

LEGISLATIVE COUNCIL

Wednesday, 19 February 2020

The **PRESIDENT (Hon. T.J. Stephens)** 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. D.G.E. HOOD (14:16): I bring up the first report of the committee.

Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Regulations under National Schemes—

Education and Care Services National Law—Miscellaneous

Question Time

KANGAROO ISLAND BUSHFIRE RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding emergency relief.

Leave granted.

The Hon. K.J. MAHER: On 23 December last year, Ms Priscilla Thomas was reportedly the first person to lose their home in the Kangaroo Island fires. The local member, the member for Mawson, directly contacted the minister to ask about support for Priscilla and others who became homeless from the fires. The member for Mawson was told by the minister that her office was too busy to email information and that it should be 'looked up on social media'.

On 23 January, Priscilla's family applied for a re-establishment grant of \$10,000. The same day they also applied for support from the State Emergency Relief Fund. I am informed that as of today they have not received an acknowledgement, confirmation, approval or any form of response whatsoever. My questions for the minister are:

1. Given the seriousness of homelessness due to fire, is it appropriate to suggest to victims that they should 'look it up on social media' when they need help?
2. Why haven't families received any kind of response to grant applications and requests for support from the State Emergency Relief Fund?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:19): I thank the honourable member for his question. In relation to the specific individuals who lost their home, can I start by expressing our condolences to them and saying that support is available and has been available for some time.

I am a bit disappointed in the relaying of the particular conversation from the Leader of the Opposition, but it does give me an opportunity to express my concerns about the behaviour and the comments of the member for Mawson, who I think has behaved in a manner that is in stark contrast to every other MP who has had some involvement with bushfire-affected communities.

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition!

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Minister, please continue.

The Hon. J.M.A. LENSINK: Thank you, Mr President. In relation to the conversation that I had with the member for Mawson, I can back it up by saying that I was aware that he had expressed concerns to various other members that he needed to be 'kept briefed' about what was happening with the fires and the like. My understanding is that the protocol, which he clearly does not understand, is that the Premier keeps the Leader of the Opposition briefed. The Leader of the Opposition has been kept well briefed on this matter, and if the member for Mawson—

Members interjecting:

The PRESIDENT: Order! You will have your opportunity to ask a supplementary question in a minute. Minister.

The Hon. J.M.A. LENSINK: The member for Mawson, if he needs to be kept in the loop as a member of the opposition, can obtain information from the Leader of the Opposition. I have had no such issue with any other member.

Members interjecting:

The PRESIDENT: Order! Minister, please.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, enough. Enough! Minister.

The Hon. J.M.A. LENSINK: I can talk about this for the next 60 minutes, if you like. I will happily place on the record—

The PRESIDENT: Minister.

The Hon. J.M.A. LENSINK: —the conversation that we had. I will go back to 20 December, when we had a fire break out at Angle Vale and Cudlee Creek.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: When I knew that we had issues at Angle Vale, I checked which electorates they were. I contacted the offices of Mr Jon Gee and Mr Tony Piccolo to give them my mobile phone number and alerted them to the fact that there was a relief centre at Gawler.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Minister, sit down for a second. When the opposition is silent, the minister will continue and complete her answer so we can move on. Minister, please.

The Hon. J.M.A. LENSINK: We had an unprecedented number of fires that have affected South Australia, and things progressed very quickly in terms of the Kangaroo Island fire. Initially, it was within the Flinders Chase National Park. It wasn't until, I think, 3 January, when it had grown and destroyed properties. I did get some feedback via the member for Hurtle Vale, which she may

characterise differently, but it was kind of like, 'Can you please just ring Leon, because he is really annoying the rest of us?' I did that. She sent me his mobile phone number. I telephoned him.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! You are wasting your own question time and the question time of the crossbench. Minister, please finish your answer.

Members interjecting:

The Hon. J.M.A. LENSINK: You started it.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: I contacted the electorate offices, because clearly they were open on 20 December. I contacted the member for Mawson. I would have to say that he was fairly odious on the phone, rather petulant and demanding, wanting to be kept briefed. I advised him of the—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I advised him that a relief centre was available, that there were grants available to constituents. He asked me to email that information to his electorate office and I said, 'Well, nobody else has required that to be emailed to them. This information is actually in the newspaper, it's on social media. These are rapidly changing circumstances,' and that he can do what every other member has been able to do, which is find information, and if there is specific information that he is seeking that he doesn't have on the website, then he can telephone me at any stage. He now has my mobile phone number. I am not—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter! Now that we have some silence, the minister will complete her answer so we can move on. Please complete your answer, minister.

The Hon. J.M.A. LENSINK: I would like to take another half an hour if I may, Mr President.

The PRESIDENT: No, minister. Please complete your answer so we can move on.

The Hon. J.M.A. LENSINK: I hadn't had much to do with the member for Mawson before and I think I should be grateful for that fact.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: He is a petulant, small-minded person, in contrast to, I would have to say, the member for Mayo, who is from a different political persuasion, who has been cooperative and worked with us and stood side by side with us throughout this. At every opportunity, the member for Mawson has sought to politicise issues and not to work with the government—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —but has just been difficult—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —and been too lazy to look up information which is readily available.

BUSHFIRE RECOVERY SUPPORT

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding bushfires.

Leave granted.

The Hon. K.J. MAHER: On 10 February 2020, the minister released a joint statement with the federal minister regarding \$4.55 million in community recovery and resilience programs for a range of areas, including the Mount Barker District Council. This included \$3 million for a tourism recovery package. The statement then went on to refer to an extra \$1.4 million just for Mount Barker. The statement also referred to cost sharing between the governments. My questions to the minister are:

1. How much will the South Australian government be contributing to this funding?
2. Which specific areas of SA will benefit from the \$3 million tourism recovery package?
3. Did you as minister provide any advice about which areas should receive funding, and, if so, what advice was that?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): In relation to the first question, the answer is 50 per cent. It is a cost-sharing arrangement. I have outlined that previously in relation to the speech that I gave yesterday. In relation to the second question—

The Hon. K.J. Maher: Which specific areas will benefit from the \$3 million tourism—

The Hon. J.M.A. LENSINK: My understanding is that the Cudlee Creek and Kangaroo Island areas are those which are specifically being targeted for tourism. In relation to the last question, which was—

The Hon. K.J. Maher: Did you provide any advice about the areas that would receive funding?

The Hon. J.M.A. LENSINK: That is a matter that goes between the State Recovery Office of South Australia, in partnership with the Department of the Premier and Cabinet and minister Littleproud's department, that they do share some information. My understanding is that when minister Littleproud was here he actually visited the Cudlee Creek area and Kangaroo Island and my understanding is that he had some direct discussions with the Mount Barker council on the \$1.4 million.

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding public housing.

Leave granted.

The Hon. K.J. MAHER: Yesterday, when confronted with a vulnerable person facing homelessness, the minister cast doubt on that person's circumstances because it was asked by the opposition. The minister said yesterday, 'It is well known that the...opposition comes in here with partial facts and fabricates some particular details,' before suggesting that people check their fingers after shaking hands with the opposition. This politicising of human suffering took place—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —instead of seeking a solution for a vulnerable person.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: The minister then made statements about SACAT procedures. My questions to the minister are:

1. Since 2.15 yesterday, what exactly has the minister done to ensure that this person will not be evicted into homelessness?
2. Given the person's circumstances are a matter of record on the SACAT order, which details is the minister casting doubt on about this person's circumstances?
3. What documents did the minister rely on when she claimed that SACAT 'does not have a practice of evicting into homelessness'?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): In relation to the third question, that is a direct briefing that I have had from my agency, the South Australian Housing Authority, which has regular discussions with SACAT on this matter to ensure that processes are being adhered to. In relation to the veracity of Labor Party facts, I take as a default position that one ought always to be sceptical about what the Labor Party says and relays. We know that the Deputy Leader of the Opposition in this place fabricated a whole range of facts in relation to a question to make it sound like the circumstances were quite different.

In relation to the first question, as the opposition knows because they made the comment yesterday in question time, my office has received a letter from a Labor MP in relation to this case. The date of that letter I am not entirely sure, but I know that this week my office, prior to question time, has been working on that case to resolve it for the benefit of the resident.

The Hon. K.J. Maher: What have they done?

The Hon. J.M.A. LENSINK: I'm not going to talk about individual cases.

Members interjecting:

The PRESIDENT: Order! Are you finished? Sit down.

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): A supplementary arising from the answer: we have been informed that there has been no contact with this particular person, who will soon be evicted into homelessness despite the minister's assurances that that is not what will happen because that is what her department tells her. My question is: what exactly has the minister herself done to ensure that this vulnerable person is not evicted into homelessness? What has she done?

The PRESIDENT: Minister, before you answer the question: the honourable Leader of the Opposition, you don't need an explanation when you're asking a supplementary. You know that. Just ask the question next time. Minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I have checked with my office as to this particular case. We have a member of my staff who has been working through these issues with a whole range of agencies to ensure an outcome, which was prior to the question even being asked. When it was received by my office, they had started working on it.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I would disagree with—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke, let the minister answer. Minister.

The Hon. J.M.A. LENSINK: So I disagree with the Leader of the Opposition's interpretation of the facts once again.

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): A supplementary arising from the original answer.

The PRESIDENT: The honourable Leader of the Opposition has a further supplementary question. Just before you start—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, order! Minister, do not respond to conversations across the chamber. The honourable Leader of the Opposition has a supplementary question.

The Hon. K.J. MAHER: Supplementary arising from the original answer: what has the minister herself actually done to make sure this vulnerable person is not evicted into homelessness?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): I have already responded to this question.

The PRESIDENT: I call the Hon. Mr Hood.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition, I gave you the opportunity. You didn't rise to your feet. I have called the Hon. Mr Hood.

SOUTH-EAST BUSINESSES

The Hon. D.G.E. HOOD (14:33): My question is to the Minister for Trade and Investment. Can the minister please update the council on his recent South-East visit to meet with local businesses to discuss their export and investment opportunities?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:34): I thank the honourable member for his ongoing interest in regional South Australia. I was last week in the South-East and in particular visited Mount Gambier, the home of my colleague and good friend the Hon. Rob Lucas.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition!

The Hon. D.W. RIDGWAY: You drive past places often and you look at the building and you never have a chance to go in it. So I went past the Kraft factory, now the Mondelez factory, which makes Philadelphia cream cheese—something I think that nearly everybody at some time has a packet of in their fridge, and probably most people in this chamber would have some there today.

Interestingly, the factory has been operating for some 40 years. The facility operates 24 hours a day, five to six days a week, and employs 100 staff. It's interesting that they have a current production of some 15,000 tonnes of products. While we're all familiar with the Philadelphia cream cheese brand, there's a whole range of other products that they're looking to market and promote. Their production—

Members interjecting:

The Hon. D.W. RIDGWAY: They have the capacity to go to 40,000 tonnes. As you understand, Mr President—the members opposite might like to listen in silence—that underpins investment in more dairies, underpins investment in regional South Australia. Mr President, it was a pleasure to meet with Mr Mohamed Shalaby, who is the director for Australia and New Zealand.

It was a real pleasure to have a look around their facility, look at the plans they have to expand and at the plans they have to look for export markets, especially into Asia. They're delighted that we obviously have Xiao Ya Wei in the Shanghai office and Sally Townsend in the Tokyo office—an opportunity for those people to support this great South Australian institution in Mount Gambier.

Of course, we expect there will be some opportunities with the Houston office opening, and later in the year we'll have personnel on the ground in Dubai. We think there will also be some opportunities there. It was a real pleasure to see a business that had been established for 40 years,

the hardworking people that run that business and the pride with which they produce the quality products that they do. I look forward to seeing that grow.

While I was also in Mount Gambier, I quickly called in to de Bruin Engineering to have a look at the business where they manufacture the seed destructors. I met with Jud Wheatley, general manager, and director, Scott de Bruin. The seed destructor is interesting, Mr President, in light of the context of the discussions we had in this place last year around GM technology. The Hon. Mark Parnell talked about resistance to Roundup and glyphosate, globally and in Australia. The seed destructor destroys seeds as they pass out the back of a harvester. It's technology that was developed in Western Australia.

The de Bruin Group have the manufacturing rights and they are quite excited. They are getting a lot of interest from the US, from Europe and the UK. They have tripled their workforce in the last 12 months and are particularly excited with the opportunity of us opening an office in the US, because of course the grain industry in the US is much, much bigger than we have here. The seed destruction technology—they're doing some trials with some of the companies in the US over the next couple of years, and I am sure that I'll be able to come back and to the chamber about some exciting developments with the seed destructor manufacture and the workforce growing in Mount Gambier with de Bruin Engineering.

The PRESIDENT: Supplementary question, the Hon. Ms Bourke.

PHILADELPHIA CREAM CHEESE

The Hon. E.S. BOURKE (14:37): Can the minister confirm how much cream cheese is exported by the company he mentioned?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:37): I thank the honourable member for her supplementary. I don't actually have the exact amount of tonnage—

Members interjecting:

The Hon. D.W. RIDGWAY: Mr President—

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke, you have asked a supplementary question and the minister is attempting to provide an answer. Listen in silence. Minister.

The Hon. D.W. RIDGWAY: The honourable member, if she was listening, would know that I said they produced 15,000 tonnes of product; they can expand to 40,000 tonnes. The majority is consumed within Australia. That's why they are excited that we have trade offices opening up and personnel on the ground to try to grow their market. They have said they will grow from 15,000 and they can expand to 40,000 tonnes. Clearly, unless the honourable member and her colleagues start eating twice as much, most of that growth will come from international markets.

EMERGENCY SERVICES WORKERS

The Hon. T.A. FRANKS (14:38): I seek leave to make a brief explanation before addressing a question to the Treasurer on the topic of workers' compensation for emergency services volunteers.

Leave granted.

The Hon. T.A. FRANKS: Over the summer, we know that more than ever we needed our CFS and our SES volunteers to protect both people and property in this state. But also over the summer—late November/early December—a draft communiqué under the auspices of SAFECOM was circulated, entitled 'Ex gratia payments to Emergency Services Volunteers—Update'. The communiqué contained the words, in the second last paragraph:

Under the proposed process volunteers will be required to claim relevant expenses through Medicare and where applicable their private health provider as the ex gratia payment process is designed to meet any out-of-pocket expenses—i.e.: the portion of medical expenses that the volunteer would be expected to pay and which is not covered by Medicare and/or their private health provider.

This understandably caused some angst within the representatives of both the CFS and the SES volunteers, through their relative associations. I note in the newspaper the welcome news that the

Treasurer ruled out that this draft communiqué would progress. He stated that the proposal would be scrapped, but he also would not say when that decision was made.

It was certainly welcomed by the volunteer associations, and I note that Sonia St Alban of the CFS Volunteers Association stated that they had been angry at the injustice and double standards and at being treated as second rate, despite their heroism during the catastrophic summer, and that the SES Volunteers' Association chairman, Warren Hicks, said that there had been widespread anger.

While that was a welcome decision, my questions to the Treasurer are: who approved the SAFECOM draft communiqué with regard to the ex gratia payments? What was the date on which the proposal was rejected and by whom was it rejected? When was the SAFECOM board advised that the proposal in the draft communiqué was no longer progressing?

The Hon. R.I. LUCAS (Treasurer) (14:41): I thank the honourable member for the question because it gives me a chance to put on the record some facts in relation to this particular scheme. On 18 June last year, well before the fire season, I wrote a letter to Sonia St Alban, who is the executive director of the Country Fire Service Volunteers Association, which said, in part, that there are some issues in relation to a particular volunteer that I made a specific decision in relation to. I don't propose to put that volunteer's personal circumstances on the public record. I suspect the honourable member may be aware of the case to which I refer. In relation to the general situation, my letter to Sonia St Alban said:

I can advise that I have approved an administrative scheme concerning CFS volunteers in relation to additional workers compensation entitlements that will be based on an ex gratia process. The scheme is not yet operational. It is envisaged that this will be a process that will be adopted by the South Australian Fire and Emergency Services Commission (SAFECOM). The details are being addressed and I will further write to you about that.

It then goes on to provide some details about the implementation. Having given that approval, and having advised the volunteers that—contrary to the former Labor government, who didn't give ex gratia compensation to heroic volunteer firefighters—the new government had changed the position and was going to implement an ex gratia scheme, I am told that, over subsequent months, SAFECOM and Treasury officers worked together on what the details of that particular scheme might be. It is a complicated arrangement because they are volunteers, whereas the entitlements that we have given to paid firefighters, because they are paid employees, are more easily implemented than the arrangement you have when you have volunteers.

The communiqué went out to consultation, so I am told, and these are details that are being worked out on an operational level. I was unaware of the extent of the details. I had given approval for the scheme, and it was for the officers to work through the scheme. I understand that a communiqué, to which the honourable member has referred, was circulated sometime in December, or it might have even been late November—I am not entirely sure.

