LEGISLATIVE COUNCIL

Wednesday, 3 June 2020

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 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. N.J. CENTOFANTI (14:17): I bring up the sixth report of the committee.

Report received.

The Hon. N.J. CENTOFANTI: I bring up the seventh report of the committee.

Report received and read.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Regulations under Acts—
Genetically Modified Crops Management Act 2004—Designation of Area No. 2

ANSWERS TABLED

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

Question Time

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Human Services a question about disability services.

Leave granted.

The Hon. K.J. MAHER: In the other place yesterday, the Premier said of a recently established task force:

> …we want to keep the scope of this task force broad. There are people on this task force with great lived experience and, quite frankly, they want to get to the bottom of a sickening case in South Australia.

I will repeat that last bit: the Premier wanted them 'to get to the bottom of a sickening case in South Australia'. This morning on ABC radio, a member of that task force said, 'We can't look into Ann Marie Smith.' Today on radio, the Minister for Human Services said about the task force:

> It has been characterised as an inquiry into the death of Ann Marie Smith. Now, they don't have access to that information, that's never been the case.

Yesterday in this chamber, the minister said:

> The task force is independent. I am not seeking to limit them in any way. I do not wish to limit the scope of the task force.

All of these statements can't be true. In fact, the minister's own statements from one day to the next are contradictory. My questions to the minister are:

1. Will this task force be looking into the circumstances of the death of Ann Marie Smith?

2. Who is telling the truth about this issue: the Premier, the minister or the task force member?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:23): There are so many semantics that the Labor Party would like to point to in all of this, being excited in the last 24 hours about the terms of reference for a task force, when clearly those terms of reference for the task force—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —did exist and had been in the form of a range of iterations.

The Hon. C.M. Scriven: They are specific questions that you should be able to answer to the people of South Australia. You should be able to answer them.

The PRESIDENT: The Hon. Ms Scriven, listen to the answer, please, in silence.

The Hon. I.K. Hunter: If we were given one, we would.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: There are now semantics going on about the purpose of the task force.

The Hon. I.K. Hunter: They are not semantics; they are facts.

The PRESIDENT: The Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: Sit down, minister. Would the opposition like to hear the answer?

The Hon. C.M. Scriven: I would like to hear an answer.

The PRESIDENT: The Hon. Ms Scriven, in silence. Minister.

The Hon. J.M.A. LENSINK: The purpose of the task force, as I have outlined a number of times and once again on talkback radio this morning, was established to consider gaps in safeguarding. We have a number of well-credentialled people with lived experience, people who understand the landscape, and we believe they have great experience—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —in terms of knowing where there are gaps in safeguards. I have received a lot of very heartfelt personal contacts, I have received phone calls and I have received emails and letters from a number of people within the disability community in South Australia, whether they are people with lived experience themselves, parents or service providers, who have found this whole process genuinely distressing. They are looking for answers and that is what the government is rapidly seeking to do in terms of trying to close those gaps in safeguarding.

The task force has its role, it has met very quickly and it is independent. It has already met and its work continues, consulting a large range of South Australians who have a range of views about how we can improve these services, which is our focus. At the same time, there are other inquiries taking place. There is one through the South Australia Police, who have declared this terrible situation a major crime. We also have a Federal Court judge who is doing an investigation on behalf of the commonwealth, and we will have a coronial inquiry as well.

So there is a range of inquiries looking at the circumstances. There are some matters in the public domain, which I have referred to previously, but we are absolutely determined as a government

to get to the bottom of this. At the same time, the Labor Party has engaged in fear and hubris, which I might note is being—

The Hon. C.M. Scriven: How can you say that with a straight face? We're talking about someone's death.

The PRESIDENT: Order! The Hon. Ms Scriven!

The Hon. C.M. Scriven: You think we shouldn't be upset about someone's death?

The PRESIDENT: The Hon. Ms Scriven!

The Hon. J.M.A. LENSINK: The Labor Party has engaged in hubris. It is almost salivating at this situation where we have had a tragic death of a South Australian who clearly deserved a lot better.

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Point of order: I take particular offence at the comments by the minister that we are salivating over this tragic and heartbreaking episode. I think she should withdraw—

The PRESIDENT: 'Salivating' is hardly an offensive word. There is no point of order.

The Hon. R.P. WORTLEY: Salivating would mean—no point of order?

The PRESIDENT: No point of order. Sit down. Minister, continue.

The Hon. J.M.A. LENSINK: I am happy to withdraw that specific comment and say that South Australians have said to me that they find the behaviour of the Labor Party, in terms of their—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —response to this, salivating at this issue, which quite frankly is completely disgraceful. We want answers to this. The Labor Party has been busy undermining the integrity of the workforce which, with the task force, has been working hard. Might I add that there are a number of people—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —on that task force with lived experience who are going through their own grief. We should be grateful that South Australians are stepping into this space so that we can try to ensure that these gaps in safeguarding do not exist into the future.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary arising from the answer given: can the task force look into the circumstances of the tragic death of Ann Marie Smith or not?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): I have already responded to this question.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary arising from the original answer: how does the minister in any way reconcile what she is telling the chamber today with what she said yesterday, stating, 'I am not seeking to limit them in any way.' Which day was she telling the truth to this chamber?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): Both, because the reference that I was making was in relation to the terms of reference which has seemed to excite a lot of members of the Labor Party, as well as the media. It is the strangest response to anything I have seen in a while in that there is—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Yes, absolutely.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke!

Members interjecting:

The PRESIDENT: The honourable Leader of the Opposition!

The Hon. J.M.A. LENSINK: There have been a lot of inaccuracies in the reporting of this case and that, I think, is very disappointing because—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —we need to get to the facts. The facts of the matter are that the task force was given a brief within days after it having—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Leader of the Opposition!

The Hon. J.M.A. LENSINK: —been announced. That brief was to look at the gaps in safeguarding. Initial terms of reference were drafted and provided to the task force and they will be published this afternoon. There's nothing mysterious about this whole process.

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It's just—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke!

The Hon. J.M.A. LENSINK: Might I add that what has been the response of the opposition, apart from lots of hubris, is to propose a judicial review, which was a device that they used all the time when they were in government. I thought it was a bit of a glass-jaw moment when the Leader of the Opposition referred to it, because it was a device that the Labor Party used to kick the issue down the road and hope that by the time the royal commission or judicial task force, or whatever situation it was, would be years, years down the track, and they would have hoped that by that stage South Australians would have forgotten about the tragedy.

In contrast, our response has been that we have established this task force very rapidly in response to the outpouring from people in the disability community, be they with lived experience, be they families, be they some incredibly conscientious and hardworking people in the field who are as distressed as everybody about how this could have happened. They are able, with their deep level of understanding of these issues, to quickly identify gaps in the system. I look forward to receiving their recommendations.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Supplementary arising from the original answer given that referred to the terms of reference: who drafted the draft terms of reference? Was it the task force, or was it your office, or was it somewhere else in government?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): I am really pleased that the Labor opposition is so obsessed with this particular process of how they came into being, because it was the chair—the chair at the time, who then became the co-chair—who drafted the initial terms of reference, and the ones that we will provide publicly this afternoon are not that much different.

It has been a strange focus on this particular set of words, which are very broad, and, as I said yesterday, I have taken the view that the task force should have latitude so they may well identify other issues that they think are important. As I talked about yesterday, there is a whole web of issues relating to safeguarding. If the Labor opposition would spend two minutes listening to people in the sector, they would understand that there are a whole range of ways that we can improve safeguarding for people with disabilities, particularly the ones who are the most vulnerable, who might have profound disabilities, who might not be verbal, who might have significant physical limitations and particularly those who don't have someone else to advocate for them.

There are layers, and that is why the inclusion agenda is so important, because it is all about human rights for people with disabilities—that they have the same rights and expectations as every other person in our society. Those are things that I have certainly heard. Those are the messages from the speakers at the vigil on Saturday. Those are the messages that I hear loud and clear from correspondents and from concerned South Australians.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): New question: the minister has claimed that media reporting on this issue has been inaccurate. Minister, what exactly has been inaccurate, or are you just casting general slurs at those seeking to hold the government to account?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): The reporting of the task force in today's paper was inaccurate. There may well be other comments—

Members interjecting:

The Hon. J.M.A. LENSINK: Because it said that the terms of reference weren't available, and they have—

Members interjecting:

The Hon. J.M.A. LENSINK: They weren't publicly available—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: They had been circulating with the committee. This is quite a natural process that—

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. Bourke: You are quoted right here, on radio.

