LEGISLATIVE COUNCIL

Wednesday, 19 June 2019

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 14:15 and read prayers.

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. T.J. STEPHENS (14:16): I bring up the 21st report of the committee.

Report received.

The Hon. T.J. STEPHENS: I bring up the 22nd report of the committee.

Report received and read.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

National Aboriginal Cultural Institute Incorporated (Tandanya)—Report, 2017-18
Regulations under Acts—
- Aboriginal Heritage Act 1988—Fees No. 2
- Associations Incorporation Act 1985—Fees No. 2
- Authorised Betting Operations Act 2000—Fees No. 2
- Births, Deaths and Marriages Registration Act 1996—Fees No. 2
- Building Work Contractors Act 1995—Fees No. 2
- Burial and Cremation Act 2013—Fees No. 2
- Conveyancers Act 1994—Fees No. 2
- Co-operatives National Law (South Australia) Act 2013—Fees No. 2
- Coroners Act 2003—Fees No. 2
- Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—
  - Fees No. 2
- Dangerous Substances Act 1979—
  - Dangerous Goods Transport—Fees No. 2
  - Fees No. 2
- District Court Act 1991—Fees No. 2
- Employment Agents Registration Act 1993—Fees No. 2
- Environment, Resources and Development Court Act 1993—Fees No. 2
- Evidence Act 1929—Fees No. 2
- Expiation of Offences Act 1996—Fees No. 2
- Explosives Act 1936—Fees No. 2
- Fair Work Act 1994—Fees No. 2
- Fees Regulation Act 1927—
  - Proof of Age Card—Fee
  - Public Trustee Administration Fees No. 2
- Fines Enforcement and Debt Recovery Act 2017—Fees No. 2
- Freedom of Information Act 1991—Fees No. 2
- Gaming Machines Act 1992—Fees No. 3
- Labour Hire Licensing Act 2017—Fees No. 2
- Land Agents Act 1994—Fees No. 2

Land and Business (Sale and Conveyancing) Act 1994—Fees No. 3
Land Tax Act 1936—Fees No. 2
Legal Practitioners Act 1981—Fees No. 2
Liquor Licensing Act 1997—Fees No. 2
Lottery and Gaming Act 1936—Fees No. 2
Magistrates Court Act 1991—Fees No. 2
Partnership Act 1891—Fees No. 2
Petroleum Products Regulation Act 1995—Fees No. 2
Plumbers, Gas Fitters and Electricians Act 1995—Fees No. 2
Public Trustee Act 1995—Fees No. 2
Relationships Register Act 2016—Fees No. 2
SACE Board of South Australia Act 1983—Fees
Second-hand Vehicle Dealers Act 1995—Fees No. 2
Security and Investigation Industry Act 1995—Fees No. 2
Sheriff's Act 1978—Fees No. 2
South Australian Civil and Administrative Tribunal Act 2013—Fees No. 3
State Records Act 1997—Fees No. 2
Summary Offences Act 1953—Fees No. 2
Supreme Court Act 1935—Fees No. 2
Work Health and Safety Act 2012
Fees No. 2
Prescription of Fees No 2
Youth Court Act 1993—Fees No. 3

By the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

South Australia Petroleum and Geothermal Energy Act 2000 Compliance Report 2018
Regulations under Acts—
Bills of Sale Act 1886—Registration of Water Interests
Development Act 1993—
Activities of Environmental Significance
Fees No. 2
Fisheries Management Act 2007—Fees No. 3
Heavy Vehicle National Law (South Australia) Act 2013—
Expiation Fees No. 4
Fees No. 2
Industrial Hemp Act 2017—Fees
Livestock Act 1997—Fees No. 2
Local Government Act 1999—Fees No. 2
Mines and Works Inspection Act 1920—Fees No. 2
Mining Act 1971—Fees No. 2
Motor Vehicles Act 1959—
Accident Towing Roster—Fees No. 2
Expiation Fees No. 2
Opal Mining Act 1995—Fees No. 3
Pastoral Land Management and Conservation Act 1989—Fees No. 2
Petroleum and Geothermal Energy Act 2000—Fees No. 2
Plant Health Act 2009—Fees No. 2
Primary Produce (Food Safety Schemes) Act 2004
Eggs—Fees No. 2
Meat—Fees No. 2
Plant Products—Fees No. 2
Seafood—Fees No. 3
Private Parking Areas Act 1986—Fees No. 2
Rail Safety National Law (South Australia) Act 2012—
Miscellaneous
Fees No. 2
Road Traffic Act 1961—

Expiation Fees No. 2
Miscellaneous—Fees No. 2

By the Minister for Human Services (Hon. J.M.A. Lensink)—

Regulations under Acts—
Adoption Act 1988—Fees No. 2
Botanic Gardens and State Herbarium Act 1978—Fees No. 2
Crown Land Management Act 2009—Fees No. 2
Disability Services Act 1993—Fees No. 2
Environment Protection Act 1993—Fees No. 2
Heritage Places Act 1993—Fees No. 2
Historic Shipwrecks Act 1981—Fees No. 3
Housing Improvement Act 2016—Fees No. 2
Marine Parks Act 2007—Fees No. 2
National Parks and Wildlife Act 1972—Fees No. 2
Native Vegetation Act 1991—Fees No. 2
Natural Resources Management Act 2004—
Fees No. 2
Financial Provisions—Meters
Radiation Protection and Control Act 1982—Fees No. 2
Supported Residential Facilities Act 1992—Fees No. 2
Water Industry Act 2012—Fees No. 2

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

By-laws under Acts—
Barossa Hills Fleurieu Local Health Network Incorporated
Central Adelaide Local Health Network Incorporated
Eyre and Far North Local Health Network Incorporated
Flinders and Upper North Local Health Network Incorporated
Northern Adelaide Local Health Network Incorporated
Riverland Mallee Coorong Local Health Network Incorporated
Southern Adelaide Local Health Network Incorporated
South East Local Health Network Incorporated
Women's and Children's Health Network Incorporated
Yorke and Northern Local Health Network Incorporated
Regulations under Acts—
Controlled Substances Act 1984—
Fees No. 2
Poppy Cultivation —Fees No. 2
Fire and Emergency Services Act 2005—Fees No. 2
Firearms Act 2015—Fees No. 2
Food Act 2001—Fees No. 2
Hydroponics Industry Control Act 2009—Fees No. 2
Police Act 1998—Fees No. 2
Retirement Villages Act 2016—Fees No. 2
South Australian Public Health Act 2011—Fees No. 2
Tobacco and E-Cigarette Products Act 1997—Fees No. 2

ANSWERS TABLED

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

Question Time

STATE DEBT

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): My question is to the Treasurer. Will the Treasurer confirm that the $21.7 billion in debt delivered in the latest budget will not be paid off in his lifetime and, given that the Treasurer told listeners to ABC radio this morning that he is unlikely to be around when the debt will be paid off, can he advise whether anyone currently in this chamber will be living when his debt is paid off?

The Hon. R.I. LUCAS (Treasurer) (14:25): There is only one person who knows how long I am going to live, and that is the good Lord. With great respect, as much as the Leader of the Opposition might believe that my talents extend beyond what they really do, can I disabuse him of the notion that I have any knowledge of how long I am going to live on this earthly coil. There is only one individual, and that is the good Lord, who knows what that will be. I hope it is a long time, but I can give no guarantees.

In relation to the honourable member's question in relation to whether I can guarantee or answer questions, I cannot answer that. In relation to the debt, I am very happy to respond to the question, and that is, very simply, the independent credit rating agencies have given our budget a tick of approval. They have said that the level of debt is manageable, and one of the agencies actually said the reason we are maintaining the credit rating is because of the solid financial management record of this government.

So, whatever the level of debt, with a $22 billion annual budget we believe it is sustainable, and certainly it will be sustainable for future governments after 2022, when I won't be here. It will be sustainable for future governments if they are competent governments and manage competently. I say to the people of South Australia: do not risk another Labor government, because I would not be able to give that same guarantee to the people of South Australia if they were to take a risk in relation to electing a Labor government.

STATE DEBT

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary question in relation to the answer just given: the Treasurer mentioned the level of debt. Can the Treasurer please inform the house whether, at any time under the previous Labor government, debt reached anywhere near approaching $20 billion?

The Hon. R.I. LUCAS (Treasurer) (14:27): The answer is no.

Members interjecting:

The PRESIDENT: The Leader of the Opposition and the Minister for Health and Wellbeing will cease their conversation.

Members interjecting:

The PRESIDENT: Leader of the Opposition, I am sitting here, waiting for your frontbencher to ask her question. And that warning goes to you, Minister for Health and Wellbeing, as well. I'm sharing the love.

Members interjecting:

The PRESIDENT: Don't add insult to injury. The Hon. Ms Scriven.

HOSPITAL CAR PARKING

The Hon. C.M. SCRIVEN (14:28): My question is to the Minister for Health and Wellbeing. What is the minister's response to concerns from nurses, cleaners and other health staff who will have to pay an extra $725 a year to park their cars at their workplaces in Noarlunga, Woodville, Modbury and Elizabeth Vale?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): My first response is not to listen to Labor lies. Labor accuse this government of abolishing the first two hours free parking at The Queen Elizabeth Hospital. In fact, it was their government that introduced the policy that

multideck car parks will not have the first two hours free. That was how they planned The QEH hospital; this government continued their policy. In yet another Labor lie, we have an argument that the—

The Hon. K.J. Maher: Labor, Labor, Labor—back down!

The Hon. S.G. WADE: I want to make it clear that the former Labor government has failed to maintain the real value of car parking costs since 2011. The charges to the public, announced in recent weeks, are maintaining the real value of the charges that Labor had in force in 2011, and failed to maintain in that period since. When we're facing $517 million loss in revenue, I believe the cabinet made a responsible decision to undertake real increases in public car parking rates.

In relation to staff pay, it's important to remember that staff are paying about half of what the public do, so it's already a significantly lower rate, and it's fair to say that some staff have access to salary sacrifice arrangements. However, this government will continue to invest in car parks. It is not cheap to build car parks but we will continue to work with our patients and staff to make sure that access is maintained. The staff rates are linked to the cost of a Metro ticket, so it's comparable with public transport.

I think it's also important to mention that the Marshall Liberal government took key initiatives to make sure that car parking was affordable particularly for long-stay patients or for carers. One of the first things that we did in May 2018 was to cut the weekly car park fee at the Royal Adelaide Hospital by 40 per cent. We have also undertaken a review and broadened the exemptions for car parking fees. Let me stress that that is an exemption, it is not a discount, so there is a whole series of categories of patients who are exempt. We have extended that particularly to include parents or carers of a baby or a young child, and these groups pay nothing for car parking in metropolitan and public hospitals.

Members interjecting:

The PRESIDENT: Have we finished on the opposition benches? I would like to hear the supplementary from the Hon. Ms Scriven. Please continue.

HOSPITAL CAR PARKING

The Hon. C.M. SCRIVEN (14:32): Supplementary: will nursing, cleaning and allied health staff who are being charged an extra $725 a year to park their cars be offered additional salary increases to compensate for the hit to their take-home pay?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): As I mentioned in the chamber yesterday, I'm the Minister for Health but the Treasurer is the Minister for Industrial Relations. If the Labor Party wants to negotiate the next EB in this chamber they might want to do it with the Minister for Industrial Relations.

HOSPITAL CAR PARKING

The Hon. C.M. SCRIVEN (14:32): Supplementary—noting that the minister won't own the cut to the nurses' pay.

The PRESIDENT: Is this a supplementary, the Hon. Ms Scriven?

The Hon. C.M. SCRIVEN: Is the minister aware that there are no public transport options for a nurse at the Lyell McEwin Hospital, who finishes a shift at 11pm, to be able to get home even if they live in nearby suburbs such as Golden Grove, Para Hills or Ingle Farm and, therefore, they have no choice but to pay this extra fee imposed by your government?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:33): I made no suggestion that we expect every nurse or other staff to use public transport. What I said was that the car parking rate is comparable to that of a Metro ticket.

Members interjecting:

The PRESIDENT: Are we right? Have we finished? I would like the Hon. Ms Bourke to be able to ask her question in silence. She is on your side. The Hon. Ms Bourke.

HEALTH WORKFORCE

The Hon. E.S. BOURKE (14:33): Mr President, my question is to the Minister for Health and Wellbeing: what are the job descriptions of the 1,140 full-time health staff who will lose their jobs this year as outlined in the budget papers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:33): The FTE estimate in the budget papers is in the order of 1,000 FTEs, but let's stress that this is an estimate; it's not a target. There is a series of efficiency projects underway particularly in CALHN and SA Pathology. All of these projects are focused on value for money, high-quality services. Let's keep the Health portfolio in context: we have about 32,000 full-time equivalents.

The PRESIDENT: The Hon. Ms Bourke, a supplementary?

HEALTH WORKFORCE

The Hon. E.S. BOURKE (14:34): Yes. Will the minister rule out any reductions in overall numbers of nurses in the health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): The government has made clear and consistent commitments that no nurse or doctor will be sacked as a result of our budget initiatives.

The PRESIDENT: The Hon. Ms Bourke, a further supplementary?

HEALTH WORKFORCE

The Hon. E.S. BOURKE (14:34): Will there be any reductions in the overall number of allied health professionals in the health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): As I said, the FTE figures in the budget papers are estimates, they are not targets. In terms of the range of professionals in our workplaces, as the efficiency projects are rolled out, we will be focusing on maintaining value-for-money high-quality services and those positions will be identified within those projects.

The PRESIDENT: The Hon. Ms Bourke, a further supplementary?

HEALTH WORKFORCE

The Hon. E.S. BOURKE (14:35): Yes. If they are only targets, if the 1,140 staff are not made redundant or moved on, will you be able to make your budget savings?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): The health portfolio is looking at a whole range of efficiency measures. Perhaps it might help the house to understand the FTE figure in the context of one of the very significant initiatives that has been taken in the previous year. Apparently, the former Labor government thought it was appropriate to employ a lot of agency nurses in the Central Adelaide Local Health Network. In January 2018, just two months before this government took office, 7.7 per cent of the workforce was agency nursing staff. The financial implications of that were millions of dollars going to private companies, not into delivery of nursing care, because, on average, I am advised, for an agency nurse you are paying a premium 40 per cent—

The Hon. C.M. SCRIVEN: Point of order: relevance. The question was about the current budget and the targets, not about history a few years ago.

The PRESIDENT: The question was on the budget and it was a supplementary and the minister is attempting to answer. He has some leeway.

The Hon. S.G. WADE: I appreciate the Hon. Clare Scriven's embarrassment at the mismanagement of the former Labor government, but I just ask her to sit there and take the medicine. Under her government, under her party's former government—

The Hon. C.M. Scriven: I wasn't even in parliament.

The Hon. S.G. WADE: Well, if she wants to disown the Weatherill government, I can fully understand why. Let me stress: under the former Weatherill Labor government, in January 2018,

7.7 per cent of the agency nursing staff workforce at CALHN in the Royal Adelaide Hospital and The QEH was agency staff. That is paying a 40 per cent premium. Through the good work of the CALHN management, working with KordaMentha, by March 2009, that has been brought down to 0.7 per cent.

That means that you have actually got more efficient delivery of nursing care, better quality of care, and we are actually saving money, and we actually have more nurses. It is what you would expect of a party that is going to back the nurses. We are providing full-time work for nurses; in fact, that particular measure will actually mean our FTE count of salaried staff would go up. In terms of last year's target, the Treasurer might correct me if I am wrong, but my understanding is that, by driving down those agency costs, that was the equivalent of an FTE estimate.

That actually meant delivery on our FTE targets, we are actually employing more nurses rather than reducing the number of nurses, and we are saving millions of dollars for the South Australian taxpayer. I am having trouble finding a loser here. To me, it is a win-win situation when you have a government that manages the system properly.

HEALTH WORKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): Further supplementary: will the minister rule out a reduction in FTEs of nurses and a reduction in FTEs of doctors in the health system as a result of this budget?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): The government has made, and is happy to repeat, its commitment that no doctor or nurse will be sacked as a result of our budget measures.

The Hon. K.J. Maher: So you won't sack them, but you don't rule out cutting them by natural attrition. Very telling, Wadey. So you don't care how low it goes?

The PRESIDENT: Are you finished? The Hon. Mr Dawkins.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. J.S.L. DAWKINS (14:39): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on the government's commitment to build a new Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): I am very happy to do so, Mr President. Through you, I thank the honourable member for his question. Last year, we celebrated 140 years of the Women's and Children's Hospital, celebrating the quality services the hospital has provided to support South Australian families over more than a century. The infrastructure of the hospital is not as old as that tradition, but it is certainly ageing. In the lead-up to the 2018 state election the Marshall Liberal team made a commitment to build a new Women's and Children's Hospital co-located with the new Royal Adelaide Hospital.

We took action soon after the election. We established a task force to develop options. The task force reported back with recommendations for the build. Yesterday, the Treasurer announced the next step in the government's delivery on that commitment, with $550 million invested in the project in the forward estimates. This is on top of $50 million committed in the interim to upgrade and support the continued provision of services on the current site.

The Marshall Liberal government is committed to building the new Women's and Children's Hospital with the input of clinicians and in a financially responsible way. This investment is the first instalment in the build as a final business case is completed and the full plans for the hospital are developed.

The engagement of the expert task force together with the engagement of clinicians within the hospital network already shows the difference between our build and Labor's new Royal Adelaide build. Under Labor, the new Royal Adelaide was built with poor planning and a lack of consultation and we saw a budget overrun of around $700 million.

Building on the advice of the task force, the government will now continue the consultation process, engaging with our clinicians to ensure the hospital gives South Australian women, children

and families the cutting-edge treatment and the best facilities available. This will be enhanced by the co-location with the Royal Adelaide Hospital, adding its presence to the biomeds precinct.

Labor failed to properly plan in the new RAH project. The project was delayed, over budget and with significant flaws. They did this without properly engaging clinicians. The secretary of the Ambulance Employees Association raised that point when he appeared before a committee of this parliament recently. He told the health services committee that there was supposed to be new models of care at the new Royal Adelaide Hospital but it was developed in a bubble without listening to practitioners, clinicians or unions. He went on to say that the AEA wrote to the RAH to tell them that the design would mean that the ED was going to be blocked and there would be ramping; sure enough, there was.

Labor was only going to build half a hospital, leaving the children's hospital as an orphan from the women's hospital. The Marshall Liberal government will build the new Women's and Children's Hospital together and makes no apologies for taking the time to get it right. South Australia does not need the world's third most expensive building again. Let's make sure it works.

DEER CULLING

The Hon. T.A. FRANKS (14:43): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Environment and Water on the topic of the safety of landowners and their families and stock during deer culling.

Leave granted.

The Hon. T.A. FRANKS: I have recently been informed by constituents of a disturbing and dangerous practice that is being used to cull deer in the Second Valley-Yankalilla region. Concerns have been raised with me that the extensive cull program being funded and run by PIRSA, DEW and ForestrySA has not been properly consulted on or transparently conducted in 2018. Landowners have also been approached by shooting contractors who said they were employed by the department and demanding exclusive access to properties to shoot deer, and were told that under the law they had no choice but to comply.

Crop farmers have reported that their properties have been bombarded with live bullets from helicopters in the early hours of the morning, with no proper warning and where consultation had not been appropriately undertaken. Indeed, there was an opt-in option, yet even properties that had not opted in had shootings occur on their land. Advance notice of the cull was not received, and some farmers were actually out in their paddocks when the shooting started.

From the letter I received:

> The helicopter still came over and proceeded to shoot animals, namely deer, chasing them through their properties at low height, shooting at them and leaving them dying or wounded in their paddocks. The friend then had a need to finish off dying animals, with their gut hanging out of gaping abdominal wounds, hobbling around the hill side, and clear/bury the bodies left massacred in our paddocks.
>
> After hearing what happened, several other owners went out and found dozens of slaughtered deer the next day also after surveying their own blocks—all of whom had livestock and didn't agree to the shoot. This same friend had wounded animals required to be put down the last time the gov cull shooting happened also. There was no warning of this as they said no to the shoot—and several farmers were out in their paddocks whilst bullets started flying! Yet there was no repercussions.

My questions are:

1. What measures will the Marshall government take to make sure that those landowners who opt out from these culls are, in fact, safe on their own properties?

2. Will the minister investigate this complaint and report to the parliament?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:45): I thank the honourable member for her detailed questions. She has raised a number of issues that relate to safety and feral species but also animal welfare issues, which I undertake to take back to the Minister for Environment and seek to get a response.

HOUSING SA

The Hon. J.E. HANSON (14:46): My question is to the Minister for Human Services. Can the minister advise how long Housing Trust residents can expect to wait for maintenance categorised as priority 1?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46): Sorry; maintenance for category 1?

The Hon. J.E. HANSON: To assist the minister I will read my question again: can the minister advise how long Housing Trust residents can expect to wait for maintenance categorised as priority 1?

The Hon. J.M.A. LENSINK: I thank the honourable member for his question in relation to these matters. I am not sure whether we have a particular waiting time in mind. Clearly, maintenance issues are things we take very seriously and seek to attend to, and I have been quite pleased, in my role as the minister responsible, that in terms of the ministerials I receive these things are usually attended to fairly quickly. We do have some matters that have taken too long and, in those instances, the agency has apologised to particular tenants, as have I, in terms of written responses.

In 2018-19, the maintenance program was allocated approximately $116 million overall. We have five contractors who operate across all South Australian regions, and they have particular KPIs they are required to perform to. In terms of what amount of time people can expect to wait, I am not sure I have that information in front of me, but I will see what further details I can get as to whether there is a particular time frame in mind and bring that back to the chamber.

HOUSING SA

The Hon. J.E. HANSON (14:48): A further supplementary to the question: the minister raised an expectation to particular clients. Does the minister support the advice provided by numerous Housing SA officials to Alberton resident Ms Patricia Benfell that while waiting for urgent priority 1 maintenance she should seek assistance from the SES, the State Emergency Service?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): I'm not quite sure what the honourable member is referring to, but if he would like to provide me with specific details I would be more than happy to look into that on behalf of the constituent.

GRANITE ISLAND CAUSEWAY

The Hon. T.J. STEPHENS (14:49): My question is to the Minister for Trade, Tourism and Investment. Can the minister update members on the exciting announcement outlined in yesterday's state budget regarding the Granite Island Causeway and what it might mean for tourism in Victor Harbor and the broader Fleurieu region?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:49): I thank the honourable member for his ongoing interest in regional tourism. The Marshall Liberal government is committed to building a better future for South Australians. The recent state budget is delivering a massive infrastructure program and record investments in education and regional roads. We are also investing in our key growth sectors and one of those is, of course, tourism.

We know that the regions really punch above their weight when it comes to attracting visitor dollars. About 42 per cent of visitor expenditure is in our regions, despite only 23 per cent of the state's population. That is why, as part of the Marshall Liberal government's commitment to boosting regional tourism in the beautiful Fleurieu, one of its major drawcards, Victor Harbor, was the focus of a recent announcement by the Premier that $20 million will be committed to the Granite Island Causeway and securing its future.

I have a particular affection for Victor Harbor and know firsthand the wonderful amenity and equally untapped potential of this beautiful seaside town. Over time I have watched the town develop, with new experiences and offerings and increased visitation coupled with that growth. We need to make sure that we keep delivering world-class services and experiences to capitalise on every regional tourism opportunity. I am, therefore, thrilled that Granite Island is just one small component of this government's record level of investment in regional infrastructure.

The Granite Island Causeway has been in desperate need of repairs and an upgrade for many years, neglected by the former Labor government. The causeway has been a key piece of tourism infrastructure for our state for more than 150 years, along with the historic horse-drawn tram. It's a jewel in the Fleurieu Peninsula's tourism crown.

We know there is, in particular, a great opportunity for the cruise market in Victor Harbor. While the causeway is not an infrastructure solution to hosting visiting cruise ships, it will be invaluable to enhance the experience for visiting cruise ship passengers, and that is what this announcement is all about, putting the infrastructure in place to capitalise on the huge opportunity that is the visitor economy.

There is a high appeal for the destination of Victor Harbor from local cruise lines such as P&O and, as some may be aware, smaller expedition vessels that have visited before. In fact, another is due to visit in the 2020-21 cruise season. The *Coral Adventurer*, carrying approximately 120 people, is circumnavigating the country and is planning to stop at Victor Harbor as one of its planned 35 stops around Australia.

Large cruise lines require a mainland solution for disembarking before we can actively promote Victor Harbor as a destination of choice, and the SATC is continuing to work with the City of Victor Harbor, the Department of Planning, Transport and Infrastructure and Fleurieu Peninsula Tourism to ensure that the required infrastructure is ready and that logistical requirements such as transport and passenger welcome programs can be delivered.

It will, of course, be imperative that the new infrastructure design and location meet the needs of the cruise lines to ensure long-term success and future scheduled visits to Victor Harbor. In the meantime, we can continue to actively promote the destination for cruise lines now as a day trip from Adelaide, and it's pleasing to see that daytrip visitation to Victor Harbor over the last five years is up some 9 per cent.

Victor Harbor is but one of the many coastal gems on the Fleurieu and visitors really are spoilt for choice when deciding how to fill out a day's itinerary in that beautiful region. Over the last 10 years, domestic visitation to Victor Harbor has grown by 36 per cent, and for our international visitors the last five years has seen visitor nights up 34 per cent, showing that international visitors are staying longer and clearly wanting to see and do more.

With respect to the recent announcement, a study is currently underway to determine the optimum solution for the causeway, from a range of possible solutions that will be informed through key stakeholder input. Following the study, the construction of a permanent solution will commence in 2019-20 and will be undertaken across two years.

I am extremely excited about realising the potential of the peninsula as a region, as well as Victor Harbor and Granite Island more specifically. This region is a key contributor to our visitor economy, and this government is investing in the infrastructure needed to attract visitors to deliver an excellent visitor experience and to enjoy all the jobs and economic benefits that will flow from that investment.

BRAND SOUTH AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (14:53): A supplementary arising from the original answer where the minister talked about the importance of regional tourism operators: can the minister outline how many regional tourism operations and regional tourism products were members of Brand SA?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:54): I don't have those figures.

Members interjecting:

The Hon. D.W. RIDGWAY: Well, Brand SA—

Members interjecting:

The PRESIDENT: Order! Allow the minister to answer your own question, Leader of the Opposition. Minister.

The Hon. D.W. RIDGWAY: Brand SA was not a tourism organisation. The South Australian Tourism Commission is a tourism organisation. People could volunteer to be members of Brand SA. I don't have a list of tourism organisations or operators that were members of Brand SA.

BRAND SOUTH AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (14:54): A further supplementary in relation to the original answer: can the minister outline how many regional tourism operations took part in Brand SA's Regional Showcases over the years?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:54): I don't have those figures with me.

Members interjecting:

The Hon. D.W. RIDGWAY: Mr President, you have to understand from the members opposite—I don't think they fully understand that Brand SA was not a tourism organisation.

TOURISM

The Hon. K.J. MAHER (Leader of the Opposition) (14:55): Final supplementary: does the minister expect improvements to continue after he is no longer minister in May of next year?

The PRESIDENT: That is hypothetical, so you know that is out of order. A supplementary within standing orders.

OCEANIC VICTOR

The Hon. I.K. HUNTER (14:55): Supplementary based on the original answer: will the minister advise the house on how the Oceanic Victor, the swim with the tuna facility on Granite Island, will be protected during the maintenance and upgrade of the new causeway, and not have its business affected?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:55): I thank the honourable member for at least a sensible question; it's pleasing to get one from the other side of the chamber. It is a project that I am sure will be run by the Department of Planning, Transport and Infrastructure. As I said in my original answer, the key stakeholders will be consulted.

Clearly, Oceanic Victor, which is absolutely one of the jewels in the crown for the Fleurieu—I have had the experience of swimming with the tuna when it was in Port Lincoln; I haven't had the opportunity to do it when it's in Victor Harbor—is clearly a key stakeholder.

Members interjecting:

The Hon. D.W. RIDGWAY: Clearly, members opposite have no interest in listening to information about important tourism attractions. The front bench can't help themselves but interject. They are just like a bunch of noisy schoolchildren. I am thankful to get a question from the backbench of the opposition that actually makes sense, and I am concerned that we make sure the key stakeholders are consulted because that is a key tourism attraction.

It took some time for them to get that operation up and running. As the former minister would know, there were a number of teething problems and I am really keen to see that flourish. It has become particularly popular. Even though there was a large number of locals and stakeholders who almost protested against its location there, I know a number of those people have made comments on social media that they have actually gone out and swum with the tuna now and they see it as a particularly wonderful asset for the community.

The PRESIDENT: The Hon. Mr Hunter, a further supplementary.

OCEANIC VICTOR

The Hon. I.K. HUNTER (14:57): Warm as my heart has become with the minister's answer, sir, I wonder if he would like to bring back an answer to the house.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:57): In my original answer I said that key stakeholders would be engaged and consulted with. They are a key stakeholder, so I am sure that they will be engaged.

The PRESIDENT: One last supplementary, the Hon. Mr Hunter.

OCEANIC VICTOR

The Hon. I.K. HUNTER (14:57): Yes, I will try again, sir. My question related to the plans: how will they be protected? I am very keen to have the minister bring back a response to the chamber to tell us how they will be protected.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:57): A whole range of stakeholders are going to be consulted and that whole plan will be developed, the actual repairs or maintenance to the causeway and any new construction. I don't believe that I have to give any more information other than that they will be a key stakeholder and I am sure, when there are plans available and there is a final design, that will be published on DPTI's website.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. F. PANGALLO (14:58): I seek leave to make a brief explanation before asking a question of the Minister for Human Services about the personal alert systems rebate scheme.

Leave granted.

The Hon. F. PANGALLO: For a number of years the state government has been subsidising monitored personal alert systems for our most vulnerable senior citizens in their homes. This has been a very generous and worthwhile initiative by the previous Labor government and is to be applauded because it has saved so many lives. The system provides security, a level of independence and peace of mind for not only those who have it because of their health or frail condition in their homes but also their families, who can be contacted in the event of any incidents in which the alert is triggered and ambulances are called.

However, I understand the government, in another of its mean-spirited cost-cutting measures, is now making access to the scheme even harder by asking people to now apply through My Aged Care. My question to the minister is:

1. Can the minister confirm that it is reducing funding for the scheme and by what amount?

2. Who will be eligible under any new changes?

3. For what possible reason has the decision been made?

4. What will happen to those who already have the system and cannot afford any gap that will apply?

5. If their system becomes non-functional, what will happen to the hundreds of people who are still on waiting lists expecting this life-saving device, considering the already long delays that exist with applications to get My Aged Care?

6. Did the government consult with aged care and welfare organisations before making its decision?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:00): I thank the honourable member for his question. Changes will indeed be taking place to the Personal Alert Systems Rebate Scheme from 1 July. I think it's important to point out, too, that service models change over time. I am going to say that comment probably many times in relation to a range of matters as we make changes to particular schemes. I think I have certainly made those comments in relation to the National Disability Insurance Scheme.

The Personal Alert Systems Rebate Scheme was, from what I understand, established in 2011 for good reason, and it is a very useful service for a number of older people. However, there have been changes to the way funding arrangements have been made. We have seen that extensively through the National Disability Insurance Scheme, and we have also seen that in the

aged-care space. We are trying to ensure that the duplication between that scheme and the commonwealth government's aged-care services is minimised.

People who receive the lowest levels of funding for commonwealth home care support will continue to be eligible for the scheme. People who receive high levels of commonwealth home support will no longer be eligible for the scheme as they will be able to access a personal alert system through their package. Assessment through My Aged Care, which is the commonwealth portal, ensures elderly people who require support to remain independent in their homes are aware of and are able to access all support services available to them.

The reduction in the maximum annual subsidy for monitoring is being reduced from $250 per annum to $200 per annum, and that will take place from 1 October 2019. My understanding is that one of the providers has already reduced their monitoring fees to ensure that people on that scheme will not pay any gap.

The $380 rebate available to purchase a monitored personal alert scheme remains unchanged. These changes were necessary to protect the future sustainability of the scheme, which has been increasing in recent years, and have ensured that we don't have to make other difficult decisions, such as capping the number of new entrants to the scheme.

This will also be a trigger for people who are interested in support at home to actually seek an assessment through My Aged Care, which is going to be a positive impact, because more South Australians will engage with My Aged Care and will be advised about other support services that they may not have been aware of.

The PRESIDENT: The Hon. Mr Pangallo, a supplementary.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. F. PANGALLO (15:03): By going through My Aged Care, where there are already long delays, will this also now mean that people will have to wait longer before accessing the scheme?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:03): We are working through those details. I am not sure whether there are waiting times for the existing scheme at the moment or not. The eligibility criteria mean that people at the moment need to gain a referral, so they may experience delays due to matters that are outside of our control already, but we are certainly monitoring and are maintaining close contact with the commonwealth government to ensure the minimum impact on consumers.

The PRESIDENT: The Hon. Mr Pangallo, a further supplementary.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. F. PANGALLO (15:03): What will happen to those who cannot afford the $50 gap? Will it make their system non-functional? Will they still be able to use it or not? Could they basically be cut off?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:04): That is something that they would need to speak to their supplier about. My understanding is that this scheme has provided an up-front payment of a $380 subsidy and the ongoing monitoring fees, and has not been reviewed in a long time. If you look at the website you will see that for a number of the providers, magically, their systems cost a very similar amount up front and the monitoring fee is close to that $250 mark.

As I said in my original answer, we have certainly been advised that one of the services has already reduced their monitoring fee. There are also a whole range of other similar services which don't rely on this particular technology. So we think that the lack of reviewing of the scheme means that there's probably some much better services that are available that people are already accessing through My Aged Care, or that they may have also signed up to personally, and that potentially for this scheme, while it is incredibly useful for people, there are improvements that can be made.

EXTREME WEATHER RESPONSE

The Hon. I. PNEVMATIKOS (15:05): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding Code Blue.

Leave granted.

The Hon. I. PNEVMATIKOS: Yesterday in question time the minister said that it was her understanding that the homelessness services, namely the CEO of Uniting Communities, is the key person to determine a Code Blue but that the minister has the ability to override that. My question to the minister is: can the minister also clarify if she has the ability in her own right to call a Code Blue herself or can she only override a decision made by the CEO of Uniting Communities?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): I thank the honourable member for her question. She may not have detected that at the end of question time I clarified that it's the CE of Uniting Communities in conjunction with the Housing Authority who determines whether a Code Blue will be called. As a said, I can call a Code Blue. I don't think that this should be a political decision. I am not quite sure what the Labor Party thinks they are—oracles of the weather.

Members interjecting:

The Hon. J.M.A. LENSINK: Oracles of the weather!

The PRESIDENT: Through me, minister.

The Hon. J.M.A. LENSINK: These decisions should not be political decisions. We rely on the advice of the Bureau of Meteorology. We rely on the advice of the specialist homelessness services who have confirmed the criteria and working together with the housing association. That is how these decisions should be made. The Labor Party might want to consider how they look to the homelessness sector when they are questioning their judgement, effectively, and determining that members of parliament should be the arbiters of these decisions.

The PRESIDENT: The Hon. Ms Pnevmatikos, supplementary.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition!

Members interjecting:

The PRESIDENT: Minister, Leader of the Opposition, if you want to have a private conversation, have it outside. I would like to hear the Hon. Ms Pnevmatikos' supplementary.

EXTREME WEATHER RESPONSE

The Hon. I. PNEVMATIKOS (15:07): Given the low temperatures experience last night and predicted over the next few nights, has the minister initiated conversations with the CEO of Uniting Communities and other relevant parties to call a Code Blue, and, if not, why not?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:08): Those discussions are taking place with the Housing Authority and I have been briefed by the Housing Authority.

The PRESIDENT: A further supplementary, the Hon. Ms Pnevmatikos.

EXTREME WEATHER RESPONSE

The Hon. I. PNEVMATIKOS (15:08): Given reports in today's *Advertiser* that the Reverend Sandy Boyce from the Pilgrim church in Adelaide is not opening doors to young people and giving them sanctuary during the winter months, has the Code Blue initiative moved from being a government safety initiative to a Liberal, ideological, open market approach to homelessness? Has the minister spoken to Anne Moran about opening up the Adelaide Town Hall to those living rough on Adelaide streets?

