courtney an award from me; and Sam, who will be receiving the Makin Humanitarian Award, which I will also be presenting, is one of two winners of the Global Futures Award that is given at Banksia each year. I had the great pleasure of joining in a panel, and that panel actually listened to the presentations of students about how they are involved in being part of a global society. I was so impressed by both of the students who gave their presentations; one about his Arabic heritage and how he has supported that, and one about climate change and his endeavours in that space. I congratulate all the students this year.

### FRANKFURT TRADE OFFICE

**The Hon. S.S. MARSHALL (Dunstan) (16:38):** Australia is a trading nation. Seal skins, whale oil and baleen were our first exports, helping sustain a tiny, fragile, colonial economy. The export of merino wool—close to many people's hearts in this place—began in the early 1880s, quickly becoming the cornerstone of Australia's long-term early prosperity. The export of gold laid the foundations for Australia to achieve the highest standard of living in the world by the 1880s.

Poor decisions by subsequent governments squandered the natural advantage that we enjoyed at that time. Isolationism and the White Australia policy undermined Australia's economic success during the first half of the 20<sup>th</sup> century. For too long, we turned inwards and turned our back on the advantages of international trade.

Australia's trade liberalisation policies from the early 1970s onwards have produced a more flexible, more resilient, more successful national economy. Part of that has been connecting with Asia in a meaningful fashion. The Colombo Plan can be seen as the progenitor of Australia's eventual embrace of its role in Asia and the significant trade advantages that it has delivered. The benefits are plain to see. Australia avoided recession for 30 years before the pandemic struck. This period included the Asian financial crisis and the global financial crisis.

Australia's economy is always best served by the free trade and open markets of the rules-based international order. Our domestic markets are simply too small to achieve the economies of scale necessary to produce competitive products and services. The effects of these iron laws of economics are magnified in South Australia, a small state economy in a small national economy. South Australians will not get rich by selling lattes to each other. We need to trade internationally if we are to maintain and improve our standard of living.

Trade offices have an important role in generating opportunities for South Australian companies to export goods and services to international markets. They are local eyes and ears with a depth of knowledge well beyond the capacity of individual South Australian companies hoping to trade in foreign markets. That is why I went to the 2018 election promising to double South Australia's existing trade office network by establishing new offices in Tokyo, Dubai, Kuala Lumpur and additional offices in the US. We delivered our commitment and I am pleased to say South Australia's export revenue is significantly greater today than when we came to government.

In 2017, South Australia exported \$12 billion worth of goods. By 2022 that figure had grown to \$16.5 billion. Obviously, trade figures bounce around, particularly when an economy's exports are based on the agriculture and resources sectors, as it is here in South Australia. Indeed, the volatility of commodities trading was an important reason my government was so focused on transforming Lot Fourteen into a centre for innovation, entrepreneurship and world-class research.

To reinforce the fundamentals of our economy, we need to penetrate the global markets in defence, space and the digital revolution. Progress has been made. It is great to see companies based at Lot Fourteen recently receiving national and international awards. The fact Inovor Technologies took home Space Business of the Year at the Australian Defence Industry Awards and QuantX Labs was awarded SME of the Year indicates we are on the right track, as do the successes of Fintech company Apexium and next-gen point-of-sale innovator MyVenue at the Premier's Business and Export Awards.

However, I do need to raise one note of concern. In June 2021, my government announced and budgeted for a Paris trade office. That decision was driven, in part, by Brexit. When Britain was part of the EU, the London trade office could effectively represent South Australia's interests on the continent. Britain's withdrawal from the EU changed that. With the world emerging from the pandemic, it was time to establish a trade office in the European Union.

Unfortunately, when we lost government, the new government axed the Paris trade office. The Minister for Trade and Investment justified the decision, claiming it would create a saving equivalent to hiring six nurses. Employing the minister's logic, the \$35 million the Malinauskas government ploughed into the 2022 Adelaide 500 is the equivalent of hiring 467 nurses.

What also seems to have escaped the trade minister's attention is the fact that the EU is the third largest economy in the world, accounting for one-sixth of global trade. As I speak, South Australia still does not have a trade office anywhere within the EU borders. Brexit was completed on 31 January 2020.

In May this year, the Premier did announce, whilst touring Europe, he would be establishing a trade office in Frankfurt. While I would dearly like to see that Frankfurt commitment fulfilled as soon as possible, I do need to point out a couple of salient facts. Firstly, data from the Department of Treasury and Finance shows South Australian exports of goods to France have recently surged: in the last 12 months they totalled \$235 million. Germany took just \$105 million. Go further back 12 months and the gap is even greater. Frankfurt, Paris, Rome—the city the trade office is located in is less important than having a trade office within the European Union. It really is time to get on with it.

### **TORRENS ELECTORATE SCHOOLS**

**Ms WORTLEY (Torrens) (16:44):** Today, as we approach the end of the 2023 school year, I want to acknowledge the incredibly important role of our teachers and the leadership teams in our schools in delivering the next generations of South Australians, and I want to place on record my thanks to the leadership teams and teachers in our state schools in Torrens—in fact, all our schools in Torrens, but today I am going to highlight some of the state schools. On this occasion, I make special mention of the principals, who go above and beyond to make sure that children get the best education possible and that they are the best they can be. I want to mention:

- Hillcrest Primary School, with the amazing principal Lissa Hutter;
- Wandana Primary School, with the fantastic Robyn McLauchlan;
- Hampstead Primary School, which has a new principal this year, Lee Van Der Hoek;

- Vale Park Primary School's Fione Love, who attended the school herself as a student;
- Klemzig Primary School's Michele Smith, who has been at the school for a number of years now and who started the year there as principal before moving into another position. At the moment, the school has an acting principal, Nikola Haskell, and they have both done a terrific job; and
- Avenues College principal Hamish McDonald, who is relatively new to the school. I know he has dedicated much of his time on the weekend in the lead-up to this year's Solar Car Challenge so that the students could participate.

I also want to mention the volunteers in our community who give so much of themselves. They give their time—in fact, many of them give hours of it—and they give it freely. I would like to highlight the governing councils today:

- the governing council chair at Hillcrest Primary School, Karien Marshall, who is in her last term on the governing council, as her youngest child heads off to high school next year. I know she says that at the graduation in a week or so she knows there will be tears as her youngest leaves Hillcrest Primary School;
- Hampstead Primary School governing council chairperson, Melanie Stepanich, who is a health worker and I know she tries to make sure she is able to attend governing council meetings;
- Wandana Primary School governing council chairperson, Cindy Wills;
- Klemzig Primary School governing council chairperson, Jennifer Lothian;
- Avenues College governing council chairperson, Kerry Hibberde; and
- at Vale Park Primary School we have Darren Prior, who took over from Rohan Wundke who had been there for some time.

Today's students are the South Australians who will form the workforce of the future—from nurses and doctors, to tradies, research scientists, technicians, teachers, musicians, sportsmen and sportswomen, and so many more who will become leaders in these fields and others. I know I have said it before, but education really is a window to the world, and through education comes knowledge and opportunity. It is only right that all people should have that opportunity to access good quality education at all levels to enable them to develop and to fully realise their potential throughout their lifetime.

I want to thank the governing councils—not just the chairs, but all the parents who serve on our state, independent and Catholic school governing councils: Hillcrest Primary, Klemzig Primary, Hampstead Primary, Vale Park Primary, Wandana Primary, Avenues College, Kildare College, St Paul's College, St Pius X School, St Martin's Catholic Primary School, Pinnacle College and Heritage College. I also want to thank those who volunteer on the committees at Gilles Plains children's centre, Klemzig Kindergarten, Hampstead Preschool and Holden Hill Kindergarten as well.

As a former teacher, for me the education of our children and young people is a high priority, and I am pleased and very proud to say that it is also a priority of our government.

#### *Private Members' Statements*

### **PRIVATE MEMBERS' STATEMENTS**

**The SPEAKER (16:48):** As members will be aware, the sessional order agreed to by the house on Thursday 16 November 2023 concerning private members' statements has come into effect. The order provides that following the grievance debate on Tuesday and Wednesday up to four private members may make statements of 90 seconds. The chamber timer has been modified to provide a timer for each member's statement. The timer cannot accommodate a 90-second time period, although steps are now being taken to ensure that it can. For the present, the timer will be set for two minutes and the Clerk at the table will stop the timer after 90 seconds.

The sessional order states that no minister may contribute during this period. The call will alternate between opposition and government members as in the grievance debate, but the opposition front bench will not receive precedence. Statements by Independent members will be initiated on the same basis as grievance debates. I intend to allow a member to make multiple 90-second statements if no other member seeks the call.

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (16:49):** It gives me pleasure but also some sadness to rise today to make a brief statement on the life of one of my constituents, Ms Nan Witcomb, who passed away on Friday 17 November 2023. Nan was well known by many South Australians far longer than I have been around this state, but to me she was known as an exuberant, excitable, energetic, supportive, loving, caring and neighbourly resident of the suburb of Marino in the heart of my electorate of Black in the south coastal suburbs of Adelaide.

