HOUSE OF ASSEMBLY

Wednesday, 5 June 2024

The SPEAKER (Hon. L.W.K. Bignell) took the chair at 10:31.

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.

Matter of Privilege

MATTER OF PRIVILEGE

Mr TEAGUE (Heysen) (10:32): I rise on a matter of privilege, in accordance with standing order 132 in circumstances where there is a prima facie case for the establishment of a privileges committee in circumstances where the Premier has knowingly and deliberately misled the house in the course of the debate yesterday. I will proceed to identify how that occurred.

In the course of debate yesterday afternoon, in the *Hansard,* which has come to my attention this morning, the Premier, when referring to the state having dealt with the COVID pandemic and particularly in the course of 2021, made the following statement of fact and in this respect misled the house. The Premier said:

> In the space of one week we had more COVID cases than the former government endured throughout the course of the entirety of 2021.

That was the last sentence of a paragraph, so it is not to do the Premier a disservice. The preceding words made up the entirety of the observation—to put that in even murkier territory, and it is far from clear. The Premier said:

> 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.

The latest data available to us from SA Health, that is a report that I understand is a report that is updated on Fridays at approximately 12pm, the latest of which is for Friday 31 May, therefore, indicates that the number of COVID-19 cases as reported for that week was 2,394 cases.

I have to hand an official document that is titled Surveillance of Covid-19 in South Australia, Annual Report, 2021, dated January 2024. I cite that as a reliable source of information in relation to the number of COVID cases notified in South Australia for that year therefore. Under the heading Case Numbers and Source of Infection, there is a first sentence that advises:

> There were 12,664 cases of COVID-19 notified in South Australia between 1 January 2021 and 31 December 2021, inclusive.

It goes on to refer to the fact that most of those cases were notified in broadly the final month of 2021. As I say, there is a prima facie case for the establishment of a privileges committee. Indeed, there is significant work the privileges committee could do to unpack just what exactly the Premier was referring to yesterday.

It is a matter of particular concern to South Australians having endured precisely what the Premier was referring to. If the Premier was in fact availing himself of data that is available to the Premier subsequent to the report on 31 May, then the Premier had better roll up and share that with the House—indeed with all South Australians. Unless and until then the house is faced with the prima facie case that it was a knowing and misleading of the house, and I invite you to rule accordingly.

The SPEAKER: Thank you, member for Heysen. If you could provide me with any materials that may assist me in this matter, I will consider the matter and report back to the house.

Bills

CRIMINAL LAW CONSOLIDATION (SEXUAL PREDATION OFFENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 May 2024.)

Mr ODENWALDER (Elizabeth) (10:38): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 20
Noes.....14
Majority 6

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Clancy, N.P.	Close, S.E.
Cook, N.F.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	Odenwalder, L.K. (teller)
O'Hanlon, C.C.	Pearce, R.K.	Savvas, O.M.
Thompson, E.L.	Wortley, D.J.	

NOES

Basham, D.K.B.	Batty, J.A.	Bell, T.S.
Brock, G.G.	Cregan, D.R.	McBride, P.N.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G. (teller)
Pratt, P.K.	Tarzia, V.A.	Teague, J.B.
Telfer, S.J.	Whetstone, T.J.	

PAIRS

Malinauskas, P.B.	Hurn, A.M.	Champion, N.D.
Speirs, D.J.	Stinson, J.M.	Gardner, J.A.W.
Piccolo, A.	Cowdrey, M.J.	

Motion thus carried; order of the day postponed.

PARLIAMENTARY COMMITTEES (ABORIGINAL AFFAIRS COMMITTEE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 April 2024.)

Mr ODENWALDER (Elizabeth) (10:43): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 20
Noes.....14

Majority 6

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Clancy, N.P.	Close, S.E.
Cook, N.F.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	Odenwalder, L.K. (teller)
O'Hanlon, C.C.	Pearce, R.K.	Savvas, O.M.
Thompson, E.L.	Wortley, D.J.	

NOES

Basham, D.K.B.	Batty, J.A.	Bell, T.S.
Brock, G.G.	Cregan, D.R.	McBride, P.N.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Pratt, P.K.	Tarzia, V.A.	Teague, J.B. (teller)
Telfer, S.J.	Whetstone, T.J.	

PAIRS

Malinauskas, P.B.	Hurn, A.M.	Champion, N.D.
Speirs, D.J.	Stinson, J.M.	Gardner, J.A.W.
Piccolo, A.	Cowdrey, M.J.	

Motion thus carried; order of the day postponed.

NEW WOMEN'S AND CHILDREN'S HOSPITAL (RELOCATION OF SA POLICE FACILITIES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2023.)

Mr ODENWALDER (Elizabeth) (10:47): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 20
Noes.....13
Majority 7

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Clancy, N.P.	Close, S.E.
Cook, N.F.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	Odenwalder, L.K. (teller)
O'Hanlon, C.C.	Pearce, R.K.	Savvas, O.M.
Thompson, E.L.	Wortley, D.J.	

NOES

Basham, D.K.B.	Batty, J.A.	Bell, T.S.

Brock, G.G.	Cregan, D.R.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Pratt, P.K. (teller)
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Champion, N.D.	Gardner, J.A.W.	Malinauskas, P.B.
Hurn, A.M.	Piccolo, A.	Speirs, D.J.
Stinson, J.M.	Cowdrey, M.J.	

Motion thus carried; order of the day postponed.

HERITAGE PLACES (ADELAIDE PARK LANDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 May 2023.)

Mr ODENWALDER (Elizabeth) (10:54): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 20
Noes.....13
Majority 7

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Clancy, N.P.	Close, S.E.
Cook, N.F.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	Odenwalder, L.K. (teller)
O'Hanlon, C.C.	Pearce, R.K.	Savvas, O.M.
Thompson, E.L.	Wortley, D.J.	

NOES

Basham, D.K.B.	Batty, J.A. (teller)	Bell, T.S.
Brock, G.G.	Cregan, D.R.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Pratt, P.K.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Malinauskas, P.B.	Hurn, A.M.	Piccolo, A.
Speirs, D.J.	Champion, N.D.	Gardner, J.A.W.
Stinson, J.M.	Cowdrey, M.J.	

Motion thus carried; order of the day postponed.

Motions

PAYROLL TAX

Mr COWDREY (Colton) (11:03): I move:

That this house commends the Marshall government for scrapping payroll tax for all small businesses in South Australia, and recognises all involved in small and family businesses for their contribution to our state and economy.

I begin my contribution to the motion today by taking the time to acknowledge all within small and family business within our state in the context of Small Business Week wrapping up early last month. It is something special, particularly given the difficult circumstances that have faced small and family business in our state over the last couple of years, to acknowledge those who every day wake up and take it upon themselves to create their own wealth, to create their own income, to support their own families and to do what they can to employ other South Australians, to invest their time, their capital but also, more important than that, their lives into something that they see as an opportunity to further both themselves and their family.

As I have said in this place before, I have the utmost respect for anybody who enters into small and family business. My father was one of those people before he retired. I have made the point on many occasions that you do not simply walk away from work as you do in other settings where, perhaps, you come in and have an allocated shift or have an allocated time that you are in a workplace.

When you are involved in a small and family business, there is no off switch. There are, essentially, things that need to be done. There are bills that need to be paid. This needs to happen no matter what, and that often involves other family members pitching in and doing bits and pieces. I, myself, remember on weekends sitting there helping dad enter product codes into sales brochures because that was what needed to be done to ensure that his business operated effectively. As we start debating this motion, I think it goes without saying that there is a broad degree, specifically on this side of the house, of respect for everybody in small and family business throughout our state.

I begin the motion today by setting the scene of where we are as a state at the moment. We have the highest unemployment rate in the nation, and the highest inflation rate in the nation. In previous contributions to this house over the last couple of weeks I have read out a list of the many and growing small and family businesses, particularly those in the hospitality industry, that have unfortunately had to shut up shop over the last couple of months. That list is certainly now growing wider than just hospitality, and it seems to be having a new name associated with it each and every couple of days when you flick through *The Advertiser* to learn that another business unfortunately has not been able to continue.

If we look at where we came from back in 2018, the crux of this motion is to acknowledge the significant change that occurred in the Marshall government's first budget, to acknowledge those views that were put to us so strongly prior to coming to government in 2018. Through that campaign period, and significantly before that to be completely honest, I think everybody on this side of the house anyway had been hearing the calls from small and family business across the state that it was simply becoming too difficult to operate.

Across that period of time we had taxes that had increased, costs that had increased, and it was becoming difficult for small and family business to do what they needed to do in this state. We recognise that, not just for small and family business, but more broadly for households as well. Part of our reform agenda coming into 2018 was to ensure that we did everything that we could to lower and reduce costs to both business and family households, whether that was ESL bills, whether that was SA Water bills, whether that was payroll tax—there were a range of initiatives that were undertaken by the former government to try to ease the cost-of-living pressure, and the cost-of-doing-business pressure for those businesses in South Australia.

That involved the most significant reform to payroll tax in our state for a significant period of time, with the lifting of the payroll tax threshold from what was then $600,000 to $1.5 million, essentially setting aside payroll tax for well over 3,000 businesses in South Australia, so that they would, from that point forward, not be hamstrung by a tax that was stopping their ability to invest in

their own businesses and their ability to employ more South Australians. It was also a reform that drove investment in our state and removed, as I said, that handbrake that had been a hamper on business for far too long.

If we move forward now to where we are today, some six or so years later and 2½ years into the life of this Malinauskas government, what we have seen over the last two years in particular has been significant economic pressure. We have obviously dealt with inflation that we have not seen for decades in this state, which has rightfully led to an increase in wages for South Australians, but that does mean an increase in cost of doing business for those who are employing people.

We have also seen significant increases in electricity costs, paying some of the highest electricity bills in the country, and in the world, I think, if we look more broadly. We have seen increases in rent, increases in the cost of stock and things that are put on shelves, and significant increases in tax. What we have seen as a result of the cost and inflation pressures is that the wage bills of South Australian small and family businesses have to increase.

This is the very thing that the Marshall Liberal government stepped in and relieved for small and family businesses in our first hundred days of being in government. If you look at the first budget from the Malinauskas government, and compare the proposed increase of payroll tax in their first budget compared with where we are—I can say today; it will change to some degree tomorrow—effectively $160 million more in payroll tax is the estimate for next financial year, the difference between their first budget and now.

That, of course, has been driven by exactly what I have just outlined: the inflationary pressures and wage increases that have come as a result of that. What does that mean? What does that $180 million mean? It means that South Australian small businesses are now paying more payroll tax than they expected to. As South Australia's Business Chamber indicated, they have seen a significant increase in the number of small businesses that have indicated to them that they are paying payroll tax. Some are paying payroll tax for the first time, as they have ticked over that threshold.

We are back at a point where action needs to be taken, where we have to try to do what we can to relieve that pressure; otherwise, we will see more businesses in South Australia go the way of that growing list that have had to close their doors, that are unable to do business because of the settings and the business environment that is in place here under the Malinauskas Labor government.

What the Liberal Party of South Australia announced last week was our intention to deal with this issue, our intention to listen to the business sector in South Australia, to heed the calls of the South Australian Business Chamber and to increase, should we be elected in 2026, the payroll tax threshold from $1.5 million to $2.1 million, to make us the most competitive state in the country in terms of payroll tax thresholds.

More than that, we have a significant challenge in front of us in terms of skills in this state over the coming decades. The clear issues that we have to deal with have been well articulated on both sides of the house, whether that be creating the level of housing that is necessary to deal with the population growth that is going to come into the state over the coming years or whether that be around the AUKUS agreement and the provision of nuclear-powered submarines, just a few kilometres north-west from here, in the coming years.

A skilled workforce needs to be in place and needs to be prepared, and what better way to incentivise small business around South Australia—and others—to invest in skills than providing a payroll tax exemption for trainees and apprentices, to encourage those businesses that are going to need the skills of the future to start investing in those skills now. We think that is a sensible plan. That is why we have called on this government to pick up the policy ideas that we put on the table last week, but we will see; we will see what action this government takes tomorrow in regard to this space.

We will see whether they will understand and acknowledge the pressure that South Australian businesses are under at the moment and whether they will take a step to finally start to alleviate some of that pressure rather than just pocket the proceeds that South Australian small

businesses have had to endure because there is a clear and stark difference in terms of how the inflationary environment has affected both government and business in this state.

Government in an inflationary environment sees more GST revenue come into state coffers, sees additional stamp duties come into state coffers, and sees additional payroll tax come into state coffers. I have used this line many times over the last couple of months but South Australian small business and household pain is quite literally Peter Malinauskas' and this government's gain, but for small and family businesses around South Australia it means there is more and more of the revenue they take coming back to government. It is tax increases by stealth.

As I said, we are committed to undertaking these reforms for the betterment of small and family business in our state, to invest in small and family businesses because we understand and acknowledge that they are the backbone of South Australia's economy. We need them to grow and we need them to be in an environment that is competitive and sensible, that allows them to prosper and that allows them to employ more South Australians into the future. We do not want to see the decimation of small and family business in our state.

It is one thing to create a portfolio, one thing to create a minister responsible for small and family business in South Australia, but if they are not undertaking, fighting, advocating and seeing outcomes that benefit South Australian small businesses, if they do not heed the sensible calls that are coming from the SA Business Chamber around reforms that are well and truly necessary to see the success of South Australian small and family business into the future, then the question remains: what are they there for?

At the end of the day, there is a stark difference between the two sides of this chamber. The Liberal Party understands that small and family businesses are the backbone of our state's economy. We are committed to helping to ease their cost base so that they can grow and prosper and employ more South Australians into the future.

History shows that those opposite will not make the necessary changes and adjustments to the state's tax arrangements. We will sit and wait to see what happens tomorrow. If they do not make the move, if they do not have the backs of small and family business in South Australia, then we will.

Mr ODENWALDER (Elizabeth) (11:18): I move to amend the motion brought by the member for Colton as follows:

Delete the words 'the Marshall government for scrapping payroll tax for all small businesses in South Australia' and insert 'previous governments for reforms to payroll tax in South Australia, especially the previous Labor government's changes, which have saved small business $300 million.

The amended motion will now read:

That this house commends previous governments for reforms to payroll tax in South Australia, especially the previous Labor government's changes, which have saved small business $300 million, and recognises all involved in small and family businesses for their contribution to our state and economy.

Of course, I briefly recognise that we on this side of the house support small business. We always have and we always will. We have a very active small business minister as well as a Treasurer who believe that small business forms a very strong part of our economy.

I have never owned a small business, as some of us have, but I have managed a series of them in the late nineties and early 2000s, but no matter how generous the governments of that time were, there was nothing saving the video rental industry, sadly.

I want to thank the member for Colton for bringing this motion to the house. As I said, I have moved it in an amended form, not because I disagree with the whole basis of the motion but simply to clarify and correct some of the claims made in the original motion.

In the 2017 state budget, it was the previous Labor government, the Weatherill government, which permanently locked in payroll tax relief and extended tax breaks to hundreds of additional businesses. We legislated a payroll tax of 2.5 per cent for businesses with payrolls between $600,000 and $1 million. In addition to making this tax relief permanent, the budget also increased the threshold at which the maximum 4.95 per cent payroll tax kicked in for payrolls of $1.2 million to $1.5 million.

These measures, which I reiterate were brought in by the previous Labor government, have saved small businesses in South Australia cumulatively nearly $300 million.

The current payroll tax rate and threshold structure was a 2018-19 budget measure, as the member for Colton has pointed out. It has been effective from 1 January 2019. The changes included an increase in the threshold where a business becomes liable for payroll tax in South Australia from $600,000 to $1.5 million in annual taxable wages.

Importantly, the ABS defines a small business as an organisation that employs less than 20 people. The average salary of a full-time South Australian worker is around $90,000 per year, which for a small business employing 20 people at this rate would equate to a total annual taxable wage of $1.8 million. This means that a small business in this scenario would in fact, if it were employing 19 people, for instance, attract the full rate of payroll tax at 4.95 per cent.

So the member for Colton's claim that the Marshall government scrapped payroll tax for all small businesses, which is the crux of the motion, is entirely unsubstantiated. It is entirely unsubstantiated. This is further proved by the very fact that those opposite continue to argue the need for further reform to the payroll tax regime.

This government is getting on with the work of supporting small business wherever we can. With a contribution of $49 million to South Australia's economy each year and employing 40 per cent of our workforce, small businesses are the lifeblood of our economy and our community. That is why the Malinauskas government is committed to supporting small and family businesses.

We launched the Office for Small and Family Business in 2022 and developed the Small Business Strategy 2023-30, providing a strong foundation and framework to support job creation, build the economy and futureproof this important sector. The government's $122 million Economic Recovery Fund opened on 18 October 2023 to help business and industry to grow secure and well-paid jobs, improve productivity, increase exports and supportive innovative, value-adding technologies in South Australia. The first funding round focused on manufacturing innovation as well as regional tourism infrastructure development, with recipients announced recently. Future rounds will be announced soon.

Financial assistance of $26.3 million has also been offered to 17 South Australian businesses for projects submitted under round 1 of the Economic Recovery Fund. Combined, these projects are worth $219.2 million, providing a major boost to the state's economy.

The government has also partnered with the commonwealth to deliver the energy bill relief plan to help moderate the impact of rising electricity prices on households and small businesses for this financial year. Under the plan, approximately 86,000 small businesses were eligible to receive a rebate of up to $650 on bills relating to their 2023-24 electricity usage.

So I reiterate the central claim of the original motion, that the previous Liberal government scrapped payroll tax for all small businesses in South Australia, simply cannot be substantiated.

I commend the amended motion to the house and, in doing so, I want to personally acknowledge the contribution of everyone involved in our state's small and family businesses.

Mr BATTY (Bragg) (11:23): I rise to support this motion in the form that it was introduced by the member for Colton and I thank the shadow treasurer for bringing this motion before the house because it is an excellent opportunity for us to celebrate small businesses right across South Australia and for us to show small business right across South Australia that it is those of us on this side of the house in the Liberal Party who have your back.

We know that small business is big business for South Australia. There are thousands of small businesses across the state employing thousands more South Australians, adding billions to our GSP every single year. Whether you are a retailer or a restaurateur, whether you are working in real estate or on the farm, whether you are a tradie or an accountant, it is the Liberal Party that has your back. We want to make it easier for people in South Australia to start a small business, we want to make it easier for people in South Australia to thrive in small business. Importantly, at this time we want to make it easier for people in small business in South Australia to survive in their small business.

We know we are in the midst of a cost of doing business crisis at the moment. We see pressure on small businesses right across the board from inflationary pressures, whether it be on wages or insurance or supplies. It is a very real threat.

We see the South Australian Chamber of Commerce most recently, in their Survey of Business Expectations, state that the cost of doing business was the number one concern for small businesses right across the state. Another thing that was listed very highly was a concern with government policy, which is also quite concerning. We know there is increased pressure from red tape from state and federal Labor governments as well.

What we see from those opposite in response to this cost of doing business crisis—and it is a crisis, we cannot open *The Advertiser* barely a day without seeing another batch of small businesses being forced to close their doors, citing business costs or government policy as the reason for doing so—is them really throwing up their hands into the air, 'Well, we've got a market-based economy. We can't do much about cost of living, we can't do much about the cost of doing business, and anyone who says we can it's all BS.'

That is total nonsense, because what we see now from those opposite is this bizarre amendment from the member for Elizabeth where he is trying rewrite history by removing the credit to the Marshall Liberal government for its significant payroll tax reforms. Every small business in South Australia knows what the Marshall Liberal government did for them in payroll tax reform: a significant increase of that threshold, which meant that small businesses in South Australia did not have to pay payroll tax if their annual payroll was below that $1.5 million threshold.

That was a significant increase from, I think, the previous $600,000 threshold that existed at that time, and benefited thousands of small businesses right across the state that paid millions and millions less in payroll tax each and every year because of what the Marshall Liberal government did.

In this amendment they also go on to try to give credit and talk about previous Labor government changes. It is pretty striking that in this amendment they have to go back and talk about the Weatherill government to find anything, clutch onto anything where they can show their support for small business, because they are totally bereft of any support for small business in this government. Why are we talking about the Weatherill Labor government? Why couldn't they come in here and amend it to talk about the Malinauskas Labor government's policies that support small business? I can tell you why they can't: because there aren't any.

We are in a context now where we have the highest inflation in the country, we have the highest unemployment in the country, we have small business struggling, and a government turning its back and saying, 'We can't do anything about it but, by the way, a decade ago we used to care about small business.' It is total nonsense.

This idea that governments cannot do anything to address the cost of living or the cost of doing business is simply wrong. Governments spend our money, governments take our money, and governments regulate us. When governments spend our money they can make very real changes to the cost of living and the cost of doing business. They can do so in an inflationary way, and I do not think we should underestimate the input state government spending has on inflation—that is something we will be keeping an eye on tomorrow when the budget is released.

They can also do so in direct concession, cost-of-living relief, and they can do so in measures that might improve productivity: for example, R&D and investing in state building infrastructure. These are all things that can actually help small businesses get on with the job of doing small business, whatever their business is, all things that can create an environment where small business can thrive in this state. That is not the context we are currently in.

Governments also take our money, whether it is fees and charges—and we see SA Water fees and charges and we see ESL fees and charges being a lot higher under Labor governments than previous governments—but also tax, which is the primary purpose of this motion. We know tax can burden small business and I will be very interested to see tomorrow what land tax is, what payroll tax is, what stamp duty is and whether it has increased from last year. You are taking more of our

money this year because this is a high-taxing Labor government and high-taxing Labor governments do not help the cost of living and do not help the cost of doing business either.

Finally, they regulate our behaviour. We know that red tape can strangle small business. I said in my maiden speech this reflected a lot on my own family's experience in small business. When my father started his small business he did not expect anything from government, but he did not expect them to get in his way either. We should be allowing small business to get on with what it is that they do best, which is running their business. We should not be strangling them with trying to get their head around new IR laws, new environmental or social regulation standards or simply more paperwork and red tape: we should let them get on with what they do best.

This is one of the reasons why I am enormously proud of what the previous Liberal government did with respect to payroll tax, and this motion rightly celebrates it. In my first speech in this place I described payroll tax as a tax on jobs. I described it as unstable, inefficient and inequitable, and that is why those on this side of the house want to reduce it. I am so proud of what the previous Liberal government did in this space which sees now any small business with an annual payroll below $1.5 million paying zero payroll tax. This benefited thousands of small businesses and it gave thousands more small businesses, I might add, the confidence to create more jobs knowing that they were not going to be immediately whacked with more payroll tax.

Ahead of the budget tomorrow we are calling on the government—and we have been for the past week or so—to further reform payroll tax by increasing that threshold from $1.5 million to $2.1 million. I think that is a really important policy, because we have seen rising inflation and we have seen rising wages and the threshold needs to keep up to ensure small business is not being strangled with payroll tax, that tax on jobs.

We are also calling on the government to exempt apprentices and trainees from having to pay payroll tax as part of that threshold, which again will provide an additional incentive for businesses to take on new to industry employees—again, a really important reform that will reduce payroll tax and, importantly, incentivise new jobs in this state. So, at this time of enormously high unemployment—the highest in the nation—of enormously high inflation, we need to really be taking measures that support small business in South Australia. It helps people start a small business, it helps people survive in small business and it helps people thrive in small business and it is only the Liberal Party that will do that. So I commend this motion to the house in the form in which it was introduced by the member for Colton.

Mr TEAGUE (Heysen) (11:32): I move to rise to support the motion moved by the shadow treasurer in its original form, of course, and to congratulate the former Premier Marshall, the former member for Dunstan, who led in the time of the Marshall Liberal government an opening of the horizon to the sunshine that can be let into the South Australian economy if you actually walk the walk on this stuff.

We all know payroll tax is a dirty word and in fact the Premier is on the record as saying so and business councils recognise that. But you have to walk the walk. The Premier is in government, he has a budget coming up this week and we are going to see if he can walk the walk. We see the Premier roll up and sort of sidle up to business and say, 'We've got to be a friend to business as the government in South Australia,' but what does the government have to show for it? Taking another $160 million in payroll tax just over the last year, as the shadow treasurer has said, and showing not the slightest inclination, let alone the values that might drive it, to introduce further reform.

The poor old member for Elizabeth: he hopped up and said, 'Well, we've got to amend this motion' and then wanted to go back and talk about what the Weatherill government did in making changes that might have saved some money for business. Then there is this tortured reference—talk about cherrypicking statistics—to what a small business is, and then: you multiply that by an average, and then you get to whether or not the Marshall government, when it did its groundbreaking reform to reduce payroll tax in a very significant way back in 2018, actually abolished it entirely once and for all for small business.

Two things can be said about that. The first is that of course these things develop over time year on year. But go back to the first point: we have what is well known in this country—there are a variety of different definitions of small business. We have the ATO, not the fly-by-night commentators

or anything—they have a fair amount of responsibility in terms of this space—saying for taxation purposes a small business entity is one that has an aggregated turnover of under $10 million. Alright.

Then you have Fair Work Australia, no enemy of the Labor government, that has established a definition of small business that has less than 15 employees, and then we can apply the member for Elizabeth's multiplier, and we would get a great big tick from the member for Elizabeth on that ground for having achieved the abolition of payroll tax for all small business. Then at the end of the list the ABS has this level of 20 employees.

So, okay, give the member for Elizabeth full marks for straining at something that can say, 'Well, hang on. The Marshall Liberal government wasn't that great, and as a result we've got to amend it and somehow praise the Weatherill government for its extraordinary reforming.' Let's be really clear about this: Marshall put his money where his mouth was and led a government where the first thing it did was to remove payroll tax from small business by increasing the threshold right the way up to 1.5, and we join with the business advocates in South Australia, including Business SA, in saying it is high time that went now to 2.1 for exactly the same reasons that the Marshall Liberal government made the groundbreaking change that it did.

We talk about principle and commitment to the reasons why. The reason why payroll tax is a dirty word and why it is an aspiration of any good government policy to reduce it and to remove it—and let's have a debate about where the most meritorious ways of doing that are, sure, and do so responsibly, but the reason why, in principle, payroll tax should be reduced and removed is: what do businesses do when they are armed with a few extra dollars in the business because they are not having to pay it off in taxes? What do they do? Of course, they employ more people, but what else do they do? They know their business best, and they invest. They invest in stock. They invest in better plant and equipment and, tellingly, they invest in research.

When I talk about investment in research, you cannot pass that moment without recognising a true leader in this space. They have now celebrated decade upon decade of successful anniversaries and growth over the journey. It is a business in the southern suburbs of Adelaide that had some humble origins, going back to the middle of last century, REDARC, which, under the stewardship of Anthony and Michele Kittel over, now, more than 25 years of their leadership, has committed itself, as a core part of business, to investing in research ongoing, year on year on year. That has been a key driver of the growth and success of that wonderful South Australia business.

That is precisely what REDARC and other businesses in this state can do if they are freed from the shackles of having to send money to the government, the result of having a payroll over a certain threshold. It is extraordinary, and it is extraordinary to hear the government hopping up and cavilling with the original form of the motion. The government should be saying, 'Yes, absolutely, congratulations to the Marshall Liberal government on removing payroll tax as it did, and we're here to tell you that there's more to come.'

But, no, we do not have that. We have these kinds of weasel words. The member for Elizabeth comes in and says, 'They didn't quite do the whole job; otherwise, they wouldn't be calling for more to be done,' and, 'Remember what we might have done back in the mists of time when things were so bad that we made a few adjustments, and over the journey that has had some cumulative contribution.' If Malinauskas Labor want to contribute to this space, if you want to contribute to improving conditions for business in South Australia, if you are serious about that, then do not engage in weasel words around motions in this place and what you might have done in the mists of time way back in the distant past as a means of chipping what the Marshall Liberal government immediately got on with doing in its time, and come and put your money where your mouth is.

I say to the Premier Malinauskas: walk the walk. Do not roll up to gatherings of business in this state. Do not go around visiting businesses and giving speeches to gatherings of people who are doing the work to drive small business growth in this state and tell them that you sort of agree that payroll tax is not great. Come up and walk the walk and put your money where your mouth is, because anything short of that is really just walking both sides of the street.

We have seen it far too much from this Premier. He really appears to have established this kind of pattern now where you sort of see him coming. It is a little bit like when Muhammad Ali

criticised George Foreman when it came to the Rumble in the Jungle. George Foreman could not really be agile enough on his feet, and that is what is coming to tell on the Premier. He is sort of walking both sides of the street, and he is saying to business on the one hand, 'Payroll tax, that is not great,' but he is over here saying, 'No, no, all my values are over here with the unions and with the high-taxing, high-spending Labor government policy. That's what's in our DNA. So what I am doing? I am just sort of drifting along both sides of the street.'

What is at the core of all this is what South Australians can trust is actually going to be applied as a matter of commitment to values and principles. South Australians know that when you have a state Liberal government, as Premier Marshall proved as the first order of business in coming to government, then you are going to see lower payroll taxes. What South Australians know, because they have seen far too much of this, including under former Premier Weatherill and Rann, and it goes back, and now under this current Premier of South Australia, Premier Malinauskas, is that you will not see that from state Labor. You are not going to see money where the mouth is. You are going to hear weasel words, just like we have heard from the government this morning. I commend the motion in its original form.

Mr PATTERSON (Morphett) (11:43): It is a very good opportunity to be here in parliament today to speak to this motion from the member for Colton commending the Marshall government for scrapping payroll taxes for all South Australian small businesses but also recognising all those who are involved in small and family businesses for their contributions to our state and economy. Certainly, I reiterate that congratulations and acknowledge the hard work that all those people do in small and family business.

It comes from firsthand experience as well. I set up a small business with my business partners over 20 years ago now. I built it from the ground up, taking it from an idea, and actually saw it grow and employ staff and bring money into this state. It is a business that dealt with customers not only here in South Australia but also throughout the country and is actually bringing money into the state as well.

Certainly, when we set up the business, we were not thinking, 'What can the government do to help us?' We had an idea, and we knew what we wanted. We wanted to be agile. Certainly what we also did not want was a government getting in the way, a government putting in place bureaucracy, and also a government through their policies adding to the cost structure of the business itself, and that is why it is timely that this motion has been brought into this place by the member for Colton. Right now, small businesses, and businesses in general here in South Australia, are facing a cost of doing business crisis.

We have households dealing with the cost-of-living crisis. Certainly, in the business community, we are seeing them experience the cost of doing business. Costs are escalating across the board as well. Rents are increasing. Businesses that have taken on risk and borrowed money to be able to expand their business or set their business up have been crushed by interest rates. We know household interest rates are high, but commercial interest rates are even higher and have a significant impact.

At the same time, electricity costs are high for businesses. We know that in South Australia, if you are running a business, your electricity bill, as proven through the recent default market offer, is going to be more expensive than a business running in Sydney. It is going to be more expensive than a business running in Melbourne. It is going to be more expensive than a business running in Brisbane, and more expensive than in Perth. You are having to compete, as I said, with a business setting up that is competing nationally. You are having to compete with them. You are paying higher costs here in South Australia. We do not want to see that.

You also have input costs increasing as well, whether that is insurance, stock, food for your restaurants, materials for builders—it has all gone up. South Australian businesses are hurting, and that is being driven by the fact that South Australia has the highest inflation rate in the nation and also the highest unemployment rate. Where that also is a double negative for business is that a lot of their customers are having to deal with these increased costs as well, and threats of unemployment as well. Their customers are cutting back, so not only is your expense line going up but your income line is being impacted as well. We hear this weekly with distressing stories in the newspaper.

In Glenelg, we have seen well-known restaurants that have been in operation for many years closing their doors. We have had Hog's Breath Cafe close, and we have had Nick Cardone with his Cardone's restaurant that has been there for 20 years close down. Today, in the paper, there was another one: My Little Foodery has closed down. That owner cited wages, rent and electricity being at an all-time high, and effectively said that for the last few months he was running the business to keep his staff employed and not actually paying himself a wage. That is what happens with small businesses. They always pay themselves last. What they do not want to do is have to pay the government's exorbitant rates and charges.

In South Australia, we will need to be mindful of that because small businesses are the backbone of our economy. We have over 155,000 small businesses with a massive economic impact estimated to be around $49 billion per year—that is massive—and employing nearly a third of South Australian workers. While you hear these individual stories of small businesses closing down, collectively across the board that has a big impact. We know that costs are high, and we need to be mindful of that.

Payroll tax, as I have said previously, and those others as well, is a tax on jobs. It is a massive disincentive to employing people. Unfortunately, it has been a tax that has been baked into state governments' revenue raising now for a long time, but it certainly needs to be looked at closely on a regular basis. We know that the Henry Tax Review said that payroll tax is one of the most inefficient taxes. It is not based on the profitability of a business. It is more based on the structure of a business and how many employees they have. A lot of service-based businesses, like there are in Morphett, employ a lot of people as a percentage of their expenses of running their business, so payroll tax is certainly an issue.

The member for Colton brings to the attention of this house the good work that the Marshall government did in rectifying some of that. It was one of the first reforms brought in by the former Liberal government where the payroll tax threshold for businesses went from $600,000 to $1.5 million, taking it from one of the lowest thresholds in the nation to, in one fell swoop, the highest threshold of the states in the nation.

It reduced a significant burden for businesses. The estimate, I think, of the number of businesses impacted was around 3,600, and 3,200 of them would no longer be paying payroll tax. It had an estimated impact of around $44 million each year in terms of money that businesses collectively were not having to pay in payroll tax. In turn, they could invest that into growth, and one of the growth engines for businesses is to employ more staff.