The Hon. K.J. Maher interjecting:

The PRESIDENT: We would all like to hear the answer, Leader of the Opposition. So, minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09): I thank the honourable member for her question, although I reject much of what was commentary, which I think is entirely inappropriate and inaccurate. I have not spoken to Councillor Moran in relation to the particular homelessness services that are provided. I remind members of what it actually means. When we call a Code Blue, we already have additional street-to-home services, which are run by Neami with increased staffing levels. Trace-a-Place, which is the Services to Youth Council, normally operates from 9 to 5, but extended its service by two hours to 7pm. The Hutt Street Centre has regular operating hours. In particular, its day centre, which generally operates from 7am to 1pm, extends that to 5pm and also assists people to be transported to Baptist WestCare Centre for the overnight comfort.

As I have said previously in this place, we want to see people permanently housed. It is always a risk for people to be sleeping rough; it is a risk to their health in the short term and the long term and a short-term risk to their safety. We have been very successful, particularly with our partnership through the Adelaide Zero Project and the Don Dunstan Foundation, in permanently providing 161 rough sleepers with a place to sleep.

That is our preference, and that is more than took place under the previous government, because we work in partnership with service providers. We do not tell them what to do from on high, calling particular things because the minister of the day believes she is an oracle and she is potentially concerned about particular criticism from stakeholders, so she thinks we had better call one of these things, otherwise people will complain about us.

That is not the approach that we take; we are adults in the Liberal Party, and we work with the agencies, we take their advice, we respect their advice and our focus is on permanently providing housing for people, rather than Labor's approach, which was to sell off thousands and thousands of Housing Trust properties, which would be quite handy to have right now: we would be able to provide homes permanently, with services for some of our most vulnerable citizens.

EXTREME WEATHER RESPONSE

The Hon. T.T. NGO (15:12): Supplementary question: the minister mentioned that some of the services will be open later when a Code Blue is called. Is there any cost implication to the government once a Code Blue is called?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): My understanding is that we do provide additional resourcing to those particular service providers in recognition of their extra cost.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (15:12): Supplementary arising from the original answer: the minister mentioned the vulnerability of those who are homeless. Has the number of homeless increased or decreased, and by how many, under her watch?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): I have already answered questions about the number of people surveyed through Street Connect.

The Hon. K.J. Maher: You don't know, do you? You haven't got a clue.

The Hon. J.M.A. LENSINK: I am quite happy; I think I have talked about this three times already. If the honourable member wants to waste question time by getting me to repeat the figures, I will go through them again. So, 2018, Connections Week: the first Connections Week ever in Adelaide—again, a strong partnership between the service providers, the Don Dunstan Foundation and the Adelaide Zero Project—there were 143 people through that survey; in 2019, 119.

NATIONAL VOLUNTEER WEEK

The Hon. J.S. LEE (15:13): My question is to the Minister for Human Services about volunteers in South Australia. Can the minister please provide an update to the council about recognition of our amazing volunteers at the recent National Volunteer Week celebration?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:13): I thank the honourable member for her question and for her ongoing interest in volunteering and all things to do with our community. I am sure she was very involved in National Volunteer Week that we celebrated quite recently. I was ably represented by my colleague the Hon. Corey Wingard at the parade that took place during the week as I was with housing staff on the APY lands that week.

I was very pleased when the University of Adelaide invited me to speak to its volunteer recognition event on 11 June. The university has a huge number of volunteers. It is quite staggering: they have over 30 different volunteer groups across more than 50 programs and they have 3,500 volunteers who volunteer for the University of Adelaide.

Some of these programs include things such as their Talking with Aussies program for students who arrive in Australia to assist them to connect with local services and introduce them to the Australian way of life. They have a peer mentoring program, Friends of the Library, history groups, people working in the university archives, and through their many music programs and science programs.

Unfortunately, I was late for the event but I was pleased to be able to award a number of people with their certificates, including one of their oldest volunteers, Mr James Menzies, who at 90 years old is an inspiration to all of the international students he has mentored through the Talking with Aussies program. Meeting on a weekly basis over the past six years, James has supported 19 students with their English language and social connection skills. He also shares his tips for helping students engage with other volunteers during their quarterly meetings, and apart from helping them with their transition to a new language he also provides valuable guidance on the transition to a new culture. Having such assistance provides international students with positive personal growth, wellbeing and improved learning outcomes.

There was also an award for the Florey Adelaide Male Ageing Study, which I understand has been operating for some 20 years. Some of the volunteers have been committing a day a week for almost 10 years to that particular program. It is one of the longest running and most comprehensive longitudinal male ageing research studies that has advanced our understanding of risk factors for early warning signs of diabetes, poor heart and metabolic health, reproductive health, mental health and cognition, sleep and musculoskeletal health and men's use of health services. They have also facilitated strong engagement with participants through newsletters, birthday cards and timely follow-up. They proofread community materials and grants, assist with survey mailouts, data entry, processing linkage data, transcribing, filing and refiling.

Another group award was presented to the Intercultural Volunteer program which supports international students, providing a positive and engaging experience for them through weekly coffee and chat sessions and cross-cultural conversation sessions, as well as fun events and activities like attending AFL matches or Adelaide Festival events. In 2018, the group was able to connect and engage with over 1,500 international students who had been studying at the English Language Centre.

There is also a program for graduates, students aged 18 to 24, which is quite unique. Students complete a minimum of 30 hours of volunteering to achieve the award. While volunteering is a good way to gain experience, meet new people and develop transferable skills, it is also important to highlight the value of making a difference in their community.

The University of Adelaide has a very comprehensive volunteer program which people outside the organisation tell me is very well run. I commend them for the diversity and depth of the programs they are running and wish everybody who is involved well into the future.

CRUISE SHIP LANDING FEES

The Hon. M.C. PARNELL (15:18): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question about landing fees for cruise ships visiting Kangaroo Island.

Leave granted.

The Hon. M.C. PARNELL: Cruise ship visits to Kangaroo Island have increased significantly in recent years, growing from single digits three years ago to 19 last financial year and 28 this

financial year. Generally, the large ships anchor offshore with passengers ferried into the wharf by a shuttle service of ships' tenders.

According to Tourism Kangaroo Island chairman, Pierre Gregor, quoted in *The Islander* newspaper earlier this year, currently cruise ships visiting Kangaroo Island do not pay a landing or disembarkation fee; however, the Tourism Kangaroo Island board thinks that they should. According to TKI, based on current visitation figures, this could conservatively bring in at least $150,000 to $200,000 per year, depending on the pricing regime adopted. According to Mr Gregor:

> Most other cruise ship ports, where the passengers disembark while the ship is alongside a wharf or pier or utilise transfers by ships' tenders, extract a fee from cruise ships. Kangaroo Island should be no different.

In contrast, if you want to launch a dinghy or another small boat from a council facility such as a boat ramp at, say, Christmas Cove or American River or Bay of Shoals, you have to pay $10 a day or $150 per year. But if you arrive and depart in a very big boat with several hundred other people, you don't get charged a cent. My question of the minister is: does the minister support the council or other authority charging disembarkation or landing fees for cruise ship passengers visiting Kangaroo Island?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:20): I thank the honourable member for his question and his ongoing interest in Kangaroo Island, especially. He is right: we have seen a significant increase in cruise ships coming to South Australia. It is a great part of our tourism offering the fact that we have that wonderful natural beauty in a range of ports right around South Australia where these cruise ships arrive. Kangaroo Island is one where we use tenders, as the honourable member mentioned.

We use tenders to bring them into the terminal at Penneshaw. Of course, the government paid for those particular tenders, I think, when the members opposite were in government. That is when that investment was made, to allow those tenders to come in. It may have been in partnership with Sealink—I don't remember the exact relationship between the two as to the actual funding, but certainly it was done and completed with the previous government.

The member is correct that the cruise ships don't pay any landing fee there. I have spoken to Mr Gregor on a number of occasions. It is an issue that TKI has raised with me. The South Australian Tourism Commission is always looking at ways that we can make sure that the visitor experience is good and that the community benefits. My understanding is the SATC does provide quite a service on that particular island as well and I know there are some other services provided.

It is something that, as I said, is an ongoing discussion around how we might look at ways to make the visitor experience better for the community and better for the visitors. What we want is for people to get onto TripAdvisor, go onto social media and say what a wonderful time they have had, and use their social media to promote South Australia. Certainly, we want to make sure we keep getting record numbers of cruise ships. We have had record seasons. I expect I will be standing up in this place at the end of the next couple of years and seasons talking about the great record.

While I am not going to be drawn into whether I support or don't support particular fees, I can tell the honourable member that the SATC has been in conversations with TKI around what we might do in relation to those particular opportunities, having the number of cruise vessels coming to Kangaroo Island. As I said, the facilities that are being used are facilities that were put there during the former government. They come into the Penneshaw passenger terminal, and the cruise ships moor offshore. I won't be drawn into whether we are looking to charge fees, but I know it is something that is on the radar of the South Australian Tourism Commission and I am sure those discussions will continue.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (15:24): My question is to the Minister for Human Services. In the answer the Minister for Human Services gave today, she noted that in Connections Week in May 2018 there were 143 people identified as sleeping rough in the City of Adelaide. That was a project with the Don Dunstan Foundation. Is the minister aware that the current data for the current month from the Don Dunstan Foundation shows the number of people who are known to be sleeping rough in the city at 227, up from 167 the previous month?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:24): I am very familiar with those figures, and I am happy to once again clarify.

Members interjecting:

The Hon. J.M.A. LENSINK: Mr President, I have already responded to these, so if the honourable member doesn't want to listen to my answer again then that is his prerogative. What he is talking about is a particular measure called the by-name list, which is maintained by the Don Dunstan Foundation with support and advice from the service providers. The data that I was talking about was Connections Week, which is taken over a period in time. It is a snapshot, so it needs to be compared to another snapshot. What he is referring to is the by-name list, which was added to following Connections Week. Those people have been—

The Hon. K.J. Maher: How do you explain it going up 50 people in the last month? Fifty in the last month alone.

The Hon. J.M.A. LENSINK: Mr President, I'm sorry the honourable member doesn't want to hear—

The PRESIDENT: Leader of the Opposition! Leader of the Opposition, I would actually like to hear the minister's answer.

Members interjecting:

The PRESIDENT: Minister.

Members interjecting:

The PRESIDENT: The Hon. Mr Ridgway, don't descend.

Matters of Interest

GOVERNMENT PERFORMANCE

The Hon. R.P. WORTLEY (15:26): The Marshall Liberal government's mantra during the election was 'lower costs and better services'. What Mr Marshall has delivered so far has proved that these slogans were only very shallow promises and a vote-grabbing exercise.

The Liberals' first budget in 17 years was a hatchet job on services. Likewise, yesterday's budget is a further escalation of cuts to services that will see South Australians worse off than ever before. The new round of cuts that have been delivered are wideranging in scope and include cuts to grants payments to the South Australian Housing Authority, sports infrastructure, regional airports and the Living Neighbourhoods program. The government has also delivered a wide range of efficiencies to Adult Community Education, the History Trust of SA, Carclew youth arts and the Windmill Theatre Co. and a review and reprioritisation of grant programs in the Department of Human Services.

In addition to these cuts, the Marshall Liberal government have proven that they are not serious about fighting crime in South Australia. Under their watch, crime has risen in our state, and their recent round of budget cuts could see a further escalation of crime. In an appalling move the Liberal government has scrapped the New Foundations program trial and have cut the APY lands staffing model in SAPOL. The New Foundations program was used to help reduce recidivism in our prisons, and the cut to the staffing model is a cut to policing in regional areas. These two cuts highlight that the Marshall Liberal government are not serious about fighting crime in South Australia.

As well as failing to protect our citizens against crime, the Marshall Liberal government are letting down the most vulnerable South Australians. In a callous move, the Liberal government has reduced the grants to the Victim Support Service by $1.2 million. This important service provides support for South Australians affected by crime.

The budget also removes 31 full-time equivalents from the Department for Child Protection, which poses a lot of questions for the minister. Will these cuts be to front-line staff or administrative staff? If the cuts are to the administration staff, would that require the front-line staff to take on more administration work? What will be the impact of this reduction on the children and young people in

state care? We do not yet know the answer to these questions, but what we do know is that vulnerable South Australians will be worse off thanks to this budget.

The Marshall government and the Hon. Rob Lucas are also coming after the hard-earned money of South Australians to prop up their surplus. Every day, South Australians bear the cost of an unprecedented increase of $353 million in taxes, fees and charges. These increases are going to impact on many South Australians, who will now be paying more for motor registration, drivers licence renewals and hospital car parking.

The Liberals also continue their attack on the public transport system. Having cut $46 million from the system you would think the Liberals could not do much more damage to the transport system but, as the saying goes, where there is a will there is a way. In this budget the Marshall Liberal government has raised bus fares, including scrapping the two-section fare and the reintroduction of the $5 regular Metro card fee and the $3.50 concession card. Thanks to Steven Marshall, South Australians are now paying more for less.

It is time the Marshall Liberal government comes clean to the people of South Australia. It is time for the Marshall Liberal government to stop misleading the public and admit that, thanks to their policy decisions, South Australians are facing higher costs and downgraded service.

I note the Hon. Mr Pangallo's absolute horror at the increase granted to us last year, the outrage expressed before accepting it. Well, I have to be the bearer of bad news: while all these increases are occurring there is going to be another wage increase for members of parliament in July. I am sure that before accepting the extra increase the Hon. Mr Pangallo will express more outrage at this disgraceful increase in our salaries.

Considering these cuts and fee increases it is astounding that the Treasurer has the cheek to say that this budget continues to deliver on their election promise to create jobs.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:31): On 29 May this year, along with more than 130 other people, I participated in the Network of Suicide Prevention Networks forum at the Salvation Army's Riverside Centre in Gawler. The representation at the meeting included delegates from networks across the state, including: the Barossa; Mid Murray; Adelaide Plains; Salisbury; Gawler; Onkaparinga; Marion; Mid North; Mount Barker; Mount Gambier; Murray Bridge; Naracoorte, Lucindale and Districts; Mitcham; Playford; Port Adelaide; Port Augusta; Port Pirie; the Riverland; Copper Coast; Yorke Peninsula; Strathalbyn; Tea Tree Gully; Streaky Bay; Tumby Bay; South Coast; Western Adelaide; and Whyalla.

As well there were representatives from the Adelaide and Treasuring Life South-East Aboriginal and Torres Strait Islander Suicide Prevention Networks and Wesley Life Force, which is, with my assistance, working on developing a network in the APY lands, as well as the 801 Mental Health Incorporated group. Others there also included members of the Premier's Council and the Issues Group on Suicide Prevention.

The MC for the day was Mr Matthew Tukaki, former chair of Suicide Prevention Australia, and the meeting heard addresses from Karen Redman, Mayor of Gawler, who has been a great supporter of suicide prevention, the Hon. Stephen Wade, Minister for Health and Wellbeing, and Dr John Brayley, the Chief Psychiatrist. There was also a particular feature on new networks, including the Mid North Suicide Prevention Network based at Jamestown, a showcase on the work of the existing networks, and a particular focus on suicide postvention, which is working with people who have been bereaved by suicide.

We had presentations from a range of people with lived experience and from organisations such as Roses in the Ocean, Standby Support after Suicide, AnglicareSA Loss and Grief Services, and also a very heartrending address from Mr David Head, a farmer in the Murray Mallee who originally came from Eyre Peninsula.

We also had a terrific performance of a dramatic production, known as *Carpe Diem*, about mental health, particularly men's mental health, which has been funded by SA Health and the Office of the Chief Psychiatrist to be performed around South Australia. It was good to see a lot of support

across the community for this forum, and I was pleased that the member for King in another place, Ms Paula Luethen, was in attendance.

It was particularly relevant that the Salvation Army, led by Major Darren Cox, was able to host this event in the period around the Red Shield Appeal, which I have chaired in Gawler for some 19 years. The Salvation Army were doing suicide prevention over 100 years ago. As we know, the Salvos generally get their hands dirty doing things many other people will not touch, and I think it is a tribute to the fact that the Salvation Army were doing that work so much earlier than any other groups. In closing, I thank Dr John Brayley and his team from the Office of the Chief Psychiatrist, and also my very small staff as the Premier's advocate, Ms Karen McColl and Ms Tanya Malins.

FLINDERS CHASE NATIONAL PARK

The Hon. M.C. PARNELL (15:36): I want to speak today about how the planning system is failing our natural environment. The most disappointing example of this failure was the recent approval last week by the State Planning Commission of a series of 20 private luxury accommodation buildings in the heart of the wilderness on the coast of Kangaroo Island in Flinders Chase National Park. Why is it a problem? What is wrong with tourist development? Nothing. Development of an appropriate type at an appropriate scale in an appropriate location is absolutely fine, but the wrong development in the wrong location is not.

To understand the depth of feeling about this amongst people who care about the environment, to understand why the island's conservation volunteers have gone on strike in protest and to understand why hundreds of people have rallied on the steps of Parliament House, you have to appreciate that this is an area that has never before been developed. It is a wild rugged coastline and it is in the heart of a publicly owned national park. There are no buildings, there are no roads, there are no tracks, just the majesty and the splendour of the wilderness.

But the government tells us that this new private luxury accommodation is part of the Kangaroo Island Wilderness Trail. Is it? The trail is kilometres away from the site, for example the site at Sandy Creek. They will need to build new vehicle tracks and they will need to build new walking tracks. The vehicles will be up to two tonnes in weight and there need to be new walking tracks to connect this new private luxury development with the Kangaroo Island Wilderness Trail.

If you read the management plan for the Flinders Chase National Park, it talks about development along the trail, not several kilometres from it. This failure of the planning system comes down to two main elements. There is a failure of policy and there is a failure of process. I want to focus mainly on the failure of process. The developments were processed by the State Planning Commission's assessment panel as category 1. That is the category used for the least contentious developments in this state. It is used for building a regular house on a regular suburban block in a regular part of one of our cities or towns.

What category 1 means is that there is no public consultation, no right to make a submission, no right to make a representation and no right to appeal, even when the decision is clearly bad and seriously at variance with the planning scheme. To make matters worse, the government kept the development application documents secret for as long as possible. My applications under the Freedom of Information Act were denied by both the environment department and the planning department.

The environment department simply lied to me and said they did not have them, when they did, and the second agency was simply gutless and took the view that the public was not entitled to know the extent of privatisation of our national parks. The documents were not made available until four days before the Planning Commission hearing, which the public was allowed to attend provided they did not say anything.

Ultimately, the Minister for Environment and Water admitted that they did have the documents but they would not release them to me because they did not own them or control them. Most remarkably, the environment minister justified the exclusion of the public from any involvement in the decision-making process by saying, in a letter to me just a week ago, the following:

> I am advised the proposed development is following the standard approval pathway for the type of development in that location and it is appropriate that DEW does not have, nor seeks to have, a role in that process.

Intervention in the development process, has the potential to undermine business confidence in development in South Australia.

The minister's department was not hands off. They were up to their neck in this. Officers of the department attended the hearings, they gave evidence to the State Planning Commission, they sat alongside the developer and they spruiked the benefits of the project to the assessment panel. The Department for Environment and Water officers were working hand in glove with the private developers.

If the minister believes that is inappropriate then clearly he has no idea what his department is doing. That is the most generous interpretation that I can put on his bizarre and clearly incorrect response to me. But it gets worse, because the State Planning Commission's assessment panel, when they first considered this matter a couple of weeks ago, deferred their decision. I have my suspicions as to why they did that. I think they had probably made up their mind already.

Interestingly, because no-one was able to put any alternative viewpoint and because they were advised by the planning department to say yes, that was exactly what they did, even despite the bullying of the proponent that suggested to them that they were not privatising our national parks fast enough and that the presiding member was not impartial.

YOUTH MENTAL HEALTH

The Hon. I. PNEVMATIKOS (15:41): There has been a great deal of discussion in the media recently about drugs and young people. This has caused me to reflect on the way we as a society approach this very serious and complex problem and, more specifically, how we as policymakers aim to put measures in place to resolve it. A key factor, I believe, is our society's ability to see the person and not just the addiction or behaviour.

It is our duty as policymakers to ensure that the legislation that we design and pass into law is in the best interests of our state's children and young people. This is why we have committed to be signatories of the United Nations Convention on the Rights of the Child. In fact, it is the very reason such a convention exists. Article 3 of the UN Convention on the Rights of the Child states:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Are we certain that we are living up to this? Are we listening to field specialists to ensure good policy is implemented? Experts are increasingly referring to the epidemic of mental health problems in young people. The World Health Organization has estimated that, 'Mental health conditions account for 16 per cent of the global burden of disease and injury in people aged 10 to 19 years.'

In Australia, the figures are truly alarming. *beyondblue* states that suicide is the leading cause of death among young people in Australia. In 2013, around 350 young people aged 15 to 24 died by suicide. Even more startling is that it is estimated that for every known suicide there are approximately 100 to 200 incidents of serious self-harm, yet in our state key mental health services are seeing a reduction of 25 per cent of their funding, that is, $6.8 million less that will be used to aid vulnerable South Australians.

When questioned, I have heard the government skirt around this matter time and time again, claiming the funding reduction is a product of the NDIS previous government's planning and arrangements. Let me be clear: the types of mental health services being requested, which I am drawing attention to today, have nothing to do with the NDIS.

The NDIS is built on a needs model, not a recovery and wellness model. It is the state government that has a responsibility to focus on mental health services from a recovery and wellness perspective and a responsibility to focus on current unmet demands. There is growing evidence of an increasing unmet demand for mental health support in our state, and there are going to be serious consequences if we do not heed the call of experts on this matter. We know that mental health is a key factor in increasing a young person's vulnerability towards poverty and homelessness, yet we are seeing less funding, less outreach and less support.

This is a real problem that illustrates just how vulnerable young people are becoming. We also know that alcohol and drugs play a significant role in the statistics. In fact, while youth offending

has fallen consistently over the past 10 years or so in Australia, according to the Bureau of Statistics illicit drug offences by young people are the notable exception, increasing by 47 per cent in the years between 2008 and 2017.

This should give us all cause to stop and reflect on how effective our preventative measures are and whether we can approach this problem in a different way. Health experts refer to a range of factors that contribute to drug and alcohol abuse and addiction, including disadvantage, mental health problems, marginalisation and disabilities such as intellectual disabilities. The Australian Medical Association has recently called for 'shifting the focus from criminalisation and penalties for drug users to providing suitable health care and treatment for those who need it'. The Law Society has echoed this sentiment.

This is especially important because we know that a significant factor contributing to youth offending is social isolation and marginalisation, which increases the vulnerability of young people. Therefore, tackling the problem by further marginalising and stigmatising young people by having an offender focus will exacerbate things. I would like to thank organisations such as the Aboriginal Health Council, the AMA, the South Australia Network of Drug and Alcohol Services, the Youth Affairs Council, the Guardian for Children and Young People, SACOSS and Uniting Communities for the important work they do.

WORLD REFUGEE DAY

The Hon. J.S. LEE (15:47): It is a great honour today to speak about World Refugee Day and the many activities associated with Refugee Week. In 2000, the United Nations General Assembly declared 20 June every year to be World Refugee Day. It is a day when the world commemorates the strength, courage and perseverance of millions of refugees. This one-day commemoration has since turned into a week-long celebration in Australia and other countries.

During Refugee Week, people from all walks of life are taking big and small steps in solidarity with refugees. It has been a privilege for me every year to attend several events that celebrate the contributions of our diverse refugee communities in South Australia. Refugee Week provides a platform to promote positive images and stories of refugees and encourage a culture of welcome throughout our country. Australia has been enriched by millions of migrants and refugees since the postwar period. Their courage, resilience, optimism and enterprising spirit have transformed Australia into the proud and successful country it is today.

I offer my heartfelt thanks and congratulations to the Australian Migrant Resource Centre (AMRC) and the South Australian Refugee Week committee for convening another wonderful Refugee Week program this year. Special thanks go to the CEO of AMRC, the wonderful Eugenia Tsoulis OAM, AMRC chair Judge Rauf Soulio and the entire SA Refugee Week committee for their hard work and commitment to bringing together hundreds of organisations and volunteers to host many amazing events throughout South Australia during Refugee Week.

It is my pleasure to highlight some of the events I attended during the week. On Monday 17 June, it was a great honour to launch the 2019 SA Refugee Week. It was a crowded room full of enthusiastic young students, teachers and community leaders. We witnessed a strong partnership between AMRC, the Hawke Centre and the University of South Australia. Thank you also to Jacinta Thompson and Associate Professor Andrew Hill for their great support of the launch of Refugee Week.

I was joined by my colleague the Minister for Education, the Hon. John Gardner, who did a fantastic job launching the Youth Poster Awards Exhibition. The poster competition involved over 300 participants from 50 schools and tertiary institutions. The students applied their artistic talents to raise awareness of refugees and human rights issues. I was very impressed by the students' creative skill as well as the compassion and thoughtfulness demonstrated in their artwork. Well done to all the poster awards winners and finalists. I believe South Australia is a better and kinder place with these young future leaders.

This morning, I was also delighted to launch a women's banners project in Victoria Square. This project combined Refugee Week celebrations and was held in conjunction with the 125th anniversary of women's suffrage in South Australia. I want to express my special thanks to the

Minister for Human Services, the Hon. Michelle Lensink, for her support marking the milestone anniversary.

AMRC and the Council of Migrant and Refugee Women have partnered with the Office for Women to display 23 unique portraits of migrants and refugee women in Victoria Square, Adelaide. It was great to see Mrs Carolyn Power, the member for Elder, the Assistant Minister for Domestic and Family Violence Prevention, who was there to join us. Once again, thank you to the amazing Eugenia Tsoulis, the AMRC team and Ms Vanessa Swan, Chair of the Council of Migrant and Refugee Women of SA, for their successful collaboration on the women's banners project.

During Refugee Week, our Governor is also kept pretty busy. The Governor of South Australia, His Excellency the Hon. Hieu Van Le, will be hosting a reception at Government House tomorrow morning, 20 June, to launch World Refugee Day. I am really hoping that my pair request will be granted by the Labor opposition so that I can attend that reception. On a positive note, I wholeheartedly welcome the Premier's decision to extend the Governor's appointment for a further two years. His Excellency, our Governor, is a great asset to our state. His own personal refugee story is a remarkable one and a true inspiration for all of us. Happy Refugee Week, everybody.

GREEK ORTHODOX ARCHBISHOP OF AUSTRALIA

The Hon. C. BONAROS (15:51): I seek the chamber's indulgence today to speak about the arrival of the new Greek Orthodox Archbishop of Australia, Archbishop Makarios. His arrival marks the beginning of a new era for Greek Orthodoxy in Australia. The Archbishop's election follows the sad passing of the much loved Archbishop Stylianos Harkianakis some three months ago, whose distinguished term to the Australian Greek Orthodox Church extended over four decades.

Archbishop Makarios arrived in Sydney last night to a bit of a rock star reception, including holding his own press conference and address to the crowd that was there to greet him. Indeed, about 1,000 people turned up at the airport to give him a warm Australian welcome, including assistant bishops of the Holy Archdiocese, the clergy, the monastic fraternities, parishioners and representatives of state and political authorities. But it was the Archbishop's address later in the night that really captured the hearts of Greek Australians across Australia. He said, and I quote:

> I arrive among you without having seen you, yet I feel as if I have known you for many years.
>
> I have come from distance, Crete, the homeland of your previous Archbishop, yet I feel that I am coming home.
>
> I want to assure you that this day, in fact this very moment is precious and unique in my heart and in my life.
>
> And I am aware that this day and moment are also decisive and vital for the future of the Greek Orthodox Archdiocese of Australia.
>
> Perhaps now is the appropriate time, the kairos, for our church to bear witness to broader Australian society, and to share her gifts and treasures abundantly with the wider community.

Music to my ears, Mr Acting President. He continues:

> I am aware that this day is vital for the future of the Greek Orthodox Archdiocese of Australia…I come from afar, but I feel I am coming home because of our common ecclesiastical roots.

Embracing his new home of Australia, the Archbishop emphasised his desire to not exclude, and again I quote, 'the many Australian citizens who want to get to know the spirituality of orthodoxy.' He went on to say:

> I would like to make the Orthodox Church reach out to the Australian people.
>
> From this day until my last breath, I belong to Australia…I vow before the Australian flag.

What a way to welcome and warm himself to not only the Australian Greek community but also the wider Australian community.

Before leaving the conference, the new archbishop paid respect to the Australian flag and anthem, pronouncing 'Advance Australia Fair, thank you and God bless'. I note on Monday that Prime Minister Scott Morrison also paid tribute to Archbishop Makarios in a statement in which he reflected on the archbishop's contribution to the Greek Orthodox communities in Europe and his new mission,

which brings him across the world, ministering to a people who treasure their ancient faith in a new land.

'I am sure he will embrace his new role in service to the Australian Greek Orthodox community with the same force and fervour that has characterised his vocation so far,' the Prime Minister said. On behalf of SA-Best, I echo the sentiments of our Prime Minister and welcome Archbishop Makarios to our country and look forward to him visiting Adelaide and meeting with our local multicultural communities in due course.

APPRENTICESHIPS

The Hon. C.M. SCRIVEN (15:55): I rise today to talk about the concerning drop in apprenticeship and traineeship numbers in South Australia, despite the Marshall Liberal government claiming to be spending millions of dollars through Skilling South Australia. Prior to the last state election, the Marshall Liberal government claimed they would 'make apprenticeships and traineeships a central plank in our jobs policy'.

Upon being elected to government, the Marshall Liberal government signed a $202 million deal with the federal government for the creation of an additional 20,800 new apprenticeships in South Australia. For the last 12 months, minister Pisoni has been making his way around the state telling people that he knows best as he is a former apprentice himself, and that he is going to deliver the extra 20,800 new commencements.

However, the latest data from the National Centre for Vocational Education Research has shown a decline in apprenticeship commencements and a rise in cancellations and withdrawals, despite the Marshall Liberal government's $202 million partnership with the federal government. Remarkably, minister Pisoni came out and disputed the figures from the National Centre for Vocational Education Research and said that his department had determined that 10,000 new commencements had been created.

Surely the minister and his department would not be able to keep a straight face when claiming 10,000 new commencements had been created. There is certainly a lot more work needing to be done by minister Pisoni to deliver anything like that. A good start would have been to have the Marshall Liberal government agree on apprenticeship numbers within its own ranks in South Australia.

For example, in February last year the then opposition leader and now Premier stated in a media release that there were 15,700 apprenticeships currently in the South Australian workforce. Then, just a few months later, when the Marshall Liberal government took office, minister Pisoni stated in a media release that in fact 1,000 fewer apprentices—14,725—were currently working in the South Australian workforce. Minister Pisoni and the Premier, in the space of a few short months, were disputing themselves what the apprenticeship figures were. So it came as no surprise when last week minister Pisoni plucked the 10,000 new commencement figures out of thin air and claimed that that figure is the correct one.

When minister Pisoni last year quoted the figures of 14,725 apprentices in training in South Australia, it is very interesting to look at from what source he was quoting: the National Centre for Vocational Education and Research, the same body that released data last week that states that, since the Marshall Liberal government took office, commencements of new apprenticeships are down, cancellations and withdrawals are up, completion of apprenticeships are down and the number of apprentices currently in training is down.

It is no wonder that, every time the opposition has asked minister Pisoni what are the government's targets in relation to how many new apprenticeships they will create each year, as opposed to over the four years, how much will be spent each year under the Skilling South Australia partnership and what will happen to the funding if these targets are not met, my office gets nothing back but spin. Minister Pisoni really needs to come clean about how he will actually deliver on these targets, especially now, given that the independent National Centre for Vocational Education Research has come out and provided data saying that what minister Pisoni is doing so far is not working.

We saw large cuts in last year's budget to programs that assist workers gaining retraining and assisting them in transitioning across to other jobs in the workforce, programs such as career services, the retrenched workers program and the Jobs First employment programs. But every time minister Pisoni was called out on the cuts to these programs, his response was, 'Skilling South Australia will assist workers who have previously accessed these programs.' However, it is becoming increasingly clear that this is simply not the case. It is time that Mr Pisoni put his hands on the wheel and started delivering on what the Marshall Liberal government described as its central plans in its jobs policy.

Motions

BOWEL CANCER AWARENESS MONTH

The Hon. R.P. WORTLEY (15:59): I move:

That this council—

1. Recognises that Bowel Cancer Awareness Month runs throughout the month of June;

2. Notes that Red Apple Day, held on 19 June 2019, highlights Bowel Cancer Awareness Month; and

3. Notes that bowel cancer claims the lives of over 80 Australians every week and is Australia's second deadliest cancer.

This motion recognises Bowel Cancer Awareness Month from 1 to 30 June and the importance of raising awareness, especially for early screenings. Today, we also recognise Red Apple Day and I encourage everyone to purchase a Red Apple ribbon or donate to his or her preferred cancer charity.

Bowel cancer is Australia's second deadliest cancer and, sadly, claims the lives of around 80 Australians every week. This is a depressing statistic but lives can be saved through early detection as bowel cancer is a very treatable disease if diagnosed in its early stages. Awareness campaigns such as this one remind us that screening everyone, every two years after the age of 50, is incredibly important because the risk of bowel cancer increases sharply from the age of 50. For this reason the National Bowel Cancer Screening Program is available to eligible persons over the age of 50.

While bowel cancer primarily affects those over the age of 50, younger people can also be affected so it always pays to know your family medical history and have a discussion with your GP. The risk factors for bowel cancer can be reduced by quitting smoking, limiting alcohol intake, being active and enjoying a diet with plenty of fruit and vegetables. Unfortunately, sometimes the risk factors are beyond anyone's control, such as age or family history.

Prior to the 2018 state election the former Labor government committed an additional $3 million to the Beat Cancer Project which would have allowed for cutting-edge research into fighting cancer right here in our state. It is sad to see that the Marshall Liberal government has broken two key promises that they took to the election relating to bowel cancer. The Liberals promised that they would eradicate bowel cancer screening overdue waiting times and to regularly publish figures on colonoscopy wait times. To date the Marshall Liberal government has failed to deliver on these commitments, and I call upon them to honour their promises.

I urge everyone to buy a ribbon because the money goes to a very good cause. I will end by encouraging everyone, if appropriate, to seek out screening options or get to know your family history and any risk factors. I also encourage everyone to talk to family members and loved ones and to gently remind them, if necessary, about the importance of frequent screenings over the age of 50.

There is no doubt that discussing these matters can be an awkward and uncomfortable topic. Embarrassment about experiencing symptoms can sometimes, sadly, be a factor in not seeking help sooner. However, by raising awareness in the community and promoting early intervention the mortality rate of bowel cancer can be reduced. I encourage everyone to do what we can to work towards the same goal of eradicating bowel cancer.

Debate adjourned on motion of Hon. I.K. Hunter.

WORLD REFUGEE DAY

The Hon. T.T. NGO (16:04): I move:

That this council—

1. Notes that World Refugee Day will be held on 20 June and that the Refugee Week will run from 16 to 22 June inclusive;

2. Notes that this week focuses on developing understanding amongst communities about who refugees are, the many challenges they face and the contributions they make; and

3. Celebrates the contribution of refugees to South Australian community life and to our economy.

As a former refugee, I am moving this motion in this chamber to recognise World Refugee Day tomorrow. I also take this opportunity to recognise the opposition shadow minister for multicultural affairs, Katrine Hildyard, who is moving the same motion in the other place. World Refugee Day was formally established on 4 December 2000 when a United Nations General Assembly Resolution decided that 20 June each year will be celebrated as World Refugee Day. In this resolution, the General Assembly noted that 2001 marked the 50th anniversary of the 1951 Convention Relating to the Status of Refugees.

According to the UN High Commissioner for Refugees in 2017, 65.6 million people were forcibly displaced worldwide because of persecution, conflict, violence or human rights violations alone. This is a number of people close to three times Australia's population. The top five countries of origin that make up 68 per cent of the world's refugees are Syria, Afghanistan, South Sudan, Myanmar and Somalia. Of the 3.5 million refugees who had their status recognised or were successfully resettled in 2017, a mere 23,111 were assisted by Australia, or 0.65 per cent of the total people. On this measure, compared to other countries, Australia was ranked 20th overall.