There was strong opposition from some volunteers. I am advised that officers, certainly within Treasury, and I assume also within SAFECOM, heard the message loud and clear. The advice I have received since this issue was raised publicly was that, sometime in late December—prior to the end of the year in those last few days of December—a revised draft communiqué was circulated between my officers in Treasury and SAFECOM, saying, 'We should change the communiqué along the following lines.' The recommended change of position occurred. Having heard the feedback from volunteers and clearly being an open, consultative and listening government, once we heard the concerns, we made a judgement as to whether or not it would be agreed or not. At that stage it was still being worked through by officers with SAFECOM and with Treasury.

The answer to the final part of the honourable member's question is: I understand there has not been a board meeting of SAFECOM since the start of the year—that is my advice. I am not the minister responsible for SAFECOM. There might have been a meeting of a governance committee or something on Friday that was meant to have been conducted. As I understand the way SAFECOM operates, and I am not expert on how SAFECOM operates, there is a SAFECOM board and then there is a governance committee, or some sort of working committee, that might work to that.

I am told that the next meeting of the SAFECOM board is in the next week or two, and the revised communiqué will go to the SAFECOM board for its approval or not. When that goes to the

board, it will then come to me, as the responsible minister, with, hopefully, the endorsement of the SAFECOM board. I am hopeful of this process, which started, as I said, with my approval, in June of last year in a letter from me to Sonia St Alban, and also I think at a similar time to Susan Caracoussis from the SES Volunteers Association, indicating that I had given approval.

It has taken some time for officers to work through the detail of how it might operate. The communiqué, the negative feedback in relation to that, the advice which at that stage did not go back to the volunteers because it was still being worked through between officers from SAFECOM and Treasury, is to go to the board meeting in the next few weeks in relation to that.

My current advice is that I am hopeful that, not that I have had direct contact from the volunteers other than what I have read in the media, they are appropriately, I assume, working with officers within SAFECOM and with Treasury. I am not making any criticism in relation to that; that's the appropriate consultation process that should be conducted. I am hopeful that they may well be happy with the revised communiqué when the SAFECOM board—they are represented on the SAFECOM board and will have the opportunity to express a view or otherwise before the meeting, I assume, now that they have heard my public comments in the parliament, and their representatives will have an opportunity to put a position at the SAFECOM board meeting sometime in the next couple of weeks.

EMERGENCY SERVICES WORKERS

The Hon. T.A. FRANKS (14:47): Supplementary: will the Treasurer provide for the council and, indeed, for the benefit of those volunteer associations and their members, the correspondence sent to SAFECOM ruling out this proposal?

The Hon. R.I. LUCAS (Treasurer) (14:47): No. What I will do is that when the decision is finally taken I hope that it will be something which is satisfactory to the volunteers, and I am led to believe that that is likely to be the case. I would hope that a satisfactory resolution to the issue is what the volunteers should be happy with. As I indicated, the decision-making process that occurred, or what occurred in the last few days of December last year, was an exchange of emails between Treasury officers and SAFECOM officers which indicated, 'Here's how we would actually change the communiqué,' and the words to which the honourable member has referred were proposed to be changed in an exchange of emails.

Those officers do not have the authority to make decisions. They are, nevertheless, the ones who are doing the work and they refer it to the SAFECOM board and it eventually comes to me as Treasurer. So there are processes to make a decision but in relation to having heard the criticism and making recommended changes to the wording, in particular to the words to which the honourable member has referred, there was an exchange of emails, I am advised, at the end of December.

As I said, I am sure, from my discussions with volunteers, all they are going to be interested in is: is there a satisfactory resolution and, for the first time, will this government provide the additional benefits and entitlements that the former Labor government didn't provide? In the end, if that's a satisfactory resolution my experience with volunteers is that they will welcome that warmly; however, the process may well have eventuated over the last few weeks.

EMERGENCY SERVICES WORKERS

The Hon. T.A. FRANKS (14:49): Supplementary: does the Treasurer have any concerns that the negative impact on morale in the two months it took to rule out this proposal will have ongoing effects with those volunteers and recruiting and retaining them?

The Hon. R.I. LUCAS (Treasurer) (14:49): I am always concerned at any negative impacts, but I have to say that, in those two months, the issue was not raised with me as one of the two responsible ministers. No member of parliament raised it with me. The first indication I had that there was any concern at all, frankly, was on, I think, Friday of last week when I was contacted by the media.

The Hon. T.A. Franks: I put this to you as a question on notice on the last sitting day of last year without saying who it was.

The Hon. R.I. LUCAS: You asked a question, but you didn't refer to the communiqué.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The honourable member didn't refer to the communiqué. The media contacted my office sometime on Friday, saying there had been a draft communiqué, these were the particular words and they had caused some offence, and I sought a briefing immediately on that particular day.

If the process of the last two months has caused widespread concern or indeed any concern to any volunteer, yes, that's regretted, but the past is the past. I can't do anything about that now. We can always learn lessons for the future. As I said, when I signed off the letters in June and roughly July of last year to the volunteers, I didn't expect that it would take so long to come to a conclusion in relation to the processes. The advice I've had on the weekend is that we have not currently had a further claim, but that might be because the precise details have not been made available to all volunteers at this particular stage. But if there was concern for anybody, that's to be regretted.

EMERGENCY SERVICES WORKERS

The Hon. T.A. FRANKS (14:51): Final supplementary: does the Treasurer have any legal advice as to the legality of requiring somebody to pay out of their own pocket through Medicare or private health for their workers compensation injuries?

The Hon. R.I. LUCAS (Treasurer) (14:51): I don't have any legal advice, but it may well be that SAFECOM or Treasury officers may well have had legal advice in relation to the particular issues that were the subject of the concern back in December, but, as I said, as of the last few days of December, those particular words were proposed to be changed in the final communiqué.

BUSHFIRE RECOVERY SUPPORT

The Hon. C.M. SCRIVEN (14:52): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding our recent tragic bushfires.

Leave granted.

The Hon. C.M. SCRIVEN: Bushfires, as we know, broke out in Cudlee Creek and Kangaroo Island on 20 December last year. On 24 December, the State Emergency Relief Fund was activated, but donations were only able to be distributed to victims of the Cudlee Creek fire. On 4 January, two men tragically died while fighting the blaze on Kangaroo Island, but the relief fund rules weren't changed until 8 January, weeks after the Premier went there for photo opportunities. After 8 January, new and additional donations to the relief fund can be given to both Cudlee Creek and Kangaroo Island. My questions to the Premier are:

1. Why did it take so long for the relief fund rules to include Kangaroo Island?
2. How much money was donated to the relief fund before 8 January?
3. How much was donated to the relief fund after 8 January?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): I thank the honourable member for her question. In relation to the particular fires, it's worth casting our minds back to the seriousness of the events and the sequence in which they took place. On 20 December, we had the fire at Cudlee Creek and one on Kangaroo Island, but the one on Kangaroo Island at that stage was on the western end within the Flinders Chase National Park.

The Cudlee Creek fire had done considerable damage to homes and properties within a day, and so the immediate impact for the community in the Adelaide Hills was significant early on. It was not so significant, at that stage, on Kangaroo Island, until we saw some severe weather events which forced the fire further east and changes in wind direction which forced it in a range of directions and at that stage it did considerable damage.

The advice that I have received from my agency is that the State Emergency Relief Fund is governed by an act. It's not a particularly flexible act, which is something that you often find when you are in the midst of one of these events. The initial event was the Cudlee Creek fire and that was placed in the rules which are there to direct the relief fund committee. From memory, they are Governor's directions, so a fairly high instrument. That was for the Cudlee Creek fire.

I think when this matter was reconsidered, when we knew that there was considerable damage on Kangaroo Island, we had to work out how to extend that support to Kangaroo Island. Someone will remind me what the name of the significant fundraiser in Sydney is, who has now discovered—

The Hon. T.A. Franks: Celeste Barber.

The Hon. J.M.A. LENSINK: Thank you—Celeste Barber, who has raised considerable funds for what she stated was a particular cause. The state government was in a similar situation in terms of Cudlee Creek in that people had already donated I think it was in the order of about \$600,000, and the state government had contributed \$1 million to kick it off at the start. The concern was that if that funding, that \$1.6 million, was then extended to the Kangaroo Island fires, then there may be some legal implications or people may be upset that they had donated to a particular fire event and then discovered down the track that that money had gone somewhere else.

So the decision was made that that initial funding would be quarantined and that the funding would be equalised for both events, and then any funding over that would be able to be applied to either. That's the explanation behind why it took place in that sequence: because the government is bound to work within the rules within the act, and we had to make some considerations to ensure that these decisions took account of the fact that people had already donated to the Cudlee Creek fire as the Cudlee Creek appeal, which was then extended to the SA Bushfire Appeal.

I am pleased to say that there has been a lot of generosity both locally and abroad, and from interstate, so that fund, I think, is over \$6.5 million now. We have distributed and/or approved some \$1.2 million in relief and are working to get that funding out as quickly as possible.

BUSHFIRE RECOVERY SUPPORT

The Hon. C.M. SCRIVEN (14:57): Supplementary: first of all, can I assume from the minister's answer that she will be taking on notice the specific questions of how much money was donated to the relief fund before 8 January and after?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57): Yes.

BUSHFIRE RECOVERY SUPPORT

The Hon. C.M. SCRIVEN (14:57): A further supplementary: did your office then have any role, either in approving or forwarding documents, that may have delayed the expansion of the relief fund rules?

The Hon. J.M.A. Lensink: Sorry, can you ask it again?

The Hon. C.M. SCRIVEN: Did your office have any role, either in approving documents or forwarding documents, that delayed the expansion of the relief fund rules to include Kangaroo Island?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): The State Recovery Office is one of my agencies. We have worked through these technical issues as quickly as possible to ensure that we had all the i's dotted and the t's crossed so that we could ensure that money was being appropriately managed.

Can I say that we have had a few rounds of grants. The initial category 1 grant, if you like, is for those who have lost family members through death through the fire, and there have been three of those, as we know. One has had a payment from catastrophic injury. The third category is for those people who have lost their home, whether insured or not, which is a separate payment to those of \$10,000 and up to \$1,000 per child, which is a separate payment to the immediate funding which is available for those people—the re-establishment grants. We are now looking at an additional category, which I have approved, which relates to anybody who has lost infrastructure on their properties, and we are looking in the next category to extending that to small businesses and primary industry.

BUSHFIRE RECOVERY SUPPORT

The Hon. C.M. SCRIVEN (14:59): Further supplementary: can the minister advise how many applications have been received specifically from Cudlee Creek victims and how much money has been paid out and how many applications have been received from Kangaroo Island victims and how much money has been paid out?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): Yes, I can, but I don't think I've got the statistics here in terms of—because it changes on a rapid basis. So as soon as I receive a briefing it is effectively out of date. As of 14 February—so this is probably out of date—we have had 562 applications received from those directly affected by the fires. As at 14 February 70 payments have been distributed through the SERF to a value of \$748,000, that being 29 payments for Kangaroo Island and 41 payments for Cudlee Creek. But that figure will be out of date, because that is last week.

BUSHFIRE RECOVERY SUPPORT

The Hon. C.M. SCRIVEN (15:00): Supplementary: I think the minister has advised how many payments for Kangaroo Island and for Cudlee Creek separately but not the dollar figures. Can she advise those dollar figures in separate categories?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): Yes, so the total is \$748,000. The 29 payments is \$317,000 for Kangaroo Island; 41 payments for Cudlee Creek to a total of \$431,000. But those figures will be higher, because we have made total payments of \$1.2 million.

VACCINATION

The Hon. J.S.L. DAWKINS (15:01): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about vaccinations.

Leave granted.

The Hon. J.S.L. DAWKINS: As someone who has accessed flu vaccinations provided in Parliament House for many years and who has also recently qualified for further vaccinations due to my age, I ask the minister if he can update the council regarding the importance of vaccination?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02): I thank the honourable member for his question and commend him for his diligence in getting a vaccination. The Marshall Liberal government believes that immunisation against vaccine-preventable diseases is a crucial public health initiative which saves and protects lives. That is why the government introduced the meningococcal B vaccination and catch-up program, the first in the world for adolescents and the first in Australia for infants. That is why we introduced free flu vaccines for under-fives. That is why we have introduced legislation to exclude non-immunised children from early childhood centres.

The damage done by a lack of immunisation is starkly demonstrated by the recent outbreak of the measles in Samoa, which produced such tragic consequences for the Samoan community. Let me put it in context by reminding members of the relatively small size of the Samoan community. Here in South Australia 1.75 million people live. For all of 2019, there were only four recorded cases of measles in this state. In other words, that is one case for 437,000 people.

In contrast, around 200,000 people live in Samoa. In the three months from October to December last year, more than 5,500 cases of measles were recorded in Samoa and in excess of 80 deaths. That is one case for every 36 Samoans. Our thoughts are with the people of Samoa for the loss and the trauma they experienced. The outbreak placed a very heavy burden on the Samoan public health system. During peak periods there were 150 presentations to the hospital per day, with a very high mortality rate.

I am proud to say that South Australia stepped into this crisis to support our Pacific neighbour. With us today are South Australian members of the health team; staff from the South Australian Ambulance Service, MedSTAR, the Women's and Children's Hospital and the Central Adelaide Local Health Network; all were deployed to Samoa as part of the Australian Medical Assistance Team, commonly known as AUSMAT. Members of the Metropolitan Fire Service also provided logistical support. Across the team, there were doctors, nurses, logisticians, a radiographer

and team leaders. Their work extended beyond treating or vaccinating against measles to include the treatment of complications that can ensue in severe cases.

I understand that this was a very difficult deployment, with a very high human toll. I cannot imagine the trauma of caring for babies and young children who then die. I want to thank each and every one of our South Australian volunteers. They put themselves in very stressful circumstances at a time when most of us were getting ready to spend Christmas with our loved ones. Thousands of vaccinations were provided to Samoans, which helped to stabilise the outbreak, and these efforts have proved successful. The immunisation rate in Samoa is now 95 per cent. As members might remember, I aspire to that for South Australians.

South Australia can be proud of these volunteers who represented our state and our nation abroad. Each of the volunteers and their families should be proud of the spirit and resilience they showed in going to the aid of Samoa. I am in awe of their compassion, their expertise in public health and their professional health care. This is the team, along with other South Australian health clinicians, that is protecting us as we face COVID-19, commonly known as coronavirus. We are in good hands.

SA HEALTH EMPLOYEES

The Hon. C. BONAROS (15:06): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about claims of doctors being forced to sleep in their cars.

Leave granted.

The Hon. C. BONAROS: I think most of us were disturbed listening to an interview this morning on Leon Byner's FIVEaa program. His interview was with Bernadette Mulholland, the well-respected senior industrial officer with the SA Salaried Medical Officers Association, about the finding of a parliamentary inquiry released yesterday, which found patient safety at risk from doctors who in some cases are working nearly 80 hours a week.

Ms Mulholland made a number of startling revelations, one of the most disturbing being that a doctor at one of the public hospitals was forced to sleep in their car last night after finishing work because their employer, SA Health, won't allow them to have the legally required eight-hour break. She also claimed junior doctors are bullied to the extent that they are pressured into falsifying the number of hours that they have actually worked. My questions to the minister are:

1. Have you been made aware of last night's alleged incident and/or other incidents like it where doctors have allegedly been forced to sleep in their cars because their employers have refused to allow them to take their legally required eight-hour break?

2. Will you order an investigation into the alleged incident to verify its veracity and to ensure that it won't happen again?

3. Have you read and familiarised yourself with the report and its findings?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07): I thank the honourable member for her question. I have not been briefed on the case that she refers to, and I will certainly seek further information. It is very important that we ensure that our health workers are not expected to undertake their duties when they are fatigued and, for that matter, that they should not be subjected to bullying. We want to be able to recruit and retain quality staff, and tired staff cannot deliver the best possible care to our patients.

The government welcomes the committee report, and we will respond in due course, but I do want to stress that since this government has been elected we have tried to deal with the cultural and other challenges that we have inherited. Work is already underway on establishing a bullying policy and supporting resources implementing the Mentally Healthy Workplaces framework. An SA Health hotline has been established to improve the accessibility of staff reporting bullying and other inappropriate behaviour and we are reviewing how the organisation educates leaders and managers. In particular, we are rolling out the ProAct program. It is a roster management program, which will help us to identify where people might be put in a situation where they are working for extended hours.

In relation to the case the honourable member raises, my office has raised the issue with SASMOA, and once we have the information we will certainly seek a briefing on it.

SA HEALTH EMPLOYEES

The Hon. C. BONAROS (15:09): Supplementary: does the minister accept that patients' welfare is at risk from doctors working up to 80 hours a week and especially so if someone has been forced to sleep in their car?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): I think it is beyond question, not only in health but in other industries, such as the airline industry and the heavy freight transport industry, that a lack of sleep is a significant impairment to a person's capacity to deliver appropriate care. We will continue to do our best to make sure that fatigue is not allowed to develop amongst the staff.