Since then, of course, as I said we have had significant inflation. That happened back in 2018. It is now six years hence and we have seen award wage increases, I think, of 2.5 per cent in 2021, 4.6 per cent in 2022 and the highest increase in history of 5.75 per cent in 2023, and just recently another 3.75 per cent increase was announced, starting from 1 July.

Businesses do not mind paying employees for their worth, not at all, but what you can see is that the wages bill, collectively, has gone up. It shows that since 2018 average weekly wages have gone up by at least 20 per cent, because of inflation driving this. That is a real issue. A survey undertaken by the SA Business Chamber in June 2023 found that 38.9 per cent of responders paid payroll tax in 2021 and this had increased to 46.4 per cent by 2022-23.

You can see that more and more businesses, as these wages rise, trip into this threshold. That is why it is a real concern. The governments are collecting big increases in payroll tax revenue. I think the member for Colton mentioned an extra $160 million in payroll tax. It just shows the extent of the burden that business is throwing into the coffers of this government, and yet we hear nothing about what the government wants to do around reducing the burden on small business.

We hear nothing from the small business minister. They just throw their hands up. We have the Premier, who tries to stand next to business people to give the illusion that he is friendly to business, when in fact the proof, the results, show that we have small businesses closing every single week here in South Australia and then no action.

We want to see in this budget the state government broaden the support for small business. One way they can do that, what the South Australian Business Chamber is calling on, is to increase

that payroll tax threshold. They are calling for it to be increased from $1.5 million to $2.1 million. If that came through, that would be a massive broad-based support.

You are not picking winners as a government. What the Marshall government did is we provided broad-based payroll tax relief. It allowed businesses in all sectors to benefit from that, not picking what sector we think in the green economy might be the future. It allows all businesses to have a level playing field, to be able to compete against the Eastern States, to be able to compete with international companies. That is what we would like to see in this state budget.

The Hon. D.G. PISONI (Unley) (11:53): I stand to support the motion as it was originally put by the member for Colton. I want to use an interesting analogy, particularly for those who might be Seinfeld fans, about the government's motivation in their amendment. There is a sketch where George Costanza makes the claim that if he puts everything that he has done in his whole life in a single day it looks decent. That is exactly what Labor have done with this amendment.

They were in government for 16 years, and they point to some tiny thing they did in their dying days and say, 'Look, just imagine that we were only in government for that very short period of time and that's what we did.' Whereas the Marshall government, within 100 days of being in office, reduced or removed payroll tax for every small business.

If I use the same ABS figures and the same inflated wage figures for the average small business, the average small business does not pay average salaries of $90,000 per person, because the average small business is not in those areas that are highly paid. Many people are running cafes, they are running small service industries. They do not pay salaries of $50 or $60 an hour, which is what you need, of course, to reach that salary that was mentioned by the member for Elizabeth. Six years ago, when that policy was brought in, $1.5 million had a spending value of nearly $1.9 million today. Exactly the definition that the member for Elizabeth said the Labor Party was accepting in justifying this removal of the reference to the Marshall government in their amendment.

Their own justification for removing this reference to the Marshall government's immediate and rapid response to support small business when it first came into office is flawed because that $1.5 million did represent small business payrolls at the time, just as the $1.8 million that he referred to today does the same thing.

Inflation is an evil thing. We are seeing the impact that is having on businesses here. There has been no threshold increase since that $1.5 million threshold increase by the Marshall government six years ago.

Just last week we saw a 3.7 per cent increase awarded by Fair Work for minimum wage earners; another 3.7 per cent added to the wage costs of businesses in South Australia and, of course, pushing more of them into the threshold where they will now start paying payroll tax through no fault of their own. The only people to blame for their increase in salaries—because there is no benefit to the staff. They are just catching up with the reduction in spending power that Labor's inflation has delivered since they have come into office, both at a state level and a federal level.

The attack on business is amplified by the Albanese government. We know that the tranche of industrial changes coming in on 1 July will remove the exemption for small businesses with 15 employees or fewer from redundancy payments when their businesses were sold or when their businesses had to close down or when they had to make significant changes because of downturns in income because of the economy. The very thing that this Labor government, in Canberra and in South Australia, with its highest unemployment and its highest inflation rate in the nation, is driving for small businesses is for them to have fewer customers and higher costs, which consequently will force redundancies.

I thank *The Advertiser* for the work it is doing covering the instances of businesses that are currently closing in South Australia. For example, my local butcher in Unley is horrified to learn the details of the Albanese changes to redundancy. He was planning to retire. He might be lucky enough to get a few hundred thousand dollars for selling his business to another butcher, but all of a sudden the price has gone down because the new owner has to take on a new liability that was not there until 1 July this year, and that is redundancy payments. Either he has to make the redundancies in his staff before he sells the business so that liability is not passed on or sell it before 1 July, which

he is not ready to do because it does not suit his retirement plans. But the bottom line is it comes out of his retirement plan, the plan he put in place when he started that business 40-odd years ago. It was an attack out of the blue.

Of course, there is another attack on small businesses from the Albanese government, and that is the taxing of unrealised profits, in super funds in particular. It is common practice for small businesses to have their property, their farm, owned by their self-managed super fund. They pay rent to their self-managed super fund and they are providing for their retirement.

Now for the first time ever in the history of the OECD, this Albanese government is taxing unrealised super funds, which means that those people who have unrealised profits who are seeing capital growth in their assets in their super funds annually will have to either borrow money to pay tax or sell down assets to pay tax. It is an extraordinary situation, and it is actually worse than Bill Shorten's promise to remove franking credits. It is worse than that, because it is much more difficult to manage and it is going to destroy many small businesses' retirement plans.

What sort of incentive is there now for these people to employ South Australians, to contribute to the economy, to pay taxes to governments that provide services when such an unfair tax has been brought in by the federal government?

We learned this week the absolute disdain this government has for small business with the way it has not been paying tradies for doing the contracted work that they have been asked to do on Housing Trust public housing. This is housing that is managed by this government. There were disturbing reports that South Australian tradies were not being paid for public housing repairs, with claims that some are owed tens of thousands of dollars and are refusing to undertake more housing work. That is the sort of drastic action that a business person takes when they have given up, when they tell customers, 'I do not want your work anymore. You are not paying me. I do not want your work anymore.' That is where the South Australian government has put themselves: in that same position as the dodgy Trump-type developer. Remember how Donald Trump operates. Donald Trump got away without paying contractors for years, and this is what this government is doing.

Of course, then we have seen that these tradies, who run very small businesses, need to pay their mortgages that have gone up, need to pay the interest on their overdrafts that has gone up, need to pay their staff salaries that have gone up, and it is not just inflation that has increased. Skill shortages have increased costs because there is competitive pressure on those salaries.

So this government's claim that it is a friend of small business is nothing more than a hoax.

Mr PEDERICK (Hammond) (12:03): I rise to speak to the motion by the member for Colton:

That this house commends the Marshall government for scrapping payroll tax for all small businesses in South Australia, and recognises all involved in small and family businesses for their contribution to our state and economy.

Many thousands and thousands of businesses get up every day, run their own business and take all the risk, and then, as well as taking all the risk in managing their family business, they have the costs—and for the costs they have to endure, I take my hat off to them all.

I come from a farming background. We have many thousands of farm operations right across the state. As farming has done over time, it is either get big or get out, and we have quite big entities operating in farming, having to employ quite a few people, notwithstanding the size of equipment that has come on board and the risk that people take just in the agricultural sector in that regard.

I have mentioned it in here before when you have brand-new machinery now—and not everyone operates with new machinery, I get that—topping out at over $1 million per item. At that mark, around that $1 million mark, some above and some slightly below, you will have your tractors, your air seeders, your sprayers, your three main items that you need to operate with, and there is an array of other equipment around that.

Beyond that is the absolute risk of working with the weather. We see quite a tough start to the year. I like to think that because it has been so dry that we will see rain come from now on. We have seen very minimal rain. I mean, we had nine millimetres the other day and people were essentially treating that as the mini break because a lot of crop—and this is the hope that people

have—has gone in dry. My property went in dry. Beans were germinating on next to no moisture. It is just amazing.

A lot of farmers, as they do right across the state, start seeding, some from probably mid-April but certainly ANZAC Day is a real trigger to get on with it. I know one property owner who almost sowed their 4,000 or 5,000 acres completely dry. Apart from all the other risks of the input costs, fuel costs, chemical costs, then there is the electricity cost of running your business, and not just running your business; a lot of these people run their businesses from their houses as well and it impacts there as well. Farmers do a great, great job across this state.

Sadly, we have seen in recent days that for too many small businesses, especially in the hospitality industry—in the paper today, My Little Foodery—it has just become too hard. Rent, wages, power: how many times do we hear that that trifecta knocks someone out? And we had the floods about 18 months ago, which were devastating for smaller and larger businesses right up and down the river. Anything we can do to support them to get back on their feet is what we need to do. But, again, as they restart and rebuild, it is the same thing: rent, wages and electricity costs, and all the other operating costs that come in.

With interest rates, we are at a different level to what I operated in, and to what some in here operated in over 30 years ago in farming when we were paying above 20 per cent in interest rates. If you had 20 per cent now, the whole show would fall down. Obviously the amount of money involved was a lot different. You see interest rates move even one quarter of a per cent now, but if you saw them move 1 per cent now in the wrong way, moving up, that would add many, many thousands—tens of thousands of dollars—to many small businesses, and in some cases hundreds of thousands of dollars of debt that needs to be paid. It only needs to move a small amount on a debt and next thing you are paying $12,000 to $15,000 extra a year. This is another thing that has to be absorbed by small and family businesses in how they are operating in this state.

Part of the issue that has impacted a lot of these businesses is COVID, and we still have some people working from home. I think that is having a real impact on some of our smaller operators, some of our coffee shops and our cafes. We have seen the burger shop in North Adelaide that has been there for 73 years—

Mr Batty: The 'Red and White'.

Mr PEDERICK: The 'Red and White', thank you. That is shutting down. This is a tragedy, really, to see these famed eateries that people have frequented over time, to see that after all these years of operations they just fall over.

I want to reflect on what we did in the Marshall Liberal government, and this was all about lowering the cost of doing business in this state. We exempted payroll tax up to $1.5 million, and that increased the threshold from $600,000. It was a significant threshold lift. South Australian businesses that had annual taxable wages above $600,000 but below $1 million had paid a 2.5 per cent payroll tax, and that was reduced to nil under those changes.

Back when we did that the reforms were expected to save about 3,200 firms a combined $157.2 million, while a further 400 businesses with taxable wages between $1.5 million and $1.7 million were expected to benefit from a reduction in payroll tax.

Now, from opposition, just in the last week we called on the Malinauskas Labor government to tackle the skills shortage in this state with payroll tax exemptions for apprentices and trainees while also increasing the current payroll tax threshold. It is very important that we support our youth and adult trainees and apprentices to move forward.

I am very proud of both my lads. One is a mechanical engineer intern, operating out of Queensland at the moment, out of Mount Isa, Mack, and then Angus is a third year apprentice chippy builder. Both are contributing a lot to this state and this country.

We heard before how this Labor government are not paying tradies—how disgraceful. Tradies can just pick up and—

Mr Odenwalder: That's not true.

Mr PEDERICK: It is true; it's absolutely true, it's completely true.

The ACTING SPEAKER (Mr Brown): Order!

Mr PEDERICK: The government is in charge of a program where tradies are not being paid. It is outrageous. The tradies—

Members interjecting:

Mr PEDERICK: It's true. The tradies can just go—

The ACTING SPEAKER (Mr Brown): Order, members!

Mr PEDERICK: —and work somewhere else, because I can tell you that there is plenty of work, whether it is new builds, whether it is renovations, whatever is going on. There are many hundreds of thousands or millions of dollars worth of work that companies can do in the building industry, no matter what size they are. The government needs to get its act together. I do not care whether Spotless are running it, but the government is in charge and Peter Malinauskas is at the head of the government—

Members interjecting:

The ACTING SPEAKER (Mr Brown): Order!

Members interjecting:

Mr PEDERICK: You're in government now, so make it work.

The ACTING SPEAKER (Mr Brown): Order, members! Quiet, please.

Mr PEDERICK: They hate negativity on that side of the house, because they hate small business. What we need to see is this government supporting employers in this state so that we can get a better outcome for employment options in the state and get jobs activated so that people can earn what they need to earn, get paid appropriately, move into the future, and stop all these businesses from throwing their hands into the air and saying, 'It's just too hard.'

Mr COWDREY (Colton) (12:13): I just want to express my gratitude to members who have contributed to the motion today, and indicate that the opposition will not be supporting the amendment that has been brought forward by the government. I also indicate that clearly the next 24 hours will give some context and, more broadly, an indication of just how supportive the Malinauskas government is of small businesses in South Australia.

The house divided on the amendment:

Ayes 22
Noes.....12
Majority 10

AYES

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

NOES

Basham, D.K.B. (teller)	Batty, J.A.	Brock, G.G.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Pratt, P.K.	Tarzia, V.A.

Teague, J.B.	Telfer, S.J.	Whetstone, T.J.

PAIRS

Malinauskas, P.B.	Hurn, A.M.	Piccolo, A.
Speirs, D.J.	Champion, N.D.	Gardner, J.A.W.
Stinson, J.M.	Cowdrey, M.J.	

Amendment thus carried; motion as amended carried.

SA UNIONS

Mrs PEARCE (King) (12:18): I move:

That this house—

(a) recognises that this year marks the 140th anniversary of SA Unions, formerly the United Trades and Labour Council of South Australia;

(b) recognises the significant impact that unions have had on shaping our economy, our society and the life of our state; and

(c) commends SA Unions on all that it has achieved on behalf of working South Australians over its 140 years of dedicated service to the people of our state.

I am a proud union member. The union movement has been there for me and my family and friends. They were there when my dear friend Kym was hurt at work, having inhaled a dangerous chemical that caused permanent nerve damage to one of his arms, and they were able to stand with him, help him get back up on his feet and fight for justice. They were there for my dad countless times over his decades on the wharves. From the *CSL Yarra* dispute, where the local community and workers took a stand with the union movement for those members there, to every EBA, safety, risk and pay dispute, the union movement was always by his side.

They were there as well for my brother who experienced bullying and harassment in the workplace. Although we have unfortunately lost him, it was the movement that has worked with this government to bring about important changes when it comes to psychosocial injuries in the workplace and the importance of protecting workers from this form of injury. Of course, the union movement has stood beside me as well in wanting to work productively to do what we can to ensure that fewer workers fall through the cracks and more workers are able to obtain safe, secure work, because everybody deserves to come home from work safe and be adequately recognised for the work they do.

That is why I rise today to speak about the incredible achievements of SA Unions across their remarkable 140-year history. Their journey, which has been a collective effort of every single dedicated union member they have proudly represented in our great state of South Australia, can be tracked back to just a few streets away from where we gather today. It would be in the Bristol Tavern, which we now know as the Franklin Hotel, where the United Trades and Labor Council would come to be on 31 January 1884. For our state's trade union history, this would be the beginning of 140 years and counting of successes, as 13 unions across the colony of South Australia came together, all united in their desire for a more fair, equitable and just society for the workers that they each represented.

This act of solidarity and commitment to the collective would lay the foundations for what we now come to know as SA Unions. Since their inception, SA Unions has stood up for the rights, wellbeing and dignity of workers and has ensured that, where possible, these rights are advanced and are never taken for granted.

South Australia has often been at the forefront of many progressive changes around the world. When it comes to the trade union movement, this is no exception, as we were the first jurisdiction outside of Britain to legalise trade unions. From the council's inception, it was dedicated to the purpose of uniting more closely the various trade societies and discussing unitedly any question affecting the welfare of any society and also for the purpose of exerting more political influence on the colony.

From this position, it has given birth to a powerful movement. We should take immense pride in our state's trade unions throughout our state's history. I am sure all have benefited from the rights that they have fought so hard for for us to enjoy. If it were not for the efforts of the trade union movement and the countless workers who have contributed to its 140-year journey through the UTLC and SA Unions, we would not enjoy many of the rights that are often now taken for granted.

These achievements would never have been possible without the commitment to collective action and solidarity that is shared between every single union member who has stood firm in their fight for these rights. It is through solidarity and the power of collective action that workers have been able to tackle and overcome most challenges throughout our history. SA Unions have been there demonstrating time and time again what is possible when workers unite behind a common goal and stand together to tackle injustice.

Today the legacy of the 13 original unions endures, with SA Unions proudly representing an impressive 160,000 South Australian workers across 26 unions. Their impressive growth and longevity are a testament to the enduring strength and relevance of the trade union movement today as well as the deep commitment of workers to continue fighting for what they believe is right, inside or outside of work.

Should the original delegates who all came together at the Bristol Tavern nearly a century and half ago have been given a glimpse into the future to see the successes that the union movement has been able to achieve, I am sure that they would be filled with immense pride to know the progress and achievements that have been secured for workers of this state from their legacy.

The tireless work of SA Unions throughout its history has not only helped to propel the basic rights many nowadays take for granted into reality, but they have also diligently fought to continue ensuring justice is not only delivered but protected in our workplaces. Today they continue to play an instrumental role in advocating for and collaborating on many monumental reforms delivered under our government. These include, but by no means are limited to:

- helping to deliver for victim survivors of domestic and family violence working under public sector industrial relation laws who can now access an annual entitlement of 15 days of paid leave;
- making industrial manslaughter a criminal offence in South Australia to help prevent the tragic loss of life and prevent the cutting of corners that puts the lives of these workers at risk;
- pushing for and securing a prohibition on the use of engineered stone to help prevent the harmful effects of crystalline silica exposure to workers;
- ensuring that the prevention of psychosocial harm is front and centre for creating a safe and healthy workplace, with new regulations coming into effect under the Work Health and Safety Act;
- advocating for and securing rental reforms in South Australia that will bring greater security for workers who are renting; and
- protecting Christmas Day and Easter Sunday to ensure that, particularly for Christmas Day, workers are not being short-changed due to loopholes which have stopped them from being able to receive their deserved penalty rates for giving up their Christmas Day to work.

At the federal level as well, the trade union movement has been equally instrumental in their advocacy, bringing about some of the most significant industrial relations reforms that Australia has seen in years. From their advocacy, they have secured the criminalisation of wage theft to deter the exploitation of workers, the closing of labour hire loopholes that have allowed the undermining of workers' rights, and better protections for delegates in the workplace, empowering those who have helped to push for fair treatment and justice in our workplaces.

We are immensely proud of the trade union movement, and all those who have contributed to its success over the past 140 years. Without the UTLC and the unions that propelled it into

existence, we would not be standing here today as a Labor Party helping to deliver progressive change in this state that improves the conditions of workers both inside and outside the workplace. For that, I am certain that we here, on this side of the house, are truly grateful.

I look forward to continuing our collaboration with SA Unions, who I know will continue to advocate for progressive change in this state for another 40 years and beyond, as they continue striving for a fairer, more just and more equitable society for all who call this great state home.

Motion carried.

Mr BASHAM: Mr Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

MEMORIAL DRIVE

The Hon. V.A. TARZIA (Hartley) (12:28): I move:

That this house—

(a) notes the significant improvement at Memorial Drive in recent years;

(b) acknowledges the long and extensive history of Memorial Drive Tennis Club as one of Australia's oldest tennis clubs; and

(c) commends the former state Liberal government for its commitment to transforming Memorial Drive into a state-of-the-art tennis icon of South Australia.

It gives me great pleasure to talk about Memorial Drive because, as we know, it is alive and thriving. How good is Memorial Drive?

Mr Pederick: It's great.

The Hon. V.A. TARZIA: It's excellent. In fact, tomorrow I am hosting in this chamber a good friend of ours from Victoria, Sam Groth, who is a member of the Victorian parliament. He is looking forward to, I am sure, hearing about all the good news in the state budget—hopefully there is some, because he has come a long way to hear it. I would like to acknowledge the long and extensive history of Memorial Drive.

We know that the former government ensured that the tennis precinct and heritage of Memorial Drive was retained, and we know that this venue now has a roof. It was the former government that had the foresight to ensure that this venue had a proper roof, and now what we are seeing is a renaissance at that centre. We are seeing rock concerts that continue to flow in that venue. It is being hired out to the private sector and the public sector. It is being utilised as the space that it truly should be. It is absolutely attracting world-class events, world-class tennis events, which is exactly what it should be doing.

It was a $44 million development. That facility is now complete and that project, of course, included demolition; construction of new northern and eastern stands; upgrades to the existing southern stand; court platform upgrades, including a new centre court rebuild; upgrades to existing roof works; and additional site provisions to cater for enhanced communications and also visual display.

Because the venue now has a roof, you can actually train at the venue all year round. You can play at the venue all year round. You are not constrained by, say, a cold wet winter as you once were. As I have pointed out, it also allows for festivals and events all year round, no matter what the weather. The new spectator stands are actually fantastic. They incorporate community and also corporate facilities.

We have been able to deliver a multifunctional multisport facility and platform for these community events, concerts, festivals and commercial activities. I have been delighted, like members right across the chamber, to attend many of these events, and it is fantastic to see that it has really re-energised the Adelaide International and also that part of the precinct.

We know that the Adelaide International is a staple on the Australian summer of tennis calendar, and of course we know that, during COVID, Adelaide was in fact utilised as a safe

jurisdiction. Athletes could come here, where they were welcomed and they were supported, and they would do a lot of their training in the lead-up to the Australian Open.

During COVID, it was home for many international stars as they prepared for the Australian Open, and of course many participated in the Day at the Drive. Many world-class tennis players called Adelaide home for a short period of time in the lead-up to the Australian Open, for example, Novak Djokovic, Serena Williams, Rafael Nadal, Naomi Osaka, Jannik Sinner, Ash Barty and, of course, Venus Williams. What a line-up!

These players were able to call Adelaide home thanks to this facility. The former government had had the foresight to invest in Memorial Drive, put a roof on Memorial Drive and ensure that Memorial Drive can now host world-class events, not just sporting events but also entertainment events and local events as well. The Drive is becoming a staple for these world-class events.

Who can forget the wonderful Tom Jones concert playing there only a few months ago. I was unavailable to attend the concert that night, but I am sure many in this chamber may have attended it. There was a full house watching the live stream of the Matildas' triumph during the World Cup recently as well. We commend the former Liberal government for its commitment to transforming Memorial Drive into a state-of-the-art tennis icon in Australia, and I commend the motion to the house.

Ms HOOD (Adelaide) (12:33): I move to amend the motion as follows:

Delete (c) and substitute:

(c) notes the investment in sporting venues across South Australia to provide state-of-the-art facilities for South Australians.

I, too, rise to speak on the motion. The completed Memorial Drive Tennis Club redevelopment is another jewel in South Australia's sporting landscape. The Drive, adjacent to the Adelaide Oval and Southern Plaza, has seen the vibrancy of the precinct continue to grow and be a place for all South Australians to enjoy and be proud of. Stage 2 of the Memorial Drive centre court redevelopment put the finishing touches on the redevelopment and saw the demolition of the north stand and construction of new northern and eastern facilities linked by a concourse level with enhanced patron amenities and food and beverage facilities.

The northern facility includes a media and sports technology centre with broadcast facilities, media lounge and space for high-performance sports research and development. The eastern facility was integrated with the Adelaide Oval southern plaza, incorporating high-performance training facilities and premium multipurpose event and function spaces.

The northern and eastern facilities, importantly, are fully accessible to all levels and there is the addition of rigging points on the roof and feature lighting. I would like to acknowledge the former Liberal government's work on this project and we are also very proud of our government's extensive work on multiple sporting and community venues across our state, in particular, in my own electorate of Adelaide.

Other projects that are complete or are currently underway in various forms of planning and delivery include, of course, our Adelaide Aquatic Centre. I am very excited to see earthworks underway on that project, which will be a game changer for our community; indoor and outdoor pools; a dedicated rehabilitation pool; dedicated learn-to-swim facilities; and, importantly, also increasing Parklands thanks to the design of the brand-new Adelaide Aquatic Centre.

We also have the South Australian Sports Institute, just over $68 million, including $20 million for UniSA funding; the National Centre for Sports Aerodynamics; and also the SAALC that was funded with $23.5 million in last year's state budget. We have the netball stadium upgrade, a $92 million upgrade which I know is so welcomed by many netballers in my community. I cannot wait to see that occur. There is also the Hindmarsh Stadium upgrade, $53 million; the SA Athletics Stadium renewal and upgrade, $6 million; the State Centre of Football, $26.5 million; and the State Basketball Centre, $15.8 million.

At a local level as well, in my community I am delivering on my election commitment of $5 million towards bringing back a community sport and rec hub at 39 Smith Street, the former Walkerville YMCA site. These projects all sit alongside an extensive range of grant programs being

delivered by the state government—programs that focus on including more people in sport and recreation through growing community infrastructure and programs.

I also want to thank all the volunteers in local clubs who helped progress this infrastructure and the various programs. Thank you to Tennis SA's CEO Debbie Sterrey, President Philip Roberts and all of the Tennis SA team for what they deliver at The Drive, including the remarkably successful Adelaide International, which was a highlight over summer and part of a suite of events our government is very proud to support.

The Hon. V.A. TARZIA (Hartley) (12:37): Obviously the opposition took great time drafting this motion to put some what we would consider are very substantial facts on the record. The government has moved an amendment. We will not be supporting that amendment.

We invested substantial funding in this project to make sure that we now have a world-class facility at Memorial Drive and we think it should be highlighted that it was the former Liberal government that had the foresight and invested in this facility, because without doing that we would not have a roof at Memorial Drive and we know that it is the roof at Memorial Drive that has now allowed it to become a world-class facility that can host not only sporting events but also entertainment and local events right throughout the year. We commend the original motion to the house.

Amendment carried; motion as amended carried.

FESTA DELLA REPUBBLICA

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (12:38): On behalf of the member for Light, I move:

That this house—

(a) acknowledge Festa della Repubblica or Italian National Day, is celebrated on 2 June 2024;

(b) notes this day can be traced back to 25 April 1945, when partisans liberated Italy from Fascist rule;

(c) recognises the multigenerational legacy of resilience and hard work, faith and family of South Australia's Italian community;

(d) congratulates the Malinauskas Labor government for strengthening the ties that bind our proud multicultural communities in South Australia; and

(e) wishes the South Australian Italian community a safe and festive Italian National Day.

It is a very important day for our Italian community and the country of Italy to remind ourselves of their national day. I was so pleased to join our Consul of Italy on Monday night, along with the Premier, to not only recognise two leaders in our Italian community with the recognition merits that they were awarded, the Star of Italy, but to gather our community to recognise the 78th national day.

We sometimes take for granted the situations we find ourselves in. Of course, in order to have economic growth and stability people have often gone through very challenging times. On 25 April 1945, the Italian people made the decision to embrace democracy and to live the life that they are living.

It was so pleasing to have so many of our Italian community join us for this celebration. I think it is the second time that we have co-hosted, along with the Italian consul. The member for Hartley, the member for Newland and the member for Dunstan were in attendance on Monday night along with about 80 people. It was great to see the diversity of enterprise that people have been a part of since their time in South Australia. There were people involved in the construction industry, in hospitality and in retail, and we know that people have been academics. Their contribution was there and this is a special day for us to recognise these people in the community.

We were entertained by some beautiful music by very well-known Italian composer Ennio Morricone. There was a very special surprise when the consul himself joined in with his saxophone—a hidden talent that none of us knew he had. It was a little bit noisy so not everyone heard.

It was a day to reflect the decision that Italy made and also to talk about the future. Obviously, Italy is now known for its fashion, its food manufacturing, of course, its car manufacturing and its

involvement in defence, particularly in shipbuilding. The relationships and connections between Australia and Italy still continue. As we look to build through our AUKUS agreement, there are things we can learn from each other in that collaboration of opportunity.

As Minister for Multicultural Affairs, I have been absolutely delighted over the last few years to see new migrants coming from Italy and choosing to make South Australia their home. What we have actually seen is a rejuvenation in preserving culture. Even people in Italy who did not appreciate or connect to their culture have come to South Australia and seen our fantastic community centres. At its peak, there are probably more than 20 different Italian community centres spread all over South Australia, including in areas such as Whyalla, Port Pirie and Coober Pedy These centres were created by people who settled there with their own blood, sweat and tears, often putting in their own volunteer labour to build the community centre and to put in the plumbing and who now for decades have volunteered to maintain those community centres.

The Kapunda club, which many of us have been to many times, is very well known for its Friday pizza nights and its bocce. Only a few years ago, we celebrated 40 years of its establishment. What we saw was our Italian community creating a safe space where they could have engagement parties, wedding receptions and celebrate special birthdays; a place where they could gather to speak in language, to connect and to feel close with each other.

One of the things I often remind people of is that particularly families who came to South Australia post World War II, when they said goodbye, many of them never saw their parents or grandparents ever again. It is hard for us to think of not having the close connection of FaceTime or WhatsApp or cheaper airfares, as they have come down over the last decade, and that we can go back whenever we want. Many of our Italian community, many who are not with us anymore, never got to go back, so when they said goodbye it was forever. So these community clubs became such an important part of them as a part of a community.

That is why it was so great on Monday night to see that there were volunteers from each and every one of the clubs invited to come along to celebrate this special day. What that meant is that every year that this event is held, different people come along to celebrate and recognise and enjoy a small function, being able to celebrate that special event.

So I support this motion and acknowledge that Festa della Repubblica or Italian National Day is celebrated this year on 2 June, and I note and recognise our Italian community. In the last Census data 100,000 South Australians identified Italian ancestry, so they are our largest community who migrated here. Many people are second or third generation now, but we still see this incredible contribution to our community.

As part of the Malinauskas Labor government we think and feel—and I know it is bipartisan—that this diversity is our strength, and it is important to recognise, when we think about these things, that the decisions that were made and the time they were made has then led to Italy being in the place economically where it is today, but to also recognise our own Italian community for their contribution to South Australia. I support the motion.

The Hon. V.A. TARZIA (Hartley) (12:46): I rise to amend the motion as follows:

Delete paragraph (d) and insert new paragraph (d):

(d) notes that multicultural policy in South Australia enjoys multipartisan support that helps to strengthen multicultural and intercultural engagement; and

The amended motion would now read:

That this house—

(a) acknowledge Festa della Repubblica or Italian National Day, is celebrated on 2 June 2024;

(b) notes this day can be traced back to 25 April 1945, when partisans liberated Italy from Fascist rule;

(c) recognises the multigenerational legacy of resilience and hard work, faith and family of South Australia's Italian community;

(d) notes that multicultural policy in South Australia enjoys multipartisan support that helps to strengthen multicultural and intercultural engagement; and

(e) wishes the South Australian Italian community a safe and festive Italian National Day.

The Labor Party talks about bipartisanship and multipartisanship when it comes to the multicultural community, but what they say and what they do are sometimes two different things. If this was a motion about Australia Day, do you think we would be having this conversation? I put that to you. It is a rhetorical question. It is a little bit disappointing that the government has sought to politicise such a very important and special day.

I reflect back on some of the statements that have been made in this house. Of course, we know that migrants who have come to this country, this state, seeking a better life have embraced this country and added value to this country. As was pointed out last night, they were quite happy to do whatever it took to build a home, build a life for their family, contribute to the economy and grow their family, whether it was laying bricks, whether it was working in the mines, whether it was working at the rail yards, whether it was working at Holden for years. Migrants who have come to this country, especially from the Italian community, were willing to do whatever it took to provide a better life for their family and contribute here in South Australia to this great nation.

So it is a little bit disappointing to see the language of such a national day politicised by the government in this motion, and that is why we are seeking to amend it—and amend it we will to reflect a more appropriate set of words.

I also attended the event this week that was held by the government. Of course, it goes without saying that the government of the day has these sorts of events and I appreciate being invited to these events, because these events should be bipartisan in nature. This event was attended by a plethora of people in the Italian community right throughout our state, as has been alluded to. Some of them were from commerce, some of them were from the space industry and some of them were from the humanities area—language schools, etc.

It was a delight to hear and to again speak to Ernesto Pianelli, who is the Italian Consul here in South Australia. Can I say, he is doing an absolutely sterling job. There was also an opportunity to acknowledge and pay tribute to two local South Australians who have excelled in relations between Australia and Italy: examples like Martino Princi, examples like Nic Sasanelli. I was recently at an event where George Belperio was also acknowledged in a similar fashion at a similar ceremony.

I can actually announce to the house that, after much delay over an extended period of time, this house will form its own Italian-South Australian Friendship Group in the parliament, and you are all invited. I extend the olive branch to the member for Light on that side of the chamber to make sure we set up this friendship group and that it continues to foster good links and collaboration between the two sides of the chamber, because I think it is in everybody's interest.

As the minister has pointed out, we have over 100,000 people of Italian descent in South Australia. Many of those are in my own electorate. I think even the member for Bragg has a few. The member for Finniss has a few. I know that the member for Hammond has a few, as well as all the other electorates—even yourself, Deputy Speaker. It is in our interest to continue to foster that collaborative spirit when it comes to the Italian community, their former home and their current home here in South Australia.

Recently, speaking to this motion, I was lucky enough to be involved in a webinar with the Italian Trade Agency where it was explained to us that in 2022 Australia actually invested $8.4 billion in Italy in that year alone. There are many different examples of investment opportunities—in fact, even the member for West Torrens, I think, was in Italy a couple of weeks ago. I have no doubt that he represented the state well. I was not invited on that trip, but I am sure he enjoyed his time over there.