Nan would have been very well known by many people here and across the state for her contribution to media life in Australia. She was a popular radio talkback host through the 1970s and 1980s. Her show shared with Ken Dickin finished up in 1984. It was through this radio show that Nan Witcomb really became a significant household name.

Prior to her contribution to radio, she had a career as an air hostess and as a nurse, but she is perhaps best known also for her three-volume set of poems known as *The Thoughts of Nanushka*, which were published in the seventies, eighties and nineties. She was still writing poetry, which was published in *The Advertiser* just a couple of years ago. She was someone who was larger than life and filled with kindness. She was an identity within South Australia and someone who will be greatly missed. Vale, Nan Witcomb.

**Mr ELLIS (Narungga) (16:52):** I will give a quick update on the Ardrossan Community Hospital. Members may be aware that recently the board decided that they could no longer continue to operate that community hospital as an ongoing concern and made the decision to close the accident and emergency services in the temporary sense.

I went to the AGM last week, on Tuesday 21 November, and had a meeting with the LHN the day following. I am happy to report that the board reported to those at the AGM positive interactions thus far with the LHN. They report a willingness from both sides to find an acceptable solution so that there is a level of health care provided in Ardrossan going forward.

The board are working with the LHN and will present to them a spectrum of options going forward about which might be most palatable for all parties, and I expect that will go to the minister in due course. I would like to thank the LHN, John Voumard, Roger Kirchner and the team for their willingness to engage with the board and congratulate the board on keeping that hospital running for as long as it has.

I was doing some research in the lead-up to the AGM and noted that in 2010, as part of the Transforming Health reform, there was the withdrawal of funds from a number of community hospitals around the state, and it appeared to me that Ardrossan was the last one standing out of them. So congratulations on that to Margaret Tomsen, the current chair, and Doug Barton, and also to Narita Stone and Georgina Drewery, who are currently running the administration, and Jodie Luke before that on a wonderful job. We hope to see a positive outcome in terms of the Ardrossan Community Hospital in the not too distant future.

**The Hon. V.A. TARZIA (Hartley) (16:53):** I rise today to talk a little bit about the Fogolar Furlan club in Felixstowe in my electorate. This weekend, the club celebrates 65 magnificent years. I want to take the opportunity to congratulate all the volunteers and staff who have made the Fogolar Furlan club the place that it is over this 65-year period. For generations now—literally generations—Fogolar Furlan has served our local community. To give an example, my parents had their wedding reception there in the eighties.

**Mr Pederick:** Hear, hear! Look what happened out of that!

**The Hon. V.A. TARZIA:** Look what happened out of that—you see the member for Hartley not that long after that event! I look at what the club is doing today. They are doing things for the next generation. My son, Leonardo, goes to the little Italian class on Saturday mornings at the Fogolar Furlan club.



This is a magnificent club. They have been able to showcase the very best of northern Italian cuisine and culture. We in South Australia are certainly richer for having the benefit of the experiences, the culture, the traditions, the language and the food here in South Australia. We are certainly enriched by clubs like the Fogolar Furlan club. What I would like to do is finish off by saying I would like to congratulate the Fogolar Furlan club on their 65<sup>th</sup> anniversary. Auguri! All the very best for the next 65 ahead.

**The Hon. A. PICCOLO (Light) (16:55):** Today, in my 90-second contribution, I would like to take this opportunity to give out a big thank you to the members of the Gawler RSL sub-branch Women's Auxiliary who, after 73 years of service serving defence personnel and veterans, have decided to wind up their committee. With an average age of over 80 years, with members ranging from 70 to over 100 years of age, the group were finding it increasingly difficult to do the things they have done traditionally to support the Gawler defence and veteran community.

The committee first met in late July 1950, with 30 members present, which elected Mrs R.G. Poole as president. Mrs Lyn Sibenaler is the current and last president of the committee. The auxiliary have done a fantastic job in raising funds over the years for a range of activities for projects to support those who have served our nation. In my view, they represent some of Gawler's unsung heroes. Through their activities, they have raised funds to support those people who return from service. At the service last week, the mayor, myself and a representative of the federal member were there.

*Sitting extended beyond 18:00 on motion of Hon. S.E. Close.*

#### *Bills*

### **WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL**

#### *Committee Stage*

In committee (resumed on motion).

Clause 3.

**Mr COWDREY:** In regard to clause 3, particularly if we touch on gross negligence and 'reckless', just for the benefit of the committee, I think it would be helpful perhaps to have a brief discussion. I will probably touch on this issue again in relation to clause 4. In the specific instance of GTOs, there is obviously a disconnect in terms of the direct relationship between, for lack of a better term, the statutory employer, legislative employer or contractual employer as opposed to the organisation the employee is sitting within.

I am keen to understand from the government's perspective what the requirements are in regard to 'reckless', in particular. In a practical sense, what would she envision as the steps that a GTO would need to take, as apparent or different from what they are currently doing, to meet that obligation of maintaining above that threshold of being reckless in regard to their employees? Obviously, they undertake specific inspections of host organisations when that placement is made at the moment. From time to time, they will provide an inspection of that. I ask this in terms of what the reasonable expectation is for a GTO to ensure the safety of their worker who is not working on their site.

**The Hon. S.E. CLOSE:** I am advised we would not expect there to be any change from their current duties and their current relationship between the GTO and the host.

**Mr COWDREY:** So no change whatsoever in terms of what is expected of them under law. There will be no need for any sort of change in the way that training is done, there is no further guidance that is going to be required to be provided to GTOs, because the government has said to GTO providers that there was going to be additional work done by the government that there would be a fact sheet provided to them on steps that they would need to take in the GTO sector to ensure that there was compliance within that group. So I am now confused that there has been messaging put forward by the government that there was going to need to be more work and more specific advice provided to the GTO sector in regard to the changes that are coming on the back of this bill.

**The Hon. S.E. CLOSE:** I am advised the government identified through this process that there is currently no guidance provided to GTOs on exercising their duties. So, while the duties themselves do not change, it was identified as being a useful action for the government to provide that clarification about what those duties are, which has hitherto not occurred.

**Mr COWDREY:** Sorry, that has or has not occurred?

**The Hon. S.E. CLOSE:** Which has not occurred prior to this legislation, so it will now occur because it is regarded as something useful for the GTOs. What that actually will be is currently being prepared.

Clause passed.

Clause 4.

**Mr BELL:** I propose an amendment and therefore I move:

Amendment No 1 [Bell-1]—

Page 3, lines 12 and 13 [clause 4, inserted section 30A(1)]—Delete '(being a person conducting a business or undertaking or an officer of a person conducting a business or undertaking)'

The reason for that is that a worker of a person conducting a business or undertaking needs to be included in this bill. Section 28(b) of the WHS Act requires workers to take reasonable care to ensure that their acts or omissions do not adversely affect the health and safety of other persons.

Workers also currently have a duty to follow any reasonable instructions in the workplace: section 28(c) of the WHS Act and a duty to cooperate with any reasonable policy or procedure of the PCBU of section 28(d) of the WHS Act. Such a breach of duty could for example include a serious failure to follow directions from the PCBU as to safety procedures or processes. It is my position that this bill should therefore not only be confined to a PCBU or an officer of a PCBU but also a worker who performs a grossly negligent act in the workplace whose conduct subsequently results in the death of another employee in the workplace.

**The ACTING CHAIR (Mr Brown):** Member for Mount Gambier, you may wish to move all your amendments at the same time or you can do them individually. It is your choice.

**Mr BELL:** I am happy to move them all at the same time. Accordingly, I also move:

Amendment No 2 [Bell-1]—

Page 3, lines 19 to 22 [clause 4, inserted section 30A(1)(d)]—Delete paragraph (d) and substitute:

- (d) the person is grossly negligent as to the risk to an individual of death or serious injury or illness.

Amendment No 3 [Bell-1]—

Page 3, lines 24 to 26 [clause 4, inserted section 30A(1), penalty provision, (a)]—Delete 'as a person conducting a business or undertaking or as an officer of a person conducting a business or undertaking'

**The ACTING CHAIR (Mr Brown):** You may speak to amendments Nos 2 and 3 if you like. No? Minister.

**The Hon. S.E. CLOSE:** I indicate the government will be opposing this amendment, and I am speaking initially to amendment No. 1 [Bell-1]. That extends the offence of industrial manslaughter to a person, meaning that individual workers could be charged with the offence. The offence as proposed by the government is limited to persons conducting a business or an undertaking (PCBUs) and officers of a PCBU. That is consistent with every other industrial manslaughter offence in Australia, including the bill recently introduced to the commonwealth parliament.