Of course, not all of this, to be frank, is within our control. If a staff member chooses to work in more than one job, for example, fatigue may not just be the result of SA Health's work. But, to the extent that it is within our control, the government is determined that we will continue to deliver high quality, safe care to South Australians and part of that is making sure that we have a workforce that is job ready.

SA HEALTH EMPLOYEES

The Hon. C. BONAROS (15:10): Further supplementary: will the minister undertake to provide a response back to this chamber after he has had the opportunity to speak to SASMOA and/or anybody else involved in these allegations?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): Certainly, I am happy to do that because I understood that I was taking it on notice and, in the normal way, I will provide that to the house.

MEMBER FOR WAITE

The Hon. E.S. BOURKE (15:11): My questions are to the Leader of the Government in the Legislative Council:

1. Have you been contacted or interviewed by police in relation to your conversation with people, including your conversation with the member for Waite, about the events of 13 December?

2. Are you concerned that any members of the Liberal Party, based on witnessing or discussing the events of 13 December, may have failed to report a criminal offence to police?

The Hon. R.I. LUCAS (Treasurer) (15:11): No, I haven't been contacted.

STATE DISABILITY INCLUSION PLAN

The Hon. J.S. LEE (15:11): My question is to the Minister for Human Services regarding the government's commitment to create an accessible and inclusive community for all South Australians. Can the minister please provide an update to the council on the progress of the State Disability Inclusion Plan?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): I thank the honourable member for her question and for her interest in this area. What we do know, for people with disability, is that there are many barriers to inclusion that they can experience for a range of reasons, whether those are physical barriers, issues of attitude, a whole range of things which can mean that people with disability don't have the opportunity to lead the full lives that everybody else does. That is something that we are committed to addressing.

In terms of funding for support services, that has been taken on by the National Disability Insurance Agency which has a role in terms of working with individuals to determine what their life goals are and how supports can be best placed to assist them to achieve those life goals. The South Australian government is committed to disability inclusion. We published our first Disability Inclusion Plan 2019-2023, Inclusive SA, on 1 November, and that was launched by the Premier.

This important plan paves the way for a whole-of-government approach to improve access and inclusion for all South Australians living with disability. In implementing Inclusive SA, we will continue to consult with community and collaborate across the state government agencies and local councils to achieve this vision. All of these agencies and local councils are required to develop, consult and publish their access and inclusion plans by 31 October 2020. With this in mind, the Department of Human Services has published a guideline and template to support state authorities in this process with workshops being held in March.

We published the guideline on the Inclusive SA website on 10 February—quite recently. A community practice will be established to enable state authorities to share their knowledge and examples of best practice and we will continue to monitor and report this framework against the state plan and the National Disability Strategy.

I understand that local councils have appointed a project officer to lead the development of their own action and inclusion plans and will also establish a community practice. There are a number of councils that I think are well recognised for best practice in terms of inclusion, including the City of Adelaide, the City of Playford, the City of Salisbury, West Torrens, Campbelltown, a range of councils. I apologise to those I may have omitted that are involved in this space because they have been very proactive in providing leadership.

We also have, of course, the inclusive play guidelines, which have been very welcomed by stakeholders. Councils, schools, childcare centres and the like can access those to ensure that they have inclusive playgrounds. I was pleased to read recently that the Thorndon Park plan, which is within the city of Campbelltown, is looking at inclusive elements within its redevelopment. I look forward to updating the chamber as this progresses.

PARLIAMENT HOUSE WASTE RECYCLING

The Hon. M.C. PARNELL (15:16): I seek leave to make a brief explanation before asking you, sir, as President, in your capacity as chairperson of the Joint Parliamentary Service Committee, a question about recycling in Parliament House.

Leave granted.

The PRESIDENT: Just be careful, the Hon. Mr Parnell.

The Hon. M.C. PARNELL: For some time, I have been trying to work through official channels to get improvements to Parliament House's waste and recycling arrangements. As members would know, there is very little recycling undertaken in Parliament House outside of the paper collection bins and some facilities to collect old toner cartridges and batteries. Most of the waste generated in this building goes to landfill. That includes materials such as glass, metal, plastic and organics that we expect the rest of the community to recycle, but we don't do it here.

I first wrote to JPSC in 2008 suggesting an audit of waste and recycling, but nothing happened. After various informal attempts over the ensuing decade, I decided again last year to raise the issue more formally with JPSC. I wrote in March. I asked what was being done about recycling and I again suggested an audit. I received no reply to my letter, so I wrote again in May and then again in July, but still received no response from JPSC. So I gave the story to InDaily in the hope that it would encourage some movement.

I know from many conversations with staff in this building that people who work here are embarrassed and frustrated at how poorly our workplace performs. They say they can't say anything because they are too far down the food chain and they don't want to lose their jobs; however, I can speak out on their behalf. My question of the President is: will the President, as the current chairperson of the Joint Parliamentary Service Committee, arrange for a report to be prepared for members on current procedures for waste management and recycling within Parliament House, including steps that are being taken to improve current performance?

The PRESIDENT (15:18): I thank the honourable member for his question. The Hon. Mr Parnell, I am not actually the chair of the Joint Parliamentary Service Committee. It is referred back to the House of Assembly. I do know, as a member previously on the JPSC, that your issue is being pursued. Your issue has been actively pursued. There have been a number of issues

that have come up along the way, but it has had serious consideration and is continuing. I will bring back a comprehensive answer hopefully by the next day of sitting or soon after.

Matters of Interest

AUSTRALIAN YOUTH CLIMATE COALITION

The Hon. I. PNEVMATIKOS (15:19): Many of us in this chamber would be familiar with the Australian Youth Climate Coalition (AYCC). They are Australia's largest youth-run organisation, with over 150,000 members who work collaboratively to hold decision-makers like us accountable on climate-based issues. I think we can all agree that we want to see our future generations live in a safe and clean environment. AYCC shares this vision and activates young people to speak out about the effects of climate change on their generation.

I acknowledge that some of the AYCC group are here today in the gallery, as well as supporters from the Limestone Coast Protection Alliance, and I thank them for their work. AYCC have been mobilising a diverse group of committed young people who stand in solidarity with those on the front lines of climate change. They believe combating climate change is the best opportunity to create a world that works for everyone, not just a few—powering our lives with the wind and ensuring access to clean energy sources and job opportunities for all.

You may have recently seen AYCC assisting during the School Strike 4 Climate march, and they continue to have a strong voice in the Fight for the Bight Campaign. As a member of the Great Australian Bight Alliance, AYCC assisted in mobilising the Fight for the Bight Paddle Out.

Although AYCC, along with partner organisations, were able to pressure BP and Chevron out of the Bight, companies are persistently looking at new fossil fuel projects. The National Offshore Petroleum Safety and Environmental Management Authority has granted Norwegian oil company Equinor the second of four approvals required before they can start drilling in the Bight. This prompted AYCC to begin another stage in their Fight for the Bight campaign, with a focus on Equinor.

In late January, I met with two of the South Australian group members, Taya and Charlotte. Both were concerned about the risk of continuing carbon exploration for the coastal communities near the area and the overall effects of continuing mining. AYCC have continued to work with First Nation leaders, coastal communities and environmental organisations to direct their campaign. Echoing these voices throughout their campaigns has created a strong campaign.

The strength of their campaigns has led them to take on corporations and the fossil fuel lobby that threatens their future. Already leaps and bounds ahead of this parliament, AYCC recognise the severe impacts of continuing to use fossil fuels for energy. They recognise that opening a new, unexplored oil and gas basin will increase the effects of climate change, at a time when the climate-fuelled droughts, bushfires and floods are impacting our country.

Many members have made contributions to the bushfire motion; now is the perfect time to be talking about climate change prevention and mitigating actions. If we do nothing, we can only expect natural disasters to worsen. South Australians are now, more than ever, aware of the effects of climate change on their community. They are fed up with the lack of inaction.

Members will remember the motion passed in July 2018 on the Great Australian Bight. I recognise the Hon. Mark Parnell for introducing the motion and the Hon. Ian Hunter for his contribution to the motion. It passed this council without the support of the Liberal government. We recognised the concerns echoing through the community and acted accordingly.

The state government also has a role to play in protecting our environment and future generations from climate change. While responsibility for oil and gas activities in the waters of the Bight rest with the commonwealth government, we have a responsibility for regulating necessary onshore supporting activities or infrastructure. Without the support of the state government, offshore activities in the Bight would not be possible. I know the AYCC will continue to fight for action on climate change and I hope that this chamber will listen with respect and act on the advice of young people.

FOSSIL FUELS

The Hon. M.C. PARNELL (15:24): First, I would like to acknowledge and congratulate the Hon. Irene Pnevmatikos on her contribution just now. I would like to acknowledge her support for the ongoing campaign to stop oil and gas drilling in the Great Australian Bight. It is, in many ways, the issue of our times, especially for our young people. However, I want to talk today a little bit more about the broader community campaign to rapidly phase out fossil fuels and to transition our economy to zero carbon emissions. The first thing we have to say is that this transition will not be overnight, but it needs to be much faster than any current governments are proposing and certainly faster than anything the federal government in Australia is doing.

On ABC TV's *Foreign Correspondent* program last night, there was a special feature on climate change activists in Germany. In that country, despite the rapid take-up of renewable energy, there is still a lot of dirty brown coal that needs to be phased out. In that country, a so-called 'coal compromise' deal between the government and the local community was to phase out coal-fired power in 20 years. That is far too slow. Climate activist groups are saying that it must be less than 10 years, and they are taking direct action to make sure that that happens.

'Ende Gelaende', if I have pronounced that correctly, in German means 'game over'. It is a radical environmental group set up specifically to stop brown coal. They know what the climate scientists are telling us and they want to bring the use of fossil fuels to an end as soon as possible. In Australia, there is no government commitment to phase out fossil fuels within any time frame. In fact, the opposite situation is true, with Coalition MPs pushing for new coal-fired power stations and supporting massive new export coal mines, such as Adani. Then, of course, we have the government supporting new offshore oil and gas drilling in the Great Australian Bight, which would be, as my colleague has said, an environmental and climate disaster on a global scale.

In South Australia, the government is equally noncommittal about the future of fossil fuels. We still have the spectre of dirty underground coal gasification at Leigh Creek and there are still vast amounts of public money being thrown at the fossil fuel industry, particularly at companies exploring for new gas deposits in the Cooper Basin and down in the South-East. I know that several members of the Limestone Coast Protection Alliance have travelled to parliament today, as they have on many previous occasions when parliament has been debating gas, especially the spectre of fracking for gas, which they successfully convinced the government to put on hold for 10 years.

However, we know that gas drilling is continuing apace in the South-East. Haselgrove-4 was unsuccessful, but they brought in a new drill and they are having another go. The Dombey-1 drill apparently was successful; it was flared and capped and is now waiting to go into production. The Nangwarry-1 well was a failure; it apparently only produced CO₂, which might be good for soda water but is not good for much else. The Limestone Coast Protection Alliance points out that more than \$30 million of public money was granted to Beach Energy and Rawsons for drilling these wells and for the cost of the upgrade to the Katnook production plant.

At the federal level, the government has made it very clear that they want all states to help get the gas out from under our feet, as the Prime Minister likes to say. They are putting enormous pressure on states that have bans and moratoriums in place to legislate to reverse those. I know that people in the South-East are very anxious that their hard-fought, hard-won legislated fracking ban stays in place and that the government is not swayed to reverse it—but no doubt there will be pressure.

The New South Wales government has made a devil's pact with the feds for \$2 billion towards 'bringing down energy prices and emissions' by promising to open up more gas fields. I do not see, for the life of me, how that brings down emissions. The federal government has also said that in Victoria they will not get a penny unless they reverse their ban on fracking and lift their moratorium on conventional gas extraction. That is nothing short of blackmail.

I am very supportive of the AYCC, who are also here today. I very much appreciate their current campaign, which could be summarised as 'follow the money'. They are urging people to pay attention to political donations, in particular to have a look at how much Santos has been giving to the Coalition. They describe it as, 'This is what a dirty political system looks like'. I am very grateful

that civil society is stepping up. We have a lot more work to do, but the phasing out of fossil fuels has to be the number one priority.

CORONAVIRUS

The Hon. J.S. LEE (15:29): Today, I rise to speak about coronavirus and the terrible impact it is having on the Asian-Australian community in South Australia. Since the outbreak of the novel coronavirus, it has had a devastating impact in China as well as in 29 other countries, including Australia.

Coronavirus is not just a health issue but a social harmony issue, as well as an economic issue for Australia. Restaurants, shopping precincts and Chinatown precincts run by Chinese-Australians across our country are reporting significant drops in trade and traffic in recent weeks. It is not helpful at all that there are shocking levels of racism in the community after the coronavirus outbreak.

Our Chinese community in South Australia and, more broadly, the Asian-Australian community was upset and offended by headlines published on the front pages of *The Daily Telegraph* stating 'China Kids Stay Home' and the *Herald Sun* branding the virus as 'Chinese virus', which indirectly suggests that the virus affects only the Chinese community or those with Chinese ancestry. There is no medical evidence to support this argument as the virus does not discriminate.

When Chinese-looking kids—imagine those young school-aged children, many Australian born, many who have never been to China during the outbreak—attend schools, imagine how heartbreaking and upsetting it is for them when suddenly their schoolmates and other kids do not play with them anymore. What makes matters worse is the prejudicial behaviour from other parents demanding that the schools shut the doors on these Australian-Chinese kids—that is disappointing and unreasonable.

Recently, someone posted on WeChat, a Chinese social media platform, a picture of a Harvey Norman store displaying an A-frame with the words 'No coronavirus in our mattresses—as ours are Australian made'. This type of comment, along with others, is inappropriate, insensitive and scientifically incorrect. These comments are seen by many in the Asian-Chinese community as disgraceful, racially discriminatory and triggering an 'us versus them' mentality. This is disruptive to social harmony in our society.

There were awful people out there spreading fake news about the coronavirus to instil fear and incite hatred and racism against community members. Even though we believe in the freedom of the press, that does not mean the press should agitate people and cause one section of our community to be antagonistic towards the other, particularly when Australia is a diverse multicultural society and we have multilateral and intercultural relationships with China, Asia and the world.

It saddens me that the coronavirus exposes the ugly side of racism. Unfortunately, xenophobia has been intertwined with public health discourse for a very long time. Australian-Asian people are experiencing instances of xenophobic harassment, racist comments and misconceptions about coronavirus. In response to the call by traders and businesses in Adelaide's Chinatown, the Premier, the Hon. Steven Marshall, the Minister for Health and Wellbeing, the Hon. Stephen Wade, together with the Chief Public Health Officer, SA Health, went to Chinatown and had dinner with community leaders, sending a positive message that Chinatown is safe to visit.

When traders in Chinatown are suffering the loss of business due to the fear of coronavirus, all of us feel a sense of responsibility to show our support and help eliminate the misconceptions associated with the virus. I have been visiting our Chinatown precinct continuously since the outbreak. Many SAMEAC members joined me for dinner last week. I returned the following night to have dinner with friends to support restaurants and traders around the Chinatown precinct. Throughout these difficult times I have witnessed the Chinese community united behind traders and businesses in Chinatown.

I want to express my sincere thanks to the president and the committee of the Chinatown Adelaide Association, together with 20 other Chinese community associations, for their strong leadership and continuous efforts to engage with government representatives such as the Premier, the health minister, federal minister Birmingham, the Consul-General Madam He, and today with His

Excellency the Governor and myself to tour the Chinatown precinct and visit various grocery stores, food courts, restaurants and traders.

Every multicultural city needs a vibrant Chinatown. We must do everything possible to ensure that people know that Chinatown is safe to visit, and to support businesses and traders during these very tough and challenging times.

SOUTH AUSTRALIAN JOBS

The Hon. J.E. HANSON (15:34): The celebration of the opening of the Northern Connector occurred on the weekend. It is something that we in the Labor Party are proud of. We are incredibly proud of it, and so we should be. Delivering on an \$850 million project of over 15 kilometres of road, which removes over six intersections for those of our citizens who live in the north is something to be proud of. This will deliver time and cost saving to the tens of thousands of people who use the road to get to work or use it to get to our wine regions or just use it to get home to their families. But this project is about more than just a road. We in the Labor Party understand that this kind of economic action is critical to the South Australian economy. Between the Northern Connector and the Darlington project there are almost 1,000 construction jobs on the ground, building these projects.

The project was commenced at around the time that we saw the Elizabeth plant close down. It was critical at that time to those who were losing their jobs to give them a chance at using their skills and having real ongoing employment. The fact is this was not a one-off. Labor understands industry and the importance of saving careers for South Australian families. While in government, Labor helped secure the future role of Nyrstar in Port Pirie and Arrium in Whyalla, securing for thousands of workers and their families ongoing employment and preventing a collapse in regional South Australia that would have been catastrophic for our state.