The Italian government's focus on digital infrastructure to increase connectivity with European peers has been noted, as has Italy's role as a European gateway and also its investment in transport infrastructure. When you go to not only the south of Italy but the north of Italy, parts that border Switzerland, for example, if you want to talk about tunnels, look at what they are doing over there in Europe. They have some of the best technology and some of the most profound, best countries in the world that do it better than anyone.

Italy is also investing in renewable energy to reach climate neutrality by 2050, and there are significant advantages for South Australia, and Australia more broadly, to invest in Italy. For example, we know that Italy is a strategic gateway to Europe, being ranked first regarding trading across borders in a recent score. We also know that there is a relatively low corporate income tax rate of 24 per cent, which is lower than many nations. It is also second in the EU for production value in the pharma sector: €32.3 billion, immediately after Germany at €32.9 billion, followed by France at €23.2 billion and also the United Kingdom and Spain.

There is over €200 billion of funding available through the national Recovery and Resilience Plan. When you look at Europe more broadly, there is access to literally hundreds of millions of dollars in EU customers and also several hundreds of millions of dollars available in other similar parts. We know that there are also substantial, large government incentives that are available for companies that are wanting to invest—large companies, SMEs and start-ups—and also in R&D. There is also a very high patent growth rate. This country continues to be a part of the manufacturing powerhouse of Europe—Italy as well as Germany.

Despite other developed nations that have had their challenges when it comes to things like wage prices and tensions that make the land less competitive, Italy is one that, despite these challenges, continues to excel in this regard. Why would we not want a part of that? Why would we not want to use our competitive advantages here in this country to trade more with Italy?

Italy ranks 11th in the 2024 Kearney FDI Confidence Index, indicating high investment attractiveness. The hourly labour costs in Italy in 2023 were significantly lower than in other major EU countries. It is one of the reasons we have seen this new renaissance of Italian migrants who want to continue to come to this country, but come to this country and work hard, not necessarily for a hand out but a hand up, because they know that descendants before them have come to this country and worked hard and been given an opportunity by Australia to work hard, to add value and, at the same time, to improve life for their own families. Why would we not embrace more of these people who want to do the right thing and come to this country?

Italy is also the first in Europe for a number of biological producers and second in the EU for added value in the ag food sector. When I recently had the chance to visit Italy I saw firsthand the kinds of agriculture produced out of Italy—very diverse. Some fruits still to this day continue to be seeded and exported right throughout the world. In concluding, I acknowledge the very important day that is the Festa della Repubblica, the Italian National Day, that was recently celebrated on 2 June. I also take this opportunity to thank all the Italian groups, organisations, leaders in those respective groups for contributing on this great day. I will leave it there for today.

Ms SAVVAS (Newland) (12:56): I, too, would like to speak to the original motion and put my congratulations and my best wishes on record for the Festa della Repubblica, which was celebrated on Sunday 2 June. It is always a privilege for me to celebrate and acknowledge the work of the Italian community here in South Australia. I have a great love for the Italian language, and it is my all-time favourite holiday destination as well, and for the Italian community, which has made such a huge influence here in South Australia.

If we think back to the event on Monday at the National Wine Centre, as mentioned by the minister and the member for Hartley, it would be very hard to discount the level of influence when looking around the room and seeing business leaders, leaders in science, leaders in the humanities, leaders in academia and, of course, political leaders. Looking around at the influence that Italian migration has had on South Australia is paramount and something that I think we should continue to foster in South Australia and continue to celebrate in the South Australian parliament.

I, too, very much look forward to supporting the Parliamentary Friends of Italy, as foreshadowed by the member for Hartley and continuing to do my best to foster my relationship with Italian communities in my electorate and in the north-eastern suburbs overall. In the past week or two we have had lots of different celebrations to acknowledge the national day. Last week I went along to the Bene Aged Care—The Italian Village in my electorate at St Agnes. It is an Italian nursing home that was set up by prominent leaders in the Italian community some years ago.

There were a number of people there who celebrated with us at an exhibition that has been put on at the nursing home: Detore Carmine De Pasquale; there were the two Tony Cocchiaros, of

course, who have had a huge influence in the community there; and we were joined by Tina Taddeo, who is on the Bene board, as well as our new consul, Ernesto Pianelli. They all joined with us to celebrate this wonderful Italian photography exhibition in the nursing home.

Bene is one example of the way that the Italian community has really sought to foster a place of inclusion and continuation of the culture for those individuals who migrated to South Australia. It was really wonderful to see that the residents were partaking in celebrations for the national day. Many of them were chatting to each other in Italian, and I used some broken Italian in return. Bene exists as a place where we are able to celebrate language, culture and, of course, beautiful food. As always, they put on a beautiful spread for those of us visiting Bene.

I was also on Radio Italiana 531, on Monday, with another leader in the Italian community, John Di Fede, and I would like to acknowledge his work at my local Italian club, the Campania Club, over many years. I celebrated with John on the radio on Monday, talking about the influence of Italians here in South Australia. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Bills

APPROPRIATION BILL 2024

Message from Governor

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

STATUTES AMENDMENT (BUDGET MEASURES) BILL

Message from Governor

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Regulation made under the following Act—
Water Industry—Fees Notice—Fees (2024)

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

Aboriginal Children and Young People, South Australian Commissioner for—Holding on to Our Future: Final Report of the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia—Report—May 2024

By the Minister for Local Government (Hon. J.K. Szakacs)—

Local Council By-Laws—
Clare & Gilbert Valleys Council—
No. 1—Permits and Penalties
No. 2—Roads
No. 3—Local Government Land
No. 4—Dogs
No. 5—Camping
No. 6—Cats

No. 7—Moveable Signs

Ministerial Statement

HOLDING ON TO OUR FUTURE REPORT

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. HILDYARD: Today, the Holding on to Our Future report was tabled in parliament following the Commissioner for Aboriginal Children and Young People's inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia.

I welcome the report and wholeheartedly thank Commissioner Lawrie for her dedication and commitment to ensuring Aboriginal and Torres Strait Islander children and young people here in South Australia grow up in the best possible circumstances. Commissioner Lawrie has shone a light on the levels of disadvantage experienced and the despair felt in Aboriginal communities about the high rates of Aboriginal children in contact with the child protection and family support system. I hear what Commissioner Lawrie says, and I share her concern.

The current situation, where 37 per cent of children in care are Aboriginal, is unacceptable. There are multiple and complex factors that contribute to this situation, and across government we are steadfastly committed to the national Closing the Gap targets. All jurisdictions and Aboriginal partners have agreed that reducing over-representation under Closing the Gap target 12 is urgent, requires transformational change and that this can only be achieved through shared commitment and action and through empowering Aboriginal leadership. There is work ahead, but our government is determined to walk alongside Aboriginal people to improve outcomes for Aboriginal children and young people and help ensure they grow up in a safe, loving environment, connected to family, community and culture.

The Holding on to Our Future report sets out 48 findings and 32 comprehensive recommendations detailed across headline recommendations and each element of the Aboriginal and Torres Strait Islander Child Placement Principle. A number of the themes outlined in the report are the subject of matters considered in our review of the Children and Young People (Safety) Act 2017 and are also part of the Aboriginal and Torres Strait Islander Action Plan and are being actively considered in the wider reform of the child protection and family support system. What is clear is that further effort that privileges the voices of Aboriginal families and communities is required.

It is vital that both systems and staff across the child protection and family support system recognise the importance of Aboriginal-led decision-making and culturally appropriate engagement and practice. This is why our government has committed an additional $13.4 million to family group conferencing and why we are focused on increasing the number of family group conferences held, with particular emphasis on offering more of these conferences to Aboriginal families and ensuring that they are offered when unborn child concerns are raised.

This is why we are providing funding of $3.2 million to establish an independent Aboriginal community-controlled peak body. The design of the peak body is being led by Aboriginal people who are focused on empowering the Aboriginal community to ensure measures are in place to improve outcomes for Aboriginal children and young people. Resourcing a peak body for Aboriginal children and young people is a step that Aboriginal leaders have wanted for some time, and I look forward to walking alongside them as we contemplate this report and its recommendations. Improvements need to be made. The recommendations and findings are far-reaching and are being deeply considered, including in the context of steps already being taken.

Our government will take the appropriate time to consider the recommendations from the report and respond accordingly. As the government finalises its response, it will consider how we can ensure Aboriginal people are empowered to advise how particular recommendations are progressed with the principle of Aboriginal-led decision-making firmly in our hearts, minds and

actions. I look forward to continuing to collaborate with Commissioner Lawrie to advance positive change that improves the lives of Aboriginal children and their families.

Again, I thank the commissioner and her team for the work that went into this report and for their dedication to Aboriginal and Torres Strait Islander children and young people. I thank all who have courageously shared their stories, views and experiences. They will be very carefully listened to as we move forward together.

HIGNETT, MR B.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Trade and Investment, Minister for Local Government, Minister for Veterans Affairs) (14:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.K. SZAKACS: The veterans community, and South Australia, lost a giant on 5 May 2024. Bill Hignett OAM, a remarkable man and advocate passed away after a short illness. Bill's journey of service began just after his 20th birthday when he was called up for national service. He served 469 days in Vietnam as part of the 86 Transport Platoon of the Royal Australian Army Corps. His dedication to duty and his comrades exemplified the highest ideals of service. At Bill's funeral service we heard about his commitment to his comrades, and his appreciation for the communities in which he served in South Vietnam.

We heard that while deployed Bill would teach Vietnamese children the English language in the evenings, such was the kindness of Bill and such was the demonstration of his lifelong commitment to education. Returning to South Australia after his service, Bill embarked on an impressive career as an educator and as an advocate. His passion for education, particularly in Indigenous communities, was inspiring. As an organiser for the Australian Education Union, he worked tirelessly to ensure that all voices were heard, that the teaching profession was respected, and that workers organised collectively to find power.

Bill's contribution to advancements in Aboriginal education and the Aboriginal community was significant. In 1982, he worked alongside Peter and Pat Buckskin to negotiate the appointment of Aboriginal education teachers. He also made significant contributions to the Royal Commission into Aboriginal Deaths in Custody and to the development of the Aboriginal Education Workers Award.

Bill was a member of the South Australian Aboriginal and Torres Strait Islander War Memorial committee and a member of the RSL project team, supporting and assisting Aboriginal and Torres Strait Islander veterans and their families. Bill's commitment to these important issues and causes earned him recognition for the Order of Australia medal in 2014, which specifically recognised his service to Reconciliation SA and establishment of the Kaurna Plains School in Adelaide.

Bill's work and advocacy will be long-lasting, but perhaps none more so impactful than his instrumental role in the establishment of the Plympton Veterans Centre. The centre advocates tirelessly for veterans and their families. Bill initially volunteered support to work at the centre, but soon found himself as a leader. His commitment to their welfare earned him recognition, including the prestigious Returned and Services League ANZAC of the Year Award in 2023.

It was an honour to be in attendance at Bill's funeral, along with the member for Elder. I again extend my deepest condolences to Bill's family: his wife, Sally; his children, Anna and Paul, Sam and Sarah, and Kate; and all his colleagues at the Plympton Veterans Centre, the RSL, and the wider veteran community.

The South Australian veteran community will remember Bill's unwavering dedication to others. Educators will remember him for his advocacy and campaigning. Aboriginal and Torres Strait Islander veterans will remember him for his solidarity. May we all strive to carry forward his legacy of service and compassion. We will remember him. Vale.

Parliamentary Procedure

VISITORS

The SPEAKER: I would like to acknowledge and recognise visitors in the gallery today who are the guests of the Minister for Veterans Affairs: Bill Hignett's wife, Sally Hignett; his children, Anna Horowitz, Sam Hignett and Kate Hignett; and Bill Hignett's colleagues, John Gregory, Simon Kelly and Bill Denny. Thank you for coming in here today. We appreciate everything that your husband, father and friend did for veterans and for people in South Australia.

I would also like to acknowledge in the gallery today the Seaview High School debating team, who are guests of the Member for Davenport.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Elizabeth) (14:17): I bring up the 46th report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

STATE ECONOMY

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:17): My question is to the Premier. When was the last time that South Australia had the highest inflation CPI and unemployment rate in the nation? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: For the last six quarters, South Australia has had the highest inflation in Australia, averaging nearly 80 points higher than the national average. In April 2024, South Australia had the worst unemployment rate of all the states.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:18): I am happy to take this question, and I thank the leader for it because it is of great concern to all Australians and, of course, none more so than the Reserve Bank about the inflationary pressures confronting the national economy at the moment, and our state certainly hasn't been immune from it. It is a concern, of course, that inflation remains stubbornly high, not just nationally but here in South Australia. While there could be a very detailed and nuanced examination as to why inflation is high, one of the principal drivers over the last 12 months has been housing costs.

Housing costs, including rents, have continued to escalate here in South Australia. That is why there has needed to be a comprehensive response to housing from the state government to boost supply, because supply is nowhere near keeping up with demand in our housing market—not in our housing market for people wanting to buy homes and certainly not in our housing market for people wanting to rent a home and rent a home affordably.

That is why I was very pleased to stand with the Premier, only yesterday, and make further very significant announcements. Hundreds of millions of dollars—

Mr Telfer interjecting:

The Hon. S.C. MULLIGHAN: The member for Flinders says, 'It's a long bow.' If he wants to get on the ABS website and have a look at the components of inflation he would see that housing has been a key contributor of it. Statler and Waldorf over there are sitting up in the cheap seats, not knowing what they are talking about but lipping off anyway. It's that sort of ill-informed commentary—ill-informed commentary—which no doubt informs why all of you over there can't put forward any policy solutions to this. You have had nothing to say about housing, nothing whatsoever. 'Oh no, it's not my job; I only represent a regional area,' he says. 'No shortage of housing in my electorate,' he says. It's just extraordinary. We are concerned about high inflation, and we are concerned about the components—

Members interjecting:

The SPEAKER: Member for Flinders, interjections are in contravention of the standing orders. I don't want to hear anything more from you for the rest of question time.

The Hon. S.C. MULLIGHAN: Thank you for your protection, Mr Speaker. As I was saying, the components of inflation, which have been leading to these stubbornly high figures, have of course included large components like housing. It's why we should all be striving to come forward with policies and bring them to this place, which will make a difference.

I am pleased to report to the house that not only did yesterday's efforts make a significant difference to what we will see going forward in easing some of the pressures on our housing market but previous announcements that we have also made as a government will make a significant difference: the single largest land release in the state's history, once again to improve supply—to try to improve supply because we are not keeping up with demand.

The simple fact is we need more homes built in our state, and we need more homes built as quickly as possible. That is why all of the policy measures that we have been announcing, consistent with that aim, are designed to ease the pressure on our housing market and also ease some of the components of inflation, like housing costs, which have contributed to stubbornly high rates of inflation. We are very concerned about it, but I am very pleased to say that we are investing significant amounts of taxpayers' funds to tackle this problem.

HOUSING CONSTRUCTION

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:22): My question is to the Premier. How many homes have been built at Concordia, Golden Grove, Dry Creek, Noarlunga Downs, Hackham, Aldinga and Sellicks Beach since the government announced the land releases?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:22): I thank the Leader of the Opposition for this question; it very much follows on from the theme established by the Treasurer. Housing is very much a priority of the government, which is why we have been working assiduously, pretty much since the handing down of our first state budget in June 2022 onwards.

In order to address the housing supply challenge there are a number of levers available to the state government, and we are seeking to pull all of them. One of them is land release. As the Treasurer rightly pointed out, this government has been responsible for the largest land release that we have seen in the history of this state, and some of those parcels of land the Leader of the Opposition has just identified in his question. Land release is the first step. From there, there are a range of other steps that need to be undertaken prior to construction of homes commencing. The rezoning process is a good example of that, then there is land division, and also a central element to this challenge is around water infrastructure.

Regarding water infrastructure, that is something that the government has already turned its mind to, and continues to turn its mind to, because that is something that we have seen a neglect of in the past. I think it's fair to say that had the land release, followed by the rezoning, followed by the water work, been done with a long-term horizon in the past then, arguably, we would not be in the position that we are in today. That is not to say that any of these things, on their own, automatically address the housing crisis. There are other elements as well, other elements that other agencies, other levels of government, are responsible for.

The other critical element, of course, is workforce. We have already seen this government make a number of investments, institute a number of new policies, to try to drive greater participation in the housing construction workforce, whether it be training within our TAFEs or with non-government providers. On top of that, there are other programs we have been working on closely in collaboration with industry such as the Master Builders Association, with the introduction of programs like Born to Build, for instance.

We are moving on the quickest possible timeline regarding this. On 25 June this year—and I am not sure if this has been said in this chamber since the announcement—the state government will be announcing its Housing Roadmap, a forum that is being held at the Adelaide Convention Centre. It is being hosted by the MBA, the UDIA, the HIA, the Civil Contractors Federation and the

Property Council, and I would like to thank all those organisations for their collaboration with government.

At the release of the Housing Roadmap there will be a suite of detail put into the public domain in terms of numbers and timelines in the delivery of homes in a way that the Leader of the Opposition's question refers to—in a coordinated and structured policy way that takes into account all the variables that government should consider in such a policy effort, including critical delivery of infrastructure.

HOUSING CONSTRUCTION

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:26): My question is to the Premier. Has the government allocated funding to establish civil infrastructure or undertaken any civil infrastructure works for housing developments at Concordia, Golden Grove, Dry Creek, Noarlunga Downs, Hackham, Aldinga and Sellicks Beach?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:26): Clearly, we are announcing the budget tomorrow—and we will all be present because the budget represents the most important document that is handed down during the course—

Members interjecting:

The Hon. P.B. MALINAUSKAS: All 46 of us in this place will appreciate that the budget is a very important policy document that we will be zeroing in on. More than that, on the back of the budget the state government will also be announcing its Housing Roadmap, as I foreshadowed, on 25 June.

More than that, can I just say a couple of things about housing policy. One of the concerning elements regarding housing goes to public housing. This is something that our state government has made substantial inroads in in terms of public housing policy and delivery. Just yesterday—

Members interjecting:

The SPEAKER: The debating team is here and they are taking notes on how you aren't listening, members of the opposition, to the government when the Premier is on his feet and answering your questions. It is in contravention of the standing orders, and people will be spending the rest of question time out of this place if those interjections continue. The Premier.

The Hon. P.B. MALINAUSKAS: As I was saying, public housing is an important element of housing supplied more broadly and this government has been making substantial inroads in the delivery of more homes in public housing, but also a substantial reversal on policy. We know that, under the former government, Michelle Lensink, member from the other place, oversaw a very deliberate policy when it came to public housing in South Australia, and that was to sell it off—

Members interjecting:

The SPEAKER: Member for Chaffey!

The Hon. P.B. MALINAUSKAS: —to be the architect of a policy that would see a net reduction in public housing in South Australia. If I was to be generous to Michelle Lensink I would say that she was not the first minister to oversee a change. What we know is that there has been a sustained sell-off of public housing stock across a 30-year period—in fact, to be more specific than that, 29 out of 30 years in the state of South Australia we have seen a net reduction in public housing stock, which means that governments, of both political persuasions, Labor and Liberal, have been selling off public housing stock.

Members interjecting:

The SPEAKER: Member for Hartley, not only are interjections unparliamentary, they are really annoying. The Premier.

The Hon. P.B. MALINAUSKAS: This government has turned that around with now the biggest investment in public housing stock we have seen in a generation and an actual net increase in public housing stock, and I am very proud to be part of a government that has reversed the

liquidation from Michelle Lensink. We have reversed Lensink's liquidation of public housing stock, and just yesterday I was with the Treasurer to see a good example of that coming to the fore.

SOUTH AUSTRALIAN CONSTRUCTION COMPANIES

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:32): My question is to the Premier. How many South Australian construction companies are accredited by the Federal Safety Commissioner and eligible to bid for head contracts under the Housing Australia Future Fund, and how many affordable houses does the Premier expect to be completed via this project by March 2026? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: The opposition understands that there are 400,000 construction companies in Australia, but only 568 are currently eligible to bid for the contract. The industry has reported that it typically takes between nine and 12 months to complete accreditation at a cost of up to $300,000 to $500,00 per company.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:32): There being a particularly specific element to the Leader of the Opposition's question, which is sincere in its asking, we are more than happy to take that on notice and come back to the Leader of the Opposition.

REGIONAL SCHOOL CROSSING SURVEY

Mr ELLIS (Narungga) (14:32): My question is to the minister for road safety. Can the minister confirm that regional schools were audited during the 2023 school crossing survey, especially Moonta Area School, and with your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: I have received contact from the Moonta Area School Governing Council, particularly from Janelle Phillips, who are concerned that their school crossing is not all that visible and could do with further signage to improve the safety of it and make it a less attractive proposition for speeding cars.

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (14:33): I thank and acknowledge the member for Narungga for his question. He is a powerful advocate for his community and well informed about local matters and he has been in constant communication with me since I took on a range of portfolios and I always take the matters he raises with me very seriously, as I know that other ministers and members do.

The short and direct answer to his question is yes. I am advised that the department on 30 March 2023 requested the maintenance contractor to undertake a comprehensive review of site distances around traffic-control devices and intersections, including side roads. The request was also to review the asset data in respect of children's school-zone signage, as well as children's crossings, emu and koala signage for crossings of that character and type in relation to site distances. I understand that the department provided a summary of the audit results of school zones within the relevant zones not long afterwards.

I am advised that the signage associated with the Moonta Area School koala crossing was included as part of this review, as earlier indicated. The report advised that the signage associated with the koala crossing had been inspected and no signage defects were reported. The koala crossing was last inspected by the department's ITS unit in February 2024. Prior to this, it was inspected in July 2023.

As the member is aware, in March 2024 the district council of Copper Coast forwarded a request to the department from the Moonta Area School Governing Council seeking advice on observed speeding motorists through the koala crossing on Blanche Terrace, Spencer Highway. I thank the member for the question and I look forward to additional matters being raised by him—not just with respect to this concern but, as he is diligent and focused on all of the needs of his community, with respect to other portfolio matters that I am happy to engage with him on.

UNIVERSAL THREE-YEAR-OLD PRESCHOOL

Mrs PEARCE (King) (14:35): My question is to the Premier. Can the Premier update the house on the Malinauskas government's commitment to deliver universal three-year-old preschool?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:35): I want to thank the member for King for her question. I can recall having a number of conversations with the member for King during her candidature for the state election. We frequently had chats around the policies that we would love to be able to implement that would make a difference not just in her community but around the state writ large. The member for King, being a mother herself and bearing witness to the power that early childhood education can have in terms of the formation of a young person's life, has been a particularly keen advocate for this policy. I want to thank her for her interest in that regard.

On Monday it wasn't without a degree of satisfaction that I got to stand with the Treasurer and the Minister for Education and announce one of the most substantial funding boosts that we have seen in public education in our state's history: an in excess of $700 million commitment of new money that will be in tomorrow's state budget that will see to the commencement of the delivery of a whole new yearly level of public education delivery in the state of South Australia.

This is a big reform and it is one that we have been working on effectively since the moment we were elected. People will recall that the state government was able to attain the services of none other than the former Prime Minister of the nation, the Hon. Julia Gillard AC, to lead a royal commission. The Gillard royal commission provided the state government with a road map of sorts about how to deliver a step change in young people's education.

It is worth noting that the royal commission established that 23.8 per cent of young South Australians commence reception with at least one form of developmental delay—23.8 per cent, which is in excess of the national average that is closer to 22 per cent. We have the ambition to get that number to below 20 per cent. Early childhood education represents the best chance that the state government has to make an intervention in a young person's life to see the level of developmental delay reduce.

We are very, very proud of the way that the Gillard royal commission has structured the rollout of this program. It has a deliberate disposition to trying to reduce that level of developmental delay, which is why when we break down the funding that was announced through that $750 million there is a range of different efforts, and $127.3 million of that is to provide 30 hours per week of preschool for three and four-year-old children who are at the greatest risk of developmental vulnerability. That 30 hours could be the difference. That 30 hours that isn't currently provided for could be the difference in having a young person commence reception with a form of developmental delay or not, and that in turn can be the difference for the rest of their life.

People who are engaged in early childhood education service delivery have been very vocal since our announcement on Monday in terms of their support. I am going to run out of time to read all the quotes that have come out from organisations like Goodstart Early Learning and Preschool Directors Association of South Australia and the President of Childcare Alliance, but organisation after organisation is out there acknowledging the government's policy in this effort. We are taking a substantial reform and making it a reality, and that is very much happening in this year's state budget.

SMALL BUSINESS

Mr COWDREY (Colton) (14:39): My question is to the Premier. How many small businesses have closed in South Australia since Labor formed government in March 2022?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:39): I am pleased to take this question from the shadow treasurer because there are statistics which were reported on a periodic basis by the ABS for—

The Hon. J.A.W. Gardner: Quarterly data.

The Hon. S.C. MULLIGHAN: Apparently the deputy leader has something to say—but doesn't have a question, again.

The Hon. J.A.W. Gardner: This is very impressive, Stephen.

The Hon. S.C. MULLIGHAN: Thanks, somebody has to be. As I was saying, the ABS publishes data about the number of businesses commencing and closing in periods across the country, including here in South Australia. In any year, there are literally thousands of businesses that start and thousands of businesses that close. Of course, as I alluded to in my previous remarks when we were talking about inflation, the Reserve Bank has been seeking to slow down the economy, to slow consumption from both the household sector and also from the private sector, to try to slow down price escalation for goods and services. That means, as households and businesses are consuming less in the economy, there will be less custom for a lot of small businesses.

As we have seen reported in no small measure locally, usually one of the first sectors to feel the effects of that is the hospitality industry. People perhaps choose not to go and get their daily coffee or they start taking their lunch to work, for example, rather than go out and get it. Particularly in built-up, popular areas, that means that in a place like the central business district of Adelaide or in key suburban precincts those businesses find it very difficult. It is very regrettable that, while the statistics are available on the ABS website—I am sorry I don't have them at hand, but given the shadow treasurer's interest in them, he could google them—those statistics no doubt show that there are businesses under pressure to the extent that many of them are closing.

The commonwealth government has tried to provide broadscale supports for the business community across the national economy, and they have also tried to do that directly in some cases with energy bill relief. We are continuing to try to foster the opportunities for South Australian businesses to grow their operations and, importantly, employ more South Australians.

That is why I was pleased to announce earlier this week that we have awarded the first round of Economic Recovery Fund funding to 17, I think it is, South Australian businesses that have prospects and opportunities to expand their operations here in South Australia, occurring in not just manufacturing industries but manufacturing industries focused on innovation and also on tourism accommodation businesses to expand our offering for the large number of people from interstate and overseas who are choosing our state, increasingly, as the destination in Australia that they want to come to, so that is an important effort.

I am not pretending for one moment, whether it is the commonwealth government's supports or the state government's supports, that there will not be further pain in the economy as the national economy cools and as the state's economy follows suit. Of course there will be, and that is really difficult for those business operators who are going to be caught up in that, but you will see, as we continue to make commitments as a government, we have that front of mind in the decisions we make.

PAYROLL TAX

Mr COWDREY (Colton) (14:44): My question is again to the Premier. Will the government provide payroll tax relief to South Australian businesses in the upcoming state budget? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: The Council of Small Business Organisations Australia has recently indicated that the latest Fair Work Commission determination will impact restaurants, cafes and retailers the hardest because wages can comprise nearly half of their total expenses. A small business owner from North Adelaide said over the weekend that the current financial climate, rising costs of running the business and the increased utility expenses have made it impossible to continue trading.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:44): Let me say from the outset that this government supports the increased pay rise to minimum wage workers in the state of South Australia. While the shadow treasurer has fitted right into the glove of arch old conservatives arguing against our lowest paid workers getting a wage rise, we won't.

The SPEAKER: There is a point of order by the member for Morialta.

The Hon. J.A.W. GARDNER: Standing order 98: by characterising the shadow treasurer for asking the question that way, the Premier is debating.

The SPEAKER: I will ask the Premier to continue his answer and maybe just check a few things.

The Hon. P.B. MALINAUSKAS: When we contemplate our tax settings around payroll, naturally the government is looking at wages policy more broadly. Let me say in respect of wages policy more broadly that this government supports a pay rise for the lowest paid workers in our economy. Let me be perfectly clear about that. Now, I would like to hear a degree of bipartisanship about what I think is a pretty obvious position to take, but in the absence of that bipartisanship we can say with a degree of confidence that those opposite don't support a wage rise for the lowest paid workers in the economy, which I think represents an interesting point of compare and contrast.

In respect of tax policy, it is also a subject on which there is a great degree of divergence between those opposite and ourselves, because this government differs from the former Liberal government in that we are not retrospectively jacking up taxes on people we promised we wouldn't do it to. We are not doing that. We saw what those opposite did with land tax—retrospective land taxes being introduced on people who were only trying to play by the rules. We saw the consequences of those policies, and this government made a very clear commitment in the lead-up to the last state election that we have honoured in full and will continue to honour that we are not going to introduce new taxes or increase those taxes that exist. We won't be doing that.

Our tax policy is clear. The Treasurer has honoured that policy throughout the course of our first two budgets and I wouldn't anticipate to see surprises in the future.

SOUTH AUSTRALIAN BUSINESS CHAMBER PROGRAMS

Mr COWDREY (Colton) (14:47): My question is again to the Premier. Will the government restore funding for the SA Business Chamber's entrepreneurial SAYES program? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: The SA Business Chamber has been delivering SAYES since its inception 26 years ago, helping more than 1,100 participants to turn their business concept into a reality or to grow their established small business. The funding agreement expired in December 2023 and future funding has not yet been confirmed by the Malinauskas Labor government. At a time when we are seeing small businesses fail in droves and entrepreneurship on the decline in South Australia, this is an initiative which could be restored.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:48): I thank the member for Colton for his question. It's an important question, because as he has outlined in the explanation to his question this is a program which has delivered some significant results for participants. I note that this is an issue that the opposition is bringing to the government's attention about the budget. I understand the leader stood up for media today outlining what is in his wish list for tomorrow, which I hope extends past a neck pillow, a little packet of nuts and a bottle of water for his travels. But beyond those modest ambitions, we will see what room there is in the budget for the more substantive policy issue that is raised by the member for Colton.

MACKILLOP ELECTORATE, ROAD AUDITS

Mr McBRIDE (MacKillop) (14:49): My question is to the Minister for Infrastructure and Transport. Minister, who is responsible for auditing repairs that have been done on the road highways in my electorate? Mr Speaker, with your leave and the leave of the house, I will explain.

Leave granted.

Mr McBRIDE: The Southern Ports Highway and Princes Highway are among the most complained-about roads in my electorate. Constituents say recent road maintenance is already showing signs of deterioration and works are not to a quality standard.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:49): The Department for Infrastructure and Transport has resurfaced three sections of the Southern Ports Highway. It totals just over

eight kilometres between Beachport and Millicent, valued at about $2 million plus, including preparatory works. Those preparatory pavement repair works commenced in March of this year. Two of the three sections, between Lake Frome and Rendelsham and between McCall Road and Bowman Road, have been completed, including the final seal. The final 2.4-kilometre section at Mullins Swamp has had a temporary seal applied, with the final sealing scheduled for late 2024.

There have been a number of community concerns raised about the quality of these works, which I think goes to the heart of the question. I think they relate to the failure of the surfacing on some of the preparatory works, which were stripped due to poor adhesion, I am advised, of the primer seal. These issues were rectified prior to applying the final two-coat seal in April 2024. My understanding of this—and I am not an expert in road sealing—is that these works will reduce the deterioration of these sections, but they will not significantly improve the road roughness.

The community may perceive this as an inadequate treatment, but I am advised by the government that it actually is working well. We as a government are continuing to work towards improving the condition of our regional roads. I look forward to tomorrow's budget, but the blowout in the maintenance backlog that was incurred under the previous government is something that one single term of government cannot overcome.

Members interjecting:

The Hon. A. KOUTSANTONIS: For those who missed it, the opposition repeat to me as a form of criticism that we have been in office for 18 of the last 22 years—as a criticism. That is the criticism, I understand.

Members interjecting:

The Hon. A. KOUTSANTONIS: That's right. The three sections of the Southern Ports Highway that we targeted I think will make improvements. We do the assessments. This is ongoing work. I would like to cooperate with the member on more work in the South-East. The South-East is a peculiar part of the state when it comes to road maintenance. There was a contract that was privatised by the previous government. That privatisation was done on a cost basis. That privatisation came in at a relatively low cost.

What we are seeing is that the actual cost of maintaining the roads is much higher than was budgeted for by the previous government. The deterioration that occurs in the South-East is unique given the levels of rainfall that occur in the area. I think it is fair to say that yourself and the member for Mount Gambier have had a lot of complaints about the road conditions in the South-East post the privatisation of that contract. I will have more to say about that contract in coming days.

TEXTILE WASTE

S.E. ANDREWS (Gibson) (14:53): My question is to the Minister for Climate, Environment and Water. Can the Deputy Premier provide an update to the house on efforts to reduce textile waste to landfill in South Australia?

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) (14:53): Thank you very much for this question on World Environment Day, 5 June. It is a pleasure for me to bring the house up to date on work that is being done on recycling textiles. People may well be aware that this is one of the national priorities for recycling and one of the most challenging resources to get back into being used rather than wasted. I was astonished to read recently that there is on average some 26 kilos of fabrics bought every year by every Australian. That is a huge volume, and it is not easy to recycle.