As I said, I was once one of those people and everyone here knows my story. World Refugee Day and the events that occur during Refugee Week are an opportunity for many different communities and individuals to share their unique stories. Refugee Week takes place in the week of 20 June each year. It is regularly used as a platform for holding hundreds of arts, cultural and educational events. This year, Refugee Week starts from Sunday 16 June to Saturday 22 June.

Refugees all have their own unique reasons why they had to leave their motherland and how they came to settle in this country. Regardless of this, we are all united as Australians. As South Australians, we should be proud that our own Governor comes from a refugee background. His Excellency the Hon. Hieu Van Le's story has been well documented and should be a source of inspiration for all refugees who have settled here.

I also take this opportunity to mention Mr Anh Do. He is also known as the happiest refugee, as he refers to himself in the title of his autobiography. Anh is a renowned Australian comedian. He is a boat person like myself and has gone on to have an amazing career in stand-up comedy and has featured in numerous TV shows like *Pizza, All Saints, Dancing with the Stars* and the *NRL Footy Show.* His comedy has endeared him to all different types of Australians.

Research has shown that people who have come to Australia as refugees are more likely to set up businesses than other groups. Many of them are the mum-and-dad businesses that you might find at your local shopping centre or corner store. But there are also examples of refugees setting up businesses that become multinational empires.

Perhaps Australia's most famous example is Sir Frank Lowy, a businessman of Jewish/Slovakian/Hungarian origins. Sir Frank Lowy was forced to live in a Nazi-established ghetto in Hungary during World War II. Lucky to survive the war, Sir Frank Lowy fled Europe after the war and made his way to Australia through Israel. He came to Australia to join his family who had come here directly from the perils of postwar Europe.

Sir Frank Lowy would become the mastermind behind the creation of the Westfield Development Corporation, commonly known as Westfields. This multinational had its origins through Sir Frank Lowy's development of his first shopping centre at Blacktown, in Sydney's highly ethnic western suburbs. From those humble beginnings grew a multinational shopping centre chain that

spread its web all over Australia and in different parts of the world, such as the United States, the United Kingdom and mainland Europe.

Refugees are Australia's most entrepreneurial migrants and are almost twice as likely to be entrepreneurs as the wider Australian population. Entrepreneurs with a refugee background can play an important role in facilitating the development of trade and other industries through links with their countries or regions of origin. In the case of Sir Frank Lowy that is clearly evidenced in the political muscle he was able to provide soccer in this country when he took over its national governing body back in 2003. Under his stewardship the game in Australia has grown at a rapid rate.

The refugees I have named here in my contribution are simple examples of some of the people in Australia who have contributed to our society. As refugees they were given a chance and are now well respected by us all.

I would like to briefly talk about some of the events that coincide with Refugee Week. Nationwide, the Refugee Council of Australia is running with the Refugee Week 2019 theme of #WithRefugees, with 2019 bringing a fresh focus to celebrating through sharing food and stories from around the world.

In SA, the Australian Migrant Resource Centre (AMRC) has been the convenor of SA Refugee Week since 2001. Under the strong leadership of Eugenia Tsoulis OAM, I can honestly say that the AMRC in South Australia has gone from strength to strength. I would like to use the opportunity in this council to thank her for her hard work and leadership. Each year, the AMRC brings together over 100 organisations as well as thousands of individuals to present multiple events to coincide with UNHCR World Refugee Day on 20 June.

Refugee Week promotes and celebrates the contributions of refugees to South Australia; raises awareness of the issues encountered by refugees on a local, national and global scale; and encourages community engagement, partnerships, understanding and cultural harmony.

I am well aware that Refugee Week in South Australia receives significant support from volunteers, donors and sponsors from participating organisations. Whilst the AMRC acts as the umbrella organisation for refugee advocacy, there are many other organisations that I have come across in our community who are doing the very same work. I congratulate them all.

Participants in Refugee Week events include schools, universities, TAFEs, local governments, churches, service organisations, welfare and charity organisations, and arts, cultural and advocacy groups. I take this opportunity to thank these organisations and their volunteers. As convenor, the AMRC coordinates the official launch of the SA Refugee Week calendar of events. This involves the launch of a youth poster exhibition and awards, and the launch of SA Refugee Week on 17 June.

The Refugee Week student poster awards are hosted by the AMRC in partnership with the Bob Hawke Prime Ministerial Centre, the University of South Australia's School of Art, Architecture and Design, and the department of education and child development. It is now in its eighth year, and provides students from primary, secondary and tertiary institutions with the opportunity to raise awareness, through creative design, about issues affecting refugees and the valuable contributions of refugees to Australia's social, cultural and economic development.

An exhibition of the finalists' posters is showcased at the Kerry Packer Civic Gallery, with participating students and their schools receiving awards and certificates at the launch of the exhibition. I understand the exhibition is available to tour to community galleries and spaces upon request.

Last year, Ziying Pan from North Adelaide Primary School took out the best poster in the primary school age category, and Samira Ahmadi from Our Lady of the Sacred Heart College won best poster in the secondary school age category. Her poster was emblazoned with the words, 'No-one puts their children on a boat unless the water is safer than the land'. Wise words, Mr Acting President.

Finally, from the TAFE sector Victoria Highet won the best poster in the tertiary age category. I congratulate all the winners and finalists on their artwork, and look forward to seeing some great artwork at this year's launch. I commend the motion to the council.

Debate adjourned on motion of Hon. I.K. Hunter.

GAYLE'S LAW

The Hon. C. BONAROS (16:17): I move:

That the regulations made under the Health Practitioner Regulation National Law (South Australia) Act 2010 concerning remote area attendance made on 16 May 2019 and laid on the table of this council on 4 June 2019, be disallowed.

I move this motion today motivated, of course, by the memory of slain Adelaide nurse Gayle Woodford specifically to ensure that her legacy is preserved with the respect and dignity it deserves.

As we all know, Gayle Woodford was an incredibly dedicated nurse and beloved mother and wife who was callously murdered responding to a late-night emergency call while working for the community she loved in the remote APY lands. In the aftermath of this most horrific murder the Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Bill 2017, known as Gayle's Law in honour of Gayle, was formulated and passed in this chamber on 28 November 2017. Soon after parliament was prorogued in the lead-up to the 2018 state election.

To recap, Gayle's Law requires remote area nurses to work in pairs when attending after-hours call-outs and is intended to reduce isolation and improve safety for health workers and practitioners, particularly in remote areas. Regrettably, significant details around the application of the law were left to regulations which, at the time of the bill's passage, had yet to be drafted.

In November last year, some 12 months after Gayle's Law had passed through parliament, SA-Best discovered it had not been proclaimed and, as such, was not being enforced. It should have been a priority for the Marshall Liberal government. After questioning in this chamber, it was also revealed that the government's consultation process with stakeholders only commenced in November of last year—again, almost a year after the legislation was passed. At the time, the Woodford family expressed their regret and dismay at the fact that the legislation was not in force and that they had not been consulted by the Marshall Liberal government. They had every reason to be outraged.

To add insult to injury, the regulations, which were open for consultation in March of this year, do not honour the spirit and intent of Gayle's Law. In fact, they completely undermine the very essence of the laws. The regulations allow SA Health nurses and other health practitioners to go to public places without a colleague in a number of circumstances, including where a risk assessment has been undertaken on the person they are to treat.

In my view, these regulations water down and severely undermine the very protections we sought to offer our remote area nurses and they are an insult to Gayle's family, who have fought so hard in such trying times for these reforms. The regulations are crucial to the legislation for the reasons I have already outlined and they have utterly missed the mark.

Along with my former NXT senator, Skye Kakoschke-Moore, I provided the government with a joint submission on 4 April this year, which I alluded to yesterday, highlighting a number of very significant concerns we hoped would be addressed in the regulations. This included questions around potential inconsistencies in the application of the regulations for different health practitioners, and policies and procedures, and questions of liability following any risk assessment undertaken. The response by the minister, in my view, did not address adequately a number of those concerns.

So I support the concerns raised by the Australian Nursing and Midwifery Federation (SA Branch) which has long advocated for legislative change to protect remote area nurses with appropriate collegial presence when responding to the healthcare needs of the community. I acknowledge the presence of a number of those advocates today: Adjunct Associate Professor Elizabeth Dabars AM, Annabelle Randell, Liz Dooley, Nicola Williams, Jenni James, Jodi Knoop, Tracy Semmler-Booth, Rebekah Quinn, Trish Currie and Roslyn Hewlett. They are individuals who advocate for our nurses on the front line.

To paraphrase the words of the ANMF SA, remote area nurses, regardless of where they are working, are vulnerable and their safety must be a priority for the government so that they can carry out their work with confidence, free from fear, thereby supporting, assisting and caring for their communities to the very best of their ability. I note the minister, then in opposition, during the debate on Gayle's Law, highlighted how the legislation would work in practice, and I quote:

> The bill requires health practitioners in remote areas to be accompanied by a second person when responding to after hours or emergency call-outs. The presence of a second person should reduce the risk of a personal attack. For this model to work, we need to ensure that we recruit and maintain a network of second responders throughout the remote areas. When called for an after hours or unscheduled emergency call, health practitioners will need to assess the risk involved in the situation, deciding whether their service needs to be provided immediately or whether it can be provided during normal hours. If deemed to be an emergency, the practitioner will rendezvous with a second responder at an agreed location to accompany him or her to the site of the emergency. The second responder will remain with them until the call-out is finished.

In the minister's very own words, this was how he intended the bill to work in practice. How things have changed!

The law adopted by the parliament was premised on the existence of a second responder to attend after-hours call-outs with health practitioners, predominantly nurses. There was never the spectre of risk assessments leading to the possibility of a second responder not accompanying a colleague for an after-hours call-out for assistance. This goes against the very original intent of the legislation and creates the possibility of health practitioners being harmed on call-outs. The category of second responders was drafted in a way to make it sufficiently broad to ensure a large enough group of people could act as a second responder necessary for the protection of nurses.

Mrs Woodford's employer, Nganampa Health Council, had a suite of safety policies around on-call work that ultimately hinged on nurses making a personal risk assessment about whether or not to step outside the cage that enclosed their staff quarters. Since Ms Woodford's death her previous employer removed the personal risk assessment framework and put in place a community escort system so that patients do not present to nurses' houses and nurses are never on call alone. So it beggars belief that the regulations allow for the reintroduction of such a risk assessment framework.

I note a 2017 survey of remote area nurses, which I have referred to previously in this place, conducted by CRANAplus, the peak professional body for Australia's remote and isolated health workforce, which revealed that 77 per cent of respondents had experienced or witnessed staff choosing to resign and leave their remote community following cumulative episodes of threats, bullying or harassment. Only half of the survey respondents reported that 'never alone' guidelines were supported and implemented consistently.

I reiterate statements made by the minister in opposition, while debating Gayle's Law back in 2017. I quote:

> Nurses and other health professionals cannot give their full attention to delivering care if they need to have one eye over their shoulder looking out for their personal safety...

I could not agree more. I want to acknowledge the courage and strength displayed by Gayle's family, after such a devastating loss, to mobilise the community and act as agents of positive change to protect so many other South Australians in the future. The Marshall Liberal government, and indeed all of us in this place, must treat Gayle's Law with the respect and honour it deserves. We can and we must do better.

Ms Woodford died in tragic, horrific circumstances doing her job. It was a job that she did selflessly for a community that she loved. We owe it to her and indeed to her family to get these laws right. For the time being, I conclude with the salient words of the minister while in opposition. I quote, 'Health practitioners are men and women who save our lives. To do so, they should not have to risk their own.'

Before closing, you will recall that yesterday I asked the minister a question in relation to the risk assessment process. That question was as follows:

> …will this government take full responsibility, heaven forbid, should another remote area nurse be tragically murdered or assaulted due to a decision…not to require a second responder to attend with them on a callout?

I acknowledge and I appreciate the difficulties in this space, but I ask the government to reflect on a question asked of Gayle's sister Andrea before she broke down in a radio interview earlier this week. To paraphrase, Andrea was asked whether she thought Gayle would have indeed undertaken a risk assessment on the day that ultimately resulted in her murder. Her response, to the extent that she was able to answer before breaking into tears, was precisely what you would expect.

The Hon. T.A. FRANKS (16:28): I rise to associate myself with the remarks of both the Hon. Kyam Maher in a previous motion on this topic and the Hon. Connie Bonaros here today. I express my concern with Gayle's Law that we get it right. We know full well in this place the tragic situation that has presented the Woodford family with the loss of Gayle, which led to this law. This law should have, as its paramount consideration, the safety of those nurses and first responders. In terms of doing that, if it does take further negotiation to get these regulations right, then this disallowance motion, I hope, will serve that purpose.

I acknowledge the work of the ANMF of South Australia—and, indeed, their presence in the gallery here today—in actually bringing the political will to this place to get not just bipartisan support but support across the entire parliament for Gayle's Law. I have also had the experience of communication with the Fregon community and their deep pain and sorrow at the events that took place in their community. I reiterate that one of the reasons those events took place was that that community was not given the support they asked for for that person to be removed from that community in the first place.

In what I hope will be, again, not just a bipartisan but a cross-party collaboration, where we come together and work out solutions rather than retreat into our corners on this, I also note that I have had several pieces of correspondence in the last 24 hours from the Tullawon Health Service, which are providers in Yalata; from the Aboriginal Health Council; from someone known well to me, the CEO of Purple House, Sarah Brown; and also CRANAplus.

All four have urged that this parliament not disallow the regulations, and I have great sympathy for their concerns. I note that in some of their concerns they are worried that they will not be able to resource Gayle's Law if it is implemented in the way that has been put in the debate today, and was put with the bill, and I certainly urge that resourcing not be the driver in this situation but that the safety of these health professionals and the communities be the paramount consideration.

I note that the contention is around only one small part of the regulations. If previous attempts to change the way we implement and agitate our laws in this place had succeeded, we would have been able to simply delete that particular one line and ask the government to try again, but as it is we have to disallow the entire set of regulations for that particular line to be addressed.

I note that the minister, minister Wade, has put some indications that the government will look at this closely. I would hope that we will see not just a review and a close look at this but some conciliation to come between the time that we sit today and the time that this disallowance motion may well go to a vote in the next sitting week. I note also, though, that these regulations will come into effect before we sit again and so this conversation and this collaboration and consensus building must be done with urgency and respect for all parties.

The Greens, at this point, are quite attracted to supporting a disallowance motion to get that consensus and to get that compromise that is needed to put as the paramount concern the safety of our health professionals and those communities that are affected by Gayle's Law, but we also understand that creating uncertainty with the implementation of Gayle's Law with those health services that are already implementing it is not an ideal situation and not one we wish to drag out too much longer.

With those few words, I thank the member, the Hon. Connie Bonaros, for bringing this matter to this place today. I note that, should the numbers stay, this upper house does have the power to disallow the regulations, and I would hope that that is a strong signal to government that it is time for consensus and conversations. I would hope that all concerned—certainly, I promise to do this as well—will now put away the politics of this and sit down at the table to ensure that we have a workable solution by the time we come back to revisit this disallowance motion.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:34): The Marshall Liberal government is committed to delivering Gayle's Law. I honour the memory of Gayle and her service

to communities in South Australia and reiterate again my sympathy to Keith Woodford and the family of Gayle.

The intent of the Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Act 2017, more commonly known as Gayle's Law, is to provide health practitioners working in remote areas of the state with protections for their safety over and above existing occupational health and safety requirements. The government does not support the member's motion to disallow the regulations. I want to stress that the regulations have been developed and finalised after extensive consultation with stakeholders and interested parties, including the family of the late Mrs Gayle Woodford.

I appreciate the ANMF and the Woodford family do not support a provision which allows a health professional to attend without a second responder. The government considers that we have got the balance right to both protect our health professionals and support them to respond to a medical emergency when it is safe to do so. That said, I welcome the fact that the parliament's Legislative Review Committee will be taking another look at these regulations, as the Hon. Connie Bonaros outlined in her contribution.

I trust that the committee will take submissions from stakeholders and will consider the extent to which the regulations are appropriate and fit for purpose. It is the government's view, taking into consideration all of the submissions we have received, that they are appropriate and fit for purpose. We welcome the Legislative Review Committee consideration of that.

We need to remember that the act is broad. It relates to the delivery of out of hours and unscheduled episodes of care. It applies in a vast range of situations and locations right across the state. More than three-quarters of the state is covered by Gayle's Law, an area just north of Renmark right through to the furthest corner of the APY lands. The premise of the legislation, as passed in November 2017, was to have a second responder accompany a health practitioner on any out of hours or unscheduled call-out.

I think it is also pertinent at this point to note that the legislation, as passed by the parliament in late 2017, at section 77E, states that the requirement that a health practitioner not attend a call-out without a second responder does not apply in circumstances prescribed by the regulations. The act itself anticipates that there would be circumstances where a second responder would not be required; that is, when parliament passed this legislation it fully anticipated that there would be circumstances prescribed in regulations where it is not necessary for a second responder to be present to protect the health professional.

The process for deciding which particular circumstances should be prescribed has taken time, longer than I would have hoped, but it is important to get the balance right. In the first half of 2018, SA Health reminded health service providers that Gayle's Law had been passed and that the focus was now on developing the regulations for its implementation and proclamation. On 9 November 2018, a discussion paper was distributed to key stakeholders and peak organisations seeking their views on what should be prescribed in the regulations. The opportunity was also provided for stakeholders to raise issues that need to be considered and resolved prior to the legislation being brought into operation. On 12 December 2018, I met with the Woodford family and provided them with an update on the implementation of Gayle's Law and a commitment to continue to involve them as the legislation was brought into operation.

In response to the discussion paper, 10 submissions were received, which informed the drafting of the regulations. The submissions raised a myriad of complex issues. For example, organisations expressed concern that a universal prohibition on responding without a second responder would present health practitioners with ethical dilemmas even if they were acting within the law. For example, the South Australian branch of the Australian Medical Association wrote, and I quote:

> Doctors are concerned that this provision runs counter to their code of ethics. As one doctor put it to us, 'Just because a medical practitioner wouldn't be legally liable, doesn't mean that it wouldn't pose a significant ethical dilemma for many.'

CRANAplus, the peak organisation for remote health professionals, wrote in its submission:

…CRANAplus believes that all people, regardless of where they live, should have access to high quality healthcare and being in a remote area should never be an impediment to this. Health Professionals, including Remote Area Nurses, have a professional, ethical and community obligation to provide care within their scope of practice in the event of a life or limb threatening emergency.

Under no circumstances would CRANAplus advocate that care not be provided; even if a second responder is not available, a plan of action/treatment is to commence.

The Australian Medical Association wrote:

…considers that doctors should be permitted to exercise some independent discretion in determining whether to attend a callout, if a second responder is not available. Naturally, this should include an assessment of any risks, and we do not advocate that doctors should be careless of their own safety.

Other health service providers outlined scenarios in their submissions—scenarios from their own experience—where an emergency response had been required in a public place and a second responder had not been immediately available. One organisation described the situation where a family sought help from a nurse for a child who was choking on a lolly. In that case, the nurse intervened and saved the child's life, which could have been lost if the nurse had waited until a second responder had arrived.

Another scenario asked us to think about the complexities that can arise where a medical emergency continues for a long period of time and there is a need for staff handover at the clinic, or where someone needs to collect the Royal Flying Doctor Service team from a remote airstrip. If the patient and the health professional are safe in the clinic, the submission asked, should the second responder be able to leave them there to go and collect the medical evacuation crew?

From these submissions, consideration was given to prescribing circumstances in line with the legislation where a second responder may not be required. At all times consideration was given to ensuring that the health practitioner needs to be provided with a safe environment in which they can go about their duties. These draft regulations were then distributed to stakeholders on 13 March for a four-week consultation period. The distribution was a much broader consultation process and included all health services that were likely to fall within the ambit of Gayle's Law.

The regulations were also provided to the Woodford family. In response to this consultation process, 11 written submissions were received. Verbal submissions were also received from the Woodford family and a number of Aboriginal community-controlled organisations. The ANMF raised questions about the prescribed circumstances where a call-out was to a public place. Apart from this submission, no other organisation raised concerns about the circumstances to be prescribed in the regulations.

The Hon. Connie Bonaros, as I mentioned yesterday, raised concerns in relation to the legal implications of responding in those circumstances. In fact, health service providers welcomed the flexibility and could see that Gayle's Law could be implemented in a way that would ensure the protection of health professionals and the continuation of services to communities. CRANAplus commented:

We can see that considerable effort has been applied in attempting to make the regulations sufficiently flexible so as to be practicable and achievable in the diverse range of contexts and services for which the legislation will apply.

The RFDS response was a short one; it read:

The RDFS is 100% behind the Gayle's Law legislation and believes we are already compliant.

I will reiterate that there has been no change to the circumstances listed in the regulations that were sent out for consultation and what has been proclaimed.

In recent days, myself and other members of this council have been contacted by a number of health service providers concerned at the possible disallowance of the regulations. For many months, these service providers have been strengthening their policies and procedures to ensure staff are safe, to ensure that their staff do not take risks and that their organisation is ready and able to be fully compliant from 1 July. In a letter I received earlier today, the Aboriginal Health Council of South Australia wrote:

The implementation of Gayle's Law, and the Gayle's Law Regulations in response to the tragedy was appropriate, and welcomed by the sector.

Importantly, however, Gayle's Law was drafted so as to provide a balance between the protection of health practitioners, and the realities of remote service provision. Section 77E of Gayle's Law is not a 'loophole' as has been described by some, but rather presents a practical balance between health practitioner safety and health service provision by allowing the Government to prescribe places and circumstances in which second responders are not required.

AHCSA agrees that health practitioner safety must be a paramount consideration. We agree that all reasonable steps must be taken to ensure that health practitioners have a safe workplace, and that they should never be placed at undue risk.

Arbitrarily requiring second responders in circumstances in which a risk assessment has been carried out, and no safety issues have been identified is unworkable given current funding and resources, and denies the reality of remote service provision in our State.

This is particularly so where our members have been preparing for the implementation of Gayle's Law on 1 July 2019 based on their understanding of the Gayle's Law Regulations. We do not believe that the Gayle's Law Regulations place health practitioners at an unreasonable level of risk.

In another letter, the CEO of Tullawon Health Service, an organisation that delivers health services to the Aboriginal community of Yalata, wrote the following:

Over the past 12 months, a considerable investment has been made by [Tullawon Health Service] to ensure that our organisation meets the important South Australian requirements of Gayle's Law. We have taken the abovementioned provisions into account when updating and developing our policies, procedures and strategic plan to ensure all our health service staff are safe and the organisation is compliant with the law.

It goes on later to state:

…Our policy states, that wherever possible, our procedures will always be to have a second responder. However, in unusual circumstances such as simply having two emergencies at once and minimal afterhours manpower, these provisions allow our organisation to meet the health needs and abide by the law…

The letter continues:

There is a significant need for flexibility within this legislation, as each remote area is very different to the next. Roxby Downs for instance, is very different to Yalata Community in terms of the population makeup, the landscape and service availability. In order for the implementation of these regulations to be practical and achievable on the ground, this flexibility is imperative...

…Our Health Professionals are fully trained and we must respect that they have the experience, knowledge and expertise to properly analyse a situation for risk and deem it appropriate to attend without putting themselves, or others' lives at risk. We have consulted with our nursing staff and know they have not been consulted by the ANMF in regards to these proposed changes.

THS and Yalata Community would appreciate some time for these laws and regulations to be properly implemented and tested, before these are reviewed in due course and amended from there if necessary, if they are not having the desired effect.

Another organisation, Purple House, which is about to open a nurse-run dialysis facility on the APY lands and which already operates similar facilities in 16 remote areas in the Northern Territory and Western Australia, has also expressed its support for the regulations as they stand. They state:

In preparation for the start of 'Gayle's Law' we have been looking at how it will affect our staffing and operations as well as its impact on the Primary Health Care provider in the community.

From our assessment, the proposed legislation in its current form with its 'public places' provision provides a reasonable balance to deal with possible scenarios in remote communities, particularly if health services prioritise supporting staff to build up their skills in risk assessment.

This legislation will allow for a focus on safety, without putting the health of remote residents at risk by reducing the ability of health staff to respond in emergency situations.

I can understand that Gayle's family may want far more than the current arrangements. They are grieving. However we believe that the current legislative arrangements due to begin on 1 July 2019 are a significant change to the safeguards for staff and strike a reasonable and attainable balance.

We would recommend that the legislation proceeds in its current form with a review after a suitable interval.

In some of the correspondence I have received in recent days, Aboriginal health service providers have raised issues around the cost impact of implementing Gayle's Law. In the case of South

Australia's largest Aboriginal community-controlled health service, Nganampa Health Service on the APY lands, I am aware that the federal government has provided significant funding to establish and operate a comprehensive second responder system, which has been in place now for more than a year.

Additional funding for some smaller Aboriginal and non-Aboriginal health services may be required, something I intend to raise with the relevant federal counterparts. I will also continue to keep the Woodford family informed as the law comes into effect. The government believes that the regulations we have developed and on which we have widely consulted have the balance right. For these reasons, the government does not support the member's disallowance motion. However, we do welcome the Legislative Review Committee's consideration of the regulations and look forward to their comments.

The Hon. K.J. MAHER (Leader of the Opposition) (16:49): I rise to speak briefly to this motion. I note that I gave notice yesterday of an identical motion that I adjourned before this in order for this motion to continue, but that my motion will stay alive and see another day if it needs to.

In 2016, Gayle Woodford, a nurse working remotely in the APY lands, tragically lost her life at the hands of somebody she was called out to assist. I extend my sympathies to Keith and the Woodford family. I know that in the community of Fregon, or Kaltjiti as it is known as in the Pitjantjatjara language, Gayle was very well loved and nurses have a very special role in the communities and are very highly regarded.

In my former role as the minister for Aboriginal affairs, I was in the Kaltjiti community only a couple of months after the tragedy occurred and I know it was a massive shock to many at Nganampa Health and many service providers, but particularly to the community. I distinctly remember being in the community for the opening round of the football season where there was a massive tribute with plastic flowers that last a lot longer in the harsh terrain lining the oval. Gayle's memory lives on in the community and the elders (the tjilpis) in Kaltjiti.

Back in 2017, when in government, we passed legislation named in Gayle's honour, designed to ensure that no health worker would find themselves in Gayle's situation again. The legislation was aimed at prohibiting health workers from being able to work alone in remote areas, areas where they might be placing themselves in positions of danger. We did not want to see health workers put in life-threatening situations when they were just trying to do their job: trying to help others.

The current government finally moved to enact the legislation passed under the Labor government, now set to come into effect on 1 July this year, but sadly there is a catch. The government has tabled regulations accompanying the legislation that in effect change the legislation to the point that it could easily be argued that it goes against or beyond the intent of the original Gayle's Law.

The regulations put forward by the government would permit health practitioners to work alone in certain circumstances. The Australian Nursing and Midwifery Federation (SA Branch) has raised grave concerns with the opposition and other members of this council regarding these regulations. A letter to the shadow minister for health and wellbeing, the member for Kaurna, in another place states:

> We were therefore distressed to read the regulations, as gazetted, which create the possibility that nurses or midwives could be required to attend alone in certain circumstances. Such a possibility in our submission is fundamentally at odds with the intention of the Parliament and campaigners for the legislation including ourselves.

The letter goes on to say:

> This creates, in our view, the very real circumstances that have created a risk of harm in the past.

The letter also says that:

> …the regulations in their current form would severely compromise achieving the safety of our members in remote areas.

The Woodford family, who have been tireless advocates for the implementation of this law in Gayle's honour, have also expressed their disappointment at the regulations. As a member of the Woodford family pointed out on the radio:

> The inclination of a nurse or a healthcare practitioner is always going to be to help where they can. That's exactly why Gayle's Law was drafted to require the attendance of two…

The regulations are weakened by one particular section, specifically regulation 11D(2)(e), which could easily be removed and the government regulations be reissued. I understand that one of the committees of the parliament is scrutinising the regulations and will give some advice, but I want to briefly take this opportunity to say that the opposition stands with healthcare practitioners, particularly with nurses who do a remarkable job in some very difficult conditions. They are doing incredible work and often life-saving work and the Labor opposition commends all those who do this work. Labor will stand with you in what you are doing and ensure that you can perform your job safely.

Debate adjourned on motion of Hon. I.K. Hunter.

Bills

CORONERS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. C. BONAROS (16:54): Obtained leave and introduced a bill for an act to amend the Coroners Act 2003. Read a first time.

Second Reading

The Hon. C. BONAROS (16:56): I move:

> That this bill be now read a second time.

The bill that I am seeking to introduce makes some simple but very overdue reforms to the Coroners Act. For the record, I have introduced the bill as early as possible to enable members to fully consider it over the coming winter break. In brief, what it seeks to do is clarify the jurisdiction of the Coroners Court; provide for legal representation for families of the person to whom the Coroner's proceedings relate and that the costs of those be provided by the Crown; separate legal professional privilege from privilege against self-incrimination and make new provisions for the court to issue a certificate providing indemnity from self-incrimination in certain circumstances; clarify the findings on inquest that the Coroners Court can make; and improve the accountability and transparency of government in respect to the recommendations made by the Coroner.

I will speak to the bill in further detail in due course, but, of course, in the meantime I welcome discussions with the government, the opposition and the crossbench in relation to the provisions of the bill. I think it is worth noting—and honourable members who have been here for some time will be familiar with some of the provisions of the bill, because they are not entirely new. Some are in line with recommendations that have been made by our now former coroner, Mark Johns, and others are provisions which have been debated time and again in this place and therefore have a long history in this place.

I do not intend to speak any further on the bill today, but, as I said, I welcome discussions with the government, the opposition and the crossbench before the conclusion of the coming winter break and will elaborate on the particular provisions of the bill in due course. With those words, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

LIMITATION OF ACTIONS (ACTIONS FOR CHILD ABUSE) AMENDMENT BILL

Introduction and First Reading

The Hon. C. BONAROS (16:59): Obtained leave and introduced a bill for an act to amend the Limitation of Actions Act 1936. Read a first time.

Second Reading

The Hon. C. BONAROS (16:59): I move:

That this bill be now read a second time.

The bill I have introduced today on behalf of SA-Best , the Limitation of Actions (Actions for Child Abuse) Amendment Bill 2019, seeks to allow survivors of child abuse to sue predominantly churches, schools and other institutions that previously forced them into unfair and unjust financial settlements. Many survivors, particularly of sexual abuse in our institutions, have described the difficulties of dealing with the might of some of the most powerful institutions, including of course the Catholic and Anglican churches.

Many were offered small settlement sums despite despicable acts of abuse perpetrated on them by priests. To add insult to injury for the survivors, those settlements included deeds of release, agreements in which survivors were required to waive their right to take any further legal action for the abuse. The Catholic Church, in particular, employed the most expensive corporate lawyers and top QCs to fight claims.

Through the Royal Commission into Institutional Responses to Child Sexual Abuse and information sharing amongst lawyers, it has become clear that in many settlements the church did not divulge the full extent of its knowledge about its paedophile priests, preferring to keep the veil of secrecy and denying its liability rather than entering into just and equitable settlements. As a consequence of that unconscionable behaviour, lawyers all over the country are working for a large number of victims of Catholic Church abuse, many of whom have previously entered into so-called settlements for pitiful amounts in which the church denied any liability.

Sadly, this appallingly shocking and unethical behaviour is not, as we know, limited to one church and one church only. Indeed, last October a former Geelong Grammar student sexually abused by a teacher received a landmark $1.1 million settlement. The victim had settled for $32,000 in 1998, but his lawyers recently argued that deed was void because the school had known for years about the teacher's predatory behaviour and had, indeed, covered it up.

It was never a level playing field against the power and influence of the institutions. This bill seeks to address the imbalance and give back power to survivors. It amends the Limitation of Actions Act 1936 by inserting a new section 3B. This provision gives survivors the ability to deal with a previously settled right of action if a court, by order or an application, sets aside the agreement on the grounds that it is just and reasonable to do so.

In addition, a court can take into account any amounts already paid or payable under a voided agreement when awarding damages as well as any costs already paid or payable. The bill makes it clear that where past settlements were reached as a result of misleading, coercive or other improper conduct they can be set aside, giving the courts the ability to reopen claims that were unfairly settled.

The essence of the bill is predicated on fairness. It closely mirrors Queensland legislation passed on 8 November 2016 that was an Australian first at the time. The Queensland state parliament was debating bills which sought to abolish the 21-year-old age limit on sexual abuse, and that legislation was extended by an amendment to allow the setting aside of past settlements that was moved by the Liberal National opposition, with the support of the crossbench at the time. Regrettably, the legislation was limited to survivors of sexual abuse only.

The genesis of dealing with past settlements came from a private members' bill by Queensland Independent MP Rob Pyne, which is another example of the importance of an independent crossbench that will fight for issues that governments sometimes do not have the courage to initiate until a critical mass of support grows to the point where they can no longer be ignored. The passage of the bill, with the inclusion of the amendment dealing with past settlements, was revolutionary at the time, with advocates hailing the legislation around past settlements as a pioneering victory in a longstanding battle for justice for survivors.

Further, they argued that it should be adopted for all survivors of institutional abuse in all Australian jurisdictions. Other jurisdictions have already followed or are in the process of following suit. In July 2018, the Western Australian parliament amended its Limitation of Actions Act to remove the statute of limitations on how long after being abused a victim could sue and crucially included section 92 which relates to previously settled causes of action.

That legislation paved the way for a historic ruling in August last year when Paul Bradshaw became the first victim of historic sexual abuse to sue the Catholic Church under WA's new laws. The case, which saw Mr Bradshaw win a $1 million settlement against the Christian Brothers, was fast-tracked because Mr Bradshaw was in the late stages of terminal prostate cancer, which sadly claimed his life on 30 October last year.

The Western Australian experience shows what a practical and potentially significant difference this crucial change in the law can make. In addition, the Andrews government in Victoria recently announced similar measures. However, that legislation is not due to be introduced until the end of this year. This bill represents South Australia's contribution on the continuing path to justice for survivors of all forms of abuse that occurred in our institutions.

However, it should not be contained within a private members' bill—that is my view—and, instead, should have been initiated by the Marshall Liberal government. Of course, we always welcome the opportunity for the government of the day to adopt private members' bills and add them to their own agenda of legislative reform. Last year, this parliament passed legislation which also abolished the limitation period of civil claims for compensation for victims of child sexual abuse, whether that abuse occurred in a government or non-government institution, or indeed any other setting.

That bill was further extended by amendments moved by the opposition to include all forms of abuse, including physical, mental and emotional abuse, which were unanimously supported by this chamber. However, that bill—the Limitation of Actions (Child Sexual Abuse) Amendment Bill 2018—in my view, represented a missed opportunity by the government to deal with the painful issue of past settlements, many of which were entered into by coercion. So this bill seeks to correct that wrong and I am glad that, on behalf of SA-Best, I am in a position to put it forward.

I urge the government and the opposition to see the merit in the proposed legislation by supporting this bill. I look forward to working with all sides of politics—the government, the opposition and the rest of the crossbench—to see the timely passage of the proposed legislation. With those words, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Motions

ELECTRONIC GAMING MACHINES

The Hon. C. BONAROS (17:09): I move:

That the Social Development Committee inquire into and report on the effects of electronic gaming machines in South Australia, 25 years since their introduction, with particular reference to—

1. The participation profile of electronic gaming machines gambling, including problem gamblers and those at risk of problem gambling;
2. The economic impacts of the electronic gaming machines industry in South Australia, including industry size, growth, employment, organisation and interrelationships with other industries such as tourism, leisure, other entertainment and retailing;
3. The social impacts of the electronic gaming machines industry in South Australia, the incidence of gambling addiction, the cost and nature of welfare support services of government and non-government organisations necessary to address it;
4. The extent, resourcing and impact of harm minimisation advocacy from community groups on electronic gaming machines regulation;
5. The contribution of electronic gaming machines gambling revenue on community development activity and employment;
6. The effects of the regulatory structures governing the electronic gaming machines industry;
7. The impact of electronic gaming machines gambling on the state budget;
8. The impact that the introduction of harm minimisation measures, including Gaming Care and Club Safe, has had at gambling venues that feature electronic gaming machines on the prevalence of problem gambling and on those at risk;
9. The effectiveness and success of these harm minimisation measures;

10. The new technologies and opportunities to reduce gambling harm; and

11. Any related matters.

Next month marks the 25th anniversary since the introduction of poker machines in pubs and clubs in South Australia. Despite numerous recommendations by the commonwealth Productivity Commission and other inquiries, there have been no meaningful reforms in terms of harm minimisation. That is why I am moving this motion that the Social Development Committee inquire into and report on the wideranging effects of electronic gaming machines (EGMs) in SA since their introduction.