Closer to where we stand today, in North Plympton Labor saved over 100 manufacturing jobs at New Castalloy, a business that specialised in making motorcycle rims for Harley-Davidsons. These are just a few examples of Labor's attitude to providing and securing good jobs, good careers, ongoing employment and, in turn, good economic results for our state. This, of course, stands in stark contrast to an employment disaster being presided over by the current Marshall government—

The Hon. J.S.L. Dawkins: Who wrote this rubbish?

The Hon. J.E. HANSON: I will take that interjection, Mr Dawkins—with your highest unemployment rate in the nation.

Let's start with the bizarre attitude taken by the hapless and hopeless minister 'Bingo' Pisoni, who not only did not care when New Castalloy closed, he also axed the training packages which Labor had made available to them to upskill and train them and transition them into other jobs. He axed them, but it actually got worse. Housing starts have fallen by 21 per cent under the Liberals. That is down by about 3,000 homes. Twelve SA builders have gone into insolvency since the Liberals were elected.

Let's look further into civil construction. In 2018-19, \$495 million was provided in federal infrastructure for our state. By next year, we will see this collapse down to just \$75 million. It is an 80 per cent reduction of over \$400 million that is no longer being placed into our construction industry. Now that the projects that the Labor Party secured are ending and their official lives of construction are over, where are the Liberals putting any runs on the board when it comes to jobs?

We have seen the bungling of the GlobeLink project—a project that the Liberals plugged and plugged and plugged. They allocated \$20 million to scope their project, only to unceremoniously dump it out the back door earlier this year. The mishandling of the GlobeLink project really puts the Liberal promises of completing the Women's and Children's project by 2024 in some pretty serious doubt.

But further than all of this, we now see the inaction and indecision of our Premier around jobs on full display, with their catastrophic bungling of the \$80 billion worth of defence projects which are so vital to our state. From the dizzy heights promised by the then Liberal minister, Mr Pyne, of 90 per cent local content in 2016, we have seen the Liberals retreat to 60, then to 50 and now estimates place it as low as 30 per cent that they are now promising. This is not some sort of partisan

spin. The French submarine builder Naval clearly warned it will slash local content on the future subs project. What do we hear from the Premier? 'There's been a miscommunication.'

It is worth asking: where is our Premier on defence jobs? Why will he not even speak to the existing workforce of hundreds of workers at ASC? Why will the Premier not even speak up against his federal Liberal masters to fight against their jobs being sent interstate? What does all this mean? It means less jobs at the time we have the highest unemployment rate in the nation. What it means is the Liberal Party, after two years, still does not have the runs on the board when it comes to jobs. More than this, they did not have a plan when they got into government to create jobs, and they do not have any idea how to solve the jobs crisis that is rapidly unfolding before them.

GREYHOUND RACING

The Hon. J.S.L. DAWKINS (15:39): I was pleased to accept the invitation from Greyhound Racing SA chairman, Grantley Stevens, to attend the Greyhound of the Year awards dinner at Nixon's Function Centre in Gawler on 15 February. It was also good to represent the Minister for Recreation, Sport and Racing, the Hon. Corey Wingard, in announcing the winners in the SA Bred, Sprinting and Distance categories.

The 2019 TAB Greyhound of the Year was awarded to Alicante Bouchet. Trained by Ben Rawlings and owned by his sister Meg, Alicante Bouchet had a fantastic 2019 season, highlighted by a great win in the Group 2 All Star Sprint at Cannington in Western Australia in October. The daughter of Kilty Lad and Mighty Chaos, Alicante Bouchet was bred in South Australia by Tanya Rawlings, who also took home the award for SA Bred Greyhound of the Year, while sharing the SA Sprinting Greyhound of the Year Award with Coorong Lucy, which is trained by Cameron Butcher. Well done to Alicante Bouchet, Ben, Meg and all the connections on a great achievement.

The award for the Distance category was presented to the connections of the greyhound Five Thirty. The evening also included a number of other awards, including a Contribution to Industry Award to the veterinarian Dr Jane McNicholl. Outstanding Service to the Industry Awards were presented to June Whyte and Don Foster. The 2019 SA Breeder of the Year was Judi Hurley, the Owner/Trainer of the Year was Cameron Butcher, and the Leading TAB Trainer of the Year was Tony Rasmussen, who took out that award for the fifth time in a row. I am also aware that the award for the 2019 SA City Strike Rate, based on performances at Angle Park city meetings, went to Kirin Corby. This was the second year in a row in which Kirin has won that particular category.

The night was a terrific event within an industry that has led the way nationally. I think the greyhound industry in South Australia is in good stead. Certainly, the people who are part of that sector are a fabulous cross-section of South Australians who are very dedicated to a sport that they love. Part of that dedication is, I think, the support for the greyhound adoption program, which is something that has been championed by Greyhound Racing SA for a long period of time. I know that program is as well regarded as any in the nation. I should also mention the work of GRSA CEO, Matt Corby, and his staff and also the work of Mr Stevens and his fellow directors of GRSA.

I think the fact that this event has been run for several years now at the Nixon's Function Centre, which is run by the Gawler Greyhound Racing Club, is a tribute to not only that event but the way in which that venue has been accepted as a great place within the Gawler community and further beyond. I have certainly been to many community events in that facility and have actually run some of my own there. It is a terrific venue with excellent food and service. I want to congratulate the Gawler Greyhound Racing Club for the operation of Nixon's and the track under the leadership of the longstanding club president, Mike Wittholz, and the CEO, Shawn Noack.

BUSHFIRES AND CLIMATE CHANGE

The Hon. R.P. WORTLEY (15:44): Recently, I spoke to a motion expressing the chamber's deep regret and sorrow for the tragedies that have occurred as a result of the bushfires in South Australia so far this summer. The communities touched by the bushfires have suffered enormously and the economic, emotional and environmental impacts will continue for some time to come. This nationwide bushfire crisis has burned over 10 million hectares of land and, as we all know, has covered large parts of Australia in toxic smoke. This toxic smoke has travelled around the globe, impacting the air quality in places such as New Zealand and South America.

Australia's megafires are expected to contribute to up to 2 per cent of what scientists forecast will be one of the largest annual increases in atmospheric carbon dioxide on record. Indeed, the United Kingdom's national meteorological office, known as the British Met Office, forecasts that the atmospheric concentration of carbon dioxide will peak at more than 417 parts per million in May and average at 414.2 parts per million for the year 2020. This is a 2.74 part per million increase above the 2019 average.

I make this point because various science agencies have associated concentrations of more than 450 parts per million with an average temperature rise of 2° Celsius above pre-industrial levels. This is the marker whereby scientists believe the effects of global warming may become irreversible.

Emissions from bushfires are usually considered to be climate neutral in terms of carbon accounting, based on the assumption that forest regrowth absorbs a similar amount of carbon dioxide as was released. However, in this instance, scientists have also warned this assumption is optimistic as many burned areas may never recover to their pre-fire state.

In Australia a 2° Celsius rise in temperature is likely to lead to between 20 and 30 extra days of very high fire risk in Australia each year. The British Met Office explained their worldwide CO₂ forecast via an accompanying statement, citing that the Australian bushfires were highlighted as contributing to an unusually high forecasted annual rise.

What is most concerning, particularly for Australians, is that human-induced climate change and local weather patterns, including hot, dry weather and drought, plays a role in the severity of bushfires, which in turn increases emissions. Furthermore, as emissions increase—I cannot hear myself talk, Mr President, with people talking in front of me. So I would like you to protect me while I am giving a speech.

The PRESIDENT: The honourable Leader of the Opposition and the Hon. Mr Hanson, if you are going to have a chat, can you please move to the back of the chamber. Thank you.

The Hon. R.P. WORTLEY: Thank you for your protection, Mr President. What is most concerning, particularly for Australians, is that human-induced climate change and local weather patterns, including hot, dry weather and drought, plays a role in the severity of bushfires, which in turn increases emissions. Furthermore, as emissions increase and the global temperature rises, conditions are created that are even worse for future fire seasons.

Climate change is real; I think most rational people accept this. Climate change must be accepted as a threat to national security, our own security and that of our children. There is a palpable sense of frustration from people of varied backgrounds—military, science, politics, economics, health and agriculture—who are working hard in their respective areas and are seeing the everyday effects of the changed climate; they are doing what they can, but they want to real see action at a national level.

In recent weeks, Prime Minister Scott Morrison has shifted his well-worn vernacular on climate change ever so slightly to say that the Coalition is acting on emissions and meeting its targets. The Prime Minister says that carbon emissions are coming down, but are they? The short answer is no. Emissions reduction stopped under the Coalition in 2014 around the time that the carbon price scheme was repealed. Furthermore, Scott Morrison and the Coalition largely rely on carryover credits to meet their international targets for emissions reduction, which goes against the spirit of taking decisive action on climate change.

Carryover credits refers to an accounting measure, where a country can count a historical emissions reduction that exceeded a past international target.

Motions

GENETICALLY MODIFIED CROPS

The Hon. M.C. PARNELL (15:49): I move:

That the regulations under the Genetically Modified Crops Management Act 2004 concerning Designation of Area No. 2, made on 19 December 2019 and laid on the table of this council on 5 February 2020, be disallowed.

This disallowance motion is the same as the one that I moved last year, which was supported by the Legislative Council. The regulations that we disallowed last year were a sneaky and cynical attempt to lift the longstanding moratorium on the commercial growing of GM crops on mainland South Australia. The government's response to the defeat of their regulations was to reintroduce exactly the same regulations, but this time they waited until it was too late for the Legislative Council to consider them again before the Christmas break. As a consequence, the moratorium was lifted on 1 January and will remain lifted until the Legislative Council votes again to reinstate the moratorium, hopefully in two weeks' time, on 4 March.

The government fully expects that this will be the result. They expect the result to be the same as it was last time because nothing has changed. Those who voted to disallow these regulations last time all expressed dissatisfaction with the process, in particular the need to deal with this matter through legislation rather than sneakily by regulation.

The government has now introduced a bill. I do not like the bill, but it is certainly a better process to follow. It is the correct process, but the uncertainty that is created by the government's deliberate thumbing of its nose at parliament has not been lost on farmers. Even Grain Producers SA has been advising its members that the lifting of the moratorium may be short-lived and that they should seriously consider the consequences of planting GM crops. Fortunately, it is not yet canola planting season, so the likelihood of any farmers actually having planted any GM crops since 1 January is very low.

Just in case anyone doubts that this is well and truly South Australia's own groundhog day, the bill the government has introduced is the same as the one last year that was also rejected, primarily because the government refused to consider any amendments. What we need to do in the Legislative Council is to vote as soon as possible to disallow these regulations, then we can debate the government's bill. I expect that bill will be even more thoroughly scrutinised than it was last time, and I expect there will again be many amendments moved.

I am not going to take up a lot of time today repeating what I have said on many occasions in relation to the benefits to South Australia of keeping a moratorium on GM crops. I made a lengthy contribution back on 10 December last year on this topic, and I refer members to that contribution. I will not repeat it again here.

Back on 10 December, I did refer to Dr John Paull, who is an environmental scientist at the School of Land and Food at the University of Tasmania. Members might remember that Dr Paull submitted a review, or a critique, of Professor Anderson's government-sponsored review into the GM crops moratorium. Dr Paull's work was entitled 'A review of the independent review of the South Australian GM food crop moratorium and 14 alternative findings'.

I am delighted to be able to report that Dr Paull has agreed to come to Adelaide. I expect that he will be here in parliament in our next sitting week. He will come here to meet with and talk to members of parliament. I will make sure that members have the chance to talk to Dr Paull before we bring this disallowance motion to a vote, which I will very shortly notify all members will be on Wednesday 4 March.

I do not think that this debate is going to go away anytime soon. We certainly have this motion disallowing the regulations, we have a government bill, and various other members have flagged GM issues they want to put on the agenda. So we will have a lot more to say about this topic, but for now all I need do, as I have done, is move that the regulations be disallowed and I advise members, and I will do it again in writing, that I will be bringing this to a vote on the next Wednesday of sitting.

Debate adjourned on motion of Hon. D.G.E. Hood.

MEMBER FOR WAITE

The Hon. K.J. MAHER (Leader of the Opposition) (15:55): I move:

That this council requires the President of the Legislative Council to request an investigation by the equal opportunity commissioner of all instances of harassment, victimisation and inappropriate behaviour committed by the member for Waite, Mr Sam Duluk MP, in December 2019.

The PRESIDENT: Just before you start, the honourable Leader of the Opposition, before calling on you, I need to advise that I have been made aware of concerns by some staff of the

parliament that they fear that they may be identified or named during the course of the debate on this motion. Those staff members have indicated that they do not wish to be identified and have not consented to the disclosure of their names. I raise this so that members may be mindful of those wishes while making their contributions. I call the honourable Leader of the Opposition.

The Hon. K.J. MAHER: Thank you, Mr President, and thank you for your words and your guidance. I certainly will not be traversing matters or making comments that I think will go against what you have just said. This motion, at its heart, seeks to ensure that a safe workplace is provided here for members and staff. It is a matter of public record that the South Australia Police are investigating one particular incident: an alleged assault.

A police investigation into one specific thing does not prevent other matters from being referred to appropriate authorities and in this case the equal opportunity commissioner does not have a purview to investigate matters of criminality. For that reason, it is entirely appropriate that there can be joint investigations into two different elements of things that have happened.

This motion does not seek to, in any way, look at elements of criminal behaviour that are on the public record, that is, an assault. I want to make that very clear for members, that is not what this motion does. It is a matter of public record that there is a police investigation into an alleged assault. This motion does not seek to usurp or traverse ground that the police are looking at at the moment. This is looking at other sorts of behaviour: harassment, discrimination or victimisation, all things that are in the Equal Opportunity Act that the Commissioner for Equal Opportunity can look at and investigate.

As the shadow minister for industrial relations, I have a specific interest in workplace safety. People should not feel anxious about coming to work and they should not have to worry about being harassed or discriminated against at work. We have a responsibility to ensure that that does not happen in this workplace and to do less is an abrogation of our duties. The equal opportunity commissioner is on the public record discussing different ways in which they may be engaged in this matter. The opposition commends the motion to the council and indicates that they will be supporting an amendment being put forward by the Hon. Tammy Franks.

The Hon. E.S. BOURKE (15:58): I will be supporting this motion. I wish to begin my speech with a quote from the member for Waite from the other place, Mr Sam Duluk. On 3 June 2015, when discussing the intervention orders amendment bill, a bill which centres around the rights of abuse victims, the member for Waite said:

I am glad that in this amended legislation we are seeing the onus being put back on perpetrators and individuals to be responsible for their actions... As a parliament, we must encourage wrongdoers to take responsibility for their own actions...

With this quote in mind, particularly the part about taking responsibility, I would like to highlight the government's and the member for Waite's hypocrisy that has arisen over the last two months.

On 13 December, the member for Waite made the decision to crash a friendly and joyful Christmas celebration here at Parliament House hosted by our crossbenchers. He made the decision to be extremely intoxicated in his own workplace. Most disturbing, the member for Waite made the decision to harass and offend multiple people at that Christmas function. He, the member for Waite, made the decision to slap a fellow member on the behind and yell out racist and homophobic remarks.

Nobody forced him to be in that room. Nobody forced him to consume copious amounts of alcohol, and certainly nobody forced him to act as a menace against fellow members at a joyful Christmas function. These members were parliamentary colleagues not only of the member for Waite but of ours; peers and staff who were made to feel unsafe, unwelcome and disrespected in their own workplace. These are things that no-one should be made to feel at any time but especially not at their place of work.

Workplaces are meant to hold employees to a high standard where harassment, bullying and inappropriate behaviour are not tolerated. Even more than not being tolerated, workplaces are required to take action against these types of antisocial and outright threatening behaviours. But for some reason, the Premier—the leader of the South Australian Liberal Party, the leader South

Australians elected—decided not to act like a leader and instead dragged his heels to right the wrongs of the Liberal member for Waite.

If we look back over the last nine weeks, few steps have been taken by the Premier, the Liberal Party or the member for Waite to take responsibility for the actions that have now tarnished that night. It was not until the issue would not leave the headlines that the government surrendered to a private investigation, which came too little, too late; an investigation that has now been abolished altogether. Then there is the apology. I quote, 'I apologise to anyone that may have been offended.' I do not know if you could call that an apology.

Clearly, the member for Waite and the Premier, leader of the Liberal Party, thought this issue would fall off the media cycle over the Christmas break. They thought they would start off the year fresh and ready to get on with being the leaders South Australia elected them to be. Instead, not only have they tarnished the Liberal brand, not only have they caused heartache for fellow colleagues and parliamentary staff, they have tarnished the institution of this place.

By not believing that the member for Waite's actions warranted a serious and prompt response, the Premier allowed, for 63 days, an elected member to get away with actions that are not only unacceptable but would simply not be tolerated in any other workplace. When no-one takes responsibility, but especially someone who is the leader of their party and of the entire state, what example does that show the public? The police have now been involved because of the lack of action and acceptance of responsibility by this government.