There was recently a wonderful initiative undertaken on 25 May, led by Green Industries, alongside other partners, to whom I will refer shortly, to encourage people to bring used sheets and towels. There was a wonderful response, which indicates and really underscores the extent to which people in South Australia are keen to do recycling and keen to be kinder to the planet. The event was coordinated across eight local councils and was organised with the local textiles recycler and re-manufacturer, BlockTexx, and the Bedford Group.

What the event did was to create eight locations for people to come along and dispose of their linens and towels. It is called Give a Sheet for the Planet. Many South Australians were able to come and recycle. I went along to the Beverley place with the Minister for Local Government, the Hon. Joe Szakacs, and also the mayor, Angela, who came along as well, and we were able to see a constant stream of people going past, providing this material.

What BlockTexx does is use a unique and, we believe, world-leading technology that is able to separate polyester and cotton fibres. Polyester and cotton are the most commonly used in combination to produce both bed linen and towels. They are able to extract the cotton, which can turn into a matting that is able to be used for primary production as a form of mulch for weed suppression and for keeping moisture in the soil. They are also then able to take the polyester out and use that to turn it into plastic pellets that can be then used to produce other products. So what that does is reduce the need for virgin material, plastic material, to make those products and also to replace the kind of mulching that would otherwise take place.

What was impressive—and I am just looking for the exact figures—is that there were 9.7 tonnes of material collected in that one day, and it was the biggest event that's occurred in Australia. That equates to about 40,000 bed sheets or 100,000 towels collected in South Australia in one day, not only because the councils chose to participate, not only because there is this Australian world-leading technology, but also because people gave a sheet. They actually cared enough about the environment to load up what would otherwise go to landfill, drive along and take it to a place that could turn it into recycled products.

It is that element—and full congratulations to the councils involved, which I will just briefly name: City of Adelaide, Adelaide Hills, Burnside, Charles Sturt, Port Adelaide Enfield, Onkaparinga, Salisbury and City of West Torrens. Not only full congratulations to them, but absolute full congratulations to the people of South Australia who, since we have had container deposit legislation for more than 40 years, have demonstrated leadership across Australia, with the highest recycling per capita, as listed in the most recent State of the Environment report.

LOWER DARLING WATER RELEASE

Mr WHETSTONE (Chaffey) (14:58): My question is to the Deputy Premier. Did the minister provide support for the release of 50 gigalitres of water through the Lower Darling? If so, when? With your leave, and that of the house, I will explain, sir.

Leave granted.

Mr WHETSTONE: The New South Wales government has announced it will flush 50 gigalitres of black water contaminated with blue-green algae through the Lower Darling into South Australia and appreciates the support provided by the South Australian government.

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 am not only pleased to be asked this question because the topic is interesting and important but also I am fascinated to be asked whether I in fact provided support, because yesterday a press release went out about which I will be seeking legal advice, which said that I did, which stated that I did—no question, no 'Did Susan know about this? Did Susan do this? She did it.' I won't repeat it because it was sailing very close to the wind if not well past the test for defamation. The tone of the press release was—I am sure this doesn't happen to anyone here—

Members interjecting:

The SPEAKER: The member for Chaffey—

Members interjecting:

The SPEAKER: The member for Chaffey, you have asked the question; listen to it in silence.

The Hon. S.E. CLOSE: I'm sure this hasn't happened to anyone here, but imagine the event in which you have split up with someone, you are pretty grieved about it, you have had a few wines and you start texting your mates about how angry you are with them. It was that sort of tone of a

press release, purporting to come from two frontbenchers from the other side. It also used the word 'capitulate' twice, which I thought—

Members interjecting:

The SPEAKER: Treasurer!

The Hon. S.E. CLOSE: I was a bit surprised that people on that side of parliament wanted to remind people of capitulation when it comes to the River Murray. The truth is, and let's take this seriously because although the press release doesn't deserve to be taken seriously, the issue does. The truth is that there has been, as many people will be aware, low flow and poor water quality in the Lower Darling River and the Menindee Lakes for some time, and it has caused in the past mass fish deaths, which we have seen some time ago were extremely distressing, back in around 2018-19.

What has been proposed and was accepted by the Basin Officials Committee—not Susan Close, by the Basin Officials Committee—is a proposal that there would be a trial of allowing a pulse, and because there is a natural pulse of water coming through, they agreed that they would allow this pulse to come through bearing some water that is of very low quality. I have been advised that this is predominantly non-toxic but that it is likely to cause some odour issues.

I am also advised that SA Water, which is the responsible agency for checking on the water quality as it comes through, advised that that will be tested, as it always is, to make sure that if there are any other measures that need to be taken into account by users of water, that it will be, or by the treaters of the water.

Importantly, what was agreed by the Basin Officials Committee was that there would be mediating actions taken, so using other water that is available to add in, in order to dilute and deal with any of the effect of this water coming through. It is not going to reach across the South Australian border until around 8 June, so preparations are in place to make sure that all of the activity that can take place, will take place. Members can be assured that I will be paying very close attention to the way in which this is managed. It is important that we allow Menindee Lakes not to see another mass fish death. It is equally important that we maintain the water quality in South Australia, and I will be focusing my attention on that when I am not consulting lawyers about defamation.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for Chaffey, if my eyesight is not deceiving me, I think we may have former Speaker John Trainer in the house. Welcome back to parliament: the Speaker in here from 1986 to 1990, and a very long-serving Labor member of the state parliament. Welcome, John.

Question Time

LOWER DARLING WATER RELEASE

Mr WHETSTONE (Chaffey) (15:02): My question is again to the Deputy Premier. Did the government complete a risk assessment for the release of the water and what were these findings? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr WHETSTONE: New South Wales Health has warned that there are potential health risks to both humans and livestock, advising not to drink or swim in the water, and for farmers to keep their livestock off the water. Exposure to the blue-green algae can cause skin, eye and throat irritation, respiratory issues, nausea, vomiting, illness and death in livestock.

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) (15:03): I will inquire about whether there is a report that was produced that could be provided to the member. Let's be clear: there are health issues that have been raised in New South Wales with the significant water quality issues they have. Our expectation and understanding is that as this relatively small amount of water is released through it will be shandied

and that that will be managed. I would inform people, if they are not aware, that there has been in the Lower Lakes a water quality issue for some time.

The Department for Health has issued a warning for people to not go into the water, to not drink the water, to not swim in the water. These water quality issues do occur from time to time and SA Health, of course, will stand ready as part of the chain of responsibilities should we see any concerning levels of contamination in the water as it comes through. This is a reasonably orthodox approach. It occurs from time to time, as it has occurred at the other end of the Murray, and the assessment that's being undertaken by SA Water and the management, through the addition of additional water, ought to make sure that we have a secure pathway, but I will of course, as members would expect, be paying close attention.

LOWER DARLING WATER RELEASE

Mr WHETSTONE (Chaffey) (15:04): My question is again to the Deputy Premier. Minister, what irrigation and environmental impacts is the water expected to have, including fish kills?

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) (15:05): I haven't been advised of any negative impacts that are being expected. What I am advised about is the way in which the various departments involved will be monitoring closely and taking remedial action, where possible, should anything arise but not that it is expected to occur.

LOWER DARLING WATER RELEASE

Mr WHETSTONE (Chaffey) (15:05): Supplementary to the Deputy Premier: what action is the minister taking to protect river communities from any adverse risk?

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) (15:05): I feel I have probably canvassed that sufficiently in the previous answers, and we don't always have anticipation of poor water quality. Of course, occasionally there are circumstances that occur that suddenly trigger poor water quality that we need to respond to rapidly, as has occurred at the other end of the Murray more recently. But the way in which we will be making sure that river communities are well protected is through this process, that is the standard process, where SA Water will continue to be doing the assessment. Through the Murray-Darling Basin Authority, which is the authority that is undertaking this action, we will be seeking additional environmental water flows so that we can minimise and dilute the amount of algae water that is coming through, and we will take additional appropriate responses, because we will always put the quality of water for Riverland communities and any community dependent on potable water first.

SCHOOL CROSSING ROAD SAFETY

Mr BELL (Mount Gambier) (15:06): My question is to the Minister for Police and Emergency Services. On the weekend it was announced that $80.1 million would be allocated to road safety, with approximately half of that funding allocated to school crossings and signage. Can the minister advise if there will be an avenue for schools who have already identified safety issues with their current crossings to put forward a submission to be considered? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr BELL: Two principals in my electorate, namely Suttontown Primary School and Allendale East Area School, have raised serious concerns with me regarding the safety of their students and the school's current inadequate crossing infrastructure.

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (15:07): I thank the member for Mount Gambier for his question. I acknowledge that he has been a dedicated servant of his community, that they look to him for leadership, including in relation to road safety, and that they have come to him in relation to this very important issue. This is but one of the significant matters the member for Mount Gambier has rightly raised with me since I assumed portfolio responsibilities.

This government is committed to ensuring the safety of children in and around schools, and it is for that reason that a number of programs have been announced or are already on foot. In terms of prebudget announcements, the member will know, of course, and the house will be aware, that there is a particular and close focus on pedestrian-activated crossings, and also a focus on ensuring that there is more enforcement and scrutiny around the movement of vehicles around schools, particularly on arterial roads.

The member's question is an important one, and one that I will seek additional advice and come back to the house on, but I wanted to add this by way of context with respect to my answer, and I know that these are matters that are likely to be ventilated further in the course of the estimates process that is to come. There are, of course, two pools of detection cameras that are being contemplated by this government by way of most recent announcement. The first is a pool of 15. Three of those, I am advised, will be point-to-point cameras, the remaining 12 will be red-light detection cameras. We know that there must be a renewed and sustained focus on road safety, because last year 117 lives were lost on South Australian roads, and this year 38 lives have already been lost.

Second, there will be another pool of 15 cameras that will be used for enforcement on arterial roads and other significant high traffic volume roads in and around schools. The Treasurer and I of course made this announcement at Marryatville High School, where there had been two students who were struck by a truck, one of whom was very seriously injured, and there was a third student who I understand avoided injury very narrowly.

This is a matter of acute community interest. It's a matter that the member for Mount Gambier has rightly raised with me. It's a matter that other members will continue to raise with me. I am sure it will be. Despite whatever else might be said from a policy position of the opposition, local members on the opposition side will continue to raise it with me. We will keep a sustained focus on these issues.

Can I say this with respect to questions, concerns or focus around different speed limits in Adelaide: the counterfactual in terms of 25-kilometre speed limits, which will remain in place on local roads, is that there are many local roads in and around preschools, primary schools and all schools. If it is the case that there is to be a proposal that that 25 km/h limit were to be removed, the counterfactual is this: where would that occur, and which communities would be comfortable with that?

You do not get to exist for free in this policy space; nobody does. These are very significant and important road safety matters, and these matters have to be considered very carefully. Any criticism with respect to additional measures that are designed to protect children have to be examined more broadly statewide. These comments are made specifically in relation to the opposition and not the member for Mount Gambier, who is a very careful and thoughtful contributor and who has raised this issue specifically with me—

Members interjecting:

The SPEAKER: Minister, your time has expired. Minister, take your seat please. I call the member for Florey.

HOUSING CRISIS

Mr BROWN (Florey) (15:11): My question is to the Treasurer. Can the Treasurer update the house on the Malinauskas government's response to the current housing crisis? Is he aware of any alternative views?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (15:12): Before I answer, I will just get back to the member for Colton on his question, because he asked me about the number of businesses closing. As I indicated to him, there is an easily accessible dataset on the ABS website. Unfortunately, it's only released annually, so we've only got the data for the 2022-23 financial year, the first full financial year of this government. I can report to the house that the number of South Australian businesses grew by 1,740 over the course of our first year. There is also another subset of the data—

Members interjecting:

The Hon. S.C. MULLIGHAN: —now that the deputy leader has once again interjected—and it measures the number of businesses operating in South Australia at the end of the March quarter of 2022. That was 153,139 against the number of businesses operating in South Australia at the end of the March quarter of 2024, the most recent quarter, which was 162,731, a net increase of 9,592 businesses. So I am grateful to the member for his question.

Getting back to housing, as I alluded to yesterday, the Premier and I went down to Seaton to announce a broadscale redevelopment of housing. So, 388 public housing dwellings can be redeveloped and returned on a one-for-one basis and 1,300 new homes will be delivered. Of course, the alternative is what the previous government did. The previous government did not commit to a broadacre development; the previous government had a demonstrator project where they flogged off 35 Housing Trust dwellings and were only going to replace 16—so more than a 50 per cent reduction in Housing Trust properties.

Of course, as the Premier has already articulated, that is par for the course when it comes to liquidator Lensink. The former housing minister, liquidator Lensink, was flogging off public houses; she flogged off a thousand in the last term of government. Not only that but she baked into the South Australian Housing Authority's forward estimates that would have gone from 2022 to 2026 a further 580, a reduction of 1,580 in public housing. That is what the Liberals think about public housing.

We have stopped the Liberal sell off, and not just that: we are building more houses. At Seaton we are not just returning one for one, but in Noarlunga we are adding more houses, and of our election commitment, the more than 400 that we committed to in new, additional houses, the advice I have been given is that already more than 100 are under construction—new homes for South Australians who need them the most.

When it comes to stamp duty, I realise there are some people in this place who are a little more extensively experienced in the real estate market than others. If this were some sort of coffee card arrangement, he would nearly be up to his second free property, the Leader of the Opposition. I realise he is experienced in this, but we want new homes, and by tailoring stamp duty relief to new homes more will be built, because we know that the alternative of allocating stamp duty relief to existing homes just drives up the price. It is only good for vendors, it is not good for purchasers.

SPEED LIMITS

Mr COWDREY (Colton) (15:16): My question is to the Minister for Police. Will the government provide any grace period for fines to motorists travelling along Tapleys Hill Road at West Beach? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: The speed limit along Tapleys Hill Road at West Beach has been reduced from 80 km/h to 60 km/h. This change occurred on Friday, 31 May, having been 80 km/h for decades. There was limited community consultation prior to the reduction in the speed limit, and I have since been contacted by motorists who are genuinely concerned that they have inadvertently travelled 20 km/h faster than the speed limit, being unaware of the change in conditions. Grace periods have been in place for the government's mobile phone safety cameras.

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (15:16): I thank the shadow treasurer for the question. It is routinely the case where there is a change to road signage or the introduction of new enforcement measures that a period operates so that motorists can be aware of a change in conditions. I am not aware of any departure from those standard procedures with respect to the proposal and our decision to change the speed limit on Tapleys Hill Road.

I understand that the best course naturally would be for me to seek advice from the department and come back to the member with a more fulsome response. I understand his constituents will have a strong interest in this matter, and I undertake to bring that answer back to the house.

SPEED CAMERAS

The Hon. V.A. TARZIA (Hartley) (15:17): My question again is to the Minister for Police, Emergency Services and Correctional Services. What is the criteria for the locations to be decided as part of the 30 new speed cameras on roads? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: On Sunday 2 June it was announced that a number of Adelaide's arterial roads are set for a shake-up, with 40 km/h zones to be enforced around schools and 30 new speed cameras to be installed over the next four years.

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (15:18): I thank the member for Hartley for his question.

Members interjecting:

The Hon. D.R. CREGAN: I'm not sure exactly what the frustration is over here on this bench. There was a series of interjections. I am not going to stand on my section 127 rights, so I don't know what happened. Did you not get the invitation to the bucks party, is that what happened? You haven't got the invitation?

Members interjecting:

The Hon. D.R. CREGAN: Unbelievable; absolutely unbelievable. These are most important matters, and I appreciate the question from the member for Hartley. I am sorry to see that his colleagues are not equally as focused on these matters.

An honourable member interjecting:

The Hon. D.R. CREGAN: I am not going to ask him to withdraw that, but I'm going to give just as good as I got. There is no real focus in here.

An honourable member interjecting:

The Hon. D.R. CREGAN: Yes, just as good as I got. You know what? We've got the brontosaurus here, we've got the minisaurus; we've got a little Jurassic Park going on here. You are such dinosaurs. It is unbelievable.

The SPEAKER: The minister!

Members interjecting:

The Hon. D.R. CREGAN: You should be focusing on real matters.

The SPEAKER: I warn the minister: in your answers in the past few weeks you have provoked the opposition into making noises and interjections that they otherwise would not be making. I ask you to return to the substance of the answer. If you are finished, we can all end question time and move on to grievances.

The Hon. D.R. CREGAN: I'm only just getting started. It's going to be a long winter for some. Some members, of course, have the opportunity to go to a different hemisphere where conditions are quite different, but in any case—

Members interjecting:

The Hon. D.R. CREGAN: No, I'm not. No, I am very focused on the answer.

The SPEAKER: Minister, you are deliberately defying my request to you to answer the question.

The Hon. D.R. CREGAN: I'm just coming to it, Mr Speaker. I appreciate and respect your encouragement and the focus that you have brought me to with respect to this matter. It is an important matter. The member asks an important question.

There is a consultation process underway between DIT and SAPOL with respect to these important issues. I would anticipate that road fatality, injury, collision statistics, traffic volumes, and a range of other matters would naturally form part of that consultation. The pre-budget announcement has only just been made, the program has only just been funded, and those processes will be underway. I would expect that this is a matter that the shadow minister will want to explore with me in the course of estimates.

Grievance Debate

PLYMPTON INTERNATIONAL COLLEGE

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:21): I bring to the house's attention a very serious matter that has been circulated by the governing council of Plympton International College. Plympton International College, previously William Light College, is an excellent school in the inner south-west of Adelaide. It is a school that has grown dramatically over the last eight years.

It is a school that was not previously a school of choice in the local area, it is fair to say, but it is now, due to the work of the school, the governing council, the leadership, the teachers, and the community, supported by excellent local members—such as the member for Morphett who was, until recently, the local member, and even after the redistribution he continues to support the school as a nearby local member. The school has also benefited from its Chinese bilingual program, a nearly unique program in South Australia and one that is extraordinarily popular.

By way of comparison, I remember when I was first the Minister for Education that, within a two or three-year period, the school had gone from having about half a class of receptions per year to, in one year, getting up to four classes of receptions per year. It is growing fast and, indeed, we see that in enrolments overall. It was previously several hundred; it is rapidly approaching, and will surpass, 1,000.

Last year, on top of previous funding commitments supported by the former Labor government and the formal Liberal government, the government made a welcome investment of $14 million. Congratulations were given to the minister and the department at the time. It was a welcome and further investment and the natural next step.

That $14 million was to support the demolition of end-of-life and very poor condition buildings that currently house music rooms, home economics, the library and technologies—buildings 1, 4, 5 and 8—and instead build a multistorey complex for music, the library, two home ec areas, a technology suite, a canteen and six general learning areas/classrooms.

As a result of increasing and escalating costs, which are not unique to this site, the school has been advised that the technology suite and, indeed, one of the two home ec rooms will not be able to be continued any further. The value management that has been required there is not unique to this site, but it highlights that where the school community and the department signed off on, supported by the budget process, a need for these extra buildings, that funding is no longer sufficient.

In previous years, the minister has provided some supplementary funding to some school projects in acknowledgement of increasing costs, and in tomorrow's budget the opposition hopes that this is an example where such a process may happen again. It would be nice to see the full scope of works continued. The school continues to grow and the school continues to be desired.

As with so many schools in South Australia, particularly those with a large primary school component, the school has an OSHC (out of school hours care) service, an area of public policy highlighted by this government as a priority, certainly rhetorically. They included it in the Gillard royal commission's terms of reference for consideration. We want parents to be able to have access to OSHC facilities for their families.

However, I am advised a letter has gone to the minister from the governing council highlighting that the OSHC service, which has been moved from its old facilities by the introduction of midyear reception, has now been in the library. In fact, I will quote from their letter:

> With the introduction of mid-year intake receptions in 2024, the school was required to move its OSHC location to accommodate new students. OSHC is now in a cordoned off section of the library, essentially utilising a

storage room and a teaching space. This is not suitable or sustainable as the library will be demolished in early 2025 to make way for new buildings. The capital funding previously earmarked for the school is insufficient even to cover the additional classrooms required, hence cannot be diverted to this project.

I understand that when a member of the governing council appeared on the news yesterday calling for the extra half a million that has been identified as being sufficient to fund the building of a new purpose-built OSHC facility, presumably using modern modular techniques, the government's response was that they could use an allocation from their $14 million project. I have identified in my comments today why that is not possible, why the school is already stretched in the expenditure of its $14 million to get those resources that are needed for the school.

OSHC is really decreasingly an optional extra for schools. OSHC is expected in a school, and Plympton needs a place for its OSHC to go. The OSHC also supports students at Errington school next door, a special school serving some of the most vulnerable students in the inner south-west and beyond.

We call on the government to support Plympton and Errington by the provision of both extra funding to fulfil the scope of works of Plympton and, in particular, this extra half a million dollars that is necessary to deliver the OSHC service at Plympton—if not identified in the budget papers, perhaps out of the minor works budget from which there would be sufficient funding to deliver this project. We call on the minister to respond and support the community at Plympton International College.

NYRSTAR LONG SERVICE AWARD RECIPIENTS

The Hon. G.G. BROCK (Stuart) (15:26): Today I would like to talk about the recently held long service and safety awards which were held last Friday by Nyrstar Port Pirie smelters to celebrate employees who have been employed and working at the plant, celebrating 10 years' service, 25 years' service, 40 years' service, 45 years' service and also, in this instance, two people with 50 years of service. There were 44 employees who were celebrated in the years of service, which is a really remarkable achievement when considering the challenges that this plant has endured over many years, especially with the voluntary administration of Pasminco and the recent transformation of the plant itself.

To acknowledge these employees' dedication, I would like to mention their names for each of their years of service. For 10 years' service was Richard Cable, Jarrad Davies, Aaron Fetherstonhaugh, Matt Haldane, Stuart McMahon, James Pavlich, Stuart Roseberg, Craig Schroeder, Emily Tan, Kylie Templer, Jason Todd and Peter Turvey.

For 25 years' service: Stephen Blight, Marc Crouch, Gerhard Davis, Scott Gray, Shane Gregory, Jason Holman, Dieter Lunsmann, Mick Northcott, William Norton, Simon Oehms, Joel Sard, Jason Scarman, Paul Seyfang, Michael Smith, Stephen Stringer, Craig Swearse and Shane Wilton. For 40 years' service: Kingsley Court, Paul Dibbens, Darian Hayes, Paul Laube, David Scarman and Gabriel Turci. For 45 years' service: Rodney Clarke, Robert Flavel, Goeffrey Irving, Robert Oaklands, Vito Porta and John Spadavecchia. For 50 years' service: Michael Camporeale and David McPherson.

The scary part about that is that when I started at the smelters in 1978 quite a few of these people were apprentices in the machine shop where I actually had a stint, so it is a bit daunting. The total years of service of these employees that I have mentioned today represent nearly 1,200 years of dedicated service to this plant in Port Pirie. I personally know that there have been employees in these categories that have either moved on or have passed on. There has been a great opportunity in the plant there for people. There are a couple of families—and the Scarman family in particular many years ago, which had four generations working at the smelters, and one of the recipients of the awards was there for 57 years. It just goes to show the dedication and support that these people have for the plant and their dedication to their community. These are really remarkable achievements. It proves the loyalty that employees of the plant have had in the works over these years and also the importance that the support of the various owners of the plant over the years have shown to the community of Port Pirie and the surrounds.

As we all know here, when I first started it was BHAS, then they went through a bit of turmoil and then we went into Pasminco. Pasminco went into voluntary administration, and thank goodness the banks took the assets as the equity. I will say this: the community rallied together, the union stuck

together, everybody worked together to get that plant out of the voluntary administration and we are still there. That was over nearly 35 years ago. That is an absolutely great credit to the community of Port Pirie and also to the workers there. Then they went to Zinifex and then went to Nyrstar, and Nyrstar were owned 2 per cent—I think the percentage was originally—by Trafigura, the world's second largest commodity trader, and just recently in the last few years now Trafigura are 100 per cent the shareholders in the plant and I see great opportunities there.

With these people there today, nearly 1,200 years of service is really a tribute to the community there, and especially with the older people there, but for these two people, Michael Camporeale and David McPherson, to actually serve in the one plant for 50 years' continuous service is a dedication to them and to their commitment but also a tribute to their families which enabled them to do that. So, again, it is a privilege that I have been able to get this message across today.

LOWER DARLING WATER RELEASE

Mr WHETSTONE (Chaffey) (15:31): I rise today with concern, after listening to the Deputy Premier's answers to questions that I posed to her today about the 50 gigalitres of water—environmental flush it is being called—coming out of the Lower Darling, out of the Darling (Baaka) River, that will flow into the River Murray through the 500 kilometres of the South Australian reach of the river, without a real answer from the Deputy Premier. I am gobsmacked that she made light of my asking these questions, saying that I sounded upset. Well, yes, I am upset. My river communities have been put in a trial while this minister, an inept minister when it comes to the River Murray, is giving this diatribe of an answer. I gave her four opportunities to give credence around the water that is coming into South Australia.

Now the 50 gigalitres of black water, infested with blue-green algae, is headed South Australia's way, and by all calculations it should be at the border around about now. We have to remember that the current allocation of water coming into South Australia is between three and five gigalitres of water. There is an environmental component as part of that, but what are the impacts that it is going to have on South Australians?

I did notice that every government member laughed when the Deputy Premier made some snide remark, but I can assure you that every person in this chamber is going to drink some of that water that is coming down the river. It will go through a treatment plant, yes, but what is the risk to South Australian river communities? What is the risk to the irrigation communities? What is the risk to livestock? What is the risk to the off-target impacts, whether it be birds or native animals? We just don't know and yet we had a Deputy Premier making light of an issue that is of paramount importance. There is a reason that she has a water commissioner, there is a reason that she cannot answer a straight question because she is just so out of her depth when it comes to the reality of what the River Murray is.

The River Murray is complex. The River Murray has lots of facets, lots of issues and lots of management tools that we need to better understand. Today we learned that the New South Wales Water Minister Jackson has made a release. She gave health warnings in relation to both humans and animals. She gave health warnings to the river communities in connection with the water, the stench, the black water, the component of blue-green algae and all the risks that come with this 50 gigalitres.

The minister then went on to say that they would look at some dilution flow. Well, minister, when you signed off on that agreement, you did not look at what it meant. The dilution flow, the fresh flow that is coming in after the 50-gigalitre release, is going to be kept by the New South Wales government. It is going to be put into the Menindee Lakes. It is going to be there to keep the Menindee Lakes topped up with fresh water while they release a 50-gigalitre slug of sludge, coming down the river headed our way.

I must say that we will see off-target impacts, we will see depleted oxygen levels, we will see fish potentially at risk; and that blackwater, that blue-green algae, tends to clog up the gills of fish. They cannot breathe, they die, they float upside down, and it becomes a news story. Yet the Deputy Premier today has again made light of this. I would say that the minister has capitulated to New South Wales. New South Wales had an agreement with South Australia—that is fine. But the South Australian minister for the River Murray has not put safeguards in place—not a word to a river

community about the risks that will be posed to the communities including the irrigation community, the livestock producers, the tourists who come to our towns and create an economy; not a word. Nothing has been put in to the press, nothing has been put out there to make people aware that she has okayed a management tool, and it just beggars belief.

Is it any wonder that New South Wales has said that they appreciate the support of South Australia? But the New South Wales government also said that, 'It is not guaranteed that the flush will work as there is no silver bullet in dealing with an event of this size'. Yet the South Australian water minister, the minister for the River Murray, has put every river community at risk and to make light of that today is just gobsmackingly outrageous.

I say to the media outlets that we all love the River Murray, no-one more than I do, but I must say that the minister for the River Murray is good at using the River Murray as a political tool. She walks out of here today giggling and laughing, making light of an issue that is of paramount importance to every South Australian.

WHYALLA STEELWORKS

Mr HUGHES (Giles) (15:36): I rise today to talk about the Whyalla blast furnace and the steelworks and the incredibly rough time that the Whyalla community has gone through over the last few months.

As people are aware, in mid-March the blast furnace went into a two-day shut. It went into that two-day shut colder than it should have been and, unfortunately, the furnace at this stage is not back up and running. Indeed, during that effort to get it back up and running, there was a hot metal breakout which damaged the external vessel of the blast furnace. The external vessel has now been fixed up and the efforts are back on getting the furnace back up and running, but it looks as though that will not happen until at least mid-June, but far more likely late June, and that is assuming everything goes to plan.

As a result of what has happened at the blast furnace, hundreds of workers have been taken off shifts. The usual pattern for a lot of workers, not all workers, is day shifts and night shifts, 12-hour shifts, so a lot of people have been put on day shifts of 7.6 hours a day, so that represents about a 30 per cent pay cut. There has been uncertainty amongst contractors, with some of those contractors and their employees not having work at the moment. Of course, there is a component of labour hire people as well and they have been affected with no work.

Assuming we get the blast furnace operating again, and I am very confident that will happen, the underlying issues at the steelworks have not gone away. It is an ageing plant where very little is done in the way of preventative maintenance. It is nearly all reactive maintenance, and for an ageing plant that is not a good position to be in. That is partly motivated by the fact that there is a desire, a wish, to transition to a new set of technologies. Direct reduction ironmaking and electric arc furnace are the two elements that have been given prominent publicity.

Without that transition, the steelworks is on borrowed time. What that then means for the Whyalla community, with the loss of the steelworks, would be devastating, and also what it means for the nation given it is the only integrated steelworks in the country that produces long products: structural steel and rail. It also produces a lot of intermediate steel product, most of which is exported to the Eastern States.

As I said, if the underlying issues at the steelworks are not addressed, we are on borrowed time. I have seen all of the promises. I have been there from the big reveal onwards, and I have formed my own views over a period of time. I have seen the promises in relation to a new mill, a mill that was going to double production. That has not happened. That has gone onto the backburner. It might have gone even further back than the backburner.

When the electric arc furnace was announced, I was told that it would be internally financed. Within a relatively short period of time, it was no longer going to be internally financed. It was initially going to be predominantly fed on scrap, which struck me as a little bit odd. Then it was not going to be predominantly fed on scrap and we needed a direct reduction iron unit as well. We are now in a position where, if you talk about the electric arc furnace, it is now subject to a bankable feasibility study. That bankable feasibility study will not conclude till the end of this year or early next year.

Then there is the whole issue about going out and raising the finance that is necessary to build the electric arc furnace. In fact, I think it would be more sensible to build a direct reduction iron plant first and then the electric arc furnace, or at least overlapping the two, because the blast furnace is not going to last forever and a day, and the DRI technology in a sense would be a replacement for that given it would use virgin ore from the Middleback Ranges.

So Whyalla is not out of the woods. Whyalla has a good way to go to get out of the woods, and a lot of things have to happen. There is going to be a role for government, but there is concern in my community about how things keep chopping and changing, about how things are said one day by the owner and then are changed the next day. It is deeply, deeply concerning.

REGIONAL ROADS

Mr TEAGUE (Heysen) (15:42): I might just indicate that I am not in any rush to bring the member for Giles' contribution in that respect to a conclusion really at any stage. I listened very carefully. I am very interested in the member for Giles' observations, knowing as he does more than many if not all of us in this house about the trials and tribulations of those very important works in Whyalla.

I rise to draw the attention of the house to the parlous state of regional roads, many examples of which are located at all parts of my electoral district of Heysen through the Adelaide Hills. It should be no surprise, in fact it has come as no surprise to anyone in my community and I think across the state, that we have on this side of the house launched a campaign led by the leader and the shadow minister for regional roads, along with regional members, to draw attention to the parlous state of roads throughout the regions.

We have begun to encourage people in communities across the state to Report Your Road, to report those particular concerns about roads throughout the state with a view to making sure that, on coming to government, we will reinstate the significant funds that have been withdrawn by this state Labor government from the necessary work to make sure that regional road maintenance is kept up.

Of course, we knew there was a very substantial backlog on coming to government, one that the Marshall Liberal government addressed by the application of very significant resources. That has been illustrated by the chopping and changing that has occurred in relation to the Hahndorf bypass, or the lack thereof, at all stages of the time since the Malinauskas Labor government has been elected.

We saw in September 2022 that there was a kind of downgraded semi-bypass that sort of promised to do some work in terms of improving the Verdun interchange, but it walked away from a significant part of the commitment of state and federal Liberal governments before the further insult of that work, that funding, as far as the federal government was concerned, being withdrawn altogether, leaving state Labor to withdraw in an instant and say, 'Alright, we're out of here altogether as well.' Then, in the last federal budget we see some of the money back on the table for that work, and I have welcomed it. I said I will believe it when I see it at this stage because we have seen residents in the Hills just shunted from one announcement to another without any coherence or consistency at all, and that is what people in the Hills have come to expect from state and federal Labor over these past, now, more than two years.

In terms of local roads, I receive more than in any other way reports from the local community about road concerns, whether it is damage; unsafe driving conditions on Meadows Road at Echunga; and the failure of maintenance, including of drains on Old Norton Summit Road—a matter that the Norton Summit CFS brigades raised with me recently—caused by excess water building up due to the lack of drain maintenance. The Mount Barker Road between Stirling and Aldgate is raised very often.

Who can forget the landslide at the top of Greenhill Road that the member for Bragg and I brought to the government's attention and got repaired at least six months earlier than the department was going to repair otherwise. Brookman Road is well known for its difficulties, crumbling road shoulders, potholes and overgrowth on Piccadilly and Mount Lofty Summit roads—intersections

generally throughout parts of the Hills. Safety concerns have been raised about the Battunga Road at Echunga, poorly sited intersections and in other significant ways.

