HOUSE OF ASSEMBLY

Tuesday, 4 June 2024

The SPEAKER (Hon. L.W.K. Bignell) 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

PARLIAMENTARY COMMITTEES (REFERRAL OF PETITIONS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

SUPREME COURT (DISTRIBUTION OF BUSINESS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 16 May 2024.)

Clause 1.

Mr TEAGUE: I will just say at the outset the government has referred in this place most recently—before that, the Attorney in another place—to the bill having been the product of a request from the Chief Justice. I quote the Attorney and also the minister in this respect:

> This bill is a product of a request from the Chief Justice, who raised issues regarding the inflexibility afforded in the Supreme Court Act 1935 in assigning work to members outside the division of the Supreme Court to which they are appointed.

Those were the opening words of the Attorney in another place on 18 May last year, and words to precisely the same effect were adopted by the minister on 11 April this year when the matter was in this place. For completeness, I refer to that passage of the Chief Justice's letter to the Attorney dated 28 August last year indicating, and I quote:

> My request for this amendment was made after experiencing substantial difficulty in 2022 in the assigning of a permanent judge of this Court to hear a long and complex matter in this Court. The statutory provisions were a substantial impediment to assigning a judge of this Court to hear that matter.

My first question to the minister is: against that background and that context, has the government done any of its own work to interrogate the request and any reasons for it, in terms of the data that is available in terms of the load on each of the divisions and, in particular, what the Chief Justice described in his letter as the 'substantial difficulty' that he experienced in 2022?

The Hon. J.K. SZAKACS: I thank the member for his question. I am advised that the Attorney had no cause to further interrogate outside of the request and views and assertions made by the Chief Justice.

Mr TEAGUE: I think in that regard, albeit in an endeavour to walk through what transpired following the commencement of the debate in another place in terms of the correspondence that had flowed, I also endeavour to give the government an opportunity that was naturally afforded by the passage of time since the matter was before this place for the purposes of the second reading debate—punctuated, as it was, over a period of weeks, if not a couple of months, since the matter came into this place for debate, and that itself not quite a year after the bill was introduced in the

Legislative Council. Has the government had any information or any additional information available to it, or sought any, in the context of the debate since its commencement?

The Hon. J.K. SZAKACS: Not that I am advised.

Mr TEAGUE: Therefore, in a couple of different ways, it has been emphasised to a particular extent that at the time that the bill was brought to the parliament in May last year—I credit the Attorney in this respect—it was characterised, I think entirely, as a bill brought to the parliament at the request of the Chief Justice.

Leaving aside the Chief Justice's August 2023 letter for a moment, it remained precisely on those terms when the bill came before this place; that is, at the request of the Chief Justice. This place had the benefit of commencing debate in the knowledge of, or in the context of, the Chief Justice's August 2023 letter. I will be reminded as to exactly what stage of the debate in the other place that that arrived. Perhaps, the minister might be able to inform the committee as to whether or not that letter came after the conclusion of the debate in the Legislative Council. Anyway, it is a matter of record.

But it is the case that, whether or not it was more than referred to in the course of the debate in the other place, it was certainly available to the government for several months before the bill was brought into this place and we do not see it find voice in the minister's contribution in the second reading debate. I think the minister has already indicated therefore that the government's view of the matter has not changed from 18 May 2023, in terms of the reason why it was brought to the parliament, and the government has not been moved to make any further inquiry in light of the Chief Justice's letter and indeed that is what it appears to be on the face of the minister's contribution at the outset of the second reading in this place.

Unless there is anything about that that needs correcting, or if there is anything to add to the record relevantly in that respect, I might just ask more particularly: is there any response of the government to the Chief Justice's letter in August 2023 and, if so, what was the nature of the response?

The Hon. J.K. SZAKACS: I am advised that no response has been made to that correspondence in large part because the correspondence was providing further information subject to the initial request and the bill that we are now contemplating was arrived at because of that original request.

Clause passed.

Clause 2.

Mr TEAGUE: In terms of commencement, the request of the Chief Justice is clear and the reference to the difficulty that was experienced in 2022 is identified by the Chief Justice. In terms of what is on the record now in the context of clause 1, I take it that no other such difficulty, substantial or otherwise, has been brought to the government's attention subsequent to that 2022 difficulty that is referred to in the August letter.

That being the context of where we are at, it is not a bill that has come to the place with a particular urgency to solve a problem such that it has been passed through with any unusual urgency. Is there any indication about any anticipated necessary or consequential change that will be applied on commencement, and is there anything other than an anticipated commencement in the ordinary course? Does the government have any advice about the consequences of commencement in this case?

The Hon. J.K. SZAKACS: I am advised that there is no anticipated deviation from the usual course.

Mr TEAGUE: In those circumstances—and I appreciate the engagement with the Attorney's office in this regard—I am aware of a protocol that is in use, in existence at the moment. The minister says there is no change. Is there intended in that response an appreciation of the existence of that protocol, and is there any expected change in the protocol or otherwise in terms of practice that is ongoing in a way that has been the case before commencement—any particular change to the protocol or otherwise that is anticipated?

The Hon. J.K. SZAKACS: I am advised that the protocol itself is a matter for the judges; however, there has been no advice to suggest that that protocol will differ, but of course that protocol will be established upon the meeting of judges at the passing of the bill.

Mr TEAGUE: I am just looking for it, if the committee might just bear with me for a moment. I am looking for reference in the Chief Justice's letter to it. The minister might be quicker than me. In the middle of the third paragraph of the letter, the Chief Justice refers to the protocol that I was adverting to just a moment ago. I appreciate what the minister says about it being a matter for the court. The new provision, the new 47(1)(a), stipulates that the consultation that is to occur, the subject of that subclause, is to be conducted in accordance with the protocol that is approved by the judges, etc., as we see on the face of the bill. The Chief Justice refers to that requirement. The Chief Justice says:

> …the consultation must take place in accordance with a protocol approved by the Judges at a Council of Judges held pursuant to section 16…

While it is not precisely those words, I think the Chief Justice is putting even more emphasis on it. The clause stipulates that it will happen in accordance with the protocol. The Chief Justice is saying that it must take place in accordance with the protocol. As I have indicated, I have seen such a protocol. I understand a protocol is in place already. If I understand the minister's answer, bearing in mind that the particulars of the protocol within the bounds of the statutory requirement are a matter for the court—sure—there is no advice the government has that the protocols are going to instantly change or that we are going to see some change of current practice as advised before and after proclamation.

The Hon. J.K. SZAKACS: That is correct.

Clause passed.

Clause 3.

Mr TEAGUE: For the benefit of the committee in this short bill, we are at the substantive clause and there are a couple of observations to make about that by reference to my contribution in the second reading and just unpacking what the purpose of the substantive clause is and then what it, in fact, is doing.

I might just turn to the government's explanation of clauses that the minister incorporated by leave in the course of the second reading debate. The explanation of clauses, for obvious reasons, does not address itself to anything other than this clause in any substantive way, but it is instructive, in my view, to unpack what, in fact, the explanation provides at clause 3 because it goes to what I was endeavouring to emphasise in the course of my contribution to the second reading debate, and particularly on 16 May and towards the end of my contribution on that day.

The clause is said to allow greater flexibility in the managing of the distribution of business in the court and, in particular, to allow for judges to be assigned from the Court of Appeal to the general division, or vice versa, for the purposes of particular proceedings rather than just for a set period, where the Chief Justice, the President of the Court of Appeal and the judge agree.

If we pause there and take a look at that part of clause 3, we see that that is wholly encapsulated. If not wholly encapsulated by section 47 already, it is certainly wholly encapsulated by the amendment, rather minor as it is, that is contained in subclause (1b). We compare those propositions and at the end of subclause (1b), going back to the explanation of clauses, we see the amendment that goes to the achievement of the desired greater flexibility, which is to introduce the authorising of a judge:

> …to undertake such acting duties for a specified proceeding or for a period specified in the instrument of appointment.

Someone might have section 47 in front of them as we consider the matter in committee, but it seems to me, as a matter of substance, that greater flexibility is therefore afforded and there is no doubt that there is a degree of substance in that greater flexibility. At the moment the provision provides for that assignment, and in relatively like terms, to be made for a particular period of time only, whereas the greater flexibility that is afforded by the change is to assign for a specified proceeding.

Just to be really clear about it, subclause (1b) is providing for the familiar neutral arrangement of assignment from one division to the other, back or forth, Court of Appeal to general, general to Court of Appeal, on terms that:

(a) the Chief Justice and the President agree that it is convenient for the purposes of the proper administration of the Court—

(i) that a judge or an acting judge in the General Division act as a judge in the Court of Appeal; or—

vice versa—

(ii) that a judge or acting judge in the Court of Appeal act as a judge in the General Division; and

(b) the particular judge or acting judge agrees to undertake such acting duties,

We then see the substantive change, that that may happen then for a specified proceeding.

If we turn to the Chief Justice's letter to the Attorney in August last year, as referred to in the course of the debate just now on clause 1, we see that the Chief Justice refers to having experienced—in the singular:

…[a] substantial difficulty in 2022 in assigning a permanent judge of this Court to hear a long and complex matter in this Court. The statutory provisions were a substantial impediment to assigning a judge of this Court to hear the matter.

The Chief Justice then goes on to say:

I had no choice but to first appoint auxiliary judges from the District Court, who for reasons which need not be elaborated on here, were unable to continue with the hearings. Then I personally assumed the management of the case against the objections of counsel who sought that I recuse myself, until one of the Appeal Judges accepted an assignment to hear some of the preliminary questions of law and admissibility which had to be dealt with before the [court] could commence.

Apart from being unpacked step wise, I really emphasise I do not intend to be picking and choosing aspects of this correspondence, or indeed anything that has transpired back and forth, but I think that is a faithful encapsulation of that particular substantial difficulty in 2022.

In addressing the question at clause 1 and indeed coming to questions at clause 2 about any change of practice, change of application to protocol that might flow from commencement, there is nothing that has been adverted to that is further informing either the need or anticipated change.

We can see on the face of that letter that, by permitting the assignment for those acting purposes—and one might see it happening one way or another in future if we are looking to avoid the same or an analogous substantial difficulty occurring again in the future—having the capacity to assign acting duties for a specified proceeding, one like the one to which the Chief Justice adverts, by its nature, if it is long and complex there may be uncertainty as to time, there may be uncertainty as to the life of the preceding iterations and so on. That is not unusual, particularly if a long and complex matter is in question.

It may be that making that assignment for a specified period of time is unduly inflexible, is unduly rigid and impractical. That might be something that has been learned over the short period of time that the provision has been in place. If it was simply that that we were considering amending, then so far, so coherent. Even without the Chief Justice's letter, which is a particularly informative addition and contribution to the explanation as to why we are where we are, in circumstances where it is a request from the Chief Justice and we have got that well and truly ahead of debating here, we can see clearly that there is a way of responding to that substantial difficulty in 2022.

Indeed, I think I have made this observation in the course of the second reading debate. Whether it is the result of human frailty, whether it is the result of what one learns as a practical matter in terms of the management of duties from one division to another over time when something is relatively new, whatever might be the reason for what the Chief Justice describes, it would be one way of addressing precisely what the Chief Justice has described to add that the capacity be there to make that assignment for a specified proceeding.

None of what has just been traversed touches on the second sentence in the explanation of clauses. That stands alone and, as I have submitted in the course of my second reading contribution—and again I draw attention to it now—disconnected from either any evidential cause or, if I could put it this way, to some extent a narrative about the expression of an opinion by the Chief Justice.

To proceed to that second part of the explanation, it is easy to read the two together, but they are really quite distinct. We see then the second sentence as follows:

In addition—

so it makes it really clear this is not connected to the rationale for the first part, for the allowing of greater flexibility—

a new power is inserted for the Chief Justice (after consultation with the President of the Court of Appeal) to assign a judge in the Court of Appeal to hear and determine proceedings in the General Division where the proceedings are complex and there is limited availability of judges in the General Division.

So what we see there (bear in mind, standing alone) is then—and although it is described that way in the explanation of clauses—the bit describing the greater flexibility, which is the subject of subsection (1b) and is first in the explanation of clauses. The additional new power, however, just in terms of the structure of the bill, is the subject of the new subsection (1). So you have to read those in reverse order.

In contrast to the familiar provision that is going to enhance flexibility in circumstances that are otherwise already familiar, it is now—as the explanation says—the addition of a new power. It is for the purposes of assignment of a judge in the Court of Appeal to hear and determine proceedings in the general division (so it is one way: Court of Appeal to the general division). It is clearly a different test, but, rather than what might be the general and familiar reference to convenience for the purposes of proper administration of the court, there is now a new test that is being inserted along with those other differences, namely, that the proceedings are complex, on the one hand (that is, the specified proceeding is complex), and there is limited availability of judges in the general division.

In those circumstances, the addition of the new power that has been described in the subsection is inserted for the Chief Justice to take certain actions in terms of assignment in those circumstances. So one might read the two together and see that there would be a whole lot of circumstances in which you could apply both (1) and (1b) in the same way, together. It might be that it is a matter that is convenient for the purposes of the proper administration of justice: it can be dealt with under (1b), (1b) provides for movement both ways and, provided the President and the Chief Justice agree and the relevant judge agrees, then off you go.

So you can see that you could be left not clear as to which one of those was being applied. There is a higher threshold, if one would, for the application of this additional new power as it is described in the explanation of clauses. Perhaps before going on to seek to identify any bright-line difference between the two, does the minister agree that that is the effect of the explanation of clauses; that is, to delineate between the amendment for the purposes of greater flexibility on the one hand and the addition of the new power on the other, and is there any light that the minister can shed on the circumstances in which that has occurred?

The Hon. J.K. SZAKACS: The question being, 'Does the minister agree?' the answer is no.

Mr TEAGUE: I am not quite sure what the answer was addressing itself to in terms of answering 'no'. It is there on the record for the minister to determine the way in which the minister might inform or otherwise respond to the committee. I flag that it is not clear to me what the answer was intended to be negativing. I concede that there might have been a range of questions included in what I have described. I think I have endeavoured to separate the provision that has provided for greater flexibility on the one hand with the addition of the new power on the other.

If the minister is saying that the answer is 'no' in respect of there being any rationale for the addition of the new power or for there being any information available to government that might provide some evidence for the need of it, then I guess the answer in the negative leaves open to interpretation as to what the answer was intending. If it is an answer that is intending to respond negatively to any aspect of my characterisation for the purposes of the committee's interrogation of

the clause, then it might assist the record and the committee to have some elaboration on that. It is a matter entirely for the minister and it is a question as to what might be achieved in the committee process.

In all events, we have a situation therefore where the explanation of clauses, it seems to me, is somewhat revelatory in terms of what is going on in terms of the structure of the bill. So if it is not intended so to separate out those aspects, then it would assist the committee, and it might assist the record, to have that spelled out. The bill, on its face, clearly legislates for the separation of those two matters. The explanation of clauses is somewhat startling in that it would appear to provide a context which the government may or may not adopt. It might be that the explanation of clauses is actually steering us in a way that is too prescribed and it is not intended that way. It might be that the request of the Chief Justice was, in fact, wrapped up, and that the explanation of clauses actually steers us away from that—and erroneously. If that is the case, now is the chance for the minister to say so.

What I have emphasised—and, again, it is not as though it has taken the house by surprise, let alone the committee—is that we have a clear indication that the government has had a request from the Chief Justice, the Chief Justice then being moved to write to the Attorney, in the course of or relatively late in the debate, or at some point, to provide on the public record (because the Attorney has chosen to table the letter) a rationale for the addition of greater flexibility. That can be seen and appreciated.

Not every part of the blow by blow for this particular substantial difficulty is set out in the Chief Justice's letter, for obvious reasons; however, we see something of the practical difficulty about the assignment to which the Chief Justice is referring in 2022.

None of that is going to explain what we otherwise see as observations about what the Chief Justice is now much more freely, much more recently, and not against the background of this substantial difficulty the Chief Justice has described but rather expressions of what is, in the view of the Chief Justice, simply desirable, those parts of the letter, at least, that go to the addition of the new power.

So here we are in the committee stage of this bill endeavouring to provide the parliament with some possible rationale for legislating in line with this additional new power—and if the government will not provide any rationale for it and the Chief Justice will not provide any, I do not want to say rationale, but any evidential basis upon which to set out the need for this additional power, as opposed to the provisions that provide the greater flexibility, then we will be left remaining at a loss as to why the government has satisfied itself that this is a change this parliament ought to legislate.

The Chief Justice has said (and this is continuing on in terms of other observations in the Chief Justice's letter of August last year), first of all, 'My request for these amendments is strongly supported by the judges of this court.' I read that as the amendments that are the subject of the bill, and I have referred to that in the course of my second reading speech.

We have that observation of the Chief Justice and, then, quite clearly adverting to the additional power aspect of reference in the singular, the Chief Justice makes the observation that:

> The proposed amendment carefully limits the Chief Justice's power to those occasions when the assignment of an appeal judge is necessary because of the unavailability of a judge in the general division. Only the Chief Justice sufficiently understands the needs of the court as a whole to be able to make that final decision.

Finally, as to the suggestion that the bill should be adjourned to allow consultation, in my view that is unnecessary, it states, 'The persons who best know the intricacies of listing matters in this court are the judges of the court.' If I have done the Chief Justice a disservice in not drawing particular attention to any other observation that might have been made, I certainly stand to be corrected and invite the minister to do so. But those are observations, as I have described, that are all of the nature of expressions of opinion in the broad, in principle.

To some degree, in terms of references to the judges of the court, they are a mixture between references to what the Chief Justice needs to be able to do to make a final decision, in the Chief Justice's view, coupled with observations that those who best know what the court needs in terms of listing are the judges of the court.

Okay, so far as the observations about what the judges of the court are best placed to navigate, I might say that is in the context very much of a letter responsive to the profession's expressions of concern. It is making observations about judges of the court in large measure by reference to the relatively limited utility of observations of the SA Bar and the Law Society when it comes to these matters, because only the judges of the court best know the intricacies of listing matters, with the bottom line point being made by the Chief Justice that, in his opinion, only the Chief Justice sufficiently understands the needs of the court as a whole to be able to make that final decision that is the subject of the power in subclause (1).

Again, I come back to the difference between what is the subject of subclause (1) and (1b). One is left to speculate as to why, in terms of subclause (1), we do not see mutuality as to the movement from one division to the other and vice versa—it is a one-way direction—and why that is necessary to apply at the direction of the Chief Justice, ultimately. If one is then speculating, one is left to say, 'Alright, it is a circuit breaker of some sort. Although it precedes (1b), it might be said to be applying—and bear in mind there is a protocol in existence that is also the subject of the bill—consequential to the process in (1b) being considered where it is relevant, that is, where Court of Appeal movement to the general division is up for grabs in (1b).

Also subsequent to—and we know, consequent on the application of the (1a) protocol, if I recall it correctly—in many circumstances for the purposes of this bill you find yourself working backwards. If you could solve it via (1b), as I read the Chief Justice's observations about the way in which the court and its members are considering these things, then you would presume—I would certainly hope—that, where you can solve it via (1b), you solve it via (1b).

You then have to, we know, apply the protocol in (1a). I call it a circuit breaker, because it appears then that this additional power, the one that is standing alone in the terms of the explanation of clauses, is going to be applied in many circumstances after (1b) and (1a). So you curiously work backwards. It might have perhaps made more sense in some ways if it was in completely reverse order. You are left—

The CHAIR: Member for Heysen, I do not wish to interrupt but you have one minute left on this particular clause. If you wish to ask a question, you might want to get to that. You have had 15 minutes.

Mr TEAGUE: Thank you, Chair. Just to be clear then about the question, in the context of the previous one, is there any rationale that has been given for the clause applying in the way that it does one way—that is, Court of Appeal to general division—and is it correct to describe the clause as being one that would be applied as a circuit breaker, ordinarily in circumstances where (1b) and (1a) have been exhausted, as it were?

The Hon. J.K. SZAKACS: I can assure the committee and the house that I will not take my full 15 minutes. The answer to the second part of the member's question is that is not how the government would characterise it. As for the first and large part of both the question and the member's protestations, we are not in the business of speculating, as the member has hypothesised that he is doing through his contribution. I note the extensive reiteration of the substantive points that the member has made both through his very long contribution in the second reading as well as his 30 minutes on this clause.