The police have managed to act on the allegations against the member for Waite in a swift and timely manner and have reported Mr Duluk for basic assault. While I am glad to see that some real action is finally being taken, it is disappointing that the government, the leader of the state and the man responsible have largely been unable to do the same. While some action is being taken outside this building, the investigation within has completely halted. The private investigation was already shrouded in secrecy and has now been taken away altogether.

The government has abandoned any responsibility and handballed it on in an attempt to get on with business. It is important that we continue to investigate this incident of harassment and, more importantly, that we start a conversation on how we can better manage the handling of harassment in the parliamentary workplace as, clearly, the government has failed to do so over the last nine weeks. The ball is in the government's court to make sure that all possible steps are being taken to ensure that we are all aware, and that the public who we serve are aware, that inappropriate behaviour like that of the member for Waite is not and never will be okay.

Again, due to public pressure, the Premier, the South Australian Liberal leader, and the Liberal Party have been caught playing catch-up. After 63 days, the Premier supposedly stumbled across new evidence because of the police investigation. This new evidence, found very quickly by the police and yet not by the Premier after 63 days, suddenly revealed that the member's position in the Liberal Party was 'untenable' and that the behaviour of the member for Waite that night fell 'well short of the standards expected of all members of parliament'.

Clearly, most in this building and outside of it had already come to that logical conclusion, but it took police involvement and growing public pressure for the Premier to take any sort of action against the member for Waite. But what exactly has the Premier done? He has banished him from attending Liberal party room meetings. That must be a big thing to have to do—skip meetings. For many, this would be a reward to not have to attend another meeting.

The member for Waite followed by suspending—if there is such a thing—his membership with the Liberal Party, but what did we learn in the days that followed? We learned that the member for Waite was speaking at a Liberal sub-branch meeting; again, he was showing no regard for the weight of this situation. Only a day after suspending, and again I am not sure if there is such a thing, his membership with the Liberal Party, he was at a Liberal sub-branch meeting as a guest speaker, along with two other members of the state and federal Liberal Party.

And what was he saying at this Liberal Party meeting? Well, we know what he said, because it was leaked by someone within their own team—if you can call it that. The member for Waite apologised to his sub-branch for the inconvenience and hassle he had caused and he attempted to twist the narrative to make people feel sorry for him. Not once did he apologise to the real victims of

his actions. Not once did he say sorry to the people that he harassed at that function. As shocking as it was to see the member is still very much active in party meetings, for him to not even have the decency to show any sign of remorse to his victims is shameful.

To further add salt to the wound of the lack of leadership, the Premier clearly has no power over his own party. Liberal Party members moved a motion of support for the member of Waite despite the Premier telling the member for Waite not to attend the Liberal party room meetings or functions. The member for Waite attended a Liberal sub-branch meeting despite the Premier stating publicly that the member's actions on 13 December were 'completely and utterly unacceptable'.

The member for Waite is attempting to rally support for his position despite the Premier declaring that the member's actions did not meet the standards required and expected of all members of parliament. All of this shows the member's lack of regard for the victims, his party, for this place, and most importantly for the Premier.

To my colleague the Hon. Connie Bonaros, I am sorry that this is what you have been confronted with. To your Friday the 13th Christmas party co-host (the Hon. Tammy Franks) and of course to all of the staff impacted by the member for Waite's behaviour, I am sorry that this has happened and I am sorry for the inaction this government has taken. As the government likes to say quite often in this place: let's be clear, were it not for the external pressures from the public and the involvement of the police, the Premier would have continued to avoid showing true leadership and would have continued to avoid taking a real stand on this very important matter.

The member for Waite suspended his own membership of the Liberal Party and took leave from parliament. Again, there was no leadership by the Premier. It is not just the members and staff in this chamber who will miss out; it is the voters in his electorate. Who will be representing those voters, who are now without a member in the parliament? With all that has happened it is obvious that the member is unfit to serve as a local member and also unfit to serve as a member of parliament. Through this whole saga, what has become even more clear is that the Premier is unable to be a true leader for his party, for the parliament and for South Australians. Instead of taking real action to stand against bullying and harassment, the Premier has stood back in the shadows and let others do the work for him.

Again, it took 63 days for any real action to be taken against the member, and we all know the real reasons why action was not taken. It is not because of any new allegations; it is because numbers in the other place are very tight. The numbers are uncomfortably tight for the Premier, so he has put party room interests before the interests of colleagues, staff and the people of South Australia. The member may have shown that he is unfit to serve the public in his role as the member for Waite, but, crucially, the Premier has shown that he is unfit to lead our state.

The Hon. I. PNEVMATIKOS (16:10): I rise to also speak in support of this motion and to stress the need for an independent investigation beyond the walls of this parliament, to be initiated by the President of this chamber, in the interests of transparency and accountability and in the spirit of gender equality. I note the comments that you made at the commencement of this discussion, Mr President, and it certainly was never my intention to refer to any individuals concerned; rather, it was to refer to the culture and the activities that exist within this workplace.

Contrary to my usual practice as well—I do not normally refer to and quote Liberal members' words—on this occasion, however, I take the opportunity to refer to the words of the member for Waite in this parliament, in the other place, on 3 July 2019, when he made reference to antisocial behaviour and gave his views on the matter. I will quote his various comments in that speech. He says:

Antisocial behaviour has no place in the streets of Adelaide in South Australia.

He further says:

We have seen a growing rise in antisocial behaviour in our nightspots...Antisocial behaviour is conduct that causes harassment, alarm and distress...

Antisocial behaviour quite often has a negative impact on the community...

And finally:

Individuals who engage in antisocial behaviour risk becoming excluded from important support mechanisms, such as school, their family and service providers.

The sentiments expressed by the member for Waite are views that all of us in this parliament and this state should uphold, and they should be reflected in our behaviours and actions. It is unfortunate that, contrary to the rhetoric, it appears that the member for Waite neither acted nor behaved in a manner appropriate for a member of parliament and a citizen of our state. Sam Duluk has already acknowledged that his behaviour was inappropriate and that, to this end, he was seeking additional support and counselling. Whilst an admirable first step, it is simply not enough.

The alleged discrimination perpetrated by Sam Duluk, as reported extensively in the media over the last two months, would be unlawful if found to be true. The allegations of discrimination perpetrated by Mr Duluk make his actions unlawful—

The PRESIDENT: The Hon. Irene Pnevmatikos, you should refer to Sam Duluk as the member for Waite.

The Hon. I. PNEVMATIKOS: Sure. Sorry, sir.

The PRESIDENT: Continue.

The Hon. I. PNEVMATIKOS: The allegations of discrimination perpetrated by the member for Waite make his actions unlawful on the grounds of sex, gender identity, sexual orientation and race. As these incidents occurred within the workplace, it is unlawful within the equal opportunities legislation, on all grounds. The allegations reported in relation to the behaviour of the member for Waite reflect a sexist and toxic culture in our society and in our parliament. Many of us have been working to ensure that people are not discriminated against or treated unfairly or inappropriately in the workplaces of South Australia. This work does not exclude our chamber, the other place and society generally.

Sexism may appear in many forms, ranging from jokes or comments and sexual harassment through to unfair treatment. Each of these acts is unlawful. Sexual harassment—and it is useful to heed this if some of us have forgotten—in particular any form of unwelcome sexual behaviour that is offensive, humiliating or intimidating can be acted in different ways. It can include things like someone touching, grabbing or making other physical contact without consent and includes leering, cracking sexual jokes and comments around and/or to you and exalting you with sexual comments, to mention a few instances.

If the alleged actions of the member for Waite were to occur in any other workplace one would hope that they would have been handled with some semblance of decorum and speedy investigation, followed by action; action not only in regard to the perpetrator but also for those who may have been affected by the behaviour as a result of the actions of the perpetrator. There can be no doubt that any person who sexually harasses another is primarily responsible for their actions and should face the full consequences for them.

Responsibility, however, also lies with the employer and the workplace. In this instance it is this very parliament that has a responsibility and, I would say, a vicarious liability to ensure that workplaces are non-discriminatory and safe for all who work in them. This parliament and the President of this chamber have an obligation to set an example and ensure that processes are established as a matter of urgency. This means that a proper investigation by an independent authority, namely the Equal Opportunity Commission, undertakes the necessary steps to arrive at conclusions and recommendations that address the various complaints, both informal and formal, that have been raised in relation to the behaviours and actions of the member for Waite.

It is the responsibility of this parliament and the President of this chamber to ensure that we follow and apply our laws so as not to allow this parliament to fall into disrepute and appear to condone the inappropriate and unlawful behaviour of others. Mr Hepworth was quoted by the ABC yesterday as saying that the member for Waite gave his apology in rather 'beautiful words' and that, 'Parliament wasn't the only place where Christmas parties got out of hand.' It is concerning that members of the Liberal Party think that an apology is enough. 'Beautiful words' mean nothing in front of the law. When someone breaks the law only evidence and the truth matter. Clementine Ford, on an ABC interview, once stated:

What it comes down to is that men, particularly men with power and privilege, are protected and coddled and their indiscretions in the past dismissed because their...careers are considered more important than just the dignity and safety of women but also the careers of women.

This statement, to me, perfectly sums up the Waite sub-branch's reaction to the allegations. If this parliament is not prepared to uphold the laws of our state and country, what hope is there for the rest of our society to abide by and maintain our laws?

At the end of the day, there can be no room for racism, homophobia or sexism in this house. By implication, there can also be no room for the likes of the member for Waite and others who may share his view. It is with these words that I commend the motion and the amendment as proposed by the Hon. Tammy Franks to this chamber.

The Hon. J.E. HANSON (16:18): I will not revisit the two speeches that have already been given. I think they go a bit more to the specifics of a subjective matter. I obviously rise to support the motion and I am going to support the amendment to it, too. It is worth asking, when considering why you might support a motion like this, how much time we all spend at work. Having a fair bit of experience in my former life in exactly that role, I can tell you that it is a lot and it forms a great deal of how you live your life outside of work, also.

A great deal of your life will be spent at work or around work or thinking about work. With the advent of phones and emails and things like that, you might spend almost all your life at work. It is pretty important, therefore, that you feel safe at work. It is impossible to say that in some way you can distance yourself from work these days. If an event happens at work, it rests pretty heavy on you.

It is pretty important also to have people at work not fearful of basic rights. They should not be fearful for their sexuality, they should not be fearful for their race and they should not be fearful for their gender, so I think it is worth starting with everyone in this chamber. It is pretty important in this place where we make the laws that we feel safe and that everyone has an understanding of each other. That is actually pretty important because here is where we pass the laws. But we are not all lawyers, and I am certainly not saying that we need any more than what we have now.

The Hon. M.C. Parnell: Oh, no!

The Hon. J.E. HANSON: But the varied backgrounds of those who work here, Mr Parnell, is one of our strengths. We are lawyers, but we are also business owners, journalists, union leaders, health workers—some of us are refugees. The strength of who we are in coming to discuss things and the laws that we pass here is in the fact that we are not all the most talented individuals, certainly not legally, but rather that we can speak to each other from our varied backgrounds and bring to our colleagues, I would hope, from both sides of the aisle, including the crossbench, the experiences which formed us, and that allows us to make better laws.

We do work in a two-party system, but I do not think, from what I have just said, that that really sums up what we do in this place, certainly not in this chamber of this place. To give an example of this, I only need to look at the world stage where the effectiveness of democracies is, in fact, being torn apart by the transformation of representative colleagues into political opponents, where there is zero chance that either side of any metaphorical divide, if you like, has a capacity to speak to each other in any way that is not a tweet or a takedown. There seems to be a limitless capacity of some world leaders to offend.

The capacity of those leaders elected to represent people, I would say, is compromised by the slow erosion of their capacity to see, let alone understand the other side of the argument. It seems sometimes more valuable to them to put things simply, to say what they feel. They get the sugar hit, if you like, of Trump-style politics, of saying what they think and then calling those who are offended 'PC', 'snowflake', 'sensitive' or, worse, 'not fun'. I do not want to see that here. It is critical to the performance of this chamber that we do not have that here.

More importantly, I do not want to see any of that kind of discussion applying to how we treat anyone who works here. What I am saying is that what is needed in this place—and I think the Hon. Ms Pnevmatikos alluded to it as well—is a sense not just of legal understanding of the laws we pass but also the rule of law that surrounds them. For those who might not know exactly what the rule of

law is, it is that no citizen is above the laws which govern us all. We make the laws surrounding racism. We make them around sexism. We are not above them. A democracy and the laws that pass us will only succeed if it represents in practice the values of those that it seeks to represent.

Arguably, the most effective way to come to an understanding of the rule of law, for anyone who has ever doorknocked anybody, is to be able to talk to people about the laws that you are passing. Arguably, the most effective way of people in this chamber to do that is to preserve situations where social occasions can occur in the workplace between colleagues and, I would certainly hope, between friends. We have to recognise the value of that workplace. That is actually really hard to maintain. You can ask any HR representative in the state how hard it is to keep a valuable workplace where workers see each other as friends. The value of such a workplace here is, of course, even higher because we have to work at maintaining it. Politics is an adversarial system, but it does not mean we get to say the first thing that comes to mind.

For those who work here it is worth remembering that, contrary to what some people might think, it takes a lot for an employee to lodge a complaint in a workplace. I know that from my former life. It is a very hard thing to do. I can tell you that, as an industrial officer, no-one walks into your office, lays down an excellent case and says to you, 'I can't wait to take this against my employer.' No-one does that. Everyone is fearful of doing that. It is a terrible thing.

For an employee to summon up the courage and tell another employee, whom they will probably see every day for at least the foreseeable future, that they are not happy with them takes a lot, and it takes even more to wait for something to be done about it. It takes an incredible amount of courage to keep turning up to work every day. So we should make it clear in this place that we encourage employees who have the courage to do that. We should not discourage that through processes that we freely admit have inadequate punishment or, worse, none at all.

To discourage actions like that, as, again, the Hon. Ms Pnevmatikos and the Hon. Ms Bourke have already referred to, only entrenches behaviours. It stops discussion. It makes it harder for us in this place to pass good laws, because we are not enforcing the rule of law around them. It makes us suspicious, it makes us fearful of each other, it makes us afraid of where we work and it makes those who work here maybe not want to work here at all.

I do not want employees feeling that they cannot be safe where I work, that they do not have rights, that there are no punishments for those who mistreat them or processes for complaint if they are injured at work. I fought my whole life to create workplaces that do not do that. I did not come here to work in a place that is going to do that. In fact, I do not think anyone else here did either.

I also do not want to see the conversation between members in this place, or the other place, grind to a halt because we feel indecision or inaction around events like this that occur. I do not want to see people in this workplace view other people in this workplace as seeing themselves somehow above the laws we are passing. I do not want to see things done that divide us and stop us from discussing things that can unite us.

We do not just need to have a safe workplace, we should have one because we should. It is a tautology: safe workplaces should just exist. We should have a safe workplace because it is going to encourage discussion of ideas. We should have a safe workplace where you can have a beer with a colleague. We should have a safe workplace where you can take that beer from an employee who works at this place and not harass them and know that the person you are having a beer with is not going to as well. This is just what we would expect of any other workplace anywhere else in South Australia.

So I support this motion. I support the amendment that is going to be put to it. It is not about one person. This is about creating a place where we can all work.

The Hon. M.C. PARNELL (16:28): I support this motion and I also support the amendment to be moved by my colleague, the Hon. Tammy Franks. The issue of what happened on the night of the crossbench MLCs' Christmas drinks last year has occupied a lot of time for a lot of people. That obviously includes people in this place, both MPs and staff, but in the community there would be very few people who do not now know or have heard something about what transpired on that night. As a resident of the electorate of Waite, I have had many people ask me in the supermarket or the hardware store what actually happened and what is now going to happen to the member for Waite.

Ever since the events of Friday 13 December have become publicly known, there has been a constant stream of news reporting and public commentary, and the whole episode has been difficult and traumatic for many of the people involved, certainly for the member for Waite but my concern is for my workplace colleagues whether they be MPs, staff of MPs, staff of the parliament or others.

When high profile people behave badly there is usually plenty of collateral damage, and that is the case here. That is why I think we owe it to our work colleagues to not only sort out the events of Friday the 13th but also to make sure that if something similar ever happens again in the future, it would be dealt with quickly and appropriately. I will come back later to the government's response in the current case, which is, in my view, woefully inadequate.

So what is normally a fairly low key end-of-year gathering of five crossbench MLCs, our staff and some invited guests has now become the talk of the town—for all the wrong reasons. What we had planned was to have a lot of fun. We had a 20-question quiz, which pitched the baby boomers against the rest. We had charades, and we had other party games. What we never planned was to be forever known, thanks to *The Advertiser*, as just another 'boozy Parliament House Christmas party'. That reflects poorly on all of us.