This amendment would result in South Australia being inconsistent with every other jurisdiction in Australia. Workers can still be prosecuted for breaching their existing duties under the WHS Act. Given that the member has moved his second amendment also, being amendment No. 2 [Bell-1], I will also indicate that the government opposes this amendment. The effect of this amendment is to remove the threshold of reckless conduct from the offence. This would be removing an already existing standard used to the highest category of offences—category 1 in the Work Health and Safety Act—along with the modelled WHS laws.

As advised during the second reading stage, the elements of gross negligence and recklessness in the bill are deliberately designed to mirror the elements of common law manslaughter. By removing recklessness as a standard, it effectively allows for a worker to be killed through an act where there is an awareness of a substantial risk that death or serious injury or illness will happen. When an employer's reckless actions result in the death of a worker that should be a crime. I gather, also, that there is a consequential amendment that has been moved at the same time, but I will not need to speak to that in addition.

**The ACTING CHAIR (Mr Brown):** Member for Mount Gambier, I am cognisant that you indicated that you wished to move all your amendments at the same time and then did not speak to amendments Nos 2 or 3. Did you wish to say anything about amendments Nos 2 and 3?

**Mr BELL:** I do. Thank you, Acting Chair, for that. The reason for 'recklessness' being combined with 'grossly negligent' is that recklessness is defined under a category 1 offence under section 31(1) of the Work Health and Safety Act. Reckless conduct is a lower threshold than gross negligence, and therefore the current wording of new section 30A(1)(d) of the amendment does create an inconsistency around this.

By combining the two paragraphs that the government has put forward in this bill, what it does is go to the higher threshold of grossly negligent. In a way, these are very serious charges and consequences for an employer and are just making sure that we have a high bar to achieve before employers subject to this again are fully aware and indicating that there is existing occupational health and safety legislation that is currently being used. We are talking about major indictable offences here, making sure that does marry up with common law standards and thresholds that also need to be met for a major indictable offence.

**The ACTING CHAIR (Mr Brown):** For the sake of clarity, I might ask if anyone wishes to make a contribution about the member for Mount Gambier's amendments first. Does anyone wish to speak about the amendments? Yes, member for Heysen.

**Mr TEAGUE:** Just on the point of principle, and I hear the Acting Premier in terms of an indication of opposition to amendment No. 1 [Bell-1] to start with. I think we have addressed in some ways the effect of amendment No. 2 [Bell-1], and we will come back to that. Just in terms of principle, the notion of including a worker for these purposes sort of highlights, I suppose, the change that is being made in terms of the workplace relationship in that if there is an intent here to mirror the criminal law in terms of common law manslaughter, and the test that is to be applied in terms of the conduct in breach is a person who has a health and safety duty and they engage in conduct that breaches that duty, then the question is then: why in principle should the provision not apply to any such person who has such a duty?

**The Hon. S.E. CLOSE:** Workers are in a different category. They can be held to account for their own actions but cannot be held responsible for the decisions made for a business.

**Mr TEAGUE:** Maybe I am a bit slow understanding it, so I might be repeating. Is that in a way to say that the worker in such dire circumstances might find themselves capable of responding to a charge of common law manslaughter in a workplace if their conduct is capable of constituting the offence of common law manslaughter for involuntary manslaughter that happens to be in a workplace? And so we rely on the common law test of manslaughter for the purposes of a worker being charged with an offence, and yet there is a considerably lower bar that there is to be then: this is a means by which a person, including a corporate person, can find themselves liable for this new offence.

It just begs the question: why, if the seriousness of the conduct is analogous, we are left in circumstances where we have a considerably different test applying on the one hand to a worker who is capable of having a duty and a person conducting a business, including a corporate person, who is capable of having the same duty? One will be prosecuted via this process now. The worker will be capable of responding to a charge under the common law as they always have been. Is that a correct statement of the circumstances?

**The Hon. S.E. CLOSE:** A worker can still be prosecuted under the act—category 1 is the highest level—but they are not able under this proposed bill to be prosecuted for industrial manslaughter because they are not a decision maker in the business.

**Mr COWDREY:** I just wish to make comment on the amendments, and I wish to outline that the opposition will be supporting the amendments. As has probably been noted, they are similar in construction to those moved by the opposition in the other place, and I think that the minister just outlined one of the fundamental differences in interpretation between the opposition and the government in this regard.

This is a stepping away in a significant sense both by way of threshold penalty and general view of the workplace that has historically held, we believe, South Australia in good stead in terms of a broad structure of workplace relations here in South Australia, the very principles of mutual obligation within the workplace. These are the fundamental issues that perhaps we are going to disagree on for a period of time. I outline that we will be supporting the amendments standing in the member for Mount Gambier's name.

The committee divided on the amendments:

Ayes .....13  
Noes.....22  
Majority .....9

#### AYES

|                     |               |                   |
|---------------------|---------------|-------------------|
| Bell, T.S. (teller) | Cowdrey, M.J. | Ellis, F.J.       |
| Gardner, J.A.W.     | McBride, P.N. | Patterson, S.J.R. |
| Pederick, A.S.      | Pisoni, D.G.  | Pratt, P.K.       |
| Tarzia, V.A.        | Teague, J.B.  | Telfer, S.J.      |
| Whetstone, T.J.     |               |                   |

#### NOES

|                  |                |                           |
|------------------|----------------|---------------------------|
| Andrews, S.E.    | Bettison, Z.L. | Bignell, L.W.K.           |
| Boyer, B.I.      | Champion, N.D. | Clancy, N.P.              |
| Close, S.E.      | Cook, N.F.     | Fulbrook, J.P.            |
| Hildyard, K.A.   | Hood, L.P.     | Hughes, E.J.              |
| Hutchesson, C.L. | Michaels, A.   | Odenwalder, L.K. (teller) |
| Pearce, R.K.     | Piccolo, A.    | Picton, C.J.              |
| Savvas, O.M.     | Szakacs, J.K.  | Thompson, E.L.            |
| Wortley, D.J.    |                |                           |

#### PAIRS

|                   |                  |               |
|-------------------|------------------|---------------|
| Basham, D.K.B.    | Brock, G.G.      | Speirs, D.J.  |
| Malinauskas, P.B. | Marshall, S.S.   | Stinson, J.M. |
| Hurn, A.M.        | Koutsantonis, A. | Batty, J.A.   |
| Mullighan, S.C.   |                  |               |

Amendments thus negated.

**The Hon. S.E. CLOSE:** I move:

Amendment No 2 [DeputyPremier-1]—

Page 3, after line 38 [clause 4, inserted section 30A]—After subsection (3) insert:

(4) To avoid doubt, an offence against this section is a major indictable offence.

I discussed this and the next couple of amendments in my close of second reading speech, so I will not repeat my explanation, although I may resort to it if there are questions.

**Mr TEAGUE:** The short point is: why is it necessary to have a provision for the avoidance of doubt?

**The Hon. S.E. CLOSE:** It is the first major indictable offence to be introduced into this act, and so it is to be specifically clear that this distinguishes from the others, which are minor indictable.

**Mr TEAGUE:** So that is the reason then, that it is the first time, and now we have an undoubtedly major indictable offence that is now included in the act. We then look at the rest of the clause, and in particular subclause (3), where we see that subclause (3) provides for those alternative verdicts:

If at the trial of a person for an offence against this section the trier of fact is not satisfied that the accused is guilty of the offence charged but is satisfied that the accused is guilty of a Category 1 offence, a Category 2 offence or a Category 3 offence, the trier of fact may bring a verdict that the accused is guilty of that offence if the proceedings for the offence charged commenced within the applicable limitation period for the lesser offence.

We are all familiar with all of that. Just to drive home the extent of the juxtaposition and the practical circumstances therefore to be faced by someone who is charged with a new offence, they will find themselves inevitably charged with a major indictable offence in circumstances where alternative verdicts, including a category 3 offence, are available to the trier, which would otherwise have been dealt with by way of a minor indictable offence.

I get the fact that it all needs to be within the same limitation period, so there is no prejudice in that way, there is not another means of pursuing that charge in that way, but it must be recognised surely that there is a potential for great harm to be done to a person who finds themselves charged by what necessarily is dealt with as a major indictable offence. It means it is in a superior court and all that goes with it.

You had better be very careful to make sure that the elements of the offence are well constituted so that there is not a practice that might emerge where there is now an alternative that is as close to an ordinary civil process as a category 3 offence that is there in the alternative. Is there any other safeguard, apart from the time limit, that can provide some protection against that kind of exposure?

**The Hon. S.E. CLOSE:** First of all, I should just clarify when I said that I had previously spoken to close the second reading; it was, of course, in moving the first amendment. It is all becoming a blur.

Probably the easiest way to respond to the question is to refer again to what I did talk about in the close of the second reading, being the fact that any commencement of a prosecution needs to be followed in the DPP's Statement of Prosecution Policy and Guidelines. That is the ultimate protection against what I think the member is concerned about.