As for the substantiation of the Chief Justice which the member draws into question, it certainly is not the position of the government to query the bona fides of the Chief Justice. We are comfortable with the Chief Justice's correspondence, which substantiates his request, and I would urge caution of the opposition in questioning the bona fides of the Chief Justice's substantiation.

Mr TEAGUE: I ask the minister to withdraw that last observation. It is an outrageous observation to suggest that there is a questioning of the bona fides of the Chief Justice. That is certainly not what has been raised, and I object to any such characterisation and I invite the minister to withdraw it.

The CHAIR: The member has taken objection to it, and I think it is a subjective test, so it might be quicker just to do it and move on.

The Hon. J.K. SZAKACS: I withdraw.

Mr TEAGUE: In terms, then, of the operation of the clause—that is, the terms of subclause (1)—and comparing it to the way that (1b) works, that you can move judges one way or the other from the Court of Appeal to the general division and vice versa, as we see in (1b)(a)(i) and (1b)(a)(ii) respectively, I have not seen any, and I might have missed it, rationale for the departure in (1) from that movement both ways, and I did not hear it in the minister's answer just now either. There might have been an intent in terms of the answer to provide some sort of context in terms of the government's attitude in the overall remarks about what the government does and does not do in interrogating the Chief Justice's request. If so, then I missed it, and others in the committee might have missed it as well.

I put this in some sort of context. The number of Court of Appeal judges that are members of that division is considerably fewer than the number of judges in the general division—that is clear—and there is a different workload in terms of volume as well. I think I have adverted in the course of the second reading that of the current members of the Court of Appeal, we understand Justice Lovell is on full-time long service leave and on his way leaving next year, and that leaves four members. We, therefore, in looking at the list and listings out in the Court of Appeal, see listings out several months.

I have not checked this morning or in recent days, but I think I anticipated in my last contribution a couple of weeks ago that the listings in that particular division, to put it in a general sense, are not leaving any wriggle room for listings in that court already, and so the circumstances in which there is this one-way provision, the exercise of the additional power operating one way only, draws further attention to that particular set of circumstances in terms of the duties that the court is facing just at the moment. That is only an endeavour to put some sort of practical indication before the house and, again, before the committee, to try to understand what we are actually responding to.

It would appear that the proposition on the face of it could be made on a day-to-day basis that the Court of Appeal has a full load. It is sitting on a day-to-day basis one member down, and it is loaded up to the max. I do not say that in terms of, 'Well, that's the case. Everyone is busy and everyone gets on with it,' and I am sure that an observation of that nature might be made in terms of the duties of those judges in the general division from time to time as well, but we are hardly coming along to this debate—and, again, I emphasise this is in circumstances where nobody has adverted to some data that tells us something different. Certainly, I would be very glad if the minister is willing to take on notice matters of data in terms of the workload of both the Court of Appeal and the general division.

I say that particularly in circumstances where the minister has not availed himself of department officials who are not here today, and I understand that might mean that it is not necessarily straightforward to get his hands on that straightaway. He is ably assisted, but I do not suggest that that data may be necessarily immediately to hand. Nobody is in any way contradicting what I am suggesting anyway, and they have had a month or so to do that.

I have just given this indication as to the extent to which the Court of Appeal has a full book and is working hard, and if not in somewhat unusual circumstances of the extended leave of one of its members. We have, against that, not only the additional power now being vested unilaterally in the Chief Justice, for reasons that are not evidenced perhaps in the same way against the background of experience as the provision for greater flexibility, but we are seeing that that is to be applied one way.

If all of that is just a complete mystery to the government, and the government says, 'Well, we don't know. We have no idea what's going on in the court,' and if the only rationale from the government's point of view is what we see on the face of the record in the course of the second reading speech—that, as we have heard from the Attorney in the other place and we have heard from the minister in this place in a couple of mirroring contributions that say that this is coming at the request of the Chief Justice—if the response of the government is, 'Don't ask us; we don't know. We are just doing this at the request of the Chief Justice, and we don't have anything else to tell you about it, but that's good enough for us,' then, in the context of being told my contribution might have run for a while, in terms of the second reading speech, part of it was at pains to separate out what is, on the one hand, the business of this place in terms of the responsibility for legislating in the public interest, the interest of all South Australians, for the facilitation of the proper administration of the

courts on the one hand, and what are, if you like, to put it in terms that the minister is recently familiar with, operational matters on the other hand.

We do not go delving into operational matters when it comes to how important agencies in the interests of all South Australians operate, but we do have an interest, a necessary interest, in ensuring that the structures, particularly when it comes to the establishment and structure of divisions of the Supreme Court of this state that operate, have a responsibility to interrogate how and why, and for what purpose, those structures will be applied in an operational way.

It may be that I am just boiling down to some form of emphasis. The minister has had an opportunity to answer the question in the context of my previous question, and I think I understand the response to say broadly that, 'The government is satisfied that the request of the Chief Justice is what it is, and we are legislating accordingly. Nothing more to see here. Don't ask us.'

If that is the response, and I think the minister responded, as well, to say that the government would not describe—the minister seemed to think that what I was describing in my last contribution to be an exercise in hypotheticals in characterising the subclause (1) additional power provision as a circuit breaker. I do not mean it pejoratively. But I do not think the minister adopted that description and sees it as a matter for the court as to how it might apply it. I can take that on board, and I think it probably is. It would certainly be a matter for the Chief Justice to determine how these tests are to be applied. I am sure the Chief Justice is perfectly capable of navigating that in an operational way.

It is the case, is it not, that we are left with a situation where, at least in terms of subclause (1), there is nothing to inform us as to why the clause operates one way, as it does, and how the clause would operate in terms of its test as distinct from the test in (1b).

The Hon. J.K. SZAKACS: I can best advise that subclause (1) is not mutual, because the Chief Justice is head of the Supreme Court. The Chief Justice is responsible for the administration of the court and allocates cases and distributes judicial workload. This is true of every jurisdiction and is reflected in the relevant legislation. The Chief Justice is the spokesperson and representative of the judiciary and the court in its dealings with the executive government and the community. The Chief Justice has an extensive role as the head of the court as well as the head of the judiciary in this state. The Chief Justice has the ultimate authority for determining the distribution of judicial workload. This may be best achieved by a consultation and consensus with the judiciary and the court. Administrators take into account individual judges' interests and abilities.

Mr TEAGUE: Just a point of clarification: it may be that the minister misconstrued what I meant by 'one way'. It is one way in terms of movement from the Court of Appeal to the general division, not one way in terms of who is calling that shot. So the distinction is general to the Court of Appeal. The Chief Justice is on both, so the Chief Justice is able to make the call in respect of both. The movement is one way in (1), and it is two ways in (1b). I do not know if the minister would like to make some further contribution.

The Hon. J.K. SZAKACS: I will take that as a statement rather than a question.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Trade and Investment, Minister for Local Government, Minister for Veterans Affairs) (12:13): I move:

That this bill be now read a third time.

Mr TEAGUE (Heysen) (12:13): I might just offer some brief words of contribution on the third reading, in light of the committee process we have just completed, to report that observations or concerns that I raised in the course of the second reading debate about the distinction between on the one hand the provisions for the application of greater flexibility, the subject of the bill, and the addition of a new power on the other remain as perhaps adverted to in the course of the second reading.

In the course of the committee process and particularly interrogating clause 3, the substantive provision in the bill, I again endeavoured to draw out the difference between an additional capacity for assignments between the general division and the Court of Appeal to be made as may be required for the purposes of the proper administration of the court to be enhanced, if one will, by a provision that would allow such an assignment to occur for acting duties for a specified proceeding. I adverted to the Chief Justice having explained what might be practical rationale for that to occur in circumstances where it may be unsuitable for an assignment to be made for a particular defined period of time, as is the way in which the section 47 provision works at the moment.

One can readily see that that is a change that provides for greater flexibility. It might also be seen against the background of what the government has at all times described as a bill brought to this place at the request of the Chief Justice and rising no higher and no lower than that and without any adoption of some purpose that the government has in mind in terms of bringing it here. One can see, by doing a bit of work in the interrogation of what has actually transpired since the advent of the Court of Appeal, that there is some rationale for the change that we see at subclause (1b). That, unfortunately, is not the case in relation to, as the explanation of clauses describes it, the standalone addition of a new power, which is inserted so as to provide for the Chief Justice to assign a judge in the Court of Appeal to hear and determine proceedings in the general division.

One might, as I think I have done in the course of the committee process and I adverted to it of course in my second reading remarks, say that if it is the case that the Chief Justice is, as the Chief Justice says, the only one who 'sufficiently understands the needs of the Court as a whole to be able to make that final decision'—that is the Chief Justice's observation in his letter of August last year—why not enhance that power by making it apply mutually in the same way as (1b) does? That is just a curiosity and we have seen no elucidation of that, that I could tell, in terms of the committee. It is a curiosity; it stands in contrast from (1b) to (1) in terms of it being a one-way process. But it is what is.

That is apparently the structure requested by the Chief Justice. The government has chosen to act, as it has indicated, in accordance with the request of the Chief Justice, and the government has not provided any elucidation of the matter, really, at all. That is as it is, so I just put it to the house in terms of where we stand as the result: that must be an open matter that is, in my view, left in an unsatisfactory state as to why that provision, let alone the power itself, would apply to the process only one way.

I have referred to it in my second reading contribution and again, because I understand it is still the present state of affairs—the relative workload of the Court of Appeal that is publicly available and that we are aware of—I just ask the question. It seems at odds with what one might expect. If the power is not going to be mutual, why is it not, for example, a power that applies for the provision to relieve the Court of Appeal of some of its workload in circumstances where the general division has capacity and the Court of Appeal is fully occupied, or if not fully occupied then overburdened? Why would it not be the case that the power of the Chief Justice is to assign members of the general division to hear matters in the Court of Appeal?

Mutuality is a question that is left unanswered; indeed, why the whole thing is not structured completely the other way around is also left as an open question. I suppose a way to answer it might be to note that Court of Appeal proceedings, generally speaking, are not about the occupation of lengthy periods of time in the hearing of a trial with all of the uncertainties as to how the hearing of evidence might go and how long trials take. Generally speaking, appeal proceedings are matters of submission by counsel and the court is in a position to determine the length of time that a hearing will take. At least there is that substantive difference in terms of the way it occupies the court's physical resources over time.

Leaving aside the necessity for time for judges to prepare reasons for judgement and so on, there is that difference, particularly in circumstances where the Chief Justice adverted to the 'substantial difficulty' in 2022 and the desirability of assigning a judge for a specified proceeding, then there is a clue to the different nature of the proceedings that are heard in those different divisions.

But we have seen no attempt to provide an elucidation by the government. The government has, it would appear, not even asked the Chief Justice why the approach, what is the situation with

the general division in terms of its workload over the time since that substantial difficulty was experienced in 2022, much less for the minister to come into this place, or I think in another place, to say, 'Well, it is the different nature of the work.' Subclause (1b) provides for mutuality because it is a sort of general provision that might be something that the judges of the court can determine from time to time as they need to in terms of the disposition of business, but in terms of the imposition of the standalone additional new power there is just no rationale at all.

I am doing what I can to give the government an opportunity to provide any such rationale, or to pass on any further indication that might come from the court, particularly from the Chief Justice. If there is one step back from washing your hands of a matter altogether, it is the adopting of a structure, as it were, in the debate that says, 'As responsible minister, I am here bringing legislation to the house at the request of a responsible head of jurisdiction.'

Many months pass, much interrogation of the request ensues, all of it on the public record, and pretty much an entire year later the exact same rationale for the bill is put when it is introduced into this place and the government takes on the responsibility to persuade and elucidate members of this place who are endeavouring to do the work that they need to do responsibly and the exact same rationale is put. It is pretty close, it seems to me, to the government washing its hands of the matter so far as the substance and rationale of it is concerned.

The committee stage, in particular, will provide a public record of that attitude of the government for the purposes of future reference, if not serving to elucidate members of the house and indeed those South Australians who are following the process now and seeking to be informed as to why the government has moved in the way that it has. I hope that I have set this out comprehensively in the course of my second reading debate.

There is a tension, of course, between what the head of a jurisdiction ought to do in terms of taking responsibility for the disposition and management of business in an operational sense on the one hand and what the parliament's proper role is in terms of legislating for the distribution of business in the court on the other.

It is, in my view, a proper and important taking of responsibility in this place that, where we are legislating for new structures to be applied in terms of how business is directed in the court—it goes to a matter that is central to how the two divisions of the Supreme Court function vis-a-vis each other and particularly in circumstances where the division, the Court of Appeal, has been operational now for some several years but not so very many—where the house is called on to legislate in this way, the house gives its own consideration to the matter and that the government, frankly, does a bit better than simply indicating to this house that it is moving that the house support this bill at the request of the Chief Justice.

I will just make this final observation, and that is that so keenly is that tension appreciated that, in circumstances of this nature, there is an exercise of judgement involved in terms of how the parliament interrogates matters of business of the court, and so much so that it was initially a matter that might have been regarded as a matter of consensus that attracted no real difference of opinion expressed by anyone, from the Chief Justice to other members of the court and members of the profession and so on, but particularly in circumstances where, in the course of debate in another place—and I emphasise commencing around a year ago—there was not, in fact, such broad-based consensus that was expressed outside of this place.

Indeed, fairly strong views were expressed by the two leading professional bodies—in terms of the legal profession—over the course of those months sufficiently that the Chief Justice was moved to write to the Attorney in terms that have been traversed in this place. It just underscores the need to interrogate what might be the source of a difference of view, what might be the rationale for making the change and what might be the government's view about the merits of the particular provisions that are being presented to the house. I regret to say that I do not regard either the house or myself all that terribly better informed except insofar as the government has clearly been given an opportunity to elucidate and it has elected to say no more, so there we are.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (12:34): I move:

That this bill be now read a second time.

I am pleased today to introduce the Statutes Amendment (Attorney-General's Portfolio) Bill 2024. From time to time, an Attorney-General's portfolio bill is required to rectify minor errors, omissions and other deficiencies identified in legislation committed to the Attorney-General. Given the minor or technical nature of these amendments, it is often more efficient to deal with such matters in a single omnibus bill rather than in a separate amendment bill for each act.

The bill makes amendments to seven acts within the Attorney-General's portfolio. This includes changes to the Courts Administration Act 1993, the District Court Act 1991, the Environment, Resources and Development Court Act 1993, the Judicial Administration (Auxiliary Appointments and Powers) Act 1988, the Legal Practitioners Act 1981, the Magistrates Act 1983 and the Supreme Court Act 1935 to replace and update references to the title of a Master of the Supreme Court or District Court to Associate Justice and Associate Judge respectively.

The bill also makes separate amendments to the Legal Practitioners Act to abolish the appointment of King's Counsel in South Australia and to expressly extinguish the prerogative power of the Crown to make such appointments.

Amendments to the title of Master: turning to the substance of the bill, parts 2 to 8 of the bill (excluding clauses 31 and 32) make amendments to seven acts to replace and update references to a Master of the Supreme Court to Associate Justice and a Master of the District Court to Associate Judge. These amendments have been made at the request of the Chief Justice and Chief Judge following a resolution by the judges of the Supreme Court and the District Court to discontinue the use of the title of Master in their respective jurisdictions.

The Chief Justice has advised that the title of Master is an anachronistic term that does not give any indication of the nature of work performed by the Masters of the Supreme Court. Moreover, it is considered to be an inappropriately gendered term. The Chief Judge has expressed similar concerns in relation to the use of the title of Master in the District Court.

South Australia is the only jurisdiction to retain the title of Master. The title is no longer used in Queensland or Victoria. In Tasmania, New South Wales and the Australian Capital Territory, the title of Associate Judge is used. I am advised that Western Australia is also in the process of phasing out the appointment of Masters.

While these amendments are limited to changes in terminology only, they nonetheless present an opportunity to modernise and bring South Australia into uniformity with the majority of other jurisdictions, which have already discontinued the use of the title Master. Importantly, the existing powers and functions performed by the Supreme Court and District Court Masters, as well as their existing terms and conditions of appointment, will remain unchanged.

Amendments to abolish the appointment of King's Counsel: I now turn to the other amendments in the bill, which propose to amend the Legal Practitioners Act to abolish the appointment of King's Counsel. Historically, at common law, the position of King's Counsel (KC) or Queen's Counsel (QC) was recognised as an office under the Crown, commonly bestowed as a mark of recognition of eminence and excellence in the legal profession.

In 2008, the then Rann Labor government, at the request of the then Chief Justice, the Hon. John Doyle, ceased the appointment of Queen's Counsel following a consistent trend across Australian jurisdictions to discontinue the use of the QC designation in preference to the Senior Counsel (SC) title.

In 2019, the former government determined to reinstate the appointment of Queen's Counsel in South Australia. In 2020, the former government enacted the Legal Practitioners (Senior and Queen's Counsel) Amendment Act 2020, which inserted a new legislative process into the Legal

Practitioners Act for the appointment of Senior Counsel and Queen's Counsel. These changes came into effect on 26 November 2020.

Under the current provisions, a legal practitioner appointed as Senior Counsel may make an application to the Attorney-General for recommendation to the Governor to be appointed as King's Counsel. Where an application is made, the Attorney-General must recommend to the Governor that the legal practitioner be appointed as King's Counsel, and the Governor may, by notice in the *Gazette,* appoint a legal practitioner as King's Counsel. There is currently no discretion for the Attorney-General to refuse an application for appointment or to make a recommendation to the Governor against the appointment of a Senior Counsel as King's Counsel.

The Labor government when it was then in opposition sought to move amendments to the former government's legislation that were ultimately unsuccessful. At the time it was noted that many of the arguments that were presented in support of reinstating the office of Queen's Counsel and King's Counsel appeared to be economic concerns. In particular, it was noted that no evidence was put forward to support the assertion that Senior Counsel are at a commercial disadvantage when competing for international briefs because the SC title is less well known. The government considers this to be especially true now that the title of Queen's Counsel, used throughout the 70-year reign of Queen Elizabeth II has been replaced by the title King's Counsel. Indeed, despite these claims of economic disadvantage, the majority of jurisdictions retain the Senior Counsel title and have not elected to return to the use of King's Counsel. This includes the state with the nation's largest independent bar, New South Wales.

In addition, parliament was also advised that the Chief Justice wrote to the former Attorney-General on 2 October 2018 expressing his strong opposition to the reinstatement of Queen's Counsel and King's Counsel. He suggested that a return to the QC or KC title would seriously weaken the independence of the legal profession and judiciary from the executive. In particular, his honour observed that the appointment of QCs originated at a time when the Crown was more directly involved in the exercise of judicial power and the appointment of a QC is nothing more than a conferral of executive favour.

Given this, it is the government's view that it is appropriate to abolish the appointment of King's Counsel in South Australia to bring South Australia in line with most of the country and update the language used in our judicial system. To that end, clauses 31 and 32 of the bill amend the Legal Practitioners Act to repeal the statutory provisions that currently allow for appointment of King's Counsel and to expressly extinguish the Crown's prerogative so that no future appointments of King's Counsel can be made in South Australia.

Under this approach, Senior Counsel who have already been appointed as King's Counsel will be permitted to retain the use of KC postnominal. Legal practitioners seeking future appointment as Senior Counsel will, if appointed, be entitled to use the SC postnominal. The current process of appointment of Senior Counsel by the Supreme Court will remain unchanged.

While the proposed amendments in this bill may be minor, they present an opportunity to bring South Australia into the 21st century. In so doing the measures in this bill will achieve greater consistency with the rest of Australia with respect to the titles that are used within our judiciary and the legal profession. I commend the bill to the chamber and seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Courts Administration Act 1993*

3—Amendment of section 27A—Interpretation

This clause amends section 27A of the principal Act to substitute references to a Master with references to an Associate Judge or Justice, as the case requires.

Part 3—Amendment of *District Court Act 1991*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to provide that a reference to a Master in any other Act or legislative instrument will be taken to be a reference to an Associate Judge, and substitutes references to Masters with references to Associate Judges.

5—Amendment of section 10—Court's judiciary

6—Amendment of heading to Part 3 Division 2 Subdivision 2

7—Amendment of section 12—Appointment of other Judges and Masters

8—Amendment of heading to Part 3 Division 2 Subdivision 3

9—Amendment of section 14—Leave

10—Amendment of section 15—Removal of Judges and Masters

11—Amendment of section 16—Retirement of members of judiciary

12—Amendment of section 20—Constitution of Court

13—Amendment of section 24—Transfer of proceedings between courts

14—Amendment of section 29—Issue of evidentiary summons

15—Amendment of section 32—Mediation and conciliation

16—Amendment of section 43—Right of appeal

17—Amendment of section 44—Reservation of questions of law

18—Amendment of section 46—Immunities

19—Amendment of section 51—Rules of Court

These clauses amend the principal Act to substitute references to Masters with references to Associate Judges.