As I have already highlighted, the inquiry will have particular reference to the prevalence of gambling addiction, economic and social impacts of the EGM industry in South Australia, the effectiveness of the regulatory structure and harm minimisation measures, self-regulation of venues and training by Gaming Care and Club Safe, new technologies and opportunities to reduce gambling harm, and we will look at the resourcing and impact of harm minimisation advocacy for community groups.

Never before, as I understand it, has this parliament conducted an inquiry as wideranging as this, but in my view there is a lot of work that needs to be done fighting the scourge of all forms of gambling addiction, but particularly poker machine addiction. I personally have seen too many times—more times than I care to recall—the insidious impacts poker machine gambling addictions can have, not just with addicts themselves but also, of course, with their loved ones.

Like other addictions, gambling addictions cost people their lives—desperate souls who saw no other way out of their personal predicament than to take their own lives. I remind both the government and the opposition that Australians lost nearly $24 billion in gambling in 2016-17, with poker machines continuing to outstrip all other forms of gambling, with a whopping $12.136 billion emptied into ravenous poker machines by Australians over the same period.

It is no surprise that poker machines continue to be described as the crystal meth of gambling. Here are some sobering—some might say sickening—facts to back that up:

- Australia has 20 per cent of the world's poker machines, yet only 0.3 per cent of the world's population;
- Australians lose more at gambling than any other nation, with $1,000 in per capita losses, mostly because of the prevalence and ferocious hunger of poker machines;
- poker machines are in the majority of the state's pubs and clubs, housed in 511 venues in SA, with a staggering 12,210 machines still taking money from South Australians;
- as of June 2017, there was an average of nine poker machines per 1,000 South Australian adults;
- poker machines are concentrated, as we know, in our most disadvantaged areas, with South Australians losing some $680 million over 2016-17.

From the Productivity Commission's report into gambling, we know that at least 15 per cent—and that is a very conservative figure—of regular poker machine players are so-called problem gamblers. It is these gambling addicts that provide the lion's share of profits to poker machine barons. The Productivity Commission has also estimated that around 40 to 60 per cent of spending on poker machines comes from problem gamblers. I reiterate again for the record that these are extremely conservative estimates that are now close to a decade old.

It is timely that the looming anniversary of the introduction of poker machines in pubs and clubs in SA, on 25 July 1994, acts as a reminder of what the introduction of poker machines has really cost this state and acts as the catalyst for this inquiry. With those words, I once again seek leave to conclude my remarks.

Leave granted; debate adjourned.

ZEINAB, MR A.

The Hon. C. BONAROS (17:14): I seek leave to move the motion in an amended form.

Leave granted.

The Hon. C. BONAROS: Abdullah has now won the race, so I move the motion as follows:

That this council—

1. Congratulates young South Australian born and educated man, Abdullah Zeinab, who has, on 19 June 2019 at 7.30am South Australian time, won the Trans Am (across the United States of America) Bike Race;

2. Celebrates the formidable achievement of Abdullah in winning this unassisted bike race, crossing the United States of America from west to east, a distance of some 6,745 kilometres, in the record-breaking time of 16 days, 9 hours and 56 minutes;

3. Notes that Abdullah led the race from the start and has stayed ahead of the field of 74 entrants throughout the gruelling route;

4. Recognises Abdullah's past achievements in Australia, in winning the Australian Perth to Sydney race in 2018; and

5. Thanks Abdullah for the inspiring example he sets for young Australians to persist in pursuing their goals, dreams and passions.

I rise today to congratulate young South Australian born and educated man, Abdullah Zeinab, who, as I said, at 7:30am today won the ultra extreme Trans Am Bike Race across the United States, from west coast to east coast, in the record-breaking time of 16 days, 9 hours and 56 minutes. Not only did he ride a distance of 6,745 kilometres across America unassisted and finish ahead of the other 74 competitors, but he absolutely smashed the previous record by an impressive 10 hours and 45 minutes. It is an extraordinary achievement.

The race is regarded as one of the toughest cross-country cycling races in the world, and for good reason. You can imagine setting off across a country with just your bike and everything you think you will need for the next 16 days or so, with the realisation that there is absolutely no assistance available at all along the way. To pedal your bike nearly 7,000 kilometres at a rate of more than 400 kilometres a day across countless mountains, enduring whatever the elements will throw at you during the early stages of an American summer, is something that I am sure most of us will struggle to get our heads around.

Even more remarkable is that Abdullah, who attended St Andrew's primary school and Pembroke College in Adelaide, is not a professional cyclist. He does not even belong to a cycling club. Abdullah also completely self-funded his entire trip from his employment as a builder's labourer. He does not have wealthy parents or a rich benefactor, or even a corporate sponsor. He is an ordinary everyday 25-year-old Australian of immigrant parents who has undertaken this extremely extreme ultra challenge, only his second long-distance ride, for the personal challenge, fulfilment and reward of having conquered an extraordinary feat of human endurance and courage.

I am sure all South Australians will join me in acknowledging his outstanding achievement and thank him for the inspiring example he has set for other young Australians to persist in pursuing their goals, dreams and passions no matter how ambitious or foreboding the challenge might seem. I congratulate, applaud and, indeed, admire Abdullah for his personal drive and determination, not to mention, of course, his mental toughness. I am sure he has an extremely bright future ahead of him in whatever challenges he chooses to take on in life. I look forward to meeting him on his return home, that is if he accepts the invite I intend to send him. With those words, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

BRAND SOUTH AUSTRALIA

Adjourned debate on motion of Hon M.C. Parnell:

That this council—

1. Acknowledges the contribution of Brand South Australia, an independent, not-for-profit organisation that promotes economic growth and pride in South Australia;

2. Recognises the achievements of Brand South Australia in its work managing the state brand and running a range of programs, including the successful I Choose SA program, delivering millions of dollars of value to South Australia every year and supporting local jobs;

3. Notes the decision of the Marshall Liberal government to cut funding to Brand South Australia, resulting in Brand South Australia having to cease operations as at 30 June 2019; and

4. Calls on the Marshall Liberal government to immediately reinstate its funding to enable Brand South Australia to continue its valuable work.

(Continued from 5 June 2019.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:19): I rise to support the motion before the chamber and to give my full support and indicate that the Labor opposition will not be supporting amendments filed by the minister that dramatically change the intent of this very important motion put forward by the Hon. Mark Parnell. Brand SA and the I Choose SA program have been a remarkable success. I want to pay tribute to the work they have done to promote South Australia, as well as South Australian businesses and produce, within this state and also interstate and overseas.

I have had the pleasure of attending a couple of the regional showcases that Brand SA has put on over the years. I have found them a remarkable success in showcasing some of the very best that our regions have to offer. I think it has been an important organisation that has done a lot to highlight regional South Australia and what has come out of it.

We have heard the Premier attempting to defend the cut to Brand SA with the glib line that the government is going to focus their efforts interstate and overseas. That, quite frankly, is an absolute cop-out. It is predicated on an illogical fallacy. It is possible to promote SA here in South Australia as well as overseas and interstate at the same time. The Premier's comments also denigrate the good work that Brand SA has already done overseas and interstate.

It is also important to point out that promoting South Australia to South Australians is crucial. People have a choice: they can visit Bali, New Zealand or Tasmania or they can stay here and see what their own backyard has to offer. They could choose interstate or overseas products or they could choose South Australian products. We want to see locals choosing to find those hidden gems, like going on a gin tasting flight at the Twenty Third Street Distillery in Renmark, sampling some topnotch craft beer at breweries like Little Bang Brewing or eating a sausage roll at the Ok Pie Shop—doing things in South Australia, using some of the best that South Australia has to offer.

I would like to congratulate the Hon. Mark Parnell on the way he has crafted this motion. It does not mention the Hon. David Ridgway at all, and I think that is very wise. What we have learnt in the last few sitting weeks is that the minister is being kept in the dark about cuts in his portfolio. His colleagues know he is out of depth and not up to the job. Most in the chamber know he is out of depth and not up to the job. It is at the stage where bets are now being wagered on when the minister will be dumped from the ministry.

Last sitting week, a letter from the chair of Brand SA, Mr Peter Joy, addressed to the Speaker of the House of Assembly and copied to the Premier and the Leader of the Opposition, was tabled by my colleague the Hon. Emily Bourke in this chamber. That letter sets out a clear time frame of events in what we have learnt about this sorry saga. We learned that on 8 May 2019 the head of the Department of the Premier and Cabinet and also, it needs to be pointed out, the acting head of the minister's own Department for Trade, Tourism and Investment advised Mr Peter Joy, the well-respected chair of Brand SA, that funding had been cut.

Then, one week later, on the evening of 15 May 2019, that letter reveals that the minister had a conversation with the CEO of Brand SA at which time it was agreed that nothing would be said publicly about these funding cuts until such time the minister had a meeting with the Premier, scheduled for 4.30 the next day. Then, at 12.14pm on that very next day, the chair of Brand SA received an email from the Premier confirming that Brand SA's funding had been cut. A little over two hours later, on that day, Thursday 16 May, the minister was asked in question time about cuts to Brand SA, and the minister feigned ignorance and said nothing would be revealed until 18 June.

So the minister talks to the CEO of Brand SA on a Wednesday night and says he has a meeting lined up the next day with the Premier at 4.30. In the meantime, that very next day, the

Premier, obviously knowing that he has a meeting with minister Ridgway, emails a letter confirming that Brand SA has been cut. No-one thought to tell the member about this email or forewarn him that that was happening. Minister Ridgway was directly asked whether he was aware of the Premier's email from 12.14 on 16 May, and the minister's very definitive answer was 'No'.

The Hon. R.P. Wortley: He looked baffled.

The Hon. K.J. MAHER: He was baffled and he knew nothing, which is a very common response for the minister. The minister was then asked whether he had any explanation as to why such a letter would be withheld from him for over 2½ hours prior to question time. The minister had no idea, which again is a very common refrain from the minister.

We are seeing evidence of a concerted campaign showing that either the Premier's office or, much more worrying, the minister's own office has so little regard for the minister that they are wilfully withholding information to keep him in the dark. Maybe they do not trust him with information. We know that that meeting with the Premier went ahead; we know that because the minister told us that. What was discussed at the meeting? Did minister Ridgway try to prevent the cuts from happening? I think the minister needs to let the chamber know what he did to try to stop these cuts. What was the purpose of that meeting? Was it to try to stop cuts that the Premier, even before the meeting, had made without telling the minister? It does show that the minister has no control over his own portfolio.

We are helpful, as I said yesterday, in this opposition—we are constructive—so we have lodged a whole series of FOIs in order to find out more of what has happened with these murky circumstances, whether anyone from the minister's office actually knew; whether it was the Premier's office or the minister's own office keeping the information from him.

We have heard in dispatches that the minister was completely cut out of the budget process, which is evidenced by the fact that he did not know that these cuts were taking place. He would likely not even know that Brand SA was going to be cut. He probably did not even know when or where the budget meeting was happening that was making these cuts. He is not held in high regard by the Premier, obviously, or by the Treasurer, if this is what is happening.

The reason these cuts happened is because the minister could not stop them. He is not across his portfolio; he is out of his depth and not up to the job. You cannot really blame the minister personally, which is why it is just as well he is not named in this motion, because on the minister's own admission he had no idea what was happening. It is pretty hard to sheet home the blame to a minister when he answers to, 'Did you know what was going on?', 'Oh, no,' or to, 'What do you know?', 'Oh, I don't know,' which is a common response from the minister on these matters.

I think, quite wisely, the motion has not sheeted home the blame to the minister for making these cuts, but what the minister should be blamed for is not being able to stop them. So we wholeheartedly support this motion and we will be voting against the minister's attempts to deflect the blame after the fact with these matters.

The Hon. C.M. SCRIVEN (17:27): I also rise to support the motion, and the Hon. Mr Maher has outlined the chaos, the confusion and the charade, which is what this cut has been for the minister.

The Hon. K.J. Maher: Poor minister!

The Hon. C.M. SCRIVEN: 'Poor minister', the Hon. Mr Maher says. It certainly has been a sorry tale to hear. To revisit the crux of the issue: it was in the other place on Thursday 16 February this year that via the opposition's questioning we discovered that Brand SA would be closing its doors on 28 June. It was a successful not-for-profit operation, supported by government members and sponsors. While they are known for being the keepers of the state logo, lovingly used by nearly 9,000 South Australian businesses, they also run many other programs: the I Choose SA program, with about 4,500 members, Hello from SA, the regional showcase, as the Hon. Mr Maher mentioned, fastest moving businesses, and so on.

The government, in defending this decision, declared that the Joyce review recommended the cutting of Brand SA, but this is simply not true. The Joyce review recommended that Brand SA

move from DPC to DDTI and have more of a focus on interstate and international promotion of SA businesses. Brand SA welcomed that recommendation and looked forward to the new direction. All previous funding was directed to within SA.

So the cover story is not holding up. We have anger, disappointment and outrage from those within the sector. Brand SA works; I Choose SA works. I Choose SA, for example, is easily identified to encourage and direct South Australians to choose South Australian products and services. Many people comment on how useful they find that, because many of us, I am sure, here in the chamber are keen to support South Australian businesses and local jobs.

Fifty-three businesspeople put up their name to be an I Choose SA ambassador. As consumers, we have many choices in the products we buy and the services we use. I Choose SA gave us the clear knowledge of which of these were made in South Australia. Many businesspeople spoke out publicly against this cut and, as a result, Brand SA, when issuing an expression of interest recently, noted that both I Choose SA and the state brand would both be returned to the state government.

Some of the influencers who opposed this cut included: Colin Shearing from Independent Retailers; Phil Sims from Robern Menz; Peggy Valoudos, T Bar; Mark Gleeson, Food Tours; Fleurieu Milk; and the list goes on. Many more spoke to the opposition about what a tremendous mistake this decision was.

The Hon. K.J. Maher: The minister for mistakes.

The Hon. C.M. SCRIVEN: The minister for mistakes perhaps, as the Hon. Mr Maher mentions. Where there is an I Choose SA campaign in Woolworths, Coles, Aldi or Foodland, sales increase. It is a tough and competitive retail market and I Choose SA makes a difference. People felt so strongly about this bad decision that they launched a change.org petition. When Brand SA announced its closure it received 2,500 reactions. The post was shared more than 700 times and people left 991 comments, all within quite a short period of time. For example, the Fleurieu Milk Company said:

> Very, very disappointing to hear. Thank you for all of the hard work and support you have shown for our brand and SA.

Spring Gully commented:

> We are more than disappointed to hear this news. Brand SA and I Choose SA campaigns have been significant supporters of our business.

She Shopped stated:

> This is so disappointing, so much progress has been made and now we will regress. The digital distribution achieved through Brand SA and I Choose SA was enormous.

Other comments expressed to the opposition included, 'The ecosystem will lose ground and we will not get it back.' I commend the industry for coming out so strongly in opposition to the cuts to Brand SA and I Choose SA, and I thank them for getting behind the campaign to retain this iconic brand and program.

Most recently, we were advised that both the state brand and the I Choose SA program are owned by the state government and will be returned, so-called, to the Department for Trade, Tourism and Investment. Whether they will continue to be funded and utilised as an economic stimulator for local business is what remains to be seen. Chairman of Brand SA, Peter Joy, said publicly:

> If we gave it to a commercial organisation it would lock out other people using it. If we returned it to government, to be honest, we would feel that maybe it wouldn't get the coverage and support that we've given it. We need some time to evaluate that.

This now remains a major concern because without funding, resources and people to progress the SA brand and I Choose SA it will quickly diminish in capacity to stimulate economic growth and business, be it here, interstate or internationally.

Meanwhile, Brand SA has advertised for expressions of interest from like-minded organisations to continue other Brand SA programs, such as Hello from SA and the Regional Showcase. Normally, an investment of $1.6 million in taxpayer funds, which were then matched by

investment from the private sector to generate income and to generate jobs for South Australian businesses, would be hailed as an enormous success—but not, it seems, by the Marshall Liberal government.

We call on the government to reverse this decision and continue to fund Brand SA as an independent, not-for-profit organisation, dedicated to helping grow South Australian businesses.

The Hon. E.S. BOURKE (17:32): I will continue with the theme and try to help the minister for 'I don't know' understand what South Australians love doing—and that is backing a local. You only had to walk through the aisles of any South Australian retailer, particularly our proud independent grocers—who I have been lucky enough to stand here and advocate for many times—to see the benefits of Brand SA.

Brand SA's membership was well into the thousands, with well-known South Australian small businesses and companies not only putting their name to the program but flourishing under the promotion and support it provided. Among its members were Haigh's, Penfolds, Foodland, Charlesworth Nuts, Nippy's, Pirate Life, Port Power, the Crows, Qantas, Robern Menz, Beerenberg and Thomas Foods. Brand SA was also at the forefront when helping to save South Australia's favourite, Spring Gully.

Essentially, Brand SA gave local South Australian businesses a leg up by helping their products not only get onto suppliers' shelves but also into the shoppers' baskets. Its members comprised both old and new businesses, helmed by both seasoned professionals and young entrepreneurs, many of whom owe at least part of their success to Brand SA's commitment to placing the spotlight on local businesses.

I Choose SA is one of the many Brand SA initiatives that has superseded expectations and brought invaluable economic benefits to our state. The program encourages South Australians to support local businesses by including extensive promotion both in store and through advertising, and included the popular I Choose SA Day in October. This day provided an opportunity to do what South Australians love doing: backing their state.

More than 4,600 South Australian businesses were registered with I Choose SA, but the flow-on effect of this program had resounded far beyond those businesses' registrations. When they are shopping for any kind of goods and services, South Australians have instilled at the front of their mindset that picking a local not only is good for the state but most of the time means a fresher product and better service.

Time after time, we have heard this Marshall Liberal government label themselves as the government that supports small business, but what evidence have they provided? This government is increasing fees and charges to the point where, if a plumber, electrician or gasfitter wants to go out on their own, they will have to pay 10 per cent more for their contractor's licence and registration. They will pay almost 5 per cent more to renew their driver's licence and will face the same hikes the next time they go to register their tradie car or ute. How is that being a friend to small business?

How are they being a friend to small business by pandering to the large interstate retail chains to deregulate shop trading hours and avoiding helping small businesses by allowing them to trade on the 11 days of the year where they actually make a little bit more money? If there were issues with Brand SA or how the program was run or if there were efficiencies they should have met, why did the Premier not ask them to do them? Did the Premier give Brand SA and its employees time to change things to suit their agenda before telling them all their jobs would be gone in a month? The answer is no.

Brand SA, in fact, was open to addressing these needs to promote South Australian products interstate and overseas, which was recommended by the Joyce review. Many have asked why would Premier Marshall take away South Australia's not-for-profit organisation designed to promote and support South Australian small businesses, one that is proven to be effective and proven to be popular among the state's business operators? Why would Premier Steven Marshall take that away and offer no real alternative?

We should be doing everything we can to support South Australian small businesses, not cutting down programs that are there to help them. These businesses, these brands, these South

Australian icons all carry names that we not only know and trust but love—names my family love. These are brands that my three young girls point to and know when we are out shopping at the local markets, in the local independent grocer or visiting the local supermarket. The keyword that they all are is 'local'. To the member for Dunstan and Premier of this state, I say that it is not too late to choose SA and reverse the decision to cut Brand SA. Let South Australians continue to do what they love doing: let them knowingly back a local.

The Hon. C. BONAROS (17:37): I, too, rise on behalf of SA-Best to speak in support of the Hon. Mark Parnell's motion, acknowledging the work and many achievements of Brand South Australia and, in particular, calling on the government to reverse its funding cut to such a valuable organisation. I do not know if any of us truly recognise just how lucky we are to live in this wonderful city and to make South Australia our home. We have so much to be proud of, from our wonderful national parks, Parklands and world-renowned Adelaide Oval to our world-class wine regions.

On that note—Ben, if you are listening—we should all send a big shout out to the winemakers at Kellermeister Wines in the famed Barossa Valley, whose South Australian-produced 2015 Wild Witch shiraz was judged the best wine—

Members interjecting:

The PRESIDENT: Order! Show respect to the Hon. Ms Bonaros.

The Hon. C. BONAROS: That is okay, Mr President, I am happy to take the interjections. It was judged the best wine in the world at the London Wine Competition earlier this year, outshining a field of international wines. The Barossa is absolutely brimming with eateries. Kangaroo Island has plenty for foodies. Eyre Peninsula's seafood is world renowned, and Adelaide boasts a cracking cafe culture and restaurant scene as well as the most visited attraction in the state, the iconic Adelaide Central Market. South Australia enjoys more than 5,000 kilometres of coastline, which equates to hundreds of brilliant, pristine beaches.

The entire state is blanketed with terrain so beautiful it belongs on a postcard—and often, much of its breathtaking landscape is: the Remarkable Rocks on Kangaroo Island; the epic Murray River that winds through South Australia; the craters along the Limestone Coast, like the volcanic Blue Lake and Umpherston Sinkhole in Mount Gambier; the vast Kati Thanda-Lake Eyre; the mammoth natural amphitheatre of Wilpena Pound in the stunning Flinders Ranges. The list goes on and on. These are just some of the reasons why I choose SA.

'I Choose SA', of course, references the successful campaign run by Brand South Australia. Brand South Australia has played an integral, a vital part in promoting this state and everything in it. Brand South Australia, as an independent and not-for-profit organisation, has done a stellar job in promoting our state, and it should continue to do so.

The Hon. Mark Parnell spoke at length on the reasons to retain such a vital and important organisation so that it can continue to promote this wonderful state of ours as it has done successfully for years. I echo all of those sentiments and cannot comprehend why the Marshall Liberal government has chosen, without consultation, to de-fund such an important organisation despite its substantial proven success.

The Premier continues to say South Australia is open for business, yet this decision appears myopic and ill-advised. I agree with Peter Joy, chair of the soon-to-be defunct Brand SA, that handing its flagship I Choose SA program to the government simply would not deliver the same benefits to the state's 7,000 to 9,000 small business on its books in the same way and with the same results the independent organisation has been able to achieve.

For these reasons we support the Hon. Mark Parnell's motion as printed, and I indicate for the record that we will not be supporting the amendments to the motion that have been circulated by the government.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (17:41): I know the members opposite will interject relentlessly through this contribution, but I would like to move an amendment to the motion. I will try to do it as briefly as I can. We are supporting the first paragraph of the Hon. Mark Parnell's motion; however, I move to amend paragraphs 2 to 4 of the motion as follows:

Paragraph 2—Leave out ', delivering millions of dollars of value to South Australia every year and supporting local jobs';

Paragraph 3—Leave out 'cut funding to Brand South Australia resulting in Brand South Australia having to cease operations' and insert 'reallocate the responsibility for Brand South Australia to the Department of Trade, Tourism and Investment to increase the focus on marketing interstate and overseas, in line with the Joyce review'; and

Leave out paragraph 4.

The government is passionate about promoting South Australia to the world, and certainly we love to see South Australians supporting local products and businesses. There is no doubt that the I Choose SA campaign had a role in having that confidence in our own state as an important foundation for businesses to grow and thrive as they launch into interstate and overseas markets. I acknowledge Brand South Australia's important contribution to state pride, and we now have a state brand and logo which has strong local recognition.

The open door logo has the full support of the state government, but now it is time to open the door to the rest of the world. Promoting ourselves internationally in our key growth sectors is a key component of this government's mandate, that mandate being strong economic growth. There may have been an opportunity for Brand South Australia to have some role in the renewed strategy had the decision to cease operations not been made.

We recognise the contribution that Brand South Australia has made to promoting the state, both in its current iteration and throughout its history as Advantage SA and SA Great. I thank their 16 staff for the role they have played in assisting South Australian businesses to build their profile to the point where industries are now ready to step up to the world stage.

The Joyce review recommended in March 2019 that the responsibility for positioning and marketing the state be transferred to the Department of Trade, Tourism and Investment, which is the effect of a machinery of government change on 1 July 2019.

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: At that point the responsibility for funding agreements for Brand South Australia sat with the Department of the Premier and Cabinet.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, I cannot hear the minister and you have had your go. Minister.

The Hon. D.W. RIDGWAY: Thank you, Mr President, for that important protection. I am advised that since its inception over $15 million of taxpayers' money has been given to Brand SA. Clearly, with the government's new focus on selling South Australia to the world and DTTI's huge role in developing the Growth Agenda, that shift makes perfect sense.

We are looking at which aspects of local promotion still have a place in our much broader strategy, and these will be the aspects that the industry sees value in moving forward. I am confident those aspects in the model we implement can be delivered for probably a fair bit less than the $15 million we have provided over the last five or six years, and have a strong impact.

The government has a mandate and a bold agenda to increase exports and jobs growth in South Australia and sees international promotion as a priority. We remain strongly committed to the state brand, and DTTI is working with Brand SA to transition the management of the state brand to the department by 1 July 2019, ensuring that the brand and the open door logo continues to be accessible to local businesses.

Our strategy to market South Australia to South Australians will ensure that targeted inbound and outbound international activities are leveraged to showcase the state. Our overseas offices are key generators of market promotion and, where appropriate, resources from across government are combined to maximise return on investment.

I thank Brand South Australia for its work over recent years and trust that the individuals and businesses associated with the organisation will continue to be strong advocates for this wonderful state.

The Hon. M.C. PARNELL (17:46): As the mover of the motion I will sum up the debate, and I would like to begin by thanking the Hon. Kyam Maher, the Hon. Clare Scriven, the Hon. Emily Bourke, the Hon. Connie Bonaros and the Hon. David Ridgway for their contributions. I would also like to thank the members of the Labor Party and SA-Best for their support for the motion.

It will come as no surprise to members that the amendments moved by the Hon. David Ridgway on behalf of the Liberal Party are not acceptable to me, and they are not acceptable to other members of this chamber. It never ceases to amaze me that when any member of parliament moves a motion that is either heavily or vaguely or even lightly critical of the government that the government feels the need to amend it to an unrecognisable form, when really the correct response would be just to suck it in, vote against it, realise you do not have the numbers, and save us all the drama.

I do not propose to add anything further to the contributions that have been made. I associate myself with the remarks of the members of the Labor Party and SA-Best. They understand the importance of Brand SA. I look forward to the successful passage of this motion. We will not be supporting the amendments. If the government feels a desperate need to divide it might be an educational opportunity for members in the gallery, but it will not change the result.

Members in this chamber have made it clear: they support the motion as it stands, and we call on the Marshall Liberal government to reinstate funding to Brand South Australia to continue its valuable work.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, I would like to do my bit now. This is the motion I am going to put: that the amendments moved by the Minister for Trade, Tourism and Investment be agreed to. If you like the amendments you vote for the ayes and if you do not you vote for the noes.

An honourable member interjecting:

The PRESIDENT: I am doing the serious bit. Can we just cut out the comedy?

The Hon. D.W. Ridgway: The Fringe is a few months away.

The PRESIDENT: The Hon. Mr Ridgway!

Amendment negatived; motion carried.

Parliamentary Committees

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: INQUIRY INTO HERITAGE REFORM

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the first report of the committee, on an inquiry into heritage reform, be noted.

(Continued from 1 May 2019.)

The Hon. T.T. NGO (17:49): I rise to make a brief contribution to this report on behalf of the opposition. The Environment, Resources and Development Committee resolved to conduct an inquiry into the current state and potential for reform of local, state and national heritage in South Australia. The committee considered a wide range of evidence from 144 written submissions, 29 witnesses and published literature. As the Hon. Mr Dawkins indicated in his contribution to this place a few weeks ago, the committee also visited state and local heritage places and areas in the City of Adelaide council area and in the Adelaide Hills.

This report notes that heritage is an issue that seems to polarise people. It can be perceived as an economic burden or barrier to development or a precious asset that can benefit the whole community. Either way, it is undeniable that everyone wants the same thing from the government agencies that have responsibility for our built heritage; that is, a simple and timely process to nominate and list heritage, and certainty and consistency in whether and how they can develop their properties.

It is for this reason that the committee's proceedings and its findings are of the utmost importance for heritage policy in this state into the future. Some of the committee's most important findings include that:

- heritage is important to the community, including non-government organisations, industry bodies and local councils, and the community expects state and local heritage to be protected from demolition and the impacts of undesirable developments;
- the community was generally unhappy with the current sectoral approach to the protection and management of heritage and was desirous of change;
- the community desires reform of current heritage policy and legislation, in particular local heritage, and calls for better clarity, efficiency, transparency, consistency and accountability of processes and decision-making
- the adversarial nature of the current processes to nominate, assess and list local heritage would likely be moderated by a more strategic, statewide and collaborative approach to identifying heritage, and that the community expects to be involved in the nominations of all heritage; and
- providing incentives for appropriate management of heritage properties and discouraging or disincentivising inappropriate management of properties is likely to mitigate against perverse outcomes such as neglecting properties until they are deemed suitable to demolish.

I take this opportunity to thank the various organisations that assisted in the committee's work, including the City of Adelaide; the Department of Planning, Transport and Infrastructure; and SA Heritage in the Department for Environment and Water.

I also thank the members of the committee during this reporting period. They include Mr Nick McBride (member for MacKillop), the Hon. John Rau (former member for Enfield), Mr Michael Brown (member for Playford), the Hon. John Dawkins, the Hon. Mark Parnell, and Presiding Member Mr Adrian Pederick (member for Hammond). I conclude by thanking committee staff, Ms Joanne Fleer and Dr Merry Brown, for their assistance to the committee. It was very much appreciated. With that, I commend this motion.

The Hon. M.C. PARNELL (17:53): In normal circumstances, I would have a substantial contribution to make on the subject of heritage protection and how it should be managed into the future. Much of heritage is within the planning system and, as members would know, that is a topic that I am always keen to explore in great depth. But given the amount of business we have before us tonight, I do not propose to go into any detail about the ERD Committee's inquiry, the 144 submissions, the 29 witnesses or any of the recommendations that were made by the committee.

My expectation is that we will be sitting very late tonight, into the early hours, debating other important issues. In these circumstances and to do justice to the topic, I intend to put onto the parliamentary agenda at a later date a separate motion that relates to heritage. I already have one bill before the council that deals with heritage, and I expect to have more in coming months.

For now, what I would like to do is just to thank all those who participated in the inquiry and to put on the record my thanks to those tireless campaigners for heritage who put so much effort into their submissions and their representations. I particularly would like to thank the National Trust, the Community Alliance and the Environmental Defenders Office, as well as the many individuals and local councils whose submissions informed the final report.

I also want to add my thanks to the staff of the committee, Ms Joanne Fleer and Dr Merry Brown, who successfully pulled together a range of divergent views and helped the committee to come up with a final consensus report that, if fully implemented, should ensure that future generations get to enjoy a similar heritage legacy to the one that we inherited from our forebears. I support the motion.

The Hon. J.S.L. DAWKINS (17:55): In summing-up the debate, I would like to thank the Hon. Tung Ngo and the Hon. Mark Parnell. I will look forward to the three-hour speech that he probably would have had in other circumstances. Can I say that I think the deliberations of the

committee in relation to this report were very good. I think we did cover a range of issues, and I think the report has covered the great bulk of those. I look forward to the Hon. Mark Parnell's future motion. I thank those two members of this council for their contributions, and I also thank the staff for their great efforts in the preparation of the report. I commend the motion to the council.

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REVIEW INTO THE OPERATIONS OF THE ABORIGINAL LANDS TRUST ACT 2013

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee, entitled 'Review into the operations of the Aboriginal Lands Trust Act 2013', be noted.

(Continued from 3 April 2019.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:57): I rise today to support the Aboriginal Lands Parliamentary Standing Committee review into the operations of the Aboriginal Lands Trust Act. I would like to thank honourable members who worked on this report. I would also like to thank Dr Ashley Greenwood, the executive research officer of the committee, but more particularly Ms Shona Reid, the former executive research officer of the committee, who is now the executive director of Reconciliation SA.

I would like to thank all current and former members of the committee who worked on this particular inquiry. We received submissions from a considerable number of witnesses, including those representing Yalata, the Aboriginal Legal Rights Movement, South Australian Native Title Services, Point Pearce Aboriginal community, Davenport community and the Aboriginal Lands Trust themselves. We appreciate the time they took.

There were a number of recommendations that came out of this report. The first recommendations dealt with making sure that there is proper consultation with Aboriginal communities about any changes. That is self-evident. In my experience as a minister for Aboriginal affairs and now shadow minister and working in the area for some time, any changes in Aboriginal affairs policy only work properly when they are done in close consultation with members of Aboriginal communities who these laws affect.

The second recommendation recognises the widespread desire from communities to have greater control over their land, including possible divestment of ALT land. This is an important recommendation and aspect. We heard evidence from many communities that they would like more control over their land. Many Aboriginal Lands Trust communities are former missions, which are now Aboriginal communities. Whether it be Point Pearce, Raukkan, Koonibba, Yalata, Davenport or other places around South Australia, they are former missions that are now in the Aboriginal Lands Trust estate, which I think, from memory, is about some 500,000 hectares around South Australia. It is a very considerable estate that is held in trust.

The trust, I think, was formed in 1966, so it is now over 50 years old. It was the first Aboriginal land rights legislation anywhere in Australia and for its time was ground breaking, but now, more than half a century on, I think it is reasonable to revisit whether this is the best way to hold land for, on behalf of and for the benefit of Aboriginal people.

Certainly, a lot of the evidence we heard pointed to many communities wanting much greater control over their land and questioning whether the model that holds it on behalf of Aboriginal people is the best model today. I know that other jurisdictions internationally, and also around Australia, are looking at different ways for Indigenous landholding that give divestment and greater control for local communities. At the moment, local communities really cannot do much with their land. The titles are held by the Lands Trust. In many cases, anything done with the land needs Lands Trust permission.

There are jurisdictions, even in Australia, that are making it their business to put themselves out of business, that is, divest land back to the control of local Aboriginal people and organisations, with appropriate safeguards in place to make sure that land is not alienated and lost forever. I think that was certainly one of the consistent themes of the inquiry and the evidence given, that Aboriginal communities want to be more in control of their land.

There was some criticism throughout the process of the level of consultation that different communities felt the Aboriginal Lands Trust engaged in. The Lands Trust responded to some of those, but I think it is fair to say that was another consistent theme throughout evidence given, that communities and community leadership did not feel that, today, the Lands Trust engaged sufficiently in decisions that affect their land and their lives. They are a large part of the recommendations that are made up in this report. I commend the report to the chamber.

The Hon. J.S.L. DAWKINS (18:01): I thank the Hon. Mr Maher for his remarks. I also note that the Hon. Tammy Franks had indicated a wish to speak to this. Due to other commitments, she was not able to do that, but she wished that I indicate her sincere—as she always is in relation to Aboriginal affairs—support for this report and for this motion.

I add to the Hon. Mr Maher's remarks about the work done on this report, largely by Ms Shona Reid but also more recently by Dr Ashley Greenwood. In a final remark, I think the Hon. Mr Maher referred to the very large land parcel that is under the Aboriginal Lands Trust. The distances and the expanse of that parcel, I think, are difficult for a body of that size to administer. We in our report endeavoured to cover those issues as best we could. I commend the report to the council.

Motion carried.

Sitting suspended from 18:02 to 19:45.

Bills

STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

Committee Stage

In committee.

Clause 1.

The Hon. J.S.L. DAWKINS: I am grateful for the opportunity to make a few remarks, if I might, at clause 1 in lieu of the fact that I was not able to be here for the conclusion of the second reading debate and, as such, was unable to make some remarks at that stage; I will be brief, though. I made it fully clear that I supported the previous bill that the Hon. Michelle Lensink brought in in 2017, when we finalised it, and I support this legislation.