One of the most common reactions I have been getting in the community—and other members have alluded to this—is that in any other workplace the sort of behaviour like that perpetrated by the member for Waite would be dealt with decisively based on clear protocols and procedures premised on the simple principle that workplaces should be safe places for everyone and that inappropriate behaviour will not be tolerated. That is how the rest of the world works.

But when we look at Parliament House the first thing we have to acknowledge is that, like other workplaces, the institution is very hierarchical. There is a clear pecking order. In fact, the building is full of signs indicating where certain people may go and areas that are out of bounds to mere mortals. But despite this hierarchy there is no clear line of responsibility or accountability when the perpetrators of inappropriate behaviour are at the top of the food chain.

Members of parliament are accountable legally to their electorates. We do not have a boss or a manager in the sense that most workplaces have a chain of control and accountability. So apart from some fairly rare cases where a member becomes legally ineligible to sit in parliament, the only way an MP can be sacked is by voters at the election. This may or may not be preceded by party preselection. Certainly, MPs can be sanctioned by their peers or by their parties, but they cannot be sacked. Members of parliament are in a unique position, unlike our staff or the staff of the parliament itself.

That is why I think it is well past time that this parliament should take the matter seriously, not just the current incident but also future incidents. That raises the obvious question: who out there in the community knows about sexual harassment and other inappropriate behaviour? Who is most experienced and qualified to look into allegations and to determine appropriate responses? Who could we turn to for advice on setting appropriate procedures and protocols for dealing with future incidents in our workplace? The answer is pretty obvious when you think about it. It is the Equal Opportunity Commission, headed by equal opportunity commissioner, Dr Niki Vincent. In her last annual report Dr Vincent describes her role as follows:

In my role as the South Australian Commissioner for Equal Opportunity, I hold statutory responsibility for administering the Equal Opportunity Act 1984...to prevent discrimination, sexual harassment and victimisation, and to facilitate the participation of all citizens in the economic and social life of the community.

That begs the question as to why the equal opportunity commissioner was not the first person approached to look into this. As I understand it, the official reason offered was one of jurisdiction, but I think that is a cop-out. If we asked the commission to look at this, then that is what the commission would do.

Some might argue that the act is unclear in relation to whether it applies to conduct by one MP against another MP. At risk of fulfilling a stereotype that was offered before, as a lawyer I am going to quote chapter and verse from the legislation. Section 87 of the act deals with sexual harassment. It says in subsection (6c):

It is unlawful for a member of Parliament to subject to sexual harassment—

- (a) a member of his or her staff; or
- (b) a member of the staff of another member of Parliament; or
- (c) an officer or member of the staff of the Parliament; or—

and this is the important bit—

- (d) any other person who in the course of employment performs duties at Parliament House.

So, on a quick reading of the act, it does not specifically refer to sexual harassment by one member of parliament against another member of parliament. However, I think there is a reasonable and a strong argument that it does cover the situation. The catch-all provision in paragraph (d) says:

any other person who in the course of employment performs duties at Parliament House.

The definition of employment in the act is unhelpful, because it just says that unpaid work is also employment, but the related definition of employee includes the following:

...the holder of a public or statutory office (not being a judicial or magisterial office)

Whilst members of parliament might not be employees in the common sense of the word, I think we are employees according to the definition in the Equal Opportunity Act. Of the wide range of public and statutory office holders, only judges and magistrates are excluded, so I think it is pretty clear that members of parliament are public or statutory office holders, which means we are employees within the meaning of the act and we are arguably covered by paragraph (d):

any other person who in the course of employment performs duties at Parliament House.

If MPs are regarded as employees, under the act at least, then we are both protected by and bound by the prohibition against sexual harassment, even if the target of that behaviour is another member of parliament. Other aspects of the act, importantly, would also apply, so to suggest that there is an insurmountable legal hurdle preventing the equal opportunity commissioner from looking at this matter is not correct, in my opinion. I know that others will say that the catch-all provision I just referred to is aimed at interns, work experience participants and private contractors who happen to be working in Parliament House. I think it is arguable that MPs are covered as well.

Ideally, we would fix the Equal Opportunity Act by specifically putting in a provision that related to the conduct of one MP against another, but even without that, I do not think that this supposed jurisdictional hurdle is insurmountable. At the end of the day, I think it really is just a convenience for the government to hide behind jurisdictional uncertainty, to keep the equal opportunity commissioner away from this current situation involving the member for Waite. I think it is much more likely that the government wanted to keep control over any investigation, including controlling who could give evidence and being able to keep any adverse findings secret.

This is certainly what the current inquiry instigated and now stopped by the Speaker of the House of Assembly looks like to me. None of us know what the investigator's instructions are. We do not know who he has spoken to or who he has not spoken to. Actually, I do know who he has not spoken to. I do know that as of last Thursday, he had not even approached key witnesses, including eyewitnesses. These are people who were there and saw what happened. In fact, key witnesses did not receive their invitation to talk to the private investigator until Friday evening, after most people had left work for the weekend.

Now that the Speaker has stopped the private investigator's inquiry, it is clear that the evidence collected to date is incomplete. In fact, it struck me, when the Speaker's private investigation was first announced, that the very first task of the investigator would have been to ask the most basic question: who was there and who might have seen or heard something? That would seem to be the starting point. It is not that hard. It was a gathering of only a few dozen people in the lower ground floor corridor, and we collectively know all of their names.

The fact that the investigator did not even contact some potential witnesses until after 5pm last Friday, which apparently was the day that he was supposed to furnish his report to the Speaker, suggests to me that he was under strict orders as to who he could talk to, which hardly fits the description of an independent investigation.

The only other thing that I would say about the Speaker's investigation is that his decision to suspend it on the grounds of a potential police prosecution misses the point entirely of this exercise. The police are only interested in potential breaches of the criminal law. A police inquiry is a narrow inquiry, with a strict burden of proof that a criminal offence has been committed and can be proven beyond reasonable doubt. The question of inappropriate behaviour, on the other hand, including sexual harassment, is much broader, and it does not necessarily involve a criminal assault. The test is not a criminal one of beyond reasonable doubt either.

In my view, the Speaker needs to step back from directly controlling the direction of the inquiry. He should not direct the investigator as to who he can and cannot talk to. He also needs to commit to public disclosure of the outcomes because leaving those people who have already given evidence in the lurch is also unacceptable. There is obviously a link between investigating individual circumstances, such as that involving the member for Waite, and addressing broader cultural problems in an organisation, and other members have spoken about that at some length. I will refer to a news report. The ABC reported this in its online news service on 4 February:

The Equal Opportunity Commissioner does not have the power to initiate an investigation unless a formal complaint is made by an individual, or unless 'invited' to conduct a broader investigation into the policies and culture of an organisation.

Dr Vincent said she had not been approached by the Liberal Party.

'I haven't had any contact from the Liberal Party on this matter, including the Speaker, [but] I have been approached by the Clerk of the House of Assembly about this matter,' she said.

Dr Vincent said she 'absolutely encouraged' anyone with a complaint to come forward.

And this is the important bit:

'I believe that bringing a complaint allows us to understand what's happening and provide us [an opportunity] not just [to] work on that particular issue but also to provide advice in regard to broader changes that might need to be made to change culture,' she said.

That brings us to the importance of my colleague's amendment to the motion; it goes to that broader question. The amended motion that is before us includes both the investigation of the events on 13 December and also to help this institution address the cultural change that is needed to keep everybody who works here safe. It is not just about identifying appropriate behavioural standards—I would have thought that that is quite easy—but there do need to be very clear pathways for any person who is unhappy about inappropriate behaviour in the workplace and it should not matter where you are on the food chain or the pecking order of parliament.

This is a workplace that involves many hundreds of people and it needs to be safe for everyone, regardless of who they are. That is why I support this motion and I also support the very sensible amendment of my colleague the Hon. Tammy Franks, which addresses the organisational cultural issues, which, at the end of the day, I think will turn out to be far more important and will help protect people who come to work in this place in the future because that is a level of protection that they all deserve.

The Hon. T.A. FRANKS (16:42): I rise to support the motion that this council requires the President of the Legislative Council to request an investigation by the equal opportunity commissioner of all instances of harassment, victimisation and inappropriate behaviour committed by the member for Waite, Mr Sam Duluk MP, in December 2019. I move to amend the motion as follows:

After 'December 2019' insert:

and invite the equal opportunity commissioner to make recommendations for reforms to facilitate the handling of harassment in the parliamentary workplace.

I rise as somebody who was at the crossbench Christmas drinks called the 'nightmare before Christmas' because it was December 13 and had a Halloween theme. Of course, it has become the nightmare after Christmas for far too many of us. I just want to start by noting an email that was sent on 14 February from a constituent that was forwarded to me just this morning by my staff. That email reads:

Dear Ms Franks,

I feel compelled to write to you about this situation you find yourself in, this has brought back horrible memories for me.

I have been sexually assaulted in the workplace and also faced homophobia. I was 19, it was the late 80s and I didn't feel that I could say anything against the person doing this, and my only option was to remove myself from the situation, so I left my job. I would hope that 30 years later we would not still be having this conversation.

He goes on to say:

This is not okay. Examples need to be set, expectations need to be set...

He also concludes with:

You are the voice of so many people, we need your voice to make change, to send a message that at any level, this is not okay, this will not be tolerated. You have a lot of support from people you have never met, stay strong and do it for us. #MeToo

I would hope that everyone in this place feels that those words apply to them, that in the future this will be a place where parliamentary privilege is no longer a protection against complaints of sexual harassment, that this is not a harasser's haven and that we set standards that are as high as any other workplace in this state.

I thanked him for his words because I have also received phone calls to my office and emails about what a nice bloke the member for Waite is. I have had people abuse my staff for me speaking out. I have attended an event where a constituent of Mr Duluk expressed her concern that he was having a hard time. My reply is now on the whiteboard in my office, which was, 'I know. I was there.' I was not the only one there. In fact, the harassment that I suffered was incredibly minor compared with that inflicted upon a number of people in this work environment.

Sexual harassment, racial harassment, prejudice, bigotry and homophobia are all things that are not tolerated in any other workplace in this state. They are all things that there are lines of responsibility for. There are standards and expectations, and should they be present by somebody in that workplace, it would be, 'Don't come in next Monday.' That would be the response. But in this place, we know it is a political environment.

I am not a lawyer, Mr President, as you know, but I am somebody who has previously complained to the equal opportunity commissioner about sexual harassment in this workplace. I complained on 25 November 2017. On 29 August 2018, I finally received a written response to my complaint. It reads:

Dear Ms Franks,

I am writing about your complaint, dated 25 November 2017, about the then Speaker of the House of Assembly.

I administer the Equal Opportunity Act 1984 (SA) (the Act), which makes many types of discrimination unlawful in specific areas of public life.

I understand that you feel the treatment you have experienced may seem unfair. However, I can only make enquiries into your complaint if it is covered by the Act.

It goes on to outline my complaint, then reads:

Section 87 of the Act contains the provision relating to sexual harassment and outlines the various areas of public life the prohibition relates to. Section 87(6c) specifically relates to Members of Parliament and covers complaints by: members of an MP's staff; an officer, or member of staff of the Parliament; or other persons who in the course of employment perform duties at Parliament House.

The method of dealing with complaints regarding allegations of sexual harassment by MPs is set out in section 93AA of the Act. This states the complaint must be referred to the appropriate authority, which in this case was the Deputy Speaker of the House. By letter dated 22 December 2017, the Deputy Speaker advised that the allegation did not come within section 87(6c), as the section did not apply to an allegation made by another Member of Parliament. As such she advised she would not be investigating it, nor deciding whether it impinged on parliamentary privilege.

The Deputy Speaker's decision means that section 93AA(d) applies and I thereby need to decide whether the complaint can be dealt with under the Act. Initially I believed that in order to do this the Deputy Speaker had to decide the issue of parliamentary privilege, however, after receiving further information, including a relevant section of the Hansard record, I no longer believe this is necessary.

The Hansard record indicates that there was some debate on the bill in 1996-7, which amended section 87 to include Members of Parliament. The Opposition at the time expressed disappointment that a recommendation of the

Select Committee on Women in Parliament was not taken into account by recognising that sexual harassment can occur between one MP and another. The then Attorney-General was clear on this point. He quoted from the review of the Equal Opportunity Act by Mr Martin QC, which indicated the issue of power inequality was central to consideration of the areas of public life where the provision relating to sexual harassment would apply. He said MPs:

'are in a different position from the normal workplace participant. They are frequently adversaries in the public eye. Other means of coping with offensive behaviour are readily available and there are dangers associated with an attempt to intrude into these relationships' (page 1708 Hansard).

The Attorney-General indicated the Government agreed with that view and opposed any attempt to extend the Act to cover sexual harassment by one Member of Parliament against another.

In my view this debate and the wording of the amendment, makes it clear that section 87(6c) was not intended to apply to complaints of sexual harassment by one MP against another. It is further my view that given section 87(6c) is the section which specifically applies to MPs, then section 87(1), by virtue of this fact and its wording, relating to sexual harassment in the workplace, does not apply to the situation you describe in your complaint, involving the actions of the Speaker.

You evidently believe an MP should be able to utilise the provisions of the Act to make a complaint of sexual harassment against another MP. However, my view—

this is the view of the Commissioner for Equal Opportunity—

is that the situation you describe does not come within the Act, in its current form. As such I do not have jurisdiction to enquire into, or examine the substance of your complaint.

Although I do not believe this is a complaint within my jurisdiction, the subject of sexual harassment in all areas of public life is of concern to me. I continue to promote awareness on the issue and I am always grateful for the opportunity to reflect on whether the current form of the Act is an appropriate reflection of community values and expectations. Furthermore, I will continue dialogue with the Government in relation to the question of possible future amendments to the Act.

[Signed]

Dr Nikki Vincent

So when this happened, I knew that those of us who were MPs had little recourse to make a complaint to the Commissioner for Equal Opportunity with regard to another MP. In the aftermath of that party—a party at which many of us chose to stay out of the way of a gatecrasher who behaved so offensively that people were leaving, who behaved so offensively that he was asked to leave on several occasions, and who behaved so offensively that he would not have been welcomed back at work in any workplace in this state—I knew that in many cases, we had no recourse.

One of the things that my friends asked me in the following days was, 'Why didn't you call the police?' Well, Mr President, without either the President or the Speaker allowing the police into the building, we could not have called the police. We did not have the power to have them enter the building, or to make that threat, which could potentially cause embarrassment. I am on record this week as noting that one of the people at the party attempted to shame the member by taking a photograph of his behaviour. He then made her delete that photo from the phone. I raised this because it showed that he had knowledge that his behaviour was inappropriate at the time.

To hear apologies that include the words 'journey of recovery', to see apologies on Twitter that do not actually acknowledge the actions and the hurt and harm that has been caused, that do not acknowledge—other than those who have been vocal in our complaints—that there have been incredibly large ripples into this building and to the people who work in this place. People have a pit of fear in their stomachs that they may run into him. There are people who avoid going to places where he may be. There are people who, upon coming to this building, need to compose themselves in order to deal with the anxiety, trauma and stress that the events of that night have created over the past two months of their lives.

Like the man who sent that email, often the anxiety, the trauma and the stress comes because of a range of other events that have happened in people's lives. I want to acknowledge that, and I think that we should all acknowledge that nobody comes to these situations without a range of things that they live with and live through and that we all carry with us.

I have spent weeks counselling people, supporting people and being supported by others and watching a process that has fallen far short of what would happen in any other workplace in this state. I have watched a process that has been a farce and that has been completely powerless to

provide sanction, and I have watched a vacuum of leadership. We often say in this place that hard cases make bad laws, but actually we need good laws so that we do not get to the point where we have hard cases.

I move my amendment to this motion noting that the Greens are no saints in regard to sexual harassment in the workplace. In particular, there is a former member of the Greens in New South Wales who another member of the Greens had to accuse of harassment in the parliament, using parliamentary privilege, before the then leader, Senator Richard Di Natale, called for his resignation.

However, I reflect upon the political nature of how this matter has been handled. If it is the case that members of a political party backgrounded the media about this, they should reflect upon their actions. Those people who attended the party, including myself, did not want this run through the media. While it was, in the end, the only recourse for action, the only recourse for a real response, it has retraumatised everyone in a way that would not happen in any other workplace.

Imagine seeing your life on the front page of the paper when you did nothing to create that news story, when it was not your actions that were the harassment, you were simply subjected to them and you were already living with the trauma. Then you are retraumatised on the nightly news, on the front page of the paper and on the radio waves, day after day, because we do not have processes in this place that anticipate these situations and when we know that these situations have been happening for years. If we do not do something about it now, it will continue to happen without appropriate remedies and without appropriate workplace protections.

I urge members to take up the equal opportunity commissioner's offer to assist us. She has been making the offer for years. She should have been offered the opportunity to assist with this matter. In my early conversations, after I made a formal complaint, I was informed by the Speaker that he was in conversation with the equal opportunity commissioner. That was in the first week of this year. I waited and I waited—well over a week since that conversation—only to then read in *InDaily*, again in the media, that the equal opportunity commissioner was going to have nothing to do with this investigation. It was then another several days before I received my invitation to participate in the private investigation.