Part 4—Amendment of *Environment, Resources and Development Court Act 1993*

20—Amendment of section 9—Magistrates

21—Amendment of section 11—Masters

22—Amendment of section 15—Constitution of Court

23—Amendment of section 26—Issue of evidentiary summonses

24—Amendment of section 30—Right of appeal

25—Amendment of section 36—Immunities

26—Amendment of section 48—Rules

These clauses amend the principal Act to substitute references to Masters with references to Associate Judges.

Part 5—Amendment of *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*

27—Amendment of section 2—Interpretation

This clause amends the principal Act to substitute references to Masters with references to Associate Justices or Associate Judges, as the case requires.

Part 6—Amendment of *Legal Practitioners Act 1981*

28—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act to provide a definition of Associate Justice and repeal the existing definition of Master.

29—Amendment of section 14I—Establishment of Board of Examiners

30—Amendment of section 89—Proceedings before Supreme Court

These clauses amend the principal Act to substitute references to Masters with references to Associate Justices.

31—Amendment of heading to Part 7

This clause amends the heading to Part 7 of the principal Act to remove reference to Queen's Counsel.

32—Substitution of section 92

Proposed section 92 is inserted into the principal Act

92—No further appointment of King's Counsel etc

Proposed section 92 provides that the power of the Crown to appoint a legal practitioner as a King's Counsel or Queen's Counsel is abrogated. It is further provided that this does not affect the existing appointment of legal practitioners as King's or Queen's Counsel.

33—Amendment of Schedule 3—Costs disclosure and adjudication

This clause amends clause 41(2) of Schedule 3 of the principal Act to substitute a reference to a Master with a reference to an Associate Justice.

Part 7—Amendment of *Magistrates Act 1983*

34—Amendment of section 22—Certain members of the judiciary may assume magisterial powers

This clause amends the principal Act to substitute a reference to a Master with a reference to an Associate Justice.

Part 8—Amendment of *Supreme Court Act 1935*

35—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act to provide a definition of Associate Justice and substitute references to a master with references to a master or an Associate Justice, as the case requires.

36—Amendment of section 7—Judicial officers of the court

37—Amendment of section 8—Qualifications for appointment as judges and masters

38—Amendment of section 9—Appointments to the court

39—Amendment of section 11—Acting judges and acting masters

40—Amendment of section 12—Remuneration of judges and masters

41—Amendment of section 13A—Retirement of judges and masters

These clauses amend the principal Act to substitute references to masters with references to Associate Justices.

42—Amendment of section 13H—Pre-retirement leave

This clause amends section 13H of the principal Act to substitute references to masters with references to a person or an Associate Justice, as the case requires.

43—Amendment of section 14—Certain common interests do not disqualify

44—Amendment of section 48—Jurisdiction of single judge, master, etc

45—Amendment of section 49—Questions of law reserved for Court of Appeal

46—Amendment of section 50—Appeals

47—Amendment of section 65—Mediation and conciliation

48—Amendment of section 72—Rules of court

49—Amendment of section 110C—Immunities

These clauses amend the principal Act to substitute references to masters with references to Associate Justices.

50—Amendment of section 119—Suitors' funds to vest in master

This clause substitutes a reference to master in the heading of section 119 with a reference to registrar.

51—Amendment of section 121—Liability of Treasurer for default of master

This clause substitutes a reference to master in the heading of section 121 with a reference to registrar.

Mr TEAGUE (Heysen) (12:42): I rise to make a contribution to the bill and to address it. I think it might be convenient to describe it in terms of being a bill addressing really two matters, the first of which is indeed a matter of uncontroversial change. Leaving aside any unnecessarily loaded descriptors of what has been a longstanding role in our state's courts of Masters who oversee the interlocutory stages of process in both the District and Supreme courts, the changes to nomenclature are changes that might elicit not much more than a shrug, I suspect, in terms of the bulk of the population, and the new terms and changes that are proposed in terms of Associate Judge and Associate Justices are appropriate and those changes appropriately recognise the roles.

I do emphasise that the two Masters of the Supreme Court are, in fact, judges of the court as well and they are described that way. Judge Dart and Judge Bochner serve in the capacity as the Supreme Court's two Masters. The work that they do in jurisdictions where there is not the application of a docket system, as there is in the Federal Court, for example, is important in terms of dealing with the day-to-day management of the court lists, and it is an indispensable function.

Before I proceed to perhaps recognise and describe that important work—because this provides the opportunity to do so—it would be, I think, remiss to proceed too much further to deal with the bill without fairly clearly and loudly highlighting that the method of the government in this respect is curious, to say the least. We have just heard a fairly brief contribution in the second reading debate from the minister responsible in this place, the Deputy Premier, describing this bill as being one of those routine catch-all general portfolio bills, and stating that it is appropriate to do a whole variety of things in portfolio bills.

The fact is that it is doing two things, the first of which takes up a fair amount of space, because it is changing references in a whole range of different bills in different places, as you necessarily do when you change the name of the way in which you describe a judicial officer from one thing to another. There is a bit of page filling, and I have no difficulty with that being described as amenable to a general portfolio sort of descriptor.

You have that on the one hand in a bill that, just to illustrate that point, runs to 51 whole clauses. I have referred to the fact, I think, a few times in recent times that this place ought to have a bit more self-respect than it sometimes puts on display in terms of its characterisation of matters that are brought before it and in terms of the sort of interrogation that this place is—and I include members on the government benches in this regard—willing to and properly ought to be putting to the executive in terms of scrutiny.

This is a really good example, because what we have seen here is that the government is proceeding—I would put it this way—under cover of a portfolio bill, a bill described as a Statutes Amendment (Attorney-General's Portfolio) Bill—to fill out a whole bunch of clauses with these changes to the name that we are going to call these important judicial officers who serve those interlocutory purposes in the Supreme Court and the District Court on the one hand. In two of its clauses, it is then undertaking what is—and I would give the government this much credit—self-evidently, and I think understood by the government to be, a matter of particular controversy and of particular difficulty, which might rise as high as even evidencing an approach to our whole system of government and is yet placed somewhat anonymously and innocuously, on the face of it, in the midst of a portfolio bill.

Let's be clear about it: there are two subject matters, one of which is entirely routine—it could have been done in a whole variety of ways with a minimum of fuss—and the second is something that really goes to the heart of the government's approach to the profession, and greater than that. We might hear a whole lot of voices on the government side—and of course the debate on this bill decrying this proposition—appearing to provide a kind of indication of the government's attitude towards the system and foundation of the structure of government in this state, going, as it does, to the way in which senior members of the profession are identified and recognised. I will come back to that bit in a moment.

Certainly the court has a role to play, and certainly the profession and those individuals who either carry the title or appreciate what it means, and so on, have a proper role in terms of expressing a view, and they have certainly done so.

Indeed, I was someone who participated in the debate in the last parliament, where the parliament—and I might say with the support of the then opposition, now government—reinstated the appointment of what was at that stage, prior to the passing of Her Majesty, QC which has converted to KC. I might reiterate that I participated in this debate with an interest as a former active member of the profession and, indeed, member of the bar. It is an office to which I would aspire also, and I have some sense of what it means to fulfil the necessary criteria for the appointment, and so on, against the background of my own experience in the profession. Perhaps there is more to say, in a moment, about where we got to, the result of the previous legislation and what we now are coming at in terms of this legislation.

But let's be under no kind of illusion: this is a particularly curious way in which the government is going about legislating what those in the profession, those in the community more broadly and those who are engaged in public life will regard, for their own different reasons, as matters of particular substance when one is coming to consider the reasons why the changes that are the subject of clauses 31 and 32 might be brought here by this government at this time.

The fact that that is couched in a bill that is described as the Statutes Amendment (Attorney-General's Portfolio) Bill is, I have to say, passing strange at best. At the very least, I would expect that the Deputy Premier does not come into this place and say that this is subject matter that is just amenable to routine portfolio updating and, if nobody is looking very carefully right at that moment, you would blink and you would miss that caught up in the bill is this change. At the very least, I think the people of South Australia expect to hear: what is the rationale for the change and does it elicit a particular view of the government about the way in which we all ought to proceed? If so, let's have that debate in the broad.

As just one example of where this has elicited reflection on where we fit, what our structure of government is and so on, there have been examples of Senior Counsel—formerly Queen's Counsel who become King's Counsel in the circumstances I have described—who have all the more particularly reflected on the meaning of those titles in the context of this bill being brought to the parliament and might make a considered decision about the postnominals they choose as a means of expressing that substantive belief in what it means in terms of their view about the system of government.

Put bluntly, you might say: if you do not want the indicia of the Crown associated with your institutions, then let's have that debate and let's see all the consequences that flow from it. I have seen that go around before—there is no secret—but think about the bigger picture. Think about the whole context in which you want to prosecute that debate as a matter of substance. Do not just throw out these fig leaves under cover of a Statutes Amendment (Attorney-General's Portfolio) Bill, somewhere a couple of clauses into this kind of relatively innocuous set of 50-odd clauses, and then say, 'We sort of threw that fig leaf out in the midst of all that. Make of it what you will. On you go.'

That is to say nothing, then, of the fact that while earlier in the day we addressed Order of the Day No. 1, a matter that had been, admittedly, on the *Notice Paper* and the subject of debate now in this place for some little while, what the government has decided to do immediately upon the completion of that debate is not to proceed to Order of the Day No. 2 or 3 or even 4—I see Order of the Day No. 4, a matter, I understand, of particular substantial interest of the government to deal with as a matter of priority, or at least it has been—or even the next few on the list in terms of the *Notice Paper*.

We are here now commencing a debate on this bill that is called Statutes Amendment (Attorney-General's Portfolio) (No 5) Bill, and we are dealing with that as, it would appear, some sort of matter of urgent priority despite the fact that it appears at No. 23 of 23 on the *Notice Paper*. It is the last on the list; it is the last one at the end of a long list.

One might make observations about just how productive or otherwise the government has been in disposing of its agenda in this Fifty-Fifth Parliament, but just as we stand here right now there is a reasonable question, firstly, as to how this is couched in terms of an Attorney-General's portfolio bill, yet we find ourselves caught up in debate about the very existential nature of the state, but also that it is No. 23 right up to No. 2. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

AUKUS (LAND ACQUISITION) BILL

Assent

Her Excellency the Governor assented to the bill.

BAIL (CONDITIONS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

CONTROLLED SUBSTANCES (DESTRUCTION OF SEIZED PROPERTY) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

PARLIAMENTARY COMMITTEES (REFERRAL OF PETITIONS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answer to a question be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Report 6 of 2024—Urban tree canopy management
[Ordered to be published]
Independent Commission Against Corruption—Buying Trust: Corruption Risks in Public Sector Procurement Report

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

Regulations made under the following Acts—
Aboriginal Heritage—Fees Notice—Fees (2024)
Administration and Probate—Fees Notice—Fees (2024)
Aged and Infirm Persons' Property—Fees Notice—Fees (2024)
Burial and Cremation—Fees—2024
Child Sex Offenders Registration—Fees Notice—Fees (2024)
Co-operatives National Law (South Australia)—Fees Notice—Fees (2024)
Coroners—Fees Notice—Fees (2024)
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles)—Fees Notice—Fees (2024)
Dangerous Substances—
Fees Notice—
Dangerous Goods Transport Fees (2024)
Fees (2024)
District Court—Fees Notice—Fees (2024)
Employment Agents Registration—Fees Notice—Fees (2024)

Environment, Resources and Development Court—Fees Notice—Fees (2024)
Evidence—Fees Notice—Fees (2024)
Expiation of Offences—Fees—2024
Explosives—Fees Notice—Fees (2024)
Fair Work—Fees Notice—Representation Fees (2024)
Freedom of Information—Fees Notice—Fees (2024)
Guardianship and Administration—Fees Notice—Fees (2024)
Legal Practitioners—Fees Notice—Fees (2024)
Magistrates Court—Fees Notice—Fees (2024)
Partnership—Fees Notice—Fees (2024)
Public Trustee—Fees Notice—Fees (2024)
Relationships Register—Fees Notice—Fees (2024)
Sheriff's—Fees Notice—Fees (2024)
South Australian Civil and Administrative Tribunal—Fees Notice—Fees (2024)
State Records—Fees Notice—Fees (2024)
Summary Offences—Fees Notice—Fees (2024)
Supreme Court—Fees Notice—Fees (2024)
Victims of Crime—Fund and Levy—2024
Work Health and Safety—Fees Notice—Fees (2024)
Youth Court—Fees Notice—Fees (2024)

By the Minister for Industry, Innovation and Science (Hon. S.E. Close)—

University of Adelaide—Annual Report 2023

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

Regulations made under the following Acts—
Botanic Gardens and State Herbarium—Fees Notice—Fees (2024)
Crown Land Management—Fees Notice—Fees (2024)
Environment Protection—Fees—2024
Heritage Places—Fees Notice—Fees
Historic Shipwrecks—Fees Notice—Fees (2024)
Landscape South Australia—Fees Notice—Fees (2024)
Marine Parks—Fees Notice—Fees (2024)
National Parks and Wildlife—
Fees Notice—
Hunting Fees (2024)
Lease Fees (2024)
Protected Animals—Marine Mammals (2024)
Wildlife Fees (2024)
Native Vegetation—Fees Notice—Fees (2024)
Pastoral Land Management and Conservation—Fees Notice—Fees (2024)
Radiation Protection and Control—Fees Notice—Fees (2024)
Single-use and Other Plastic Products (Waste Avoidance)—Prohibited Plastic Products—2024

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

Regulations made under the following Acts—
Harbors and Navigation—Fees—2024
Heavy Vehicle National Law (South Australia)—
Expiation Fees—2024
Fees Notice—Fees (2024)
Motor Vehicles—
Expiation Fees—2024
Fees—2024
Fees Notice—Accident Towing Roster Scheme Fees (2024)

National Heavy Vehicles Registration Fees—2024
Ultra High Powered Vehicles—2024
Passenger Transport—Fees Notice—Fees (2024)
Road Traffic—
Miscellaneous—
Expiation Fees (2024)
Fees (2024)

By the Minister for Energy and Mining (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
Mining—
Fees Notice—Fees (2024)
Rental and Prescribed Fees
Rental Fees—2024
Opal Mining—Fees Notice—Fees (2024)

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

Regulations made under the following Acts—
Fines Enforcement and Debt Recovery—
Fees Notice—Fees (2024)
Prescribed Amounts—2024
Fisheries Management—Fees Notice—General Fees (2024)
Forestry—Fees Notice—Fees (2024)
Industrial Hemp—Fees Notice—Fees (2024)
Land Tax—Fees Notice—Fees (2024)
Livestock—Fees Notice—Fees (2024)
Petroleum and Geothermal Energy—Fees Notice—Fees (2024)
Petroleum Products Regulation—Fees Notice—Fees (2024)
Plant Health—Fees Notice—Fees (2024)
Primary Produce (Food Safety Schemes)—
Fees Notice—
Egg Fees (2024)
Meat Fees (2024)
Plant Products Fees (2024)
Seafood Fees (2024)

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

Government Response to Standing Committees—Social Development Committee:
Amendments to the National Health and Medical Research Council Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice and Research
Regulations made under the following Acts—
Controlled Substances—
Fees Notice—
Pesticides Fees (2024)
Poppy Cultivation Fees (2024)
Food—Fees Notice—Fees (2024)
Retirement Villages—Fees Notice—Fees (2024)
Safe Drinking Water—Fees Notice—Fees (2024)
South Australian Public Health—Fees Notice—Fees (2024)
Tobacco and E-Cigarette Products—Fees Notice—Fees (2024)

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

Regulation made under the following Act—

Adoption—Fees Notice—Fees (2024)

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

Regulations made under the following Acts—
Child Safety (Prohibited Persons)—Fees Notice—Fees (2024)
Disability Inclusion—Fees Notice—NDIS Worker Check Fees (2024)
Supported Residential Facilities—Fees Notice—Fees (2024)

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

Regulations made under the following Acts—
SACE Board of South Australia—Fees Notice—Fees (2024)
South Australian Skills—Fees Notice—Fees (2024)

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

Regulations made under the following Acts—
Associations Incorporation—Fees Notice—Fees (2024)
Authorised Betting Operations—Fees Notice—Fees (2024)
Births, Deaths and Marriages Registration—Fees Notice—Fees (2024)
Building Work Contractors—Fees Notice—Fees (2024)
Community Titles—Fees Notice—Fees (2024)
Conveyancers—Fees Notice—Fees (2024)
Gaming Machines—Fees Notice—Fees (2024)
Labour Hire Licensing—Fees Notice—Fees (2024)
Land Agents—Fees Notice—Fees (2024)
Land and Business (Sale and Conveyancing)—Fees Notice—Fees (2024)
Liquor Licensing—Fees Notice—Fees (2024)
Lotteries—Fees Notice—Fees (2024)
Plumbers, Gas Fitters and Electricians—Fees Notice—Fees (2024)
Second-hand Vehicle Dealers—Fees Notice—Fees (2024)
Security and Investigation Agents—Fees Notice—Fees (2024)
Strata Titles—Fees Notice—Fees (2024)

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

Museum, South Australian—Annual Report 2022-23

By the Minister for Trade and Investment (Hon. J.K. Szakacs) on behalf of the Minister for Housing and Urban Development (Hon. N.D. Champion)—

Urban Renewal Authority—Charter
Regulations made under the following Acts—
Housing Improvement—Fees Notice—Fees (2024)

By the Minister for Trade and Investment (Hon. J.K. Szakacs) on behalf of the Minister for Planning (Hon. N.D. Champion)—

Adelaide Cemeteries Authority—Charter 2023
Regulations made under the following Acts—
Planning, Development and Infrastructure—
Fees Notice—Fees No. 3 (2024)
General—Regulated and Significant Trees
Private Parking Areas—Expiation Fees—2024
Real Property—Fees Notice—Fees (2024)
Registration of Deeds—Fees Notice—Fees (2024)
Roads (Opening and Closing)—Fees Notice—Fees (2024)

Valuation of Land—Fees Notice—Fees (2024)
Worker's Liens—Fees Notice—Fees (2024)

By the Minister for Police, Emergency Services and Correctional Services (Hon. D.R. Cregan)—

Regulations made under the following Acts—
Fire and Emergency Services—Fees Notice—Fees (2024)
Firearms—Fees Notice—Fees (2024)
Hydroponics Industry Control—Fees Notice—Fees (2024)
Police—Fees Notice—Fees (2024)

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr BROWN (Florey) (14:11): I bring up the 83rd report of the committee, entitled Victor Harbor Road Safety Improvements, Hindmarsh Tiers Road and Virgin Road Intersection Upgrade.

Report received and ordered to be published.

Mr BROWN: I bring up the 84th report of the committee, entitled Mount Gambier Technical College.

Report received and ordered to be published.

Parliamentary Procedure

VISITORS

The SPEAKER: I will acknowledge some guests today. We have three schools in the gallery. We have students from King's Baptist Grammar, who are guests of the member for Wright, who is also our Minister for Education, Training and Skills. Welcome to parliament. We also have students from Saint Ignatius' College, who are guests of the member for Newland, and students from Nazareth Catholic Community College, who are guests of the member for Cheltenham, who is also the Minister for Trade.

Parliament House Matters

PARLIAMENT HOUSE OPEN DAY

The SPEAKER (14:12): I would like to acknowledge that today marks the 135th anniversary of the opening of the House of Assembly chamber in 1889, so if these walls could talk. I would also like to take the opportunity to thank the parliament's community education manager, Natalie Badcock, the Clerk, the staff and the MPs who turned up for our open day last Sunday week. I also thank the security staff and everyone else who volunteered their time. It was an amazingly successful day. It was part of our History Month, and it was terrific to have people into the house, which is quite rightly considered their house.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:13): I move:

That standing and sessional orders be and remain so far suspended as to enable me to move a motion without notice forthwith in lieu of question time.

The SPEAKER: I have counted the house and, there being present an absolute majority of the whole number of members of the house, I accept the motion. Is the motion seconded?