That is in contrast with the significant the work that the Liberal government did over its four years, including the third lane on the freeway between Crafers and Stirling. To illustrate the need, I observe the RAA is calling for a $1 billion investment over four years to address the $2 billion road maintenance backlog identified by the Auditor-General. This government has to do much, much better.

GAWLER BIGGEST MORNING TEA

The Hon. A. PICCOLO (Light) (15:47): The Biggest Morning Tea in Gawler is more than sharing a cup of tea with those in the community. It is sharing a commitment to make a difference in the fight against cancer. I am proud to say that the Cancer Council Gawler branch, under the inspiring leadership of the president, Gwenda Green, has been a driving force behind this remarkable event and other events in the community for over 25 years. The Gawler Biggest Morning Tea has grown from an intimate gathering in homes to a grand event held annually at the Gawler and Barossa Jockey Club, which has generously offered their venue for the past 10 years.

This year, the event saw over 350 individuals come together to raise approximately $14,000. The event's success reflects our community spirit, marked by collaboration, compassion and unwavering support. It is not only the familiar faces that grace the event each year but also the tireless efforts behind the scenes. Local students from the Gawler 15 catering service, the Gawler Lions Club, the Gawler and Districts Weight Watchers Club and the First Steps Play Group all contribute to its success. It truly takes a village, and our tight-knit Gawler community exemplifies this.

When media personality Graeme Goodings, as a special guest, remarks it is the biggest morning tea he has attended, it is clear that in Gawler we have something special. I extend my gratitude to the 30 committee members whose dedication ensures the flawless planning and execution of this event, amongst others. Their efforts, including Daffodil Day, contribute an annual average of $30,000 for cancer research, culminating in an average of $100,000 raised each year by our community, with the annual efforts of the Gawler Relay For Life.

The Southern Barossa Business Group recently held their first awards. The Southern Barossa Business Awards, hosted by the group, saw the event have an overwhelming public response with 1,200 votes cast by the community. There were 162 local businesses nominated, and 39 finalists and 10 winners were honoured across 10 diverse categories. These awards are more than just accolades: they are a reflection of the positive impact these businesses have on their customers and our community at large. As we witness the region flourish with developments and upcoming events, including the upgrade of Lyndoch Recreation Park in preparation for next year's hosting of the AFL Gather Round contest, our business community is poised to soar.

It is imperative that we acknowledge the role of local businesses in driving this growth in the region. They are the backbone of our economy, the heart of our community and the soul of our shared experiences. Events like this are crucial in highlighting their offerings, encouraging people to stay, explore and invest in the region. The Southern Barossa Business Group, under the leadership of chair, Steve Balch, has been pivotal in highlighting the diversity and significance of our local businesses. Their efforts have fostered a network of businesses, promoting collaboration that is vital for the collective prosperity of our businesses in the region.

Recently, I also had an opportunity to attend a MATES in Construction event. I would like to mention that recently they held an important fundraising event to help raise funds for the mental health of our construction workers. The statistics are alarming. Every year, 190 construction industry employees die by suicide in Australia. I recently attended the MATES in Construction annual fundraising lunch at Adelaide Oval, an event that brought together 450 people, including members of parliament, union leaders, employers and workers. It was a powerful demonstration of unity for a common cause: improving the mental health of those who build our nation.

MATES in Construction's South Australian branch, led by Gawler's own Alan Suridge, offers invaluable services to our region at no cost, thanks to funding from the Country SA Public Health Network. Their approach is proactive, providing education on suicide and mental health, followed by

ongoing support to create safer, more resilient workplaces. As a member of the Northern and Gawler Men's Wellbeing Network, I am proud of the strides that we are making in our community to break down the stigma surrounding mental health.

The collective efforts of mental health organisations are vital in fostering a culture of openness, care and recovery. The state government, recognising the gravity of this issue, has committed $240,000 over four years to support MATES in Construction's life-saving work. Their programs have reached over 313,000 workers nationwide, including 35,000 in South Australia, teaching them to recognise signs of mental distress and to be open about their struggles. In closing, I urge all of us to support initiatives like MATES in Construction. Together we can build not only structures but hope and resilience in the lives of our workers.

Private Members' Statements

PRIVATE MEMBERS' STATEMENTS

Mr TELFER (Flinders) (15:53): The public housing challenge on Eyre Peninsula is real, especially in our main centres of Port Lincoln and Ceduna. It is not that there is a lack of houses, it is that there are dozens of public housing properties that no-one is living in at the moment because they are out of the system due to a lack of maintenance. We have people who are homeless, living with friends or family or on the street, yet we have dozens of homes which could be available if the government was investing the money to fix them up and make them available.

We are talking about some of the most vulnerable members of our community: those who cannot afford to buy their own home, those who struggle to break into the private rental market, the elderly, people with disabilities, people from culturally and linguistically diverse backgrounds, and people leaving domestic and family violence.

These are people who need the government to act. These are public houses managed by the South Australian Housing Authority, managed by this government. They are sitting vacant because of a lack of maintenance—for months, for years, because of lack of action from the government. So I am calling on this government to act in this week's state budget. Give some attention to Eyre Peninsula, invest in what is necessary for the future of Eyre Peninsula and fix up these important public houses on the EP.

Ms HUTCHESSON (Waite) (15:54): I rise to talk quickly and congratulate the Blackwood Reconciliation Group, our volunteers, family and friends of Colebrook survivors, on an incredible Reconciliation Walk that happened in my community not last Sunday but the Sunday before. Over 1,000 people joined together and walked from Blackwood down to Karinya Reserve. We had a whole lane cut off on Shepherds Hill Road, and when we got there they opened both lanes and we took up the whole side of the road.

It was incredible to arrive at Colebrook and see a huge carnival, almost, set up in a way that was respectful. There was food, there was basket weaving, there was art, but there was also then an opportunity for community members to lay coloured hands—yellow, red and black—with a message of hope towards reconciliation.

We heard from stolen generation survivor, Raymond Finn, as well as family members of those who also lived at Colebrook, and we heard some truth. It was hard to hear but I know that it is the most important thing to be doing. We then heard from the beautiful Coromandel Valley Primary School, who sang *I Am Australian* in Kaurna, in English and also in Auslan, followed by the educator from Eden Hills Kindergarten with Jean Bonython Kindergarten kids singing the *Niina Marni* song. It was lovely to see the community all together, all behind reconciliation, all supporting what we need to do to get us there, and I thank the Blackwood Reconciliation Group for their work.

Mr PATTERSON (Morphett) (15:56): I take this opportunity in parliament to congratulate the team at Southern Launch on the successful launch of the HyImpulse SR75 at their new permanent rocket launch site at their Koonibba Test Range. The SR75 has a propellant made from liquid oxygen and also paraffin wax, commonly known as candle wax. The SR75 was the first vehicle to be launched under the high power rocket permit issued by the Australian Space Agency. Of course, that agency was brought to SA at Lot Fourteen by the former state and federal Liberal governments. The rocket is also the largest ever commercial rocket to be launched from Australia.

The rocket successfully launched on 3 May, flying to the edge of space, and the mission lasted for eight minutes. Not only was the mission a success for Southern Launch and HyImpulse but the mission was also a success for the local Koonibba Aboriginal community. Over 30 of the approximately 50 Koonibba locals were employed by Southern Launch, bringing economic opportunity to the area. The community is very proud of the contribution they made to this historic launch.

There is also a fantastic opportunity for South Australia to be the home of Orbital Launch based out of Southern Launch's Whaler's Way. It was an opportunity I was passionate about as a former Liberal Minister for Trade and Investment, and I encourage the government to continue the momentum and fully realise the opportunity to launch from Whaler's Way. Congratulations to Lloyd and his team on lighting the candle.

Time expired.

Bills

STATUTES AMENDMENT (PARLIAMENT - EXECUTIVE OFFICER AND CLERKS) BILL

Introduction and First Reading

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (15:58): Obtained leave and introduced a bill for an act to amend the Parliament (Joint Services) Act 1985 and the Remuneration Act 1990. Read a first time.

Second Reading

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (15:58): I move:

That this bill be now read a second time.

I rise to introduce the Statutes Amendment (Parliament—Executive Officer and Clerks) Bill 2024. The bill amends the Parliament (Joint Services) Act 1985 (the Joint Services Act) and the Remuneration Act 1990 (the Remuneration Act) in order to significantly reform the management structure of the Joint Parliamentary Service, and to ensure independent oversight of the remuneration of the Clerks and Deputy Clerks of the Legislative Council and the House of Assembly.

The bill establishes a new executive officer position for the Joint Parliamentary Service to modernise and centralise the executive and organisational operation of the Parliament of South Australia and to coordinate the service functions of the parliament. The executive officer will be responsible to the Joint Parliamentary Service Committee, consisting of the President of the Legislative Council, the Speaker of the House of Assembly and two members each from the Legislative Council and the House of Assembly, for the efficient management of the Joint Parliamentary Service.

The bill makes various amendments to the Parliament (Joint Services) Act to give effect to the executive officer's role. These changes include conferring responsibility for providing secretarial services to the committee on the executive officer, designating the executive officer as the chief officer of the Joint Services Division of the Joint Parliamentary Service, and making the executive officer a member of the advisory committee to the committee. The chief officers of the divisions of the Joint Parliamentary Service will be responsible to the executive officer for the efficient management of their respective divisions.

These changes will ensure that the executive officer is the central person with the responsibility of a range of functions currently divided between various other officers, including the Clerks of the Legislative Council and the House of Assembly and the chief officers of the divisions of the Joint Parliamentary Service. The executive officer is to be appointed by the committee on terms and conditions determined by the committee, including the executive officer's remuneration.

In addition to this important restructure, the bill confers jurisdiction on the Remuneration Tribunal to determine the remuneration of the Clerks and Deputy Clerks of the Legislative Council and the House of Assembly. The Remuneration Tribunal is already seized of jurisdiction to consider

and determine the remuneration of various officers, including judges and members of parliament. It is appropriate for the Remuneration Tribunal to also consider and determine the remuneration of Clerks and Deputy Clerks of the houses of parliament.

This reform is intended to ensure that there is an independent consideration and oversight of the appropriate remuneration levels and increased transparency in the process. This will in turn increase public confidence in the remuneration decisions made in respect of the Clerks and the Deputy Clerks of the houses of parliament.

I commend the bill to members and indicate that it is the government's intention to enter into discussions with the crossbench in the upper house to achieve passage of this legislation, as might be amended where necessary, to enjoy an outcome by compromise and negotiation. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Parliament (Joint Services) Act 1985*

2—Amendment of section 4—Interpretation

This clause inserts a definition of *Executive Officer* and makes a related amendment to the definition of *officer*.

3—Substitution of section 6

This clause deletes section 6 which provides for the Clerk of the Legislative Council or the Clerk of the House of Assembly to act as secretary to the Committee. The functions and powers of the secretary to the Committee under the Act are proposed to be undertaken by the Executive Officer, which is an office established under proposed Part 2 Division 1A as follows:

Division 1A—Executive Officer for the joint parliamentary service

6—Executive Officer for the joint parliamentary service

The proposed section establishes the office of Executive Officer for the joint parliamentary service, and sets out the terms and conditions of the appointment of the Executive Officer.

6A—Duties of Executive Officer

Proposed subsection (1) provides that the Executive Officer is responsible to the Committee for the efficient management of the joint parliamentary service. Proposed subsection (2) provides that the Executive Officer must, at the request of the Committee, and may, on the Executive Officer's own initiative, make a report to the Committee on any aspect of the management or operation of the joint parliamentary service.

4—Amendment of section 7—Divisions of the parliamentary service

This clause makes a consequential amendment to provide that the chief officer in relation to the Joint Services Division is to be the Executive Officer instead of the secretary to the Committee (as is currently the case).

5—Amendment of section 8—Duties of chief officers

The amendments in subclause (1) provide that the chief officers are responsible to the Executive Officer (rather than the Committee as is currently the case) for the efficient management of their respective division of the joint parliamentary service. Subclause (2) deletes subsections (2) and (3) which confer functions on the chief officers which are now to be undertaken by the Executive Officer of the joint parliamentary service.

6—Amendment of section 9—Delegation

The amendments in subclause (1) provide for the Committee to delegate any of its functions or powers to the Executive Officer. The amendments in subclause (2) provide for a more general power of subdelegation than is currently provided for in the section.

7—Amendment of section 26—Certain officers to constitute advisory committee

This clause removes the membership of the Leader of Hansard, the Parliamentary Librarian and the Catering Manager from the advisory committee established under this section and replaces them with the Executive Officer of the joint parliamentary service.

8—Amendment of section 27—Officers may be regarded as members of the Public Service in certain situations

This clause adds the Executive Officer of the joint parliamentary service to the existing definition of *officer* in subsection (2) to enable them to be regarded as a member of the Public Service in situations outlined in the section in the same manner as other officers of the Parliament.

Part 3—Amendment of *Remuneration Act 1990*

9—Amendment of section 13—Determination of remuneration of judges, magistrates and certain others

This clause provides that the remuneration of the Clerk and Deputy Clerk of both the Legislative Council and the House of Assembly are to be determined by the Remuneration Tribunal.

Schedule 1—Transitional provisions

1—Transitional provisions

This clause provides for transitional arrangements in relation to the current remuneration of the Clerks and Deputy Clerks of the Legislative Council and the House of Assembly as a result of the amendments in Part 3. It further provides for transitional arrangements under certain provisions of the *Parliament (Joint Services) Act 1985* in circumstances where an Executive Officer has not yet been appointed in accordance with the amendments in Part 2.

Debate adjourned on motion of Mr Cowdrey.

WORK HEALTH AND SAFETY (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (16:02): I move:

That this bill be now read a second time.

I am really proud to rise today to introduce into this chamber the Work Health and Safety (Review Recommendations) Amendment Bill 2024. I am proud because this bill will make a really positive difference in the lives of workers, to business and to entire industries across our state. Our South Australian government firmly believes that every worker deserves a fair go, that every worker should be treated with dignity and respect, and that every worker deserves to feel and be safe in their workplace and to arrive home from work each day, morning, night or afternoon to their loved ones, safe, healthy, happy and satisfied with the work that they have undertaken during their particular shift.

Having had the privilege of representing workers engaged in a range of diverse industries, I have witnessed what can happen when workers suffer a work-related injury. I have witnessed the difficulties and the ongoing trauma and pain that a worker can experience and the ongoing impact that this can have on that worker and on their loved ones, on their family life, on their ongoing ability to positively engage in community life and on their ability to sometimes re-engage in their particular work environment.

Sadly, I have also seen the utter devastation that can happen for families, for colleagues, for communities, for employers, when the very worst happens, when someone's life ends as a result of a dreadful work accident, an accident that could in no way be prevented—and indeed in the horrific instances when an accident could perhaps have been prevented.

One of the government's most important commitments prior to the last election was to undertake a root-and-branch review of the state's work health and safety regulator, SafeWork SA. The purpose of this review was to improve workplace safety, to strengthen those prevention efforts and to ensure that workers get home safely, to deliver a mechanism for prompt action on safety concerns and disputes, and to ensure a genuine voice for workers in complaint and resolution processes.

That independent review was conducted in the second half of 2022 by Mr John Merritt, a widely respected former director of WorkSafe Victoria with decades of experience in health and safety regulations. I thank Mr Merritt for his important work.

Mr Merritt's review was preceded by the Boland review of the national work health and safety laws in 2020, and a 2017 review of Queensland's work health and safety laws, both of which

recommended similar reforms to the dispute resolution processes this bill before us today encapsulates. The Liberals, on the back of the Boland review, could perhaps have followed the recommendations within it and progressed us so much further before now. Sadly, they did not.

The Merritt independent review received submissions from a really wide cross-section of stakeholders, including through 55 separate meetings between Mr Merritt and different individuals and groups involved in our work health and safety system. This bill makes important changes to South Australia's work health and safety laws in response to recommendations of that independent review.

The bill rightly codifies the functions of the SafeWork SA Advisory Committee, permanently establishing that committee as a tripartite body for stakeholders, including unions, business groups, and health and safety professionals, to provide advice to SafeWork SA and the government. This fundamentally recognises that no regulator, no matter how well resourced, can be in every workplace at once. Industry associations and trade unions have an important institutional role in promoting safe work practices and monitoring health and safety issues. Their role also enables us to respond to innovation and changes in particular industries.

When I think about that, I think about workers in particular industries that I represented over time, and I think about new and emerging issues that arose, first of all, about 30 years ago in the call centre industry when particular types of injuries were identified. I think about the introduction of other technologies which have also given rise to particular health and safety risks. Unions, and indeed industry associations, have a very clear, important and particular role to play in progressing change around the understanding of those particular new issues that confront industries and how we can work across a particular industry to drive change that absolutely makes workers safer.

This bill gives the state's independent industrial umpire, the South Australian Employment Tribunal, a much greater role in settling workplace disputes about health and safety issues, with a priority on alternative dispute processes, such as conciliation and mediation.

The dispute resolution powers are closely modelled on Queensland's work health and safety legislation, which has now operated successfully for nearly seven years. This provides businesses, workers and their representatives with a practical, accessible and low-cost system to seek to resolve health and safety disputes at the earliest possible stage before those serious, devastating workplace injuries or even workplace deaths can occur.

Importantly, this dispute resolution system is not about punishing employers; it is about proactively fixing health and safety problems and avoiding issues getting to the stage where more serious remedies such as criminal prosecutions may become necessary. These dispute processes take nothing away from SafeWork SA's essential role as the state's health and safety regulator. They complement rather than diminish SafeWork's important ongoing role in investigating and enforcing our work health and safety laws.

The Malinauskas government has proudly made significant investments in SafeWork SA to rebuild its capacity after four years of shameful, deliberate neglect under the former Liberal government, which cut nearly $7.6 million from SafeWork SA's budget—

Mr Patterson interjecting:

The ACTING SPEAKER (Mr Brown): Order, member for Morphett! The minister will be heard in silence. You will have a chance to make your contribution. Minister.

The Hon. K.A. HILDYARD: I will just repeat that, Mr Acting Speaker. The Malinauskas government has rightly made significant investments in SafeWork SA to rebuild its capacity after four years of shameful, deliberate neglect under the former Liberal government, which cut nearly $7.6 million from SafeWork SA's budget and slashed 35 full-time positions from the regulator, speaking to their utter disregard for the health and safety of workers in South Australia.

The Liberals' actions in government make clear that they do not care about work health and safety. When they were given the opportunity, they chose—deliberately chose—to tear funding away from the regulator rather than to build their capacity and support it.

This bill fixes longstanding defects in the act's confidentiality provisions that have kept workers and their families in the dark about what action is being taken by SafeWork SA in response to safety incidents. It also rightly ensures that the process for a family to request review of a prosecution decision by the Director of Public Prosecutions is fit for purpose and accessible, even if a family is only notified of a decision very shortly before the statute of limitations.

This bill is the product of an extensive stakeholder consultation process over the nearly 18 months since the independent review was released. That consultation has included key stakeholders such as industry associations, trade unions and, rightly, the families—those courageous families of workers who have suffered incredible tragedy with a relative, one of their loved ones, losing their life at work.

Across the board, those discussions have been marked by a genuine willingness by those different and diverse parties to consider compromise to achieve safety for workers across South Australia. I want to thank the many stakeholders who contributed to the independent review of SafeWork SA. I note two people here today in particular, Sean Hill and Dale Beasley, from SA Unions. I thank the many stakeholders—workers and their unions, employers, industry associations—who contributed to both the independent review of SafeWork SA and to the extensive government consultation process on these amendments before us today.

I am sure I will get another chance to do this more fulsomely, but I also say thank you very much to the Hon. Kyam Maher, the Attorney-General and minister in the other place, for his work toward this bill and throughout that consultation process. I also thank Angus Oehme in his office and Erin Sneath in the department.

I absolutely commend this bill to the house and seek leave to have the remainder of the second reading explanation and the explanation of clauses inserted into *Hansard* without my reading them.

Leave granted.

One of the clear outcomes of the Independent Review is that SafeWork SA cannot do its job alone. No regulator, no matter how well resourced, cannot be in every workplace across the State at once.

SafeWork SA needs to work closely with key stakeholders like business associations, trade unions, and health and safety professionals to project its influence, educate businesses and workers about health and safety, and target noncompliance.

A key recommendation of the Review was the formation of a tripartite advisory committee to help build a stronger relationship between SafeWork and the community, and provide a forum for high-level stakeholder advice on how to improve SafeWork's operations.

The SafeWork SA Advisory Committee was established by the Government shortly after the release of the Independent Review, and has been operating effectively for the past 12 months.

This Bill inserts Part 1, Division 5 to formally codify the constitution and functions of that committee as a permanent feature of the WHS Act.

I take this opportunity to thank all the stakeholder groups currently represented on the committee for their valuable contribution over the past 12 months, and look forward to continuing to work with you to improve health and safety in South Australia.

[Dispute resolution]

The Independent Review recommended the state's industrial umpire – the South Australian Employment Tribunal (SAET) – be given a greater role in helping to resolve disputes about work health and safety matters.

Nobody benefits from an intractable workplace dispute. Ensuring that all parties have access to a practical dispute resolution system supports a harmonious industrial environment, and encourages the resolution of safety issues before workplace injuries can occur.

The Bill inserts Part 5, Division 7A to provide jurisdiction for the SAET to deal with work health and safety disputes.

Division 7A is heavily modelled on existing amendments made in 2017 to Queensland's work health and safety laws. The Queensland model has now operated successfully for nearly 7 years.

This model has not produced a flood of litigation; indeed, I am advised there have been less than 10 applications to the Queensland Industrial Relations Commission each year since these amendments were made.

Importantly, the SAET's role under this model is not about imposing penalties or punishing employers. Instead, it is about helping to resolve disputes about health and safety issues and making workplaces safer going forward.

To encourage the resolution of disputes between parties at a workplace level, the Bill provides that a dispute cannot be notified to the SAET until at least 24 hours after the regulator has been asked to appoint an inspector to assist in resolving the dispute.

Any party may notify a dispute to SAET, including the person conducting the business or undertaking or a relevant worker, health and safety representative, or union.

The SAET will be empowered to deal with the dispute in any way it thinks fit for the prompt settlement of the dispute. That may include the SAET conciliating or mediating the dispute, or making a recommendation or expressing an opinion to the parties.

If necessary, the SAET will have the power to arbitrate the dispute by making any order it considers appropriate for the prompt settlement of the dispute. That could include, for example, an order that a person conducting a business or undertaking take steps to address a health and safety issue related to the dispute.

The SAET will also have the power to review a compliance decision made by a SafeWork inspector in relation to the dispute. This could include, for example, varying or setting aside a prohibition notice put in place by an inspector.

In dealing with disputes the SAET will have its usual procedural powers including the ability to require attendance at a conference, order disclosure, and make interim orders.

If the SAET resolves a dispute by arbitration then then the parties must comply with any order the SAET makes. If a party breaches an order, either SafeWork SA or a party affected by the breach may apply for a civil penalty to be imposed for the breach.

Consistent with existing provisions of the WHS Act, any penalty ordered is only payable to the State. However, if a party affected by a breach has been put to the cost of enforcing SAET's orders, they may receive an order for their reasonable legal costs of the enforcement action.

The SAET will also have the power to dismiss a matter without conducting a hearing or conference where it is satisfied the matter is frivolous, vexatious or lacking in substance.

Consistent with other industrial proceedings in the SAET, parties will generally bear their own costs of dispute however the SAET will have the power to order payment of legal costs if it is satisfied a party has acted unreasonably or vexatiously.

The government has confidence the SAET will bring to this new jurisdiction the same practical approach to the resolution of workplace issues that it currently exhibits in thousands of industrial and workers compensation matters each year.

A consequential amendment is made with the insertion of section 85A to clarify the interaction between this new dispute process and the existing right to cease unsafe work under the Act.

This amendment makes clear that, although SAET may deal with a dispute about the cessation of unsafe work under Division 7A, the availability of that new dispute process is not intended to impinge upon or reduce the existing right to cease unsafe work.

The right to cease unsafe work is an essential legislative safeguard to protect worker's safety. If a worker or a health and safety representative is confronted with an immediate or imminent health and safety threat, there is no requirement that they must notify or participate in a dispute to SAET before they can exercise that right.

[Measurements, tests and recordings]

The Independent Review recommended South Australia follow the lead of other jurisdictions to make clear entry permit holders may take measurements and recordings relevant to a safety contravention.

It is in the interests of the entire community that where there is a dispute about a health and safety matter, the most accurate information is available to SafeWork SA and, if necessary, to the SAET.

Workplace safety is not assisted by a subjective 'he said, she said' debate over what was observed during a worksite visit, particularly when objective photographic or video evidence could be available to clearly resolve the issue.

The Bill amends section 118 to provide a right for entry permit holders to take measurements, tests, photos, and videos directly relevant to a suspected health and safety contravention.

The Bill includes strong safeguards around these powers. It expressly prohibits the use of live streaming, and provides that insofar as reasonably practicable a photo or video must not record the image or voice of a person unless are relevant worker, a worker whose actions are directly affecting a relevant worker, or an inspector or emergency services worker attending the workplace.

The 'reasonably practicable' exception is intended to address situations where a permit holder cannot reasonably avoid other persons being included in a photo or video. This may, for example, include where the worksite is a public place with pedestrian foot traffic.

There are serious consequences for misuse of these powers. Photos and videos are subject to strict confidentiality requirements under section 148, and a breach of these requirements can result in significant penalties and the potential revocation of entry permits.

[Review by Director of Public Prosecutions]

When the model WHS Act was developed a clear policy decision was made that only the regulator would be empowered to bring criminal prosecutions for offences under the Act.

However, it was also understood that a safeguard was needed to ensure that, where victims and their families believed action by the regulator was inadequate, the regulator's decision in relation to a potential prosecution could be reviewed.

That is reflected in section 231 of the Act, which provides a process where a person may make a written request to the regulator for a prosecution and, if no prosecution is undertaken, may request a review of that decision by the Director of Public Prosecutions (DPP).

However, since the WHS Act was passed in 2012, multiple inquiries including the Independent Review have found the existing section 231 framework is not fit for purpose due to the very limited timeframe it imposes on victims and their families.

Take as one stark example the situation faced by Keith Woodford following the tragic murder of his wife, nurse Gayle Woodford, whose case was the subject of an independent review commissioned by this Government in 2022 by Hon John Mansfield AO KC.

Keith was only informed of SafeWork's decision not to commence a prosecution for a health and safety offence in relation to Gayle's death a few days before the statute of limitations expired.

By then Keith's right under section 231 to formally request a prosecution had expired. And even if that right could have been exercised, there was no practical way the DPP could have properly considered the evidence and provided advice before the limitation period struck.

To be clear, this is not a criticism of SafeWork in taking the time it did to make a decision about the prosecution. Work health and safety investigations are notoriously complex and, in cases involving a workplace death, it can reasonably be expected a decision about a prosecution may not be made until close to the limitation date.

However, what this case illustrates is that section 231 currently holds out to victims and their families a right of review which may simply be illusory. The situation faced by Keith Woodford is unacceptable, and the amendments made in this Bill will help ensure it cannot happen again.

The Bill amends section 231 to clarify that a request to the regulator for a prosecution can be made at any time up until the expiry of the statute of limitations, including after a coronial inquest into a workplace death.

The Bill also amends section 232 to provide that if a matter is referred to the DPP for review, then a prosecution may be commenced within one month of the date the DPP provides advice to the regulator on whether a prosecution should be bought.

This means that if a family is only notified of a prosecution decision very late in the process, they will still have the ability to request review by the DPP, and the DPP will have the opportunity to properly consider all the evidence before providing advice.

[Reform of confidentiality provisions]

Multiple inquiries including the Independent Review have now shown that the current confidentiality provisions in section 271 of the Act have cloaked SafeWork SA in a shroud of secrecy.

For far too long, SafeWork has been a black box where a health and safety complaint goes in, a decision about a potential compliance action or prosecution comes out, but where the internal reasoning process is often entirely opaque to the outside observer.

This has caused significant distress, particularly for families who are seeking information from SafeWork to try and understand the circumstances of a loved one's death at work.

While there are important reasons for confidentiality provisions to apply, as it stands the balance has not been properly struck.

If stakeholders affected by work health and safety incidents cannot understand how and why SafeWork makes decisions, then they cannot reasonably be expected to have confidence in those decisions.

The longstanding problems caused by section 271 will finally be addressed in this Bill.

The Bill inserts a new section 271A which provides the regulator with a broad discretion to disclose information relating to an incident to persons affected by the incident.

This includes people such as an injured worker or their family, the person conducting the business or undertaking, other workers at the workplace affected by the incident, or a relevant union.

Disclosure is subject to safeguards including that information cannot be disclosed if it would jeopardise an investigation, or reveal confidential legal advice or commercially confidential material. Disclosure also cannot be made to a person who may be a witness in a prosecution.

Decisions about the disclosure of information will be guided by a written policy published on the SafeWork website, which will be developed in consultation with members of the SafeWork SA Advisory Committee including representatives of victims and their families.

It is important to be clear that this amendment does not compel the regulator to disclose information where the regulator believes that disclosure would be inappropriate.

What this amendment does is remove longstanding statutory barrier to transparency, and put SafeWork in the same position as other prosecuting authorities like South Australia Police and the DPP in terms of the information it may provide to affected parties.

The Government's fervent hope is that this amendment will provide greater comfort to victims and their families, and help build public confidence in the regulator's decision-making processes.

[Minor and technical amendments]

The Bill also includes a number of more minor amendments.

The Bill amends section 117 to remove the requirement for a written report to be provided to SafeWork after every exercise of entry rights, consistent with a recommendation of the Independent Review. A permit holder may still choose to provide a report in which case SafeWork must advise of any action taken in response.

In that context, I note the Government has not accepted a recommendation of the Review that permit holders should no longer be required to notify SafeWork before exercising a right of entry, to provide an opportunity for an inspector to attend the workplace at the same time. Those notification requirements will be retained under this Bill.

The Bill amends section 143 to increase the penalty for breaching an order of the SAET dealing with a right of entry dispute to $100,000 for a body corporate or $10,000 for an individual. That is consistent with penalties for breaching an order relating to a health and safety dispute and emphasises the need for parties to comply with SAET's orders.

The Bill amends section 223 to provide that the representative of a person conducting a business or undertaking or a worker has standing to seek internal review of a reviewable SafeWork decision.

The Bill amends Schedule 2 so that the Mining and Quarrying Occupational Health and Safety Committee will be located within ReturnToWorkSA instead of the Attorney-General's Department. That move is widely supported by stakeholders.

The Bill also amends Schedule 2 so that in future the Executive Director of SafeWork SA will be appointed by the Governor, consistent with most other regulators and prosecuting authorities in South Australia.

[2-year Review]

The Bill provides for an automatic review of these amendments to occur 2 years after their commencement and to be tabled in Parliament.

This will provide a timely opportunity to consider the practical impact of these amendments and any necessary changes to deal with technical or other issues which may arise in the meantime.

The government notes the Queensland Parliament has recently passed amendments to its own dispute resolution model, which have not yet come into effect, which in part expand the range of matters which can be dealt with by its industrial relations commission.

The 2-year review will provide an important opportunity to consider how those amendments have operated in practice in Queensland and whether they should also be incorporated into our legislation.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

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

3—Amendment of section 4—Definitions

Certain definitions are amended, inserted or deleted for the purposes of the measure.

4—Amendment of section 10—Act binds the Crown

Section 7(2) of the *Crown Proceedings Act 1992* does not apply in respect of proceedings before SAET under proposed Part 5 Division 7A.

5—Insertion of Part 1 Division 5

This clause inserts a new Division into Part 1 as follows:

Division 5—SafeWork SA Advisory Committee

12A—Establishment of committee

Proposed section 12A establishes the SafeWork SA Advisory Committee, and outlines that the committee shall consist of 15 members, with 4 ex officio members, and 11 appointed by the Minister. Subsection (3) provides for the appointment of alternate members.

12B—Terms and conditions of office

Proposed section 12B provides for the terms and conditions of an appointment to the advisory committee.

12C—Functions

Proposed section 12C establishes the functions of the advisory committee, and gives the committee various powers to support the performance of its functions.

12D—Procedures at meetings

Proposed section 12D makes provision for how the advisory committee will conduct itself at meetings.

12E—Conflict of interest

Proposed section 12E establishes certain circumstances where a member of the advisory committee will not have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

12F—Confidentiality

Proposed section 12F requires members of the advisory committee not to disclose confidential information acquired as a member of the committee without the approval of the Minister.

12G—Use of staff and facilities

Proposed section 12G makes provision for the advisory committee to make use of the staff, equipment or facilities of either the Department (with the agreement of the Minister) or of any other agency or instrumentality of the Crown (with the agreement of the relevant agency or instrumentality).

6—Amendment of section 85—Health and safety representative may direct that unsafe work cease

This clause inserts a clarifying note and is consequential to clause 8.

7—Insertion of section 85A

This clause inserts a clarifying amendment about the concept of 'reasonable concern' for the purposes of sections 84 and 85 and is consequential to clause 8.

8—Insertion of Part 5 Division 7A

This clause inserts a new Division allowing for notices to be given to SAET regarding certain WHS disputes and giving SAET jurisdiction to deal with the dispute.

9—Amendment of section 117—Entry to inquire into suspected contraventions

These amendments—

- correct a minor drafting error; and
- make provision of a report to the regulator by a WHS entry permit holder discretionary; and
- provide that, if a report is provided to the regulator, the regulator will be required to advise the WHS entry permit holder of any action taken following the report.