I think I am possibly unique in this place in that I have participated in both the private investigation and the police investigation. I will put on record right now that I participated in that police investigation just a few short days ago. At the end of my participation, I asked the detective sergeant whether or not I should now no longer make any public comment on the matter—and that was not the case.

He said that as long as I did not go to the particular evidence in the statement that I had given, which was on a specific area of the matters that happened that night, then there was no reason that I should not talk publicly, and he was certainly aware that I was going to talk this afternoon to this particular motion and there was absolutely no advice from him that I should not continue to speak up and speak out.

I want that to sink in with people, because I am gobsmacked that this week we have now seen the private investigation suspended. It is almost two weeks since I sat down with the private investigator and I gave him 11 names during that session, with email addresses and phone numbers, for him to contact, and it was not until Friday that those people were contacted—Friday the 14th, just gone by, at the end of the day. That does not give me great faith in that process.

I would have thought that, if you have an independent private investigator, that person should be enabled to talk to whoever they want and whoever they saw fit and follow the train of that investigation as quickly as possible so as not to further continue the trauma in this place. But it was confirmed in the other place that the Speaker would not rule out veto. I just cannot, for the life of me, see why the Speaker needed to have the names run past him by the private investigator if this was truly an independent process.

But I will also acknowledge and thank the Speaker, particularly for a conversation today, which was brief, but previously I have had excellent and fruitful discussions with the Speaker about raising the standards in this place. Previously, he has been very supportive and, indeed, his actions have been to curtail harassment in the other place and in this parliament, so I do have some level of goodwill left but I certainly think that this process has been very, very far from perfect.

I point out that in the correspondence that I received from the Speaker, following my questions to him about how the private investigation would be undertaken, he stated:

As Speaker, I do not have a formal role expressly in relation to investigating and resolving complaints about alleged sexual harassment by a member of the House of Assembly. However, by virtue of my position as Speaker, I am responsible for the general purpose of maintaining order whether that be good governance of the House of Assembly and more broadly the parliamentary precinct including the welfare of those people who work and visit Parliament.

To fulfil my role as one of maintaining order, I feel it is necessary to undertake some investigations so that I can form a preliminary view as to whether the allegations of sexual harassment by Mr Duluk are well founded.

It is for this reason I am seeking the assistance of an experienced independent investigator to assist me with this task, noting that neither the investigator nor myself have powers of compulsion when dealing with this matter. Relevant people can be invited to participate, answer questions or provide information, but no powers of compulsion can be exercised.

Based on the findings of the investigation, my preferred course of action may be to invite relevant persons to participate in a conciliation or mediation process. If there is agreement, I would ask an independent person to facilitate the conciliation or advise me on how best to conduct the conciliation.

As I have no formal power to resolve the matter, if conciliation fails there is nothing more I can do. To assist that reflection I seek clarification on some...

It then goes on to say that the terms of reference for the investigation are:

To evaluate and consider the evidence sourced in respect to the alleged behaviour of Mr Duluk that took place on 13 December 2020 at a Christmas function organised by the Cross-Bench Members of the Legislative Council in the Council's lower ground corridor and a Liberal Party Christmas function held on the same day.

In response to my question of whether the purpose was only to confirm the events and sequence of events, the response from the Speaker was:

Yes, the scope of the independent investigator's inquiries will be to endeavour to obtain full particulars as to what took place concerning the alleged conduct of Mr Duluk and to provide a report for the Speaker's consideration.

With regard to my question as to what would then happen with that report, it said:

I will be the sole recipient of the report.

That being the Speaker. It continued:

In the first instance, the report will be provided to me. When I have had the opportunity to review it, I will determine whether and to whom the report will be released.

Finally of note for this particular debate, 'What sanctions are within the remit of yourself as the Speaker?' was my question to him, and the response was:

As Speaker, I have no authority to impose any sanction on Mr Duluk if the alleged behaviour complained of is proved to be founded as a result of the independent investigation.

I am already on public record as saying that I think the investigation process is a farce. I think very highly of the private investigator undertaking the job. I found him professional, thorough, and I believe that the report will be of great use to the equal opportunity commissioner. I would encourage strongly—through you, Mr President—that the Speaker consider that and also consider resuming the work of that private investigator in pulling together that report.

One of the reasons I say so is we have already been traumatised enough in this place. I have had to tell the story twice, and if there is a court case we may well see that process unfold, but in the meantime that is only on one very small aspect of that night and it provides no remedy and no recourse for those people currently struggling with working in this place and feeling that this place does not support them, feeling that perhaps they should look elsewhere for work, feeling that perhaps it is just easier to give up, but I urge those people not to give up and I urge the members of this council not to put them in a position where they feel like they should give up.

I do not doubt for a second that processes will be used politically. I do not doubt for a second that both sides of politics that are not the crossbench have seen this through the political prism, that people have played games with it. As one of the anecdotes goes, to the new member that sits on their bench and looks across the chamber, 'Look at that,' they say, 'there's the enemy on the other

side, and we know that we have the bloodline in the other place.' To which the wise and old politician says, 'No, no, that's not the enemy. The enemy is sitting next to you. That's just the opposition.'

I know that the political games played on this are many layered and that, as crossbenchers, we are the least powerful members of this parliament in terms of these situations. I am getting a snide little look now, but I shall ignore it. If I had a problem with a colleague, I could use my internal party processes. If my problem was with a member of another party, I do not have those internal party processes at my disposal, but I am sure that every member of this place knows at least two or three stories of inappropriate behaviour by people in their own parties.

Where they cross into an infliction on another person who is not in their party, that person has very little recourse. When it is done in public life and there are no processes in this parliament, the only recourse a person has is either to give up or to go public and to shift the shame that they have been made to feel onto the perpetrator, where it rightfully belongs. That is not a situation that anyone who has been the subject of victimisation, bullying, harassment, racism should have to take on. They should have the very full and fierce protection of the law behind them and clear, transparent processes that will support them on their journey of recovery.

I could say much more, but with those few words I support the amended motion. I flag that in the coming weeks I will bring before this place a bill for a standards commissioner that I hope will see us create better processes in the future.

The Hon. R.I. LUCAS (Treasurer) (17:09): I rise as Leader of the Government. At the outset, speaking as the Leader of the Government, I want to offer to the Hon. Connie Bonaros in the first instance, who has publicly identified her concern and distress at the circumstances of that particular evening, my sincere and genuine and heartfelt apology for the distress and pain that she suffered on the evening, and in subsequent days and weeks, from that particular event.

As the Premier has indicated, and we in the government all support his statement, the actions of the member for Waite on that particular evening were completely unacceptable and were certainly not supported by the Premier nor myself as Leader of the Government in this chamber nor indeed any member of the Liberal parliamentary party. I repeat: as Leader of the Government, I offer, for what it is worth, my sincere and genuine and heartfelt apology for the pain and distress that the Hon. Connie Bonaros suffered and is suffering as a result of those actions.

Clearly, as has been indicated by way of the statement you made, Mr President, others have not publicly identified themselves in terms of being subject to the unacceptable behaviour of the member for Waite on that particular evening. In particular, I am referring, as I understand it, to staff who may or may not be members of staff of the parliament, or other members' officers. Indeed, I am not aware of all the people who were at this particular corridor party but, whoever they might be, I again offer, as Leader of the Government, a sincere and heartfelt apology for any pain and distress they may have suffered and are suffering as a result of the unacceptable actions of the member for Waite on that particular evening.

What I will also say is I have known the member for Waite in a much closer fashion, I guess, as a candidate and as a member of parliament in recent years, but I did know him prior to becoming a candidate and a member of parliament. Whilst I know some members in this debate have believed that the apology he has given is not genuine in their judgement, all I can say is that, having known the member for Waite, I think, better than any of the others who are commenting in this particular debate, I do believe it to be a genuine and heartfelt apology that he has made. He accepts that his actions were unacceptable. He accepts his actions have caused pain and distress.

Whilst it is certainly the prerogative of others in this chamber not to believe that it is a genuine apology, all I can put on the public record is, having known the man, the young man who made a terrible series of decisions on a particular evening, the apology that he has given is genuine, is sincere, and he accepts that he is very much in the wrong in relation to it.

There are a number of issues that I want to address, given the contributions that have been made. Firstly, in relation to the nature of the particular motion that we are being asked to support, together with the amendment moved this afternoon by the Hon. Tammy Franks, certainly the very strong advice that I have received is that what is being suggested in this particular motion, even

should it pass—and I accept the fact that the numbers are in the chamber for this motion to pass—will not be able to be implemented because the legislation does not allow it.

The legislation is quite clear. With great respect to the Hon. Mr Parnell's very fertile reinvention of the legislation, I disagree strongly with his attempt at rewriting the legislation from his perspective. I would refer him to his colleague's very erudite speech after his, where she quoted at length the view not of herself but of the equal opportunity commissioner in relation to her interpretation of the law. This is the person who is actually responsible for the implementation of the legislation. I am not sure how long the commissioner has been there, but she has been there for a little while.

With great respect to the Hon. Mr Parnell's very, as I said, fertile attempt to rewrite the legislation from his perspective, I would refer him to read closely the contribution that the Hon. Ms Franks gave and perhaps reconsider his interpretation of the legislation. Certainly, the view that the Hon. Ms Franks puts on the record—and I thank her for that—was similar to some of the commentary I have seen from the commissioner in terms of public commentary; that is, in relation to what she sees as the restrictions of the current legislation and what she is allowed to do or is able to do under the current legislation and what she is not able to do under the current legislation.

As the Hon. Ms Franks indicated, she is giving notice, not in a formal sense but in an informal sense, that she is going to be moving legislation, I assume, to seek to address some of those particular aspects that perhaps the commissioner has raised and indeed others might have raised as well. So as I said, I disagree strongly with the Hon. Mr Parnell's interpretation of the legislation.

The advice that I have, on behalf of the government, is that at law a formal complaint needs to be made to the equal opportunity commissioner by a person directly affected by the behaviour complained of. The equal opportunity commissioner must refer it then to an appropriate authority. In some of the cases we are talking about here, particularly in relation to staff of the parliament, that appropriate authority would be the Speaker or the President, who must consider whether the privileges of parliament would be impugned in addressing the complaint.

If it is considered the privileges would not be impugned, the appropriate authority would be remitted to the equal opportunity commissioner to deal with under the Equal Opportunity Act. So through that particular mechanism the equal opportunity commissioner has the capacity to investigate a complaint of harassment by a staff member against a member of parliament, going through that particular process which is clearly outlined in the legislation.

I have seen public commentary from the commissioner, who has indicated exactly that; that is, staff members who wanted to make a complaint against a member of parliament had the opportunity under the legislation to do so. In fact, I have seen television commentary where she has invited people to do so. Importantly, when asked by one media reporter as to whether or not she had received a complaint, she made it quite clear that she was not in a position to indicate whether she had or she had not under the provisions of the legislation in terms of confidentiality.

So she did not confirm as to whether or not she had received a complaint under these particular provisions of the Equal Opportunity Act. I do not know—I am not entitled to know—whether or not she has received a complaint under those particular provisions of the legislation, but certainly I have seen commentary where she has invited people in the circumstances I have just outlined to make a complaint, should they wish to do so, in relation to it.

The further advice to me is that pursuant to her statutory obligations the equal opportunity commissioner cannot disclose if she has received a complaint or whether she is investigating a particular matter. Furthermore, the equal opportunity commissioner does not have jurisdiction to investigate all aspects of the member for Waite's conduct in question for the reasons as follows. Specifically, sexual harassment of a member of parliament by another member of parliament is not unlawful conduct for the purposes of the Equal Opportunity Act.

I will not go through all of the argument there, but I think the letter the Hon. Ms Franks has read, albeit in relation to her complaint back in 2017 against the former Speaker and the reasons why the commissioner, albeit 12 months later, said she could not pursue that particular complaint, validates what I have just put on the record there, that the interpretation of the legislation is pretty

clear to everyone except the Hon. Mr Parnell. More importantly, it is not possible for the equal opportunity commissioner, who is implementing the legislation, to investigate a member of parliament wishing to complain about harassment against another member of parliament.

I want to address a range of other claims that have been made during this particular debate, but in terms of addressing this specific motion, as I said, whilst I accept that the government does not have the numbers in this particular chamber and the numbers are therefore for the motion to be passed, in the end, in our view, it will go nowhere, for the reasons the equal opportunity commissioner has outlined; that is, she does not have the capacity to initiate, of her own right, an investigation into all the instances of harassment, victimisation and inappropriate behaviour committed by the member for Waite in December 2019.

I note that it is not a particular date, it is actually for the whole month of December 2019, so the terms of the resolution relate to any activity the member for Waite engaged in from 1 December to 31 December and not just the events of the particular evening about which there has been complaint. That is the drafting that is evidently going to be passed and that is the drafting that is before the parliament at the moment.

The Leader of the Opposition, in moving this particular motion, said—and I believe him to be quite wrong—that this motion does not cover the issues relating to the police inquiry. That claim from the leader is clearly wrong. One only has to look at the drafting that he has moved, when he says:

...to request an investigation by the equal opportunity commissioner of all instances of harassment, victimisation and inappropriate behaviour committed by the member for Waite, Mr Sam Duluk MP, in December 2019.

It does not carve anything out at all in relation to it, and clearly the specific complaint being investigated by the police is covered by the terms of the wording that has been proposed by the Leader of the Opposition. His claim in his contribution that the motion does not cover issues relating to the police inquiry is clearly wrong.

The next point I want to address is the issue of the Speaker's inquiry, because partly this particular debate—although I do acknowledge in part the contribution of the Hon. Ms Franks in relation to the competence of the independent investigator—but certainly some of the media commentary and, as I understand it, some of the voiced complaints by at least one or two members of this chamber to members of the media, sought to cast some doubt on the independence of the independent investigator, Mr Paul Hocking, from Quark and Associates.

As I have indicated to a couple of members of the media who have raised the question with me, I did, without identifying the investigator concerned, place on the public record in a speech a couple of years ago issues that related to complaints of bullying and harassment made by staff members against Michael Atkinson. They are part of the public record.

There was an investigation commissioned, under the control of the former Labor government, into staff allegations from more than one staff member against Mr Michael Atkinson in relation to bullying and harassment. The investigation was into issues that related to those bullying and harassment claims against Mr Atkinson. In that investigation, the person and the organisation that was commissioned by the former Labor government to do the inquiry was Mr Paul Hocking from Quark and Associates.

Similarly, Mr Paul Hocking from Quark and Associates was commissioned to conduct the investigation into allegations against a current member of the Labor caucus, who was a frontbencher, in relation to inappropriate behaviour towards a member of staff under the former Labor government. I sought copies of documentation in relation to both investigations and the former Labor government refused the release of any documentation in relation to those inquiries.

The situation was that the investigator for both of those inquiries—and there may well have been others—clearly took statements from individual witnesses, took statements from the two members of parliament who were concerned, and summarised those to provide a confidential report to persons underneath the former Labor government. Persons with appropriate delegated authority then made decisions in relation to those particular inquiries. What those decisions were, we were never able to find out. Those confidential reports were never released. The argument clearly from the former Labor government was that, because of the confidential nature of those particular

inquiries, it was not appropriate to release the details of the evidence that had been taken from the staff members and the member of parliament involved and that it was not appropriate for those to be released publicly and certainly not to the Hon. Rob Lucas as a member of the opposition.

Therefore, the hypocrisy of the Labor Party in relation to this particular issue of the process of an independent inquiry, quite contrary to their own practice, demanding that all of the details of the confidential inquiry in the report be released publicly, should be apparent to anyone who is prepared to have a sensible look at this particular debate. I do note that that particular inquiry is suspended or on hold, or whatever phrase the Speaker has put, contrary to the claim made by the Hon. Ms Bourke that the inquiry had been abolished altogether, which is wrong. It has not been stopped or abolished altogether. It has been, as other members of this debate have more correctly indicated, put on hold, pending the results of the police inquiry.

As I said, that is in relation to the hypocrisy of the Labor Party in relation to the confidentiality issues. I think it is important also to note that for members who want or would have preferred these events to be investigated by the Equal Opportunity Commission, I repeat that if the equal opportunity commissioner did or was going to conduct an inquiry into these events, she would not be able to indicate that she had received a complaint, she would not be releasing whom she spoke to, she would not be releasing the details of any evidence that she took and she would not be releasing, for all and sundry to see, the final summary of all of the claims that have been made and who made them and the details of all of that as part of the process.

Anyone who has been involved with the processes the equal opportunity commissioner has gone through would understand the confidentiality provisions in relation to these sorts of processes. In many of the cases, as I understand it, there is an attempt to seek to conciliate or mediate—I am not sure what the right word is under the act—in essence to try to come to some understanding between the two parties, or the number of parties depending on who they are, to see whether or not some satisfactory resolution might be reached that might satisfy the complainant or complainants in relation to the issues.