**Mr TEAGUE:** At the risk of trying the committee's patience and endeavouring to have something on the record in this regard, we have heard this reflected upon not so long ago by the ICAC in circumstances of prosecutions that are brought, the principles that apply and the fact that, well, it goes with the territory, sorry. Directors of Public Prosecutions make these decisions, prosecutions occur and what flows from that sometimes is great privation.

Here we have a situation in which, at least on the face of the legislation, when one combines the amendment, for avoidance of doubt admittedly, and we know that, the substantive new offence is going to result in there being the possibility for something that might otherwise have been dealt with in a relatively summary way in a court of summary jurisdiction at a lower level yet will potentially now find its way into a superior court tried as a major indictable offence with that backstop as an alternative.

Would it not be a safer course at least to separate the two so that, if there is a decision to prosecute for this new major indictable offence, that must be dealt with completely separately to those ordinary, albeit in certain circumstances very serious but of longer standing, categories 1, 2 and 3, or even, dare I say, a category 1 only—some sort of demarcation to say that there is no single process that is involved for those lower categories?

**The Hon. S.E. CLOSE:** That is not the path that has been chosen for this bill, nor is it the subject of any amendment before the house. It is reasonably standard for there to be a range of levels of charge that are at the disposal of the Director of Public Prosecutions. It is, of course, possible to point to some prosecutions that have started somewhere and ended up somewhere else or started somewhere and perhaps should not have proceeded on that basis. We humans are imperfect—even lawyers. This is the way in which this bill has been determined to be brought forward. It has passed the other chamber and it is the proposition here for this chamber in this format.

**Mr McBRIDE:** I am very fearful, with these sorts of new changes and laws, that we will see innocent employers face the wrath of the law and potentially two or three consequences. One is that, obviously, they could face a jail term—

**The ACTING CHAIR (Mr Brown):** Before you continue, member for MacKillop, we are discussing the amendment moved by the Deputy Premier. You will have a chance to ask questions about the clause in general.

**Mr McBRIDE:** Transitional and saving provisions, is that where we are up to, schedule 1?

**The ACTING CHAIR (Mr Brown):** No, we are up to amendment No. 2 on clause 4. You will get a chance to ask questions about the clause more generally, but at the moment we are just discussing the amendment. Are there any further contributions about the amendment?

Amendment carried.

**Mr COWDREY:** I want to explore the definition of 'a person' contained in the bill. For clarity, I know the question was asked in the other place, but I am not sure that the answer that was given was necessarily entirely understandable.

**The Hon. S.E. Close:** Challenge accepted.

**Mr COWDREY:** Challenge accepted, yes. In making this contribution, I want to also reflect very briefly, to ensure that I get it on record before it disappears out of my head, on the government's position on rejecting the amendments put forward by Mr Bell in regard to this clause.

The fundamental issue that seems to have been turned aside by the government in relation to their argument that employers should be held to a different standard because they make decisions and have responsibilities—but workers have those as well. Workers have duties under this act, and they are responsible for the actions they undertake while at work. I think it is difficult to reconcile the argument that has been put forward by the minister in regard to the reasoning for the non-acceptance of those amendments that have already charted their course in that regard.

In terms of who is captured and defined under the bill, my question is reasonably straightforward. We know that we are capturing, essentially, anybody who conducts a business. For the purposes of the definition, anybody that would be within government would be captured. My question is directly in terms of ministers of the Crown. If a circumstance occurred where there was a death of a person on duty—a park ranger, perhaps, with the environment department—and that death was as a result of a ministerial direction provided to them to undertake a particular duty, would the Minister for Environment be captured by this bill?

**The Hon. S.E. CLOSE:** The reason that would not be the case, that a minister would be held to account under this piece of legislation, is that a minister is explicitly not an officer under the Work Health and Safety Act. The employer, effectively the manager, is the Crown and then the managerial structure within the department. The minister is not an employer in that sense.

**Mr COWDREY:** In that instance, who would be responsible? The Crown is technically the employer. In regard of the decision that was made, you yourself brought into the debate within this committee that the ultimate decision-maker has a particular duty—not in this context, as you have clearly defined, but that being a fundamental principle from the government's view—as to who should be held responsible for this. Again, it is not necessarily one where the position aligns with this side of the chamber.

Say you as decision-maker, as the Minister for Environment, provided a direction that then substantially contributed to the death of a park ranger. You said the Crown was responsible. If the

Crown themselves as the employer had not taken a decision that therefore resulted in the death, would there be nothing to see here, no charges laid, no-one at fault under this legislation or more broadly?

**The Hon. S.E. CLOSE:** The PCBU in that instance would be the department and the managerial structure that exists within that.

**Mr COWDREY:** So the government itself—a department of the government—could be held responsible for industrial manslaughter. They could be charged under this act, but the minister themselves, who was ultimately the decision-maker in this example that we provided to the committee and who made the decision to subsequently cause the death—the department would cop a fine, but the minister would be scot-free.

**The Hon. S.E. CLOSE:** The minister is explicitly not an officer. The department, as the PCBU, is responsible for the work health and safety decisions that are made with their employees.

**Mr McBRIDE:** I refer to the fact that we move straight to an indictable offence, as this amendment clearly points out, rather than through a category 3 structure through the law system, which I know very little about. However, I do know that the major indictable offence is a serious process through the courts. It can be very, very expensive.

With all that employers have to deal with employing employees, is it fair for the employer, for example—who could be innocent at the end of the day, which is unknown at the start—to go through the major indictable offence process through the court to defend themselves, obviously pay court fees, lawyers and the like? They could be found innocent through the major indictable offence process, drop down to category 3 process if deemed necessary by those that are prosecuting this case, and then the employer has to defend themselves again. He or she might be guilty or innocent. Through this process, who pays for all these costs? Potentially, there could be an innocent employer at the end of such an unfortunate circumstance as an employee death.

**The Hon. S.E. CLOSE:** In any court case, it could well be that the person is found to be innocent at the end. For an innocent person to go through a court case, it must be one of the nightmares that any person goes through, as we understand and have witnessed. That does not mean that we do not have laws against things and that we do not attempt to bring the right prosecution. As I said to the shadow attorney-general, there are guidelines that are an effort for DPPs not to make an error in prosecuting someone who is likely to be found innocent.

That does not mean that it never will happen. It does not mean that those decisions are not occasionally taken in error—of course they are, such is the nature of humanity—but the guidelines are there, intended to protect against that. The fact of the occasional error in prosecution cannot prevent us from justifiably having laws against things that we regard to be criminal, and that is what we have determined on our side of the house to be the case for industrial manslaughter. The sentiment of the member is well understood but is not able to be protected against entirely in this legislation.

**Mr TEAGUE:** Dealing with the clause as amended, I will pick up along the way that I just wonder whether or not the government turned its mind to the point just raised by the member for Colton about whether or not to change the definition to include a minister. I wonder whether or not any consideration was given to that and it was ruled out or if it is just for the first time now being aired and ruled out. I ask that just along the way.

On the matter that I raised in the context of the previous clause, in particular the definition of 'reckless' is one that I just refer to without repeating. Could the government give an indication of a good example of an offence that would be constituted by new section 30A(1)(d)(ii), recklessness?

**The Hon. S.E. CLOSE:** The challenge with coming up with a specific example is that all of the tests need to be met, so it becomes quite complex to pick an example that is hypothetical and say, 'This would definitely be industrial manslaughter.' The important element of recklessness is that, as stated in my closing of the second reading, for a reasonable person as judged by the court, and as of course judged previously by the DPP as being worthy of taking to the court and likely to succeed, the court would find, the trier would find, that a reasonable person would regard that one

would know that that was likely to cause serious injury, death or illness. Rather than play with hypotheticals, I think that is the most useful element.

You also asked whether it had been contemplated adding ministers into the Work Health and Safety Act. It was not; that was not something that was discussed as part of the Boland review. In many important ways, ministers are not employers. The employment occurs under the Public Sector Act through a management structure that is well established within departments, so suddenly putting ministers into that would, I think, have a lot of unintended consequences as well.

**Mr TEAGUE:** Without taking up a cheap point, in the absence of hypotheticals, I wonder if there might be some unintended consequences associated with the novelty of this all round, acknowledging as I do that it is applied in jurisdictions elsewhere. It is not entirely novel, but we are dealing with a change of circumstances.

In terms then of the elements that are provided for under this new section 30A, we are in circumstances where a person of that certain category, the PCBU, relevantly is that kind of person who has a health and safety duty and they engage in conduct in breach of that duty. So, once they have done that, once that kind of person has a duty and breaches the duty, then they are in real jeopardy once the death has occurred.