I respect the right of members here to move amendments to try to improve the bill. I have heard comments from the community and others who say this is not a perfect bill. As someone who has had some experience in bringing private members' bills into the parliament without the backing of a government department—some would say sometimes that is an advantage—I know there are obviously resources that government departments have that private members do not have when drafting these bills.

I commend the Hon. Michelle Lensink for this previous work, which followed a fairly lengthy select committee that sat over a reasonable period of time. I want to indicate tonight that I will be supporting this bill. It is my view that this will provide an eminently better situation than what exists now in our South Australian community.

The Hon. D.G.E. HOOD: I will also be brief, as I made a second reading contribution. My comment is really one about process. I make no criticism of the mover of the bill because I think she gave sufficient notice. However, all of us are dealing here with a bill that now has I do not know how many amendments—50 or more, probably—many of which were lodged today.

I have no doubt that a number of members, including myself, have not had the time to go over them, certainly not in any detail whatsoever. Frankly, that makes it difficult. This is a serious piece of legislation, and we are all faced with coming to a position on each of these amendments. I feel underprepared to deal with those amendments, and I suspect that I am not alone. If members were surveyed, I am sure there would be a number who feel the same way.

I would make that comment at the outset. I am sure it will not change anything. I doubt that we are going to postpone this bill for another day, but I do think that it is a difficult situation for each

of us to find ourselves in: that we have all of these really quite complicated issues to deal with, with minimal preparation.

The Hon. E.S. BOURKE: I would also like to make a brief statement, as I did do a second reading. As stated in my second reading speech, I agree that we need legislative reform and that all workers have the right to feel safe in their workplace, but I do not agree that regulations should not apply to ensure a level of protection is given to those who choose, and those who do not choose, to be part of the sex industry, be that as a sex worker or in the general community.

Since my reading speech, I have hit the pavement, asking the community about what they feel is the best approach. Yes, most do accept that sex work should be made lawful, but I did not have one conversation outside of this building that did not result in the constituent preferring a level of regulation being applied to the sex industry.

Like the members of the community I discussed this bill with, I believe regulation provides a level of protection for business owners, workers and the community. I feel that the bill before us tonight does not address the needs of all stakeholders, particularly the community. The sex industry is seeking to go from complete criminalisation to complete decriminalisation and, in doing so, is not regarding the sex industry as being like any other adult commercial service.

The six amendments I have tabled seek to provide a level of protection for the sex industry, the community, children and young people and other South Australian businesses. By doing so, the tabled amendments will also provide consistency between other adult commercial services by introducing a licensing scheme.

The Hon. C.M. SCRIVEN: Being at clause 1, I would like to clarify something about the process; that is, that we are able to both make some general comments and also ask general questions of the mover of the bill. Is that a correct understanding?

The CHAIR: Yes, the Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: I have had about 1,000 pieces of correspondence from individuals about this bill. Putting aside those that have come from groups, there were almost 1,000 from individuals. Of those, 80 per cent have been from women opposing the bill. Of those 1,000, I had 11 who were in favour of the bill while the remainder were opposed to the bill, and, of those, 80 per cent were women. That should not surprise us because the demand for prostitution comes from men: 99 per cent of buyers are men. Men, after all, are the people who create the demand in 99 per cent of cases. So the removal of any social restriction on purchasing sexual access to women obviously benefits men more than anyone else.

I think it is also worth noting that these were pieces of correspondence from individual people who have heard about this bill and have determined that this is not something that they think should be supported in our state. A number of people who describe themselves as survivors of the sex trade have been in contact with me, as I mentioned in my second reading speech. Some have been in contact with me since that second reading speech and have said that they have felt in the past that their voices have not been heard and that they are glad that at least in some small way their voices have been heard through the contributions of myself and perhaps others.

I have a number of questions for the mover, some of which have been canvassed in the various briefings that have been held, but of course those briefings have not been on the public record. So I would like to move now to a number of questions that are about general aspects of the bill, as opposed to necessarily having a clause aspect. Could you tell me how many people who describe themselves as survivors of the sex trade you have spoken with directly?

The Hon. T.A. FRANKS: I assume, Chair, that that question was directed through you, and I assume that the member has made herself quite familiar with the select committee. That select committee did run for two years, and many who call themselves survivors presented evidence, made submissions and the numbers are in there, as well as those who have lobbied me.

The Hon. C.M. SCRIVEN: I thank the Hon. Ms Franks. My question was more with regard to a one-on-one basis in relation to this particular bill.

The Hon. T.A. FRANKS: While I appreciate the member's interest now, to have a personal conversation about one-on-one conversations—I am not the type that actually brings those conversations into this place unless they are relevant to the bill. This bill is a decriminalisation bill. It was the bill that was supported previously by this parliament and the subject of that select committee. That process was open and transparent, so the member can read that for herself.

The Hon. C.M. SCRIVEN: Thank you. I certainly have read that report. I think the individual voices of survivors are very relevant to this bill and this debate.

The Hon. T.A. FRANKS: On that, I do note that some who presented to the select committee as survivors of the sex trade, and who claim to have worked under decriminalisation, actually had not worked under decriminalisation in all the cases where they presented. They had worked under licensing models and criminalisation models, but not under decrim.

The Hon. C.M. SCRIVEN: I have spoken to a number of survivors who have worked in New Zealand and in New South Wales under a decriminalised model. Is the Hon. Ms Franks saying that she has spoken to no-one who has experienced firsthand the decriminalisation model who describe themselves as a survivor?

The Hon. T.A. FRANKS: No, I am not saying that.

The Hon. C.M. SCRIVEN: In a recent forum, the Hon. Ms Franks asked SAPOL if women arrested for prostitution were provided with interpreters, and that was following statements by the Acting Assistant Commissioner of Police that the increase in offences related to prostitution during the 2017 financial year, which the Hon. Ms Franks said was a 20-fold increase in a short period of time, was due to the Asian prostitution situation, particularly that setting up in hotel rooms. I was pleased to see that the Hon. Ms Franks was concerned for the women, presumably because many of them had low or non-existent levels of English.

I would imagine the Hon. Ms Franks would share my concern that—by the way, the police answered that 100 per cent of the women who had been arrested for offences in this Asian prostitution product said that it was a requirement that they have an interpreter. It was 100 per cent, because they are obliged to have an interpreter, is what the Acting Assistant Commissioner said, saying that he would take it on notice but that that is what the answer would need to be, were his words, I believe.

I was pleased to see the concern for women, because obviously women with low or perhaps non-existent levels of English would be particularly vulnerable. My concern, then, is also about the low levels of English making those women highly vulnerable to the sex buyers, and preventing opportunity for those women to seek assistance if they are trafficked. My question is: are you concerned that, if interpreters are necessary for women who are being charged by the police, perhaps interpreters are necessary to prevent sexual abuse of women in prostitution?

The Hon. T.A. FRANKS: The honourable member has referred to a select committee that currently has not reported back to this parliament. I was not going to bring any of that into the discussion tonight, but if you rule that that is acceptable then I am happy to go over some of that evidence that was presented on Monday.

The CHAIR: The Hon. Ms Scriven, are you—

The Hon. C.M. SCRIVEN: I said 'before a forum' earlier this week.

The CHAIR: A forum, not a select committee?

The Hon. C.M. SCRIVEN: I did not give details of what the forum was—is that required?

The Hon. T.A. Franks: Budget and Finance Committee.

The CHAIR: The member has raised an objection to your question saying that the information comes from a particular committee. If it comes from a particular committee, which has not reported, then it cannot be used.

The Hon. C.M. SCRIVEN: I am happy to stand corrected and not pursue that line. I will just ask a general question: are there concerns that women with very low levels of English, who are in

the sex trade in South Australia, are at heightened risk of vulnerability and obviously not provided with interpreters in general cases?

The Hon. T.A. FRANKS: I am sorry, I did not hear that because another member was talking to me. Can the member please repeat that?

The CHAIR: Ms Scriven, could you repeat the question to the Hon. Ms Franks?

The Hon. C.M. SCRIVEN: My question to the Hon. Ms Franks was: is she concerned that women with low levels of English or perhaps non-existent levels of English are extremely vulnerable to exploitation and potentially to intimidation or other vulnerabilities if they do not have an interpreter? Of course, I think it would be fair to say that women in the sex trade are generally not provided with an interpreter as a matter of course.

The Hon. T.A. FRANKS: Thank you, Chair. Now that I know what the question was: the women concerned were actually using an app called WeChat, according to the sentencing remarks, and WeChat is actually an Asian app. In fact, the business was conducted, I believe, in various other languages other than English.

I am concerned that women are being put in the City Watch House for as long as at least three days, possibly more, for very minor offences. Often the judges were saying no conviction; often the judges were querying why these women had their mobile phones, money and so on confiscated; and often the judges noted that there seemed to be an unreasonable attitude towards these women. There was a lot of sympathy in the sentencing remarks from the judges for these women and I share that sympathy.

I do not think these women should be hauled in front of our courts, kept in the City Watch House for three days and not given access to interpreters in an appropriate way. In fact, those concerns were raised with me by various lawyers who have sought to ameliorate this injustice that they can see going on through our court system. I hope the Hon. Ms Scriven will join with me in making sure that these women are not put in our City Watch House with a decriminalisation model that does not actually criminalise them in the first place.

The Hon. C.M. SCRIVEN: I am sure the Hon. Ms Franks will be pleased to recall my comments in the second reading that I do not think individual women who are in prostitution should be criminalised. I am sure she will be delighted to know that we have that in common. However, as I have stated, I do not believe that this decriminalisation model will make things any safer for women. Many women I have spoken to who have worked under decriminalisation models have found that to be the case, and a number of studies have also found that to be the case.

I do share most sincerely the Hon. Ms Franks' concern about women being locked up—and I think, if it is over a weekend, then it can be three days—when they may well be the subject of extreme vulnerability and exploitation. I understand that the police are using adult cautions as some mechanisms for dealing with complaints against women who are in prostitution, or other people who are in prostitution, where they do not consider it is necessarily in the public interest that it proceed to a full prosecution.

Perhaps the Hon. Ms Franks will correct me if I am wrong: is she suggesting that all Asian women involved in prostitution are using the WeChat app? Is that what Ms Franks is suggesting?

The Hon. T.A. FRANKS: I referred to the sentencing remarks and the judges often commenting on the use of WeChat. I cannot see how the honourable member drew her conclusions from that to 'all women'. Perhaps she might like to reflect that not all women agree, and I doubt that the honourable member and I will agree much tonight.

The Hon. C.M. SCRIVEN: I have placed on the record—and the Hon. Ms Franks has now kindly done that—that we cannot assume that all women who have low levels of English or no levels of English are being protected because of an app.

The Hon. T.A. FRANKS: A point of order: I would like to seek leave to make a personal explanation.

The CHAIR: You do not need to make a personal explanation; you can speak freely.

The Hon. T.A. FRANKS: Bear with me. I ask the member to withdraw that because I did not say that all women are protected when they are vulnerable and have English as a second language through the use of an app. I did not say such a thing, so I ask the member to withdraw.

The Hon. C.M. SCRIVEN: Thank you, but I thought I just said that I appreciate it had been placed on the record that that was not what you were saying, so I think we are in agreement for at least the second time tonight.

At a media conference there was, I think, a statement made that if this decriminalisation model, the bill as it is, proceeds there could be the promotion of prostitution as an occupation or as a career at careers expos—whether they be at schools or otherwise was not quite clear but career expos in general. The Hon. Ms Franks' response to the cameras, as I recall, was that that would be totally inappropriate and would never happen. Given the various non-discrimination aspects of this bill, can the member explain how that would never happen, if indeed I have recalled her comments accurately.

The Hon. T.A. FRANKS: One of the benefits of this bill is that it has provisions to amend the Equal Opportunity Act to prevent discrimination against somebody who is or has been a sex worker. This bill also provides for sex workers to be over the age of 18, so for those two reasons I do not understand the longbow the member is drawing, except, perhaps, the idea that if she talks enough tonight we will not get to vote on any of the clauses. I look forward to her moving her first amendment.

The Hon. C.M. SCRIVEN: I would hope that because this is such an important issue that people are willing to answer all queries. Given that careers expos currently, as I recall, will be quite open to perhaps giving people opportunities to discuss a career in hospitality, which might involve working at licensed venues where you need to be over 18, a careers expo is not—you do not have to be over 18 to talk about a job that you might be doing once you are over 18. My question remains: did the member say that it would be totally inappropriate for, as she calls it, sex work to be promoted at careers expos and can she confirm that it would never happen?

The Hon. T.A. FRANKS: The member knows full well that I cannot wave a magic wand and make certain things happen or not happen but what I can do is bring a bill to this place that decriminalises sex workers and stops the discrimination against them, that recognises that they are workers and respects the fact that they wish to be referred to as sex workers.

The Hon. C.M. SCRIVEN: A study from the European parliament entitled Sexual Exploitation and Prostitution and its Impact on Gender Equality states that in the Netherlands sex workers do visit schools to talk about their profession as a job alternative. Can we have clarity from the member as to whether that would not or could not occur under this bill if it proceeds?

The Hon. T.A. FRANKS: I refer the member to my previous answer but also note that when the Swedish lawyers were shipped over for the part of the select committee process that the antidecriminalisation forces organised—flown over, indeed—they argued for an age of consent to be 14. Can the member guarantee that the age of consent will not be lowered to 14 should any version of the Nordic model be implemented in South Australia?

The Hon. C.M. SCRIVEN: If we have a bill in the future that promotes the Nordic model that will be the appropriate time to answer that question. We would have to look at a bill. It appears that we are not going to have an answer from the Hon. Ms Franks which implies clearly that the promotion of sex work, as it is called, at a careers expo would be entirely possible under this bill if it proceeds.

Can the member outline her response to the concerns of various councils: for example, the City of Salisbury does not support the decriminalisation of street workers and recommends a prohibition on street workers at any location; various other councils have said that they are concerned about having to regulate public soliciting, that it will be allowed unfettered, and that councils will have approvals based on planning matters only without the ability to take into account local residents' concerns. I am sure the member and most other members in this place might have received a number of letters from councils. Could the member outline how she is addressing the concerns of councils in this bill?

The Hon. T.A. FRANKS: I think you will find that different councils have different attitudes. Indeed, the Adelaide city council has quite different attitudes. Many people who doorknock have remarked to me, when they have been elected or run for election as a councillor, how many brothels there are in each of their wards or patches. What I would say is that the council should not be in the business of counting condoms or sniffing sheets; indeed, they should stick to roads, rates, rubbish and the business of planning and development approvals.

The Hon. C.M. SCRIVEN: Indeed, and I certainly acknowledge that different councils have different points of view. However, the councils that have raised concerns deserve to have those concerns addressed, so I would ask the question again: how is the mover intending to address the concerns? Indeed, I believe that councils would much prefer to stick to roads, rates and rubbish than count condoms or similar.

Their concern is that they will have the responsibility for the regulation of brothels to an extent, that they will have members of their constituency, their residents, potentially complaining about brothels or other issues to do with total decriminalisation, and they would like to know how they will have the resources to address these and other concerns. Has the member written back to the councils that have raised concerns outlining what methods there are to mitigate the concerns of those councils?

The Hon. M.C. PARNELL: With the permission of my honourable friend, I thought I might weigh in at this point as the resident planning lawyer in the room. One of the things that will get lost in this debate if we are not careful is that the bill starts with decriminalisation as its basic premise, when most of the questions are talking about a bill that is not before us—that is, a full regulatory bill that answers every question that relates to every aspect of the bill: how many showers, how many hand sanitisers, a whole range of issues. If this industry is decriminalised, the law in the ordinary course—whether it is local council bylaws or the state government through planning laws, or whether it is occupational health and safety—will kick in.

A 'straw person' argument is where people are saying that once you decriminalise something then it is open slather and anything can happen. That is clearly not the case. It is not the case that has occurred when other industries have come on. Whether it was the computer industry, you name it, every industry that has developed has developed around it a range of regulatory matters and other arrangements.

I think it is unfair to take a bill that relates to decriminalisation and then try to pick holes because every single question of subsequent regulation is not dealt with in the bill because that is not what the bill is supposed to be doing. Then people say, 'There's no regulation.' When you have an activity that has been illegal, the government tends not to regulate illegal activities. There are no state government laws about the quality of heroin you are allowed to sell on the street because you are not allowed to sell heroin on the street, so there are not any laws.

The Hon. T.A. Franks interjecting:

The Hon. M.C. PARNELL: Sorry, yes, prescription for sure. What I am saying is that activities that society has regarded as unlawful or illegal do not have regulations around them.

The first step that the parliament needs to take is to decriminalise. Once that has happened, a whole range of other processes will kick in; some of them will come through this chamber and some of them will go through local council chambers. But it is unfair to suggest that this chamber tonight should have an answer to every question about how this industry might subsequently be managed or regulated going forward.

The Hon. T.A. FRANKS: I add to that with a personal touch because it seems that it is being cast as if this is a bill that I have somehow conjured up in my own head and is my personal predilection—forgetting the history of the bill, that it has been through a select committee process of over two years, that it has been in the parliament previously, that it passed this upper house previously and that it was sponsored by a Labor and a Liberal member previously. The Salisbury council specifically were invited to a forum recently, but they failed to attend, and one of the experts in urban planning and sex premises spoke at that forum. They showed no interest.

The Hon. C.M. SCRIVEN: I refer particularly to a letter from the Tea Tree Gully council. I appreciate the comments of the Hon. Mr Parnell in regard to not being able to have every single question answered. However, I think that the issue from the council's point of view is that there seems to be virtually no questions answered whatsoever that affect them and will impact them. One point from this letter is that they are concerned that the bill will force councils to effectively become the regulator of brothels and street prostitution, given that the model of decriminalisation has been adopted in the bill as opposed to legalisation, where a licensing authority could be established to regulate the industry. It is those regulations and so on that would occur under a licensing or legalised model that are totally absent in this decriminalisation model. I think it is entirely reasonable for councils to have some answers, but it appears that they are not forthcoming at this stage.

The Hon. T.A. FRANKS: Again, the Hon. Clare Scriven and I do agree: it is reasonable for councils to have direction and guidance, and that is what happens once you pass a bill to effect something into the law and then all the administrative arrangements are made and the consultations are done in that way. The councils have had ample opportunity with the select committee process. I understand that some people on some councils will be concerned, confused or supportive, and there are all of those responses from councils and council members.

The president of the Local Government Association of Australia actually did attend the aforementioned forum, which was not attended by others, and certainly he and others within the council realm are very keen to do that work should this bill pass.

The Hon. R.I. LUCAS: The mover of the bill requested that members raise questions, if they had any, during the second reading debate to assist the mover in terms of processing the legislation, and I asked a series of questions of the mover to seek some greater understanding of some particular provisions. I wonder whether I could ask, through you, Mr Chairman, whether the mover intends to respond to those questions at clause 1, or whether she intends to respond later during the committee stage of the debate. It would just assist those of us who did try to comply with the mover's request if she could outline the process that she intends to adopt in terms of trying to address some of the issues.

In putting that request to the mover, can I say, with great respect the Hon. Mr Parnell, that, whilst I understand his view of the world in relation to the process that is adopted, I respectfully disagree with aspects of what he put. When a member of parliament is being asked to take a decision in relation to something as significant as this, I do not think it is unreasonable to have some idea of what the mover and those who support the legislation are intending.

As was outlined during the second reading debate by a number of members who are not supportive of the legislation, there are significant issues in New South Wales in relation to how local government has managed the situation. If it was hunky-dory—if I can use a colloquial expression—as the Hon. Mr Parnell indicated, all those issues would have been resolved and there would be no ongoing concerns being expressed by councils in New South Wales in relation to regulation or how the i's were dotted and the t's crossed in terms of the New South Wales model.

Whilst I respect the Hon. Mr Parnell's views on this particular issue, and in part I actually can understand the point that he is making, I do not think it is an unreasonable process for members who are being asked to support a major change in direction on an important issue to at least get some indication of not only what the mover is supporting—because the mover is but just one vote in this chamber—but ultimately what the majority in this chamber are supporting because, should it pass this council, another debate will occur in the House of Assembly.

I think any information that we can get, particularly from the mover, on how she sees the model ultimately operating in South Australia, should this parliament successfully pass the legislation, would be not only useful but I think informative, not just for members of parliament but also for the community generally. Anyway, I just offer that as an alternative view of the world to that put by the Hon. Mr Parnell. However, my question remains as to how the mover intends to manage the process.

The Hon. T.A. FRANKS: Given the significant number of amendments to this bill—I think, in fact, double in pages to the bill itself—my intention was to work through it clause by clause and address the issues as the clause was relevant. Certainly, the return to work areas the honourable

member raised and the maybe now infamous 'prostitutes delight' are the subject of one of the later clauses of the bill.

The Hon. C.M. SCRIVEN: I move:

Amendment No 1 [Scriven–1]—

Page 3, line 3—Delete 'Sex Work' and substitute:

Prostitution, Pimping and Brothel Keeping

This amendment is to change the name of the bill. I moved this amendment because I consider that the bill in its current form as so named is actually, if not misleading, certainly not reflective of all the implications of the bill as it currently stands. It is true that the bill seeks to decriminalise prostitution, which some people like to call sex work; however, it also decriminalises the keeping of brothels and it decriminalises pimping.

In a totally decriminalised world, what we might colloquially call pimping is renamed to be either receptionist or salesperson or manager because if sex work is work, then the persons who are promoting the mainly women in the sex industry, in the sex trade, are simply acting as salespersons. I think that the title of the bill should reflect to the extent possible the major thrust of the bill, and since this bill is not simply decriminalising those individuals who are offering prostitution services, the name should reflect that.

The Hon. I. PNEVMATIKOS: Sex worker groups in Australia reject the word 'prostitute' and have done so since the late 1970s, and have used the term 'sex workers', predominantly because prostitution is a term that was commonly used in legislation enacted in the 19th and 20th centuries to refer to sex work. The terms 'prostitution' and 'prostitute' have negative connotations and they are considered by advocates of sex workers to be stigmatising. The term 'sex work' is preferred and that is the term I will be supporting.

The Hon. T.A. FRANKS: It comes as no surprise I am sure that I will be opposing this amendment. Certainly, it seems quite ludicrous to put this amendment. I do believe that the member does not actually believe in the decriminalisation of this industry, but that is my assumption, and I just reflect that the motivations appear more to delay and derail the debate than to actually address the issue before us, and that is the decriminalisation of sex work in this state.

The Hon. J.M.A. LENSINK: I oppose the amendment and I think it is absurd.

The Hon. C. BONAROS: For the record, I indicate that I will also be opposing the amendment.

The Hon. R.I. LUCAS: I indicate that I support the amendment. I believe in calling a spade a spade. In my view, it is prostitution, and it should continue to be called prostitution. I accept the fact that many others prefer to call it sex work as many others prefer to use their own phrases for a whole variety of other things, but to me it is prostitution and I will support the amendment.

The Hon. J.A. DARLEY: For the record, I will not be supporting this amendment.

The Hon. D.G.E. HOOD: In my mind, it does not matter much what it is called, to be honest. I think it is neither here nor there. The fact that this particular amendment deals with the issue of prostitution and also pimping and brothel keeping, which this bill ultimately decriminalises, I think has merit and therefore I will support it.

The Hon. F. PANGALLO: I will not be supporting the amendment. I think that the terms are quite demeaning. We are in the 21st century and there is now a common term that covers that industry quite appropriately.

The Hon. M.C. PARNELL: Mr Chairman, I thought at this point that I might make a quick process point. Because legislation like this has been regarded as a conscience vote, especially amongst the old parties, I expect that you will keep a little tally and look to people for how they are going to vote potentially to avoid divisions on every clause. I will make the point now that my colleague Tammy Franks and I have discussed this legislation and my view is the same as hers on all the amendments. So unless you particularly want 21 people all standing up on each amendment

and telling you what their position is, I will get mine out of the way now and say that, whilst I have some contributions to make on other amendments, my position is identical to that of my colleague.

The CHAIR: Thank you for the courtesy.

The Hon. I.K. HUNTER: I will be opposing the amendment. I think it seeks to perpetuate stigma. For that reason, I will be opposing this amendment and all amendments in the name of the Hon. Clare Scriven.

The Hon. T.J. STEPHENS: To assist the committee, I have agreed to pair the Hon. John Dawkins, who has given the indication that he will support the amendments that the Hon. Michelle Lensink agrees to. I will be pairing and opposing. So I am agreeing to this amendment, but I am opposing the Hon. John Dawkins.

The Hon. K.J. MAHER: I will be opposing this amendment. There are a number of terms that are used to describe certain people that have been used historically. Often, they are used in a pejorative way and they are not used today because they are not appropriate. There is a whole range of areas where this applies. I think that, as a society, we have grown away from describing people with words that those people do not wish to be used. I will respect that and I will oppose the amendment.

The Hon. E.S. BOURKE: I will be opposing this amendment for similar reasons to the Hon. Mr Maher.

The CHAIR: Has everyone had their say on this amendment? The Hon. Ms Scriven caught my eye, then I will come to you, the Hon. Mr Wortley.

The Hon. C.M. SCRIVEN: I am going to sum up the debate.

The CHAIR: You have to sum up the debate, but you can make a statement now if you wish.

The Hon. C.M. SCRIVEN: I am happy to defer to the Hon. Mr Wortley.

The Hon. R.P. WORTLEY: I will be opposing the amendment. I think it is derogatory and I will be opposing it.

The CHAIR: The Hon. Ms Scriven, before I put the question, do you have anything else to say?

The Hon. C.M. SCRIVEN: Yes. I would just like to differentiate between the words 'prostitute' and 'prostitution'. I would certainly agree with a number of the comments that have been made here with regard to calling someone a prostitute. To call someone a prostitute is not person-centred, it is indicating what a person is doing as an activity, and I do not agree with that.

In fact, I will make a few more comments on that later when I move another amendment in regard to the use of the term 'sex work'. However, I will point out that this refers to prostitution, which I think is simply an acknowledgement of the activity that is under discussion. It also decriminalises brothel keeping and pimping. That was the reason for the amendment: to reflect all the major aspects of the bill.

Amendment negatived; clause passed.

Clause 2 passed.

New clause 2A.

The Hon. S.G. WADE: I move:

Amendment No 1 [Wade–1]—

Page 3, after line 4—Insert:

2A—Commencement

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

This amendment seeks to insert a commencement clause into this bill. The bill before us currently does not have a commencement clause. As result should the bill pass the parliament, with or without amendment, it will commence on the granting of royal assent by His Excellency the Governor.

As the Hon. Mark Parnell highlighted, this bill is complex, and if the bill passes the parliament detailed work will need to be done, in particular in relation to issues such as return to work, industrial issues, planning and local government. The government would need to develop policies and procedures and may well need to draft and proclaim subordinate legislation; it would certainly need to consult with relevant stakeholders.

There may yet be the need for additional regulatory measures to effectively legalise sex work and at the same time minimise the risk of criminal infiltration and other potential adverse outcomes. In my view this work may conceivably take longer than two years. This amendment would disapply the default two-year rule under the Acts Interpretation Act for the commencement of legislation. Should this bill pass parliament with the suggested amendment, the government would have sufficient time to do the work that is necessary.

My amendment proposes that the bill would commence on the making of a proclamation by His Excellency the Governor. It would give the government time to undertake whatever work is necessary to facilitate orderly implementation of the bill. I have consulted with the Attorney-General on this matter and she advises me that this is an important amendment that will facilitate the decriminalisation of sex work whilst also allowing scope to deal with significant policy issues.

The bill should establish a regime for the oversight of the industry which is, in my view, vulnerable to criminal infiltration. A number of such bills are currently committed to the Attorney-General and it is my presumption that this bill, if it were passed, would also be committed to the Attorney-General. It would be her role to oversee the related matters that need to be dealt with and, at the appropriate time, bring to cabinet a recommendation in relation to proclamation.

The Hon. T.A. FRANKS: I rise to support the amendment, and thank the Attorney-General for her contribution in sponsoring the bill in the other place. Indeed, it is a refreshing change for an Attorney-General to take such leadership on the decriminalisation of sex work, and I look forward to the Marshall Liberal government's speedy introduction of the legislation should it pass the parliament.

I note that this is an essential clause, because in WA they did vote for a decriminalisation bill but it lapsed because of an election and was never enacted. So this is a wonderful addition to the debate tonight.

The Hon. J.M.A. LENSINK: I support the amendment. Given that this is a complex piece of legislation, I believe the government will need time to work through some of the issues if it should pass.

The Hon. I. PNEVMATIKOS: I support the amendment as well. I think it will at least provide an opportunity to address some of the concerns the Hon. Clare Scriven raised.

The Hon. C. BONAROS: For the reasons outlined by the members I will also be supporting this amendment.

New clause inserted.

Clause 3 passed.

Clause 4.

The CHAIR: There are a number of amendments to clause 4. Amendment No. 1 [Bonaros-1] and amendment No. 1 [Franks-2] are identical, and the Hon. Ms Bonaros' amendment was filed first.

The Hon. T.A. FRANKS: Absolutely. I will not be moving mine because the Hon. Connie Bonaros will be moving hers.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 3, line 15—Before '10 years' insert 'Imprisonment for'

In a sense, this is a technical amendment made at the request of parliamentary counsel. It simply inserts the words 'Imprisonment for' before the 10-year penalty that applies in clause 4. Members will note that clause 4 of the bill deals with the provision of commercial sexual services to children. Subclause 1 says 'Maximum penalty: 10 years'; that should read 'Maximum penalty: imprisonment for 10 years'.

The Hon. C.M. SCRIVEN: I have a question for the mover of the bill. It is a general question rather than to the amendment. Is that appropriate to raise now?

The CHAIR: We will deal with the amendment now and then I will give you the call after, if it does not relate to this particular amendment.

Amendment carried.

The Hon. C.M. SCRIVEN: My question is in regard to how the penalty of 10 years' imprisonment was determined, mainly because section 68 of the Criminal Law Consolidation Act has a differential penalty, a maximum penalty if the child is under the age of 14 or, in any other case, if they are not under the age of 14. I was interested as to why a differential penalty was not seen as appropriate here.

The Hon. T.A. FRANKS: This is the amendment that was previously put and passed by this council, so it was not changed for this version of the bill.

The CHAIR: Sorry, I did not quite catch that.

The Hon. T.A. FRANKS: The bill is unchanged since the previous version that passed the council. It was no particular personal choice of mine. It was the bill that passed the council that went through the select committee process previously.

The Hon. C.M. SCRIVEN: For clarification, regarding the bill that you are moving, you do not know what the reason was for that? I am not having a go at you, if that is the case. I am just clarifying that you are not aware of why a differential penalty was not considered appropriate; is that correct?

The Hon. T.A. FRANKS: The previous bill was the subject of a select committee process, which included three sets of Law Society advice, support from dozens of organisations, support from groups, such as the Women Lawyers Association of South Australia, expert opinion and, indeed, the work of parliamentary counsel. If the member wishes to now move an amendment to this point, perhaps she may wish to take that course of action, but certainly no concerns have been raised by those groups, such as the Law Society and so on.

The Hon. C.M. SCRIVEN: Thank you for the clarification. No, I am not intending to move an amendment. I just wanted an explanation of the reasoning.

Clause as amended passed.

New clause 4A.

The CHAIR: There are two amendments: amendment No. 2 [Bonaros-1] filed first and amendment No. 1 [Bourke-2] filed second. Both seek to insert a new clause 4A. I will give the call first to the Hon. Ms Bonaros.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 3, after line 19—Insert:

4A—Insertion of section 68AB

After section 68 insert:

68AB—Offence to employ child for a purpose related to provision of commercial sexual services

(1) A person who employs a child for a purpose related to the provision of commercial sexual services is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

(2) For the purposes of subsection (1), but without limiting the generality of that subsection, a person who performs any of the following services and functions will be taken to be doing so for a purpose related to the provision of commercial sexual services:

(a) acting as a receptionist, or otherwise making or receiving telephone calls or other communications, related to the provision of commercial sexual services;

(b) driving a sex worker to a place for the purpose of providing commercial sexual services (whether at that place or elsewhere);

(c) providing cleaning services at premises at which commercial sexual services are provided;

(d) purchasing goods (however described) intended to be used in the provision of commercial sexual services.

(3) It is a defence to a charge of an offence against subsection (1) for the defendant to prove that—

(a) the defendant required the child to produce evidence of their age; and

(b) the child made a false statement, or produced false evidence, in response to that requirement; and

(c) in consequence, the defendant reasonably believed that child was 18 years of age or older.

(4) In this section—

employs a child includes—

(a) enters into a contract for services with a child; and

(b) allows a child to undertake work as a volunteer;

premises includes a part of a premises;

sex worker means a person who provides commercial sexual services.

The provision is relatively straightforward. It inserts a new section 68AB which makes it an offence for a person to employ a child for a purpose related to the provision of commercial sexual services. The maximum penalty for such an offence is five years. I note that this provision has been inserted into the Criminal Law Consolidation Act, following the previous provision which I referred to earlier, which is in relation to the provision of commercial sexual services to children.

The provision goes on to provide that, without limiting the generality of the subsection, a person who performs any of the following services and functions will be taken to be doing so for a purpose related to the provision of commercial sexual services. They include acting as a receptionist, or otherwise making or receiving telephone calls or other communications related to the provision of commercial sexual services; driving a sex worker to a place for the purpose of providing commercial sexual services, whether at the place or elsewhere; providing cleaning services at premises at which commercial sexual services are provided; purchasing goods, however described, intended to be used in the provision of commercial sexual services.

I note for the record this is not a definitive list. The section says 'without limiting the generality of that subsection' but the amendment does go on to provide a defence where someone is able to prove that they required the child to produce evidence of their age and the child made a false statement or produced false evidence in response to that requirement. In consequence, the defendant reasonably believed that the child was over the age of 18.

I note again for the record the amendment is not limited to simply employing a child, but importantly also extends to undertaking work on a volunteer basis. I do not know that there is much more that I need to say, other than to address some of the concerns that were raised during the second reading about the appropriateness or otherwise of children being employed at premises where commercial sexual services are being provided. It is my view that children should not be employed or, indeed, be allowed to work even on a volunteer basis at those premises.

The CHAIR: It is my intention to deal with [Bonaros-1] 2 separately from [Bourke-2] 1 because I have taken advice from parliamentary counsel that they can stand side by side and they are not mutually exclusive. I will come to the Hon. Ms Bourke in a moment.

The Hon. C. BONAROS: If I could point out for the record, I think it is important to note that this offence has been placed in the Criminal Law Consolidation Act because it was my view that a higher penalty ought to apply than the maximum penalty that would apply under the Summary Offences Act which I understand to be two years. So the penalty that I am proposing is five years.

The Hon. E.S. BOURKE: I would like to support this. As raised in my second reading speech, I do think this is a very important aspect in an amendment that is coming forward today. I also have the same amendment within my licensing amendment that will come up in amendment No. 6, but I will support it here as well.

The Hon. D.G.E. HOOD: Just a process question: these amendments obviously both seek to insert new clause 4A and are similar but different. Did I hear correctly that you said that you believe they can both be incorporated into the bill?

The CHAIR: The advice that I have received is that they are not mutually exclusive, so they both can technically be inserted. Therefore, I have decided to put the question on the first, then I will put the question on the second lot of amendments. The numbering will be recalibrated between the houses, so it is not an issue of numbering.

The Hon. R.I. LUCAS: As someone who has not had a great deal of time in recent days to address these particular details for other reasons, and you are now ruling that the amendments are not mutually exclusive or indeed are complementary, for the benefit of myself and possibly some other members it would be useful to actually understand from the Hon. Ms Bourke the purpose and nature of her amendment so that we can actually make a judgement for ourselves, I guess, as to how they fit together or, indeed, they do not fit together.

The Hon. E.S. BOURKE: My amendment seeks to not have children on the premises while commercial sexual services are provided.

The Hon. R.I. LUCAS: I guess my question to the Hon. Ms Bourke is: how is that different to the Hon. Ms Bonaros' amendment? That is, what is the amendment that the Hon. Ms Bourke is proposing going to do that is different to what the Hon. Ms Bonaros' amendment is doing? If parliamentary counsel advice is that they are not mutually exclusive, I assume counsel's advice is that it does something else. I am just not sure what it is that it does in addition to what the Hon. Ms Bonaros' amendment does.