10—Amendment of section 118—Rights that may be exercised while at workplace

This amendment adds the right to take measurements or conduct tests, or take photos and videos, directly relevant to a suspected contravention of the Act to the list of things a WHS entry permit holder may do while at a workplace.

11—Amendment of section 143—Contravening order made to deal with dispute

This amendment increases the penalty from $50,000 to $100,000 and adds a note to the foot of the section.

12—Insertion of section 152A

New section 152A is inserted:

152A—Right of regulator to intervene in proceedings

The regulator can intervene in any proceedings before SAET under the Act.

13—Amendment of section 223—Which decisions are reviewable

This clause makes a clarifying amendment.

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

This section extends the existing time limit for making a request under the section from 12 months to 24 months (where a person reasonably considers that the occurrence of an act, matter or thing constitutes an industrial manslaughter offence, a Category 1 offence or a Category 2 offence) and also provides for making a request within 12 months after a coronial report, or proceedings at a coronial inquiry or inquest. The amendments also require the regulator to provide certain updates and information to the person making the request.

15—Amendment of section 232—Limitation period for prosecutions

This amendment provides that if a matter is referred to the Director of Public Prosecutions for advice on whether a prosecution should be brought, the limitation period in relation to that matter is extended to 1 month following the provision of the advice to the regulator.

16—Amendment of section 254—When is a provision a WHS civil penalty provision

This clause makes consequential amendments.

17—Amendment of section 260—Proceeding may be brought by the regulator or an inspector

This clause makes a consequential amendment.

18—Insertion of section 260A

This clause insert a new provision as follows:

260A—Proceeding may be brought by a party for contravention of certain orders relating to arbitrations

If an order made for the purposes of arbitration under section 102C(3) or 142(3) is contravened, proceedings may be brought in SAET against a person for the contravention of the relevant WHS civil penalty provision by a person affected by the contravention.

19—Amendment of section 262—Recovery of a monetary penalty

This clause makes minor amendments to section 262 to ensure monetary penalties can be enforced as if they were an order of the Magistrates Court or the District Court.

20—Insertion of section 271A

New section 271A is inserted:

271A—Additional ways that regulator may disclose information

Proposed section 271A makes provision for the regulator, or a person authorised by the regulator, to disclose to certain persons in certain circumstances, information relating to an incident.

21—Insertion of sections 272A and 272B

This clause inserts new sections preventing a person entering into, providing or taking the benefit of a contract of insurance or any other arrangement to indemnify a person for a liability for all or part of a monetary penalty imposed under the Act. The sections create an offence punishable by a maximum fine of $50,000 and impose additional liability on officers of a body corporate in certain circumstances.

22—Amendment of section 274—Approved codes of practice

This amendment replaces references to the Consultative Council with references to the advisory committee.

23—Amendment of Schedule 2—Local tripartite consultation arrangements

These amendments replace references to the Consultative Council with references to the advisory committee and replace a reference to the 'Department' with a reference to RTWSA.

24—Amendment of Schedule 5—Provisions of local application

These amendments replace references to the Consultative Council with references to the advisory committee and provide for the appointment of the Executive Director.

Schedule 1—Related amendments, transitional provisions and review

This Schedule includes transitional provisions and provides for a review (including assessment of certain specified matters) 2 years after commencement of the measure.

Mr COWDREY (Colton) (16:15): I rise today to provide a contribution to the Work Health and Safety (Review Recommendations) Amendment Bill and note for your benefit, sir, that I am the lead speaker for the opposition in regard to this bill. There are so many places that I could start in terms of this piece of legislation before us, but I will start at the place where I should by acknowledging the fact that, despite the view of those opposite, there is a shared commitment across both sides of this house to ensure that South Australian workplaces are safe for all workers.

I still to this day do not understand why there is a view from those opposite that it is the inherent view that those who employ would want to possibly see their workers put at risk. Something that is said not as often as it should be is that it is in a business's best interests to ensure that their workers are safe, that their workers have the opportunity to go to work and return home safe every day. That is not something that is disputed on this side the house or the other. It is not disputed that any injury or loss of life at work is a tragedy. We should all in this place want to do things that can help prevent these things occurring, without a shadow of a doubt.

While we do have—I certainly believe anyway—a shared ambition to this end, it does not mean that we are always going to see the same actions as being necessary. It does not mean that we are always going to be aligned in terms of agreement on the best way to achieve those shared ambitions, but there is no doubt that it is in the best interests of business to have their workers go to work and to be safe.

The Liberal Party, I would say at the first instance as well, supports unashamedly the role of SafeWork SA as the independent safety regulator of workplaces in South Australia. Like every government agency, there is always room for improvement; however, fundamentally we believe in the role of an independent regulator and that it is important to have independence in terms of the work health and safety regulator and inspector to ensure that we do have harmonious industrial relations in the state.

The disappointing part of this bill, more so than anything else I think, is that there actually was not a need for there to be any sort of disagreement or adversarial nature to some of the recommendations that were brought out of the merritt review. We certainly by no stretch of the imagination are going to sit in the way of the government making a decision to codify the SafeWork SA advisory board. That has been working in practice now since the change of government under regulation.

While of course there can be debate about what is the best way to structure the division of these responsibilities between the multitude of different government boards that exist within the WHS space or, more broadly, the industrial relations space, we do not have any fundamental issue with that proposal that has been put forward by the government today, nor do we have any fundamental issue with what we believe to be a sensible change in regard to the confidentiality provisions that are being sought to allow essentially those parties that are affected by workplace incidents that need to be investigated by SafeWork SA, sometimes over a prolonged period, in most circumstances for reasonable reasons, to have the same access to or ability to provide information from SafeWork as the DPP or SAPOL has. We will certainly not be standing in the way of those changes at all.

Thirdly, in regard to the changes that are being made by way of changes to the process of referral for review with the DPP or review more generally under the existing provisions, we believe the changes that are being proposed to be sensible. The tragedy that occurred in the Gayle Woodford incident was obviously something that nobody in this house wants to see occur again. Without a shadow of a doubt, we are happy to make those changes to allow families the ability for closure in such tragic circumstances to ensure that, as best we possibly can, they are put in a position where

they feel all potential avenues were explored and that the right decisions were made. I think we owe that to those families who are affected in that way. We owe that in particular to people who are serving our state through public service who unfortunately were put in that position.

There is no contention on this side of the house in regard to those reforms that the government is putting forward. We could have been here together moving essentially a bill with bipartisan support should the government have considered those changes independent of the other two major aspects that are contained within this bill. As we saw it, some of the other changes that were made, not through legislative reform process, on the back of the review into SafeWork SA, were sensible, and quite frankly we had no issues with them.

But then we start to come to the two aspects of the bill that we certainly do have concerns in regard to and unfortunately cannot support for a range of different reasons. The question that comes before I start to address those aspects in particular is: why now? As the minister said, after a prolonged process of, I think she said, 'constructive discussions' between industry bodies, between unions and other people who were party to these discussions, why this week? Is it perhaps, should we pose the question, that in pushing this bill through this week there is a chance that there is going to be a smaller, reduced level of public discourse, due to the fact that there are other things going on with the budget passing tomorrow, to deal with this legislation?

Members interjecting:

The ACTING SPEAKER (Mr Brown): Order, members! Excuse me, member for Colton. Members, the member for Colton has the right to be heard in silence like every other member, including as the minister was earlier.

Mr COWDREY: Is there a reason that the government has departed from its list of government business to address the item that has just been shifted down here that sat at No. 23 on the *Notice Paper*, when we have reasonably significant bills to deal with? Some have been foreshadowed by the government that have not been introduced to this point to deal with significant issues of vulnerability for government more broadly. Why today?

For a government that has, on one side of the street, purported to be so pro-business how possibly could anybody within the business community in South Australia deem themselves to potentially have a view that the Malinauskas government does not have their back? Or is this simply the two particular aspects that are here today: are those two aspects here in this bill simply to acquiesce those desires of the union movement in South Australia to be the first of what potentially may be a domino effect of similar legislation being introduced around the country, because that is how these things tend to work with the Labor Party: that we have one jurisdiction plough ahead, making these changes, and then suddenly the next jurisdiction, because it is best practice. Look over the border to the next state: that clearly has to come here and happen. Look over the border to the next state: that has happened and that needs to come here as well.

We have to have some genuine discussion about what this is trying to achieve. On this side of the house what this looks like, plain and simple, is a union power grab. It is nothing more, nothing less than that. What we have here is a cost-shifting exercise as well: shifting the cost of WHS investigations onto businesses, onto unions. Union fees are of course paid through their membership and indirectly from businesses themselves in the first place, and then directly on the other side having to cover their costs of representation within the SAET. It is a cost-shifting exercise and a union power grab, nothing more nothing less.

If we look more closely around what exactly is being proposed—and I will come back to a couple of statements that were made by the minister as she introduced the second reading today as well. I will not speak directly, nor will I cast any aspersions in terms of the independence of this report. I take the minister on face value that this was an independent report, undertaken in a way that did not have any sort of ulterior motive or view, or anything else from any other party in terms of where it was going to land.

From time to time I reflect on the Rann/Weatherill time in government. There was a saying that went around the business community at that time, and more broadly as well, that that government never undertook a review unless they understood what the outcomes of that review were

going to be before they started. I certainly hope that this review was not conducted in that way, that this review was done with the best meaning for an outcome that was not predetermined. I think more broadly the people of South Australia need to have confidence in their government that when they undertake these reviews they are done sensibly and in accordance with what people would understand and purport to be an undertaking that is clear of any influence. Again, I do not in any way cast those aspersions here.

In terms of the proposals that we have in front of us, again the two aspects in particular we simply cannot support today. Regarding the first, I found it fascinating to hear the description by the minister that this would not in any way diminish the role of the independent workplace regulator or inspector. That is very difficult to take on face value, unfortunately, because what is proposed and what is before us is for quite simply that to occur.

If I look at the other statement by the minister in terms of increased powers to the arbiter, that is 100 per cent true, that SAET is going to take on increased powers as a result of this bill. That goes without saying. But significant increased powers will also be flowing to unions as a result of this bill and, while there is an intrinsic tension between loss/addition operating alongside, there is no doubt that essentially SafeWork SA has been told to take a seat when it comes to WHS complaints in South Australia on the back of the legislation before us today. They have effectively been sidelined in the instances that the union decide that they should be.

To get back to the specifics of the two proposals before us, the first is the alternate—for lack of a better term—WHS dispute resolution pathway, or as referenced in the independent review and also more broadly in the model law reviews at a national level, essentially the ability for WHS issues, complaints, to be referred to a relevant legal body within 24 hours if the dispute is not settled.

At this point, I will concede that the bill before us is certainly much improved on the one that was sent around as a draft consultation version; that goes without saying. The revocation of the civil penalties, from that draft to where we are today, certainly is an improvement to the bill. I think there would be many in the building and construction industry who would say that the ability to revoke entry permits should they be misused or used frivolously would be something that would be helpful for them if it were retained in this bill, but again that was a change made by the government between the draft version and the one that has reached this place.

Despite those changes, for the reasons I have articulated to this point and for those I will continue to articulate, we simply cannot support this proposal. For starters, neither through the review that was undertaken nor through the review at the federal level or the subsequent response has the issue that this proposal is trying to solve ever really been clearly articulated.

To use a metaphor of essentially the investigation of any other matter of a criminal nature, what we are proposing here is essentially to sideline the police after 24 hours when they have been undertaking their investigation and go straight to the magistrate. It is a bizarre proposal to start off with, noting that usually in the course of an independent investigation you would have an independent investigator there, seeking to establish what occurred, seeking to understand the facts from an unbiased position, seeking to determine what brief needs to be passed forward to the independent arbiter to ascertain whether that fact is correct or not.

It is just a simply strange thing to think that, within 24 hours of having a SafeWork official on site undertaking their investigation into a particular issue, it would make sense from a time and efficiency perspective to simply shift that to a court, to not allow somebody with a level of independence and a non-biased approach to continue to ascertain what the facts are in a particular situation. In what context and in what way does the Labor Party think that this is going to improve the process? In what context and in what way does the Labor Party think that this is going to make for a less adversarial system when effectively we are saying that, within 24 hours, let's go before a judge?

I simply cannot fathom any sort of logic to make a proposal of this nature. It is not just me, funnily enough. It is not just us on this side of the house that think this idea lacks merit, because the review that the minister referenced at the federal level in regard to the model law review was considered, funnily enough, by Safe Work Australia on 7 April, a couple of months after the minister became responsible for the portfolio. I quote from the Safe Work Australia website:

At their 7 April 2022 meeting, SWA Members agreed to maintain the status quo on the basis that the current provisions and jurisdictional processes are working as intended.

The chair wrote to WHS ministers—the head of SafeWork SA is a member of Safe Work Australia—on 2 May advising of the outcome that, in the view of Safe Work Australia, the processes at a jurisdictional level and the current provisions that were in place, which have operated in South Australia, which have been in place across most of the rest of the country, were adequate and maintaining the status quo was their recommendation.

There was significant backlash to the government's original proposal with regard to this issue. I think it has been well charted. *The Advertiser* certainly covered running commentary from most employee groups in South Australia with regard to this at the time that the draft legislation was distributed. It is certainly my view that the views of the employer organisations have not changed, that they still think that this idea is not worth pursuing, that this idea is silly, that this idea simply provides significant increases in union powers and provides a cost-shifting mechanism that will result in more businesses being responsible for costs.

The other aspect in particular that we disagree with, with regard to what has been put forward by the government, relates to an ability under the current legislation, under the bill before us today, a proposal essentially if one of these disputes does take place, as unfortunate as that would be, and one of the parties decides that a referral to the SAET is appropriate. On referral, there is a clause in the bill before us—despite the fact that the party that makes the referral, likely a worker, one would assume, may not be a member of a union, and despite the fact that that member may not wish the union to be a party to the dispute taken to the SAET—that would allow the union at any point to make an application to be a party to that dispute, whether the person making the application wants that to happen or not.

Does that sound like overreach? I pose that question to the government. The other issue, specifically, that we disagree with and cannot support is around increasing the rights of entry powers for union officials. I do note again that the version before us is still better than what was originally proposed with regard to making some changes around the specifics of how data pictures, for lack of a better term, can be captured. Again, it goes back to the very principle of why we have an independent regulator and investigator undertaking the investigation of these issues.

How is it that we should not have somebody with an unbiased view, that is, independent of either party, going in to collect data? How is it that they should not be the people going in to ascertain the facts of the situation, the evidence that is before them? To take another analogy, you would not have the defence or the prosecution going in to collect evidence. That is the role of an independent investigator, to go in and determine the facts, understand what is happening, while the prosecution or the defence may have their own expert witnesses, may have their own additional information that is provided to a court.

At the very basis of understanding if there is enough evidence to move forward with charges or with a complaint or with an issue, it is up to an independent arbiter, an independent officer, to undertake the investigations and determine whether there is an issue that needs to be dealt with.

We have a range of questions that will still come forward when we shift to the committee stage of this bill. I am certainly keen to understand the process that was undertaken from a more holistic level: the proposals that were determined, why the changes were taken, and how we have ended up with this bill in front of us today of all days in comparison to any other timeline.

But I will finish where I started. The recommendations to come from this review did not need to be adversarial. There could have been broad support for a range of sensible reforms to SafeWork SA. We owe that to the family of Gayle Woodford and those who have had issues corresponding appropriately with SafeWork SA. I am happy to go as far as congratulating the government for bringing those reforms to the floor because it is appropriate and it is sensible, but there is simply no way that the opposition can support what can only be described—those two aspects of the bill—as a union power grab and a cost-shifting exercise that beggars belief.

Mrs PEARCE (King) (16:41): I rise to speak briefly on this transformative bill which will bring about some of the most significant reforms to work health and safety in this state since the Work Health and Safety Act was introduced in 2012. This is not a union power grab. It is a progressive

step forward to better protect workers of this great state without having to wait for a tragedy to occur. I remind those in this place that this bill has been informed by extensive consultation beginning with the independent review of SafeWork SA in 2022 and the approximate 18 months of discussions with both unions and business groups, many of which I understand have expressed that this is a reasonable compromise.

In regard to comments made regarding being able to go to the independent umpire, it actually fundamentally misunderstands industrial relations. It has long been recognised in matters such as underpayment of wages that both regulators and persons affected by industrial issues, such as businesses and unions, are able to seek the assistance of courts and the industrial commission to resolve these disputes. Through this bill, new legislation will provide workers, unions and businesses with the ability to refer health and safety disputes to the South Australian Employment Tribunal if disputes cannot be resolved at the worksite level. It will therefore see the SAET having a greater role in settling workplace disputes where they arise regarding health and safety.

SAET will have broad powers to help settle these disputes through conciliation, mediation and arbitration. These reforms will therefore provide a clear and practical pathway to improving workplace safety by ensuring that workers, unions and businesses can seek the help of the independent umpire of SAET to resolve these issues.

This bill also contains another crucial reform which will ensure fairness for victims and also their families. We know that from across multiple reviews, confidentiality requirements in the current Work Health and Safety Act have often left SafeWork SA unable to be able to communicate with victims and also their families, which means that for many they have been left in the dark about accidents which have taken place at work or what SafeWork is going to be able to do to investigate them.

The intention with these reforms is to therefore restore that fairness to victims and their families in the act by putting SafeWork into a similar position to that of other prosecuting authorities, such as SAPOL and the DPP, to be able to help improve the information that can be provided about that investigation. Additionally, should SafeWork decide against prosecuting, the bill will also allow for the victims or their family to request a review of a prosecution decision by the DPP, which will further boost fairness in the system with appropriate oversight of decisions.

The bill before us will also formalise the establishment of the SafeWork SA Advisory Committee, a tripartite body that includes the voices of unions and businesses so that they are able to provide advice to the government and SafeWork on how we can improve work health and safety in this state.

It is through the work of the likes of John Merritt's Independent Review of SafeWork SA that we intend to improve the strength of SafeWork SA, to make workplaces across South Australia safer. Merritt noted in his review that for SafeWork to achieve this, as an organisation they will need to embrace their relationships with stakeholders to be able to address the challenges faced as a community, to address the issues of work health and safety. Having been established following John Merritt's recommendations, the SafeWork SA Advisory Committee has hit the ground running, undertaking very important work, including building greater synergy between relevant stakeholders to improve the sharing of information and advice with government to better protect the safety of workers.

I must say it has been an incredible privilege to have been able to assist the committee on behalf of the Attorney-General for much of last year, and I am very thankful for all the work and advice shared by members of the committee who I have worked alongside, to be able to help address health and safety challenges that we are seeing across workplaces and industries. I have every confidence that the member for Gibson will continue to deliver strong reforms and solutions in this space through her work on the committee.

The amendment bill will also improve the ability of union entry permit holders to document health and safety issues subject, of course, to very strict confidentiality requirements. They will also now be able to take photo and video recordings. This will ensure unions can more effectively investigate and document safety matters across our workplaces. Additionally, it will see that the executive director of SafeWork SA is appointed by the Governor, much like other regulatory

authorities in South Australia and, importantly, it provides for a review of these amendments after two years, which will then be tabled in parliament.

I want to finish by emphasising just how important these reforms will be for workers and their representatives across all of our state. By being able to provide a clear path to help improve the resolution of health and safety disputes through SAET, this will help to protect workers by resolving problems before they become serious injuries or even workplace deaths.

In promoting fairness for victims and their families, we are sending a very clear message that the voices of workers and their families matter, and that they have a right to know what is happening. By enhancing the right of union entry permit holders to document safety issues, we are providing the necessary tools to permit holders who are out there trying to ensure the health and safety of workers is protected.

As I mentioned at the very beginning, these reforms represent a significant step forward for work health and safety, and will go a very long way to ensuring that every worker in South Australia is afforded their right to return home safely at the end of each day. I would very much like to thank the Attorney-General for all the work that he has done in this space, and also his team—they have done phenomenal work to get us where we are today—and I really look forward to seeing these reforms help make a difference in the lives of working South Australians.

Mr TEAGUE (Heysen) (16:48): I am interested to follow the debate and to gain any further appreciation of the motivation for particularly that part of the bill that introduces the new division 7A, the subject of clause 8 in particular, but that part of the bill, the subject of clauses 6 to 12, and I will come back to that specifically.

Just for the avoidance of any doubt, and because these things are sometimes necessary to make very clear, there are a whole range of aspects of the bill that are clearly uncontroversial. Without resorting to restatement endlessly, I would have thought it was obvious—and I am glad to take the opportunity to indicate, of course—that all of us in this place are committed to ensuring that workplaces are safe for all workers.

On the now two or three occasions that I have had the opportunity to reflect on legislation that has been introduced by this government in the industrial relations space, I have had occasion to reflect on the importance of mutuality and of reasonableness with a view to enhancing outcomes that way.

An approach to legislating in this area that is driven by ideology, or too much driven with a preoccupation in terms of what I might call one-way rights, as opposed to keeping very firmly in mind the benefits of shared responsibility of mutuality and reasonableness, is, I think, always risking that what results is a backward step in those respects and, to that extent, warrants scrutiny. As the shadow treasurer has indicated with respect to particular arrangements in terms of referral of the work of a SafeWork inspector to the SAET, it warrants opposition and scrutiny. So I do foreshadow taking a particular interest, in the course of the committee, in regard to those provisions.

In restating our commitment to ensuring safe workplaces, it is also important in the context of this debate, which really seems to be shifting a variety of initiatives and responsibilities away from SafeWork SA, to restate my and my party's support for the role of SafeWork SA as an independent safety regulator of workplaces in this state. The work that SafeWork SA does is important, of course, and there is—

An honourable member interjecting:

Mr TEAGUE: If that was an interjection meant to be heard by me, it was not. I am happy to engage in debate, but if the minister has something to say I was not able to hear it just now. The improvement that we expect to see in the performance of SafeWork SA over time is something that is common to all responsible bodies, and that is something that one expects to see across the board. There is no doubt that SafeWork SA is an important independent safety regulator in workplaces in South Australia, and its integrity ought to be preserved as we undertake the legislative task.

It is in that context that the Liberal Party has not had any difficulty at all with Labor's review of SafeWork SA. Rather, it is what has emerged from that and, to an extent, the mystery associated

with what could possibly be improvement in terms of efficacy, the result of some of the provisions that are now proposed the subject of this bill. I have not heard anybody on the other side of this place, speaking up in support of the bill, actually set that out in anything that rises any higher than a sort of generality or platitude.

Insofar as the member for King referred to the reference from SafeWork to the courts—the observation of this somehow being a history of connection between the independent regulator and referral to a court—that is unsurprising. It is a far cry from that to now be stipulating what is the subject of the 102B provisions. Again, I will come back to that in a moment.

The opposition, as the shadow treasurer has said, is supportive of much of the contents of the bill, and I will not repeat those observations. However, it is of particular significance to emphasise our opposition to what the shadow treasurer has described as—and put the counterpoint, by all means, to the extent that one exists—a union power grab. That is a fairly blunt way of drawing attention to the matter, but it is a fairly apt description in terms of the reference of a dispute to SAET in the way that is provided for in this new division 7A.

Of course, it also begs the question, with the budget just a few hours away, that it is our understanding that the government is pressing on with having this legislation moved through this house now as some sort of new priority, it having arrived in this place at the end of the list just yesterday. Coming, as we are now, a few hours away from the budget, then it is obviously going to be keenly followed in terms of what resourcing SAET and SafeWork SA are going to receive in the budget.

We are now going to see an interaction between SafeWork SA's work and the SAET in a way that SAET certainly will not have seen anything like to the extent it has previously. Again, it is a part of all this process that is somewhat mystifying, because it really goes to the core of what a WHS inspector's work is. On the face of it, it really seems to cut across and undermine the work an inspector does in terms of the process that is now provided for.

I will just give some observations from SafeWork SA about what inspectors do, because SafeWork SA spells this out really quite thoroughly in its advice to the public, and to workplaces in particular. SafeWork SA indicates that inspectors undertake workplace visits and provide advice and information to businesses and industry to assist in improving work health and safety practices. They monitor and enforce compliance with work health and safety laws, and can provide notification in the event that there is an issue that has been detected during a visit.

Inspectors visit. They might do that in response to an incident or a complaint, and they might also do it as part of a proactive compliance campaign. It is spelt out in some detail what inspectors do in the course of a visit to a workplace: they will engage with those in the workplace, review documents, speak to people in the workplace, and so on, and they will do so in that variety of different circumstances.

Inspectors have certain powers: powers of entry, to request individuals' details, to determine the outcome of matters, to assist in resolving disputes, to undertake inspections, and to acquire evidence by a whole variety of means, including the compelling of reasonable assistance, making inquiry, taking away samples and also taking statements from people. It is a very thoroughgoing range of work that inspectors do in the interests of ensuring better standards in the workplace and, where necessary, dealing with disputes.

It is against that background that the bill is going to provide—what really is spelt out in these new provisions, the subject of division 7A—this great big hammer blow to the inspector's functions. In contrast to the way that the member for King described it in terms of, 'It has always been thus,' applying a referral power that kicks in at a period of time as early as 24 hours after the request for an inspector really has all the ingredients of just effectively sidelining work.

All one needs to do is consider for a minute the range of tasks that an inspector is going to undertake in terms of investigating a matter. To basically say, 'That inspector's work is sidelined as soon as 24 hours after appointment' is really, in many cases, going to be nothing more than a sort of enforced escalation, an enforced cost-shifting, and therefore an enforced grab for power and

influence by parties to the dispute—including the relevant union, which has a very prominent place in terms of the definition of those that are parties to the relevant dispute.

Those of us on this side of the house think that it is a proposal that lacks merit. I have not heard anything in terms of the course of the debate from those on the other side that would begin to explain it, let alone persuade, but I would be glad to hear it. Indeed, Safe Work Australia, as we understand, dismissed the recommendation in these respects as soon as it saw it—this is going back a couple of years now. The Safe Work Australia position was that the status quo was to be preferred, on the basis that the current provisions and jurisdictional processes are working. That national position was put to WHS ministers around the country by the chair more or less exactly two years ago. It is in that context that it is certainly not just us finding cause for pause in circumstances of this model now being presented.

Obviously, there are a range of matters that need to be interrogated in the course of the committee process as a result, but let me just state very clearly what is in prospect. We have what is a fairly substantial piece of reform. The shadow treasurer has said, and I endorse, it contains in large measure proposed changes that are supportable and supported by those of us on this side of the house.

We have, stuck in the middle of all of that, at clause 8 this new division 7A, which is entitled 'Work health and safety disputes'. There we find this new regime, the subject first of a new section 102B. Subsection (1) of that section provides that, if a dispute remains unresolved at least 24 hours after any of the parties to the dispute has, under another provision of this part, asked the regulator to appoint an inspector to assist in resolving the dispute, then a party to the dispute may give notice to the SAET. On receiving the notice, SAET must go ahead and publish it. If there is a union involved for a worker affected and if they are not named as a party to the dispute, then the union may notify SAET and hop on board. A union can give notice under the section, and from then on they are taken to be a party.

New section 102B kicks it off and sort of sets the scene in terms of shifting the inspector's work more or less immediately to SAET in the event that a party decides that that is what they want to do. Even if the inspector manages to get appointed and then forms a view and tells the parties about that within 24 hours, then 102D tells us that SAET can go along and review those decisions made by an inspector. So we will be interrogating those matters, not impressed by those aspects of the reform. I look forward to the committee stage of the debate.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (17:08): I thank those who have spoken in the course of this second reading debate and particularly the member for King, who fulsomely set out why the progressing of this bill is important. In making a few remarks at this point, noting that clearly there will be some particular issues to traverse in the course of the committee debate, I must put on record that I do find it curious that, despite the actions of those opposite to cut $7.6 million, I think it was—in the vicinity of $7 million—from SafeWork SA during their time in government, they now seem to have some deal of concern about the capacity for SafeWork SA to operate in this particular environment that we now traverse.

The second thing that I would note—and, again, I am sure we will have an opportunity to more fulsomely discuss these issues in the committee stage—it is also curious that throughout the contributions of those opposite there was not a mention of the fact that industry associations also have the rights that they seem aggrieved about in terms of the rights of unions to air particular disputes through the SAET processes.

I look forward to committee discussion that is forthcoming and I want to place on record again my thanks to the many, many stakeholders, diverse groups of stakeholders, who contributed both during the review and during consultation on the bill. I again thank the Attorney-General and staff in his office and also in the department for their work toward this bill that we debate today.

It is an incredibly important bill. I think it will make a profound difference in the lives of workers and absolutely assist with expediting the resolution of disputes in relation to work health and safety disputes. Everyone of us in this chamber knows that, if disputes are left too long to fester, they

generally create more health and safety issues of great concern. We, on this side of the chamber, want to make sure that through the progressing of this bill we make sure that those engaged in this system have the best opportunity, whether they be unions or employers, to efficiently and effectively resolve work health and safety disputes when they arise. Again, I commend the bill to the house and I look forward to the debate during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr COWDREY: I just wanted to pick up a comment that was made by the minister as she was closing the second reading debate in reference to industry representative bodies having access to the same rights under the bill as unions and workers. Are you able to confirm that that is the case, that industry representative bodies have the same rights under the bill?

The Hon. K.A. HILDYARD: In short, a person who is conducting a business or undertaking, so a PCBU for the purpose of this committee going forward, does have the same right to refer a particular dispute, and that is what I was speaking about in that comment I made.

Mr COWDREY: I will go back to the very beginning. We may come back to that issue in a second. You also referenced at multiple points that there had been a request from industry groups for the ability to refer WHS matters in this particular way that has been articulated in the various forms to this point.

The Hon. K.A. Hildyard interjecting:

Mr COWDREY: You do not recall saying that? That there had been a request made from industry groups, given they have the same rights?

The Hon. K.A. HILDYARD: I think I have talked at length about the consultation that was undertaken both during the process of the Merritt review and also in consultation on the bill, and that is what I have referred to in a general sense. That is my memory. If there is something else I have said, I am happy to further explore whichever particular issue you would like to explore.

Mr COWDREY: Perhaps I misheard; I am happy to be corrected. In regard to those that have been consulted to this point, at multiple times, there has been reference through debate from the minister regarding this as a compromise, insinuating that there has been a sign-off or an agreement that this is an agreed position that both business and unions, and others perhaps, are happy with. Could the minister please provide an indication of how many industry groups have specifically endorsed the government's position and the bill before us?

The Hon. K.A. HILDYARD: What I would point the member to—I think you are shadow minister for industrial relations and obviously shadow treasurer also—is the comprehensive list that the Attorney-General provided to the house in terms of the range of bodies that had been consulted. I am not going to go into details about the various discussions, but there is a comprehensive list that has been provided to the Legislative Council. I am sure we can obtain that list and provide it again here, but it was provided to the Legislative Council, so I would point the member to that particular list.

Mr COWDREY: I am not asking for a list of who has been consulted: I am seeking an indication of who there have been discussions with. The minister has referenced a compromise position. A compromise position insinuates that there has been an agreement of such. Again, I will ask the minister: can she provide the committee with an indication of which industry business representative groups have endorsed the government's position on this bill?

The Hon. K.A. HILDYARD: I am not sure what to add other than my previous answer. There has been extensive consultation. The list of who has been involved in that consultation has been provided to the Legislative Council. I presume that the opposition has also consulted with various groups, industry associations and others about particular matters contained in the bill.

Mr COWDREY: From the response from the minister, one can only assume that there has been no support garnered from those groups in regard to the so-called compromise position that has been reached. My question to the minister is in regard to potential increasing cost to residential construction and commercial construction that potentially arises from this change. Has the government turned its mind to or conducted any analysis into if there will be an impact, and how much, on the construction industry or other industries as a result of the reform that it is undertaking today?

The Hon. K.A. HILDYARD: Two things: in a general sense, we certainly do not foresee any additional costs, but what I can also advise the member is that I have been advised that the Master Builders, and others potentially, would see the provisions in this bill actually provide a mechanism for more effective and efficient resolution of disputes.

Mr COWDREY: A point of clarification from the minister: the minister indicated that the Master Builders Association would see this as an improvement. Does the minister have confirmation that the MBA does see this as an improvement and have they endorsed the position of the government?

The ACTING CHAIR (Mr Brown): That was two questions.

The Hon. K.A. HILDYARD: Two questions, and I think I have already answered that question regarding industry views about the provisions in this bill around dispute resolution being provisions that assist in the efficacy, the efficiency, the speed of dispute resolution. I suggest that if there are further questions for particular bodies, the opposition may wish to speak further with those bodies.

Mr TEAGUE: At this point, just to be clear in our understanding, the bill is addressing several distinct areas, and they are easily able to be separated one from the other. As the shadow treasurer has indicated and as I have walked through to some extent, notwithstanding my particular interest in those aspects, subject to the new division 7A, those distinct areas I think might fairly be described as the establishment of the SafeWork SA Advisory Committee first and, secondly, providing the ability for WHS complaints to be referred to SAET in new ways, particularly in terms of time frames and then review. That is controversial.

The third area is the expansion of rights of entry powers. That is controversial as well. The fourth is the DPP's work on SafeWork SA in terms of reviewing those terrible circumstances faced by the Woodford family following the murder of Gayle Woodford. That, of course, has been the subject also of legislation in the previous parliament; indeed, an act bearing Gayle Woodford's name.

Importantly, so far as this aspect of the bill is concerned, going to the way in which the interaction of a SafeWork SA investigation works in terms of the time limits on proceedings that might be brought separately, we have the particular circumstances of the review and the circumstances faced by Keith Woodford that can act as a direct comparator in terms of these changes that would ameliorate the situation for those who are in similar circumstances.