To draw from experience in terms of the Industrial Relations Court, we know that for a long period of time the fact of a death in a workplace is akin to a kind of close to strict liability sort of situation in terms of there being some sort of breach of duty. The concern that arises in these circumstances is that you are left then with only—and I say that advisedly because we have this notion of recklessness alongside gross negligence as an alternative. You are only then focused on whether or not you have relevant recklessness. It is a new test; it is not directly drawing on the existing tests in the common law. It is deliberately different. It might be said fairly easily that the relevant person who has the duty is pretty likely to be aware of a risk in circumstances where a death actually occurs and you are left then in terms of the test whether or not that is unjustifiable.

So the concern I suppose is that there is now to be really a significantly lower threshold to be caught by this kind of offence than anything that is really resembling involuntary manslaughter at common law. Perhaps to couch that in terms of the difference, in an involuntary manslaughter context, we used to identify criminal conduct in the first place, and as we see typically some form of criminal act constituting violence that results in death—a deliberateness—usually deliberate violence, and in terms of the level of seriousness of negligence in a driving circumstance, for example, conduct of a serious criminal nature. Here we are now going to be talking about the carrier of a relevant duty who engages in conduct that breaches the duty and then they are caught.

So, in all the circumstances, perhaps I might couch the question in terms of whether serious consideration has been given to that double or alternative standard that is applied, gross negligence or recklessness. Why is it not reasonably sufficient given that the threshold has been established by a duty holder and a breach, low duty? Why has it not come in to a conclusion that there ought to be a single test associated with that of gross or criminal negligence?

**The Hon. S.E. CLOSE:** The initial test is that it substantially contributed to the death, so there is a trigger point, otherwise I think we are having slightly different views about the way in which we ought to approach this. We have followed the Boland review and therefore consistency with other jurisdictions.

Clause as amended passed.

Clause 5 passed.

Clause 6.

**Mr COWDREY:** The minister had touched on this slightly, and I cannot remember if it was in her second reading or in the introduction to the amendments. In regard to the regulator's undertaking and in regard to what is going to be necessary for this legislation to be undertaken by the government, can the minister outline additional resourcing, additional skill mix, whether there will need to be changes within SafeWork SA to accommodate this piece of legislation and therefore the necessary arrangements to ensure that SafeWork is appropriately resourced to undertake it.



**The Hon. S.E. CLOSE:** In that case it was the close of second reading and, as I was reading it, I discovered it was quite critical of the previous government in the cuts made to the agency, which was then followed by a pretty significant list of increased investment which will more than cover, is our expectation, the requirements of this piece of legislation. I made reference to an increase of nearly \$4.2 million in this financial year, new investigators, new inspectors who will be able to work on things like industrial manslaughter, additional training and support positions to help educate businesses about worker health and safety before accidents occur, but it also will be about this revised legislation once it has gone through.

There has been an increase in staffing—32 additional staff in the last six months—and currently there is recruitment occurring for a further 16 vacancies. It is work that I think has already taken place since we came into government that is preparing us to be able to meet the requirements of this new piece of legislation as well as, of course, acting more generally on health and safety for workers.

**Mr COWDREY:** In regard to the addition of staff, is that number net or is that simply new hires?

**The Hon. S.E. CLOSE:** The additional hires that I was talking about are a combination—and we do not have the breakdown—of filling existing vacancies and additional hires associated with additional funding that we have put in.

**Mr COWDREY:** Further to SafeWork, what is the government imagining in terms of communication to businesses to alert them of the change that the government has made in relation to this? Does SafeWork have an education campaign that they are looking to provide to employers within the state around the changes that are being made? Are you able to outline for us what modes of communication, what methods of communication, the government is envisaging communicating with, and if any requirements or asks or otherwise have been made with employer groups to distribute that information or to perhaps provide training or otherwise?

**The Hon. S.E. CLOSE:** The intention is that we will be preparing educational material that will be available freely on the website and will also be sent out by email to subscribers, but, crucially, the new advisory committee that has been established will be a conduit for providing information as well.

**The CHAIR:** You have had three questions already, member for Colton. If you could make it quick.

**Mr COWDREY:** Just to clarify, what distribution list are we talking about? Who are the subscribers?

**The Hon. S.E. CLOSE:** Yes, there are a lot of businesses that are subscribers. There is the website, of course, but I think the most crucial is the third that I mentioned, which is the advisory committee, which has all the major organisations that have all of the distribution to get the information through them.

**Mr COWDREY:** Who are they subscribed to? Are they subscribed to the SafeWork SA website or are they subscribed to—

**The Hon. S.E. CLOSE:** There is a mechanism to subscribe to SafeWork SA in order to get updates. Many businesses do that anyway, but we are not relying on that alone.

**Mr TEAGUE:** There is one more question. There was a sense that the member for Colton might be limited by the standing orders. This is a more advanced committee, so ably led by such an enlightened Chair that I am sure there would be another way through it.

**The CHAIR:** Thank you, yes.

**Mr TEAGUE:** The question is then to the number of parties that are on any recipient list for those communications. How many are there?

**The Hon. S.E. CLOSE:** There are 6,000 or 7,000 businesses that are subscribers to SafeWork SA already, so they will be getting the information. Anyone who goes onto the website will be able to get the information, but the advisory group has got Business SA, the Master Builders,

Australian Institute of Health & Safety, the Motor Trade Association and the Ai Group on it, and they will be distributing to all the businesses associated with those peak bodies.

Clause passed.

Clause 7.

**The Hon. S.E. CLOSE:** I move:

Amendment No 3 [DeputyPremier-1]—

Page 4, after line 17—After the present contents (now to be designated as subclause (1)) insert:

- (2) Section 230(7)—delete 'Committal proceedings for an indictable' and substitute:  
Subject to subsection (10), committal proceedings for a minor indictable
- (3) Section 230—after subsection (9) insert:
  - (10) Despite subsections (7) and (8) or any other provision of this Act, a summary or minor indictable offence against this Act that is charged on the same information as a major indictable offence against this Act or any other Act will be dealt with according to the procedures applicable to major indictable offences under the *Criminal Procedure Act 1921*.  
  
Note—  

See section 102(3) of the *Criminal Procedure Act 1921*.
  - (11) Section 6A(3) of the *South Australian Employment Tribunal Act 2014* does not apply in relation to a summary or minor indictable offence referred to in subsection (10).
  - (12) To avoid doubt, an information for a major indictable offence against this Act must be laid in the Magistrates Court and be dealt with according to the procedures applicable to major indictable offences under the *Criminal Procedure Act 1921*.

Amendment carried.

**Mr TEAGUE:** So we are sort of cobbling it together with the amendment. This point about the committal proceedings brings me back to the practical way in which these actions are likely now to proceed, in that, where there is an industrial manslaughter offence that has been charged, the process will be that that applies for a major indictable offence, and that is regardless of whether or not it is accompanied by those charges for minor indictable offences.

It brings me back, I suppose, to the relevant distinction that applies, in that you have gross negligence on the one hand as defined and recklessness on the other. In terms of the work that recklessness might do in the test that has been described, there is a required level of knowledge, there is an awareness of a substantial risk and then, having regard to that known risk, the conduct of the relevant responsible person is unjustifiable, and we will see that worked through.

Gross negligence, on the other hand, does not involve the necessary awareness of risk; it is just an assessment of how grossly, to use the definition, how egregiously falling short of a standard of care by a reasonable person and is measured by the extent to which it is such a high risk of causing death that it merits criminal punishment. I guess I am coming to the idea that on the one hand you have really grossly egregiously bad conduct that is not connected to an appreciation of risk or any question of whether or not there is unjustifiable risk of something bad happening.

All those circumstances are going to be wrapped up and dealt with in one major indictable proceeding, even in circumstances where questions as to the awareness of the substantial risk assessment of whether or not it is meriting criminal punishment for the purposes of the gross negligence definition and then the other criteria that might be relevant to something as low as a category 3 offence, those questions can all be determined in one great big combination and it can come out in the wash at anything from industrial manslaughter all the way through to category 3 and all determined in one major indictable process. That is the question.

What the amendment seems to be making clear is that once you have an industrial manslaughter charge, then everything else that might go along with it, including, as I perhaps rather

clumsily unpacked, the possible way in which the industrial manslaughter charge is prosecuted, all those alternatives can be dealt with in one process and it will be dealt with as a major indictable process and can lead to all outcomes, including an outcome that it is only constituting as minor as a category 3 offence but, relevantly, for the purposes of the amended clause, all happening as a single major indictable process.

**The Hon. S.E. CLOSE:** The alternative to the scenario that has been described accurately by the shadow attorney, as is proposed here, is that an employer having had a death at the workplace might be faced with multiple legal proceedings, all dealing with the same event but in different courts and at different times. That not only would be a concern about the use of judicial resources but also would be far more complex and less fair on the employer. To deal with a single event in a single jurisdiction is what is desired here and most likely to sort out what occurred and what the appropriate consequence is.