The Hon. E.S. BOURKE: The Hon. Ms Bonaros' amendment is in regard to employment. Mine is in regard to a child being on the premises. I am happy to discuss it in further detail, but I am guessing I do that—

The CHAIR: It is up to the committee. If members are confused, then I would recommend that you speak to it.

The Hon. E.S. BOURKE: It is separate, and I think it should be moved separately.

The CHAIR: You are able to move it now, if you wish. It is just that I am going to put the questions separately because they are not mutually exclusive. How the committee runs itself is a matter for the committee. Given some members have expressed confusion, perhaps we should throw to you, and you can take us through your amendment and, in doing so, just be very clear how it is not overlapping with the Hon. Ms Bonaros' amendment.

The Hon. E.S. BOURKE: I seek to introduce a new clause to protect children and young people from possible sexual exploitation and abuse. This is by adding a new clause on page 3, after line 19, to insert new section 68AB—Provision of commercial sexual services where children present.

Rightfully, many have agreed not to dispute clause 4, enforcing that it is unlawful for a person to provide commercial sexual services to a child, with a maximum penalty of 10 years, which has been amended to include imprisonment; and subsection (2) of section 68AA, that if it is provided on

reasonable grounds the minimum age for a person providing commercial sexual services is 18. I would like to make particular note that this amendment has lifted what is recognised as the minimum age of consent for sexual interaction in SA from 17 to 18—again, bringing the sex industry in line with other adult commercial services.

I would also like to take this moment to note that the minimum age of consent in South Australia—that being 17—was designed to protect children and young people from sexual exploitation and abuse. Such laws effectively determine that children and young people below the age of consent are yet to reach a level of general maturity enabling their safe participation in sexual activities.

Why am I making this change? This leads me into my reasoning for this amendment, a concern I feel has been overlooked in section 68AA. While I agree this section of the bill addresses a need to protect the best interests of children and young people, I do feel an element of possible protection has been overlooked. The safety of children and young people, for me, is of paramount concern. I am tabling this amendment to seek to further protect children from the exposure of sexual commercial services. I understand sex workers may choose to work from home, but if, under our current laws, a child or young person is deemed unable to maturely deal with sexual activities, is it appropriate for a child to be in the premises while commercial sexual services are being exchanged in their presence?

I have no doubt there will be comments to come my way which will sound something like, 'Is it also an unlawful act for children to catch their parents in the act of a non-commercial sexual interaction?' However, I do see this differently. Once this becomes a lawful commercial service, it also becomes your workplace: an industry that has been deemed to only be appropriate for people 18 and over to provide commercial sexual services. This amendment will apply a penalty to both the provider of a sexual service and the person procuring commercial sexual services. The maximum penalty is imprisonment for five years.

Provisions are provided to enable defence on reasonable grounds that one was not aware a child was present on the premises at the relevant time. Consideration has also been given to what is deemed a separate premise, i.e. a hotel room is a separate premise. This amendment comes down to should a child or a young person be present at the workplace that is deemed to be an adult commercial service and possibly be exposed to sexual commercial services, either knowingly or unknowingly.

The Hon. F. PANGALLO: For clarification, clearly if it happens in a home and a child is there, under your amendment that would be unlawful; is that what you are saying?

The Hon. E.S. BOURKE: Yes, that is correct, if there is a sexual service while the child is at home, a commercial sexual service.

The Hon. D.G.E. HOOD: Mr Chairman, I just want to be clear. The two amendments, you have said, are not mutually exclusive, but my understanding of what we have just heard, from memory, and these amendments were filed either yesterday or today, so it is fresh for all of us, is that the Hon. Ms Bourke's amendment essentially excludes children from a commercial premises where sexual activity is being sold, but the Hon. Ms Bonaros' amendment simply prevents the child—that is, the under 18-year-old person—from working on that premise.

The Hon. C. Bonaros: Or volunteering.

The Hon. D.G.E. HOOD: Or volunteering. So in every sense the Hon. Ms Bourke's amendment goes further, in that the child cannot even be there. To me, it seems to overrule, or overreach, if you like, the Hon. Ms Bonaros' amendment. Are we certain that they are not mutually exclusive? It is a significant question because certainly the Hon. Ms Bourke's amendment seems to include the aim of the Hon. Ms Bonaros' amendment.

The Hon. K.J. MAHER: I understand the point the Hon. Mr Hood is making. I wonder, from my reading, if it is not the case, though, that in some ways the Hon. Connie Bonaros' amendment goes further. The way I read the Hon. Connie Bonaros' amendment is that if you are employed in relation to providing a commercial sexual service, as a receptionist or buying products, you need not necessarily be on the premises, so in that respect there are differences in both of those.

I think the Hon. Mr Hood's point was that the Hon. Emily Bourke's amendment covers the entire field, including everything that the Hon. Connie Bonaros' amendment does. The way I read it, it does not. As I read the amendment, there are those extraterritorial effects, if you like, that relate to not just on the premise but employment there, but we might get some explanation.

The Hon. M.C. PARNELL: I will weigh into this one as well. One big difference with the Hon. Emily Bourke's amendment is that it criminalises both the provider and the client. In relation to the provider, if the provider in a private home has a small child asleep in a back room a long way from the action, if we can call it that, that provider is criminalised for having a small child in a separate room somewhere on the premises.

Certainly, there are definitions in relation to apartments, which include collections of rooms. There is a definition in relation to hotels, which includes a room or a suite of rooms. There is no definition in relation to a house. You could have a small child fast asleep in a cot, being looked after by somebody else, 30 metres from where commercial sexual services are being provided, and both the provider and the client, if they have knowledge of the presence of that child, are guilty of an offence.

I do not think the Hon. Emily Bourke's amendment makes any sense. It could cause an incredible amount of injustice. On the other hand, I think the Hon. Connie Bonaros' amendment makes a lot of sense, and that is the one I will be supporting.

The Hon. S.G. WADE: I think the Hon. Mark Parnell makes a very good point. I think the way that a particular premises is conducted can be fundamentally different. I would remind honourable members that there are general laws that relate to child protection. The Child Protection Act provides:

> abuse or neglect, in relation to a child, means—
>
> (a) sexual abuse of the child; or
>
> (b) physical or emotional abuse of the child, or neglect of the child, to the extent that—
>
> (i) the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
>
> (ii) the child's physical or psychological development is in jeopardy,

If a child was being allowed to be on a premises and was being exposed to those threats, there are laws already available to deal with those involved in the activity.

The Hon. T.A. FRANKS: I rise to indicate that I will be supporting the Hon. Connie Bonaros' amendments, which address concerns that were raised in the second reading contributions. I think they have the appropriate level of response to concerns about people under 18 being employed or volunteering in roles on the premises. That is not even reflective of our age of consent, even though in this case we are not necessarily talking about somebody being a sex worker but somebody perhaps doing the cleaning, as was suggested, answering the phones, developing the website, or running the social media, and so on. The Hon. Connie Bonaros has taken that challenge and she has brought back quite a sensible solution.

At this point, I reflect on the Hon. Clare Scriven's question at clause 4 about why there was not a higher penalty than 10 years where a service was provided to somebody under 18. That is because we do have age of consent laws; in fact, other criminal provisions would apply if somebody was 14 and a sex worker had sex with them. We would not be talking about it being a part of this bill. We would be talking about rape and sexual assault at that point, and those laws are well covered by the child protection laws that we have.

In terms of the Hon. Emily Bourke's amendment, it is a series of amendments that is designed to be a licensing scheme very much prescriptive about where, when and how sexual services in the commercial sense can be provided. That is reflective, and we can see how they are operating in Queensland, the Northern Territory and Victoria most specifically. At this point, I note that in Queensland, where they have had for some time a licensing scheme, the Labor government has now announced that they are looking to decriminalisation. The Northern Territory has a licensing scheme. Both Labor governments are looking to a decriminalisation model.

Both have announced that because they have actually seen the error of their ways in trying to create these restrictions. What you do when you create these restrictions is criminalise the sex workers themselves. You leave people in unsafe positions, where they cannot, even in Queensland's case, make a phone call to tell somebody where they are to ensure their safety. You remove the provisions they can take to protect their safety, to screen clients, to ensure their own personal safety and ensure appropriate practices around sexual health as well.

They are well-meaning but ultimately ill-founded suggestions, and they are in fact not fitting of a decriminalisation bill. They should be put before this place as a legalisation licensing model, and then we can have those debates properly. I understand that members are finding it hard to grapple with these particular amendments because we are trying to create a licensing scheme within a decriminalisation scheme. They are two very different things and, as we well know, they have failed where they have been tried in Queensland and the Northern Territory specifically, and that is why those governments are now looking at decriminalisation.

The Hon. J.M.A. LENSINK: This issue came up during the previous committee stage of the bill in 2017. The response that I provided to the bill, as unamended, was to refer to the Fair Work Act, specifically division 1A, which is a special provision relating to child labour, and 98A, a special provision relating to child labour, in that the commission may, by award, 'determine that children should not be employed in particular categories of work or in an industry, or a sector of an industry', and 'impose special imitations on hours of employment of children.'

This matter was raised in that context, and my understanding is that the Hon. Ms Bonaros' amendments specifically address that issue in this legislation. I support that, and I think it goes to some of the previous debate as well, about whether sex work would potentially be included in employment fairs and the like. I think we are all in furious agreement that that is not something that any of us would endorse. For that reason, I will be supporting the Hon. Ms Bonaros' amendment.

In relation to the Hon. Ms Bourke's amendment, I think it has quite a different intent. It has been discussed enough tonight but, realistically, the South Australian industry is very much a cottage industry. If we were to criminalise mothers with kids within their own home, that is going to have the unintended consequence of pushing more of these services into hotels, commercial premises and the like. I think that is a bridge too far, so I will not be supporting that amendment.

The Hon. I.K. HUNTER: Likewise, I was going to hark back on previous debates in this place on our similar legislation, particularly in regard to the employment of minors. For those reasons, I think the amendment moved by the Hon. Ms Bonaros should be supported, and I will be doing so.

I appreciate the intent behind the Hon. Emily Bourke's amendments, particularly this one, which pertains to young children or minors being on the premises. However, my concern is that it may inadvertently and unavoidably capture those persons offering sexual services from their own home and who do have a young child whom they do not want to leave alone or leave with other people in other premises.

Something that was put to me in previous debates, a couple of years ago now, was that a person may have a child with a disability who needs to be looked after constantly. To criminalise the provision of sex work in that situation—in this person's own home, with a very young child present somewhere else in the house, perhaps being looked after, as the Hon. Mr Parnell said, or potentially a person with a disability who also needs to be constantly cared for—I think would be unfortunate. Therefore, I cannot find myself supporting the Hon. Ms Bourke's amendment this evening.

The Hon. C.M. SCRIVEN: These are the first of a number of amendments that we will be considering tonight. For me, the difficulty will be whether I vote in favour of an amendment that makes what I consider a flawed bill slightly less bad, given that the bill itself says that it is okay to buy sexual access—give money to women, although to other persons as well. It has an educative effect—the normalising of sexual access to women for payment and the normalisation of violence against women—as I have heard from people who have been in decriminalised environments in the sex trade. Overall, the bill is so problematic that it is hard to see how it can be made acceptable.

However, I can also count and, from what we have been hearing in the corridors and in various discussions, it is likely that the bill will pass in some form tonight. Therefore, we need to look

at each of these amendments and ask whether they make the bill less bad. Certainly, in terms of the amendment being moved by the Hon. Ms Bonaros, I think it does make the bill less bad.

Whilst it does appear so far that we are all in furious agreement in terms of supporting this particular amendment, I would like to ensure that members are aware of why some of the functions here, which might appear quite benign, are essential to be included—for example, (2)(a) acting as a receptionist. I want to share with members the experience of one person who was acting as a receptionist in a decriminalised environment. She said:

> My job title was receptionist. I suffered post-traumatic stress disorder for a few years afterwards. One of the main reasons for the PTSD for me was exposure to hard-core porn that I could not escape. Shifts were 13 hours' long, so that's a lot of porn. Porn wasn't just in the introductions area, it played on big screens in every room. It was violence against women on film, where the women are verbally abused, degraded, treated roughly, choked and their hair pulled.

That was just one women's experience of being a receptionist, so-called, within a prostitution environment. It is worth placing on the record why each of those specific activities related to employment within the environment of prostitution is necessary to be part of the activities that will not been allowed to be engaged in by a person under the age of 18. So, as probably is obvious, I will support the Hon. Ms Bonaros' amendment.

In terms of the Hon. Ms Bourke's amendment, I think there are certainly some valid points that have been raised. It is true that, under the scenario mentioned by the Hon. Mr Parnell, if a child was sleeping in another room with a carer, under the amendment currently being moved by the Hon. Ms Bourke the provider of the commercial sexual service would be criminalised.

However, we also need to think of what the main aim is here. Who should be the prime concern? In that circumstance, which may or may not be very likely to occur, then certainly one could say that the person providing commercial sexual services—and the client if the Hon. Mr Parnell's interpretation is correct—would be criminalised.

However, what about the other circumstances where a child is on the premises, they wake up in the night—maybe it is an eight-year-old child—and they go into the other room, as those of us with children know children are wont to do, and potentially they come across an act that would appear to that child to be traumatic, particularly if the sexual interaction is involving violence, whether that is actual violence or whether it is part of a fantasy being played out? The child is going to be exposed to those things.

I would like also to refer to some aspects that are extremely distasteful, to say the least; in fact, I can't even use that term—they are abhorrent. I refer to some work by Dr Aaron Darrell, a person with parents in prostitution. He grew up as a person with parents in prostitution. His mother was the person providing prostitution services and his father, he says, was the pimp. He relates some of the 'jokes'—and I use that term because that is how he uses it, in inverted commas—which display the kind of risks to which a child on the premises of a commercial sexual operation would be exposed. I warn members that these supposed jokes are abhorrent points of view. What do you called a prostitutes child? 'A prostitot', 'children of the porn', 'the only way to get an erection', or 'next'.

We need to be aware that, when we are talking about children being on premises, they may have the most loving parent in the world who wants only the best for them, but they are being exposed to sex buyers who have no love for that child, who have no love for that child's parent either. They are simply purchasing sexual access to them. So the clients they are encountering certainly do not have the child's best interests at heart.

Certainly, that kind of abhorrent attitude is entirely possible within the realms of a prostitution environment, and has that kind of potential for abuse. Dr Darrell also talks about the grooming of children through constant exposure to sexualised acts, commercial sexualised acts in particular, and how many, many people who have parents in prostitution are scarred, are groomed into the industry themselves.

I can certainly accept that it would be an unfortunate aspect for the person providing sexual services to be criminalised if they have provided a carer and another room for their child so that the child could not walk in, etc. That would obviously be the ideal, but we need to remember that we are not talking about ideals. We are talking about risks to children that could occur, and certainly, without

the kinds of provisions the Hon. Ms Bourke is moving, could occur at great risk to children. I think the children's needs, the children's safety, should be our prime concern.

The Hon. C. BONAROS: I would like to make a couple of points: firstly, I would like to address the Hon. Rob Lucas' point, and I think the Hon. Mark Parnell also touched on this. What I would like to clarify for the record is that the amendment that I have moved deals with employing or having volunteers work in premises, or otherwise, for purposes related to sexual services. They may be at a brothel; they may be somewhere else.

For instance, in relation to (2)(d), 'purchasing goods…intended to be used in the provision of commercial sexual services,' that does not necessarily have to be at a brothel, that could be anywhere. I could be sending someone to buy some goods that are going to be used for the provision of commercial sexual services. My amendment relates specifically to employment or volunteer situations where the purpose is related to sexual services.

The Hon. Ms Bourke's amendment on the other hand, as we have heard, makes it an offence for a child to be present where sexual services are being provided. That is the main difference between the two amendments. It is my advice that they are two standalone provisions. You can make it illegal for a child to work or undertake volunteer activities for purposes related to sexual services. By the same token, you can also make it an offence for a child to be present at a place where sexual services are being provided. I hope that provides some clarification.

I would like to make a couple of observations in relation to the points that Ms Scriven has just made. I accept what Ms Bourke is trying to do, but at some point I question where we draw the line because, with the greatest of respect, if there were no exchange of money involved there would be no offence being committed. I cannot help but raise a couple of examples: what do we do when a mother or father or parent accepts a drink or a meal in exchange for sex? What do we do when an adult parent goes onto a social app like Tinder or Grindr, hooks up with somebody and takes them back to their home for sexual activities?

At what point do we draw the line and say that people engage in sex and we do not all consider it abhorrent? Ms Scriven, or others, may consider what goes on in my bedroom, or indeed in other members' bedrooms, abhorrent; I certainly do not. The fact is that we are not always going to agree on what is abhorrent or otherwise. People engage in sexual activity. You may not agree with it, I may not agree with it, but that is just the reality.

My observation is: while I accept what Ms Bourke is trying to achieve, I think it is problematic and I just do not understand where this line is being drawn in terms of the exchange of cash, as opposed to every other scenario that we can think of where you or anybody else would consider that behaviour abhorrent. It baffles me.

The Hon. C.M. SCRIVEN: First of all, I should clarify. I think the Hon. Ms Bonaros perhaps misheard what I was referring to as abhorrent. I was not referring to any activities that might take place of a sexual nature between two people because, as she says, that is a matter of subjectivity. I was referring to the attitudes of clients of sex workers who talk about the children, the under-age children of those people providing prostitution services, as 'next', as in 'they are next: first I will have the mother and then I will have the child.' That is the abhorrence that I was referring to.

I know from the Hon. Ms Bonaros' previous comments on other things to do with child exploitation that she would not entertain for a moment that that is anything but abhorrent. I wanted to clarify that we are talking about the exploitation of children for sexual services and the attitudes of the buyers. Yes, if they go through with that we know that there are child protection laws in place to then prosecute the buyer, but I am talking about the attitude of the buyers, what the children are exposed to and so on.

In terms of how that differs from someone on a Saturday night going home with somebody or whatever, certainly those risks are there as well; the difference surely must be that they are less likely to be occurring 10 times a day, six or seven days a week.

The Hon. C. Bonaros: It depends on who you speak to.

The Hon. C.M. SCRIVEN: The Hon. Ms Bonaros said it depends on who you speak to; I think it is probably self-evident that that is not as common as it would be if you were a person providing sexual services on a commercial basis.

An honourable member: Bit of an assumption.

The Hon. C.M. SCRIVEN: Yes, it certainly is an assumption. I would have thought it is a fairly important and serious matter to talk about whether a child is exposed to that kind of thing on a regular basis, potentially daily and potentially a string of people coming in and out of their home to use their mother—or, on occasion, it could be their father, but generally, as we know, 95 per cent of people in prostitution are women. So we are talking about that potential for the child to be exposed to it on a regular and recurring basis. I think it would be disingenuous to suggest that that is just the same as somebody who might pick someone up and take them home on a social basis, simply in terms of the number of times the child is likely to be exposed to it.

The Hon. C. BONAROS: For the record, I take exception to some of those comments. I think my record, in terms of child exploitation, speaks for itself. There have been motions and bills and speech after speech on that very issue in this place. However, I do not live in a bubble and I do not accept that there will not be children in homes who are less exposed to sexual activity in their own home just because their parent does not accept money or receive money for that activity.

The Hon. T.A. FRANKS: I have already expressed my concerns about the amendments put by the Hon. Emily Bourke but I wish to ask a question that I think is relevant to some of my concerns. Can I ask the mover: what is the definition of 'commercial sexual services' in terms of the premises? In this particular clause the amendment talks about children being present where commercial sexual services are provided on the premises. Does that include an escort who goes out on a date with somebody to the movies or to dinner or to a function for their work—perhaps they needed a plus one? Has that been addressed, and can you define 'commercial sexual services' according to the raft of amendments that we have here?

The Hon. E.S. BOURKE: Commercial sexual services would reflect what is already in the bill tabled, which is where there is payment provided to a person to provide a sexual service.

The Hon. T.A. FRANKS: Does your amendment then create a criminal act from somebody going to a movie as an escort with another person who has hired them, or in fact to a work function where there may be children present? It might be a dinner, it might be a lunch, it might be a Christmas function and there may well be children there: is that the case?

The Hon. E.S. BOURKE: I would not deem that that is someone who is providing a sexual service.

The Hon. T.A. FRANKS: Sorry?

The Hon. E.S. BOURKE: That is not what I would deem as someone providing a sexual service.

The Hon. T.A. FRANKS: But if somebody is an escort and they do that for money then that is a commercial sexual service according to your amendments. Should they go on that date for the girlfriend experience or whatever, perhaps there will be what you might consider to have been the intent of your amendment later on, which I imagine is sexual activity, but this a commercial sexual service: somebody going out with somebody to the movies, to a karaoke bar, to a work function as a plus one, so that they have some company on whatever social engagements they may undertake, on a weekend away with other people—this is the range of activities that are in fact commercial sexual services. It is not all about the bedroom.

The Hon. E.S. BOURKE: Yes, you are correct. Later on in my amendments I seek to provide an amendment that seeks licensing where it would be defined in an interpretation of what a commercial sexual service is, which would mean an act engaging in payment involving physical contact between two or more persons that is intended to provide sexual gratification for one or more of the other persons, but does not include an act of a class excluded by regulations from this definition.

The Hon. T.A. FRANKS: Does that include kissing?

The Hon. E.S. BOURKE: The honourable member is highlighting her concerns with this amendment, and I do appreciate that. The intention of my amendment, which has been highlighted correctly or wrongfully, was to put the children first and ensure that they would have a level of protection. That is what my amendment is seeking to do.

In seeking to do that, unlike what the Hon. Connie Bonaros referred to before, this is not about saying that there is anything wrong with sexual activities in a home. It is when you turn your home into a workplace, which is deemed as an adult-only commercial service, and you have your children present around that adult commercial service where they have been deemed not maturely capable of dealing with sexual activities at that age—which is why 17 is the age of consent—I feel that children should be considered.

Do we want children present in an adult commercial service? Do we want them to see this happening in their home, which is meant to be a safe environment? We would not take our children to the pokies and let them sit there and watch us put coins into the—

The Hon. C. Bonaros: We would leave them in the lounge outside to watch.

The Hon. E.S. BOURKE: Yes, you would leave them in the lounge, but you would not take them into the room to watch you do that. This is again removing a child from an environment that is deemed not appropriate for a child.

The Hon. C.M. SCRIVEN: To follow on from that analogy, the Hon. Ms Bonaros said that you would leave the child in the lounge to watch the pokie machines, and the Hon. Ms Bourke's amendment would address that so that a child could not be sitting in another room watching the commercial sexual activities in their home, which, as Ms Bourke has said, would turn into a workplace. It would not allow that to occur and therefore would increase the level of safety for children, which should be the prime concern.

The Hon. R.I. LUCAS: The Hon. Ms Franks' contribution has just confused me a little further. I thought I understood what a commercial sexual service was until the Hon. Ms Franks said, 'Does that constitute kissing as well or going on a date?' Given that the bill uses the term 'commercial sexual service' and that the Hon. Ms Bonaros' amendment uses the term 'commercial sexual service', can the Hon. Ms Bonaros indicate in terms of her amendment—I am assuming, that commercial sexual service is not, in terms of responding to the general question the Hon. Ms Franks was putting, referring to kissing or going on an escorted date?

The Hon. C. BONAROS: I might need you to repeat that question, Mr Lucas.

The Hon. R.I. LUCAS: As I said, naive as I am in the ways of the world, I thought I understood what we were talking about in terms of commercial sexual services, that is, someone going to a sex worker or a prostitute, whatever word or phrase you want to use, and paying for sex for a number of ways. The Hon. Ms Franks asked: is 'commercial sexual service' a kiss? Earlier, she asked about going on an escorted date to the movies or something like that.

The bill uses the phrase 'commercial sexual service', and the Hon. Ms Bonaros' amendment uses the phrase 'commercial sexual service'. I am assuming that 'commercial sexual service' is not referring to a kiss or, indeed, going on a theatre date or whatever it is in the example that the Hon. Ms Franks was raising.

The Hon. C. BONAROS: I will be providing the Hon. Rob Lucas with an answer in a moment. I think the important part to remember is that the offences that we are both talking about do not apply under the Summary Offences Act but, rather, under the Criminal Law Consolidation Act. Section 65A of the Criminal Law Consolidation Act defines commercial sexual service to mean:

> …services provided for payment involving the use or display of the body of the person who provides the services for the sexual gratification of another or others;

The Hon. R.I. LUCAS: So it does not include a kiss?

The Hon. C. BONAROS: It could. If you receive sexual gratification from kissing then the response would be yes, presumably. I am happy to receive further advice on that if the—

The Hon. R.I. LUCAS: So if you pay for a kiss, it is a commercial sexual service?

The Hon. C. BONAROS: I will read the provision again. It means:

…services provided for payment involving the use or display of the body of the person—

so it may not even involve a kiss—

who provides the services for the sexual gratification of another or others;

So if a kiss is enough to make someone sexually gratified, then my response would be yes.

The Hon. C.M. SCRIVEN: I have a further question. I recall reading that section and it referred to 'with the intention of providing sexual gratification'. Is the word 'intention' there?

The Hon. C. BONAROS: No, I will read it again:

commercial sexual services means services provided for payment involving the use or display of the body of the person who provides the services for the sexual gratification of another or others;

The Hon. C.M. SCRIVEN: Referring to the definition within the Hon. Ms Bourke's amendments—that is where I have seen it—it states:

…between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons

Whilst I am not a lawyer, to coin a phrase, I would think that the intention is what the courts would look at there and that if someone is providing commercial sexual services but they are limited simply to a kiss, the courts would then make a decision on whether or not the intention was to provide sexual gratification, regardless of whether the person receiving the said kiss actually experienced sexual gratification.

The Hon. T.A. FRANKS: To alleviate the Hon. Rob Lucas' confusion, the difference is that the Hon. Connie Bonaros' amendment is quite tightly defined as to who it applies to, which is somebody employed 'in the provision of' or 'related to'. So that employment relationship defines the protections, whereas the premises is quite loosely defined and can in fact be anywhere. If a child is there without the knowledge of the people involved, that also therefore criminalises them simply for going to the movies.

The Hon. R.I. LUCAS: I am not going to prolong this; it is getting much more difficult. I would have thought that a Playboy model or someone modelling would fit the definition of a commercial sexual purpose in the definition the Hon. Ms Bonaros indicated, but I am not going to get into that debate. That definition has obviously been in the legislation for a long period of time, and I assume the equivalent of Playboy models have not been prosecuted for providing commercial sexual services for a long period of time. On the definition that the honourable member has just read out, it would appear, so I am led to believe, that the Playboy-type models are for the sexual gratification of some people who read these particular magazines, evidently.

My question is more specifically in relation to the Hon. Ms Bonaros' amendment. Is it the intention and the effect of the Hon. Ms Bonaros' amendment that someone who is working from a commercial sexual premises—what I would call a brothel—would be able to take his or her child to those premises while they are working?

The Hon. C. BONAROS: If I understand correctly, the amendment that I am moving relates specifically to employment or volunteering activities at one of those premises.

The Hon. R.I. LUCAS: If you are a worker and you just take the child there to do their homework in the back room or they are sick or whatever—

The Hon. C. BONAROS: That is not covered by the amendment that I am moving. There is nothing in my amendment that would preclude an individual taking a child to a brothel or, indeed, if they provide those services from home, there is nothing in my amendment that would preclude a child being present at home where those services are being provided. But I note again for the record that there are a number of other provisions or offences that we need to take into account. For instance, child protection provisions also need to be taken into account in that context.

The Hon. I. PNEVMATIKOS: All I wanted to say is that I support the amendment by the Hon. Connie Bonaros. I will not be supporting the amendment by the Hon. Emily Bourke. I think we have adequate child protection laws and quite extensive child protection laws that protect the

interests of children. We are moving to a decriminalised model and we need to have protections for employees as well. Those are my reasons.

The Hon. F. PANGALLO: I will be supporting the Hon. Connie Bonaros' amendment and I will not be supporting the Hon. Emily Bourke's amendment. I think the Hon. Mark Parnell made some salient points about the activity of a sex worker in their own home. In fact, I think I mentioned what happens in England under their laws where it is quite commonplace that a sex worker will use her own premises for sex work there. I am also going to assume that many mothers actually have a sense of responsibility when they do sex work. We are tending to assume that they are all going to be irresponsible, and I do not think that is the case.

The other aspect of it, as the Hon. Mark Parnell pointed out, is the unintended consequences. There is another example of that: you can imagine that suddenly you have neighbours, who seem to suspect that some kind of activity is going on in there, and suddenly they are going to be exposing the sex worker to a whole series of vexatious complaints where you are going to have the police being called, or you are going to have authorised officers going there and disturbing a person's privacy. I am quite uncomfortable with the Hon. Emily Bourke's amendment. I can see what she is trying to achieve with this but I think it is totally unworkable and I will not be supporting it.

The Hon. K.J. MAHER: I would like to indicate that I will be supporting the Hon. Connie Bonaros' amendment and I will not be supporting the Hon. Emily Bourke's amendment. I think the amendment the Hon. Emily Bourke has moved is well intentioned, but for reasons outlined by the Hon. Mark Parnell and the Hon. Frank Pangallo, I will not be supporting it. I do note in the debate there has been some level of concern raised that you would not want children around when there are, I think the words used were, 'a string of people or characters coming to a house'.

If this bill passes, sex work is an occupation like any other occupation. It would be no different from a person who sets up a home accountancy practice and has a string of clients coming for accounting services, chiropractic services or homeopathic services. I would have thought that a criminal defence lawyer working from home probably has clients who would come by, who you would be more concerned about with children around than a sex worker, but I do not think any of us are going to suggest that we get into the business of moralising about different occupations and whether children should be there when that person's clients visit.

The ACTING CHAIR (Hon. D.G.E. HOOD): The Hon. Ms Bourke, I do not believe you have moved your amendment yet.

The Hon. E.S. BOURKE: I will move my amendment but I would also like to clarify: we discussed at the beginning whether we should move these as amendments that overlap or separate amendments.

The ACTING CHAIR (Hon. D.G.E. HOOD): It has been determined that we will vote on them separately.

The Hon. E.S. BOURKE: I move:

Amendment No 1 [Bourke–2]—

Page 3, after line 19—Insert:

4A—Insertion of section 68AB

After section 68 insert:

68AB—Provision of commercial sexual services where children present

(1) A person must not provide, or be provided with, commercial sexual services in premises in which a child is present.

Maximum penalty: Imprisonment for 5 years.

(2) It is a defence to a charge of an offence against subsection (1) if the defendant proves that the defendant did not know, and could not reasonably have been expected to have known, that a child was present in the premises at the relevant time.

(3) For the purposes of subsection (1)—

(a) each apartment (however described) in an apartment building or other complex will be taken to be separate premises; and

(b) each room or suite of rooms taken in a hotel or other premises offering accommodation on a commercial basis will be taken to be separate premises.

The CHAIR: I take it no other honourable member has a contribution on amendment No. 2 [Bonaros-1].

The Hon. D.G.E. HOOD: Just for the record, I will be supporting both amendments.

The Hon. C. Bonaros' amendment carried; the Hon. E.S. Bourke's amendment negatived; new clause inserted.

Clauses 5 and 6 passed.

Clause 7.

The CHAIR: I will just set the scene so that we all keep on the same page. There are three sets of amendments. There is amendment No. 2 [Scriven-1], for which I will give the call to you, the Hon. Ms Scriven. That is followed by amendment No. 2 [Bourke-2] and amendment No. 3 [Bourke-2]. I give the call to the Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: Can you just clarify which section we are on, please?

The CHAIR: We are on clause 7.

The Hon. C.M. SCRIVEN: The amendment of the Equal Opportunity Act.

The CHAIR: Yes, an amendment of the Equal Opportunity Act. Clause 7 is an amendment of section 5—Interpretation.

The Hon. C.M. SCRIVEN: I just want to point out that the bill provides:

Section 5(1)—after the definition of sexuality insert: sex worker—

and its meaning. There is no definition of 'sexuality' in the Equal Opportunity Act at present, as far as I can see, so I think that may be an error on behalf of the mover.

The CHAIR: Does the honourable member have a contribution on amendment No. 2 [Scriven-1]?

The Hon. C.M. SCRIVEN: I move:

Amendment No 2 [Scriven–1]—

Page 3, line 29 [clause 7, inserted definition of *sex worker*]—Delete '*sex worker* means' and substitute:

engaged in prostitution, in relation to a person, means

This amendment touches slightly on one of the early amendments in terms of the name of the bill; however, I think it needs to be expanded on to an extent. This amendment in my name replaces the term 'sex worker' with the phrase 'engaged in prostitution'. I want to point out the reason why I think this is important.

In my second reading contribution, I referred to someone close to me who was in prostitution for 17 years. When I referred to her time in sex work, she described it as abuse. In fact, simply calling it 'sex work' was extremely traumatic for her. I refer also to some of the comments from people who have been in prostitution. One said that the legalised buying and selling of women is, in effect, a promotion of and profiting from women's poverty, childhood sexual abuse, sexual harassment and sexual exploitation.

To tell these women, who are describing their own lived experiences of trauma, sexual exploitation and sexual abuse, that it is just work appears to me to be appallingly dismissive of their experiences, which in many cases have resulted in post-traumatic stress disorder. It normalises their abuse, it exonerates their abusers and it makes their trauma invisible. To ignore their voices would be akin to telling another rape victim that she has not been raped, that it was actually consensual. I trust that none of us would do that.

These women describe themselves as survivors of the sex trade, not workers. They would like to see the term 'survivor' or 'prostituted person' in the laws relating to prostitution. However, I understand that there are also people who maintain that they have chosen to be in the sex trade, and they want to be called sex workers. They have been alluded to on a number of occasions tonight. Those people would likely see the term 'prostituted person' as suggesting that all people in the trade are victims.

I earlier differentiated between prostitution and calling someone a prostitute. I do not consider it appropriate to call someone a prostitute. That frames their entire personhood around an activity that is part of their life; whether it is coerced or whether it is free it is only one part of their life. Each person we are talking about is an individual. Each person we are talking about has attributes and experiences that are totally unrelated to prostitution, and I therefore see it as dehumanising to use the term 'prostitute'.

It seems to me that whatever our personal views are about prostitution we should use a term that is neutral, that is encompassing of all the views of people who have been in prostitution, and that neither denies women's experience of sexual abuse nor implies automatic victimhood. 'A person engaged in prostitution' is the closest I think we can come to a neutral term. It is person-centred, it is talking about the person: it is not talking about them as though prostitution is all that there is to them, which also occurs if you use the term 'sex worker'.

Importantly, it would not ignore the wishes of either group of people. By using the term 'sex worker' we are ignoring a significant number of people who consider they have been abused. I am not proposing that we instead call people 'survivors' or 'prostitutes': I ask instead that we support what I think is the closest we can get to a neutral term, a term that respects the views of all people who have been in or are involved in prostitution. I therefore ask members to support this amendment.

The Hon. R.I. LUCAS: I indicate that, for similar reasons as I indicated before, I will support the amendment.

The CHAIR: For the sake of completeness, there is a small technical matter that I bring to the attention of members out of an abundance of caution but also for the benefit of recording it in *Hansard*. If the amendment gets up or does not find favour with the council, there will need to be a clerical amendment to the bill where it is placed in the list of amendments by alphabet. There is a technical error, because when this bill was filed other amendments took place in the Equal Opportunity Act.

That should not concern members, but I raise it for the benefit of recording it on *Hansard*. Depending what happens in the amendment there will need to be an adjustment, despite the provisions of the bill, to insert it at the appropriate place in the various other acts it seeks to amend. For the benefit of newer members, that is called a clerical amendment and does not require the chamber to move a motion. Does any other member have a contribution on the Hon. Ms Scriven's amendments?

The Hon. J.M.A. LENSINK: I will not be supporting this or any of the subsequent amendments which seek to change the terminology in a similar fashion.

The CHAIR: It is my understanding that, whatever happens to amendment No. 2 [Scriven- 1], this is effectively a test provision. Therefore the committee will have effectively decided on the subsequent amendment Nos 3 to 22 [Scriven-1].