Finally, there are reforms as to confidentiality provisions; that has been addressed. In terms of a fairly extensive piece of legislation, it has been observed that it was well within the government's control to cover those aspects that are non-controversial, and to do that move it through, including in particular those changes that I have described subject to the DPP's review. The government has not elected to do that. It has wrapped it all up, including those parts of the bill that are going to be unsurprisingly controversial. Has the government in those circumstances given any consideration to breaking the bill up according to those distinct parts and, if so, why has it come to the conclusion that it is pressing ahead with the inevitable result that it will inspire this kind of scrutiny in terms of the controversial aspects of it?

The Hon. K.A. HILDYARD: First of all, I think we got to a question at the end, but I will just respond to the member's fairly lengthy explanation of his understanding of the contents as listed in the bill. That is a broad summary from his perspective and that is very nice and I will leave that there.

The second thing I would say, though, is that the short answer to the question he had at the end is no. There has been consultation for 18 months and workers and business have waited long enough for this reform.

Clause passed.

Clause 2.

Mr COWDREY: In regard to submissions that were received in the process of consultation, is the government willing to provide those submissions to the committee?

The Hon. K.A. HILDYARD: No, they are a matter for stakeholders.

Mr COWDREY: How many formal submissions or responses to letters or general feedback in a formal way has the government received from employer industry groups on the final version that was introduced in the other place?

The Hon. K.A. HILDYARD: I would just point to an answer to an earlier question on clause 1, title of the bill, and point the member again to the list that was provided in the Legislative Council by the Hon. Kyam Maher. I would also say that I am not going to go into detail about how particular parties that have been comprehensively and very openly detailed in the submission by the Hon. Kyam Maher to the upper house provided their submissions and views on this bill, but I can say that there has been comprehensive consultation with a diverse group of stakeholders and the details of that diverse group of stakeholders have been aired in the Legislative Council.

Mr COWDREY: I do not believe that the question that was posed was in any way disregarding any sort of privacy concerns of individual stakeholders. It was a simple question about numbers of submissions received in relation to the bill that was introduced to the house. I was not asking for who was consulted. You have certainly provided that in the other place and we all understand that.

The question was in regard to a particular number, not outlining who the industry group was, not outlining any further detail in regard to what their submission contained, not outlining anything more than an indication of a number of how many submissions were received by the government from industry and business groups relating to the final version of the bill that was introduced in the other place. But, alas, I understand that I am not going to get an answer to that question because the minister has decided not to answer it, so I will move to another in regard to how the commencement of this bill will work from a practical perspective.

In terms of when the government expects this reform to be operational, there has been an indication through the bill briefing process that there will be no additional resourcing provided to the SAET in regard to the undertaking of this additional jurisdiction. I am just again seeking confirmation from the minister that there will be no additional funds or resources provided to SAET to undertake the additional jurisdiction that is being essentially transferred to them as a result of the changes that are described in the bill today. From a practical perspective, when does the minister believe that the SAET will be operational in terms of being capable of taking referrals through the operations of the bill, and at what point does she see SafeWork officials being provided guidance as to how they should proceed, given changes in the bill?

The ACTING CHAIR (Mr Brown): I think there might have been four questions there, but, minister, if you still want to answer your first one.

The Hon. K.A. HILDYARD: I think that was four questions in relation to commencement but I will try and step through them. I will just go back a step just to say that I have actually answered the question about stakeholder submissions and consultation, and I would again encourage those opposite to engage with those stakeholders and find out more if they would like to about their particular discussions in the course of that consultation.

The next question about when: as soon as possible. The next question: the answer to that is that we will consult with SAET to make sure that they are comfortable with any processes etc. that they need to have in place. But the short answer is that as soon as possible we will endeavour to have these provisions implemented.

Also, my understanding is that SAET are comfortable to undertake the duties inherent in this bill within existing resources. I say that because it is my understanding that they have looked carefully at the legislation and its impact in Queensland. There is a relatively small number of cases that have arisen that they have been involved in, in terms of resolving disputes in the same way that this bill

contemplates. I think the number is around 10 per annum in the seven years that the bill has been in place. My understanding is that SAET, having considered that, is comfortable with moving forward.

Mr COWDREY: I just wanted to ask a question of the minister in regard to the point that she has just made. The Queensland model has been operating now for seven years and no other jurisdiction has taken up the rollout of similar legislation up until this point. No other jurisdiction saw the need to follow the Queensland model in the seven years that it has been operational; is that not consistent with the recommendation that was made by SafeWork South Australia that the current regime within the jurisdiction is operating efficiently?

The Hon. K.A. HILDYARD: No, because the Boland review actually did recommend this change.

Clause passed.

Clause 3.

Mr TEAGUE: Maybe this is an opportunity for the minister to explain what I heard in the course of the second reading debate to be a reference to business organisations having access to the 7A process. Here we are at clause 3 where we are dealing with the establishment of the SafeWork SA Advisory Committee so far as there are definitions that are relevant to it. We see here the reference to the definition of representative. That is clear enough. Subclause (5) has the definition of representative at the bottom of page 3 and then, going over to page 4, representative is there defined as:

> (a) in relation to a person conducting a business or undertaking, means—
>
> (i) an employer organisation representing the person conducting the business or undertaking; or
>
> (ii) any other person that the person conducting the business or undertaking authorises to represent them; and
>
> (b) in relation to a worker, means
>
> (i) the health and safety representative for the worker; or
>
> (ii) a union entitled to represent the industrial interests of the worker; or
>
> (iii) any other person that the worker authorises to represent them;

So there is a definition of representative that is contained within clause 3. I do not know if the minister might take the opportunity to indicate whether the minister was intending to refer to that particular definition for the limited purpose for which it applies when making the observation about the opportunity for business organisations to have access to the 7A process. It is not the occasion perhaps to set out the particulars of the 7A process, but we do not see any reference as far as I can tell to representatives as defined for that purpose. We have representatives defined in those terms for the purposes of clause 3.

The Hon. K.A. HILDYARD: In relation to a PCBU, what is really clear is that given the agency and the power that PCBUs have, they can of course appoint an industry association to represent them and take up particular matters on their behalf.

Mr TEAGUE: I just indicate to the committee that I do not find that answer particularly instructive or responsive to the question. It might be that it is more convenient to come to it when we get to clause 8. Anyway, for the time being I do not find that particularly helpful.

Clause passed.

Clause 4 passed.

Clause 5.

Mr COWDREY: I am seeking some further information in regard to how the government seeks to, for lack of a better term, practically task the advisory committee in terms of the number of meetings that one is expected to attend each year, the remuneration arrangements for those board members who would be remunerated—obviously, understanding the existing legislation that covers this area—and also more broadly, in terms of the composition of the advisory committee, whether

there is a requirement on attendance in terms of how many members need to be present for the committee to effectively provide decisions?

The Hon. K.A. HILDYARD: Regarding the existing advisory committee, it is my understanding that they meet every two months. It is also my understanding that that process will continue. In relation to remuneration, that will be determined in accordance with existing government policy. I understand that that government policy was applied during the term of government of those opposite. Government policy around remuneration will continue. In relation to members, they do have deputies, etc., but of course any issues around ongoing inattendance would be looked at in the context of policy.

Clause passed.

Clause 6.

Mr COWDREY: Outside of making a contribution in regard to what was presented in the other place, essentially I think we have well articulated, to this point, the position of the opposition, where we are happy to support certain segments of the bill that have been outlined to this point but, obviously, we will not be supporting the sections of the bill with the clauses that relate to the specific issues that have been outlined to this point as well, specifically the referral of WHS complaints to the SAET and also the expansion of right of entry powers.

I indicate that the opposition will not be supporting clauses 6 through 11 for those purposes, understanding that there are, through technicality, a range of other clauses that obviously overlap or have consequential interactions with them. Just for the clarity of explaining and clearly articulating the opposition's position: we will be opposing those clauses for those reasons.

The committee divided on the clause:

Ayes 22
Noes.....11
Majority 11

AYES

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

NOES

Basham, D.K.B.	Brock, G.G.	Cowdrey, M.J. (teller)
Gardner, J.A.W.	Patterson, S.J.R.	Pederick, A.S.
Pratt, P.K.	Tarzia, V.A.	Teague, J.B.
Telfer, S.J.	Whetstone, T.J.	

PAIRS

Mullighan, S.C.	Hurn, A.M.	Stinson, J.M.
Speirs, D.J.	Champion, N.D.	Pisoni, D.G.
Close, S.E.	Batty, J.A.	

Clause thus passed.

Clause 7 passed.

Clause 8.

Mr TEAGUE: Just for the sake of completeness—and I will be quite brief about this—we have heard from the minister in the course of the committee that references to the opportunity for a PCBU to involve their business organisation might be there. I think that amounts to nothing more than the right that a party to a dispute might have to engage advisers, usually legal advisers, to represent them.

It is completely different to the provisions that are the subject of 102B(4) and 102B(5), which basically give the union the right to wade on in any time it feels like it, whether or not it is a party and whether or not the party engages it in the same way. It is a completely different sort of situation and, of course, business organisations do not have anything like a corresponding right; in fact, they have no seat at the table, no right to participate.

That might be just observed on the face of it. You only need to look at what the definition of a dispute is and then, of course, read the provisions of 102B. I just put that on the record.

The Hon. K.A. HILDYARD: A few points in relation to this particular statement or question from the shadow attorney-general. First of all, I point again to the Queensland legislation and make it clear that there certainly has not been any concern around that identical provision in the Queensland act, and it is my understanding that provision is operating very well.

The other thing I would point out, in the hope that the member might better understand this particular point in relation to businesses and unions, is that their involvement in a range of particular matters and the way they represent particular individuals or groups of workers or a particular business is actually governed by different sets of laws. The pathway for them to represent particular individuals or groups of individuals is quite different, so I would ask the member to look at that particular matter to provide further elucidation on this particular statement or question that he has put forward.

The third thing I would say is that this government is absolutely clear that unions are a really important stakeholder across industry in upholding work health and safety for workers, for all of the reasons that we spoke about in my contribution and in the contribution from the member for King. They have a very, very important place and a critical role to play.

I spoke in my second reading remarks about why unions do play a role in terms of looking right across an industry in relation to particular matters, because the thing is, particular issues that arise in one workplace may arise in another workplace in the same industry. For a union to be able to articulate those issues—particularly those new and emerging issues which, again, I spoke about in my second reading speech—is actually really, really important. It is important because unions do have a very important role to play in upholding health and safety right across industries, and because fundamentally it is really important that unions can represent a collective group of workers around particular issues.

I do not feel like I should have to say this, because it is obvious, but particular individual workers do not always have the confidence in terms of feeling like they can raise particular issues, and they may need the support of their union to do so. That is well known. That is a very important part of what unions provide to individual workers. It also speaks to, as I said, the important role that unions play in providing context right across an industry about particular issues, particularly those issues that emerge through innovation, through different technologies, through different equipment, through different practices, etc. Again, I would conclude by saying that this government is really clear that unions play a crucial role in upholding work health and safety in workplaces and right across industries.

Clause passed.

Remaining clauses (9 to 24) passed.

Mr Teague interjecting:

The ACTING CHAIR (Mr Brown): Sorry? Twenty-four, yes.

Mr Teague interjecting:

The ACTING CHAIR (Mr Brown): There are 24 clauses. We got that right.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (17:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2024.)

Mr TEAGUE (Heysen) (17:56): I rise to continue my remarks. I think, around the time that I sought leave on the occasion of the adjournment of debate on the last occasion, the granting of which I am grateful for, I was continuing to reflect on the fact that we have before us in this sort of styled portfolio bill two clauses among 51 that are really meriting consideration in their own right, as distinct from the balance of the 51 clauses of the bill, which are providing for a change of nomenclature for certain judicial officers.

I emphasise, as I have done maybe in a number of different ways in the course of my contribution, that for those of us who have worked in the courts and appeared before the Masters and engaged in that interlocutory process in the way that matters are managed in the state courts, it is important to underscore that those particular judicial officers are in fact well described as Masters in that they are Masters of that particular set of activities within the court. To name them now, as the balance of this bill will, as Associate Justices and Associate Judges, is perfectly apt.

As I have said earlier in my remarks, Masters of the Supreme Court are already judges of the District Court. It is well known in the profession that those functions are important functions as part of the process of managing matters to trial. That is just to underscore that those parts of the bill, the vast bulk of it, with the exception of these two clauses, could have come along really at any time, or not at all.

The proposal has inspired nothing greater than the expression of no opinion one way or the other from the Bar Association and from the Law Society and from just everybody else, as far as I am aware. Yet couched in amongst that particular change, the source of which and the initiative for it remain somewhat of a mystery, we have then within them these clauses of particular consequence, of particular substance, albeit I recognise the day-to-day aspect of it may be regarded as quite discrete within the operations of the justice system. I seek leave to continue my remarks.

The ACTING SPEAKER (Mr Brown): You do not need leave to go to the dinner break, member for Heysen, so you may keep speaking if you would like.

Mr TEAGUE: What I expect to be doing over the course of the debate will be, having drawn the distinction, I will do some justice to the balance of the bill in terms of those 49 clauses—uncontroversial and perhaps suited to a portfolio bill—on the one hand and then bell the cat on the substance associated with those two clauses.

Sitting suspended from 18:00 to 19:30.

Mr TEAGUE: I am glad to continue my remarks. As I do, I note that, and somewhat unusually in the course of this Fifty-Fifth Parliament, we find ourselves here continuing debate after the house has taken a break for dinner and we are continuing, it would appear, solely for the purpose of the continuation of the debate on what the government has described as a portfolio bill containing the

sorts of provisions that one might expect to be addressed as a matter of the ordinary day-to-day business of the parliament.

But we know that that is actually not the true nature of the bill, when it comes to those two clauses among 51 that are really a matter of genuine controversary in the state. So in combination, we find ourselves here under really what is a misnomer, a bill under the cover of a misnomer, and the government has decided that it is somehow desirable and necessary to press on with this misnomer bill after the dinner break and for no other reason.

I can understand a whole range of circumstances in which the parliament might be required to sit late into the night and to wrestle with the matters that confront the parliament in the course of dealing with the business before it. But, notably, and this extends to before your time in the chair, because, Mr Speaker, you will have observed that for the bulk of the Fifty-Fifth Parliament it has been the government's preference to get to within 10 seconds or 20 seconds or so of the time limit stipulated in the standing orders, after which there is no adjournment debate required at 5.30pm and at that point to up stumps and finish another day's business.

That is all very well. That is the government's prerogative. The government, by definition, controls the disposition of business, the order of it and so on, in this place. But it is significant in the course of this Fifty-Fifth Parliament, in contrast with parliaments in the past where it might have been a matter of routine when you go to the *Notice Paper* in parliaments of the past, that you see on the front page of the *Notice Paper* the government business list, and you see that running to more than a page. Indeed, just take the *Notice Paper* from today, a *Notice Paper* running government business and bills, and running to a full 23 bills waiting on the government agenda.

The *Notice Paper* is not unique today. It has not just suddenly burgeoned out from a handful of bills for debate out to the 23 that we see. Notwithstanding that, the government's preferred course of action over the course of really the vast bulk of sitting days in the course of this Fifty-Fifth Parliament has been to pull up stumps at half past five and to say, 'Oh well, enough for today.' But not today, no, we sat beyond half past five and we debated the Work Health and Safety (Review Recommendations) Amendment Bill and there is no doubt about it—I am not going to reflect on debates and proceedings in the house—we disposed of that business.

The point that is important to make about the bill that we are presently debating is that it is the sole reason for us to be here in this place after the dinner break and it really tells us a great deal about where the government is at in terms of its agenda for this parliament.

The SPEAKER: Member for Heysen, could you come to the substance of the bill, because so far you have talked a lot about us being here and sitting late and it has been six or seven minutes of just that. If we could return to the substance, that would be great.

Mr TEAGUE: I will do exactly that and I thank you for your direction in that regard. It is important to note that that is the fact, that is the circumstance: we are here solely for that reason. I think I have flagged a way forward that could dispose of the bulk of this bill more or less instantaneously. It could dispose of 49 out of the 51 clauses more or less instantaneously.

In fact, before we adjourned, as the standing orders require us to do for the dinner break, I invited the government to do precisely that—that is, to carve out clauses 31 and 32, get on with the passage of what would properly be termed a portfolio bill—and had I received an undertaking of that nature over the dinner break then that would have been welcome news indeed.

Instead, we are pressed here in circumstances where the controversy has been identified and we are required, now into the evening and into the night, to engage in what is a transition away from, and at the government's behest, the continuation of an institution in terms of the justice system of South Australia that harks in its origins back many hundreds of years, is associated with the very foundations of the justice system as we know it and which has come to this parliament, as I have said now on more than one occasion, under cover of this kind of innocuous, as it is characterised, portfolio bill styled as the Statutes Amendment (Attorney-General's Portfolio) Bill 2024.

Described as it is as the Attorney-General's bill, what is it that the Attorney-General has stated as the grounds upon which to proceed with those two clauses of controversy, because that is what is holding us all up?

The spotlight might be shone on the Attorney-General in this regard because, but for clauses 31 and 32, we could all be off doing other things in other places.

The member for Kaurna will recall that it was only a few short years ago—and the member for Kaurna participated in the debate in this place, as did I—that the house debated a bill and passed a bill that addressed the subject matter of substance that is contained within clauses 31 and 32. As the member for Kaurna and others will recall, it was a process that followed a very substantive up-front through-the-front-door process to regularising the process of appointment of Senior Counsel in this state, instituted the system as it stood then for the subsequent not quite half a dozen years, and it was a debate that was the subject of quite considerable consultation and reflection by the profession and the court and, indeed, the parliament all the way along.

In contrast to that debate, according to a bill that was styled as such and came in through the front door and said, 'This is what we are doing,' off the back of a 98 per cent endorsement of members of the Bar Association of South Australia and an overwhelming majority of the legal practitioners in the state, members of the Law Society of South Australia, we moved to regularise appointments. So that was only a few short years ago.

We see in stark contrast to that, the Attorney-General has decided—and I say 'the Attorney-General has decided', because this is a bill that has come to us having been introduced by the Attorney in another place. It has passed through the other place and it has come here, and we have heard an explanation of the government's view of it from the Deputy Premier representing the Attorney in this place and styling it as I have indicated in terms of subject matters suitable for inclusion in a general portfolio bill.

I take particular exception to the inclusion of clauses 31 of 32 in a bill of this nature, and I hope I have made that particularly clear, but what is it that is motivating the Attorney? The Attorney has stated what might be distilled as two grounds for moving in this way. I confine these observations to those two clauses of substance. The first is that the Attorney indicates, it would appear, that the use of apparently royal titles, such as King's Counsel, are a historical anachronism. That is the first.

Secondly, it would appear that the Attorney would have the parliament adopt that there is an indication that this would somehow bring South Australia into line with New South Wales where there are and have been since 1993 only Senior Counsel appointments. So, perhaps I will deal with the second point first, because there has been much that has been said in the course of this debate about the way in which different jurisdictions in Australia have charted a course over the years, indeed over the recent decades.

It has been inevitably wrapped up in different ways in different states with either the precursor or the advent or the response to the broader republican debate, and we do not want to get away from that too far, and I have alluded to it in my earlier remarks. I will come back to it, because it is a debate that I have seen, I have participated in it, and in many ways it would be refreshing if we were dealing with this subject matter not in an Attorney-General's portfolio bill, some sort of innocuous back-door approach, but rather via a writ-large statement of principle about where we want to head as a state in South Australia.

Alright, if that is the case, let us have the debate, but the Attorney has disowned that and the government has disowned it and said, 'Oh well, you know, it might be interpreted that way, but we are disowning that'. I have described it as a sort of form of fig leaf for that reason. If it is connected to matters associated with the republican debate in this country, then let us hear about that, front and centre.

For the time being we have heard an overt reference from the Attorney to comparisons with New South Wales. We know that the change that occurred in New South Wales in 1993 happened some several years before what was the most thoroughgoing republican debate, and it occurred under the premiership of John Fahey in New South Wales, who was active in that republican debate, so far through the front door.

The New South Wales context, as these things are when one actually takes a closer look, was characterised by a whole range of different criteria, contributing to both the nature of the debate

and where New South Wales was left as a result of it that render the situation in New South Wales both before and after the debate really significantly different to where we are here in South Australia.

Can I emphasise that, to the extent the Attorney-General wants to draw some comfort from comparison with New South Wales, you want to be really careful where you head in that direction, because New South Wales charted a course, as it did a little over 30 years ago, that left it in circumstances that are really very different to South Australia now and very different to how South Australia would be, should those particular clauses be passed through the house at some stage in this state, whether now or in days, weeks or years to come.

I just say this, because it is critical to understand that the system in New South Wales for the appointment of Senior Counsel remains fundamentally different to that in South Australia. In New South Wales, appointments of Senior Counsel are made in accordance with a detailed procedure of the New South Wales Bar Association, as distinct from South Australia. The Supreme Court of New South Wales and its justices are not the appointers of Senior Counsel in that state. Accordingly, it is simply false to suggest that the change subject to this bill is somehow to bring South Australia in line with New South Wales.

Each jurisdiction is different as to its particular rules, it is different as to the history that it brings to a debate, it is different in terms of the motivation for proceeding to confront these issues of historical inheritance and it is different in terms of charting a course to the future. It should not come as a surprise to anyone in the house, and it certainly will not come as a surprise to South Australians, that we want to focus very clearly on how we are going about charting a course in this state. It is not a particularly impressive starting point to chart this particular course in the midst of this portfolio bill, so called.

The first contention of the Attorney in relation to the so-called anachronism of the title is not a lot short of risible. If you are going to hang your hat on this notion of anachronism when it comes to the Crown and you are not going to go the full bore and actually confront the issue in terms of having a full-blown republican debate—you know: where we are at in South Australia, where we are at in Australia—I am up for it. If you are going to do anything short of that, all you are doing is a sort of gutless approach to engaging in what is really a very substantial matter.

If you are not going to start calling Crown law something resembling what the Attorney's image of civic society ought to be characterised by, if you are not going to start calling the Royal Adelaide Hospital something that might celebrate some of our high-performing locals who we might want to recognise—we have had a health debate going on here in this place. We have been preoccupied by it because we have had a government that has gone and misled the state of South Australia in its election campaign, promising to fix ramping and then failing comprehensively to do so. So we have been preoccupied with talking about institutions that we are so proud of in this state, including the Royal Adelaide Hospital, The Queen Elizabeth Hospital and so many others that are associated with the institutions that we have—

The SPEAKER: I think we have had 20 minutes since the break and we have not really got to the substance. I know you are gagging for the republican debate, but that is not what this is. So if I could just bring you back to the substance. Thank you.

Mr TEAGUE: I thank you, Speaker. I think I have flagged where the substantial debate might be undertaken. It is certainly not in the context of this bill. It is certainly not in the context of a portfolio bill that is going to, in 49 of its 51 clauses, change the name of certain judicial officers in an uncontroversial way. Let's just deal with those 49 clauses. Those are uncontroversial matters.

I have said before, in the course of my contribution, that that may well—in fact, significant enough is the role of those Masters that that itself warrants a bill indicating what the proposal is in terms of those Masters. Change the names if you will. Recognise that the function of the Masters in the District and Supreme courts, respectively, is a vital one indeed, and let's focus on that. It is galling, it is gutless, as I have said, and it is avoiding the real debate to bury these two clauses of significant historical importance in the body of this so-called portfolio bill.

The Attorney-General draws attention to the comparison with New South Wales and what went on there in terms of its change in departing from nomenclature and the continuation of that

longstanding institution from and since 1992. In the context of that comparison, relied upon by the Attorney, I would just refer to some parts of the reflection on the transition that occurred in New South Wales that Ruth McColl traced in a contribution to the *Bar News* in New South Wales, in edition 9 of 1993.

I just draw particular attention—this is found at page 11 of *Bar News* from that edition—to the fact that at the ceremony that occurred on the appointment of Senior Counsel in New South Wales on 10 December 1992, which was a moment, if you can picture this, in the Banco Court in New South Wales, they are all aware of the fact that this is the last time that we are going to see appointment in this way in New South Wales. It is a matter, therefore, of particular significance.

The then President of the Court of Appeal, Mr Justice Kirby, who went on, of course, to serve as a distinguished member of the High Court subsequently, was unable to be present during the ceremony that occurred in December of 1992. Those new Queen's Counsel then, some days later, presented themselves to the Court of Appeal, presided over by the president, and he sat on that occasion with Mr Justice Sheller and Mr Justice Cripps and the president made a contribution that he might otherwise had reflected on had he been able to be present on the 10th.

It is of particular relevance to the debate that we are now presently having in this place, now more than 30 years on. Firstly, President Justice Kirby observes that he had been unable to attend. He had missed the ceremony at the Banco Court on the previous Thursday and reflected on what were then pressing commitments. It obviously impressed upon those present that the president would have regarded it as a matter of significant priority to be present, but he was unable to be.

It was not lost on the president that this was an occasion of significance because it was the last that there was to be such appointments, as will be apparent for those who no doubt get out the *Bar News* edition to which I have referred. They can read the contribution of not only the president but the Chief Justice as well that is caught in the course of this piece.

There was some reflection both on the role of the executive in the appointment of Senior Counsel in that state, and, in terms of what was then perceived to be the relevant understanding of the meaning of that role in other jurisdictions and particularly in Asia, which was the point of particular reference in the course of that debate in New South Wales.

The president, in broadly lamenting the change generally, makes the observation—and I quote at this point:

> There is…no doubt that there would always remain in the legal profession a position of senior advocate—

and here is a concession—

> In many of the countries of the Commonwealth which are now republics—

keep that in mind; they have first taken the step, they have first actually embarked on and had that debate and progressed in that direction, so bear in mind that proviso—

> there are appointments of senior counsel, so styled (SC)—

in some of those example jurisdictions, Sri Lanka among them. It continues:

> In Sri Lanka, counsel appointed to the Inner Bar appointed as President's Counsel (PC). In Nigeria, senior counsel are appointed as Senior Advocates of Nigeria (SAN).

And so, as the president observes:

> There is therefore little doubt that, in time, some such ranking would emerge from the profession in this State if the rank of Queen's Counsel were abolished.

We will pause there, because there will be occasion to reflect on the fact that, while that might have been predicted, the contrary turned out to be the fact, at least in terms of those jurisdictions within Australia, outside of South Australia that is, that embarked upon that change around that time and subsequently, because that is not what occurred at all, bearing in mind those jurisdictions that had become republics really had no option but to establish these new roles.

It is interesting that at that time there is a kind of an expectation by the president that the new title might acquire the same sort of rank, and it might emerge over time, but the contrary has

happened because we have seen what has happened in Queensland. We have seen what has happened in Victoria. Indeed, we have seen what has happened right here in South Australia where we have had a very thorough ongoing debate, thoughtfully, about those who have committed their lives to the health of the system of justice, and the conclusion has been, 'No, it is important that those ties to those values within the institution of Queen's Counsel, and now King's Counsel, abide and remain and, in many ways, may be further emphasised by the passage of time.' So what does the president go on to say? I quote:

> What, then, will we have achieved by the abolition of the appointment of Queen's Counsel? We will have removed the Queen's name from the warrant by which the leaders of the Bar are appointed. And we will have removed the role of the Executive Government…

I will pause there because here in South Australia, and this is one of the points that is made about why the New South Wales comparison is just not apposite at all, we have taken away the connection with the executive altogether, and for reasons that are well known, and they can be addressed on another occasion. We do not have that comparison. What is important for the purposes of this debate is the president's observations about the removal of the title in New South Wales in all those circumstances at the end of 1992, insofar as that particular rank is concerned, because he says, and I quote:

> So far as the removal of the Queen is concerned, it seems to me that, whilst we remain a constitutional monarchy, that ought not to happen. Behind the rank of Queen's Counsel lie four centuries of service of distinguished leaders of our profession. Such a ranking should not be set aside, at least without careful consultation with the judges, the profession, and the community. Certainly, in my respectful opinion, it should not be a decision made by an unexpected announcement on an afternoon when, as I understand it, the Attorney-General of the State was outside the State and on the very day that a consultation paper, including a question on the very issue, was distributed to the judges and to others.

So not entirely analogous circumstances. I do not know exactly what was going on in New South Wales in terms of the announcement of that particular change, but we see a clear expression from a judge who is undoubtedly one of the highest intellect, who is known throughout Australia as being committed to law reform, committed to the health of the system of justice, not only in New South Wales but of course all the way through to having served with distinction on the High Court, making that observation. At the very least, one can see in those observations a note of caution in terms of the way that one ought to embark upon and undertake the debate, if that is to be had.

President Kirby did not just come down in the last shower and share some thoughts off the cuff. He is there indicating that this is a matter of substance. It is a matter that is wrapped up with matters of real interest to all South Australians, if one extrapolates that to the debate that we have here in South Australia. It is not subject matter that ought to be cast around, akin to some sort of bauble that can be wrapped up in a couple of clauses within, and under cover of, a portfolio bill, so-called, in which a whole lot of clauses are devoted to the way in which the name of those Masters of the court might be described into the future.

It is simply an inappropriate way to proceed in the debate, but there is no realistic analogy, as I have indicated, to the New South Wales process, because coming as it did some years ahead of the republican convention and the referendum question that followed, led as it was by then Premier of New South Wales, John Fahey, it was a debate that was couched in terms of a combination of things, advancing a competition policy among them. The question of the role of the executive in the appointment process loomed large in the New South Wales debate and then you have along with it this question about some sort of precursor to what it might indicate in terms of a republic debate.

There is a whole range of different causes motivating first of all the New South Wales debate in 1993, and then what we have seen pan out in New South Wales has been a process of appointment and a set of arrangements in terms of the role that remains really fundamentally different to what we have in South Australia. Meanwhile, of course, and partly as a result of controversies of our own, unique to ourselves, South Australia has charted a course, now many years ago, separating the executive altogether from the appointment process. So you have a situation in South Australia where the appointment process is very much more discrete to the court, very much more within the purview of the Chief Justice and really very distinct from the process that was embarked upon in New South Wales.

But what can be said for the process in New South Wales, at least, is that you had a government that was walking in through the front door, and it was charting, for a whole lot of stated reasons, a course of reform that it was characterising as desirable in particular application to New South Wales. We have no such thing here in South Australia. We have, by contrast, this rather pitiful situation of a couple of clauses hiding somewhere within a portfolio bill.

Thirty years on—or, indeed, before we get to 30 years on, about 20 years on there is a helpful reflection on where New South Wales got to as a result of those changes. Daniel Klineberg made a contribution to *Bar News* in a piece in the autumn edition of 2014 in which he looked back upon then 20 years since the change. At that time, August 2014—so just a tick over 20 years following those observations of President Kirby, as he then was—there is some cause to reflect on what actually has transpired. The author makes the following observation:

> What may be noted, however, returning to the comments from Kirby P referred to above—

I will get to those in a minute—

> is that his Honour was of the view that whilst Australia remained a constitutional monarchy the monarch should not be removed from the appointment process of silks—

that is, Senior Counsel—

> Nevertheless, the change envisaged in December 1992 occurred and, since then, there have been no appointments of QCs in NSW. Thus, assuming one accepted the view expressed by Kirby P, given that the change occurred, the proposed reintroduction of the monarch into the appointment process of silks may be seen by some to be demonstrative in whole or in part of monarchical tendencies.

The comments to which the author was referring above go to what are some fairly clearly expressed views of those participants in the debate in that regard, including:

> In an article in the Sydney Morning Herald article on 12 March 2014, McClintock described the moves to reintroduce queen's counsel as 'ridiculous', 'disingenuous' and 'dishonest'. He asked, rhetorically, in what sense are QCs counsel of, or to, Queen Elizabeth II? McClintock continued that the changes were 'disingenuous and mask a reactionary political agenda'. The same article quotes the Commonwealth attorney-general criticising the New South Wales Bar as 'a bastion of Keating-era republican sentiment'. Thus, it is difficult to separate the issues concerning the reintroduction of queen's counsel discussed above from the broader debate involving the monarchy within Australia. That latter issue is not—

something that the author owns as a subject matter of the article.

I just say about that that at the very least one might observe that the institute of Queen's Counsel, now King's Counsel, appears to be used as some form of alternative stalking horse—and in this case, as I have described it, in the form of a gutless, half-baked ideology—for what is undoubtedly a substantive debate that can occur. If that is the government's agenda, then let's hear about that.

I will be the first to give them credit if the government walk in the front door and say, 'Yes, that's precisely what we want to do here, we want to have a debate about all of those institutions that bear some connection in this way to those so-called anachronisms that the government might advance arguments in terms of moving on from.' But that is not what we have been presented with; in fact, it has been disavowed.

It has been basically sold to this parliament and this state as somehow, 'Get with the program, folks, this is where all the cool kids are going.' That is the sort of level that the Premier is at, and it is the level that this argument has been pitched at by the government—a sort of 'That's what they're all doing in New South Wales so we ought to get on board.' Never mind the fact that it is in a portfolio bill, sort of semi-buried, not to be really ever advertised or owned or really articulated fully as the reasons why, but 'That's where the cool kids are at in other jurisdictions so we ought to get on board.'

That is not the case either, because if it was the cool thing to do, if it was the flavour of the times a decade or two ago—a decade or two or three, now; time passes—then we would have seen the kind of acquisition that President Kirby referred to back in 1993 of that institution, and yet we have seen the contrary.