The PRESIDENT: Order! I can't hear the minister.

The Hon. E.S. Bourke: I can provide it if you like.

The PRESIDENT: The Hon. Ms Bourke! I cannot hear the minister's answer.

The Hon. J.M.A. LENSINK: Members of the task force have been trying to correct the record today, saying, 'What on earth were they talking about? What on earth was this reporting that the terms of reference didn't exist?' I think that was the implication. That is highly inaccurate. My other concern is in relation to—

The Hon. E.S. Bourke: No, a final terms of reference. You can have a draft. Is it the final?

The PRESIDENT: Order, the Hon. Ms Bourke!

The Hon. J.M.A. LENSINK: My other concerns relate to a lot of supposition that has taken place by various individuals which I think it is fair to say is unhelpful, given that this terrible and tragic death is now a major crime. I think it behoves us all to stick to the facts that have been established rather than engage in supposition.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:34): Supplementary arising from the answer in relation to media reporting: is it still the case that the minister is solely relying on media reports as the source of information about this case?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): As I said on radio this morning, a slip of the tongue on talkback radio is the least of my concerns at the moment. I've been assimilating information from a range of sources, and there's clearly information that I have access to which is confidential and which I can't provide.

Members interjecting:

The PRESIDENT: Order! Minister, please continue. The opposition will listen in silence. I want to hear the answer.

The Hon. J.M.A. LENSINK: I think it's important that we deal in matters of fact in this regard in relation to this matter, and everybody needs to be cautious about any suppositions they might make.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Supplementary arising from the original answer: apart from the minister's claim that there are gross inaccuracies in the reporting about the task force, what other inaccuracies is the minister referring to in how the media has reported this matter?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): I'm not quite sure what the honourable member wants me to do, to sit down and go through every transcript and say, 'That there, that was wrong. That there, that was wrong.' There has been a range of assumptions made in relation to this particular matter, and I think we need to be circumspect because there is a major crime investigation and because we don't want to prejudice the outcome of that.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:36): My question is to the Minister for Human Services regarding disability services.

The Hon. J.S.L. Dawkins interjecting:

The Hon. K.J. MAHER: Are you quite finished, Hon. John Dawkins?

The PRESIDENT: Order!

The Hon. K.J. MAHER: If you think this is a matter—

The PRESIDENT: Order!

The Hon. K.J. MAHER: —to be treated like that—

The PRESIDENT: Order! Order! The Hon. Leader of the Opposition, please ask your question.

The Hon. K.J. MAHER: Minister, what exactly are the state government's responsibilities for worker screening and participation safety under the NDIS bilateral agreement and the Intergovernmental Agreement on Nationally Consistent Worker Screening?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): We are responsible for providing worker screenings to those individuals who are required to have them. So anybody who works in disability services, where I think the terminology is that where they have more than incidental contact with a person with a disability either as a worker or as a volunteer, is required to have a screening check.

Ensuring that the individual has a screening check is the responsibility of their employer, so the DHS's responsibility in that regard is to receive the application, process the application. The application is sent to ACIC, which then promulgates that to all the other state and territory jurisdictions to check their police records to see if the person has a police record. It also goes through our state systems in terms of the child abuse system and any matters that may be there.

If there is information in there that needs to be assessed, then the screening unit will do what is called a more detailed assessment to determine whether that person poses a risk to working with people with disability or not, and following those determinations decides whether the person should be granted a screening application or not.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): Supplementary arising from the answer: can the minister assure the chamber that South Australia is abiding by all its obligations under the Intergovernmental Agreement on Nationally Consistent Worker Screening, particularly in relation to the guidelines in Queensland?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): I'm not sure what the honourable member is referring to in relation to guidelines in Queensland. My understanding is that we do comply with the agreements. I received something quite recently, I think, from the Quality and Safeguards Commission in relation to the next stage of a national disability worker screening system, which was due to go live prior to now.

My understanding is that the screening unit is ready for that system as soon as the other states are available, and that the screening system is now due for February next year. We have, in addition, asked the Quality and Safeguarding Commission to provide us access to their carer concerns because we think that information is important to advise our screening unit of anything that may be on their system, so clearly the more information that is provided to the DHS screening unit the better.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Supplementary arising from the original answer: specifically, is the minister certain that South Australia is abiding by its responsibilities on sharing information and data under the Intergovernmental Agreement on Nationally Consistent Worker Screening?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): I think I have already responded to this question. If there is any information that is held by SAPOL or our child abuse line, where another jurisdiction may need that information, that is part of the screening assessment that is looked at by ACIC, and we have been ready to go live with the national scheme so that workers have portability in terms of their screening check.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Final supplementary: very simply, is South Australia sharing information as it is required to under the agreement on consistent worker screening or not?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:41): I think what the honourable member might be referring to is when the national scheme goes live. I have already explained that South Australia is ready with its databases whenever that system goes live. We have been waiting for other jurisdictions. That will enable that sharing across jurisdictions such that if one jurisdiction is notified that somebody has been charged with an offence then that information will be provided. We are ready to go, and clearly we would like this to be advanced as soon as possible.

HI-TECH SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (14:41): My question is to the Minister for Trade and Investment. Can the minister please provide an update to the council about the Department for Trade and Investment's digital engagement strategy and Hi-Tech South Australia May 2020?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:42): I thank the honourable member for her first question in this chamber. It is a pleasure to be getting the first question from her. I have known the honourable member for a number of years and know that she has a particular interest in the high-tech sector. Indeed, Mr President, it has been a busy month for the department as we saw the launch of Hi-Tech May 2020, which is the continuation of our global in-market webinar series and the launch of our e-commerce accelerator program. Hi-Tech May focused on showcasing the state's unique capabilities within the high-tech space, with particular focus on our global reputation for excellent in defence industries, cybersecurity, machine learning, robotics and connectivity.

Key stand-outs across the month included virtual events featuring notable presenters, such as MIT's Professor Sandy Pentland, Australian Institute for Machine Learning's Professor Anton van den Hengel and South Australia's Chief Scientist, Professor Caroline McMillen. These virtual events were specifically focused on how South Australia's businesses could navigate the changing face of doing business and the effects of COVID-19 on the digital economy.

We also shared numerous examples of innovation across the high-tech sector, including businesses such as Fustec, eBottli and CVX Semiconductor. Across May, 16 in-market and high-tech webinars were held, with more than 1,500 registered delegates. More than 35 new business leads have been identified from these webinars, with strong interest from Hong Kong, China and the United States. Webinars will continue to be a focus across our trade and investment strategy, with regular in-market updates to continue to provide crucial insights and access for South Australian exporters to our on-ground representatives.

Over the next two weeks we will run in-market webinars with the UK, Europe, Malaysia, India and Hong Kong, as well as specialised webinars in partnership with Wine Communicators of Australia to help our South Australian producers learn the best practice to run their virtual tasting events.

On Monday, my department launched the second of our focus months, concentrating on health and medical industries. Hi-Tech is worth more than $2.3 billion to South Australia currently, and we will focus on the state's best practice capabilities in biotech, clinical trials, medtech and digital health solutions.

As part of Hi-Tech June 2020, a number of webinars will be promoted giving investors access to some of South Australia's most prominent leaders in the space, including again Professor Caroline McMillen, South Australia's Chief Scientist, and Dr Michelle Perugini, co-founder and CEO of Presagen, one of the world's leading AI-enhanced healthcare companies.

We will also be promoting South Australia at BIO 2020, a virtual conference connecting some of the world's biggest biotech companies. At the event, we will be participating in BIO 2020's unique digital partnering program, getting one-to-one face time with interested businesses. Promoting our capabilities and research resources in the health tech sector have never been more important, as South Australia emerges as a COVID-safe state and offers investors continuity of business and an opportunity to come back stronger than before.

ALCOHOL WARNING LABELS

The Hon. C. BONAROS (14:45): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about warning labels on alcohol beverages.

Leave granted.