The Hon. C.M. SCRIVEN: I am happy to accept this is a test amendment. I hope members will support including the voices of all those in prostitution, but if I lose this amendment I will not be proceeding with the other amendments, that are essentially the same in nature.

The Hon. D.G.E. HOOD: As this is a test, I indicate that I will be supporting the amendment.

The Hon. I. PNEVMATIKOS: I will not be supporting the amendment. I think it moves away from the actual intent of this bill, which is to decriminalise sex work. It is not a bill looking at the traumas and ills, the physical or mental disabilities that people may suffer for the fortitudes of life.

The Hon. J.A. DARLEY: For the record, I will not be supporting this amendment.

The Hon. C. BONAROS: For the record, I will not be supporting this amendment either.

Amendment negatived.

The Hon. E.S. BOURKE: I move:

Amendment No 2 [Bourke–2]—

Page 3, line 29 [clause 7, inserted definition of *sex worker*]—After 'who' insert:

lawfully

This amendment seeks to further clarify and protect a person from discrimination when referring to a person providing lawful commercial sexual services. This is achieved by inserting 'lawfully' after the word 'who'. If the bill is successful, there will still be laws that will be deemed unlawful regarding the sale of sex services (i.e. to children). This amendment is to clarify the difference between lawful and unlawful. The amendment would read: 'sex worker means a person who lawfully provides sexual services on a commercial basis.'

The Hon. I. PNEVMATIKOS: I cannot support the amendment. It is unnecessary as an amendment. The bill is decriminalising sex work, therefore the work is lawful. It is just a tautology. It is a play on words. There is no need to add the adjective 'lawfully' in the text.

The Hon. F. PANGALLO: I will be supporting the amendment.

The Hon. T.A. FRANKS: I will be opposing this amendment. I think this suite of amendments, as I have said before, is a licensing model, which has been canvassed but not brought before this place for proper testing. It should, in fact, be brought back as a standalone bill that does not purport to be decriminalisation when it is not. When members are considering this, I have to concur with the Hon. Irene Pnevmatikos: it is not just superfluous, it is setting up a scheme where some people are then unlawful, and that is unnecessary and unhelpful.

The Hon. C. BONAROS: I will not be supporting the amendment.

The Hon. J.A. DARLEY: I will not be supporting the amendment.

The Hon. I.K. HUNTER: I will not be supporting the amendment. The place to put 'lawful' or 'unlawful' is in the criminal code, not into the Equal Opportunity Act.

The Hon. E.S. BOURKE: For members, this has no influence over the licensing amendment that I will be moving in amendment No. 6.

Amendment negatived.

The Hon. E.S. BOURKE: I move:

Amendment No 3 [Bourke–2]—

Page 3, line 30 [clause 7, inserted definition of *sex worker*]—After 'basis' insert:

(but does not, to avoid doubt, include a pimp, brothel keeper or other person who does not personally provide sexual services)

Again, this amendment seeks to add clarification to this clause by removing any doubt when referring to 'a sex worker', which I highlight again. The bill is referring to an individual and not—I am not sure if this is politically correct—'a pimp, brothel keeper or other person who does not personally provide sexual services'.

I understand the original purpose of this amendment was to define the definition of a sex worker and did not seek to define a pimp or a brothel keeper. This amendment will remove any doubt that this was the purpose of the original amendment by inserting 'after'. A sex worker means a person who now provides sexual services on a commercial basis and then it will insert 'but does not, to avoid doubt, include a pimp, brothel keeper or other person who does not personally provide sexual services'.

The Hon. T.A. FRANKS: I have some questions of the mover. I cannot see a definition in the materials provided of a pimp or a brothel keeper. Could she please indicate where they are?

The Hon. E.S. BOURKE: Yes. The definition of a sex worker means a person who lawfully provides sexual services on a commercial basis. This is to define that it is a person providing the sexual service and not the person who is running a brothel.

The Hon. T.A. FRANKS: But I did not ask for the definition of a sex worker. I asked for the definition of a pimp or a brothel keeper. Previously, the Hon. Clare Scriven referred to this as the pimp's protection bill, but I also note in her previous contribution this evening that she referred to a receptionist as a potential pimp or a driver as a potential pimp. Will this clause, to avoid doubt, not include a receptionist or a driver as that pimp or is there some other definition that is meant to be employed here?

The Hon. C.M. SCRIVEN: If I may just answer for the record, given that the Hon. Ms Franks referred to comments that I made. She may recall or *Hansard* will reveal that I was quoting somebody who explained that her job title in a decriminalised environment was receptionist. She further went on to explain that her role was to sell the women and, therefore, promote this woman or that woman to provide a sexual service of a particular kind. So the woman herself said that her job title was receptionist but her role was pimping, just for clarity.

The Hon. T.A. FRANKS: I thank the Hon. Clare Scriven for that clarification. The person who answers the phone and books the service will be considered a pimp. Is that the case? Could the mover please clarify and confirm that?

The Hon. E.S. BOURKE: I will need to clarify that. As there is no definition within the bill, the court will determine what a brothel is by the ordinary meaning in a dictionary, therefore it will not be a receptionist.

The Hon. T.A. FRANKS: How can we be assured that a receptionist, who we have just had an account of calling herself a pimp, not be referred to as a pimp under this legislation? Which dictionary: the Macquarie or the Oxford or Wiktionary?

The Hon. E.S. BOURKE: I would have to put the trust in the court to determine which would be determined the definition of a pimp from a dictionary.

The Hon. I. PNEVMATIKOS: It would be somewhat unfair to place on the court the obligation of trying to clarify what particular terminology the bill is referring to. If a pimp and a brothel are important in terms of the amendments that the Hon. Ms Bourke is making, there would need to be some definitions. We cannot just leave it to the courts to decide the will of parliament.

The Hon. S.G. WADE: I would just like to make the point that I do not think the only issue is whether or not a receptionist or a driver might be termed as a pimp. The fact is, I cannot see how they can be excluded from the remaining words 'or other person who does not personally provide sexual services'. A driver or a receptionist is not providing direct sexual services, and they are picked up by the 'other person' provision.

The Hon. T.A. FRANKS: Could the mover please explain how the term 'brothel keeper' is determined?

The Hon. E.S. BOURKE: There is no definition. I appreciate where this will be going, that you will then ask how that will be determined. That would be determined in the same manner.

The Hon. T.A. FRANKS: Perhaps we will have some of those definitions and answers, if this version of a bill, a licensing model bill, a faux Nordic model bill, went before a select committee or came to this place in a standalone bill.

The Hon. I.K. HUNTER: I have concerns based on the Hon. Mr Wade's presentation. The definition of 'or other person who does not personally provide sexual services' is so wide as to be very concerning to me. Whilst, again, I appreciate what the Hon. Emily Bourke is trying to do, the confusion that this would set alive in the courts, should there ever be any prosecutions that go to the courts on this matter, I think we would not want to be responsible for, so I cannot support the amendment.

The Hon. C. BONAROS: For the reasons that have already been outlined by other honourable members, I will not be supporting the amendment.

The Hon. J.M.A. LENSINK: I will not be supporting the amendment for the reasons outlined but also because I think it demonstrates a misunderstanding of the actual industry. My understanding is that sex workers can also be brothel keepers. I think the elephant in the room really is that there is an assumption by some that all people who work in this industry are victims and therefore anybody else who may be involved in the industry is some sort of overlord, which is not something that I accept because I have spoken to enough people who work in this space and had representations from them. I do not think this clause adds anything to the debate.

The Hon. C.M. SCRIVEN: I have a question for the mover of the bill. Is the original clause intended to apply to someone who may be running a brothel of, for example, 200 people? I appreciate the Hon. Ms Lensink says that does not happen here, but of course it cannot happen here at the moment because we do not have a different model. Is the expectation that part of the Equal Opportunity Act will mean that you cannot discriminate against somebody who may have been running a brothel of 200 people, for example, and living off those earnings?

The Hon. T.A. FRANKS: Sex work will no longer be a crime. Therefore, involvement in the sex work industry should indeed be protected by the equal opportunity provisions. What I would say is that the Hon. Clare Scriven also raised that there were no exit provisions in this bill. This is indeed the exit provision, but she has a problem with that, too.

The Hon. C.M. SCRIVEN: I certainly will talk about some exit provisions when we get to that part of the amendments in the bill, I believe. For the record, I will be supporting the Hon. Ms Bourke's amendment. I think we need to come back to what we really want to achieve from the bill. As I said previously, I do not think that a person who is providing prostitution services should be pursued, should be criminalised, etc.

Contrary to some other members who have expressed their views, I accept the testimony of women who have told me, personally as well as in other publications and reports, that they do experience what is commonly known as pimping, that they do experience exploitation and that those who are running mega brothels, for example, or many other sorts of brothels, are not all 100 per cent fine upstanding members of the community who are just waiting to be able to register for return to work levies and abide by the law.

I can accept that there may be people in a future decriminalised environment who would fit that bill (no pun intended about the bill), but to suggest that that is likely to be the case I think is fanciful. We have had evidence from police, as well as many other aspects of evidence over the years, that the industry of prostitution is more likely to involve organised crime and drugs than many other industries, so therefore it is not appropriate to simply say, 'Yes, well, there are good employers and bad employers everywhere.'

The facts of the matter are that this industry is more subject to those elements. Therefore, when we are looking at the Equal Opportunity Act, those who run brothels, who are actually profiting from the bodies of women—usually women; 95 per cent—who are profiting from the use, and at times abuse, of women, should not necessarily be afforded the same protections as the person who, through whatever circumstances and whatever level of choice, is providing those services directly.

Therefore, I think that the amendment, notwithstanding there may be some slight issues around the wording, certainly indicates that the intent is to decriminalise the person providing prostitution services but not those who have a higher likelihood of actually exploiting her.

The Hon. T.A. FRANKS: I think it is important to reflect at this point upon the actual practice where these systems seek to somehow criminalise not the sex workers themselves but those around them. They do in fact criminalise sex workers, and one needs to look no further than Ireland at the moment, where two women who were operating a brothel in Newbridge have now been gaoled for nine months through the Naas District Court.

The pair, Adrina Podaru, 25, and Ana Tomascu, 20, were both living at 6 Canning Place, Newbridge, when it was raided following some complaints by the locals. The pair were charged, the two of them sex workers in the same house—the house they live in—with keeping and running a brothel, and evidence was given to the court that the pair were also sex workers.

They are from Romania. One of them is quite pregnant and neither of them were possibly what the Macquarie, the Oxford or the online dictionaries would call pimps, but they have been charged as pimps because they were working together. These are the unintended consequences of these types of well-intentioned approaches being taken and promulgated this evening.

Amendment negatived; clause passed.

Clause 8.

The Hon. C.M. SCRIVEN: This clause is in relation to the Equal Opportunity Act, inserting the term I will now use, as it has been accepted in this bill, 'sex worker', despite the issues I faced in relation to that for people who find it abusive. It says that it will be illegal:

(a) if the person treats another unfavourably because the other is, or has in the past been, a sex worker;

I would like the mover to outline what is meant by 'treats another unfavourably'.

The Hon. T.A. FRANKS: The debate that we have had tonight and previously in this parliament is just one example of treating unfavourably. Of course, they would not be able to complain to the Equal Opportunity Commission about that, but should they be refused access to services, there are some exemptions under the Equal Opportunity Act. I note that the Hon. Rob Lucas talked about religious institutions, and they are most notable in some of their exemptions, in their ability to continue discrimination. We well know that people are often discriminated against within our education system, despite equal opportunity provisions. When you are discriminated against, you pretty much know it and you will be able to take that discrimination complaint to the Equal Opportunity Commission.

The Hon. C.M. SCRIVEN: If someone were to say to a person who was involved in prostitution that they consider prostitution to be demeaning, anti-women, exploitative, or some other description of their view of what prostitution is, does the mover envisage that that could be deemed as treating another unfavourably?

The Hon. T.A. FRANKS: Having taken up and having advised many constituents to take up such issues with the Equal Opportunity Commission, I imagine that the commissioner will determine that.

The Hon. C.M. SCRIVEN: Referring back to the mover's earlier comments about not leaving all these interpretations up to the courts, or in this case the commissioner, I am asking what her intention is as the mover of this bill. Will it be treating another person unfavourably if someone makes comments about their view of the nature of prostitution and the exploitative nature of prostitution on women?

The Hon. T.A. FRANKS: I am not sure whether the member is familiar with assisting her constituents when they have been discriminated against, but many of my constituents are discriminated against and they find these laws most helpful. They find them a little arduous, but there are processes put in place for them to take up those complaints and they are actually adjudicated on a case-by-case basis. The member is asking me for a one-size-fits-all approach. It would be wonderful if we knew that every single complaint that went to the Equal Opportunity Commission, where somebody had been discriminated against, would be upheld, but that is of course not the case.

The Hon. C.M. SCRIVEN: I am not asking for a one-size-fits-all; I am asking about the intention of the mover of the bill in regard to this example.

The Hon. T.A. FRANKS: The only example I have at the moment is the member claiming that somebody might take offence. Can she tell me what her particular concern was again?

The Hon. C.M. SCRIVEN: If, for example, someone were to say that they consider prostitution demeaning or that they consider prostitution to be anti-woman or exploitative, is it the mover's intention that that could be interpreted as treating someone who is in prostitution unfavourably?

The Hon. T.A. FRANKS: Is this person a doctor giving health treatment to the sex worker? Is this person a teacher and is the sex worker perhaps a parent at a school? Is this person somehow

providing a service and therefore refusing that service? They are the three examples. If you could answer those questions, perhaps we could give you a specific answer to your question.

The Hon. C.M. SCRIVEN: I think the question is fairly straightforward. In regard to any of those circumstances, or any other circumstances where perhaps a person was not doing any of those things to the person whom they were addressing, is it the mover's intent that someone should not be able to make comment about what they consider the nature of prostitution to be? Would making that comment be treating a person in prostitution unfavourably?

The Hon. T.A. FRANKS: Are they refusing them education, health care or other services? Are they a radio announcer? What is the context here? How long is the piece of string that you wish to draw?

The Hon. C.M. SCRIVEN: This aspect is not referring to refusing services. My example was someone stating their concerns about prostitution. Is it the intention of the member that that could be construed as treating someone unfavourably and that, therefore, someone would not be able to say that?

The Hon. T.A. FRANKS: Rest assured, I feel somewhat disappointed that this bill will not ensure that people are never offensive to sex workers again. I am sure it will continue to happen.

The Hon. C.M. SCRIVEN: So, for clarity, is the member saying that it is not her intention that someone reflecting upon their views on the nature of the industry would be considered to be treating a person in the sex industry unfavourably? Is that what the member is saying?

The Hon. T.A. FRANKS: My intention, as one vote in this place, is to ensure that sex workers are not discriminated against.

The Hon. C.M. SCRIVEN: Since the mover of the bill, despite being only one vote, will not say whether she does or does not think that someone should be able to reflect upon the nature of prostitution, I think the chamber will have to draw its own conclusions.

The Hon. R.I. LUCAS: I am asking for further clarification from the mover because she indicated at the outset that she would respond to my particular questions at the second reading. I had sought further clarification if she had any further information to share. As I understood her brief comment, albeit she was making it in response to the Hon. Ms Scriven's comments, if I heard her correctly, she was saying that her advice was that the exemptions that exist in terms of religious schools, etc., are not overwritten in any way by the provisions here; that is, they would remain protections, as those institutions would see them, in relation to permissible discrimination.

The Hon. T.A. FRANKS: You did raise some concerns with regard to religious institutions having the ability to discriminate. Where religious institutions currently have the ability to discriminate they will possibly continue to do so, although I note that many religious institutions actually do not choose to discriminate against sex workers. In fact, in terms of the Christian religion, something that is often put forward is: what would Jesus do? Certainly, I note that recently there have been some in the church who have been quite active in this debate and are pushing for decriminalisation.

The Hon. R.I. LUCAS: Can I clarify that the Hon. Ms Franks is saying that the existing protections, as some would see them within the Equal Opportunity Act, are not overwritten by this particular bill, should it pass? I would like to clarify whether that is her advice.

The Hon. T.A. FRANKS: This bill does not override the existing situation except for the cases where we have moved these particular clauses to ensure that discrimination is not able to occur. As you know, people will apply for exemptions on the grounds of employment, for example, on the basis of requiring a woman for the position. They will seek those exemptions or they have those exemptions. That does not change.

Clause passed.

Clauses 9 to 11 passed.

Clause 12.

The Hon. C.M. SCRIVEN: A point of clarification: this is in regard to not discriminating in education on the basis of having been or currently being a sex worker, as the term is being used, so a person who is currently involved in prostitution could enrol as a mature age student at a school, and you would be concerned about making sure that they were not discriminated against. For example, they would have to be a mature age student, most likely, as they would be over 18. Is that the sort of issue you are concerned about, that someone might wish to not enrol a current sex worker in a high school as a mature age student? Is that the sort of thing you envisage being problematic and needing to be addressed by this?

The Hon. T.A. FRANKS: Is that the sort of thing that the questioner is somehow seeing as a problem?

The Hon. C.M. SCRIVEN: I make no comment either way: I am asking whether they are the sorts of concerns that have been raised with the mover to necessitate this.

The Hon. T.A. FRANKS: Chair, I must say that that particular example had not occurred to me prior to it being raised tonight by the Hon. Clare Scriven.

Clause passed.

Clause 13 passed.

Clause 14.

The Hon. C.M. SCRIVEN: Would this discrimination clause mean, as the bill currently stands, that advertising agencies would not be able to refuse advertisements for the provision of prostitution services, as that would be discrimination in the provision of services?

The Hon. T.A. FRANKS: Advertising agencies would pick and choose the advertising both that they were wanting to take on or legally prohibited from doing. There are some amendments around advertising restrictions that are yet to be debated, so, not anticipating necessarily those particular provisions, one would imagine the current regulations around advertising will continue to apply.

The Hon. J.M.A. LENSINK: Can I offer a bit of an explanation, having previously had carriage of this bill: these amendments relate to individuals, individuals who believe they are being discriminated against for not receiving a service. Rather than that sort of service, we are talking more about an individual who is seeking a service from a shop or, in some other sort of circumstance, who believes that they are being refused because of their particular status, having been a sex worker.

The Hon. C.M. SCRIVEN: I certainly would support such a person not being discriminated against—there is no question about that. My question is with regard to potentially unintended consequences. If an individual has a newsletter where they accept paid advertisements, and they did not want to accept advertisements for prostitution, would they be discriminating in provision of that service?

The Hon. T.A. FRANKS: That is actually a little bit of a different question to what we are talking about here, because a publisher of a particular publication gets to pick and choose what they do. Certainly, *The Advertiser* is well known for having a section where sex work services are currently advertised. It is in the adult classifieds and associated pages. However, should that sex worker have a garage sale and be refused by *The Advertiser* because, on the grounds that they are a sex worker, *The Advertiser* has decided not to publish details of their garage sale, I imagine they might have a case to take to the Equal Opportunity Commission.

The Hon. C.M. SCRIVEN: Certainly, and that would appear to be entirely reasonable that they would take that to the Equal Opportunity Commission. However, I do not think someone publishing a community newsletter is necessarily covered by the publishing laws to which you are referring, although I am happy to be corrected if I am mistaken on that. As an example, it could be a community noticeboard. If someone does not wish to have advertising for prostitution services placed within their remit, whether it be a local newsletter, a noticeboard or something like that, will they be free to not advertise prostitution services if this clause passes?

The Hon. T.A. FRANKS: While they might be advertising prostitution services, is this person a sex worker?

The Hon. C.M. SCRIVEN: I am referring to someone who is presenting the newsletter or whatever it might be: can they refuse to advertise sexual services by a third party? If a sex worker, as you wish to call it, goes to someone and says, 'I want to place this advertisement for my services,' can they refuse to publish the advertisement for those services?

The Hon. T.A. FRANKS: The discrimination would be if somebody who sought to have one of those ads in that publication who was not a sex worker was allowed to, but then on the grounds that the person who then sought to have the same ad published but was a sex worker was refused on the grounds that they were a sex worker or had been a sex worker, that would be the discrimination. Again, these things would be resolved with the commission.

The Hon. C.M. SCRIVEN: I think that clarifies that therefore someone who has not allowed one and not the other will be able to refuse to advertise sexual services; is that correct?

The Hon. T.A. FRANKS: That is what I said.

Clause passed.

Clause 15.

The Hon. C.M. SCRIVEN: I have a question. I raised this question in some of the discussions leading up to this, but I have a further query. This ensures that people who are providing sexual services on a commercial basis are not discriminated against in accommodation. I raised the question that, if someone was renting a property for their residence and operating prostitution services out of that residence—for example, as a sole operator—would the landlord have the ability to not renew their lease or to evict them? I was told that that would be covered under the lease agreement of running a business, so that would be something that is not allowed under a lease agreement.

A further question has arisen: given that my understanding is that statute law will always take precedence over contract law, and the bill here will become statute law and a lease will be contract law, will we actually be left with a situation where the landlord could not refuse to let their property to the person who was running a business? I emphasise that the objection would be on the basis that they were running a prostitution business from there rather than, simply, that the person was a sex worker.

The Hon. T.A. FRANKS: The honourable member has conflated two issues there. If it is a business premises and it is not in direct contravention of the lease agreement, why should they be able to discriminate against them? I also note that it is not just if they are but if they have been a sex worker. So it may well not be a premises being used in that business for commercial sexual purposes. It may be that they have opened and gone off to TAFE where they have no longer been discriminated against and they have done a floristry course and they are selling flowers.

The Hon. C.M. SCRIVEN: It was in regard to a residential property not a commercial property, so my question still stands.

The Hon. T.A. FRANKS: Then I absolutely say that the member has conflated the two issues because you cannot use—for commercial services—a residential property in that way, in any way.

The Hon. C.M. SCRIVEN: For example, if the residential premises were a caravan park or a hotel, where I understand there generally would not be a lease, would it be unlawful to refuse a person engaged in prostitution to rent within your caravan park if they were going to use it for prostitution?

The Hon. T.A. FRANKS: If the caravan park does not allow somebody to sell flowers, fruit or baked goods, they are probably not going to be allowing commercial sex services, but it will not be on the basis of discriminating against them, it will be simply that that will be the terms of the occupancy. I have not really seen many caravan parks used for business purposes. Usually, people use them for holidays.

The Hon. C.M. SCRIVEN: Some people permanently reside in caravan parks, which the honourable member may not be aware of, obviously.

The Hon. T.A. FRANKS: I am aware of that. I thank the honourable member for her elucidation of the fact that some people do, indeed, live in caravan parks, and I am well aware of that. I would hope that, had they been a sex worker in the past, the caravan park would not refuse them tenancy on the fact that they had previously been a sex worker.

The Hon. C.M. SCRIVEN: Yet again, that is something that the Hon. Ms Franks and I can agree upon.

Clause passed.

Clauses 16 and 17 passed.

Clause 18.

The Hon. C.M. SCRIVEN: I move:

Amendment No 23 [Scriven–1]—

Page 6, line 3 [clause 18(2), definition of *prescribed sex offence*, (c)]—Delete ', 25A or 26 or Part 6'

This is in regard to spent convictions. This amendment would mean that convictions were spent for soliciting but not for procuring for prostitution and not for living off the earnings of another person who is providing prostitution services. The purpose of this is again to try to differentiate between those who are the persons providing sexual services and those who are living off and potentially exploiting those people. No doubt, members will say that not everyone who is living off the earnings of another person is or has been exploiting that person. That may well be the case, but certainly it is also the case that many people who are living off the earnings of another person are exploiting that person.

In terms of spent convictions, my understanding is that these become spent after 10 years for minor offences but not for those that are considered more major. I am sure that some of the lawyers in here can correct me on the exact terminology. The intent is to have convictions spent for those who have actually been providing prostitution services who may wish to exit, or indeed who have exited, but not for those who have been procuring others for prostitution or engaged in living off their earnings.

The CHAIR: The Hon. Ms Bourke, this is identical to your amendment. Do you wish to make a contribution on this?

The Hon. E.S. BOURKE: I agree with the objective of this bill, which is seeking to protect individual sex workers choosing to exit the industry. However, I do not agree with the convictions of those who owned and profited from a sex worker, either by owning a brothel or a sex worker establishment unlawfully, having their convictions spent. Under this, as the Hon. Clare Scriven has stated, if a person is soliciting under section 25, their convictions would be spent; however, for a person under section 25A or part 6, theirs would remain a conviction.

The Hon. R.I. LUCAS: I put a series of questions to the honourable mover of the legislation in relation to spent convictions and, in particular, to the intentions of the mover with regard to whether or not the Department for Education and the Department for Child Protection should be denied access to information. I am just wondering whether the Hon. Ms Franks is going to take the opportunity at this stage to respond to the questions I put at the second reading.

The Hon. T.A. FRANKS: Indeed, at the second reading stage the Hon. Rob Lucas raised his concerns that somebody who had perhaps run a brothel for 30 years might then go and seek to become a childcare worker. In fact, somebody who had run a brothel for 30 years may well have been a childcare worker for that entire time as well. Yes, it is the intention. At the moment, that person could have their convictions spent after a certain period of time anyway. This speeds up the process.

Just because somebody has engaged in adult consensual sex for commercial purposes does not mean that they are in any way guilty of any abuse of children, sexual abuse of children, any of the things that would get them onto the sex offenders register, because the sex offenders register, should there have been that sort of a crime committed, of course would continue to exist and record those particular crimes. That is conflating somebody who has engaged in commercial sex services in their adult life between consenting adults as somehow criminal and missing the point of this bill.

The Hon. I.K. HUNTER: I will oppose the amendment, mainly because of this issue that we have heard already tonight, that some individual sex workers have in the past been pinched as being brothel owners or having run brothels. The problem is that when you try to define very neatly who does what in these premises that provide sexual services for money, you run the very real risk of actually capturing everybody under a generic brand which is not identified very clearly for the courts, should these cases ever come to the courts.

I understand what both movers of the amendments are trying to attempt, but the problem for me is that the work they want done by this amendment will not be done; in fact, there will be unintended consequences, where the individuals they actually want to protect will be pinched, but on other grounds. So I cannot support the amendment.

The Hon. T.A. FRANKS: I will not be supporting the amendments. I will draw the attention of the council and the parliament to the fact that charges such as money laundering and keeping a brothel have been applied to those who are simply engaged in sex work. A woman who ran a brothel for 30 years now finds herself unable to get a job because of the recent raids. In fact, she has resorted at times to doing flatpack assembly on Airtasker because of the criminal record that she now carries with her, when all she did was work in the adult consensual sex industry, something she had done for 30 years—surprisingly, a similar number to the number you raised—and she now finds herself with no access to income and no way to get employment. She has been charged and convicted of something that looks far worse than it is because she used an EFTPOS machine; therefore, she has a money laundering conviction hanging over her.

The Hon. R.I. LUCAS: I accept that my views on this particular area are in a minority, but I indicate that I am not convinced about supporting this whole provision in relation to it. I understand that the Hon. Ms Scriven's amendment is unlikely to be successful anyway, given the majority view in this chamber, but in this particular area, I am not uncomfortable that this now is left in the legislation because I would hope that when another place gets to debate this issue, they will place greater scrutiny on some of these issues.

I do have concerns in relation to the issues I raised during the second reading debate, and the Hon. Ms Franks has now confirmed that that is indeed her intention. That is fair enough. I understand that that is her view, which is different to mine. However, I think the view that I have will be shared by a number of people. I would hope that members in another place, if they get to debate this particular issue, will provide far greater scrutiny. I think it is being airily dismissed by proponents and supporters of the legislation in this chamber as being of no consequence.

I think that the notion that a madam or a brothel owner, who has operated for 30 or 40 years and lived off the proceeds of prostitution, can happily go off and work in a childcare centre, a school, a residential care institution or whatever it is and the community at large will not be concerned about it might be a view of the supporters of the legislation in this chamber, but it is not a view that I share.

The Hon. Ms Scriven's amendment goes only so far. I am unconvinced about supporting this whole provision. I think this will be an issue of concern. I hope it will be an issue of concern for local members, who will need to be answerable to local constituents in relation to the views that they express in this area. I would hope that the fact that this provision is likely to remain in the legislation will attract some attention if and when it is debated in another chamber. Whilst I acknowledge my views are in the minority—and I do not intend to delay the proceedings by calling a divide on the clause itself—I place on the record my ongoing concerns in relation to this particular issue and my opposition to it.

The Hon. J.M.A. LENSINK: I think it is important to point out, almost going back to first principles in relation to this debate, that there is no particular South Australian statute that explicitly says that the exchange of money for a sexual service is against the law. What we have is this collection of laws sitting around that effectively mean that somebody cannot operate in that environment.

In particular, living off the earnings is one of the areas within the statutes that is quite regularly used to ping people working in the industry, as are similar ancillary things. I think that it is worth pointing out for the sake of the debate that, while people often assume that sex work is illegal per se,

it is a number of those ancillary things that make it impossible to operate legally in South Australia; therefore, this clause is quite germane to that matter.

The Hon. D.G.E. HOOD: I, too, have concerns about this particular clause. I have been debating with myself, as I have been sitting here listening to the debate, whether or not I will support the amendments. I am inclined to support them. It looks like they will fail in any case, but I am inclined to support them. I do have concerns about this. I have had a couple of lower house members ask me about it. Their main interest in this bill appears to be around this issue. I think that, as the Hon. Mr Lucas pointed out, it will be a source of significant contention when it goes to the other place.

The Hon. C.M. SCRIVEN: I would like to point out that, for example, in attempting to ensure that a single operator who has been convicted of living off the earnings does not have that conviction following them for a long period of time, without this amendment the effect will also be to spend the convictions of those who are exploitative, who are not personally engaging in consensual sexual activity in terms of one of the people providing a service but are actually exploiting other people.

Procuring for prostitution will also be a spent conviction. I understand the concerns of members who, like me, do not want individual women who have been in prostitution to have their convictions following them for longer than necessary when it has been only their own activity, but the effect of not supporting this amendment is that, of necessity, we will spend the convictions of those who have procured others for prostitution and who have been exploitative.

Amendment negatived; clause passed.

Clauses 19 and 20 passed.

New clause 20A.

The Hon. S.G. WADE: I move:

Amendment No 2 [Wade–1]—

Page 6, after line 12—Insert:

20A—Insertion of section 24A

After section 24 insert:

24A—Power of police to enter premises used for commercial sexual services

(1) A police officer may, at any time of the day or night, exercise all or any of the following powers in respect of premises at which commercial sexual services are provided:

(a) the officer may enter into, break open and search the premises if the officer has reasonable cause to suspect that—

(i) an offence has been recently committed, or is about to be committed; or

(ii) there is anything that may afford evidence as to the commission of an offence; or

(iii) there is anything that may be intended to be used for the purpose of committing an offence;

(b) the officer may break open and search any cupboards, drawers, chests, trunks, boxes, packages or other things, whether fixtures or not, in which the officer has reasonable cause to suspect that—

(i) there is anything that may afford evidence as to the commission of an offence; or

(ii) there is anything that may be intended to be used for the purpose of committing an offence;

(c) the officer may seize any such things to be dealt with according to law.

(2) In this section—

commercial sexual services means an act engaged in for payment involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for

1 or more of those persons, but does not include an act of a class excluded by regulation from the ambit of this definition.

In my view, the prostitution industry is one that is particularly vulnerable to criminal infiltration. In that context, this amendment seeks to ensure that there are adequate and appropriate police powers to enter and search premises used for commercial sexual services so that they can deal with criminality. Under section 32 of the current Summary Offences Act, police have the power to enter suspected brothels. The section reads:

The commissioner or a senior police officer, or any other police officer authorised in writing by the commissioner or a senior police officer, may at any time enter and search premises which he or she suspects on reasonable grounds to be a brothel.

This section talks about police being able, at any time, to enter and search premises if they suspect it to be a brothel, with the underlying assumption that brothels are illegal and that it is an offence to keep a brothel. If this bill becomes law brothels will no longer be illegal, and the bill acts to remove any right of entry provisions available to the SA Police.

I am of the view that retaining a right of entry in certain circumstances is important in the context of decriminalising sex work. My amendment proposes what I consider to be appropriate police powers to enter premises used for commercial sex services. An alternative would have been to simply reinstate section 32 of the Summary Offences Act.

Working with the Attorney-General, I am instead proposing a clear affirmation of police powers to ensure a balance is met between entering premises in pursuit of a crime and simply entering premises with no reasonable cause. The amendment seeks to respect the fact that under this bill brothels would no longer be illegal.

The amendment I move supports police to focus on criminal activity in the context of legal sex work. If a premises is being used for a commercial sex service and there is reasonable cause to suspect an offence is also occurring, the search powers can be used without a warrant. By moving the amendment in this way the right of entry provisions better align with the general search power of police through the Summary Offences Act more broadly. I reiterate that there must be reasonable cause to suspect an offence is occurring.

My understanding is that the police commissioner has noted his opposition to a bill that would give police no power to enter premises where crimes like child exploitation or child trafficking or otherwise might be occurring. This amendment provides police with powers to protect sex workers from illegal exploitation, to prevent the involvement of minors, and to try to prevent organised crime entering the industry.

I appreciate the amendment may not be word perfect. I note that if the bill is supported by this council and this amendment is inserted, the bill will be considered by the other place, in which house sit both the Minister for Police and the Attorney-General. I would welcome further consideration of the practical application of these provisions by this council by way of alternative amendment from the other place.

The Hon. D.G.E. HOOD: I rise to indicate support for the Hon. Mr Wade's amendment. At the Budget and Finance Committee meeting on Monday this week we had, just by chance—

Members interjecting:

The CHAIR: You recently understand that the views of the police—

The Hon. D.G.E. HOOD: I beg your pardon, sorry. It is late; forgive me. During some discussions I was able to converse with the police commissioner and he reiterated the police's strong desire to maintain right of entry along the lines of the Hon. Mr Wade's amendments. Without going into detail—which I had intended to, but I was kindly reminded by my colleagues that that would be inappropriate—I align myself with the comments of the commissioner.

I think this is a really important amendment in that there is a potential in this industry—and other industries, it is not just this industry. In fact during the conversation I had with the commissioner he mentioned that he also wanted similar access as the law currently provides for tattoo parlours and licensed premises and the like. This amendment deals with that issue and I support it.

The Hon. F. PANGALLO: I will be supporting this amendment. As I said last time we discussed this bill, I find it ludicrous to think that they would want the police shut out entirely from going into this industry. This bill, if it is passed, decriminalises prostitution, but unfortunately we know that there are criminal elements that will infiltrate it, as they have elsewhere, and there is the likelihood or possibility that there will be exploitation and there will be money laundering. I have spoken to the police about this on a couple of occasions and they have serious concerns that they will not be able to crack down not only on outlaw criminal gangs infiltrating these establishments here—and it is likely to happen—but also overseas criminal organisations, triads.

There are a couple of cases currently before the courts. I will not go into it, but had it not been for police intervention they would not have been able to raid those premises. They were able to expose the human trafficking that was going on and also a great deal of illegal activity and money laundering. We need to be responsible with this. We need to be able to give our law enforcement officers, officers of integrity agencies, the opportunity and ability to be able to crack down on criminal elements that will undoubtedly be attracted to this. We need to make it pretty difficult for them to be able to get into that business to try to manipulate it for illegal or ill-gotten gains.

In saying that, I strongly support the amendment from the Hon. Stephen Wade. I urge all my other colleagues in here to recognise the work that the police must do to keep our community safe and protect us from the criminal gangs that will undoubtedly be attracted to this type of business.

The Hon. T.T. NGO: I also rise to support this amendment. Before I make my contribution, I would like to take back a comment from my second reading contribution a couple of weeks ago. I used the word 'heartless' and I would like to take that word back. In terms of discussing the sex trade, I should have maybe used the word 'passionate'. Some members were 'passionate' about this. I want to put on the record that maybe the word 'heartless' was a bit too strong, so I apologise for that.