Those people in the media, in this chamber and elsewhere who say, 'Let the equal opportunity commissioner do it,' with this inferred notion that, in some way, this is going to cast greater public light and transparency on the particular complaints, are either sadly misunderstanding the legislation or deliberately trying to mislead the media and the community in relation to this particular issue. The processes of an equal opportunity commissioner, by virtue of the act, would be secret and confidential.

The sort of transparency that some are jumping around saying is required in relation to this issue would not be permissible under the equal opportunity legislation as it is currently structured. If the Labor Party or anybody else wants to move legislation that says that all the processes involved under the equal opportunity legislation ought to be public and transparent, good luck to you, but I suspect that in the end, in the cool light of day, sensible people will probably see that that is not the way to try to resolve many of these difficult issues in relation to harassment and bullying on worksites.

The other thing I want to address in general terms is the claim that has been made, particularly in the public but by one or two in this particular debate, that the unacceptable behaviour of the member for Waite on that evening has in essence led to no consequences at all. In the first instance, I have indicated that he has made what I believe to be a sincere apology. He certainly indicated an acknowledgement that he has to undertake counselling for the use and abuse of alcohol, and he is undertaking that sort of counselling at the moment.

More specifically, there are other issues that have occurred and have been taken over the last few weeks. He has resigned from the position of Presiding Member of the Economic and Finance Committee of the House of Assembly. Some media reports said that that was of no consequence. Well, it is a prestigious position but, in addition to being a prestigious position, it is something that pays an extra \$35,000 or so a year by way of additional salary. There is a significant financial penalty.

As I understand it, any penalty that might have been applied by the Equal Opportunity Act, if it were to apply in these circumstances, would be significantly less, I can assure you, than \$35,000 a year for the remaining 2½ years of this particular parliamentary term, together with anything additional. Clearly, you get superannuation on your extra \$35,000 and a variety of other ongoing

benefits as a result of that additional salary. Some people are saying that under the equal opportunity legislation you can get a financial penalty. Any financial penalty would be significantly less than that particular financial penalty.

He has stood down from a number of committees. I know there is some debate about one particular committee, but we have passed motions in this house acknowledging a number of joint committees where there might have been particular difficult circumstances for him given that some of the complainants might have been either serving, working on or associated with particular committees. He has certainly resigned from those joint committees and some of the other committees as well. He is no longer a member of the joint parliamentary party room. Someone in the Labor Party flippantly said, 'That's of no great consequence. He doesn't have to attend a few meetings.' The ridiculous nature of that particular claim should be apparent to anyone. The Labor Party has examples in the recent past of members who are no longer able to attend the Labor Party caucus.

Whether they were expelled from your party because they crossed the floor on Roxby Downs or ETSA or whether in circumstances where they faced criminal charges they were removed from the joint party room. The flippant response is that this is of no great consequence, not turning up to a few meetings, but this is in essence your parliamentary team that you have been removed from and you are no longer able to attend those particular meetings.

His membership of the Liberal Party has been suspended. One member from the Labor Party in this particular debate cast doubt as to whether or not that had occurred, or whatever it might be. As of Monday evening, the state executive of the Liberal Party, which represents the whole of the party and the organisation—it is our governing body—accepted the suspension of his status as a member of the Liberal Party in that particular circumstance, and his membership of the Liberal Party has been suspended.

More importantly, in terms of consequences, there are people who say there have been no consequences for this individual. The member for Waite's reputation—and not unreasonably; I am not arguing that this is unreasonable—is in tatters. He has been the subject of public debate and criticism for two months. I accept that this is the reality: if you make mistakes and do things on a certain evening, this is the cost and the consequence. However, I do not accept the argument, as some are saying, that there has been no consequence in relation to these particular circumstances.

Given that he is no longer a member of the Liberal Party, he is not attending the joint parliamentary party room, he is no longer holding a position as presiding member of a committee and has resigned from virtually all of the committees with the possible exception of one, the only thing that remains is that he is still the member for Waite.

As I think the Hon. Mr Parnell rightly pointed out, there have been media commentators, Labor Party members and others saying that in any other workplace, he would lose his job. Nobody—not the Premier, not Rob Lucas as Leader of the Government in the upper house, the party room or anyone else—has the power to remove him as the member for Waite. That is a decision that is ultimately to be taken by the electors of Waite at an election. No-one can remove him from his seat. So, short of that, I am not sure what else can be done.

Some people have suggested that he should be banned from Parliament House forever. That would not be sustained. There have been court cases elsewhere in terms of preventing a duly elected member from undertaking the job for which he or she has been elected. I am not the lawyer here, but the advice I have received is that this is not possible.

Neither the parliament, the JPSC, the Speaker nor the President can say, 'We are just going to ban you; you can't turn up to Parliament House.' That is just not possible. There are other minor things that could be done. Clearly, the Speaker does have the power to move offices. That is one of the limited powers the Speaker has.

In relation to access to facilities at Parliament House, which I am sure would be seen by the community to be at the minor end—that is, as I saw speculated in the media, 'You can't go to the parliamentary bar' or 'You can't go to the dining room'—I do not think there would be many in the community who would see that as being a huge penalty or impost. I assume that the JPSC potentially has the power to address that, but the Speaker alone does not have the power to make those sorts

of decisions. That would possibly be a decision for the Joint Parliamentary Service Committee; I do not even know whether they have the power to do that.

Really, the only remaining thing is his position as the member for Waite, and nobody other than the electors of Waite at the next election has the power to do anything about that issue. At some stage, someone from the media needs to ask everybody who is baying for even more blood from the member for Waite, 'What more are you expecting to be done?' What more can be done in relation to a consequence? I do not accept the view that there has been no consequence for the unacceptable behaviour of the member for Waite on that particular evening in December.

Other claims have been made in the media in relation to these particular events, and I want to correct them for the public record. It was reported last Friday, when this story first broke in the media, that the member for Waite had been 'reported' in relation to basic assault or assault. For me, as a non-lawyer, that was an unusual phrase.

It was also reported that he would be summonsed in the near future to the Magistrates Court to respond to those particular charges. That is wrong in relation to the issue, because the issue is that ultimately there has to be a decision taken as to whether or not he is going to be charged. When he is charged, he is then in the position of being summonsed and having to appear and whatever else it might happen to be.

There is still another step to be taken in regard to the member for Waite. Someone—I am not sure whether it is the police or the DPP, but I suspect it would be police prosecutions—has to make a decision as to whether or not there is sufficient evidence for him to be charged. The media has been reporting that he has been 'reported', that he is going to be summonsed and that he is going to have to appear in the Magistrates Court in the near future. That may occur if he is charged, but certainly, since the last advice I had on the weekend, it had not occurred, and I believe it had not occurred as of Monday either.

The second thing the media have been reporting is that if he is found guilty or convicted of assault, which is the rumoured 'report' made by the police, he automatically loses his seat in parliament. That is not correct. The Constitution Act makes it clear: there are a range of offences for which you automatically lose your seat in parliament if you are convicted. If it is basic assault or assault, as opposed to assault causing harm or a more serious offence—and, again, there are gradations, and I think there is aggravation or something else where you may well lose your seat if you are convicted. But if it is basic assault, as the media reports have been, then you do not automatically lose your seat as a result of that. However, the media have been reporting quite freely that if he is convicted of this particular offence he automatically loses his seat, and indeed that is not the case.

Finally, a minor issue is that one or two journalists have been reporting that, as a result of the member for Waite no longer being part of the joint parliamentary party room, we now have a minority government in South Australia. I suggest to those journalists that 24 votes out of 47 votes, even on my meagre mathematics, is still a majority. I would advise those particular journalists to perhaps do their sums.

I conclude by indicating that I accept, from the speeches that have been given, that there will be majority support for this particular motion, as amended, as has been indicated. But even if this motion is to be passed what is sought to occur here cannot occur. In the government's view it will not be able to occur for the reasons that I have outlined. I think some members, by way of reading correspondence from the Commissioner for Equal Opportunity, have already indicated the restrictions under the legislation at the moment. For those reasons, the government will not be supporting the motion, or indeed the amended motion.

The Hon. F. PANGALLO (17:43): I want to correct something that the Hon. Mark Parnell had said in relation to the party, namely, that there were five crossbenchers there. In fact, I was not in attendance, and I believe the Hon. John Darley was also not in attendance at the party. So there were probably three, although there were staff members from my office who were in attendance. Just for the record, we were not in attendance.

The Hon. K.J. MAHER (Leader of the Opposition) (17:43): I thank speakers for their contributions to this motion. I think the Leader of the Government's arithmetic is correct in that there probably will be support for this motion in the chamber. There is really only one thing I want to quickly go to, and that is the contribution by the Leader of the Government. The Leader of the Government tried to persuade us that we ought not to do this because it might not have any effect.

The Leader of the Government cites two conditions precedent that are necessary for the equal opportunity commissioner to conduct an investigation under the Equal Opportunity Act. The first condition precedent is that there has to be a complaint. As the Leader of the Government correctly points out, we do not know if there has been a complaint. There may well have been a complaint or, if there has not been, there may well be a complaint. The second condition precedent needed, as the Leader of the Government points out, is a reference from an appropriate authority. The appropriate authority in this case being either the Speaker or the President.

It seems a quite odd argument from the Leader of the Government to try to say, 'Don't vote for this because by voting for this you create one of the conditions precedent needed for an investigation.' I would have thought that just creates an incentive, if there was a desire for the equal opportunity commissioner to look at it, for us to pass this motion, for us to require that the President of the Legislative Council request an investigation by the equal opportunity commissioner, the second of the two conditions precedent as set out by the Leader of the Government.

The other precedent is a complaint and, as the Leader points out, there may well have already been one and, if there has not been one, there may well be one forthcoming, particularly if those who may have grounds for the complaint know that that second condition is now fulfilled by virtue of the passing of this motion.

Amendment carried; motion as amended carried.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. J.S.L. DAWKINS (17:46): I move:

That the third report of the committee on an inquiry into workplace fatigue and bullying in South Australian hospitals and health services be noted.

I am pleased to present the final report of the committee's inquiry into workplace fatigue and bullying in South Australian hospitals and health services, which was established through the committee's own motion on 16 October 2018.

The inquiry terms of reference are outlined in the report and while I will not detail them all here today, the committee was focused on understanding the causes and impacts of workplace fatigue and bullying, and finding practical evidence-based solutions to reduce both the instances and impacts of fatigue and bullying within the South Australian health system.

The committee accepted 66 written submissions from stakeholder organisations, as well as from individuals who shared their own personal experiences of workplace fatigue and bullying. The committee received a further 24 supplementary submissions, the majority of which were responses to a short questionnaire sent to all individual submission authors. In addition to this, the committee met with 48 witnesses, 13 of whom were current or past employees within SA Health and the remaining represented 19 Australian-based organisations.

While the committee sought submissions from a diverse range of stakeholder organisations and the general public more broadly, the majority of the evidence received focused on the South Australian public health system and, as a result, our report does likewise.

Given the scope and complexity of the inquiry, the committee wanted to ensure that it consulted widely and fully understood all the key issues associated with workplace fatigue and bullying. For this reason, we developed a survey to assess the experiences of healthcare professionals with workplace fatigue and bullying. A total of nearly 2,300 valid responses were received, and an overview of the results is available in the report.

The committee also undertook a site visit to a selection of SA Health sites, including the Flinders Medical Centre, the Royal Adelaide Hospital, the South Australian Ambulance Service headquarters and the Lyell McEwin Hospital. The site visit provided a valuable opportunity for committee members to speak directly with SA Health staff about a range of important issues, including rostering practices, human resources procedures, fatigue risk management and incident reporting tools.

In reflecting on the evidence gathered throughout the inquiry, the committee has made 27 recommendations aimed at reducing the impact of workplace fatigue and bullying in South Australian hospitals and health services. The nature of these recommendations was informed by the evidence the committee received, which, as noted previously, focused predominantly on issues within the South Australian public health system. That being said, a number of the recommendations are sufficiently broad so as to apply to the health sector more broadly.

The committee found that the high-pressured nature of the work undertaken in hospitals and health services, coupled with the need to work long hours, shift work, overtime and on-call work, all as part of a 24/7 operation, creates an environment that places health professionals at greater risk of workplace fatigue and bullying. This is exacerbated by a poor workplace culture and lack of contemporary management skills among many clinical leaders. The committee also received evidence of inadequate complaint resolution processes, leading to issues remaining unresolved and discouraging staff from reporting inappropriate behaviour.

Workplace fatigue and bullying can have very detrimental impacts on the health and wellbeing of healthcare professionals. These impacts on both mental and physical health often stem from unsafe working practices, such as working excessive hours, having inadequate breaks and working irregular shift patterns. Further to this, both workplace fatigue and bullying can create a risk of emotional and physical burnout amongst staff.

The committee's recommendations aim to address areas where we see weaknesses in the way that workplace fatigue and bullying are currently being managed. The recommendations broadly fit within four key themes. Firstly, improvement to systems and processes: the report includes a series of recommendations focused on ensuring that SA Health takes a risk-based approach to preventing workplace fatigue and bullying and that it has sufficient high-quality data to allow it to do so.

Secondly, complaint management and resolution: while preventative measures are a key focus of the recommendations in the report, the committee received evidence to suggest that existing South Australian health complaint management and resolution processes have deficiencies which need to be resolved.

Thirdly, having appropriate levels of accountability: the committee sees the advent of new local health network governing boards as an opportune moment to improve accountability for addressing workplace fatigue and bullying. To this end, the committee has included a series of recommendations designed around LHN boards reporting against key performance indicators relating to workplace fatigue and bullying. The committee also sees SafeWork SA as playing a greater and more proactive role in ensuring that hospitals and health services are providing safe working environments for their staff and reducing the impacts of workplace fatigue and bullying.

Finally, accreditation processes: notwithstanding that much of the framework around the accreditation of hospitals and health services is managed outside of the South Australian jurisdiction, the committee considers that there is an opportunity to more effectively address issues of workplace fatigue and bullying through accreditation processes.

Ultimately, workplace fatigue and bullying can lead to serious negative effects on the performance of staff, which can impact on patient safety. For this reason alone, it is important that workplace fatigue and bullying in SA hospitals and health services are addressed as a matter of priority.

Before making some concluding remarks, can I say that this was a complex inquiry and it did attract a range of evidence. Some of that evidence took me back to some work that was done in a previous inquiry by the committee in the previous parliament and one that I was on in relation to suicide prevention and mental health in the workplace.

I think in that inquiry we saw evidence, particularly in country settings but not only, that the willingness of health staff to come forward and admit to their supervisors that they have a mental health issue was frowned upon but also, as I said, in many of the smaller communities was seen to be a very limiting factor in their continued employment or in any advancement in employment. I think these matters are most complex.

The work of the committee also complements the work that the Issues Group on Suicide Prevention has been addressing in the attitude of all government departments, in addition to dealing with their clientele, to the way in which they better deal with their staff. That is something that is very important to me.

I would like to thank everybody who took the time to contribute to the work of the committee during the inquiry, including those who gave up their time to make submissions or appear before the committee hearings. I would particularly like to thank the individuals who provided written submissions and appeared before the committee. Many of these people recounted their own very personal and often traumatic stories of fatigue and bullying. The committee is extremely grateful to them for sharing these experiences. As part of its ongoing commitment to occupational safety-related issues, the committee intends to keep these matters under review and monitor progress with respect to the implementation of the recommendations outlined in the report.

I would also like to thank all the members for their input and deliberations throughout the inquiry. From the other place, my thanks go to the Presiding Member of the committee and member for Morphett, Mr Stephen Patterson; the member for Davenport, Mr Steve Murray; and the member for Taylor, Mr Jon Gee; and my colleagues from this house, the Hon. Tammy Franks and the Hon. Tung Ngo.

As are, I think, any of us who have ever worked on these sorts of inquiries, we are very grateful for the efforts of our staff. In this case, the committee, at the outset of the inquiry, had Ms Anthea Howard as its sole officer. Anthea at the time was also working full-time in the employ of the House of Assembly and in the chamber. I must commend Anthea. I think she has now left the service of the parliament, but she was an excellent officer.

Subsequently, Mr Simon Macdonald came on board as the parliamentary officer of the committee, as I think the officers of the committees that are formed in the other house are called. Not long after that, we had the appointment of the research officer, Mr Eugene Braslavskiy. I commend both those gentlemen for the work they did for the committee. Unfortunately, they have both now departed, as Mr Macdonald has been shifted within the offices of the House of Assembly and I think is now working in that chamber as a parliamentary officer, and Mr Braslavskiy has, only I think last week, returned to his role in the government department he came to us from.

With those remarks, and underlining the very good work of the committee staff in supporting the committee, I commend the report to the house.

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

At 18:00 the council adjourned until Thursday 20 February 2020 at 14:15.