The Hon. C. BONAROS: Nationally, moves are afoot for the introduction of mandatory pregnancy warning labels on packaged alcohol. The proposal by the country's food regulator, Food Standards Australia New Zealand, is designed to raise awareness of the dangers of drinking during pregnancy and by doing so attempt to stem the number of babies born with foetal alcohol spectrum disorder (FASD) each year.

Next month, the health minister and the agriculture minister, Tim Whetstone, will be asked to vote on the proposal for a second time. Disappointingly, the last time they were requested to vote on the proposal, earlier this year, both ministers voted with the industry and self-interest to shoot down the proposal.

Further, I also understand both ministers wrote to other state ministers, asking them to reject FSANZ's proposal. I am advised that after both ministers voted against the proposal, FSANZ was subsequently asked to revise the costs of such a program to industry and instead propose the use of the colour red and signal words in the warning instead. My questions to the minister are:

1. Why did you and minister Whetstone vote against the introduction of mandatory pregnancy warning labels on packaged alcohol?

2. Why did you and minister Whetstone write to other state ministers urging them to reject the proposal?

3. Are you prepared to table those letters that were sent to other ministers?

4. Do you believe it is appropriate for a health minister to put the concerns of the alcohol industry above those of the public health and the health of future unborn children?

5. Will you continue to reject any proposal the alcohol industry doesn't like?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): I suspect I might have trouble tabling the letter, because I don't think I wrote such a letter. The honourable member's statement is littered with assertions that I don't believe are true. For example, my recollection is that I didn't attend the last meeting of the forum. I don't recall having written a letter, but I will certainly check my records.

In terms of my understanding of the current state of that issue, ministers had a discussion about the work that had been done by FSANZ. We asked FSANZ to do more work and we are going to consider it at the next ministerial meeting. I don't apologise that South Australia wants to properly consider these issues and make a decision when all of the relevant information is available.

ALCOHOL WARNING LABELS

The Hon. C. BONAROS (14:48): Supplementary question: did the alcohol industry's stakeholder groups here in South Australia lobby the government to reject the proposal?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): The government receives representations from a whole range of stakeholders.

ALCOHOL WARNING LABELS

The Hon. C. BONAROS (14:48): Supplementary question: did those stakeholder representations include medical professionals concerned about the health of future unborn children?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): I have no doubt that they do.

ALCOHOL WARNING LABELS

The Hon. C. BONAROS (14:48): Supplementary: will the minister make available the submissions that were made by stakeholders in forming the position that they formed when the decision was made to reject the proposal?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): The honourable member is again making false assertions. The South Australian government was part of a ministerial forum that collectively decided that further work should be done.

ALCOHOL WARNING LABELS

The Hon. C. BONAROS (14:49): Supplementary question: can the minister confirm whether there was a vote by jurisdictions and how South Australia voted on the proposal that was put to FSANZ?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): As I said, my recollection was that I wasn't at the meeting. My understanding is that South Australia supported further information being received. I presume that because that is being done that the forum supported it.

ALCOHOL WARNING LABELS

The Hon. C. BONAROS (14:49): Further supplementary: can the minister confirm whether the proposal was put to a vote, and how South Australia voted on behalf of the South Australian government when that was put to a vote?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): I have already indicated that my understanding is that the South Australian government supported further work to be done.

ALCOHOL WARNING LABELS

The Hon. I.K. HUNTER (14:50): Supplementary on the basis of the original answer the minister gave: will the minister now check his records to see whether he submitted a postal or digital vote to that committee and whether he was requested to vote on a proposal to reject the FSANZ motion?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): I would be happy to take the honourable member's question on notice.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): My question is to the Minister for Human Services regarding disability services. Minister, what support coordination services were provided by the state government to Ann Marie Smith over the last two years, and since her transition to the NDIS was Ann Marie Smith ever in receipt of or ever on a waiting list for any type of support from the minister's agency?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): I thank the honourable member for his question. All of the files relating to Ann Marie Smith that exist within the Department of Human Services have been provided to SA Police and as a consequence I have been advised I am unable to comment on them.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:51): Supplementary arising from the answer: has the minister even asked or sought advice about whether Ann Marie Smith was a client of her department over the last two years?

The PRESIDENT: Minister, I'm not really sure how that's a supplementary question arising out of your answer; however, you can answer it if you choose.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): I'm happy to respond, thank you, Mr President. At a committee, which may or may not have been reported publicly, there were some matters canvassed with the acting CE of the department which relate to the fact that, having learned of this terrible death and that it had been declared a major crime, by going back to State Records and doing a very thorough search the department has retrieved all those records. They are now with the police and I am advised that I am unable to comment on them.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:52): Supplementary directly arising from the original answer: who is advising you, minister, that you can't comment on any of the circumstances of Ann Marie Smith's death if they arise from records your own department has held?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:52): Hypothetically, if I was to receive legal advice I wouldn't be able to refer to it. It has been the advice also of the—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —Department of Human Services. I have referred to the fact that we do need to be pretty circumspect about the details of this case. I think it's irresponsible, quite frankly, of the Leader of the Opposition to be asking these questions when we have a major crime investigation taking place.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I can assure honourable members that if there were any files within my ministerial office they have been hypothetically provided to any investigation that is taking place.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The implication the honourable member is making is that I haven't asked questions about this. I certainly have. They form part of the police investigation—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order, the Hon. Ms Bourke!

The Hon. J.M.A. LENSINK: —and we will be fully cooperating with the commonwealth in terms of their own independent investigation.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:54): Supplementary arising from the answer where the minister referred to receiving advice about what she can and can't say.

The PRESIDENT: Was that part of the original answer?

The Hon. K.J. MAHER: That was the original answer. By way of background—

The PRESIDENT: I believe it was the second answer.

The Hon. K.J. MAHER: The original answer talked about not having advice about not speaking about files held by the department.

The PRESIDENT: Exactly.

The Hon. K.J. MAHER: In relation to that original answer, how does the minister reconcile not talking about advice that she receives and having her acting chief executive table detailed legal advice at a parliamentary committee?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I'm happy to answer that. The acting CE quite clearly outlined that the advice she tabled was not in relation to a specific individual but was general advice that was provided to government. It is probably downright inconvenient for the Labor Party that that advice is now in the public domain, which is why they are now so upset about it. In relation to individuals and the circumstances where there is a major crime investigation, it would be inappropriate—

Members interjecting:

The PRESIDENT: Order! Both sides of the chamber, please.

The Hon. J.M.A. LENSINK: It would be inappropriate when there are multiple investigations of a legal nature—through major crime, through the coronial inquest and through the independent federal inquiry, which is looking at a range of these matters—for me to be commenting on the details of Ann Marie Smith's case.

CORONAVIRUS, SAFE WORKSITES

The Hon. D.G.E. HOOD (14:55): I seek leave to make a brief explanation before asking a question of the Treasurer regarding COVID-safe worksites.

Leave granted.

The Hon. D.G.E. HOOD: Businesses have asked many questions about where they should get information about how they can ensure COVID-safe worksites. Can the Treasurer please advise where they should go to get the best help and advice?

The Hon. R.I. LUCAS (Treasurer) (14:56): This is an important question for many businesses in South Australia because, as we ease the restrictions and employees come back to work, businesses that perhaps were unable to operate are now able to operate, albeit in a modified or restricted fashion. The challenges for those businesses are in coping and protecting employees and customers from the COVID-19 pandemic but on the other hand also complying with work health and safety laws, which are obviously relevant in our state.

Considerable attention has been drawn to information provided on the Safe Work Australia website in terms of providing advice to industry sectors and various businesses within those industry sectors as a source of information to assist them. Certainly, as the state minister in recent discussions at ministerial teleconferences, we have supported in principle the notion that Safe Work Australia should be a source of information for businesses and employees and also for customers and clients, but it is my strong advice to businesses in South Australia that, whilst looking at the information on the Safe Work Australia website, they also refer to information that is available on the SafeWork South Australia website.

This would apply equally in other state and territory jurisdictions, that they go to the websites of the individual state and territory regulators. There are two simple reasons for that. One is that, whilst there was an attempt to have national uniformity in work health and safety legislation, that did not eventuate. Whilst there is a fair degree of uniformity, even in those jurisdictions like South Australia where we did ensure there was a fair degree of uniformity, there are nevertheless some important distinctions and differences within South Australia that don't apply nationally.