An honourable member: Yes, sir.

The SPEAKER: The question before the chair is that the motion for suspension be agreed to.

Motion carried.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:14): I move:

That the time allotted for debate be 60 minutes in lieu of question time.

Motion carried.

No-confidence Motion

MINISTER FOR HEALTH AND WELLBEING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:15): I move:

That this house has no confidence in the Minister for Health and Wellbeing and that this house calls on him to resign for his failures in the health portfolio, in particular his failure to deliver on Labor's key election commitment to fix the ramping crisis.

It is an extraordinary tool within the parliamentary toolkit to use a motion of no confidence in a minister, but from time to time a motion of no confidence is required. A motion of no confidence is required when a situation is so grave that it needs to be brought to the community's attention, that it needs to be brought to the parliament's attention, and that this house must decide on whether or not a minister has the confidence of this place to continue to fulfil his appointed duties.

The Labor Party went to the 2022 state election with a central election commitment. They positioned their election campaign around fixing the health system and, within that, they said that they would fix the ramping crisis. There was no doubt about how central that commitment was—and it was a commitment that cut through. South Australians voted for Labor Party candidates on the basis that they would fix the health system and that they would fix the ramping crisis. It worked; it changed votes.

South Australians put their faith in the Labor Party of South Australia, in our Premier, and in the health opposition shadow minister at the time. They put their faith in Labor to deliver. The statistics speak for themselves: they are not delivering on this central commitment. South Australians are cynical; South Australians are worried. Many South Australians are scared: they are scared to call an ambulance, they are scared to front up at an emergency department, they are scared for themselves and they are scared for vulnerable family members who might rely on our health system.

A total of 4,773 hours were lost on the ramp in the last month of May 2024. To put that into perspective, 1,522 hours were lost on the ramp during the last month that the Liberal Party was in office here in South Australia, February 2022. Now, 1,522 hours is perhaps not acceptable and we should strive to do better than that—but the Labor Party said they would. They said they would fix the ramping crisis, yet 4,773 hours is a far, far worse figure.

It is so important that we don't just get caught up in the statistics and the figures, because sitting behind those figures are real lives—people who are sitting in ambulances, paramedics who are working with patients in ambulances, ambulances sitting on ramps: ramps at Modbury Hospital, ramps at the Lyell McEwin Hospital, at the Royal Adelaide Hospital, at Noarlunga Hospital, at the Flinders Medical Centre.

But actually, ramping has now spread to regional South Australia. We know that ramping is now occurring at Mount Barker hospital. We know that there are cases of ramping occurring at Mount Gambier hospital in our state's South-East. The crisis has spread from the city into the regions and that is just unacceptable. These are real lives and real people in real places, struggling and fearful for their lives. Patients do not call ambulances unless there is a fear or a need to go to a hospital. When they get to a hospital they want intervention, they want care, they want support. The ramps are full, but our emergency departments are full, too, and our hospitals beyond the emergency departments are full.

We know that last week for five consecutive days our hospitals were on Code White, meaning that there was not a single available bed in metropolitan Adelaide's hospitals—not a single bed. What sort of message does that send to South Australians when it comes to calling an ambulance? What sort of message does that send to South Australians about the level of care and support for the most vulnerable in our society, because when you need to go to a hospital you are vulnerable. No matter what your status in life, you are at your most vulnerable when you front up at a hospital for care.

The Labor government made this commitment. They made a commitment that they would fix the ramping crisis, but every one of their interventions to date has failed. They talk about aged care being part of the problem, they talk about the NDIS being part of the problem, they talk about COVID and other respiratory conditions being part of the problem, but all these problems were in place. They were part of what the Labor Party factored in when making their commitment in the lead-up to the 2022 state election. If anything, the situation with COVID was far, far worse in 2022 than it is now, where it is much more normalised across our community and dealing with it through vaccinations is a much more structured process.

The Labor Party knew what they were committing to in 2022. The Labor Party knew that they were taking a significant election commitment to the South Australian people, and what they did not take, sitting behind that, was a range of solutions. They said they would throw money at the problem, but they have not targeted that money to where it needs to go. The opposition does get asked from time to time what would we do, and we have made it very clear what we would do. We have outlined very significant areas where we believe there should be more expenditure and where there should be more reform.

One idea that we put on the table four weeks ago was to have a broader community-based access program for our flu vaccinations, and the government rejected that. There is a group of people in our community who get free flu vaccinations, and that is a good thing because they have got particular vulnerabilities, but we believe that that needs to be broadened because, in terms of the more people who get a flu vaccine, there is a direct correlation as to the number of people who will get the flu.

We need a broader-based flu vaccination program and we need more community awareness of the availability of that program and we need more access initiatives to give people that vaccination. We know that if that decision had been taken four weeks ago there would be fewer people in our hospitals today suffering from influenza. That is just a fact and that could reduce some of that pressure on our hospitals. So that is one idea that we put on the table and that was rejected by the Labor government. They could still pick it up, though, and the Immunisation Coalition of Australia made it very clear yesterday, standing with me in a press conference, that this was still something that the Labor government could do.

We have talked about mental health. Our mental health system is in crisis. Mental health patients are going to our emergency departments too often and in too great a number. We need to reduce the number of mental health patients going to our emergency departments. We need to reduce the number of mental health patients being transported by ambulances. We need to find ways that they can be cared for in more sympathetic environments, gentler environments. Our mental health system is in absolute crisis. We have seen that result in some terrible actions of violence in our community where people have lost their lives in the most catastrophic of ways. Mental health is a crisis in this state. It is something that we should work towards solving.

We know that there is $125 million of unmet need in terms of mental health provision in South Australia. That means mental health infrastructure in terms of the built environments to support mental health patients, but it also means mental health support workers—psychiatrists, psychologists, nurses—and the further you get from metropolitan Adelaide the worse our mental health needs become. We have to have a sustained focus on mental health to take patients out of our hospitals and into better environments. That will help the ramping crisis, and I truly hope that the state government applies significant resources to mental health in the upcoming state budget next week.

Regional health care is an area that is in very, very significant crisis. If we think our metropolitan hospitals are in trouble, you only need to look at towns like Port Pirie, Port Augusta, Whyalla, Mount Gambier, down to Kingscote, to Victor Harbor, where regional hospitals, particularly infrastructure but also service personnel, are truly lacking what they should be.

I was up in Port Pirie just a few days ago and we were told about the crisis that that hospital is in. The government made a commitment to do a major infrastructure project at Mount Gambier hospital. That project has not even begun yet—a commitment made before the 2022 state election will probably not even be delivered before the 2026 state election—and that is not what the good

people of Mount Gambier were led to believe. They believed, like many of Labor's health promises, that these commitments were silver bullets that would be delivered with incredible speed. That was the impression that we were given as South Australians in the lead-up to the 2022 state election.

We also believe that we need to have a sustained focus in building up the role of the general practitioner. The general practitioner is a key role within our hospital system. That old-fashioned idea—and it may be old fashioned, but it is so important—that you can rely on your GP to deal with most of your health needs. We need to get back to that in regional South Australia but also metropolitan Adelaide.

There are certain parts of the general practitioner role that are supported by the federal government—absolutely—but it has to be federal and state working together to build up these roles, to celebrate these roles, to make it a profession of choice for medical students and to provide a pathway to GPs practising right across our state. The decline of the general practitioner and the lack of people studying to be general practitioners, who are specialists in generalist medicine, is so important. We have to focus on that area. Without a functional community of GPs, our health system will continue to decline.

It appears to the opposition, and, more importantly, it appears to the South Australian community, that this government just does not have a handle on the health system. There are many challenges when managing a modern-day health system; there is absolutely no doubt about that. Those challenges are varied and many, but very few of them are surprising. The arrival of winter is not surprising. The number of hospital beds that are available, the size of the workforce—we know all of these things. By and large, the government knows what it is dealing with. You can do modelling around the number of patients likely to enter our hospital system, so why is the government not prepared for these things?

I am not going to focus in personally on the health minister. While this motion of no confidence is framed around an individual because that is the process of our parliament, it is broader than one person. It was the Labor Party, it was the Premier, it was the shadow cabinet who went to the 2022 state election with this lofty election commitment: 'We will fix the ramping crisis. Vote Labor like your life depends on it'. We heard Ash the ambo out there, the creation of a political caricature around one person, making this commitment, this call to action: 'Vote Labor like your life depends on it'. Well, South Australians' lives do depend on a functional health system, they depend on a government and a minister who have their act together and can deliver for South Australians.

I think of Eddie from Hectorville—his life depended on an ambulance turning up for him and he waited 10 hours and by the time it turned up Eddie was dead. There are many other stories similar to Eddie's out there in our community, people who have waited too long for ambulances, people who have sat on the ramp for too long. We have an ambulance service, a community of paramedics, whose morale is rock bottom, who believed that this would be fixed, who see new ambulance stations—and, again, we welcome those—but do not see better outcomes in terms of their ability to do their job that they signed up for.

Today, we stand with South Australians. We stand with the health workforce, our doctors, our nurses, the many personnel who work in hospitals. We stand with the paramedics who feel utterly let down by the government and their employee association today.

This is a government that is failing our health system, failing the South Australian people and the problem is bigger than just the Minister for Health. We highlight the minister's role today and we seek the parliament's position of no confidence in the minister, but it is broader than that. This is a government that has let South Australia down. It is a government that has delivered record ramping. It is a government that has seen our emergency departments clogged to capacity. It is a government that has seen elective surgery cancelled and chronic pain conditions pushed into the future as people have to wait on an unknown date to get that necessary operation that they had their heart set on achieving by this week.

Ramping is out of control: 4,773 hours in May 2024. That is the headline statistic, but let's remember there are real people sitting behind those 4,773 hours, people who live in communities around this state. It is people who live in Golden Grove, Banksia Park, St Marys, Happy Valley, and Brighton. It is people who live in Prospect, Port Pirie, Port Augusta, Mount Gambier, and Naracoorte.

It is people who live in Sheidow Park and Hallett Cove. It is people who live all across this state and it is those people who are suffering at the hands of this government's failure.

The SPEAKER: Before I call the Premier, I ask: is the motion seconded?

An honourable member: Yes sir.

The SPEAKER: I also remind everyone on both sides that the Leader of the Opposition was heard in absolute silence. It is a big thing to suspend standing orders and to put this sort of motion, so I would expect that to continue through the course of this debate.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:31): I thank the house for the opportunity to be able to address this motion. It deserves a wholehearted and a fulsome response in both policy and deeper analysis in terms of its impact on people.

We have just heard from the alternate Premier of the state. I think it is telling that throughout the course of his 15-minute contribution he was unable to add one single health policy to his already health policy propositions that he has offered the people of South Australia, which equates to literally nothing—literally nothing.

We have just heard 15 minutes of problem identification. Some of the problems that the Leader of the Opposition refers to in his remarks are well known. Indeed, some of them we would freely acknowledge. There is no doubt that throughout our nation, including in the state of South Australia, and, in fact, it is largely true throughout any Western country around the world, OECD listed or otherwise, that health systems, particularly public health systems, are under unprecedented and enduring pressure.

That pressure manifests itself in a number of ways and the Leader of the Opposition has referred to transfer of care hours, otherwise known as ramping data, the pressure that that places on the men and women working so thoughtfully and hard within our health service looking after patients, and the impact it has on patients themselves. This is well documented and not in dispute.

What matters, though, to the people who are so affected by our health system, so reliant on the services that our health system provides, is that those who are in charge of it, ultimately each of us on the Treasury benches, is committed to addressing the challenge, who actually have a costed policy to make sure that we make a positive difference on the impact that the system is confronting.

To that end, this government, led by the efforts of the health minister, is determined to make sure we see to a lot more capacity, a lot more endeavour existing within the system. To that end, over the last two years, what this government deserves to be tested by is: what have we been able to put in place that the others never would? What have we been able to deliver that we know the opposition not only were not willing to commit to but were actively opposed to? To that end, we are very grateful for the fact that there are already a lot more beds in the system. The one thing more important than beds in the system are the people who work within it.

Let's go through some of the facts. Today, as we speak, there are already over 1,400 additional clinicians working on the ground over and above attrition: 691 extra nurses employed today and 329 doctors already employed above attrition today. There are 219 extra ambulance officers employed today over and above attrition, leading to better outcomes in ambulance response times, and we should not forget the 193 extra allied health workers that are looking after patients. That is 1,400 clinicians trained, skilled, to provide assistance to people in need that would not be employed had the last election result been different.

What would they have got instead? A basketball stadium. Had the government not changed hands two years ago, there would be a basketball stadium being erected—true, that, but there would also be 1,400 fewer clinicians looking after all the additional patients that are coming into the system. There would be fewer beds for those patients coming into the system, if those patients got into the system at all, because we know of course that one of the great successes that this health minister has been able to deliver is the dramatic improvement in performance we have seen in ambulance response times.

Two years ago, lights and sirens emergencies, people calling 000 in the most urgent and acute of circumstances, were being arrived at on time one-third of the time; that is to say, in two in

three 000 calls that were emergencies, the ambo did not get there when they were supposed to get there. Now, in essence, the opposite is true. We have been able to achieve P1 and P2 results that see two-thirds of ambulances getting in on time rather than two-thirds of ambulances getting in late. Why? Because this minister, in the space of two years, has overseen the biggest recruitment and investment exercise that the South Australian Ambulance Service has ever seen in its history.

We know what the Leader of the Opposition oversaw during the course of his time in the cabinet. What did they decide? What did the Leader of the Opposition make himself a party to when it came to decisions around the Ambulance Service? First year: cut it. Second year: cut it. Third year: a little bit of extra money. Fourth year: cut it. Three out of four years, the Leader of the Opposition sat around the cabinet table and actively endorsed cutting the Ambulance Service in the middle of a global pandemic. If that was not enough, the Leader of the Opposition sat around the cabinet table and called in KordaMentha to start running the Royal Adelaide Hospital, and then, if that was not enough, sat around and said, 'You know what? During the course of a global pandemic, we are going to actively approve making health workers redundant.'

Those who had the responsibility of sitting in this place during the course of the pandemic, in those early days not that long ago, at the beginning of 2020, sat in here in a unified effort—Labor, Liberal, the Greens, the crossbench, everyone—utterly unified, so everybody that had the responsibility of sitting on the treasury benches could do everything possible to keep South Australians safe. It was very clear what the agreed policy position was amongst clinicians and health professionals around the world: when it came to COVID, it was all about flattening the curve and pushing out the peak. Remember that? Flattening the curve, pushing out the peak.

What were the reasons to flatten the curve and push out the peak? Because it would buy time for governments to invest in the health system, to go out and recruit all the extra clinicians that would be required to be able to account for COVID, to be able to invest in all the additional beds and infrastructure that was going to be required once COVID came in. The consensus was that COVID would come; we just wanted to suppress it to buy time, to flatten the curve, push out the peak and get us ready for the onslaught.

What did the government of the day do? Well, it suppressed COVID and did it quite well, to the former government's great credit. But what they did not do was get the health system ready. They did not recruit more clinicians: they made them redundant. They did not invest in the Ambulance Service: they cut it. They did not open more beds: they closed them.

Now we find ourselves, in a way that everybody knew was going to happen, in a way that was utterly predictable, in a situation where the COVID numbers are coming thick and fast. Last week alone there was something like three times the number of COVID cases in one week, when, let's face it, most people are not testing. In the space of one week we had more COVID cases than the former government endured throughout the course of the entirety of 2021.

What this government is dealing with is COVID that is real, combined with flu and RSV. That is not an excuse: that is a fact. We are dealing with it with a system that lacks the capacity that is required to be able to handle the challenge. Why do we lack the capacity that is required to handle the challenge? It is because when they had the opportunity to invest, they cut. What are we doing since we have come to government? Well, we are not cutting. It is telling that during the course of the Leader of the Opposition's critique, he did not refer to a single cut the government is making. Do you know why? Because we are not making any.

In fact, the Leader of the Opposition could not even bring himself to critique any particular program or policy that the government is introducing, because they are not making a commentary on policy, they are making a commentary on politics. We are focused on delivering. This minister has one almighty task on his hands because the work was not done by those opposite. So how is he going on that score? Apart from the 1,400 additional staff he has already been able to recruit over and above attrition in an environment when the rest of the world is trying to do the same, and we are outperforming most other jurisdictions around the country in this regard, he is also opening the beds, leading to one of the biggest infrastructure investments that SA Health has ever seen in its history.

Let's start to examine some of that. Work is already rapidly progressing to get the Mount Barker redevelopment underway—site selected, contractors being procured, designs being

delivered. The QEH in the western suburbs of Adelaide—opening weeks away, 50-odd additional beds. Lyell Mac—over 40 beds coming throughout the course of the end of this year.

We have been able to secure under this minister's leadership a $200 million investment at the Flinders Medical Centre coming from the commonwealth, which never normally happens, on top of the hundreds of millions of dollars that we are investing, and there are beds that are already opening at Flinders Medical Centre as a result of those decisions. We know there are literally countless more to come at FMC alone. Modbury Hospital—big investment underway, beds already open at Modbury. We know that Modbury has more to come with the cancer centre and what we are doing around mental health in Modbury. I can speak to almost every hospital in the state and I could point to an investment program that this minister is delivering.

More than that, what I have seen enormous evidence of during the course of the last two years alone is not just the minister doing everything he possibly can to deliver on that massive building program, but also focusing on other things that make a difference to people's lives in respect of their health care.

Let's just look a few different examples. Just an hour ago, the Minister for Trade and Investment and I met with a representative—I think I can say this—of Samsung who is in South Australia who went out of his way to thank the government for the fact that we have 24/7 pharmacies because it resulted in him being able to get access to an urgent medicine at 5 o'clock this morning that otherwise was not able to be found; so, 24/7 pharmacies.

The delivery of drug and alcohol beds: trying to provide assistance to those families who are going through enormous difficulty as a result of their son or daughter suffering addiction through methamphetamine or other means. People suffering from epilepsy in this state have been constantly overlooked by state government after state government, resulting in epilepsy nurses delivering services for people in that community who have been in need forever.

If you get MND in Australia and you are over the age of 65, you are cut loose because you do not get access to the NDIS. MND in South Australia were desperate just to get a meeting with the former government, the former Premier, which they could not get; and now in South Australia as a result of the work the minister has done, we are providing funding to MND in South Australia so that if you are over 65, you get a bit of extra care—something I know the member for Davenport has been a passionate advocate for.

CAMHS, the Child and Adolescent Mental Health Service, is seeing more child psychiatrists, more child psychologists, and investment in funding than we have ever seen before. This minister has funded LELAN, an organisation charged with the responsibility of holding the government to account, a not-for-profit organisation that bangs against the door of the government of the day to advocate for more mental health services, particularly for young people. We are funding people to campaign against us, that is how much this minister cares about actually getting thoughtful policy delivery in place.

There is the Ambulance Wish SA program for people undergoing palliative care. As a result of the investments we've made in the Ambulance Service, they now have the capacity to look after people who are in palliative care, in their dying days, so that they might have a more compassionate conclusion to their precious life—and we saw the example of that at Adelaide Oval just the other day. That is a program that has been delivered under this minister's leadership. Tackling vapes, one of the biggest public health emergencies the country has faced in decades, or since the decline in cigarettes, this minister has been a leader on.

The Leader of the Opposition mentions GPs. Well, unlike the conservatives in parliament at a federal level, and acquiesced to by those at a state level, where they cut the Medicare rebate, this minister is addressing issues that concern GPs, particularly in regional South Australia, with the introduction of the single employer model, which we know has already delivered outcomes in the member for Chaffey's electorate in terms of more regional GPs. It is a model that is now being rolled out to other parts of the state.

We have a new headquarters for BreastScreen SA that has been long overdue, and we know that this minister has been a lead on that. We have re-established a full-time Mental Health

Commissioner. Who would have thought there was a regime that oversaw not having a full-time Mental Health Commissioner? Now we have one.

Family Drug Support is a not-for-profit organisation that provides assistance to families whose child is suffering a form of addiction. They now have more resources as a result of Chris's stewardship. The minister has re-established Preventive Health SA, and palliative care nurse numbers have been increased by 50 per cent. There is the PATS scheme, which is so important to regional communities; #RegionsMatter—well, we are turning that into a reality by doubling the fuel subsidy for the PATS scheme, thanks to this minister.