What we have seen is—let's highlight them: Queensland, Victoria and, indeed, right here in South Australia—a considered review based on experience has occurred and we have seen the reinstatement of those institutions of long standing. So it certainly rises significantly higher than the sort of case that the Attorney has put in respect of the use of the title being of no greater import than its association with some sort of historical anachronism, so styled.

So what are we to do? In bringing these matters to attention in the house, I am really calling on the government to do two things: first, to see its way clear to proceed with the uncontroversial aspects of the bill—somewhat understated, if you like; they might warrant even more precise description—proceed with those and then leave aside consideration, as it might be, of any government agenda that might be represented by what is contained in clauses 31 and 32. Leave that aside for the time when the government is prepared to walk in the front door of this parliament and say, 'Here's our agenda, this is what course we are charting in terms of the future of South Australia.' Those are important debates.

Just as President Kirby highlighted the situation in Sri Lanka and Nigeria and drew the comparison with those jurisdictions that had charted a course indeed to become republics, if that is the agenda, then let's hear about that up-front, because unless and until we see a proposition that is as thoroughgoing as that, we rise no higher than this sort of gutless version that is sort of hidden somewhere and is supposed to somehow send a message.

I highlight that for so many years now we have had a situation in this state where—and there are about three categories of them—Senior Counsel are in a position to make an election themselves as to whether or not they seek the royal prerogative. They can make that decision themselves, and you have individual freedom and choice. We also have a situation of now long standing in South Australia where there is complete separation from executive government in this debate, and so it is unsurprising that essentially the entire bar in South Australia is left at a loss as to why we are where we are and the vast bulk of the profession as a whole.

I have adverted to what has transpired over the course of the experience and debate going back to President Kirby's remarks in 1992 and this sort of expectation that, as time passes, having made that change, that will acquire its own legacy of importance, and the justice system will establish a recognition of that new title—not so, based on the experience in Victoria. We know because the Hon. Murray Kellam AO, going back to July 2015, conducted a review for the purposes of the debate in Victoria. At paragraph 92 of that review, the Hon. Murray Kellam observed:

> There is a public interest in not adding to the presently existing confusion about the roles and titles of Queen's Counsel and Senior Counsel, by again changing the system (this time to abolish the rank of Queen's Counsel). Such a move would create incoherence. As the Attorney-General said in his press release of 22 January 2015, 'I am mindful that constantly changing the government's position on QC's has the potential to damage an important legal institution'. That statement recognises the potential to harm the perception of Victoria as a centre for legal services and detrimentally impact the export of Victorian legal services internationally. Put another way, it is difficult to articulate any public interest to be served by dispensing with the Current System. Although submissions made to me asserted that the public interest would be served by so doing and in particular because 'a single term to denote senior counsel is to be preferred,' the fact remains that irrespective of what decision is made by the Attorney-General, there will (unless some arbitrary and retrospective step was capable of being taken) remain a two tiered method of identifying the leading members of the Bar in Victoria for the foreseeable future.

He goes on on the topic particularly of Queen's Counsel as an anachronism, which he observes is defined by the *Shorter Oxford English Dictionary* as 'something or someone out of harmony with the time'. He observes:

> A strong theme in the submissions in opposition the Current System (which advocate a change to appointment of Senior Counsel only) is that the office or title of Queen's Counsel does not reflect a modern, pluralist society like Victoria (or Australia). It is argued that it is an undesirable anachronism, particularly considering the loosening of historical ties between Australia and England, and the possibility of Australia becoming a republic in the future. One of the submissions received put it in these terms:
>
> 'The title of Queen's Counsel is an anachronism in contemporary Australia. This was recognised by its progressive abolition throughout Australia in the late 20th and early 21st centuries. Its recent reintroduction in Queensland is both anomalous and retrograde and should now be reversed'.

I pause there to observe that there you have encapsulated, in 2015, the coming and going of views and, particularly, reference to that other jurisdiction in Queensland that had by then reintroduced the title. I quote again from the Hon. Murray Kellam AO:

> The reality is, however, that the designation of Queen's Counsel has only a remote connection with Australia's monarch, and that the community understands the title to be only a mark of legal excellence attributed to barristers of high-standing and ability. In this sense, it is not unlike other historic designations used in common parlance, such as a 'Rhodes Scholar'—which invokes the image of young Australians studying at Oxford University, not Cecil Rhodes and his activities in Southern Africa.

He continues to observe:

> Our democracy is a product of its history. Many institutions have terms and practices which reflect that history. For example our adoption of the Westminster system leaves our parliamentary process redolent of language, processes and practices which some may regard as anachronistic and others as traditional and important to the institution. In my view the relevant question is whether such a process or practice has a useful public purpose, irrespective of whether it is the subject of language that may be in the eyes of some, an anachronism.

I adopt those observations, informing as they did the circumstances as applied in those some several years prior to our own debate here in South Australia about the reinstitution of those titles. The author concludes, and I quote:

> As, stated above, and on balance, I conclude that the advantages of retaining the Current System outweigh the advantages of engaging in further and more confusing change at the present time. In coming to this conclusion I observe that the majority of submissions, both those in favour of maintaining the Current System, and those in favour of retaining the office of Senior Counsel only, were well reasoned and thoughtful. It is clear to me that thoughtful and reasonable people do have honestly held contrary opinions about the matters in issue. Members of the Bar for whom I have considerable respect have expressed opinions and maintained arguments which are completely opposed, but have done so with civility and reasonableness and in accordance with standards of conduct which are one of the hallmarks of the Victorian Bar. The conclusion I have reached at this time is based upon my consideration of what I see as the relevant evidence pertaining at this time to the principal issue, that is, should the Current System be retained? Taking into account the clear importance of the matter to members of the Bar and the community, and the damage that may be done to the institution by yet another change, I have concluded that no substantive change should be made to the Current System.

I adopt those remarks and I refer members generally, without referring to it further, to the entirety of the review, containing as it did a review of the office itself, including a history of the office of Queen's Counsel, a history of the appointment in Victoria, a comparison with both Queensland and New South Wales and other jurisdictions, and consideration of a wide range of public interest matters.

That, by the way, is the kind of thoroughgoing analysis, thoroughgoing treatment, in a debate that I would suggest members of the senior bar, members of the legal profession in general, certainly all of those who are engaged in service to the justice system, are entitled. It is something far more significant than a couple of clauses buried somewhere deep in a portfolio bill. It is to be noted both the way in which this is being foisted upon the parliament and the substance of the change that it would effect if those clauses were passed.

I once again urge the government to rethink clauses 31 and 32 and to treat the house and the debate within the house with that level of coherence that renders the results of debate in this place capable of being responded to effectively by the government. Let's have the debate, if the government has the stomach for it, as to the substantive matters, the subject of clauses 31 and 32, on their own so that all of those matters that run far more broadly than only their effect in terms of the senior bar can be properly addressed.

I referred to the members of the senior bar in particular because there is a substantial number of those members of the senior bar who were appointed in this state as Senior Counsel at a time when there was not any choice about the matter. There was no possibility to make an election. Those Senior Counsel have taken on that role and title.

I think all of those, in fact—and I stand to be corrected about this, but I think I am right—who were appointed Queen's Counsel at a time when there was no alternative as to the matter, no possibility of being appointed Senior Counsel because the designation was not established, who were appointed at a time during the reign of Her late Majesty Queen Elizabeth II and therefore as Queen's Counsel, have since converted to King's Counsel automatically and, may I say, have been

caught up in a debate as to the relative indications that might be drawn from association from that title to what the Attorney has described as the anachronistic association with the monarch.

I know that that sort of observation is felt very sorely by that particular subset of King's Counsel in this state, and I have adverted to my interest in the course of the committee in due course to expression that those Senior Counsel in particular might have been moved to address directly to government. I understand that they have. I draw that from the Attorney-General's remarks in another place. I understand that that group has written directly to the Premier and that the Premier may have handed that correspondence to the Attorney-General; indeed, it is available to the government and the government is considering it.

I have made clear that I do not have any such letter, and the Attorney has elected not to table it. That may be appropriate unless and until the parties to it have consented, but it is very important that the government takes seriously representations particularly from that cohort because—and I know from personal experience—there are within that group so many senior advocates, leading advocates in this state, who take very seriously their role in terms of the justice system, who take very seriously their duties to the law and the court and, in turn, their clients.

There is an abiding association with those duties and their importance and the contribution that they connote to that title of King's Counsel. Sweeping it away via a couple of clauses buried somewhere within a portfolio bill is not good enough. It is entirely inappropriate. So I think, as is hopefully made clear in the course of this debate, we have in South Australia our own set of circumstances. We have in South Australia a set of circumstances in terms of the appointment of those most senior advocates in this state. It has been through a process of considerable thought and review only in recent years, and for that to be just cast aside as some sort of second-hand measure by this government in the form that it has is highly regrettable.

I could say more about the balance of the bill. I have had some observations to make about the way in which the South Australian superior courts proceed via the use of Masters in the interlocutory stages of a matters process to trial that is distinct from a docket system. There is no suggestion that there is any substantive change from that. That is another substantive debate that could occur, but we are not doing that. The government has just come along and said, 'We would like to change the names of these judicial officers.'

If it emerges—and I am concerned that this might occur, because the Bar Association and the Law Society have said they do not express any particular view about this, and of course judges are not in a position to express any view themselves—that in fact there was actually no call for any of this change the subject of the 49 clauses out of 51, and it was just some sort of stalking horse that was dreamed up by the government as a means of providing cover for these two clauses, then all the more scandalous the picture will be.

I am prepared to regard it as a benign, innocuous, unremarkable set of changes. If it emerges that there is anything more to it than that in terms of masking the agenda, then that will be all the more murky, all the more turgid. That will emerge over the course of the time ahead. For the time being, on the face of it those changes that are the subject of those 49 clauses, so be it. I will be glad to refer to those Masters in terms of Associate Justice and Associate Judge in due course, if that is what occurs.

Clauses 31 and 32 are where the controversy lies. In making what have been some, I suppose, relatively thoroughgoing remarks in contribution to the debate, I really want to make clear that we do not lightly embark upon this process of change. We can hear all of this sort of talk about how there are more important things to go on with. We have a curious situation in which the government, notwithstanding having looked askance at the debate when it occurred in the last parliament said, 'What are we doing here having a debate about this subject matter?'

Albeit coming against the background of all that thoroughgoing consultation with the profession, we have the government coming in here and saying, 'We have 20-odd bills on the agenda but we are going to prioritise this one.' It is not the way to go about it. It bears a more respectful consideration, as was the case when changes were made only a short time ago.

It is telling that the position of the senior profession, the position of the association that represents members of counsel and the society that represents the bulk of legal practitioners in this state remain united in the view, nearly unanimous in terms of counsel—members of the Bar Association—that this is a wrong step to take. All point to this being a regrettable moment in the life of this Fifty-Fifth Parliament. It comes against evidence, it comes contrary to the profession's view and it ought not to be proceeded with.

It is not too late. We will go to a committee at some stage in the future. If the government is still of a mind to proceed with the bill more broadly, I think I have spelled out a way in which that can be done quickly and uncontroversially and we can have a debate in due course about those two controversial matters in an appropriate way. Not this way. Not now. I urge the government to reconsider.

Mr BATTY (Bragg) (20:43): I am going to be brief, not only because I am mercifully time limited, not only because of the hour of the night, not only because we have had the benefit of the shadow attorney's significant contribution over many hours, over many days, now all of which I agree with—

The SPEAKER: I reckon he wishes he was on three-minute billable increments.

Mr BATTY: I agree with, I adopt, but I will not repeat, but also because I do not want to relitigate the debate we had in the last parliament on this very matter. Indeed, I share the view of the South Australian Bar Association that it is regrettable that the government seeks to promulgate certainly the KC/QC aspects of this bill just four years after this act was already amended following extensive consultation and following an extensive debate in this place.

Nevertheless, we do have this bill before the house innocuously titled Statutes Amendment (Attorney General's Portfolio) Bill that seeks to do two things. The first is change references to 'Master' in the act to 'Associate Judge' and 'Associate Justice'. I understand these amendments have been made at the request of the Chief Justice and the Chief Judge following a resolution of judges of the Supreme Court and District Court to discontinue the title of Master in their respective jurisdictions. I understand that South Australia is the only jurisdiction to retain the title of Master. It has been or is in the process of being phased out in other jurisdictions.

Some have raised some concerns with this aspect of the bill. As a former Federal Court associate some have raised the point that it might cause some confusion between associates and associate judges now, but really I see this as a relatively uncontroversial change. It is a matter for the courts and it is a mere change in terminology, a change in words.

But the second aspect of this bill is much more controversial and it removes the ability to appoint King's Counsel and this is an aspect of the bill that I cannot support. There are a few reasons why I cannot support this idea of removing the ability to appoint KCs. The first fits under the heading of: what's the point? The second fits under the heading of: no-one likes this idea. The third are some substantive arguments against removing the ability to appoint KCs. I want to look at each of them briefly in turn.

So turning to the first of them, which is: what is the point? Why are we prioritising a bill tonight in this house that will have nearly zero impact on nearly all South Australians in circumstances where the issue was settled by the last parliament only a few years ago? I can borrow the words of the member for Kaurna when the previous parliament debated this issue and he said at that time:

> …at this time of economic shock waves, the second highest priority bill for the parliament this week is about the title of Senior Counsel and Queen's Counsel at the bar, which is a pretty incredible decision by the government, that this is of such high priority for our state parliament to be considering at this time.

I can literally lift that argument right now where we find ourselves this week having it as the second priority bill before this house and sitting late to try to settle the issue. The member for Kaurna went on in his contribution the last time we prosecuted this issue, which again I remind you was only a few years ago. He said:

> I cannot tell you the number of times I have been down to the Seaford shopping centre and had people raise with me at stalls the importance of dealing with this very important issue of Senior Counsel and Queen's Counsel. I cannot tell you that because it has never actually happened. This is of such small importance to the vast majority of

South Australians at this time of great upheaval in the world, and we are using parliament's time to deal with this matter. It shows what a lack of an agenda this government has.

It does. It shows what a lack of agenda this Malinauskas Labor government has. What else does it show? What has changed? Are people at the Seaford shopping centre suddenly raising the issue of King's Counsel and Queen's Counsel with the member for Kaurna, or are they talking about cost of living and ramping and rising crime? No. No, apparently now they are talking about the issue of Senior Counsel, Queen's Counsel and King's Counsel.

I might add as an aside that this issue actually does get raised with me at the Burnside Village shopping centre, but only for them to tell me that it is a terrible idea. I could go on from the debate last time and borrow the questions from the now Attorney-General who has introduced this bill into the other place who had a whole series of questions about what we call Queen's Counsel or King's Counsel. He said at the time:

> …how many dangerous child sex offenders will spend longer in prison as a result of this bill passing?

I quote again:

> …how many further recommendations of the Royal Commission into Aboriginal Deaths in Custody will be implemented as a result…of this bill?

I quote again:

> Can the Treasurer explain in any way how our criminal justice system or our justice system will be better for South Australians as a result of the passage of this bill?

But four years on, and today these matters are far less important than trying to prosecute the issue of King's Counsel and Queen's Counsel. The need to be talking about how silks refer to themselves is far more important than ramping, than cost of living, than rising crime rates, and the only justification that I have seen so far from the government for introducing this bill is that it is going to modernise language—but it goes a lot further than that.

This is more than simply just striking out a word and replacing it with another word. In this case, it is quite distinct from the first aspect of the bill, where we are simply striking out references to 'Master' and replacing it with another word. What this does is remove an entire process by which we can appoint King's Counsel; indeed, it removes an ability to appoint King's Counsel.

In any event, the language being used is as modern as this parliament determined only four years ago. In my view, the profession here is frankly going to look ridiculous if we keep chopping and changing every four years how we refer to silks. It is embarrassing, and it is also unfair for those who might want to apply for the title in future.

I do appreciate the irony of having a very lengthy debate over the title, and what is the point in doing so in a lengthy matter, so I will move on to my next point which is that no-one likes this idea. This is an issue that nearly exclusively concerns the legal profession, and they do not like it. We have heard already that the opposition has received copies of letters from both the South Australian Bar Association, as well as the SA Law Society, indicating they do not support this bill.

Indeed, last time when the previous parliament considered this very same topic there was extensive consultation. At that time, the South Australian Bar Association reported that 98 per cent of their members were in favour of reinstating QCs, and the Law Society reported that 70 per cent of their members voted in favour of reinstating QCs. Indeed, what we have seen in the ensuing four years is a significant uptake of the postnominal QC from SC.

There only appears to be two people who do like this idea: the first is the Attorney-General, who I note ultimately voted to support the bill reinstating QCs only a few years ago, but now seeks to reverse it here tonight without really articulating still any good reason why, and the second is the Chief Justice, who has been participating in what I think he has described as an unusual and unpleasant debate on the issue over the past few weeks, and his crusade seems to be focused on two points. First, that this bill is necessary to maintain the independence of the court in this process.

The trouble with this argument is that there is no possibility of any government interference in the process of appointment of KCs under the current legislation. Indeed, being appointed a silk by the court is a necessary prerequisite under the current legislation for any appointment as a KC, so in

no way can I see this current act usurping the role of the justices of the Supreme Court in the appointment of silks. Secondly, his argument was that the bill is necessary to prevent the people seeking to use the title of QC or KC for their own personal exploitation.

That is an argument that the South Australian Bar Association have certainly taken some exception to, and I think it was described as 'regrettable'. I quote their response to this argument from the Chief Justice. They said:

> 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.

This is a matter solely for the legal profession. The two major bodies representing the legal profession in this state, being the Bar Association and the Law Society, are overwhelmingly opposed to this bill, and the only two people who seem to be in favour of it are the Attorney-General, who has not articulated a reason why, and the Chief Justice, whose arguments I do not think hold.

Thirdly, there are a number of substantive arguments against this bill. With respect, I do not want to relitigate the very lengthy debate that the previous parliament had, but I certainly fully adopt the arguments from the Law Society and the Bar Association on why the KC postnominals should certainly be retained, including the fact that the title of Queen's Counsel or King's Counsel now is a nationally and internationally recognised designation of seniority and status, and that having that title is advantageous with respect to the broader community when retaining silk to be involved in major and complex litigation, and also arbitration and mediation in various different markets.

They have also raised the issue that there is confusion in the broader community regarding the difference between Senior Counsel and Special Counsel, and they also point out quite rightly that the uptake of the postnominal QC from SC, where it has been made available, has been very high, and that is indicative of the perception, even within the profession, of the status associated with that postnominal compared with SC.

All of those arguments and many more were ventilated much more fully only four years ago. I think they were valid then, just as they are valid now, and I urge those opposite to listen to those arguments and seriously consider them. The Attorney's attempts here to cancel the King should be abandoned. There is simply no point, no-one likes the idea and there are very valid substantive arguments against the proposal. With that, I say the house should not support those aspects of the bill.

Mr WHETSTONE (Chaffey) (20:57): I rise to make a contribution. The shadow attorney has covered most of what I wanted to say in his contribution, but I think the member for Bragg has also eloquently put his issues. He did not hear a lot of this when he was on street-corner meetings, nor did he hear a lot about this at his local shopping centre. What we are seeing here today is the Attorney-General's portfolio bill that has raised a number of eyebrows in the legal fraternity. I know the shadow attorney has grave concerns about not only exactly what this bill will mean to our law representatives around the state but what it will mean to the representation we see in the day-to-day legal world.

I want to say that, when the Legal Practitioners (Senior and Queen's Counsel) Amendment Bill was enacted under the former Liberal government, with members of the Labor Party voting in support of it, the justices of the Supreme Court determined to promulgate the Uniform Civil (No. 3) Amending Rules 2020 that were published in the *Gazette* No. 99, dated 24 December 2020, pursuant to which legal practitioners in South Australia could again make application to the court for appointment as a Senior Counsel.

This was all preceded by extensive conferral between government, the court, the South Australian Bar Association and the Law Society of South Australia. Remarkably, the now Attorney-General, Kyam Maher MLC, moved an amendment to the bill to change the word 'shall' to

'may', so as to give government a discretion as to whether or not it would pass through an SC request that they be appointed King's or Queen's Counsel.

The legislation as passed removed any possibility of government interference or discretion in the process where a person appointed Senior Counsel exercises the choice to seek appointment as King's Counsel. The Legal Practitioners Act, as it stands, gives those persons who may be appointed Senior Counsel a choice to seek the postnominal KC. There is nothing in there that interferes with the process by which Senior Counsel are selected. There is nothing in there that inappropriately undermines the independence of the courts. There is no wicked problem needing a solution. The bill is utterly unnecessary.

The concept of the court appointing Senior Counsel was introduced into South Australia by then the Chief Justice, John Doyle, in response to the then Rann Labor government's refusal, for a political reason, to act on recommendations from the court as to who ought to be recommended to the Governor for appointment as the Queen's Counsel. At that time, I note, current Chief Justice Kourakis was South Australia's Solicitor-General, whose role is partly to provide advice to government. There was an unusual flurry of media reporting recently, identifying public comments from the Chief Justice in relation to these matters. Presumably, the Attorney-General and the government have given weight to the sentiment behind these comments.

There is the suggestion that counsel may benefit from the use of the term 'KC' rather than 'SC' when it comes to having the significance of their appointment understood, particularly in the context that the individual may have a client from a jurisdiction where the term 'KC' is a familiar one and 'SC' is not. In response to this suggestion, I quote the comment made on FIVEaa radio:

> What is offensive about that…they do it for personal reasons, for personal exploitation of an office that is in the public interest.

The Advertiser summarised it in the following terms, and I quote:

> South Australia's top legal eagles are appointed 'silk' to serve the public and not 'exploit' clients by using a royal title to charge more money, the state's top judge says.

I understand that a number of senior practising lawyers have taken significant offence to this suggestion, and it is disappointing that the government is going along with it. The truth is that there is no evidence that KCs charge more than SCs. On the contrary, a straw poll of solicitors' firms in South Australia revealed that persons with postnominal KCs did not charge discernibly more. In fact, in a number of instances, SCs charged more, and SCs in New South Wales charged even more.

It is also noteworthy that these assertions were never raised when the reinstatement of Queen's Counsel was the subject of extensive conferral and debate between October 2018 and September 2020. It is fundamentally wrong to suggest that the choice to use the postnominal KC rather than SC is motivated by a belief that KCs attract higher fees. Many who have made the choice in this state have done so having regard to clients' wishes, market dictates and intense competition with barristers interstate, where two of the three largest bars at the top level are overwhelmingly comprised of King's Counsel.

It is part of the role expected of a silk that at the criminal bar they will take briefs on legal aid, and at the civil bar they will take deserving cases for no fee or at a reduced fee, or on a 'no win no fee' basis, and many at the senior bar do so.

Two persons employed in the Crown Counsel section of the Crown Solicitor's Office also requested and were appointed King's Counsel, and it is obviously untenable to assert that those persons did so for personal gain, bearing in mind that their salaries are fixed in accordance with the Public Service scales. There have been a number of appointees to the bench who took silk after October 2020 and chose to be appointed Queen's Counsel. They are also worthy appointments in these capacities.

The Attorney-General, Kyam Maher, has stated that the change is sought to be brought in by reason that the use of royal titles such as King's Counsel are an historical anachronism and that it will bring South Australia into line with New South Wales, where there are only Senior Counsel appointments. It may be disappointing to the government, but the fact is that South Australia remains a constitutional monarchy. We are not a republic. South Australia remains a constitutional monarchy

and until the state or the commonwealth becomes a republic, references to the monarchy are in fact not anachronistic.

Both the Attorney-General and the Chief Justice have sworn oaths. Those oaths are of allegiance to Her or His Majesty. As to the second, it is critical to understand that the system in New South Wales for the appointment of Senior Counsel is fundamentally different to that in South Australia. In fact, New South Wales appointments of Senior Counsel are made by and in accordance with a detailed procedure of the New South Wales Bar Association.

The Supreme Court of New South Wales and its justices are not the appointors of Senior Counsel. Accordingly, it is simply false to suggest that the change is somehow to bring South Australia into line with New South Wales. The postnominal KC apply in Victoria and Queensland, where there are collectively 381 King's Counsels. There is no legal argument for this bill.

The bill will do nothing for the constituents of Chaffey. The bill should not be a priority for this government. The fact that the government has prioritised it tonight is baffling and points to their terrible priorities. This house should oppose the bill. As members on this side have stated on a number of occasions: why tonight? Why have we pushed important priority bills to one side to bring this Attorney-General's portfolio bill into this house tonight? We are sitting here tonight until it is done. The question is why, and no-one has given me an answer, particularly the government.

I think the government should rethink. I think the government has a duty to the people of South Australia to be honest and to reconsider what pushing this bill through at a late stage really does mean to the people of South Australia.

Mr PEDERICK (Hammond) (21:07): I rise to speak to the Statutes Amendment (Attorney-General's Portfolio) Bill, which was introduced on 2 May 2024 by the current Attorney-General, the Hon. Kyam Maher. I agree with the contributions from this side of the house. Why are we here? Why are we here debating this bill into the night, the night before the budget, where all of a sudden this is the top priority, not dealing with payroll tax issues, not dealing with cost-of-living issues, here we are debating something that does not even need to be debated?

The lawyers do not want this. To me, it just seems like it is a left-wing republican push. They are the only people who want this legislation to go through. Why do we not salute our legal people who have the ability to previously be Queen's Counsels (QCs) and now, obviously, King's Counsels (KCs) and give them that opportunity to have the appropriate title in the great governance sector that we have in this state?

We are not a republic. We are set up in a monarchist way. We have a Governor in South Australia, we have a Governor-General over the country in Canberra and, obviously, it goes through to King Charles in England. No matter what people think, that system works—and it does work—and we should respect that system. We saw what happened with the failed republican push many years ago, and we should respect where we are.

In regard to this legislation, what this bill would do is amend 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 1998, the Legal Practitioners Act 1981, the Magistrates Act 1983 and the Supreme Court Act 1935. The amendments would replace the existing title of Master with Associate Judge or Justice in the relevant courts, and in the appointment of King's Counsel, which was previously Queen's Counsel.

What we are seeing with this legislation is by stealth, amongst a group of other amendments, the Attorney-General and the Labor Party taking out the opportunity for senior lawyers to be titled as King's Counsel. We note that there are clauses that amend the abovementioned acts to remove references to Master of the District and Supreme Courts and replace them with Associate Judge of the District Court and Associate Justice of the Supreme Court as appropriate. Clause 4 provides for a deeming provision in the District Court Act to ensure that all references to Master in any other act of legislative instrument to be taken to be a reference to an Associate Judge.

As I indicated, there were a whole raft of amendments put into this legislation, this bill, and these previous amendments that I have just quoted are uncontroversial. But then we get to clauses 31 and 32, which would end the appointment of counsel as KC or QC by removing reference to

Queen's Counsel in part 7 of the Legal Practitioner's Act, and substituting existing section 92 with a new section 92 that would abrogate the Crown's right of appointment.

In 2020—and I am very proud to have been part of the Marshall Liberal government—we reinstated the appointment of QCs, obviously now KCs, by way of the Legal Practitioners (Senior and Queen's Counsel) Amendment Bill 2020. This followed the cessation of appointment of QCs by the Rann government in 2008 at the request of Chief Justice Doyle. The then Labor opposition supported that bill.

The Law Society of South Australia and the South Australian Bar Association have written to numerous members of parliament explaining their opposition to the abolition of KC appointments. The South Australian Bar Association notes that, under the current process for appointment as KC, there is no possibility for government interference as occurred under the Rann government when the title was first removed.

The Law Society of South Australia stands by its remarks to the Attorney-General at the time, the Hon. Vickie Chapman, in 2019, that the reintroduction of the title is supported by the majority of its membership, and remains of the opinion that it should be an option, and be available to those appointed by the court.

In regard to what happened back in 2020 with the reintroduction of QC and the model that was introduced under the legislation then, under the current act as we are seeing it now the Supreme Court of South Australia will appoint legal practitioners as SC in accordance with its rules.

Any person who has been, or will in the future, be appointed by the court as SC may, if they choose, make a request to the Attorney-General for recommendation to the Governor to be appointed as QC or King's Counsel, as the case may require, which obviously is the case now. Upon the application being made, the Attorney-General must recommend to the Governor that the legal practitioner be appointed as KC, and the Governor may by notice in the *Gazette* appoint a legal practitioner now as a KC.

Any existing or future SC who may not wish to apply for appointment as QC or KC will continue to be known as SC and will be entitled to use the postnominal SC. The order of precedence for SC appointed as QC will continue to be determined in accordance with the date and terms of his or her appointment as SC.

In 2008, the Labor government at the time, at the request of then Chief Justice, His Honour John Doyle AC, ceased the appointment of Queen's Counsel. That was following a consistent trend across Australian jurisdictions to discontinue the use of the QC designation in preference to the Senior Counsel title. At that time, the appointment of SC in South Australia commenced on 12 May 2008, with the making of the Supreme Court Practice Direction and was governed by chapter 17, part 12 of the Supreme Civil Court Supplementary Rules 2014.

The supplementary rules provided that application for appointment of SC had to be considered by the Chief Justice in consultation with an advisory committee of three judges of the Supreme Court, as well as broader consultation more generally with other relevant bodies within the legal profession, including the Attorney-General.

What we saw soon after that and in recent years, obviously, is that a number of jurisdictions have reinstated the use of the QC title, following strong support amongst the legal profession. In 2013, Queensland reverted to the QC title. In 2014, Victoria made changes to give SC the option of applying to the Attorney-General to be recommended for appointment as QC by the Governor in Council or to continue using the SC title.

On 1 August 2018, the South Australian Bar Association passed a motion at its AGM expressing strong support for reinstatement at the time, which was appropriate, of the QC title. The proposal was based on a similar model in Victoria, which allows SC to remain as SC or elect to be appointed as QC. A survey was also put to all members of the legal profession in South Australia by the Law Society. The survey yielded favourable results, with 67.26 per cent of respondents answering in favour of there being a choice between SC and QC.

You would have thought those numbers, as they did then, would still stand up as far as any inspection by the Attorney-General, or anyone else in the legal profession for that matter. The profession has supported an option to allow for an SC to be a QC. This is the previous legislation for an SC to be a QC on the basis that:

- there is widespread misconception amongst the general public and it is the experience of some South Australian SC that the SC title is less well known and regarded than the QC title, which is universally recognised;
- there is concern amongst other Australian jurisdictions that the SC title places Australian SC at a commercial disadvantage when competing for international briefs, particularly in the Asia-Pacific region where the SC title is less well known; and
- there is confusion amongst the public about the differences between the rank of SC that is conferred by the court and in-house counsel, who are self-described as Special Counsel or SC.

So I think that spells out the very reason apart from the issues I described—about us running this country and this state under a monarchy and the Westminster system and yet for some strange reason people want by stealth to pull it apart. This is part of those processes.

I think apart from having the rank of, now, KC easily recognised, especially in the broader international sector, as a rank for leading lawyers—so it is easily recognised across the board and across international borders—we also see confusion at a local level where the question arises: what does SC mean? It could be the in-house title 'special counsel', which essentially is an in-house title of a legal firm to give to certain members of their legal firm and is not necessarily a formal way of conferring that title on those members.

This is where the problem is: what we see now with this legislation is instead of having KC we are going to have the postnominal SC, but what does it mean? Is it 'special counsel' or what it is supposed to mean now, which is 'Senior Counsel'? You can easily see that in a busy, dynamic world people at any level—at any level; you do not have to be in the legal world—might understand that or misunderstand it. The simple fact is I can see where many, many people can be confused.

And for what? For what reason? For what point? Why are we going down this path, when it would be just so simple and out of respect for the Westminster system that we have in this state and this country and the monarchy we live under to just respect the opportunity for those leading lawyers to have the opportunity to be titled King's Counsel? That is all we ask for.

I have noted the comments from my colleagues on this side of the house and certainly from the shadow attorney-general his great contribution on this matter, because he is very learned on these matters. We do need to wonder why the change. Why are we going down this path? It is totally unnecessary when there are so many other things we should be debating in this house on budget eve.

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) (21:22): I am pleased to close the debate. I thank everyone for their contributions, and I urge people to support the bill.

The house divided on the second reading:

Ayes 22
Noes.....14
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Clancy, N.P.	Close, S.E.
Cook, N.F.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.

Koutsantonis, A.	Michaels, A.	Odenwalder, L.K. (teller)
O'Hanlon, C.C.	Pearce, R.K.	Piccolo, A.
Picton, C.J.	Savvas, O.M.	Thompson, E.L.
Wortley, D.J.		

NOES

Basham, D.K.B.	Batty, J.A.	Bell, T.S.
Cowdrey, M.J.	Cregan, D.R.	Gardner, J.A.W.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pratt, P.K.	Tarzia, V.A.	Teague, J.B. (teller)
Telfer, S.J.	Whetstone, T.J.	

PAIRS

Champion, N.D.	Hurn, A.M.	Stinson, J.M.
Pisoni, D.G.	Malinauskas, P.B.	Speirs, D.J.

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

Progress reported; committee to sit again.

SUPPLY BILL 2024

Final Stages

The Legislative Council agreed to the bill without any amendment.

Parliamentary Committees

STANDING ORDERS COMMITTEE: FIRST NATIONS VOICE

The Legislative Council informed the House of Assembly that it has agreed to the amendment to Joint Standing Order No. 16 and to new Joint Standing Orders 16A and 16B adopted by the House of Assembly.

At 21:30 the house adjourned until Thursday 6 June 2024 at 11:00.