**Mr COWDREY:** To be clear, if the test for industrial manslaughter is unable to be met and the trier of fact decides that it is not possible to reach that threshold, there will be no referral of that set of circumstances back to SAET. It will all be dealt with within the court that it is referred to. In normal circumstances, that judge potentially would not be exposed to many of the similar offences coming before them. I do not propose to know how many category 1, 2 or 3 offences would be moved into essentially the Magistrates Court to be in the series of procedures. Does it not seem counterintuitive to have the very body that has, essentially, the specificity in terms of industrial relations issues—and particularly category 1, 2 and 3 offences, as the act has stood for a significant period of time—not dealing with the set of circumstances for a lower offence?

**The Hon. S.E. CLOSE:** First of all, we need to keep in mind that there needs to be the appropriate trigger for it to be treated as a case of industrial manslaughter and not a more minor indictable offence. Having reached that trigger, one expects through the appropriate application of the DPP's policy and procedure, then it would not be possible for that to be heard by the SAET. It does not have the capacity to hear a jury trial and it does not have the wherewithal to hear a major indictable offence, so it all gets moved to the court that is capable of dealing with all sorts of levels of offence.

As I said, the alternative, which would be much harder on the employer, is that having reached that trigger and been charged and gone to that court, should that not proceed, the person would be bounced to a different level. It adds to the different complexity for that person. Dealing with it all at once in the place that is perfectly capable of dealing with it is the fairest as well as the most efficient way of dealing with the circumstance that occurred.

**Mr COWDREY:** The question then goes to costs. Obviously, there is a difference between SAET and what we are talking about in terms of a major indictable offence. If a company is charged with industrial manslaughter, they appear, the judge is unable to determine that they have committed industrial manslaughter and they are subsequently found guilty of a category 3 offence—which would otherwise have been undertaken in SAET and would never have gone down this track of ending up where it is—under your set of circumstances, it is all going to be dealt with in the one procedure.

Has there been any thought in terms of some sort of recompense of costs that are taken on by the party having to be represented in a completely different jurisdiction than it otherwise would have been, should they only have committed a category 3 offence in the first place?

**The Hon. S.E. CLOSE:** I think a number of these questions have gone to the circumstance where someone is charged with something that they are ultimately not found guilty of. This happens in our judicial system, as it should, but it does represent an error at some point in judgement—completely understandably—of the prosecution, that they have taken a case that does not result in a successful prosecution. The court will determine costs, of course, on the basis of the outcome.

I think part of these questions, if I am understanding them properly, comes from the perspective of perhaps a wilful prosecution of the industrial manslaughter level, even in the face of it not being such, that there is a fear that that would occur—because it exists in law, that then that would be prosecuted against, even when the evidence is not likely to substantiate that. That ought not to happen.

If some people are going to be found innocent, that should not be a crime in the first place: that is not how our judicial system works. We identify something that we regard to be a crime and we put it into law, and if someone is regarded by the DPP to have committed that crime, then they will be charged. A proportion of those will ultimately not be found guilty of that significant crime and may, at times, be found guilty of something that is much more minor. That is the way our judicial system works in all other crimes. So I think that the argument is not against that chain of events, because it happens, but that the opposition is not keen on the idea of the existence of the crime of industrial manslaughter.

Clause as amended passed.

Remaining clauses (8 and 9) passed.

New schedule 1.

**The Hon. S.E. CLOSE:** I move:

Amendment No 4 [DeputyPremier-1]—

Page 4, after line 26—After clause 9 insert:

Schedule 1—Transitional and saving provisions

1—Transitional and saving provisions

- (1) Section 230 of the *Work Health and Safety Act 2012* (as amended by section 7(3) of this Act) will be taken to apply in relation to an information containing a charge of—
  - (a) a major indictable offence against the *Criminal Law Consolidation Act 1935* or any other Act; and
  - (b) a summary or minor indictable offence against the *Work Health and Safety Act 2012*,

laid before the commencement of this clause (and to avoid doubt, section 6A(3) of the *South Australian Employment Tribunal Act 2014* will be taken not to apply in relation to the offences referred to in paragraph (b)).
- (2) Despite section 230(7) of the *Work Health and Safety Act 2012* (as in force immediately prior to the commencement of section 7(2) of this Act) committal proceedings for a minor indictable offence referred to in subclause (1)(b) may be conducted in the Magistrates Court in accordance with the *Criminal Procedure Act 1921*.

New schedule inserted.

Title passed.

Bill reported with amendment.

#### *Third Reading*

**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) (18:16):** I move:

That this bill be now read a third time.

In so doing, I thank every person who has contributed to this debate, including the advisers and also the opposition in asking useful and thoughtful questions.

Bill read a third time and passed.

### **ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL**

#### *Final Stages*

Consideration in committee of the Legislative Council's amendments.

**The Hon. C.J. PICTON:** I move:

That the Legislative Council's amendments be disagreed to.

The Legislative Council has moved two amendments that I have moved not be accepted by the house. This has been part of previous discussion in this house and also the other place. I do not feel the need to go over the reasons yet again. I do note that the Hon. Connie Bonaros made a good contribution in the other place that outlined why it is that the expert advice that has gone into drafting this bill has recommended that we do not go down the path that is recommended in these amendments. That is also why, when the Hon. Stephen Wade first brought this legislation to the parliament, he did not go down that path either. That is certainly what the government's view is, and we will ask that the Legislative Council review again their position.

**Ms PRATT:** I want to recognise the efforts of all contributors in the other place as they considered these amendments and thank the Hon. Robert Simms, the Hon. Nicola Centofanti and the Hon. Frank Pangallo for their contributions and, indeed, the Hon. Connie Bonaros. I think the amendment before us was well considered by the upper house.

If it is the will of the government to reject the amendments as they were passed by the Legislative Council, then I take this opportunity to note my disappointment that we are approaching a deadlock because to defer this is to delay, noting that Professor Lacey in 2019 put forward her recommendations, all 29 of them, and that the upper house has been on the record a couple of times now in recognising the importance of reforming the current legislation as per Professor Lacey's recommendations.

To defer it, to send it back to the upper house, means that three years have lapsed—in fact, closer to four—since Professor Lacey's recommendations were first published. Two years have passed since the upper house passed similar amendments and, sadly, it lapsed, and 12 months have passed since this current version was introduced and has been sitting idle on the *Notice Paper*.

I do want to recognise the compromise and goodwill that I think the Minister for Health and Wellbeing and I have found on an amendment regarding non-binding life-saving treatment in the face of advance care directives that may stipulate or try to create a provision for suicide by stealth. I note that the minister and I got close to resolving this bill, but we have reached an impasse when it comes to the order of signing and that, while some very important contributions were made in the Legislative Council recognising Professor Lacey's lack of recommendation in this space, there is still the matter of key stakeholders like the Law Society and close to 900 signatories who were calling for the removal, if you like, of any order of signing. It does seem to be a missed opportunity not to resolve this here and now.

I conclude my remarks by expressing my disappointment that so much time has passed given the importance of the Advance Care Directives (Review) Amendment Bill 2022 being finalised for substitute decision-makers, the owner of the ACD itself, lawyers when they are involved and need to be involved, all parties, who have participated long and hard in this process. I would like to see it resolved before the end of the year.

**Mr TEAGUE:** Can I just ask if there is some explanation for why the government has formed this view? It is not a matter that is incapable of expression. It is a practical process and all the rest of it. Is there some sort of insight? This might get an airing at the deadlock conference or something down the track, but here we are in the committee. Is there some sort of elucidation as to the government's point of view about this?

**The Hon. C.J. PICTON:** I thank the member for Heysen and also the member for Frome for their comments. We discussed this when we debated the bill in this house and the amendments that were similar that were moved by the member for Frome last time. The member for Frome, in her contribution, referred to the need to secure the implementation of the recommendations from Professor Lacey in her report. It is my understanding that her report recommended what we are doing in relation to the order of signing, that we keep the order of signing as it is. That is certainly also the strong view of the advisory group that advises the government in relation to advance care directives, that we should maintain that.

I do acknowledge that the Law Society has a different view, and that is represented by the amendment that has been moved successfully in the Legislative Council, but, very similar to the decision in the drafting of the bill that happened under the former health minister, Stephen Wade, this government has taken the approach of keeping the order of signing. That is for a number of

reasons, as we have articulated previously, but it is about making sure that there is a strong emphasis in terms of making sure that your substitute decision-maker knows, understands, accepts taking that role but also the decisions that you want that person to make.

I mentioned briefly the contribution from the Hon. Connie Bonaros in the other place, because I thought that she very well set out, in her own personal circumstances in her own family, how she thought that, I believe, her sister would not be in the situation where she would think that her sister would take on doing what she would want to do. These are difficult decisions. These are life-and-death decisions, and you want to have complete clarity in terms of the person understanding what it is that they are accepting and what it is that you have in your advance care directive, that the person will follow through with that as you requested.