In the APY lands there is better care being provided and support to our nurses on the front line as a result of changes that have been introduced by this minister. There is the re-establishment of birthing services on Kangaroo Island that we tragically lost during the course of the last term of parliament; they are back, they are coming back on Kangaroo Island, birthing services, as a result of the work the health minister has done. I could go on, but these little things add up, and they matter, and they don't happen without leadership.

We should also mention the big change in policy that this government, led by all the work that Chris and his team are delivering, has seen around the Women's and Children's Hospital. We had a choice on the Women's and Children's Hospital: a hospital that would have over $2.4 billion of expenditure under their plan to deliver us one extra overnight paediatric bed for children, or a hospital that sets us up for the long-term, a new Women's and Children's Hospital that is actually bigger for the women and children it will look after, and making the tough decisions about where we will build it. We are not just thinking about the short-term politics, which they have managed to find themselves aligned with; we are setting us up for the long term.

This is serious policy, this is making a difference on the ground, and none of it would be happening without the leadership of the health minister—or, heaven forbid, if those opposite were in charge. This is what serious government looks like, this is what care for people in need looks like, which has always been in the DNA of the Parliamentary Labor Party of South Australia—and we will continue that work. We acknowledge the challenges, and we will not take our foot off the pedal. That is why we very much anticipate this week's state budget—which we will all be present for and paying attention to.

I do not just endorse the Minister for Health, the Minister for Health does not just have my confidence and this government's confidence, I anticipate that this Minister for Health will have the entire parliament's confidence. We will send a message in this parliament that we want him to get on with the job, continue to do the real work and focus on the policy. You guys can faff around on politics and a policy vacuum, but we are going to make sure that the patients of South Australia who require genuine leadership in this health system get exactly that from this government.

Ms PRATT (Frome) (14:49): I rise to speak to this motion of no confidence in the Minister for Health and Wellbeing at a time when public confidence in the health system is at its lowest ebb. Back in March 2022, South Australians were told to vote for Labor like their life depended on it, and they did. The Labor promise to fix ramping was the greatest electoral fraud in South Australia's political history, and I think it is a case of the Premier doth protest too much.

The rhetoric flowing from those opposite is coming from the same party that downgraded the emergency departments of Noarlunga Hospital, The QEH, Modbury Hospital and disrespected and betrayed our veteran community by closing, shutting down the Repat—the same party which shut down in a different era the Glenside mental health hospital with no plan for a modern mental health replacement. Our health system has been beleaguered for many years by Labor ministers of varying incompetence, and I think the Premier's defence of the health system is very telling.

The current minister promises that more ambulances, more beds and more nurses will take pressure off the system, but the data says otherwise. The Premier has used numbers in his defence of the minister today, and the numbers do not lie, but this is a numbers game with a difference. So, Premier, I see your statistics and I raise you:

- nearly 100,000 hours have been lost on the ramps in our city hospitals;
- 4,773 hours were lost just for the month of May, the worst on record;

- over 20,000 signatures were collected through a petition calling for better access to regional-based radiotherapy services;
- it has been 12 months since a baby has been born at Whyalla Hospital;
- 19,000 South Australians are living with an unmet need in mental health;
- there was a 94-hour wait for one mental health patient at the RAH ED; and
- we will be facing a shortage of 10,000 GPs nationally over the next six years, but there are no competitive incentives from our state.

Finally, to sum up this catalogue—this shopping list of complaints and poor statistics—we see at least an $8 billion budget for the state health department, but we are still getting the worst outcomes.

In every corner of the state from coast to coast, from the West Coast to the South-East, country patients are sick to death of the excuses and dismissive treatment that they are getting from the system. Port Lincoln patient Joe Morrison had his spinal surgery cancelled three times just last week. When they called him with the bad news, they did not even know that he had flown in from country SA and had spent hundreds of dollars to make that trip. The personal cost to our country patients adds up very quickly, but in Joe's own words, 'We don't want priority in the country, we just don't want to be stuffed around.'

For the thousands of patients impacted by this unprecedented Code Yellow, just imagine their week. They began fasting days in advance, which would have required some very unpleasant personal preparation; they booked leave from work; they cancelled their social plans; they made arrangements for child care; and country patients also had to make travel and accommodation plans at their additional cost.

So the minister in his wisdom has approved this open-ended pause for elective surgery, but at what cost to the public? Even Billy Elrick, the state secretary of the Health Services Union, is calling it out by stating:

> It is disgraceful that SA Health is not acknowledging the root cause of this code yellow crisis for what it is; chronic allied health staff shortages that they've been aware of for years.

The minister's curious response has been to pat himself on the back about extra beds that are not coming online until next year, but he says it is going to be the equivalent of another QEH: that very same hospital that this Labor Party had downgraded as part of their Transforming Health legacy. Instead of parading around construction sites with a press pack, I would invite the minister to fly to Port Lincoln and sit down with Mr Morrison to apologise to him for his experience.

We remain the only state or territory still without a regional-based radiotherapy service. With one email this minister could change the health prospects for a catchment of 80,000 people from Kingston to Mount Gambier, people who live on the Limestone Coast. All the minister needs to do is write an email and declare it as a priority area for radiotherapy services and unlock that federal funding that is available, but the minister has refused to put any region forward as an area of need and has doubled down on this blinkered but perhaps impoverished approach to regional health. I am certain we are witnessing a financial and moral retreat from country health, which is evident by the lack of investment and a withdrawal of services by stealth.

These same country hospitals are in desperate need of diagnostics equipment. From KI to Clare, our country hospitals are limping along with substandard equipment at best. We know hospital upgrades have been promised, but completion dates are pushed out beyond what is acceptable. The residents of Mount Gambier have been sold a pup. They were promised they would get a multimillion dollar upgrade. Not only will it not be finished by the end of next year but it has not even started yet. It has just gone to tender.

The midwifery workforce is the canary in the mine. Yes, there is a national shortage. That is the worst-kept secret. My question to the minister is: what is he going to do about it? Once midwifery services are on bypass or withdrawn from our country hospitals, they are very hard to get back. It is a slippery slope. We look to Victor Harbor, Kangaroo Island, Waikerie, Gawler and Kapunda as a cautionary tale.

The tragedy is when we look at the Whyalla Hospital, where 250 babies have historically been born per annum. Not one baby has been born in the last 12 months. It has had a lick of paint, a new ward, a new name, a new director, but the mothers who live in that region have at cost had to travel somewhere else to deliver their children. In the absence of a plan, in the absence of midwives, like night follows day we can expect to lose the surgeons, the anaesthetists and the activity in our country hospitals. Very quickly when that activity slides, we know that is an opportunity for the minister and the department to close or downgrade these country hospitals. I worry every day that that is the path that we are on. Country patients are being squeezed out of their local towns and communities and forced to the city because that is the only workforce this government can salvage in the health system that is in crisis.

We are days away from the budget being handed down. What does the opposition want to see? We want to see investment in mental health. It is not an exaggeration to say that the system is broken and that people are lost in this system. Even the federal Minister for Health and Aged Care declared at a recent lunch for MATES in Construction that the mental health system is in crisis. It does not come much higher than that.

Yet we also know that the Office of the Chief Psychiatrist has released a number of concerning reports. Sadly, each of these reports points to a failure in the pipeline of services. We know that 19,000 South Australians are living within unmet need in mental health. We know that it will only take $125 million of co-funded payment from the commonwealth and the state to meet that need. We know one in four psychiatrists have declared they are preparing to leave their field of work in the next four years.

We know that you have a better chance of accessing a psychiatrist in Mongolia than if you live in regional South Australia. But what we do not know is how the minister is intending to address the fallout when people living with mental illness are discharged from short-term acute care in hospitals and then left to fend for themselves. People are losing their lives due to ramping, and the public has naturally lost faith in this minister and the government. South Australia is watching and expects more.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (14:58): I have been on the other side of the chamber, as have most of us, and understand what it is like to be in opposition. It is a difficult role to play because not only do you need to critique the government on the other side but you also need to come up with a proposition to offer to the public. The opposition, sadly, appears to have only heard the first part of that message and not yet turned its mind to the second.

What we have heard today, and in fact what we have heard for the last two years, is an admiration of the problem, although not always accurately described, and an admiration of all the things that we wish were different. But we are in politics not to describe problems but to seek to solve them. That is where it gets hard, because that is where you have to come up with ideas that are based on evidence, that are likely to gain traction and support, and that are better than alternatives that engage in a competition for ideas. None of that has occurred as yet on the other side of this chamber, none of that.

I cannot understand what the policy critique of this government is in health. What is it that this government has been doing that the opposition does not support? If you think of their record, you could suggest that maybe we have too many staff, because the opposition's approach when in government was to cut staff. If you listened to the proposition from the Leader of the Opposition recently on the radio, maybe it is that we have invested too much in beds, because he seems to think that perhaps new beds are a waste. But none of this is coherently expressed; it is just that we are trying to glean what it is that the opposition is trying to suggest to us.

The challenge is to come up with a proposition for dealing with the challenges that they have at times accurately and at times inaccurately described today. What is the proposition that you are putting to the people of South Australia in less than two years' time? I agree with the Premier that there is essentially no health policy that has been advanced at all. I have heard a suggestion that maybe they would like to see some free flu vaccinations, although I was not able to discern if that

was actually a commitment that they would introduce it from the next election or not, but let's pretend that it is. I am all for vaccinations; I am always available to have as much vaccination as possible, and having just come off COVID again I wish that we could have vaccinations more frequently against that.

But free flu vaccinations has no support from the Chief Public Health Officer and South Australia has the highest rate of flu vaccinations, whereas the state that has free flu vaccinations—Western Australia—has the lowest. So where is the evidence for this possible suggestion of an idea of possibly having a policy? It is not actually dealing with the challenges of what is going on inside our hospitals, nor is it in fact dealing with the challenges of getting more people to be vaccinated. I would be horrified if people watched that kind of media and took from that, 'I shouldn't have a flu vaccination until it's free.' That would be a disastrous outcome. I am sure it is not one that was intended, but it did worry me when I was watching it.

I just want to do a quick dive into mental health response. Just to give an example—the Premier gave many, many excellent examples; it is always delightful to come second after the Premier in speaking. But there are examples of the ways in which we have responded to the mental health challenges that remain very present and significant. But in addition to boosting the number of mental health beds that have been provided so that people can come out of the emergency services care and go into mental health care beds, we have allocated $3 million for public community mental health teams.

Between 2018 and 2021 under the Liberal government, the funding for the NGO mental health services was cut by 19.2 per cent. So, again, is it that we are putting too much in, because what we have decided to do is increase funding by 11.8 per cent in the first year and $6 million over the four years, increasing to an extra $2 million per annum? Is that the problem? Do you think we are putting too much into that? In the absence of offering an alternative policy, what is one to think that you believe we are doing wrongly?

The funding boost will see more than 1,000 extra South Australians a year receive one-on-one NGO support. Is that not supported by the opposition? Do they not want to see us doing that? We are working with the federal government also to have the additional foundational supports jointly commissioned across the commonwealth and all of the states. We are recruiting an additional 10 child psychologists and five psychiatrists to work in the CAMHS service, as the Premier mentioned. We are establishing Regency Green, the non-government-run services for people with psychosocial conditions who would otherwise be in hospital. Do you not support that or do you support that? What are your policies? What is it that you are going to be doing?

Opening a kids' Head to Health hub in Bedford Park and an Aboriginal and Torres Strait Islander mental health and wellbeing centre in the CBD: is this a good idea or not a good idea? Talking about the challenges in our health system takes us nowhere if you are not prepared to step up and say what it is that you would do differently.

What is crucial is to think about the counterfactual had we not won the election. Had we not won the election, we would have left in charge of the health system a government that felt it was appropriate to cut staff and to bring in the liquidators to see where they could cut more deeply. That is not a government that deserved to win the last election, and as yet I am unclear whether the opposition thinks it is an opposition that deserves to win the next.

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:04): The motion is that this house has no confidence in the health minister and it sets out why. The motion points out that the minister has failed the people of South Australia when it comes to health policy and in particular he has failed the people of South Australia in relation to Labor's signature health policy of fixing the ramping crisis.

There is not a South Australian who can forget during that 2022 election campaign every TV ad showing Ash the ambo calling on South Australians to vote Labor like their life depended on it, nor every poster on every Stobie pole from Mount Gambier to Port Lincoln and every street in South Australia it seemed, with the Premier's face and it saying, 'Labor will fix the ramping crisis'. This was the commitment from the Labor Party.

On half a dozen occasions throughout February and March of 2022, the Labor Minister for Health highlighted either 'Labor will fix the ramping crisis' or 'Labor has a comprehensive plan to fix the ramping crisis', or, indeed, one version was, 'Only Labor has a plan to fix the ramping crisis'. The Premier and the Deputy Premier, throughout the course of this debate, have framed the question that they say the opposition should be answering as: what policy critique, what policy analysis have we done of Labor's health minister that leads us to the conclusion that we should have no confidence in him?

I put to you, sir, and I put to the parliament that it is about outcomes not inputs. It is about Labor being held to account according to the criteria that they set for the former government and which they set for themselves. It is about the Labor health minister being held to account for the policy that he would have been directed in his letter of appointment by the Premier to deliver on. Labor's central tenet for existence in government was their promise to fix the ramping crisis. Labor's central tenet during the election campaign to the people of South Australia was that they would do better than the former government on health.

But we are interested in outcomes. So what have those outcomes been by the standards to which the former government was held to account by the health minister? In August 2021, when there were 2,727 hours ramped, compared to 3,763 hours lost in August 2022, and 3,721 hours lost to the ramp in August 2023, and 4,773 hours lost to the ramp last month, the Minister for Health said in relation to 2021:

> Each of these months [thus far]…was worse than the previous highest record of April this year.
>
> Each [and every one of those] hours represents a person stuck in pain, without dignity, not getting the treatment they deserve.

Ramping at that time was 2,000 hours or so less than it was last month. In August also, the Premier set some standards. He said:

> Emergency departments are for emergencies and it is clearly unacceptable for anyone to have to wait nearly 15 hours to be seen in an emergency.
>
> Behind all of these people are real people with real stories of suffering. I can't imagine what it's like to wait nearly 15 hours to be seen in an emergency department.

At 12.51pm today, the Adelaide ED Twitter account reported that there were 10 people in South Australia waiting not 15 hours but more than 24 hours, a whole day, for a bed in a hospital, and 32 had been waiting more than 12 hours. In November 2021, when there were 2,137 hours lost to the ramp compared to 3,516 lost in November 2022 and 4,285 lost in November 2023 and 4,773 hours lost last month, the health minister said the following: 'So far during 2021, ambulances have spent 21,043 hours on the ramp.' That was up until November. He thought that was very bad.

I note that so far this year, at the end of May, ambulances have spent 20,035 hours on the ramp. I suspect that by the end of this week we will have passed that figure that was described as so terrible at the time. In that period, the health minister said, 'Each of the past seven months has seen more than 2,000 hours lost to ramping.' Each of the past 12 months today has seen more than 3,000 lost to ramping, three of them more than 4,000 hours. The health minister at that time said:

> Yet again, these statistics paint a picture of how bad the ramping crisis is under Steven Marshall.

He said:

> Whichever way Steven Marshall slices and dices the numbers, this is an appalling record.

He said:

> But behind these numbers are real stories of real people suffering medical emergencies and forced to wait outside a hospital or left waiting for an ambulance to arrive.

I put it to you that if the November 2021 ramping figures, disappointing and unacceptable as they may have been, were achieved in any of the last 24 months, the Premier and the Deputy Premier and the health minister would have been lining up to celebrate.

Despite the fact that the former government during a once-in-a-century pandemic had world-leading outcomes when it came to our health response, despite the fact that we reopened a

hospital closed by the Premier when he was health minister, and despite the fact that through all of this the Minister for Health and the Premier said that people are dying and the former government should be culpable for their loss when it comes to the voting booth, they now want to relieve themselves of any responsibility for figures that are far, far worse.

By the standards to which they held the former government, by the standards they set through their central election promise and, indeed, by the standards of decency held by any South Australian, this health minister should resign as a sign of the failure of this government to deliver on their promise.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:10): I have complete confidence in the Minister for Health. He is one of the most, in my opinion, talented members of parliament I have seen in my 27 years in this house. He is yet to make his full mark on this house, in my opinion.

Whenever an opposition says, 'This motion isn't personal,' it is like saying in a debate about money, 'It's not about money.' Absolutely it is personal because it is not a no confidence motion in the government, as the critique has been made by the opposition, it is in the minister. Read the press releases. It is absolutely personal.

This is the most anticipated and important week in a political calendar in South Australia, for the government and the opposition, but not for the Leader of the Opposition. The most anticipated event this week is a buck show in the United Kingdom—the most anticipated event. This is an opposition that claimed in a by-election, that fought a by-election and said, 'The key issue here will be ramping,' yet throughout their entire by-election offered no alternative, not one policy, to fix ramping and the results speak for themselves.

This is not about ramping, this is not about the Minister for Health, we are having this debate because the Leader of the Opposition has to catch a plane. That is why we are having this debate today because he is too busy attending a family wedding in Scotland rather than doing his job as Leader of the Opposition.

I heard the Leader of the Opposition in his contribution to the house today say that the budget is next week. So far out of sight and out of mind. It is on Thursday, when the state government outlines its commitment for the next four years and its spending over the next 12 months, something that has taken us nearly six months to put together. The Treasurer has a young family. The work he has put into this, the work that cabinet puts into this, and the Leader of the Opposition will be on a plane, drinking cocktails rather than doing his job.

The Hon. D.J. Speirs: I've got a family too.

The Hon. A. KOUTSANTONIS: Here we go. Here we go.

The Hon. D.J. Speirs interjecting:

The Hon. A. KOUTSANTONIS: Oh really. Is this the temper we see in the emails we receive?

The Hon. D.J. Speirs interjecting:

The SPEAKER: Minister, for 56 minutes this house has acted in a very, very good way and I applaud everyone and I commend everyone for the restraint and for the way they have gone about their business, both people making their contributions and those listening on. We have four minutes left on the clock; let's stick to the facts and bring this home in a way that the students watching on would be proud of their local MPs and all members of parliament in this place.

The Hon. A. KOUTSANTONIS: I think we just saw that temper that has been made pretty evident in his emails we have been receiving. I just want to point out to the opposition that if they have won the argument that the health minister deserves to be removed from office in a vote of no confidence, that would carry more than the 13 votes they have on the floor.

The example I give the opposition is when other no confidence motions were moved by an opposition in this parliament just over two years ago. We made the argument, we proved the case to the parliament and received a majority and a Deputy Premier was suspended from the parliament

and the parliament found no confidence in her conduct. That is how oppositions make an argument. You cannot have the Leader of the Opposition go on radio and say to South Australia's leading political journalist: 'I don't feel confident today sitting here saying that I could eliminate ramping,' and yet come into the parliament and demand that another member of parliament resign their commission for not being able to fulfil what members opposite say they cannot do.

There is a context here and the context is the budget. The budgets are an extension of the government's will. The government has exposed the government to what it is our intentions are and what we want to achieve. Such is the lazy attitude the opposition have to this, which is that they are not even going to be here to critique it.

I heard the Leader of the Opposition say it is the quietest parliamentary day he has. I can tell you from my experience that for the former Leader of the Opposition, it was one of the busiest days he had. The Treasurer ripping up the budget papers that we had, giving them out to shadow ministers to read because the opposition gets an advance copy. We get an advance copy—that is how important it is—and we all pore through it. Why? To formulate policies, understand the government's priorities, do our job for the public and give an alternative opinion.

Notice the parliamentary U-shape of the adversarial system. It is designed for you to do your job. Look up your title, it says 'opposition leader' not 'travel agent'.

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, I have emails that say the only bully in this parliament is the Leader of the Opposition. The way you behaved on election night in Dunstan—it was not me, I was not the one getting angry. You say it is not personal, yet you attack the health minister. You say it is not personal, yet you attack people. This is not about us. There is only one person in this room that we all know the parliament does not have confidence in and it is not the health minister, it is the Leader of the Opposition.

The house divided on the motion:

Ayes 10
Noes.....28
Majority 18

AYES

Batty, J.A.	Gardner, J.A.W. (teller)	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Pratt, P.K.
Speirs, D.J.	Tarzia, V.A.	Teague, J.B.
Telfer, S.J.		