Getting back to this matter, I, too, support this amendment because I think that it is very important that we send a message to the criminal elements of this industry that there are police who are able to come in and raid it if there is a problem. In my second reading, I spoke mainly about the sex trade from Asia. Most of these women being used in the sex trade do not speak a lot of English. If this amendment does not get up, it will send the wrong message to the criminal elements. The criminal elements might tell those women who are trapped in the sex trade that the police cannot enter now, so just do what you have been told. I think it is very important that we give the police as much power as we can to deal with the criminal elements of this industry.

During the select committee on this matter that went for two years, the police twice came in and gave evidence. They, too, have concerns with this proposed clause. In the recent briefing from the police, they raised similar concerns that taking away the police power of entry would make their job very difficult in terms of trying to protect some women used in the sex trade. I, too, urge honourable members to support the Hon. Stephen Wade's amendment. If it does not get up, I will be calling for a division.

The Hon. M.C. PARNELL: If I heard the Hon. Stephen Wade correctly, I think he may have conceded that the wording was not perfect. I think there are some serious problems with this. I will just explain, and maybe my fears will be alleviated, but it seems to me that there are two tests. Test number one is that the officer has to have reasonable cause to suspect that an offence has been committed, is about to be committed or that there is evidence of an offence. So that is one element of the test: the officer has to have a reasonable suspicion. But that suspicion only applies in relation to premises at which sexual services are provided.

There is a definition of commercial sexual services, but what is unclear to me is whether those services have to be being provided at the time the suspicion is formed and the entry occurs. Unless there is a sign on the door saying, 'Buy sexual services here' and unless it was really clear—if it was a private home, for example—there is nothing in here that says the police officer just has to suspect that the premises are being used for commercial sexual services. The police officer has to know that they are being used for commercial sexual services. The mere suspicion is not enough.

So in the absence of a sign on the door, or absolutely clear unequivocal evidence like a facility that is well known with multiple workers, whatever it might be, it strikes me that the way this is worded, the police are in all likelihood going to have a court tell them that their search was illegal.

Unless it is crystal clear, unless they catch someone in the act as it were, I would have thought it would be very difficult for them to prove that these are premises at which commercial sexual services are provided, unless they were being provided when the police officer visited.

I might have got it wrong and it may be that this is a reflection of some other law that previously existed. But it seems to me that, if this amendment gets up, then perhaps between the houses there may need to be a little bit of work done on it because it strikes me that it is unlikely to be effective, other than in very clear cases of what people are calling brothels where everyone knows what goes on. But if we are talking about private homes, I think this is fraught with danger. I am not saying it is the reason I am going to oppose it or anything like that. I am just saying that it appears to have a fair bit of support in the room. I reckon it needs to be looked at between the houses.

The Hon. S.G. WADE: I do not share the concerns of the Hon. Mark Parnell. In many situations it would be very clear, even by observation, for a cottage-style place where commercial sexual services are being delivered. In terms of hotel room-type contexts, yes, I appreciate it would be harder. But the police have said that they would find it hard to regulate places that they already are policing without such a power in the context of a decriminalised industry.

I strongly urge the council to support this amendment. There certainly would be questions in terms of evidence in cases, as I said, nondedicated use at nondedicated premises and the like. There may well be an opportunity for the Minister for Police and the Attorney-General to consider it between the houses. But I think the issue of implementation of these laws by the police is not their great concern. Their great concern is to have the powers. So I urge the council to affirm the request of police to be able to have the powers to protect society from criminal elements in this industry and, if there is an opportunity to make the amendment clearer in the other place, so be it.

The Hon. R.P. WORTLEY: I am not actually opposed to this clause, but to give some clarity, if an officer had to have a reasonable belief that something is going on, why could they not get a warrant? Or is this for circumstances where an officer is driving past, sees something occurring and then takes an instant reaction in going into that premises? If an officer has the power to cause considerable damage entering a premises and inside the premises, wouldn't you think that, if he had good reason to believe there was something going on, he would be able to get a warrant? I do not know what process it takes to get a warrant or how long it takes to get a warrant, but why should that process not be gone through?

The Hon. S.G. WADE: That process should not be gone through in this circumstance because, in my view, this is an industry that is particularly vulnerable to criminality. It is not dissimilar to provisions under the Second-hand Dealers and Pawnbrokers Act 1996, the Tattooing Industry Control Act 2015 and the Hydroponics Industry Control Act 2009.

This parliament has identified a range of industries which it believes are particularly vulnerable to criminal activity. It has, if you like, given police greater capacity to use search and related powers without a warrant. They still need to have a reasonable belief, but I think that we should respect the request of police to have affirmation of their search powers. We are not proposing that it be open slather. Let's be clear: police need to have a reasonable belief.

Those who are supporting decriminalisation do not want to put on the sex industry the risk of inappropriate harassment by law enforcement authorities. This, in my view, is an appropriate, balanced set of police powers for an industry that I believe is vulnerable to criminal infiltration and other related activity.

The Hon. R.P. WORTLEY: At what point is reasonable belief tested? Say police break into someone's home, believing that there is something going on, and there is nothing going on and considerable damage is done to the property. At what point do they actually prove that they had a reasonable belief? Where is it tested?

The Hon. S.G. WADE: Obviously, the reasonable belief is in the mind of the particular police officer. Every police officer is trained in terms of the law and the powers of police. Police also know that misuse of their powers may well lead to consequences in terms of evidence or even disciplinary action by the police or adverse findings by the court. I do not think we need to revisit the whole gamut of the operation of criminal law.

The Hon. J.M.A. LENSINK: I have been a sceptic of some of the powers that police have insisted on in relation to these matters. I made some fairly florid comments in the previous parliament in relation to some of the correspondence we received from the police commissioner. I think this is a reasonable compromise. I do accept the concerns that police had. I am pleased to see that we are able to reach some form of compromise in terms of limiting the scope of the existing clauses in the existing legislation. So I do accept that there may be circumstances under which they may need to have these powers, because there are some exceptions.

I am pleased they are actually cooperating in this way, because certainly in the previous parliament that was not the experience of the select committee and the parliament. It seemed to me as the Chair of the committee that there was very much a sort of blocking activity in terms of obtaining firm evidence from police about what was really taking place in terms of where that underbelly might be, if you like, so I will be supporting this amendment.

The Hon. F. PANGALLO: Just to address some of the concerns that the Hon. Russell Wortley had, I cannot see the police just barging into somebody's home.

An honourable member interjecting:

The Hon. F. PANGALLO: People may say that, but in my experience of dealing with the police for many decades, they do not just go barging into people's homes without some sort of understanding or some intelligence gathering that indicates that something is happening there. They would put a place under surveillance and if they suspect there is criminal activity—the presence of outlaw motorcycle gangs, drug dealers, or whatever—that is when they would take the next step and look at going into those premises.

I just want to point out a clear-cut example of where this happened. We all saw the City of Adelaide close down a few years ago when there was a siege at a well-known brothel in King William Street involving Rodney Clavell, who was heavily armed. It was police intelligence that alerted them that Mr Clavell was actually holed up in this brothel. Police had to mount quite a big operation because they were seriously concerned about the welfare of the people in that brothel who were being kept hostage, or they understood that perhaps the lives of those people were at risk because of a dangerous fugitive who was on the loose.

Is Mr Wortley telling me that in a circumstance like that police should not have mounted an operation and gone in and tried to at least rescue and bring some law and order? There is a clear-cut example of where a brothel, an illegal one, was used by a person who was wanted by police to seek some kind of refuge. It happens; criminal elements are attracted to those establishments. Again, echoing the words of my colleagues here, I seriously urge people to take into consideration the fine work that our police force does. We need to encourage them and give them the opportunity to be able to uphold the law and protect our community.

The Hon. E.S. BOURKE: I will be rising to support this amendment as I have the identical amendment within my licensing amendment No. 6.

The Hon. R.P. WORTLEY: In regard to the clarity from Mr Pangallo, I can understand why in the case of Mr Clavell, which was a very rare case, the police would have had powers, I would have thought, to enter a premises without any warrant, or whatever, to save a life. Where you indicate that this is done through surveillance, and there is obviously a time of surveillance, surely if they had a reasonable belief that something was going on they could get a warrant. I do not know how long it takes. Would someone like to tell me how long it takes to get a warrant?

The Hon. F. PANGALLO: I think the intention here was to prevent the police from even going in there, and I think that is what worries a lot of people.

The Hon. C. BONAROS: Can I start by addressing that last point that my colleague raised in relation to preventing them from going in, insofar as there are already a number of instances where the police, obviously, would be able to enter those premises, even if the specific power that they are concerned about was removed in its entirety.

That said, I am sure members would be pleased to know that I will be supporting this amendment. I do so on the basis that I think it strikes the right balance between what the police have been asking for and what we ought to have in terms of powers for police to enter premises. In doing

so, I note that police, as I just mentioned, already have a number of powers in relation to other illegal activities, and this amendment will not detract from them. So if there are serious and organised crime concerns, they will already have the powers to enter. If there are concerns about firearms, they will already have the powers to enter.

Indeed, there is a list of South Australian acts, including the Controlled Substances Act, the Criminal Assets Confiscation Act, the Criminal Investigation (Extraterritorial Offences) Act, the Serious and Organised Crime (Control) Act and, of course, the Summary Offences Act, which would still enable police to enter these premises and conduct searches as they can and do now.

This amendment, if anything, adds another layer of comfort for us, but it certainly does not detract from any existing powers that police already have to enter those premises. I note for the record that that is not an exhaustive list. There are obviously other offences, and there are commonwealth offences as well, which would still enable police to enter. As I said, I think this strikes the correct balance and, as such, I will be supporting the amendment.

The Hon. T.A. FRANKS: While I understand that the police do want powers—and currently they have extraordinary powers under section 32 that they would like to keep—I also understand that the reason we have decriminalisation in New South Wales is because of police corruption. Indeed, the reason we had law reform in Queensland is because of police corruption. Currently, under section 32 and those search powers, we have police entering a woman's flat sometimes as many as six times a year without warrants. We have police going in undercover, posing as clients, and then, once money is exchanged, we have four or five other police officers entering a woman's home or flat, and these powers are currently, to my mind, being abused.

Currently, they have a very low threshold to enter these premises, so I certainly ask the Attorney-General, in consideration of these powers, to ensure that they are appropriately used. These are still powers that give some concern to me, when we know the context of this industry is not just that it is attractive to the criminal element but that it has been attractive in the past to the criminal element in the police force, and it is something that is open and has in the past been the subject of people being blackmailed or presenting bribes to be left alone. Those relationships will not disappear overnight with decriminalisation, and we must be wary of those relationships.

I think any review of this bill must include whatever police powers of entry are approved in these situations. Before this matter is debated in the other place, the Attorney-General should issue a public report available to all members of parliament, but certainly the house for their debate, about the current application of section 32 powers. How many times have those powers been used? How many times have charges been laid or cautions issued, as we are so assured happens more often than not? How many times have repeat visits been undertaken with no charges, no cautions, no consequences, other than women left afraid that they will fall foul of the police, that they are on notice and that they are indeed bullied and intimidated by these behaviours I have just described?

The Hon. C.M. SCRIVEN: I am happy to address this question either to the mover of the amendment or the mover of the bill. I was wondering if you could provide clarity as to the difference between the police powers under this amendment compared with the existing section 32 provisions in the current act.

The Hon. S.G. WADE: Section 32 simply requires that the police believe that premises are being used as a brothel. This amendment says that they need to have a reasonable suspicion that another offence has been committed, because there is no offence in the provision of sexual services.

While I am on my feet, I would like to address the concerns of the Hon. Tammy Franks. If the Hon. Tammy Franks thinks that bribery, blackmail and corruption are not adequately dealt with under South Australian law, I think she needs to go back and look at the statute book. We have established an ICAC and we have established police oversight bodies in recent years in South Australia, and police who are motivated by those sorts of actions would face the full force of the law.

The Hon. T.A. FRANKS: The people who are subjected to bribery and intimidation are currently criminalised and unable to take action.

The Hon. S.G. WADE: The point is that this is in the context of a decriminalisation model. My amendment is to a bill that seeks to decriminalise, so it is irrelevant to suggest that my

amendment will be ineffective because certain bad behaviour by police occurs in a criminalised model.

The Hon. C.M. SCRIVEN: For the record, I would like to indicate that I will be supporting this amendment. It is crucially important that all tools are available to identify organised crime, particularly in the area of trafficking. In a decriminalised environment, where evidence from other jurisdictions is that trafficking increases in a decriminalised environment—notwithstanding the fact that the proponents of the bill disagree with that and will present alternative evidence—it is very important that the police are able to have these powers and are able to enter premises where they have a reasonable suspicion of a crime being committed. My particular concern is around trafficking.

The Hon. T.A. FRANKS: With regard to these particular powers, the Hon. Clare Scriven has just referred to trafficking. Was she not at the same briefing that I was at, where SAPOL officers admitted that that would be a Border Force activity?

The Hon. C.M. SCRIVEN: Sorry?

The Hon. T.A. FRANKS: Were you not at the same briefing that I was at, where it was admitted that that would be a Border Force activity?

The Hon. C.M. SCRIVEN: Indeed, but my understanding is that other aspects of criminal activity that might point to trafficking could be caught by this amendment.

New clause inserted.

Clause 21.

The CHAIR: We now come to clause 21, and there is some complexity. We have two amendments: amendment No. 24 [Scriven–1] and amendment No. 5 [Bourke–2]. Amendment No. 24 [Scriven–1] seeks to delete clause 21 and insert a new clause 21, which, in effect, deletes sections 25 and 25A of the Summary Offences Act. The current bill before us seeks to delete sections 25, 25A and 26.

Amendment No. 5 [Bourke–2], which was filed subsequently, seeks to delete clause 21 in its entirety, which means that it does not delete sections 25 and 25A of the Summary Offences Act and instead substitutes a new clause 26, which is in the body of the amendment. This means that there is some complexity in the questions I put. I would ask both members to move their amendments and talk to them. When we have finished the debate, I will have to construct what questions I put.

The Hon. E.S. BOURKE: I move:

Amendment No 5 [Bourke–2]—

Page 6, lines 14 and 15—Delete clause 21 and substitute:

21—Substitution of section 26

Section 26—delete section 26 and substitute:

26—Dealing in proceeds of commercial sexual services

(1) A person who, directly or indirectly, engages in a transaction involving money or other property the person knows, or ought reasonably to know, to be the proceeds of commercial sexual services is guilty of an offence.

Maximum penalty:

- In the case of a natural person—Imprisonment for 2 years.
- In the case of a body corporate—$100,000.

(2) However, subsection (1) does not apply to—

(a) the sex worker who provided the commercial sexual service to which the proceeds relate; or

(b) a genuine dependant of the sex worker aged less than 25 years of age; or

(c) a person of a class, or in circumstances, prescribed by the regulations for the purposes of this paragraph.

(3) Subsection (1) does not apply in relation to proceeds of commercial sexual services provided in accordance with this Act.

(4) For the purposes of this section, a reference to a *transaction* includes a reference to any of the following:

(a) receiving money or other property;

(b) being in possession of money or other property;

(c) concealing money or other property;

(d) disposing of money of other property.

This amendment keeps current legislation in place. Just to clarify, my amendment is the opposite of the Hon. Ms Scriven's. This amendment keeps current legislation in place for section 25 for soliciting and 25A for procurement of prostitution, which will continue to make it unlawful to loiter in a public place for the purpose of soliciting.

We have heard during this debate that there are currently approximately 20 sex workers engaging in street work in South Australia, predominantly on Hanson Road. Considering the current numbers engaging in street work, I see little reason to potentially expand this area of sex work. I would rather see the government of the day work with the 20 people engaging in street work and support them by other means.

By decriminalising street work, I feel that the safety and welfare of those who do not choose to be in the sex industry have been duly regarded. By removing sections 25 and 25A from the bill, the law would remain as it is under this section. I appreciate the concerns surrounding clause 26 under the Summary Offences Act, which makes it an offence to live off the earnings of a prostitute, which is within the current act. For this reason, my amendment goes on to update and modernise clause 26, dealing in proceeds of commercial sexual services to reflect the concept of lawful sex workers and the need to support their dependent family members.

I refer committee members to proposed new clause 26(2)(b). This line will exempt a genuine dependant of a sex worker aged less than 25 years of age from being deemed as benefiting from the proceeds of commercial sexual services. Subclause (c) would also reflect similar circumstances.

Section 26 prevents pimps and standover persons from benefiting from a sex worker. However, it creates a situation of a child unwillingly or helplessly breaking the law. I am trying to amend that by modernising the amendment of clause 26. This proposed section 26 honours and maintains a prohibition on pimps, while being updated to reflect the proposed lawful industry of sex work. I therefore move this amendment to keep street work unlawful.

The Hon. T.A. FRANKS: Within this amendment there is a definition saying 'genuine dependant of the sex worker aged less than 25 years of age'. How is that 'genuine dependant less than 25 years of age' category arrived at? What precedence is it based on, and would it then criminalise an elderly parent of a sex worker living on the premises rent free?

The Hon. E.S. BOURKE: I will determine that with parliamentary counsel. I note the member's legitimate concerns about what would happen in the situation of a carer. The age of 25 was created to support children, more so than reflecting a carer. I guess that was not determined under the dependency of the age being created of 25 years.

The Hon. T.A. FRANKS: I raise that because it obviously occurred to me to ask: where did this genuine dependent concept come from? Certainly, my mother was determined to be a genuine dependant, as the carer for my brother when he passed away, under the law. That was because, in fact, she and he were in the same household and in many ways she was dependent on him, so when he passed away she did receive his superannuation. Are we criminalising parents with this definition?

The Hon. E.S. BOURKE: That certainly was not the intention of the bill and I will seek to see if an amendment can be made to address that issue.

The Hon. T.A. FRANKS: Again, I indicate that I will not be supporting the amendment or the amended amendment because this is a licensing scheme attempting to be inserted into a decriminalisation scheme. In fact, the amendments that this one is contained with are actually longer

than the bill we are currently debating: some 11 pages compared to an eight-page bill. What I suggest is that if the member is serious that this come before us as a licensing bill, because that is what it is, and not purport to be a decriminalisation bill.

The Hon. E.S. BOURKE: I appreciate your feedback but we do not have a licensing bill before us today; we have the bill that you have introduced to this parliament. I am therefore seeking to provide amendments that I feel reflect the needs of protecting the community, and that would be by removing sex workers from the street and having other avenues where they can work lawfully—which would be in a brothel or a sex workers establishment, or in the residence of their own home. This is about removing sex workers from the street and having them work lawfully in another residence.

The Hon. I.K. HUNTER: I rise to indicate that I will not be supporting the amendment. I do so because oftentimes in this debate we get hung up on what is before us in terms of the bill that we are debating and we forget the existence of what is going on all around us in terms of sex work for the last God knows how many years. People are performing sex work on the streets now.

The Hon. Ms Bourke, in her amendment, wants to seek to keep that criminalised, while we decriminalise other aspects of sex work. Inherently in that there are problems but if people are providing sex for money on the streets now currently when it is illegal, all that the Hon. Emily Bourke's amendment is going to do is to keep it illegal—it will not take people off the streets. They are there now. You, in leaving this proposition in the amendment, will not do anything to remove them from the streets.

It might provide a safer option in terms of working from home or in a small cottage industry but I can see absolutely no way that this will actually do what the Hon. Emily Bourke hopes it will do, which is to take sex workers off the street. They have been with us for a long time on the street; you are not doing anything in this proposition before us in this amendment to take them off the street, you are just saying they will still be illegal, they will still be criminalised, and that defeats the whole purpose of a decriminalisation bill and, therefore, I cannot support the amendment.

The Hon. E.S. BOURKE: I do appreciate the Hon. Mr Hunter's concerns about this and I respect that he will not be supporting this amendment. However, there is a consideration that has not been given, and I appreciate that you are saying that it is already an unlawful act, but we are about to decriminalise sex work in South Australia. By doing so you are not having any limitations or anything within this bill about where you can perform sex work.

Yes, at the moment it might be predominantly in one area but by decriminalising this across the entire state would it not therefore be an opportunity to expand, because it is now not an unlawful act, it becomes a lawful act. That would be one reasoning. I also think that in the lower house there are many concerns being raised about this particular part of the bill. There is an issue that at a community level they would appreciate that we respect what the community would potentially think we should be doing in this house, and that is to provide a level of protection for the community. That is why I think sex workers should be removed from the street and they can work within a lawful residence.

The Hon. C. BONAROS: I make the point that, in relation to this provision—and I stand to be corrected—this bill does nothing to take away from existing provisions that apply in relation to indecent behaviour, gross indecency and so forth. When we say that this could happen anywhere in the street, it cannot happen in a car park, it cannot happen on the street and it cannot happen on a beach because those instances are already offences under the existing legislation. So when we say that this can happen anywhere, I think that is pushing the envelope a little because we know already that this cannot happen anywhere.

The Hon. E.S. BOURKE: Thank you for your feedback. In previous committee discussions, we have had concerns raised about Hanson Road, for example, and that area needing to be addressed. I fear that if you say you cannot perform street work on Hanson Road but you could potentially do it elsewhere, I do not think that is a plausible answer either.

The Hon. C. BONAROS: With respect, Chair, the point I am making is that we are not watering down the existing laws and the existing penalties that apply. It may very well be that

someone provides sexual services in a car park, but the fact of the matter remains that that is an offence under the existing laws, and this bill does nothing to detract from that.

We are not saying that having sex in the car park at the local supermarket after hours for cash is now going to be a legal activity. Indeed, I think we are saying the complete opposite of that. We are saying that you will continue to be subject to the existing offences that apply now. For the record, it is worth noting that to suggest merely that we are saying that you can have sex anywhere in the state, and that it is not going to be an offence, is not only false but it is misleading and incorrect.

The Hon. E.S. BOURKE: I would like to clarify: I did not say that you would be able to have sex anywhere.

The Hon. C. Bonaros: Sex for money.

The Hon. E.S. BOURKE: Yes, well that is a very different thing to what you have just proposed. I am proposing that people are not soliciting on the street. I am not saying that they should be having sex on the street. I did not suggest that at any point, and I have not suggested that you have watered it down and said that people can have sex anywhere in South Australia.

What I am saying is that you should remove people from the street who solicit sexual services and have them provide sexual services within a lawful premises, which would be, therefore under this bill, a licensed sex establishment or within the residence of their own home. I did not for one instance say that people should be having sex in the street, and I did not say that that is what you were suggesting by this amendment.

The Hon. S.G. WADE: I agree with the Hon. Tammy Franks, in that amendments Nos 5 and 6 from Ms Bourke effectively put in place a licensing regime. This parliament has had before it a clear choice for a number of years now: do we stay with the criminal model, do we do decriminalisation, do we take a licensing approach or do we pursue the Nordic approach? Every time it has come before this parliament I have said that I am open to other alternatives, but for years now the only option for reform that has been put before this parliament is decriminalisation.

As I have said in previous contributions, the fact that no alternative model has been brought forward suggests to me that, in spite of parliamentary contributions indicating attractions to other models, the proponents either do not believe in reform or do not believe that any other model is viable. I want to make it clear before I make any further comment that I will not be supporting the licensing aspects of what has been put forward by the Hon. Emily Bourke.

Having said that, I do share her concerns about public soliciting, street work and the like. It is disappointing to me that, in spite of what seems to be significant concern in the parliament, no consensus model to deal with that has come forward. It does not look as though it is going to happen in this house; it may well happen in the other. I will just indicate that, whilst I do not support a licensing model, I am open to matters that would help support public order.

The Hon. C.M. SCRIVEN: Just to reiterate, going back to the contribution prior to the Hon. Mr Wade, the amendment that the Hon. Ms Bourke is moving is in relation to soliciting. The topic is whether we allow or do not allow soliciting anywhere and everywhere, which is the effect of the bill in its current form. I think I am not going to be alone in having great difficulty in looking at this amendment because on the one hand we need to weigh up community concerns.

We need to be mindful that people in areas where street soliciting is happening are being accosted, women are being accosted and girls are being accosted, and others. We have had statements that boys are being offered sexual services. All of those things are valid community concerns. However, on the other hand, I very much take the point that the women—mainly women—who are street soliciting are often the most vulnerable women in this sex trade industry. I have great concerns about them continuing to be criminalised when we are decriminalising every other aspect.

For the record, I will not be moving the amendment that was lodged in my name for two reasons: firstly, there was an error between what was lodged and what was my intent, and secondly, I do not think my amendment will sufficiently balance up what are two competing issues of valid community concerns and high vulnerability for the people who are street soliciting.

The CHAIR: So, the Hon. Ms Scriven, you are referring there to amendment No. 24 [Scriven-1]?

The Hon. C.M. SCRIVEN: Correct. I will not be proceeding with amendment No. 24 [Scriven-1].

The Hon. F. PANGALLO: I will be supporting the amendment of the Hon. Emily Bourke. As we know, there is a groundswell of support in the community to decriminalise sex work, but I think there is also a strong expectation from the community that they do not want to see soliciting on public streets or at events, or whatever. They are accepting of the fact that it happens, but I do not think they want to be overtly reminded of this industry and particularly where you have individuals who are essentially pushing these women out on the street and exploiting them.

It just so happened that I was having a coffee in Hindley Street in a well-known location last week, and I spotted one. I actually spotted this young pimp at work with this young girl, who actually did not look comfortable even being there. I was watching him and he went towards her a couple of times to encourage her to approach people in the street. Quite frankly, I do not understand why we need to allow this to be happening. The Hon. Tung Ngo has an amendment coming up as well that will be addressing this, so I guess that is going to be something that we need to go through. I think essentially the community would expect us to not allow this to be happening on the street.

The Hon. E.S. BOURKE: I would like to clarify that this has nothing to do with the licensing scheme. This is a standalone amendment to say that we should be keeping the current laws in place that make soliciting unlawful. It is nothing to do with a licensing scheme.

The Hon. R.P. WORTLEY: I am going to support this amendment. I have had discussions with the Hon. Ms Bourke about this amendment, and I think there is a general understanding, and we have been told, that there are approximately 20-odd sex workers soliciting on the street. That is while it is unlawful; if we make it lawful, that could expand to 100, and who knows how far it will go. I have a concern because I find soliciting on a street a much more unsafe work practice and environment. I feel much more comfortable knowing that someone is working in a premises where there may be other people around or whatever.

The very thought that a person, probably a woman, could be on the street at 2 o'clock in the morning to be picked up by some person, who could be well intoxicated, and taken to a very dark and isolated place to deliver the service I find extremely dangerous. I spent my life improving work conditions for working people, and the very thought that I would be supporting something that puts a person in a potentially very dangerous situation is something I am not prepared to do, so I will be supporting the amendment.

The Hon. C. BONAROS: I indicate for the record that I am not dismissive of the concerns that have been raised around soliciting, but I do not support these amendments. Indeed, if lower house members have concerns, as has been raised, and we do not support the alternative amendments that have been put to us today, then my suggestion to those lower house members would be that they can do some of the heavy lifting in this debate, that they can move alternative amendments to those that have been proposed here today and that we will have the opportunity to consider those in due course.

The Hon. T.A. FRANKS: I want to place on the record the number of offences under the Summary Offences Act that currently address public nuisance and disorder matters—they already enable police to intervene and charge offenders—and they certainly are the ones that I would say should be addressing public order and nuisance. Under the Summary Offences Act, these include but are not limited to, section 6A, use or threat of unlawful violence against persons or property; section 7, disorderly or offensive conduct or language; sections 9A and 9B, supply of prohibited items, including drug paraphernalia; sections 17 and 17A, trespass; section 18, loitering; and section 23, indecent behaviour and gross indecency. They do all continue to exist.

What has also continued to exist for well over a century is that we have already criminalised street soliciting, and it has not worked. While it may be something that I think everyone in this council will agree with, that we do not actually want to see people on the streets, criminalising it has not worked. Some people do not have a home or a brothel they can work out of; they only have the street. By taking away the protections of decriminalisation with this street soliciting amendment, the

homeless woman in the South Parklands, the opportunistic person, will then be subjected again to police entrapment, to being criminalised for commercial sex services—not for public nuisance and disorder as perhaps would be a better tool.

Certainly, they will not be given homes and supports, as they potentially should be, because by criminalising them we are actually not taking that approach. We are making them criminals. We are not offering them compassion with this measure.

The Hon. E.S. BOURKE: As stated in my opening comments, I would be more than happy for the government of the day to provide assistance for the approximately 20 people who engage in street work. Again, I appreciate your comments, but I do think that removing street workers from the streets and allowing them to work in a licensed premises or a brothel or a place of residence is an appropriate way to address the community's concern.

The Hon. I.K. HUNTER: At the risk of boring people with my opinion twice, I cannot for the life of me see how people in this place can kid themselves that keeping a criminalisation on the legislative book that has not worked for a hundred years is going to work into the future. This is legislation by wishful thinking. If you want to try to take people off the streets by keeping criminalisation on the statute book, you are just whistling Dixie: it ain't going to happen. Stop pretending that it will. Try to grapple with the issue that might come up with a better solution, but this will not be it.

The Hon. I. PNEVMATIKOS: I will not be supporting the amendment for the reasons that the various speakers who are opposed to this amendment have already indicated.

The Hon. R.I. LUCAS: Whilst I have some doubts about aspects of it, in the interests of endeavouring to keep this issue alive, I am going to support the amendment.

The Hon. J.A. DARLEY: For the record, I will not be supporting the amendment.

The Hon. D.G.E. HOOD: I indicate that I will be supporting the amendment. I also indicate that I have some concerns, that is, that it is not perfect, but I think that it is an issue worth pursuing.

The Hon. C.M. SCRIVEN: Certainly, I do not think that the amendment is perfect, but I would like to address some of the previous contributors' comments and ask: can we really compare what we are proposing here, including this amendment, with what we have had for the last hundred years? For the last hundred years, or whatever time period it has been—more than that, I suspect—there has been no option to work (to use the term) legally, so one would be a criminal working on the streets or one would be a criminal working in a brothel or from one's own home.

I think that the intent of the amendment is firstly to ensure that street soliciting does not increase so that it is not more of an issue. That speaks to the community concerns. I take the point that there are not going to be any options for those who are homeless, but I would point out that maybe we are addressing the wrong issue then. For those who are homeless and obviously have no economic stability whatsoever, are they freely choosing to be in prostitution? It comes back to some of the original problems with this bill. Is it a free choice, or is it their only option? Are they not given any other options? I think that is ideally where we should be addressing our attention.

I will be supporting this amendment, albeit with great reservations because of the vulnerability aspect, but I also think that it will be a different situation going forward because, if this bill becomes law, there will be options for people to be engaged in prostitution legally. Therefore, there may be more alternatives for those who are in street prostitution, and it will not increase street prostitution if this amendment is in.

The Hon. K.J. MAHER: I rise to indicate for the benefit of whether or not we have a division that I will not be supporting this amendment.

The Hon. J.M.A. LENSINK: I will not be supporting this amendment.

The CHAIR: The first question I put is that clause 21 stand as printed. If you oppose the Hon. Ms Bourke's amendment, you will vote in the affirmative. If you support the Hon. Ms Bourke's amendment, you will vote in the negative. The question, again, is that clause 21 stand as printed;

that is, it remains unchanged. If you support the Hon. Ms Bourke's position you will vote no, if you oppose the Hon. Ms Bourke's amendment you vote yes.

The committee divided on the clause:

Ayes 11
Noes..... 8
Majority..... 3

AYES

Bonaros, C.	Darley, J.A.	Franks, T.A. (teller)
Hanson, J.E.	Hunter, I.K.	Lensink, J.M.A.
Maher, K.J.	Parnell, M.C.	Pnevmatikos, I.
Ridgway, D.W.	Wade, S.G.	

NOES

Bourke, E.S. (teller)	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.	Ngo, T.T.	Pangallo, F.
Scriven, C.M.	Wortley, R.P.	

PAIRS

Dawkins, J.S.L.	Stephens, T.J.

Clause thus passed.

The Hon. R.I. LUCAS: Given that we are through that particular debate, I am going to move to report progress, as other members are aware. I think staff have been working without a break for 4½ hours. We have made good progress. There has been one division during the committee stage of the debate. Members have not been filibustering.

I think there are three issues remaining of some substance: advertising, the Hanson Road amendments and the licensing provisions. As I have done before, I indicate on behalf of the government that we are prepared to roll this over into tomorrow into government business time. I am advised that there is one bill of some substance, which is really in the hands of a couple of members in the opposition as to how long that takes. It should not take longer than an hour or so, but it is really in the hands of the leader, as I understand it, and one other member in terms of the time that takes, with the youth treatment orders.

There are two other issues: the Supply Bill, which I have a five-minute reply on, and encryption orders, which is just, as I understand it, the Legislative Council insisting on its position, which will be a five-minute job as well. Potentially, we could recommence the debate late tomorrow morning, given that we are starting at 11, but I am prepared to guarantee that, even if government business is not concluded in the morning, we would commence the discussion again straight after question time.

I am confident that we can finish the bill one way or another and have a third reading before dinner time tomorrow evening. I think that is a reasonable proposition to put on behalf of the staff and members. I therefore move:

That progress be reported.

The council divided on the motion:

Ayes 12
Noes..... 8
Majority..... 4

AYES

Bourke, E.S.	Darley, J.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Ngo, T.T.	Pangallo, F.	Ridgway, D.W.
Scriven, C.M.	Stephens, T.J.	Wade, S.G.

NOES

Bonaros, C.	Franks, T.A. (teller)	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Parnell, M.C.
Pnevmatikos, I.	Wortley, R.P.	

Progress thus reported; committee to sit again.

STATUTES AMENDMENT (SACAT) BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 00:03 the council adjourned until Thursday 20 June 2019 at 11:00.

Answers to Questions

FILM INDUSTRY

In reply to **the Hon. T.A. FRANKS** (15 May 2019).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The screen sector is within the portfolio of the Minister for Innovation and Skills. The Department for Innovation and Skills has provided the following information:

1. The government is currently developing the South Australian growth agenda to prioritise and guide the government's economic development initiatives. The growth agenda will draw a focus on the creative industries, and call for industry-led strategies from sub-sectors such as games development, to identify areas in which it can contribute economic growth to the state.

In April 2019, Ms Ann Maree Davies, the Head of School at the Academy of Interactive Entertainment, was appointed to the board of the South Australian Film Corporation. The Academy of Interactive Entertainment is a video games and computer animation school. The government continues to consider proposals from the film and video games sectors for support, including support for the games industry for a skilled workforce under the Skilling South Australia funding.

2. The former government committed $2 million over three years (2017-18 to 2019-20) to establish the South Australian Game Development Fund (the fund).

Of the $2 million, $450,000 has been committed to the establishment of the Games Plus co-working space located in Pirie Street. The balance of the fund of $1.55 million was transferred to the Research, Commercialisation and Startup Fund which is available to all South Australian entrepreneurs and innovators.

PUBLIC SECTOR EMPLOYEES

In reply to **the Hon. T.A. FRANKS** (15 May 2019).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

1. The state government is committed to the employment of women within the public sector. The Office of the Commissioner for Public Sector Employment (OCPSE), has advised that as at 30 June 2018 the public sector comprised 68.86 per cent females, 31.13 per cent males and 0.01 per cent other.

2. According to OCPSE, as at 30 June 2018, 1.31 per cent of employees in the public sector reported having a disability, but it is likely that many employees with a disability have not declared their disability and have therefore not been included in this data.

The Disability Inclusion Act 2018 promotes the full inclusion of people with disability in all areas, including employment. The act requires public sector agencies to develop a Disability Access and Inclusion Plan, with employment being one of the key areas of focus. Agencies will be able to set their goals in relation to disability employment.

In partnership with Work Focus Australia—Job Access Services, OCPSE is helping to improve employment outcomes of people with disability. This includes:

- working with South Australian disability employment service providers to promote public sector employment and vacancies;
- developing resources for agencies to promote and facilitate the employment of people with disability;
- delivering disability employment awareness training for agencies to improve recruitment and retention outcomes.

EXTREME WEATHER RESPONSE

In reply to **the Hon. T.A. FRANKS** (4 June 2019).

The Hon. J.M.A. LENSINK (Minister for Human Services): The South Australian Housing Authority has advised:

The current Code Blue triggers were reviewed in August 2018 in consultation with the Homelessness Gateway, the Youth Gateway and inner-city Specialist Homeless Services.