Hence, while I understand that the Law Society has a point to make in terms of the efficiency of the process, of doing it a different way, the government has taken the advice of Professor Lacey, of the expert group that advises us on this issue, and also what was consistent with, under the Marshall government, its position on this matter. Hence, we will be asking the Legislative Council to review its decision in relation to this.

Motion carried.

## **PUBLIC HOLIDAYS BILL**

### *Introduction and First Reading*

Received from the Legislative Council and read a first time.

## **RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL**

### *Final Stages*

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

No. 1. Clause 22, page 14, lines 2 to 10 [clause 22(9), inserted subsection (14)]—Delete inserted subsection (14) and substitute:

- (14) Despite any provision of this section, the following provisions apply to the repayment of a bond under a residential tenancy agreement where there are co-tenants, other than if the whole amount of the bond is to be paid to the landlord:
  - (a) if the application proposes that none of the bond is to be paid to the landlord and the landlord agrees to the application—
    - (i) in the case of an application that proposes that the bond be paid to the co-tenants in shares that are not equal and each co-tenant consents to their share as proposed—the Commissioner must pay the bond as specified in the application; or
    - (ii) in the case of an application that proposes that the bond be paid to the co-tenants in equal shares—the Commissioner must pay the bond to all co-tenants in equal shares;
  - (b) if the application proposes the payment of a specified amount of the bond to the landlord and the balance to the co-tenants, and the amount proposed to be paid to the landlord is agreed to by the landlord—
    - (i) in a case where the balance payable to the co-tenants is to be paid in shares that are not equal and each co-tenant consents to their share as proposed—the Commissioner must pay the bond as specified in the application; or
    - (ii) in a case where the balance payable to the co-tenants is to be paid in equal shares and at least 1 of the co-tenants consents—the Commissioner may pay the bond as specified in the application.
- (14a) If the Commissioner acts under subsection (14) in relation to an application, the application is not liable to be disputed.

No. 2. Clause 36, page 26, lines 7 to 11 [clause 36, inserted section 75A(1)]—Delete inserted subsection (1) and substitute:

- (1) If a tenant under a residential tenancy agreement for a fixed term terminates a tenancy, the tenant will not be liable to pay more than the following amount of rent under the agreement:
  - (a) if the term of the agreement remaining after the day on which the tenant is to give up vacant possession of the premises is less than 24 months—1 month's rent;
  - (b) in any other case—1 month's rent for each whole 12 month period of the term of the agreement remaining after the day on which the tenant is to give up vacant possession of the premises (provided that a tenant cannot be liable to pay more than 6 months' rent in total under this paragraph).

At 18:28 the house adjourned until Wednesday 29 November 2023 at 10:30.

*Answers to Questions***KEOLIS DOWNER**

In reply to **the Hon. V.A. TARZIA (Hartley)** (27 September 2023).

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining):** I am advised that the contract values are commercial and cabinet-in-confidence. Appropriate information on the contracts will be published in due course.

**AUDITOR-GENERAL'S REPORT**

In reply to **Mr PATTERSON (Morphett)** (1 November 2023).

**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):** I have been advised:

Refer below for breakdown of grants:

| Grant Program                             | Recipients                   | Purpose   | Original Budget | Actual     | Variance     | Comments   |
|---|------------------------------|---|-----------------|------------|--------------|--|
| Andy Thomas Space Foundation              | Andy Thomas Space Foundation | Support to Foundation to maintain and enhance the profile of the space sector in SA   | 300,000.00      | 300,000.00 | 0.00         |  |
| Aust Space Innovation Precinct            | SmartSat CRC                 | Forward payment of lease incentive to recompense for early vacation of workspace  | 0.00            | 208,433.62 | (208,433.62) | Grant Payment to SmartSat CRC; compensation for vacating lease early |
| Defence and Space Landing Pad             | Office Agent General London  | Industry Development support  | 235,009.00      | 101,687.44 | 133,321.56   | Support ceased Dec, not renewed due to AUKUS announcement            |
| Defence Teaming Centre SADISP 22-23-24-25 | Defence Teaming Centre       | SA Defence Industry Sustainment Project   | 373,000.00      | 373,000.00 | 0.00         |  |
| DIP—Activator Fund                        | No payments made             | Enable more rapid transition of technology developments into operational Defence capabilities; current theme is Remote Undersea Surveillance Data Processing, Analysis and Networking | 1,600,000.00    | 0.00       | 1,600,000.00 | Fund launch delayed, 2 rounds planned for 2023-24                    |
| DIP—AI for Decision Making                | University of Adelaide       | Automated glossary generation for effective and efficient information extraction from text data   |                 | 5,000.00   | (5,000.00)   | Last payment   |



| Grant Program                    | Recipients               | Purpose  | Original Budget | Actual     | Variance   | Comments  |
|----------------------------------|--------------------------|--|-----------------|------------|------------|---|
| DIP— Collaborative Research Fund |                          | Provides catalyst for defence related research, development and innovation                                   | 13,765.00       |            | 13,765.00  | Unallocated funds 2022-23                         |
| DIP— Collaborative Research Fund | Flinders University      | InfoDuST, The intelligence and forensic potential of dust traces for counterterrorism and national security. | 14,999.00       | 14,999.00  | 0.00       | CRF round 4 Final payment                         |
| DIP— Collaborative Research Fund | APC Technology           | Solutions for light pollution from console displays on naval platforms                                       | 13,174.00       | 13,174.00  | 0.00       | CRF round 4 Final payment                         |
| DIP— Collaborative Research Fund | Lux Aerobot              | Coastline monitoring using autonomous high-altitude platforms (HAPs)   | 15,000.00       | 15,000.00  | 0.00       | CRF round 4 Final payment                         |
| DIP— Collaborative Research Fund | University of South Aust | Deep sensing: machine learning enhanced optical fibre hydrophone   | 15,000.00       | 15,000.00  | 0.00       | CRF round 5 Final payment                         |
| DIP— Collaborative Research Fund | University of South Aust | Validation of a Test and Evaluation Model for Planning and Architecture Optimisation                         | 149,404.00      | 134,463.60 | 14,940.40  | CRF Round 6 first payment                         |
| DIP— Collaborative Research Fund | University of Adelaide   | Sensing semiconductor devices in operando with terahertz waves   | 150,000.00      | 135,000.00 | 15,000.00  | CRF Round 6 first payment                         |
| DIP— Collaborative Research Fund | Rice Satcom              | Dual use satellite messaging beacon system for Defence and Emergency Services Personnel                      | 150,000.00      | 135,000.00 | 15,000.00  | CRF Round 6 first payment                         |
| DIP— Collaborative Research Fund | University of Adelaide   | Rapid Environmental Monitoring Using Autonomous Systems  | 148,658.00      | 133,792.20 | 14,865.80  | CRF Round 6 first payment                         |
| DXC Assistance                   | DXC Technology           | Upgrade of Existing Facilities at Mawson Lakes   | 290,000.00      | 107,277.78 | 182,722.22 | savings on contract finalisation; returned to DTF |

| Grant Program                             | Recipients                    | Purpose  | Original Budget | Actual       | Variance     | Comments   |
|---|-------------------------------|--|-----------------|--------------|--------------|--|
| Line Zero                                 | Flinders University           | Line Zero Factory of the Future  | 2,200,000.00    | 97,773.39    | 2,102,226.61 | Project delayed after additional federal and State funding for the project provided through budget measures  |
| Plants in Space                           | University of Adelaide        | Partnership agreement, ARC Centre of Excellence for Plants in Space  |                 | 200,000.00   | (200,000.00) | New project in 2022-23   |
| Raytheon Assistance                       | Raytheon                      | Industry assistance  | 797,000.00      | 1,600,000.00 | (803,000.00) | Grant provided on meeting set conditions, these were met earlier than originally anticipated, overall funding not changed. Funding pulled forward from 2023-24 |
| SASIC—SIF—Gravity Challenge               | Deloitte                      | Support for Gravity Challenges program   | 50,000.00       | 75,000.00    | (25,000.00)  | Timing of payments   |
| SASIC—SIF—Scholarships                    | University of Adelaide        | Adelaide Space Resources Program   | 80,000.00       | 10,363.00    | 69,637.00    | No scholarships paid in 2022-23  |
| SASIC—SIF—Scholarships                    | Amir Kashefi                  | Repayment of scholarship not utilised  |                 | (18,000.00)  | 18,000.00    |  |
| SASIC—SIF—Stone & Chalk McEwin Bldg Lease | Stone and Chalk               | Rental Subsidy Lot 14  | 34,000.00       | 32,135.16    | 1,864.84     |  |
| SASIC—SIF Incubator Fund                  | University of South Australia | Manage Incubator fund supporting entrepreneurs and technical founders looking to commercialise their technology or business concepts | 400,000.00      |              | 400,000.00   | Final report not delivered in 2023-24, expected delivery Quarter 2 2023-24   |
| SASIC—Southern Hemisphere Scholarships    | University of South Australia | Southern Hemisphere Space Studies program 2023—scholarships  | 50,000.00       | 42,000.00    | 8,000.00     |  |
| Skills & Workforce                        | AI Group Centre for Education | Student Scholarships   | 150,000.00      | 123,500.00   | 26,500.00    | Unallocated grant utilised in 2023-24  |