NOES

Andrews, S.E.	Bell, T.S.	Bettison, Z.L.
Boyer, B.I.	Brock, G.G.	Brown, M.E.
Clancy, N.P.	Close, S.E.	Cook, N.F.
Cregan, D.R.	Ellis, F.J.	Fulbrook, J.P.
Hildyard, K.A.	Hood, L.P.	Hughes, E.J.
Hutchesson, C.L.	Koutsantonis, A.	Malinauskas, P.B.
McBride, P.N.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K. (teller)	O'Hanlon, C.C.	Picton, C.J.
Savvas, O.M.	Szakacs, J.K.	Thompson, E.L.
Wortley, D.J.		

PAIRS

Hurn, A.M.	Stinson, J.M.	Basham, D.K.B.
Piccolo, A.	Whetstone, T.J.	Champion, N.D.

Cowdrey, M.J. Pearce, R.K.

Motion thus negatived.

Grievance Debate

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

The Hon. V.A. TARZIA (Hartley) (15:22): I rise today to talk about union militancy. We are really concerned about projects that are being affected by this on the east coast of Australia, and we are very worried that a number of these issues are going to come here across the border to South Australia. Of course, I am talking about the upcoming contract that is going to be awarded regarding the north-south corridor, and of course I am talking about none other than the CFMEU.

Where do I begin? What we have seen in recent times are reports of union delegates doing things like banning non-members from toilet breaks and from having lunch breaks, not being able even to use certain lunch rooms on some sites. This is happening right now on the east coast of Australia, where the CFMEU has an absolute stranglehold on some of these projects—standover tactics, intimidation, saying that they will decide who gets work and who does not get work depending on whether certain companies are doing what they say is the right thing to do by the union movement.

You only have to look at some of the recent articles put out in regard to this. For example, one that was recently published in the *Herald Sun* says that there are claims West Gate Tunnel workers were dumped for not joining the CFMEU. We know that when you look at worker salary increases, we are seeing entry-level labourers holding stop-and-go signs earning over $206,000 a year, this being 75 per cent higher than what workers get on general building projects and roughly three times more than the median salary in Australia.

In contrast, the average retail worker in Australia gets paid around $70,000. The average registered nurse in this state gets paid between $85,000 and $90,000. The average teacher gets paid $90,000 to $105,000 in this state. But if you are a member of the CFMEU, if you are holding that stop-and-go sign and you do the right thing by the union, as an entry-level labourer you get paid $206,000. Can you believe it?

When it comes to the standover tactics, it is not just increases in traffic management costs, whistleblowers are also revealing how these standover tactics and intimidation are being utilised by the CFMEU in order to strongarm builders into using their recommended suppliers. When I raised this in recent times, of course, I got quite a disparaging reply from those opposite. It was almost two years to the day. I asked a further question to one of the ministers:

> …does the minister believe that the successful push for wage rises by the CFMEU affects the final cost estimate of the north-south corridor completion?

I got a response:

> I know that the shadow minister is not a student of demarcation and union affiliations and union coverage.

That is certainly the case. The minister continued:

> I have some bad news for him. The CFMEU have no coverage on tunnel building; it's the AWU, a different union, bit embarrassing.

Tell that to the workers who are being bullied and intimidated in New South Wales, and tell that to the builders and the workers who are being intimidated and bullied in Victoria as well. Sir, do you know what? It is funny that it is the same kinds of companies that are involved in those construction sites that are actually involved in the sites over here. It is only around the corner, and we have a lot to fight for when it comes to making sure that the taxpayers of South Australia are getting the best deal possible when it comes to this project.

Recently three Federal Court judges have found that more than two decades of financial penalties had not deterred the CFMEU from engaging in unlawful conduct. To quote these judges:

> …[the union] simply regards itself as free to disobey the law.

We know that when the north-south corridor was priced originally, it was at a cost of $9.9 billion. We have seen how that has escalated to $15.4 billion. Now, to go from $9.9 billion to then $15.4 billion, wait until the CFMEU get involved in this project. You are going to see an absolute disaster. You are going to see bullying on worksites, you are going to see the price of this thing escalate, you are going to see the opposite of value for money. You are going to see rorts and bullying and thuggery and intimidation, and it is coming right here to South Australia. What is this Premier and this government doing about it? I put to you: nothing.

The Hon. D.G. Pisoni: Cuddling up to it.

The Hon. V.A. TARZIA: Exactly right. If you do not believe me, listen to what one member of the CFMEU said in relation to what they are going to do. They said:

> My view is, if it's construction work, it's CFMEU, if there's sheep walking past and they need to shear it, then it's AWU.

That was said about a recent project in Victoria. These are the same companies that *The Advertiser* recently quoted as being likely to get the South Road project that have got problems with the CFMEU interstate. I have news for this Premier and this government. The problems interstate with the CFMEU are coming here to South Australia, they are coming to the north-south project, and the taxpayers of South Australia are going to be dudded.

WEAR ORANGE WEDNESDAY

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (15:28): This year, Wear Orange Wednesday fell on Wednesday 22 May, and I had the opportunity to attend at my local SES station in Mount Barker to meet with volunteers and to be better informed about the local response in the Adelaide Hills.

Members will know, of course, that this year SES volunteers responded to 2,500 calls for assistance and they have in recent times prepared over 43,000 hours of volunteer training. Volunteers are the backbone of communities right across South Australia and their selflessness and dedication to helping others enriches us and, in the case of emergency services, keeps us safe and helps us in our time of need.

The government is committed to ensuring that the emergency services' volunteer community are recognised and supported. Wear Orange Wednesday is always a wonderful opportunity to recognise the immense contribution of the State Emergency Service to South Australia. The SES is, as members know, a volunteer-based emergency assistance and rescue service. They are the state hazard leader for all flood and extreme weather events and provide emergency assistance to the people of South Australia around the clock, seven days a week and 365 days a year. The SES provides a wide range of services and responds to extreme weather events, including floods, storms and heatwaves; road crashes; marine rescue requirements, including swift water; and vertical and confined space rescues. On the weekend, as I indicated, I was able to meet a number of personnel in my own community, and on the day.

I want to make a special mention of access to a game that the previous minister had arranged when the Adelaide Crows were playing at Adelaide Oval, and this is but one small way in which we can all bring the emergency services community together to issue our thanks. SES personnel were active around the ground to promote their services, including members from the Prospect and eastern units as well as members from the community engagement team. Appliances and equipment were, of course, also on display, including rescue trucks, a rescue vessel, a swift water rigid vessel and three search dogs—Jack, Mac and Herb—and their handlers.

Beyond their core responsibilities, the SES also provides significant support to other agencies. For example, the SES provides vital assistance to other agencies including SAPOL in land search operations and traffic management, and supports the South Australian Country Fire Service during major bushfires. The SES also provides support and critical information to the community in relation to heatwaves. During heatwave conditions, the SES issues daily heatwave summaries. While not as immediately intimidating as flood or storm events, heat can lead to serious illness and death, especially among vulnerable people.

It goes without saying that many, and in fact most, of the jobs the SES attends are assisting people who are injured, scared, tired or stressed, and they are the volunteers who help them get through that moment. I am particularly grateful to all the SES volunteers throughout South Australia and to the SES staff for the immense contribution they make to all communities across our state. It is also important to emphasise that every family allows a volunteer to contribute, and it might be said that families have volunteered beside those who are wearing orange.

SCHOOL ROAD SAFETY

The Hon. D.G. PISONI (Unley) (15:31): I note that the government put out a budget-related press release referring to changes in speed limits for pedestrian-activated crossings on main roads. I am very pleased they have started to make some progress on this action, which I have been calling for in my electorate for some time. In fact, I wrote to Minister Koutsantonis on 9 November last year and received a reply six months later, only after raising in the parliament, on two occasions, that I had not received a reply, and also raising it at a briefing I had from the department about some work on an intersection in my electorate.

In my letter to the minister I warned about the dangers of pedestrian crossings around schools and no warning, and the speed at which cars were passing those pedestrian crossings on main roads such as Unley Road and Goodwood Road. In the letter I requested that there be more physical warning, whether it be rumble strips or a raised section of the road or, with technology such as GPS ability in many modern cars, cars purchased in the last five or six years, whether there could automatically be a system that enables warning of a school crossing or a school zone coming through the audio system of the car.

The minister wrote back, and apologised for how late the letter was responded to, but then spoke about 200 sites that were going through an audit to determine what could be done to make them safer. We saw that the outcome of that was just a change in speed on those main roads, with no other warning device or cameras. I would much rather see people warned effectively.

There is no point in just having that rolled out over a five-year period at selected sites, so what is the criteria? Is the criteria after a death, is the criteria after a serious injury? What is the criteria? We know how this government operates: it responds to an action. This would work much more effectively if we had all school sites at the lower speed limit on these main roads as they are in the Eastern States, and I have raised this in this place before.

This is only a half-baked solution. It is a start, but the work will not start for 12 months—the government's press release said 2025—and then it will not be finished for five years. That is only a handful of sites. They have only listed five of those sites in their press release, and others are to be announced, but nowhere near enough to cover all the pedestrian crossings that are on main roads through the suburbs and in country South Australia.

I will also spend my time here in the chamber to raise my concern on behalf of Unley High School. The school went through a process, at the invitation of the department, and spent $20,000 of their own money developing plans with the department for conversion of an old building that needed updating, to provide six new classrooms so they could move from 1,700 students to 1,800 students in time to match the growth of student enrolments. Up until about a month ago, they were led to believe by the department that that funding was coming through, and it was just a matter of it being approved by the government.

We learnt not that long ago that the government, despite forcing the school to spend that money, that $20,000, have decided they have priorities elsewhere rather than Unley High School. Their only solution now for Unley is for it to move into a capacity management plan, which means there is a risk now for next year that somebody who is living across the road from Unley High School will be told that their child cannot go to Unley High School. It is another school within the inner south, within the inner eastern suburbs, that is managed through a capacity management program.

ENVIRONMENTALLY SUSTAINABLE PROCUREMENT POLICY

Mr BELL (Mount Gambier) (15:36): I rise today to highlight a recent policy of the federal government which I would like to see implemented here in South Australia, and that is an exciting

step towards a sustainable future and circular economy called the Environmentally Sustainable Procurement Policy.

Starting this June, with construction services projects above $7.5 million, and expanding next year to textiles, ICT and furniture fittings above $1 million, all tenders awarded by the Australian government will require agencies to meet sustainability outcomes. This includes circularity targets for input efficiencies, recovered resources and recycled materials, which will significantly impact supply chains.

Our procurements here in South Australia must ensure they are maximising value for money when purchasing items; however, achieving value for money is not just about paying the lowest price. We must also consider the social, environmental and economic values of goods and services and, most importantly, the end-of-life issues that those materials present to our environment.

Government spending can and should encourage more suppliers to offer environmentally friendly products, making sustainable purchasing a standard practice. What excites me most is how such policies can foster innovation by providing businesses with the confidence to invest in new sustainable technologies and practices which can drive significant progress. One local company in my electorate, Roundwood Solutions, is doing just that.

Roundwood Solutions was started by Stephen and Tracy Telford almost 40 years ago. Their milling operation was based in Yahl, on the outskirts of Mount Gambier, and soon became the biggest supplier of green round posts in Australia. These green posts were then treated with creosote, a product that contains a mixture of chemicals, which can burn and stain the skin, and has a strong odour.

Eight years ago, Stephen started researching a safer and more environmentally friendly option that had an end-of-life solution, which creosote currently does not have. This marked the beginning of Roundwood Solutions progressing from a timber supply company to a treatment facility, focusing on saving the environment from the toxic effects of traditional post preservative treatment.

Roundwood Solutions have now developed a new wood-based product called Tanapost. This carbon neutral fencing product is environmentally friendly and EPA approved, replacing current toxic treated timber products that have no end-of-life solution. Tanapost is dry to touch, lighter in colour, significantly lower in smell and reduces the exposure of contractors to potentially carcinogenic compounds. Roundwood Solutions is the only company in Australia offering a cradle-to-grave scenario, recycling the product at the end of its life to extract energy and produce biochar, which serves as a carbon soak for the next thousand years. It really is the perfect example of circular economy.

Tanapost also offers significantly improved occupational health and safety benefits for end users. It is the only timber fencing product treated throughout its entire structure—and that includes the centre of the post—ensuring greater durability and longer life, features that end users have sought for years. This is exactly the type of innovation that can be created when businesses have the confidence to invest in sustainable practices. Roundwood Solutions are in the process of expanding their facility to run 24/7, meaning more jobs for our local economy.

With the move for governments and businesses to adopt more environmentally sustainable practices, Roundwood Solutions—a local, family-owned business—are best placed to continue to expand their company and become the largest producer of biochar in Australia. I would love to see an initiative similar to the Environmentally Sustainable Procurement Policy replicated by this state government. Let's position South Australia at the forefront of the circular economy so that South Australian businesses like Roundwood Solutions can be leaders on the world stage on how to be a successful, sustainable, environmentally friendly business.

GLENSIDE URBAN CORRIDOR (LIVING) CODE AMENDMENT

Mr BATTY (Bragg) (15:41): I rise once again to talk about the Glenside Urban Corridor (Living) Code Amendment, which is a new code amendment being proposed that has the effect of increasing the maximum building heights in Glenside at the Cedar Woods development to 20 storeys, up from the existing eight storeys at that site.

One of the concerns that I raised last time I spoke in this place about this code amendment was that it was all happening without much consultation with my local community. In the meantime, what I have gone and done is the job that the minister has not done, which is go and ask locals what they actually think of this idea. Just a few weeks ago, I hosted a public meeting in Glenside, which was attended by hundreds of locals. I would also like to thank and acknowledge the Mayor of Burnside who came along, the federal member James Stevens who came along, and the member for Unley who came along. A number of elected representatives from Burnside council and a number of local residents addressed the meeting as well.

Everyone was quite united in a very clear message that they do not want these 20-storey towers in Glenside. Their concerns fell into a number of buckets. First, there was a lot of concern that this whole debate was happening divorced from any discussion about investment in public infrastructure. When we see unrestrained, high-rise, high-density urban infill, it puts a real pressure on public infrastructure that is often already at capacity.

We spoke at the meeting about issues such as sewerage, where there have already been issues at that new development, which is adding already a thousand new dwellings to that site. There are issues around car parking, where again we already see increasing pressures as the strategic infill site is being fulfilled. Importantly, all of the car parking arrangements were based off eight-storey dwellings and based off just a thousand dwellings being there. There were concerns around open space. In fact, the area where we met was just about the only part of open space on the entire site and completely floods in the winter as well. There has been no talk about increased provision for open space to go along with increased dwellings on the site.

There are concerns around pressure on local schools. Glenside is zoned to Glenunga International High School. Glenunga International High School is full; it is subject to a capacity management plan. There are already residents in Glenside who are being turned away from attending Glenunga International High School—and that is before Cedar Woods and the minister build their 20-storey towers there, so where, I ask, will the children go to school?

There are also concerns around transport. This entire new strategic infill site is basically served by one bus stop and one bus. There are a lot of very valid concerns about the increased pressure this is going to place on public infrastructure that is already at capacity.

There are also concerns that are being raised about the impact it is going to have on the amenity of our local area. Twenty-storey towers are going to dwarf the heritage buildings on that site, they are going to dwarf character homes in surrounding suburbs, and importantly, and perhaps interestingly in this case, they are going to dwarf the existing eight-storey buildings on that site.

Some of the people most concerned about this proposal are those who have just bought into the Cedar Woods strategic infill site on the basis of a very different plan. Some have bought in as recently as the start of this year. They have downsized and are moving into, for example, the Bloom development there, targeted at a retirement style of living. They put their life savings in there as recently as the start of this year because they wanted to live on the plan that was sold to them. Now, after they have sold the thousand dwellings there and people have put their life savings into investing in these properties, the plan is fundamentally changing.

I think when we talk about planning we often talk about the need for certainty. Developers often raise the need for certainty in our planning system. I say if that is good for developers, which it should be, it needs to hold for the consumer as well and for my residents who have bought into the Cedar Woods development at Glenside on the basis of eight-storey buildings on that strategic infill site. I told the meeting the bad news, which is that this code amendment has been initiated. The good news is that we are going to make sure our voice is heard by the minister.

COMMBANK GOLDEN GROVE

Mrs PEARCE (King) (15:46): I believe, Mr Speaker, you may share some of the sentiment that I am about to raise on behalf of my local community. Last week we learned that our local CommBank at The Grove, also fondly known as The Village by the OGs, is going to be closing its doors on 12 July. This is an absolutely huge blow. The Grove is our local community hub. It is where

you come to do your local grocery shop, it is where you come to access a range of medical services, it is where you seek services from your local post office and, of course, it is where we do our banking.

CommBank has essentially been a part of this precinct and a part of our community since the opening of this centre back in 2002. As I understand, it was one of the very first lessees there. That is over 20 years of establishing relationships in my local community, and in the blink of an eye it is going to go. My community is not going to take that lying down. CommBank cannot simply ride off into the sunset without knowing just how heavy a blow this decision is to those who have been loyal to them over all of these years.

For many in my community this decision will be a huge impost and we are standing up for them. We are standing up for people like Tanya's mum who, as someone who has never driven and who has reduced mobility, relies on the council community bus to be able to get access to her bank, get her bankbook updated, and then do her weekly shop. We are standing up for people like Wendy, who shared how vital in-person services were for her when she became widowed. She had so much to organise, including the mortgage, and was only able to manage with the skilled intervention of the in-person staff that helped her at this branch. In her words, 'Phone calls to Sydney is not enough.'

We are standing up for people like Lyndall who are time-poor and cannot fathom a 40-minute round trip—and that is before taking into consideration the time needed to spend at their next-closest branch, two of which I understand are incredibly busy, often with lineups out of the door. We are standing up for people like Sharon, who worries for the older generation and those who are unable to navigate digital banking technology. I understand that her 58-year-old brother has ASD and her mother is 80. She advises that neither will cope well without branch services, as the banks push a step further towards a cashless society for the sake of their bottom line. In her words: 'It's a classic case of profits before people when they close branches.'

There are people like Dylan, whose parents opened an account at this branch when he was just a child. He is committed and has continued to stay loyal now that he is well into his 20s. Then there is Krystle, who appreciates that the branch is highly accessible considering its close proximity to the local interchange. This cannot be emphasised enough: local communities are stronger for having accessible local services. For so many, in-person services are essential and being based in locations like this is key.

I have also heard from members of the community who are not customers, like Leesha. They rely on the ATMs that are at this branch because they are one of the very few that do not have a charge associated with using them. This is important: these are two of the four ATMs that are available at the centre. The other two are run by the only other bank that is based in my electorate. That is around 15,000 households who likely rely on these branches, and those ATMs charge a fee. If both CommBank and the ATMs are to go, locals feel that we are losing a significant service to the community.

Local businesses have also reached out; they cannot believe what is happening. They have shared that this is going to be a real nuisance in doing their business banking and getting change, and that they cannot afford the time to travel just to do their banking. These are just a few of the thoughts that have been shared by my community since launching a petition last Friday. I cannot believe that almost 600 people have signed already, and I am so proud to be standing with you all to fight for essential and accessible services in our local community. I am so pleased to see that that number continues to grow.

I also wish to thank my neighbour the member for Wright and our local communities for standing with me on this matter. We are a community that fights for what is right and we will not let this bank close without a fight. While I will be making formal representations soon, I stand here today to urge CommBank to reconsider their decision and take into consideration the impact this will have on a local community that has been loyal to them for decades.

The SPEAKER: I do share your concerns, member for King. The banks are terrible corporate citizens that put billion-dollar profits before their customers who they built those businesses on. We should all walk from the banks and put our money where they do not take us for granted.

Private Members' Statements

PRIVATE MEMBERS' STATEMENTS

Mr WHETSTONE (Chaffey) (15:52): I want to take this opportunity to thank our frontline health workforce, and this grieve is no reflection on you. Last month, the Labor government's record of the worst ramping in the state's history only continued to climb. Ambulances spent 4,773 hours ramped and, compared to May last year, an extra 200 patients were admitted to hospitals, and an extra 1,500 calls were made to 000. On top of this, the government canned elective surgeries for both metropolitan and regional South Australia.

The elective surgery list has blown out to 21,191 patients, 4,065 are listed as overdue, and many constituents in my electorate of Chaffey are on that list. Scheduled for surgery this week, they were told that they are going to have to wait—so how long are they going to have to wait? Every time the Labor government touches our health system, it ends in catastrophe. The state has lost faith in the health minister. They have lost faith in this current Labor government.