Secondly, the directions that various authorities issue—in our case, it is the coordinator under the Emergency Management Act, the police commissioner—which relate to what is permissible or not permissible during this emergency, also impact on what businesses, employers and employees can or can't do. So it is impossible for Safe Work Australia to be able to be across all those differences and distinctions.

I have recently asked SafeWork South Australia to seek agreement from Safe Work Australia to place on their website a note or a warning to indicate that, whilst they have a large quantity of very useful information for businesses throughout the nation, there are jurisdictional differences and that businesses within a state or a territory should also refer to the appropriate website of the regulator in their state or territory. The member's question is an important question. Businesses are thirsty for information. They don't want to do the wrong thing. They are seeking advice. In relation to worksites, Safe Work Australia is a good source of information, but they must also, on my strong urging, consider the information that is available on the SafeWork SA website as well.

STEEL INDUSTRY

The Hon. M.C. PARNELL (15:00): My question is to the Minister for Trade and Investment, representing the Minister for Energy and Mining. The question is: what steps is the government taking to promote a green steel industry in South Australia which replaces metallurgical coal with hydrogen to reduce greenhouse gas emissions?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:00): I thank the honourable member for his question and, as always, his ongoing interest in things that are green and the very important issue around green steel. I know that the member for Stuart and hardworking Minister for Energy and Mining, the Hon. Dan van Holst Pellekaan, will be best placed to provide that answer, so I will refer the question to him and bring back an answer.

COMMUNITY VISITOR SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (15:01): My question is to the Minister for Human Services regarding conflicts of interest. Minister, when the Public Advocate was appointed as the Principal Community Visitor, were any concerns raised or did you as minister think to seek any advice about actual or perceived conflicts of interest between the roles?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): I thank the honourable member for his question. I would like to, with the indulgence of the chamber, just remind people of the origin of the Community Visitor Scheme. In 2004-05, there was a report commissioned, which was done by a gentleman by the name of Ian Bidmeade who did a review into the Mental Health Act,

entitled 'Paving the Way', in which he recommended that a community visitor scheme be established in South Australia. Yes, it was 2005. I'm reading from the *Hansard* of 30 April 2009. In his comments in relation to his recommendation that the then government establish a community visitor scheme for mental health, he says:

> One obvious issue in a small state like South Australia is whether the people involved in such schemes could play other roles, such as advocacy, or assistance to consumers coming before the Guardianship Board. Another is whether the visitors should be looking at standards of care, or be more focused on a personal supportive relationship with individual consumers. We support any such scheme being housed with the Public Advocate to emphasise advocacy and synergy with other advocacy roles.

The person who read that into the record on 30 April 2009 was myself at which time I moved for the establishment of the first Community Visitor Scheme in South Australia, and the government at the time opposed those amendments.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Government benches, please; I can't hear the minister.

The Hon. J.M.A. LENSINK: The government at the time opposed those amendments. That was the clear direction that was provided by Mr Bidmeade in that report. We took his advice in the Liberal Party and proudly and, I might add, along with the advocacy of organisations like the Mental Health Coalition—

The Hon. T.A. Franks: The Mental Health Coalition, where I was the policy officer at the time lobbying for this.

The Hon. J.M.A. LENSINK: Yes, the Hon. Tammy Franks reminds me—

The PRESIDENT: The Hon. Ms Franks, you are interjecting out of order.

The Hon. J.M.A. LENSINK: —in an out of order manner—that she was the policy officer. I think there were probably a range of other organisations that were advocating for that as well. That was the advice then. I'm quite happy to go and check the records to see whether any specific individuals or organisations raised concerns about a potential conflict of interest, but we believe that there are natural synergies. It is the Minister for Health's responsibility to determine who the Principal Community Visitor is, but we believe that there are synergies with the role because we are dealing with the state's most vulnerable people, that is, people under guardianship. These are people who don't have family and friends.

The term that's often used—that very unfortunate term—is guardian of last resort. These people don't have the capacity to advocate for themselves. They don't have friends and they don't have family. In fact, we extended the Community Visitor Scheme last year to enable the Principal Community Visitor to visit those people, because we think they are an incredibly important cohort for both roles to be able to advocate for.

COMMUNITY VISITOR SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (15:05): Supplementary arising from the answer: given the minister expresses strong support for the role of the Community Visitor Scheme, is the minister now taking steps to ensure that there is a dedicated Principal Community Visitor?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): I think what the honourable member meant to ask was that it be a non-acting role; that is, actually the statutory responsibility of the Minister for Health and Wellbeing in his role as having the responsibility for the Mental Health Act.

COMMUNITY VISITOR SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (15:05): Supplementary question arising from the original answer: can the minister envisage any conflict where a community visitor might be visiting a client whose affairs are managed by the Public Advocate?

The PRESIDENT: Minister, it sounds like a hypothetical question.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): Yes, and I think quite publicly she has stated that some of them are the same people.

COUNTRY HEALTH SERVICES

The Hon. J.S.L. DAWKINS (15:06): My question is directed to the Minister for Health and Wellbeing: will the minister update the council on country health services?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I thank the honourable member for his question. The Marshall Liberal government is committed to supporting the delivery of improved health services in regional South Australia. We are delivering on our commitment to reduce the backlog in country capital works, developing the Rural Health Workforce Strategy and a range of site-specific projects such as the delivery of an MRI machine to Berri hospital.

One of the other site-specific projects is the redevelopment of the emergency department of the Murray Bridge Soldiers' Memorial Hospital. The government has committed $7 million to the redevelopment, the first major upgrade to the emergency department in 40 years, and will provide significantly upgraded services for the surrounding communities. People in the Murray Bridge area are a growing part of the region, with 22,000 people living the city.

The Murray Bridge ED currently has three treatment bays and the redevelopment will see that increase to seven treatment bays with two resuscitation bays. There is a suite of supporting rooms, including two consulting rooms, two procedure rooms, a dedicated waiting room and a separate quiet room for patients who are vulnerable. Overall, the emergency department will double in size.

This project will ensure that the community served by the Murray Bridge hospital will have access to a modern, fit for purpose emergency department and is literally a concrete demonstration of this government's investment in regional South Australia. Importantly, at this time the project is also providing jobs for the South Australian economy, both directly on the worksite and indirectly through associated expenditure.

I was glad to be able to be present last week, with the member for Hammond, to mark the laying of the first slab of concrete for the ED. Structural steelworks are beginning this week and I look forward to returning to Murray Bridge to see the ED completed within the next year.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (15:08): I seek leave to make a brief explanation before asking the Treasurer a question about the Whyalla Steelworks.

Leave granted.

The Hon. F. PANGALLO: Yesterday, I raised concerns in Whyalla that several contractors were owed significant amounts of money, putting them at risk of collapse, because of GFG OneSteel's failure to pay their bills properly over the course of nearly two years. I am pleased to report that last night and today all outstanding bills have been met and, further, assurances were given that from July all bills would be paid on time. My question to the Treasurer is:

1. After question time yesterday, did you or your office contact GFG OneSteel regarding the outstanding payments of invoices?

2. Does immediate or prompt payment of outstanding invoices form part of the certain conditions imposed on GFG OneSteel to allow it to access the $50 million in state government funding and possibly more?

3. Is there any significance to the July promise, and what does the government consider are appropriate terms for prompt payment of invoices?

The Hon. R.I. LUCAS (Treasurer) (15:10): The answer to the first question is no, I didn't, nor did my office, contact GFG. But I think, given the long nature of the discussions that have gone on, it would be no surprise to GFG and its managers as to the attitude of the South Australian government and the South Australian Treasurer in relation to the prompt or reasonable payment of suppliers to GFG. That would not be a surprise. I think in the answer I gave yesterday I did refer to the fact that a number of other government authorities, if I might refer to the Small Business Commissioner in that broad descriptor, had been actively engaged in the past in relation to ensuring prompt payment.

Certainly from the government's viewpoint—and this is not related specifically to GFG—we obviously would urge all major industries and businesses to pay promptly and within a reasonable period of time their suppliers and their small businesses, because the cash flow for small and medium size enterprises is much more dependent, in some cases, on the prompt payment or reasonable payment of big businesses such as this particular business. But my comments there don't relate solely to GFG, they relate to a number of big businesses.