| Grant Program                       | Recipients                         | Purpose  | Original Budget | Actual     | Variance    | Comments                                   |
|-------------------------------------|------------------------------------|--|-----------------|------------|-------------|--|
| VSA—Centennial Park Grant           | Centennial Park Cemetery Authority | Upkeep of Derrick Gardens veteran's graves   | 109,000.00      | 113,097.13 | (4,097.13)  |  |
| VSA—DSA ADCF Funds Transfer         | Defence SA                         | Funding for the Anzac Day Commemoration Fund administered item   | 100,000.00      | 100,000.00 | 0.00        |  |
| VSA—Legacy Support Grant            | Legacy                             | Support for Legacy operations  | 100,000.00      | 100,000.00 | 0.00        |  |
| VSA—SA Remembers                    | Reconciliation SA (AVSA)           | Aboriginal Veterans SA Grave Dedication project  |                 | 72,000.00  | (72,000.00) | Forms part of revised budget for 2022-23   |
| VSA—Minor Grants                    |                                    | Budget   | 11,000.00       |            | 11,000.00   |  |
| VSA—Minor Grants                    | Repat Foundation                   | Repat Foundation—Field Days  |                 | 3,000.00   | (3,000.00)  |  |
| VSA—Minor Grants                    | APOD – Aust Partners of Defence    | Field Days   |                 | 1,000.00   | (1,000.00)  |  |
| VSA—Minor Grants                    | Legacy Club of SA                  | Field Days   |                 | 3,000.00   | (3,000.00)  |  |
| VSA—Minor Grants                    | Reconciliation SA Inc              | Aboriginal Veterans Commemorative Service  |                 | 5,000.00   | (5,000.00)  |  |
| VSA—Minor Grants                    | Penneshaw Progress Assoc           | War memorial restoration project   |                 | 9,090.91   | (9,090.91)  |  |
| VSA—Perpetual Leases Grant Fund     | No payments made                   |  | 500,000.00      |            | 500,000.00  | Funding repurposed with Treasurer approval |
| VSA—PL—Capacity Building Grant Fund |                                    | Budget unallocated   | 3,317.00        |            | 3,317.00    |  |
| VSA—PL—Capacity Building Grant Fund | Trojans Trek                       | Support to strengthen the governance of ex-service organisations to lead, develop, support and advocate for their communities. | 1,913.00        | 1,913.00   | 0.00        |  |

| Grant Program                                 | Recipients        | Purpose  | Original Budget | Actual   | Variance | Comments |
|---|-------------------|--|-----------------|----------|----------|----------|
| VSA—PL—<br>Capacity<br>Building Grant<br>Fund | Frontline<br>Yoga | Support to strengthen the governance of ex-service organisations to lead, develop, support and advocate for their communities. | 5,000.00        | 5,000.00 | 0.00     |          |

| Grant Program                                     | Recipients                        | Purpose  | Original Budget | Actual   | Variance  | Comments |
|---|-----------------------------------|--|-----------------|----------|-----------|----------|
| VSA—PL—<br>Capacity<br>Building Grant<br>Fund     | Defence<br>Shed Pt<br>Adelaide    | Support to strengthen the governance of ex-service organisations to lead, develop, support and advocate for their communities. | 4,770.00        | 4,770.00 | 0.00      |          |
| VSA—PL—<br>Capacity<br>Building Grant<br>Fund     | SWV ltd                           | Support to strengthen the governance of ex-service organisations to lead, develop, support and advocate for their communities. | 5,000.00        | 5,000.00 | 0.00      |          |
| VSA—PL—<br>Capacity<br>Building Grant<br>Fund     | Blackwood<br>Community<br>RSL     | Support to strengthen the governance of ex-service organisations to lead, develop, support and advocate for their communities. | 5,000.00        | 5,000.00 | 0.00      |          |
| VSA—PL—<br>Commemorative<br>Service Grant<br>Fund |                                   | Budget unallocated   | 15,723.00       |          | 15,723.00 |          |
| VSA—PL—<br>Commemorative<br>Service Grant<br>Fund | RSL<br>Henley &<br>Grange         | Support for Remembrance Day Commemorative Service  | 1,000.00        | 1,000.00 | 0.00      |          |
| VSA—PL—<br>Commemorative<br>Service Grant<br>Fund | Royal Aust<br>Regiment            | Support for Remembrance Day Commemorative Service  | 572.00          | 572.00   | 0.00      |          |
| VSA—PL—<br>Commemorative<br>Service Grant<br>Fund | Vietnam<br>Veterans<br>Federation | Support for Remembrance Day Commemorative Service  | 980.00          | 980.00   | 0.00      |          |
| VSA—PL—<br>Commemorative                          | RSL Larg<br>Bay Sub<br>Branch     | Support for Remembrance Day  | 825.00          | 825.00   | 0.00      |          |

| Grant Program                           | Recipients                 | Purpose  | Original Budget | Actual       | Variance     | Comments                                  |
|---|----------------------------|--|-----------------|--------------|--------------|---|
| Service Grant Fund                      |                            | Commemorative Service  |                 |              |              |   |
| VSA—PL—Commemorative Service Grant Fund | Robe RSL Sub Branch        | Support for Remembrance Day Commemorative Service                              | 900.00          | 900.00       | 0.00         |   |
| VSA—PL—Headstone Project                | Headstone Project          | Research and identify unmarked graves of veterans to provide simple headstones | 20,000.00       | 20,000.00    | 0.00         |   |
| VSA—RSL Support Grant                   | Returned & Services League | ANZ Remembrance Appeal   | 100,000.00      | 82,631.27    | 17,368.73    | RSL claims for actual expenditure 2023-24 |
| Total                                   |                            |  | 8,214,009.00    | 4,389,378.50 | 3,824,630.50 |   |

**AUDITOR-GENERAL'S REPORT**

In reply to **Mr PATTERSON (Morphett)** (1 November 2023).

**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):** I have been advised:

Refer to question 1 for the response.

**AUDITOR-GENERAL'S REPORT**

In reply to **Mr PATTERSON (Morphett)** (1 November 2023).

**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):** I have been advised:

Below a breakdown programs/projects and changes in expenditure and milestone profiles:

| Project                          | Original Budget (\$) | Actual (\$) | Variance (\$) | Comment  |
|----------------------------------|----------------------|-------------|---------------|--|
| Defence Jobs Attraction Campaign | -                    | 177,385     | (177,385)     | Timing of grant programs and provision of scholarships delayed expenditure, funding carried over from 2021-22 in revised 2022-23 Budget. |
| SASAT-1 ( Kanyini)               | 474,000              | 1,477,100   | (1,003,100)   | Budget carried over from 2021-22 to fund project, in revised 2022-23 Budget.   |
| Submarine Task Force             | 300,412              | 556,950     | (256,538)     | Funding carried over from 2021-22 in revised 2022-23 Budget.   |
| DSA Operations                   | 2,501,588            | 2,506,565   | (4,977)       | Minor movements  |
| Total                            | 3,276,000            | 4,718,000   | (1,442,000)   |  |

Kanyini is currently planned for a mid-2024 launch into low Earth orbit.

**AUDITOR-GENERAL'S REPORT**

In reply to **Mr PATTERSON (Morphett)** (1 November 2023).

**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):** I have been advised:

The \$1.2 million received via contingency was provided to fund a reimbursement of \$1.2 million to Australian Naval Infrastructure Pty Ltd for remediation costs associated with land at Osborne in accordance with the memorandum of understanding.

**VICTOR HARBOR ROAD**

In reply to **Mr PEDERICK (Hammond)** (14 November 2023).

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining):** My response to regular users of Victor Harbor Road with regard to the overtaking lane at Hindmarsh Valley is very simple:

We have heard you. We have listened to you. And we have acted in accordance with the concerns you have raised.

Building this overtaking lane as originally planned would have resulted in the loss of a long and much-loved avenue of mature gum trees – this was brought to my attention in numerous letters from locals and in the consultation undertaken by the Department for Infrastructure and Transport.

As it was put to me in correspondence from the South Coast Progressive Women’s Association:

‘[I] thank you for the decision not to proceed with the proposed overtaking lane on Victor Harbor Road at Hindmarsh Valley.

We are pleased to note that the Department for Transport will continue to investigate alternatives to improve road safety in the area. Please extend our thanks also to [the engagement manager] and the community engagement team from DIT for their consultation and feedback.

The community has advocated for this outcome over many months and are very pleased the minister and government have listened to community concerns.