Regional communities are suffering from Labor's broken promises in the city. This is a reflection of the health system that is suffering in regional South Australia with the deficiency of a government, of a minister, that has continued to fail our health system. The regional health crisis continues. The regional health situation is of dire concern. What I want to do is make sure that our elective surgery is reinstated as soon as possible so that those people living with pain can have that surgery and get on with life.

Ms O'HANLON (Dunstan) (15:54): I rise today to congratulate Mr George Belperio on being awarded the Medal of the Order of Australia in the General Division. Mr Belperio is a highly regarded and active member of the Italian community and it will come as no surprise to those who know him that this honour recognises his services to the Italian community.

George was born in 1954 in San Giorgio La Molara, Italy, and came to Adelaide as a young boy in 1958. It was at the club of that same name in my own electorate where I was honoured last week to join many members of the San Giorgio community and, indeed, the Hon. Vincent Tarzia, in honouring this achievement.

George is known in the community for his incredible achievements as a businessman and restaurateur. No doubt, this passion grew from a childhood steeped in family, fresh produce from the market garden and, as he says, 'Good food with lots of laughter and lots of love.' This passion saw him go from strength to strength as he built his Fasta Pasta franchise, starting with one restaurant in Pirie Street and eventually reaching 39 restaurants all over Australia. More important, it seems, has been his support of Variety Bash SA, Radio Italiana 531 and the myriad other ways he supports the local Italian community.

I must also acknowledge that behind this great man is a great woman and, as George has said himself, his achievements would not have been possible without the love and support of his rock Josie, his wife of 41 years. George is also incredibly proud of his children Enzo and Rebecca and his delightful granddaughter, Penny.

Receiving an OAM is an incredible achievement in a person's life and denotes truly outstanding hard work and commitment to a cause. The Italian community is renowned for their extraordinary work ethic and contribution to our state. It is testament to George Belperio that his effort has been so outstanding as to be recognised with this prestigious award.

Mr COWDREY (Colton) (15:56): I rise today to celebrate the newest and biggest rivalry in the Adelaide football league where two local teams, the Lockleys Demons and the Henley Sharks football clubs played for the very first time in division 3, with the Lockleys Demons moving up and the Henley Sharks, unfortunately, moving down to division 3 this year. They played on the weekend for the Cowdrey Cup.

I was pleased to bring in this new initiative to support a local sporting rivalry and to carry on the tradition of the former member for Colton, Paul Caica, who, of course, had the Caica Cup between St Michaels and Henley High. What better way to continue the legacy of the member for Colton

supporting local sporting rivalry than getting on board and supporting a neighbour versus neighbour, classmate versus classmate rivalry between the two local footy clubs.

It was a sterling match which certainly lived up to the billing: 81-60 in the end, with a good, tight tussle through three and a half quarters but with Henley kicking away right at the very end. It certainly deserved the twilight fixture it was given by the Adelaide football league. We certainly hope that that is the case with the return leg later in August.

Congratulations to Bailey, who was the MVP of the game. It was a credit to both clubs, their volunteers, their boards, their coaching staff, supporters and sponsors to see a night where effectively it was packed out. There was not a spare seat in the place. I think the crowd would have rivalled many SANFL games over the weekend. Congratulations to both clubs and I look forward to future editions and continuing to support the local sporting rivalry in my area.

The SPEAKER: Go both teams—that is what I always do. Have a lot of flags, know a lot of songs, never leave the ground a loser.

Mr ODENWALDER (Elizabeth) (15:58): Indeed. I rise also to speak about some local football legends and to talk about one of the great local underdog comeback stories and that is the Elizabeth Football Club. Many members will have noticed in the news recently that the club suffered a record South Australian football loss of 516-0 against Fitzroy. That hurt, of course.

Since then that has been a catalyst for a great outpouring of support, of sponsorship and of general love from the local community. They have received new sponsors and also various players returning to the club. I am happy to report that although they are yet to win a game, they do have numbers on the scoreboard at every game and, in fact, came very close to beating Central United in the local derby just the week before. I think they were two goals off beating Central United.

This Friday, Elizabeth will take on Lockleys in the division 12 ressies game. It has been billed as the biggest game ever. Of course, one of the highlights is that local legend, Central Districts legend, Johnny Platten will be putting on the Eagles guernsey, along with Andrew Jarman and Bernie Vince. They will be playing against the likes of JP Drake, Daniel Motlop, Mitch Robinson and others. It is going to be a great night. You will be able to listen to the game on Triple M's *The Rush Hour*, or I am sure you can catch it on social media if you are so inclined after the game. Go Eagles!

Bills

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr TEAGUE (Heysen) (16:00): Commencing my contribution to the second reading debate prior to the adjournment, I was just making some observations about the context in which this bill has come on for debate. As we have heard from the Deputy Premier taking carriage of the bill in this place, we are seeing a bill—the title has just been read moments ago—a portfolio bill, as it has been described: the Statutes Amendment (Attorney-General's Portfolio) Bill 2024, which is said to be amenable to doing a whole range of routine things that are within the portfolio of the Attorney-General.

The house is well familiar with such portfolio bills; indeed, this is styled as the Attorney-General's portfolio bill No. 5, at least when one consults the *Notice Paper* and makes one's way all the way over from the first page of Government Business, Orders of the Day, past the top 10 and through to the end of the second page, past the top 20. All the way at the bottom of the list of business that is before this place, one can see at No. 23, coming in as it were right at the tail end of that long list of government business that is presently before the house, this so-styled portfolio bill No. 5.

I say that the house is familiar with this form of legislating for a portfolio; indeed, as the name would indicate to us, we have seen several of them already in the course of the parliament. The purpose of portfolio bills is well known. It ought to cover a range of matters that are cropping up from time to time in a variety of legislation and ought also ordinarily to legislate for matters that are both convenient and uncontroversial, matters of dealing with the ordinary day-to-day necessities in terms

of improvement, rectification of errors, updating of references to matters that are no longer undertaking any function and so on.

So it is that we find this No. 5 portfolio bill that is sitting there at the tail end of the list. Against that kind of characterisation that the government has willingly embraced, and then, it would appear, apart from having prioritised the progressing of debate on the bill, it has otherwise shown no real explanation as to why there is really any priority given to this bill that is otherwise sitting right at the end of the list.

We nonetheless are undertaking a debate that does indeed contain provisions of real consequence to that group of practitioners who are presently styled in terms of recognition of their seniority as 'Senior Counsel' in this state at one end, all the way through to the observation of its relevance to all South Australians.

In amongst the 51 clauses of the bill are a relatively large number of individual pieces of paper associated with the bill. It runs to 11 of them all together. We see two-thirds of the way through—and, as I said earlier, I might say that the entirety of the bill, other than the part that is really a matter of controversy and substance, deals with only one subject matter: the changing of a title of those judicial officers who are styled 'Master' in each of the District and Supreme courts.

I have indicated at the commencement that those aspects might be matters of interesting debate but they are not essentially controversial. Changes to the names, while perhaps not necessarily requiring being loaded up with any undue degree of profundity in terms of what the names connote, might usefully be termed as proposed by the bill in terms of 'Associate Judge' and 'Associate Justice', rather than as they have been for many decades as 'Master'. So we will see that 49 out of the 51 clauses of the bill will have the effect of making those various changes to the relevant legislation to change 'Master' in respect of the District Court to 'Associate Judge' and 'Master' in respect of the Supreme Court to 'Associate Justice'.

It is important to recognise the important work that the Masters, as I have always known them, do. This bill provides an opportunity to reflect on the way in which Masters dispose of interlocutory matters, pre-trial matters, in those jurisdictions. It is well that we do that. If we are amending titles along the way, then it affords that opportunity, so I will just take that chance in a moment.

But it is not lost on anyone that the real subject matter of consequence, and unfortunately subject matter of real controversy, has really almost been in terms of, if you happened to follow the second reading contribution of the Deputy Premier earlier today, being kind of brushed over as though it were so much more updating and modernising of titles. The amendments that are the subject of clauses 31 and 32 respectively are matters of very important consequence, raising, as they do, the changing of what has been long recognised as a most significant marker of seniority at the senior bar, not only in this state in this country but throughout the commonwealth, and particularly in terms of the broader inheritance of our Westminster system of government here in South Australia.

So to couch this change in terms of being of like character to the change that is proposed to be made in respect of the masters is really to do a great disservice to perhaps both the narrow constituency, those who are immediately affected and would have something to say about the role of the name of the office, and also to those who are actually interested in engaging in the substantive debate about the origins of the title and about where we want to be in terms of this state and those longstanding associations with the Crown.

Buried as it is at clauses 31 and 32 of a miscellaneous portfolio bill, one might ask, 'Well, is the government simply providing some kind of legislative fig leaf to provide something for those who would have a broader view about the merits of the constitutional arrangements of our state and the nation?' because there will be plenty of people who will engage in the matter on those terms. Yet it is not a debate that the government is coming through the front door and saying, 'This is how we see the future of the state. This is what the consequences are for longstanding civic officers and this is how we are going to go forward into the future.'

Indeed, I am sure the government received Crown law advice on the bill. I do not hear any proposal to move away from that term, Crown law being the source of legal advice available to the

government, the Crown indeed being the name that is given to the chief public law officers of the state. There is no proposal to change the name of the Crown Solicitor's Office or the Crown itself or, indeed, any amount of those related and longstanding references to the origins of both our government and justice systems in this state. Indeed, you can go all the way through in terms of finding references to the Crown, to our colonial inheritance in terms of institutions, to historical events, to the way in which we conduct debates in terms of the ordinary course right here in this model of the Westminster parliament.

It is a matter of very real consequence if we were to embark on a course of piecemeal legislating that might throw out morsels of what, in certain quarters, might be regarded as antiquated terminology, references or matters that in certain quarters might not be fully understood or that might be characterised in a rather superficial way as being in some way out of date. I just indicate that at both a practical and a principled level nothing could be further from the truth; it warrants serious debate to go about making a change of this kind.

It is important to couch the debate in terms of relatively recent events, because there will be a whole lot of reflection on the many hundreds of years of history of the terms that recognise Senior Counsel—indeed, reference has been made in recent weeks to origins denoting that King's Counsel and Queen's Counsel are recognised as those senior practitioners who are serving the monarch and are otherwise unavailable for broader service—all the way through to recent years, where there has been consideration, albeit in a series of proposals subject to legislation in South Australia and in other places, where the concept of the importance and current meaning of the titles has been reflected on.

It has been interesting to see where states have gone away from the use of the titles that in more than one—indeed, in three of them, including here in South Australia—that has been cause for reflection and reform after departing from those titles, the names of which have stood the test of centuries. You know that a title of long standing still has present worth when not only is there resistance to change to depart from it, but you see that a case has been made in those several instances to reinstate that which was once departed from. We saw that here in South Australia after similar processes were followed in Queensland and Victoria.

I might also add that, as I understand it, in each of those cases the arrangements we have been left with in terms of what is legislated and what applies according to the relevant practitioners act are ones in which there is recognition of the importance of the title. There is also recognition that it evokes different views in terms of its connotation for different practitioners.

There have been arrangements made in terms of the legislation now in all those states, including South Australia, for a practitioner to make a choice to elect if they wish to be appointed and, having been appointed in the way that applies to all practitioners as senior counsel, then to make that election if they wish to be appointed relevantly as King's Counsel, following the passing of Her late Majesty—what was for many decades before that a senior bar that was populated by those senior practitioners styled as Queen's Counsel.

Of course, it is an irrelevance—and has been for perhaps a century or more—to consider antiquities of what work King's Counsel would be reserving themselves, too, in terms of being available to the monarch. If you want to talk about antiquities and irrelevancies, there is a good example, because I think anybody who was reflecting on their understanding of what Queen's Counsel connoted (and now King's counsel), there could be no doubt that that title is well recognised, well respected and carries with it an understanding that the person carrying the title is of outstanding ability, integrity and service to the system of justice in the relevant jurisdiction.

It is for that reason that, applying as it has for such a long period of time, there are so many highly regarded senior practitioners who are proudly associated with the title—the Treasurer's late father, among them. It is a title of uncontroversial significant recognition of capacity. So it does the topic no justice, and indeed it does the topic a disservice, both in the interests of the community and of the profession, that it finds its way buried two-thirds of the way into this so-called Attorney-General's portfolio bill. Just those two clauses have been therefore, and unfortunately, the subject of considerable controversy.

I will refer in a moment to the letter of the President of the Bar Association, Marie Shaw KC, dated 7 May 2024 to the members of this place—I understand to each member of this place—in the context of the debate. I will perhaps reflect in that regard on the letter of the President of the Law Society to the Attorney-General, dated 17 April, also addressing itself to the bill.

It is fair to say that, in summary, both of those two senior representative professional bodies of the profession in South Australia are disappointed, surprised, opposed and left at a loss as to just what exactly the government is up to here. Those representations go very plainly to the merits of the proposition, and I will go to them in just a moment. It is for that reason that I will just spend a bit of time making plain that it is all the more, therefore, concerning, surprising, disappointing that the government has chosen not to walk in the front door with this bill.

It has not come along and said, 'Hey, we believe, as a government, that we are going to advance the interests of this state by making this proposal that is the subject of clauses 31 and 32 of this bill, and by getting that done, by moving it all the way up from the tail end of the list at No. 23 on the Orders of the Day and shoehorning it in a day or two ahead of the budget'—and the strategic genius on the government side has dreamt up this idea—'and not only that, but we will put it in the context of the Attorney-General's portfolio bill, the fifth of them, and then we will give the house a kind of a blancmange of provisions that it is hidden somewhere within, and then we will pretend that it is a substantive bit of legislation of that character.' It bears some reflection on just what exactly the government is up to.

Having couched it in those terms—where it stands, why we are here—why have we not returned to such matters as the seemingly, until this last week, urgent matters of reform in relation to casino penalties? That is at No. 4. There are a significant number of changes in relation to the Evidence Act as far as Aboriginal traditional laws are concerned. Sentencing of serious child sex offenders, for example, is well ahead on the list.

Indeed, there are government agenda items in relation to the protection of state heritage places, the reforms in relation to transport, retirement villages, changes that I expect are of some importance to government in relation to the Return to Work Corporation of South Australia, not to mention the long list of other matters that constitute just the government bills that are languishing on the *Notice Paper* at items 2 through to 22, while the government brings this particular matter to the house, apparently as some matter of urgent priority. If that is the case, the government has not made the argument. I heard nothing from the Deputy Premier as to the reasons why we have this sort of state of affairs confronting the house, and in this particular week.

Just to make good that proposition in relation to the level of controversy associated with the proposal so far as clauses 31 and 32 are concerned, I refer to the letter of the President of the Bar Association dated 7 May 2024. This is a letter that was sent to me as the member for Heysen; I understand that it was sent also to other members. There is no intent that it be other than informative in terms of the public debate. The president refers to the introduction of the bill in another place.

I am conscious that it might have been remiss of me before the break—I do not know that I have indicated I am the lead speaker for the opposition.

The ACTING SPEAKER (Mr Brown): I just assumed.

Mr TEAGUE: I do indicate that. I also indicate that the opposition, while generally supportive of the balance of the bill, is opposed to those changes that are the subject of clauses 31 and 32, and so much might have emerged from my contribution so far.

I go back to the president's letter. The President of the Bar Association set out to make sure that I, as just one member of this house—as I say, I expect, in like terms, other members as well—am properly informed as to the views of the profession, constituted as it is by members of both the Bar Association and the Law Society; that is, the South Australian Bar Association and the Law Society of South Australia.

In that regard, the Bar Association has adverted to and provided to me a copy of a letter from the SA Bar Association to the Attorney-General dated 10 April 2024. I will come to that in a moment. It also has brought to my attention the letter of the President of the Law Society, Alex Lazarevich, to

the Attorney dated 17 April 2024, with both the association and the society expressing their strident opposition to the changes that I have just described.

The President of the South Australian Bar Association then draws to attention—and she describes as a subject of regret—that there had been a number of public statements made that were apt to mislead and misinform consideration of the bill. The Bar Association's president asks that I note—so I do by way of quoting it—the following:

1. The profession in South Australia, as represented by its constituent bodies, is opposed to the amendments proposed by the Attorney-General in the Bill so as to abolish the Office of King's Counsel.

2. Historically, the postnominal Senior Counsel, was only introduced because of the Rann Governments interference in the process of appointment that had occurred at the time.

3. Under the current legislation, there is no possibility of Government interference in the process of appointment, nor is the role of the Justices of the Supreme Court in the appointment process in any way usurped.

4. It is fundamentally incorrect to say, as the Chief Justice did on 5AA radio this morning, that persons who exercise the choice to request that they be appointed King's Counsel, do so for the personal exploitation of an Office bestowed in the public interest. This view has not previously been conveyed to SABA by the Chief Justice and it is, with respect, regrettable and not accepted by SABA.

5. To the contrary, persons who have been appointed Senior Counsel who have requested that they be appointed King's Counsel, have done so having regard to client wishes, market dictates and intense competition with barristers' interstate, where two of the three largest bars, senior counsel are overwhelmingly King's Counsel.

6. I can assure you that those appointed Kings Counsel (many of whom including myself were appointed at a time when there was no office of Senior Counsel) and Senior Counsel take their role in the administration of Justice in South Australia and the Commonwealth, to be essential to its proper working.

7. Finally, and for the record, the Advertiser's reporting of rates paid to Senior Counsel and Kings Counsel in South Australia being $10,000 or $20,000 per day is grossly inaccurate. If anything, these sorts of fees are more a reflection of the rates charged in New South Wales where the senior bar is confined to Senior Counsel ('SC').

What emerges, therefore, in that rather succinct expression from the President of the South Australian Bar Association, if I might put it in terms of my own expression, is a form of indignation and disappointment, and in turn a rebuke, in terms of the work that the postnominal KC and the title King's Counsel in fact connotes and represents.

Indeed, as is well known, the President of the South Australian Bar Association, Marie Shaw KC, is a former District Court judge, she is a longstanding, highly recognised Senior Counsel who has dedicated her life's work to advocating in those matters of difficulty, complexity and other challenges, often on behalf of those in need who otherwise could not avail themselves, but for the willingness of King's Counsel to stand up on their behalf, of an expert advocate to speak up on their behalf so as to ensure that the system of justice in this state functions as it ought. I think it is particularly appropriate that those sentiments, expressed as they are in her capacity as President of the South Australian Bar Association, are expressed by Marie Shaw KC.

I recognise those summary points that are raised somewhat at the conclusion of what had been a flurry, if you would, of an expression of concern to prevent something that was avoidable and undesirable but couched in this way as though rendering it something that ought properly be dealt with as part of a bill dealing with relatively inconsequential and uncontroversial matters.

The contribution of the President of the Law Society not quite a month earlier, on 17 April this year, is going very much to driving home those same sentiments. Mr Lazarevich, I might say, is a practitioner who is particularly well placed in terms of exercising the duties of the President of the Law Society to make observations about this particular matter as a member of the independent bar himself. He is a bridge, if you like, between the independent bar and the bulk of the members of the Law Society of South Australia who are practising solicitors.

By his letter to the Attorney, President Lazarevich, among other observations as to the balance of the bill, addresses himself first to putting the bill into some context and then remarks about

the merits or otherwise of the proposal to remove the appointment of King's Counsel in South Australia. He makes the observation that the bill is only really doing those two things that I have talked about already. It could very easily be confined to doing all the things that it is doing in terms of changing the name of the title of Master without embarking into this territory at all. This could be stood alone and be the subject of other matters and therefore be the subject of its own debate. There it is and it is not lost on the Law Society that it is couched in these terms.

The president advises on behalf of the society that the society does not support the proposal to revoke the ability to receive the postnominal King's Counsel in South Australia, a matter that was carefully considered as recently as 2018-19 and does not take a position on the proposal to replace the title of Master but raises some queries as to the terms in which it is proposed. There is the benefit of consultation. We see the Law Society doing as it almost invariably does when given the opportunity to weigh in thoughtfully on the subject matter that is the subject of bills, whether it be routine or in these unusual and regrettable circumstances.