Certainly, the Small Business Commissioner and the Australian small business commissioner, if that is her correct title—Kate Carnell—both indicated on behalf of small businesses that the previous payment arrangements were not reasonable in relation to GFG's approach.

In relation to the commercial negotiations—and we hope ultimately negotiations and discussions which do lead to a long-term, viable steel industry in Whyalla and in South Australia—I don't propose to go into the detail publicly of the negotiating position of the South Australian government. What I will indicate is two things. One is, as we have done in a number of areas—Nyrstar is an example and others—we are obviously mindful that we are the custodians of the taxpayers' money. Secondly, we are also there in the interests of trying to ensure ongoing protection of jobs for workers, families and others in whatever industry sector we might happen to be working in at the point in time. It is no different in relation to GFG, Whyalla and steel.

In relation to the payment for small and medium-sized enterprises, whilst I won't comment on our negotiations I did put on the public record that the South Australian government, again on behalf of taxpayers, had been generous in relation to some of the small businesses who did have loans from the former government and who were suffering cash flow problems as a result of a number of issues, also including COVID-19, importantly—that we had been generous on behalf of the taxpayers in relation to deferred payment of those particular loans.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (15:13): Supplementary: what terms does the Treasurer consider reasonable—20, 30, 60 or 90 days?

The Hon. R.I. LUCAS (Treasurer) (15:13): I'm not going to put a particular payment schedule or timetable on the record in relation to particular businesses or industries, other than, again, to repeat: we accept the position and agree with the position of the small business commissioners, state and federal, in the past and in the recent past as well that the practices in relation to the payment of GFG had been unacceptable from the viewpoint of small businesses and medium-sized businesses in the area.

So there is furious agreement between the Hon. Mr Pangallo and myself—I am not sure that that is going to be good for his client base to have that recorded on video tonight, but let me say for the record that there is furious agreement between the Hon. Mr Pangallo and myself. I'm sure we are both very interested in protecting the jobs of as many people in Whyalla, both within GFG but also, importantly, within the small and medium-sized enterprises in South Australia. I'm delighted, in answering the question, to be on a unity ticket with the Hon. Mr Pangallo in trying to protect the jobs of workers in and around Whyalla.

SMITH, MS A.M.

The Hon. K.J. MAHER (Leader of the Opposition) (15:15): My question is to the Minister for Human Services regarding disability services. Minister, are you aware if any of your ministerial colleagues specifically knew of the death of Ann Marie Smith before you found out?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:15): I would need to double-check, but it is my understanding that they were not made aware. I would need to take that on notice, I think, and just double-check.

SMITH, MS A.M.

The Hon. K.J. MAHER (Leader of the Opposition) (15:15): Supplementary.

The PRESIDENT: Interesting.

The Hon. K.J. MAHER: Minister, have you asked any or all of your ministerial colleagues if they knew before you found out?

The PRESIDENT: I'm not sure that's actually a different question from the first one, is it? You can answer it if you wish, but I thought it would be very hard to get a supplementary question out of the first answer given.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16): I have made a range of inquiries both through the organisations that I am aware had known about this case and have had a number of discussions with a number of my colleagues. We have been trying to assimilate the facts about who knew what and when, and that's been very important, I think, in terms of providing as much information as we can to the authorities so that they can undertake their investigations.

SMITH, MS A.M.

The Hon. K.J. MAHER (Leader of the Opposition) (15:16): Supplementary arising from the minister's answer—

The PRESIDENT: From the original answer.

The Hon. K.J. MAHER: —from the original answer where the minister said she wasn't sure if any of her ministerial colleagues found out before her: minister, have you even asked?

The PRESIDENT: The Minister for Human Services can answer if she wishes.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): Yes, I have. I have had so many discussions about this issue with—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I have had discussions with ministerial colleagues about a huge range of matters which cover this particular matter and in relation to some of the statutory authorities and a range of other things. I will just need to confer with my colleagues and double-check, but certainly my understanding is that that was not the case.

REGIONAL TRADE

The Hon. J.S. LEE (15:17): My question is to the Minister for Trade and Investment. Can the minister please provide an update to the council about how the Marshall Liberal government is re-engaging with regional exporters and businesses as COVID-19 restrictions are easing?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:17): I thank the honourable member for her question and her ongoing interest in the recovery of our export sector. We know that South Australia has eased restrictions on intrastate travel over the past few weeks. As Minister for Trade and Investment, I have made it a priority to begin revisiting our state's regions. My inability to travel interstate or overseas is a great opportunity to get back out to the regions. South Australia's regions are home, as you well know, to some of our key exporting businesses, and it is critical that I and my department continue to engage with these affected producers.

As we know, COVID-19 has heavily affected our high-value seafood export sector, as supply chains have been interrupted and key markets have become less accessible. Two weeks ago, I visited Port Lincoln to meet with some of the affected seafood producers, including Clean Seas, Eyre Peninsula Seafoods and Western Abalone. This trip gave me an opportunity to speak to those key producers about our International Freight Assistance Mechanism (IFAM) response in collaboration with our federal government and their freight and logistics needs.

Throughout these visits I was supported by regional state TradeStart advisers, who connect business and exporters with our department's network around the world. I thank Mr Ryan Butta and Mr Tim Coote for their support. I was impressed by these businesses and the spirit of innovation they have shown throughout the COVID-19 pandemic.

As an example, when 85 per cent of Clean Seas traditional markets were shut down due to COVID-19, this company pivoted into a retail space and is utilising best practice rapid freezing technology to guarantee the freshness of fish that they have previously been able to deliver fresh. Eyre Peninsula Seafoods, meanwhile, have been exporting their mussels through the Adelaide-Singapore flight established by the IFAM initiative and the Export Recovery Taskforce.

Through these flights, EP Seafoods have been able to minimise the disruption to their supply chain, and it is fantastic that Singapore Airlines have committed an extra flight per week to continue our inbound and outbound freight capacity. We also visited Western Abalone, the largest producer and marketer of abalone in South Australia. Western Abalone exports much of its green lip abalone to Hong Kong, so Cathay Pacific's announcement yesterday of flying freight back into this high-value market will no doubt be very welcome.

Outside the seafood sector, I had an opportunity to visit the Whalers Way launch facility, run and being developed by Southern Launch. They also have a facility at Koonibba in the Far West. Upon completion, Whalers Way will become Australia's first polar and sun synchronous launch facility for satellites. The space industry is one of South Australia's key growth sectors, and Whalers Way's site offers a unique value proposition through the combination of good weather, proximity of established infrastructure and unimpeded southern launch trajectories. The visit to Port Lincoln was one of several I am planning across the rest of the year.

The developments we have made towards opening up trade through the recently announced Singapore Airlines and Cathy Pacific flights will only help to strengthen our high-value and perishable exports. It is important to note that the Koonibba facility in the Far West will also be an important research and test facility for the Southern Launch group. I will continue to engage with exporters from all industries to understand the issues along the supply chain, increased connection and opportunity for South Australia to come back stronger than before.

Personal Explanation

GOULD, MRS E.

The Hon. F. PANGALLO (15:22): I seek leave to make a personal explanation over a question I asked on aged care on 28 April.

Leave granted.

The Hon. F. PANGALLO: It related to the 100th birthday celebration of a resident at the Resthaven facility under COVID-19 restrictions imposed by the management. In my opinion they went beyond those issued by the State Coordinator. However, I referred to the resident as Mrs Elizabeth Goulding, which was how I believed I heard it pronounced on radio a short time before. I had checked with the station on her name; however, they mistakenly sent me the incorrect pronunciation and spelling. Her name is Mrs Elizabeth Gould, and I would like the record corrected. When the mistake was pointed out to me, I immediately sent Mrs Gould a letter of apology, along with flowers acknowledging her wonderful milestone.

Matters of Interest

NORTH-EAST ADELAIDE

The Hon. J.E. HANSON (15:23): The north-east in so many ways represents a microcosm of the City of Adelaide. There are education facilities, there are health facilities, transport facilities, commercial precincts and job opportunities, and they all form very much of what is part of a modern-day village. So I have viewed with increasing concern the growing list of cuts that the north-east seems to be expected to endure.

Recently, I had a beer in the north-east with a friend who lives near the park-and-ride. She wondered why the Liberal Party could not see how cancelling expansions of it would be a disaster for both local streets and public transport users. Furthermore, a good mate of mine from Valley View, who is not really all that political, wondered to me how he would get his daughter to school if the bus and bus stop he used to get there are both cut.

I have also met (and had many months to do so) many residents in the north-east about the proposed closing of their local Service SA. Many wondered how it can be an alleged saving if literally, to put it simply, it makes it harder for people to pay money for government if you close the facility that allows them to do it.

For a government that promised better services, lower costs and more jobs, they are zero for three in the north-east: from the bus services they have cut, to the park-and-ride services they have cancelled, to the TAFE they closed, to the Service SA that will be closed or privatised, to the hikes in fees and charges, some by as much as 40 per cent. The key things that allegedly were at the heart of the Liberals' reason for governing have not been delivered.

The way of life for many has been made harder as costs rise and the services that many rely on, especially in a post-COVID world, are being cut or cancelled. To use the words of the member for Newland in the other place, nothing was actually ever delivered. The only thing that was delivered was taxpayer-funded advertising, shiny brochures stuffed into letterboxes—including mine—the plastic wrap on the *Messenger* newspaper and various digital displays, whether it was in the Tea Tree Plaza or on bus stops. Had he been describing the current Marshall government, I could have agreed with the member for Newland.

But it gets so much worse. Like any sales job for a product that no-one wants to buy, you make it about something else. It is about selling something. The Liberals' core promises were about an idea that they had changed, that they no longer believed in cutting services, that they no longer believed in levying taxes on those who could least afford it, that they did not have a privatisation agenda, but the people of the north-east have found out that this sales job was nothing more than just that.

They found it out with the privatisation of the Adelaide Remand Centre. They found it out with the Liberals' privatisation of the trains and trams, and they found it out when the Liberals backflipped on the proposed privatisation of SA Pathology. They found it out once again. The Liberals are addicted to privatisation, with a report emerging that the Marshall Liberal government has a plan to privatise Modbury Hospital, privatise outpatient clinics to centres outside of Modbury Hospital.

The people of the north-east have found out that the leopard does not change its spots. People have found out that the Liberal Party was really saying this at the last election: they do not want scrutiny of their real agenda. They do not want to tell people that they do not have any new ideas from where we were almost two decades ago, when the current health minister worked for the former health minister when he privatised Modbury Hospital. They are at it once again, with the new health minister proposing exactly the same thing.

That is what this Liberal government is really saying. That is the product they are selling, and the people of the north-east are seeing through it. This sales job is a tragedy not only for the member for Newland in the other place, who probably legitimately thought that by getting elected here he might not have to explain to everyone that he would close their TAFE, that he would cut their transport, that he would cancel their park-and-ride, that he would privatise their local hospital services and that he would close their Service SA. This is also a tragedy for the people who live in the village that is the north-east of our city, who are subject to this unravelling disaster.

BIOSECURITY

The Hon. N.J. CENTOFANTI (15:27): I rise today to speak about the importance of biosecurity in South Australia. I acknowledge the motion on this same issue from the member for MacKillop this morning in the other place. I am proud to be a South Australian. It has been a fantastic home for a great part of my life. More importantly, I am proud to be a regional South Australian and to stand here today ready to represent our state and our regional communities.

To many, regional South Australia is a beautiful holiday: to my native Riverland, the Yorke Peninsula and the Flinders Ranges. Like them, I appreciate the beauty of our state, but to me our regional communities also represent a unique set of capabilities, capabilities such as the agricultural sector, which has not been immune to the challenges but has consistently remained the backbone of our state. The agricultural industry, again, has become a matter of interest as panic buying during this COVID-19 pandemic has challenged shopping centres across the nation.

Despite this, the Grocery Association assured the community that Australia produces enough food for 75 million people. South Australia's agricultural industry, importantly, contributes to this. We enjoy a strong agricultural industry for many reasons and have fantastic food producing regions throughout our state. The strength of these regions and our state's agricultural industry have benefited from the biosecurity measures in place that maintain South Australia's pest and disease-free status.

This is a great advantage to our agricultural industry. It is an advantage that many other regions in our nation and the world do not have. As a result, farm productivity increases, market access improves and biodiverse landscapes are protected. We must not take biosecurity and the success of our food producing regions in this state for granted.

South Australia's biosecurity measures are vital to my local Riverland region known for its grape and citrus production. The Riverland is the nation's third largest citrus-producing region, with about a third of its 180,000 tonnes of fruit hand-picked, resulting in employment for the local area. The pest-free status of the Riverland is recognised throughout the world, including nations such as the United States, Thailand and Japan. This pest-free status is now under threat as we have seen multiple outbreaks of Mediterranean fruit fly across metropolitan Adelaide. If fruit fly were to become widespread in the fruit-producing areas of the Adelaide Hills, it could have a devastating effect on our horticultural industry—not to mention how it would negatively impact growers in my home region.

As one of the only regions in Australia that is free of fruit fly, and one of the few places in the world free of the vine-destroying pest phylloxera, Riverland producers and farmers around the state have a distinct advantage. For citrus growers, South Australia's pest-free status means that producers have a competitive price and time advantage over our interstate counterparts as our produce is accepted by many markets without pre or post-harvest treatment. This results in reduced production costs, avoids problems with insecticide residues and improves the marketability of South Australian fruit.

Currently, the state government spends approximately $5 million keeping fruit fly and other plant pests out of the state. The advantage that our producers receive for the state's pest-free status far outweighs the money spent by the state government. I commend the minister and my local member for Chaffey, the Hon. Tim Whetstone, for his continued support of our state's biosecurity. I also support his consideration in extending the zero tolerance policy to the Ceduna quarantine station. The zero tolerance currently employed at our eastern border has been extremely successful in limiting the spread of Queensland fruit fly. With Mediterranean fruit fly now coming in from the west, we must look to implement these same practices in Ceduna.

As a state, we must always remember our strengths that exist in the regions. We must continue to protect South Australia's $14.8 billion primary industry and agribusiness sectors. We must continue to educate the community about the dangers of fruit fly and other pests to our agricultural industry. We must continue strict prevention and protection measures to defend our agricultural industry's pest-free status. Finally, we must continue to investigate ways to support our local agricultural industries and encourage them to innovate and advance their businesses to unlock economic activity and feed the world.

CHILD EXPLOITATION

The Hon. C. BONAROS (15:32): Insidious child exploitation material comes in many different forms, all of it disgusting and sickening to the core. In this place last year, I was extremely proud that my bill banning the sale, manufacture and/or possession of childlike sex dolls in South Australia was unanimously passed by parliament. Anyone now found guilty of producing, disseminating or in possession of childlike sex dolls will face a term of imprisonment of up to 10 years.

At the time, I made a commitment—reiterated an oath I made many years ago—that I would continue to do whatever I could to ensure children are protected from all forms of child exploitation, and I promise I will, as it is an extremely sensitive issue close to my heart. That commitment took me to Sydney earlier this year where shockingly I found sickening child pornography material being sold over the counter in one of that state's most popular bookstores; indeed, one of the biggest bookstore chains in the world, the Kinokuniya bookstore, in the heart of Sydney's CBD. What I discovered was a range of explicit animated movies and comics—and I use that term lightly—showing sexually explicit images of young girls, and connotations of incest and rape involving minors.

The disturbing child exploitation material is found in a Japanese form of animation called anime both on Blu-ray discs and in Japanese comic books, called manga. This sickening material can also be purchased online and I note that there are other sellers of the same material. The two forms of media share a unique visual style that is globally popular, especially among teens.

However, there is a sinister and sickening side to anime and manga, with a significant proportion of the two media featuring child abuse material containing depictions of wide-eyed children, usually in school uniforms, who are engaged in explicit sexual activities and poses, often being sexually abused. This is referred to as hentai anime and manga, which child abuse experts warn paedophiles use as a tool to groom children.