So what does the President of the Law Society then go on to say on behalf of the society in relation to the proposal to remove the ability to apply for and receive the title of King's Counsel in South Australia? Mr Lazarevich observes:

> 6. The Society does not support the proposal to repeal and replace section 92 of the Legal Practitioners Act 1981 (SA)…to remove the ability of individuals appointed as Senior Counsel to apply for letters patent to become King's Counsel.
>
> 7. By way of background, the Society notes that from 2008, the then title of Queen's Counsel was revoked and these arrangements ran to 2020, when the QC postnominal was reinstated by the former Government.
>
> 8. In 2018 and 2019 the Society gave extensive consideration to the former Government's proposal to reinstate the QC post-nominal.
>
> 9. The Society considered the arguments against the reinstatement. These included some views that the title was 'anachronistic', that there was no uniform position around Australia, and that the use of the title Senior Counsel had become established.
>
> 10. The arguments in favour of the reinstatement of post-nominals were also considered, namely:
>
> 10.1. The title of Queen's Counsel was a nationally and internationally recognised designation of seniority and status. It was advantageous with respect to the broader community when retaining silk to be involved in major and complex litigation, arbitration and mediation.
>
> 10.2. There was confusion in the broader community regarding the difference between Senior Counsel and Special Counsel.
>
> 10.3. The uptake of the post-nominal QC from SC (where it had been made available) was indicative of the perception, even within the profession, of the status associated with the post-nominal QC in comparison to SC.
>
> 10.4. The proposal was strongly supported by the South Australian Bar Association.
>
> 11. The Society commissioned a survey of its membership on the topic. A significant majority (over two-thirds) of respondents to the survey indicated a preference that silk appointed as Senior Counsel be able to seek a grant of Letters Patent for the title of Queen's Counsel.
>
> 12. The Society resolved to adopt that majority view, and on 5 February 2019 sent [a] letter to the former Attorney-General, the Honourable Vickie Chapman MP.
>
> 13. The Society does not see the need to revisit what was an otherwise recently settled issue that involved considerable debate.
>
> 14. The KC post-nominal is available in Queensland, Victoria and at Commonwealth level and, over the past 30 years, each of these jurisdictions had changed to SC before ultimately reverting to the original approach of allowing the KC post-nominal.
>
> 15. The Society understands the vast majority of the profession appointed SC since the 2020 change have chosen to obtain Letters Patent and become KC. The Society considers that this demonstrates the preference of the legal profession for individual appointed silk to have a choice in the matter and for this reason queries the impetus for the Government to intervene, particularly noting the views of the Society and South Australian Bar Association were voiced and settled so recently.
>
> 16. There is a further important commercial aspect to the ability to take up KC as a post-nominal in that it provides a clear distinction between those who might otherwise be designated as Senior Counsel,

and those who work in the many firms that have a position named 'Special Counsel'. Retaining the KC post-nominal will assist in ensuring members of the public are aware of this important distinction.

17. The Society notes that the South Australian Bar Association opposes the proposed change.

18. The current approach, by which legal practitioners are appointed as SC by virtue of section 92 the Act and have the option to seek letters patent to use the KC title leaves the discretion with practitioners, strikes an appropriate balance and, in the Society's view, should remain unchanged.

I have there referred at some length to what are, in my view, carefully thought through submissions that have been put to the government in relation to what is plainly the fact that the matter has been the subject of considerable thought and review by the society. Bear in mind that the society is overwhelmingly populated by solicitors and those solicitors who are instructing counsel, a subset of whom may be King's Counsel/Senior Counsel, the bulk of whom are styled as King's Counsel. They are overwhelmingly in support of the retention. The South Australian Bar Association, meanwhile, is emphatic in its view in that regard.

In those circumstances it is well to reflect also on the earlier representation in the course of the debate once the bill had come to the attention of the Bar Association and to the earlier letter of Marie Shaw KC, in her capacity as President of the SA Bar Association, to the Attorney-General. That representation expressed no particular view on the proposed change of the name of 'Master' to 'Associate Justice' and 'Associate Judge' respectively and that aspect of the bill, which I might say occupies about 10½ pages of the 11 pages of the bill, was dealt with in a matter of a sentence or two by the Bar Association without expressing a view. So that puts that part of the bill into its appropriate context.

As to the proposal to alter the arrangement in terms of the appointment of King's Counsel, there are really a number of very clear observations that are made that members of the house in consideration of the matter in the course of this debate might well reflect on, as follows, so I quote in relation to the appointment of King's Counsel:

4. SABA opposes the proposed amendments to the Legal Practitioners Act 1981 (Act) directed to repealing the statutory provisions that currently allow for the appointment of Senior Counsel as Kings Counsel. The purpose of the amendments, manifest in the text of the Bill, is to extinguish the existing arrangements and would preclude the exercise of the Crown's prerogative, at the request of, and election by, Senior Counsel for appointment as King's Counsel.

5. SABA notes:

5.1 there is no suggestion in your correspondence—

That is the Attorney's—

that this proposed amendment is made at the request of the Chief Justice and Chief Judge, following a resolution by the Judges of the Supreme Court and District Court. It is to be inferred that the impetus for this amendment is not sourced in a resolution of the Judges of the Supreme Court and District Court; and

5.2. there has been no request by either SABA, or the Law Society of SA, seeking the proposed amendments be promulgated.

6. It is regrettable that the Government proposes to promulgate this aspect of the Bill just 4 years after the Act was amended following extensive consultation and debate. It is appropriate to recount the relevant background to the existing legislative and executive arrangements.

7. At SABA's AGM on 1 August 2018, a motion was put that the Association support the reinstatement of the appointment of Queens Counsel in South Australia and requested the Government to effect the reinstatement. At that AGM, 98% of members were in favour of the Association resolving to seek that Queens Counsel be reinstated in South Australia adopting the model and processes in place in Victoria. In accordance with that motion, SABA's then president, Mark Hoffmann KC, wrote to the Hon Steven Marshall, the then Premier and Vickie Chapman, the then Deputy Premier and former Attorney-General, requesting the Government to effect that reinstatement in accordance with the model set out in the motion.

8. A survey was also conducted by the Law Society of South Australia of its members in relation to the reinstatement of Queens Counsel in South Australia. Members voted 70/30 in favour of the reinstatement.

I pause there–and I will not do that very often in the course of the summary of these matters—to indicate that is the survey to which the President of the Law Society was referring in his letter. I continue to quote:

> 9. SABA, together with the Law Society, subsequently conferred and ultimately agreed with a proposed protocol for the appointment of Senior Counsel in South Australia. That protocol was approved by the Councils of both the Law Society and SABA. The protocols were designed to provide for a rigorous and transparent process for the appointment of Senior Counsel in South Australia by a committee comprised of seven (7) persons, including three sitting and former retired Superior Court Justices. Subsequently, the Chief Justice advised both SABA and the Law Society that the Judges had resolved not to support the process contemplated by the protocol because of an in-principle opposition to executive involvement in the recognition of, and the conferral of titles on, leaders of the independent legal profession.
>
> 10. Following receipt of an opinion provided by the then Solicitor-General, Dr Chris Bleby SC, as to the validity of proposed regulations under the Act, the Legal Practitioners (Senior Counsel and Queen's Counsel) Amendment Act 2020 (Amendment Act) was enacted with the support of both houses of Parliament. The Amendment Act inserted, inter alia, ss 91 to 93 of the Act. These are the provisions which the Statutes Amendment (Attorney-General's Portfolio) Bill 2024, if enacted, will amend so as to extinguish the existing possibility of appointment as King's Counsel following appointment as Senior Counsel.
>
> 11. The proposed amendments are particularly concerning having regard to the significant effort that went into resolving the issue and enacting the legislative provisions that would permit any person appointed as Senior Counsel to have the choice of post nominals and at the same time removing any capacity for either executive appointment of Senior Counsel (the situation that existed up to 2009) or political interference in the exercise of choice by a person appointed as Senior Counsel by the Chief Justice with the support of the Justices of Supreme Court.
>
> 12. The choice of post nominals is an important matter because it permits an individual to consider their position and ensure that they are competitive on a national footing. There are many Republicans around the country who none the less recognise the advantages of KC rather than SC and accordingly, exercise their right and choice for that to happen. The Queensland and Victorian Bar Associations both have in place a procedure whereby a successful candidate has the same choice that is provided for under existing legislative arrangements in South Australia. It is also important to note that the NSW Bar Association's model is not the benchmark for the appointment of Senior Counsel. Apart from the fact that Victoria and Queensland have similar arrangements to South Australia, appointments in New South Wales are made by the Bar Association, not by the Court.
>
> 13. Further, it is accepted generally that the post nominals of SC or Senior Counsel are often confused with Special Counsel and used regularly in civil and commercial firms almost as a form of passing off. Moreover, many regard the post nominals of KC as having greater recognition than the post nominals of SC. As much is self-evident by the number of persons who have chosen to exercise their rights under the existing legislation. Since the enactment of Section 92 of the Act, a number of persons appointed silk have elected, as is their choice, to retain the post-nominals of SC and seek appointment as Kings Counsel. That is precisely as the Act was intended to operate and it has done so without demur or controversy. There has been no request by members of SABA for a change to existing arrangements.
>
> 14. Any change to the existing position in this State, so soon after the existing arrangements were put in place after considerable effort and goodwill, would be disadvantageous to future applicants.
>
> 15. There is no impetus for such a change from members of the profession. SABA opposes the proposed amendments to this aspect of the Proposed Bill and respectfully request they be removed from the Proposed Bill.

In the midst of all of that—and I might say it is pretty clear that by moving in the way that it has and, as I have said, maybe more than once in the course of this contribution—couching as it has the change to processes in relation to appointment as King's Counsel in the context of this portfolio bill that otherwise deals with the subject matter that could be disposed of in a very straightforward and uncontroversial way, the government, whether wittingly or unwittingly, has revealed its hand in terms of the way in which it is willing to treat the senior profession in the state, and the message that this sends is one of disrespect, but also one of a surprising degree of cowardice.

If there is to be a debate about the subject of clauses 31 and 32, then it is a very modest ask that it be afforded a level of seriousness in terms of the principles that the government might have been endeavouring to pursue. If it is really nothing more than, as I have described it in the popular

discourse at the outset of the proposal, some sort of half-baked expression of ideology, then it really is doing the parliament and the people of South Australia a really quite significant disservice.

Without more, that is a view that South Australians would be entitled to form of this government's approach to the subject matter. In the course of all this, there has been some considerable reporting on the difference of view. I respect the various contributions that have been made by those senior members of the profession, particularly when considering the range of contributions made that senior practitioners have taken the postnominal KC.

As I have reflected briefly, it is interesting to just reflect for a moment on the nature of what it is to practise at the independent bar and to take a senior role in it. It is really a commitment to independence, to fearlessness in terms of advocacy and to excellence. Those are qualities that far more characterise the nature of the service of those who have taken the appointment over the decades and those who continue to, far from it being a venal matter or a self-serving matter whether financially or with respect to the nature of the clients that senior counsel are assisting along the way, so much so that the independent bar has long thought fairly carefully about who is able to be a member of the Bar Association. It has taken a fairly thoughtful course about what those constituent aspects are in terms of one's contribution to advocacy.

It is not only those members of the independent bar who have been staunch defenders of the title. There are many distinguished Senior Counsel among their ranks. Eminent Senior Counsel who have adopted the postnominal KC in recent times include the former Supreme Court justice Martin Hinton KC, who is the current Director of Public Prosecutions, and his senior colleagues—Jim Pearce KC, and Lucy Boord I know has styled SC. There is the very longstanding and highly regarded Parole Board Chair Frances Nelson KC, and many others, who have dedicated themselves to service that could only be described as service to the justice system and in the public interest more broadly. They are to be applauded in that well-deserved postnominal, recognising as it does that commitment to service. It should not be treated in the shabby way that it is by its having been shoehorned in at clauses 31 and 32 of this regrettable bill.

Considerable surprise and disappointment has been expressed about the way in which this bill has come to the parliament, unnecessarily, and displaying what would appear to be some sort of an expression of principle, but couched in ways that do not make clear what is really intended to be achieved by the prosecution of the debate at this time.

I think it is perhaps well to underscore the point because it has made its way into the public debate. I have not throughout the bulk of my time in the profession, in various different ways, and indeed the bulk of my own previous generation's time, really ever encountered a member of Senior Counsel, styled as QC for the reason of the long reign of Her late Majesty, to be other than dedicated to eminence in service to the justice system. I cannot speak so much for other jurisdictions, but I expect that these observations might equally apply elsewhere, and I have had no-one contradict the proposition, anyway. The taking of silk, the appointment of Senior Counsel, involves a recognition of a range of obligations to the justice system that are taken, in my experience, extraordinarily seriously by those who take that appointment and then practise in that capacity. It implies more rather than less public service in the interests of the justice system.

In fact, while the whole of the legal profession is bound by professional conduct rules, ethical rules and parallel duties to the law, to the court and to the clients that they serve, it is those members of the senior bar who carry the title of Queen's Counsel, now King's Counsel, who most thoroughly embody those professional values that the justice system relies upon in order to function effectively. So it is a source of real regret that a step is taken in this way, and in such a backhanded way as well, to deny that choice to be associated with that proud and substantial commitment to excellence in terms of service to the system of justice in our state.

The reporting that found its way into the public debate in recent months, in terms of a reflection on the use of the title, is a matter that I might let speak for itself. I do foreshadow that I will, in the course of the committee stage in due course, express my curiosity as to the state of communications between the bar, and more particularly members of Senior Counsel in this state, and the government, and more particularly the Premier, because I understand, because I followed the debate in the Legislative Council, that the Premier has been written to by members of the senior

bar about this matter, raising, as I understand it, concerns in relation to the mode and the substance of these changes.

I will be interested to know whether or not the Premier provided that to the Attorney-General and what came of it, what contents were the subject of the letter and whether or not he responded in any substance as to what consideration was being given to the contents, and was the letter also sent to members of the court.

I understand that communications from the senior bar to the government, and indeed to the Premier, may well have a useful and, I hope, consequential contribution to the debate in terms of swaying the government from its present position. I do make the observation that it would be obviously inappropriate for such a contribution to be tabled in the parliament without consent, but I am interested to know what correspondence has flowed and what effect it has had on the government.

I just want to make it very clear: I do not have a copy of any such letter. I am aware from the Attorney-General's remarks in the course of the debate in another place about a letter of that nature. The Attorney, unlike his practice on other occasions where he has chosen to table in the other place correspondence to him, I do not understand that that letter—at least the letter to which he has adverted—was tabled, and therefore it is not otherwise in the public domain. But I will express some particular curiosity about where that has got to in the course of the committee.

As I said earlier in the contribution, it might be refreshing to just spend a short moment reflecting on the other 49 clauses of the bill. They are all of like character. I think to the extent that they might be characterised as 'modernising the terms', I do not particularly readily accept the proposition that the term 'Master' is somehow so dated or is otherwise burdened by inappropriate association at all. I think it is a perfectly useful term to describe the role, that is as distinct from trial judges in a non-docket system.

The Masters are a very well-respected and very important part of the way in which business is disposed of in the District Court and the Supreme Court. If the substitution of the names 'Associate Justice' and 'Associate Judge', respectively, serves to highlight the important work that they do, and to the extent that there is no other reason for opposing the change, then it perhaps rises about that high.

I just would note that from the point of view of the profession, as I think has been observed by members here as well, I remember fairly early on in my time at the bar, going back about 20 years or so, when Master Peter Norman was giving lectures and seminars to the profession. There was a series that was titled 'Practice with the Masters' and it really connoted that special area of expertise that the Masters focused in on. They became masters of interlocutory process. That has carried on.

There are long-serving Masters of the court who have made it their business over a long period of time to ensure that the interpretation of the interlocutory rules of the court are made in a consistent way, that the interlocutory processes of the court are as efficient and productive as they can be, and that the processes of the court otherwise are well managed.

It might be well to reflect on the relative merits of a system in which, as distinct from the Federal Court where a docket judge will be assigned and hear all stages of proceeding from first directions all the way through to orders as to discovery and so on, it might be seen that there would be advantages to having one set of eyes on the matter all the way through to the conclusion of a trial. Certainly the docket judge has the advantage of understanding what the real issues in dispute between the parties are at a very early stage. It is a method of practice that I think works well in the Federal Court.

The approach that applies in the state courts and the state superior courts, the District Court and the Supreme Court, where two masters in each of those jurisdictions are responsible for all the interlocutory stages, has a different set of advantages in that there is a means by which the various matters that are necessary to attend to prior to trial are usually dealt with by a master and the first that the trial judge sees of the matter is when the parties are ready for trial. In a way, there is an advantage of having a fresh set of eyes. The trial judge then sees to the matter once all the preliminaries have been cleared away.

So there are two parallel systems. Both of them have advantages, and this is not the occasion for determining which of them has the greater merits. It is the sort of thing that the parliament could actually usefully wrestle with. It would be a matter of substance, as opposed to dealing with what has been described, as I say, by the government as a portfolio bill that makes some name changes for the vast bulk of its content, and then, as I said, disappointingly, gratuitously, unnecessarily goes about—I do not think it puts it too high to say—rubbing the senior bar's nose in this matter of significant substance.

Any sort of set of circumstances where one sees the legal profession in this state moved to be expressing such significant disquiet as has been expressed in recent months, is just a source of real regret, in my view. We often talk about how our institutions are fragile—it is true. We should not take for granted that somehow the democratic institutions that we inherit are just going to somehow sustain themselves regardless of the degree to which those institutions are subjected to this kind of treatment and that the practitioners, those who have committed themselves to service in those institutions, are put to this kind of rebuke that we find the subject of clauses 31 and 32 of the bill. To say that is not for a moment to do other than respect those who have a different view about the use of those postnominals and about the appointment as King's Counsel. It is the beauty of the current arrangements.

For those who are not aware, it is only a few short years ago but it is not a process that South Australia is alone on. In fact, it might better be described as the norm in terms of modern practice that you can have a process of appointment of Senior Counsel that is not connected at all with executive government and you can preserve the capacity for Senior Counsel to choose should they wish to seek appointment as King's Counsel or not. As a result, those who have a particularly strong view about the association of the postnominals, what it means in terms of our place in history, those who might have a view about its place in terms of the context of broader debates, could express an individual view about that.

There is a real attraction to that structure because we all know that individuals vary in terms of their view of what meaning might be connoted by various things. We have addressed in the course of this debate, and in previous debates, the various reasons for the ongoing relevance of the title.

To come in in the way that this government has done and, what I have described by reference to the recent correspondence, against the view of 98 per cent of the South Australian Bar Association members and the view expressed by a full 70 per cent of members of the Law Society, predominantly populated by the state's solicitors, in favour of the retention of the very structure that we have at the moment, and without more in terms of any pressing argument, really is an extraordinary step for this government to take.

I hope those members of the senior bar who have been personally affronted by the approach the government has taken on this matter have put their view loud and clear to the Premier. I hope that that view is the subject of very serious consideration by the government. Even in the course of this debate, it is not too late, and it would be a very straightforward thing, indeed, for the government to reconsider and to say, 'Okay. What we will do at the very least is carve these clauses out of this bill.' It is after all, as the Deputy Premier has described in remarks earlier today, not intended to be a bill of any particular consequence but rather a bill that is sort of suited to addressing these various kinds of run-of-the-mill workaday updates and so on.

If that is the case, really, it would be a sign of good faith—and I think it would be accepted on this side as a demonstration of good faith—if the government were to have that change of heart in terms of the approach to say that they have put it out there and couched it in this unusual way, deep within a bill where one might be forgiven for thinking, 'Hang on, it's sort of hidden in there in a bill that is really only addressing one other subject matter.'

Leave aside any puzzlement that has inspired and say, 'Alright, what we will do is go back and take away clauses 31 and 32.' Helpfully for the record as well: 'We have portfolio bill No. 5 dealing with the changing of the names of the Masters to Associate Justices and Associate Judges, and we will leave the debate of that matter of particular substance, the subject of clauses 31 and 32, for another day.' That may be a matter that is taken up further in committee as well. For the time being, I will seek leave to continue my remarks.

Leave granted; debate adjourned.

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (17:31): I move:

That Mr Fulbrook be appointed to the committee in place of Mr Odenwalder (resigned).

Motion carried.

Bills

WORK HEALTH AND SAFETY (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 17:32 the house adjourned until Wednesday 5 June 2024 at 10:30.

Answers to Questions

TRANSITION TO HOME SCHEME

In reply to **Mr TELFER (Flinders)** (10 April 2024).

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services, Minister for Seniors and Ageing Well): As at 13 April 2024, 111 individuals have exited Transition to Home into longer-term out-of-hospital accommodation since April 2022.