Disturbingly, some of this child exploitation material has been reviewed and classified by the Classification Board as legal despite falling within the meaning of child abuse material under the Commonwealth Criminal Code, which makes it illegal both to sell and buy some pornographic items while other graphic materials have not been reviewed and/or classified due to disturbing loopholes in current laws.

At the time, I wrote to all state attorneys-general alerting them to the issue and requesting they take immediate action to stop the material being sold. My federal colleague, Senator Stirling Griff, also wrote to the Minister for Home Affairs and the Minister for Communications, Cyber Safety and the Arts, requesting the government take immediate action. I also wrote to the chairman of the Kinokuniya company in Japan, bringing his attention to the issue and requesting he remove the offending material from his stores.

To give this company some context, Kinokuniya is an influential and powerful business. It is the largest bookstore chain in Japan, has more than 100 stores in Japan and overseas and employs over 5,000 people. I was hopeful I would get some form of response, probably written by the company's in-house counsel, telling me to mind my own business. I was wrong. I recently received a letter from Kinokuniya's vice-president, Keijiro Mori, thanking me for drawing the company's attention to the matter and advising it had reviewed and removed several titles from its stores and online catalogue.

Further, Mr Mori advised that the company staff had been provided with 'updated special order guidelines to ensure that these titles are no longer available to order into the store'. I am not sure yet if those measures impact the company's operation in Australia or globally, and I have written back to Mr Mori seeking information in that regard, but by any measure that is a significant and, may I say, very pleasing outcome.

The proof is always in the pudding and, while I congratulate Kinokuniya for taking the steps they have taken, I will continue to keep a watchful eye. As a country, of course, we still have a lot more to do. My research has found that child pornography material is still freely available in Australia, despite clearly being in breach of the definition of child abuse and exploitation material under both commonwealth law and state law and, in particular, this state's law. Even if it is in cartoon or anime form, it is illegal.

VICTIM SUPPORT SERVICE

The Hon. C.M. SCRIVEN (15:37): I would like to share with members today the experiences of a woman who, to protect her identity, I shall refer to as Vanessa. Vanessa was an adult survivor of childhood sexual abuse. She had been through great trauma and was then going through the difficult and intimidating process of a trial. The trial was followed by two appeals, both on technicalities relating to how the original trial had been conducted. It was difficult, confusing and traumatic. Fortunately, there was support for Vanessa. The Victim Support Service was able to support her not just leading up to the trial not just during the trial but also through both appeals.

Altogether, that support lasted for almost six years and made a major difference to her ability to cope with what she had to go through, but the Marshall Liberal government has slashed the funding to the service that provided that support to Vanessa. The Victim Support Service has provided counselling and advocacy for 40 years. The organisation was started by victims of the Truro and 'Family' murders in 1979, and it was the first victim support service in Australia. It is a well-respected and highly valued service in this state, but this state government has decided to slash funding by two-thirds under cover of granting a new tender.

From 1 July, the $2.3 million provided annually to the Victim Support Service to provide therapeutic counselling and victim support across South Australia will reduce to $2.3 million over three years under a new provider. So that is from $2.3 million per year to $2.3 million over three years. This two-thirds cut is outrageous and it is a cruel blow to regional areas. The Victim Support Service currently has seven regional offices at Mount Gambier, Murray Bridge, Port Augusta, Port Lincoln, Whyalla, Berri and Port Pirie. All of these will close.

The new provider has only one regional office at Berri. We have been told that the new provider is expected to open offices in Mount Gambier and Port Augusta by the end of the year, but note that it is 'expected'. It is not required or mandated but merely 'expected'. This leaves a six-month gap for those areas, a six-month gap in services, and a total loss of a local office in Murray Bridge, Port Lincoln, Port Pirie and Whyalla. Seventeen specialist counsellors and staff will lose their jobs. The victim support services include the highly successful Court Companions service and one-on-one help to seek victim compensation payments or complete victim impact statements, all of which will stop. Training for police cadets, police prosecutors and DPP lawyers will also end. These services will not be provided by the replacement service.

However, yesterday we saw the Attorney-General scrambling to try to patch up the mess that she has made by these deep statewide cuts. Despite claiming that changes to the VSS were because of duplications in services, she offered $250,000 to the Commissioner for Victims' Rights to 'act as a central point of contact for victims'. So this government defunds the Victim Support Service, which has provided extensive support services for 40 years; they reduce funding by two-thirds and then they say, 'Oops, this will mean a huge gap in services. We will throw a few dollars to the victims' rights commissioner to try to patch it over.'

It is an appalling way to run government and it is an appalling way to treat victims of crimes: $250,000 does not even come close to replacing seven regional offices, the Court Companions program or the expert advice provided to victims for over 40 years. Victims in regional areas are particularly hard hit and may now have to travel hundreds of kilometres for face-to-face counselling and advice, and some will miss out altogether. The Court Companions program sees volunteers, who themselves have experienced crime, accompany victims through long and traumatic court hearings. Unfortunately, the commissioner and her staff will not be able to replicate that service.

In regional areas, we have added complexities. A victim is more likely to know the perpetrator. Often many people in the local area know what crime was perpetrated against them, so it is even more important then to have someone with you, helping you, giving you advice and being there. This government should reinstate the full funding to support victims of crime so that victims can access the services they need wherever they live in South Australia.

REFUGEE WEEK

The Hon. J.S. LEE (15:43): In a world where violence forces thousands of people to flee for their lives, Australia has a long history as a resettlement country for refugees. Today, it is my

privilege to acknowledge Refugee Week which is from 14 to 20 June 2020. Refugee Week is Australia's annual program to inform the public about refugees and celebrate positive contributions made by refugees to Australian society. Refugee Week provides the platform where positive images of refugees can be promoted in order to create a culture of welcome throughout the country.

The key purpose of the celebration is to create better understanding between different communities and to encourage successful integration for refugees to live in safety and to make a valuable contribution to Australia. In South Australia, the Australian Migrant Resource Centre has been a successful convener of SA Refugee Week since 2001. Each year, it brings together over 100 organisations as well as thousands of individuals to present multiple events. The launch of Refugee Week in South Australia has always been a highlight for me and something I look forward to every year. Unfortunately, due to the impacts and restrictions brought about by the coronavirus pandemic, many of the Refugee Week events have to be cancelled this year.

For instance, the AMRC Youth Poster Awards exhibition will be postponed until later this year. I take this opportunity to congratulate all the primary and secondary school students who put their hearts and minds into creating thoughtful artwork that reflects the diversity and contributions of people from refugee backgrounds to Australian society. Often when we speak about contributions by migrants and refugees the majority of their stories are found in metropolitan Adelaide. This is because international migrants to Australia, whatever their visa types, are generally highly urbanised and tend to settle in capital cities. However, today let us turn our minds to highlight refugees and migrants in regional South Australia.

Previous research has shown that most migrants who move to regional towns for employment and those with a refugee background move to country towns to be with extended family and communities from their country of origin. In order to look at settlement issues and workforce participation in a region, I am pleased to report that the Department of the Premier and Cabinet, through a multicultural affairs grant, was able to assist the Australian Migrant Resource Centre to conduct a meaningful research initiative working in collaboration with the University of Adelaide's Hugo Centre.

The research is entitled, 'Living and working in regional South Australia: a case study of three towns'. Under normal circumstances the launch of such a report would attract a large crowd; however, 2020 as we know it is far from normal. Due to coronavirus restrictions AMRC had to adhere to social distancing guidelines and managed to organise a rather intimate launch of the report with 10 people at the Murray Bridge Council Chamber on Friday 8 May 2020.

I offer my heartfelt thanks to AMRC and the Hugo Centre for their collaboration on this significant piece of research. Special thanks must go to the CEO of AMRC, Eugenia Tsoulis OAM, and also Dr Romy Wasserman, research associate from the Hugo Centre for Population and Housing. I would like to thank all those involved in the report for their hard work and dedication to providing valuable insights into the experiences, aspirations and needs of migrants and refugees settling in the regional towns of Naracoorte, Murray Bridge and Bordertown.

The report also highlighted important issues such as health care, education, housing and employment, as well as the complexity of a coordinated approach involving all levels of government. It is envisaged that this case study report will help stakeholders to further develop a strategic framework for migrant communities living and working in regional South Australia.

Special thanks to the Mayor of the Rural City of Murray Bridge, Mr Brenton Lewis, his CEO and team for hosting us. I would also like to thank the member for Hammond, Mr Adrian Pederick for his ongoing support of migrant communities in his electorate. I also wish to thank the member for MacKillop, Mr Nick McBride, for hosting the Naracoorte launch of the report in his electorate, and I thank Erika Vickery, the Mayor of Naracoorte and Lucindale, and the Mayor of Tatiara, Mr Graham Excell.

In closing, I wish everyone a happy Refugee Week. Let us all take the time during Refugee Week to acknowledge the contributions of refugees in South Australia.

LEAD POLLUTION

The Hon. M.C. PARNELL (15:48): Today, I want to talk about a matter of public health that is not related to COVID-19, and that is the ongoing problem of lead pollution at Port Pirie. Yesterday, in question time I asked the Minister for Health for his reaction to the ABC *Background Briefing* program aired over the weekend. In his reply he pointed out that lead pollution levels from the Nyrstar smelter might be improving, and I hope he is right, but having followed this issue as both an environmental lawyer and a member of parliament for the last 20 years I have often heard that things are improving in Port Pirie while the statistics can say otherwise. Still, I hope the minister is right.

The year 2019 was the worst year for lead pollution in Port Pirie for a decade. Small children are most at risk, with a well-known correlation between exposure to lead and cognitive development problems. That is why young children in Port Pirie are regularly tested to see whether the concentration of lead in their blood is cause for concern. Sadly, for many anxious parents the figures can be alarming.

When asked by the ABC for his reaction to the increased lead pollution levels from the smelter, the Minister for Energy and Mining, the Hon. Dan van Holst Pellekaan, acknowledged that it was a serious problem. He is quoted by the ABC as saying:

> The source is the smelter. The EPA is looking very seriously at reducing the maximum allowable lead in air emitted from the smelter.

Now it seems that things are moving; however, there is a bit more to this than meets the eye. I was pleased to receive in my inbox today a note from the environment minister's adviser enclosing an EPA Port Pirie community update. In this update the EPA explains that it is proposing to modernise Nyrstar's licence conditions, including reducing the amount of lead that Nyrstar is legally allowed to emit into the environment. This is very welcome news, because soon the EPA will be unable to change the maximum allowable lead in air emitted from the smelter unless the company agrees, which in my experience is highly unlikely.

Once the smelter upgrade is complete, we will be facing a situation where the company responsible for the pollution has an effective right of veto over the independent regulator being able to strengthen the pollution licence in relation to lead emissions. This is a unique situation and one that has been brought about, in my opinion, by the incompetence of the previous government, aided and abetted by members of the current government.

Back in 2013, the parliament passed the Port Pirie Smelting Facility (Lead-in-Air Concentrations) Act. This act was part of the deal struck between the smelter operator, Nyrstar, and the then Labor state government. The company said that it would only agree to upgrade the smelter to reduce lead emissions if it received regulatory certainty. What it wanted was a legislated guarantee that the EPA could not change the lead pollution standards in the company's licence for at least 10 years.

This was an appalling piece of legislation. It was a kick in the guts for the EPA and effectively hamstrung their ability to regulate this highly polluting industry. Only the Greens voted against it. The only protection built into the 2013 bill was that the EPA's pollution licence for Nyrstar could be adjusted, even if the company did not like it, provided the licence variation was signed off by the manufacturing minister. The manufacturing minister was defined as the minister for the time being responsible for the Industries Development Act 1941.

This act was repealed three years ago with no savings provisions and no transitional arrangements by virtue of section 65 of the 2017 simplify act. On my interpretation, the repeal of the 1941 act effectively means that Nyrstar will shortly have an effective sole right of veto over any changes to the lead components of its pollution licence for the next 10 years. What a remarkable situation.

I do not think that is what was intended, but if there is no such person as the manufacturing minister any longer, that just leaves the company with the sole right of veto. I have given notice today of my intention to seek to repeal the Port Pirie Smelting Facility (Lead-in-air Concentrations) Act 2013 on the next Wednesday of sitting. Repealing the act would give the EPA the full power to determine appropriate licence conditions ongoing, as they do for every other polluting industry in South

Australia. We know the EPA objected to the 2013 act, because then minister Gago told us so on 11 September 2013.

For now, I would urge the Port Pirie community to get behind the EPA's licence renewal process they have announced today to demand that the lead-in-air standards be tightened. Like all South Australians, I do not want the people of Port Pirie to have to choose between having healthy children and having a job. We all want the smelter upgrade to be successful in reducing ongoing lead pollution.

I hope the Minister for Health and Wellbeing is right and that the emissions are coming down. However, until we repeal the 2013 act, my fear is that once licence conditions are set, they will be locked in for 10 years, with the company responsible for the pollution calling all the shots. I would much prefer to trust the EPA to set appropriate conditions based on the best public health advice available.

JOBKEEPER PAYMENT

The Hon. I.K. HUNTER (15:53): I was relieved, like many Australians, I suppose, when the federal government finally caved in to the massive community pressure to establish the JobKeeper program to support the many working people in our communities whilst the economy and society are being ravaged by COVID-19. However, the begrudging nature of the federal government's implementation of the scheme was revealed in the significant design flaws in JobKeeper, which we only just latterly discovered were in fact not flaws as such but actually design implements of the scheme, put in place deliberately by the government.

Firstly, we saw millions of casual workers excluded from the scheme because they did not have a continuous period of service with one employer. Hospitality, retail and the arts industry workers, of course, are casually employed and those who have changed employers in the past 12 months suddenly found they were ineligible for JobKeeper and as such found themselves unemployed. They are the same people who usually do not have access to sick leave and other benefits.

I should not have to say to the federal government, in relation to the arts industry, that it is not an anomaly, it is actually a feature of the way that many artists work. They take short-term contracts for a period of weeks or months and then move on to another employer and may have as many as half a dozen or more employers in any particular year. The federal government should have known that, but these people will not get access to this program.

It was an avoidable catastrophe, I think, in terms of planning. We watched as it unfolded across several sectors of the economy, but we are now seeing it unfold across our university sector. Inexplicably, they, too, have been excluded from JobKeeper and offered no financial support, despite the key roles they play in underpinning our economies.

But for the University of South Australia, Flinders University and the University of Adelaide the pain will not end there. Apparently, they approached the state government in good faith, explaining their position and asking for some small slight relief from the state government in terms of a payroll tax waiver.

What was the response from the government and our Treasurer? Treasurer Rob Lucas shrugged it off, saying, 'Well, they're impacted, sure, but it's not like they're going to go broke and close down as a result of a lack of assistance from the South Australian government.' Treasurer Lucas, they may not close down, but the academics and the professional staff who have already lost their jobs are going through a world of pain and you have shown absolutely no sympathy for them and for the universities.

Where is the Premier in all this? His government will not support our institutions in their hour of need. He will not support the students studying for their futures, and he will not support the thousands of academic and professional staff who are set to lose their jobs. The Premier brags about his special relationship with the federal government. Well, Premier, pick up the phone to your colleagues in Canberra and demand that they support our South Australian universities. Do not just roll over like you and your government have done on the Murray-Darling river. How are we supposed

to rebuild our economy, create the next generation of jobs and foster scientific endeavour in our universities if those institutions cannot afford to pay their staff or educate their students?

Job losses and insecure employment is not a new future of life for academics and professional staff at universities. Just last week, Elizabeth Farrelly wrote an opinion piece for Fairfax that was incredibly scathing of the university sector. She writes, 'Students have become customers. Teachers report widespread pressure to pass low-grade students but cannot speak of it, fearing reprisal.' I know that casualisation is a difficult area for university staff, so, too, is the downgrading of those institutions.

I know students who fear for the future of their degrees. I know academics who are not allowed to fail students, particularly overseas students, for fear of retribution through their own departments and agencies. The standards at our universities are dropping and this state government does absolutely nothing to support the people who work in those universities and those institutions and the students who wish to get a degree at those institutions to further their career prospects.

How on earth is someone expected to produce world-leading research, let alone take out a mortgage, pay the bills and live a life that most South Australians want to live, without job security? The average salary of vice-chancellors is now almost $1 million a year in this country. Compare that with overseas vice-chancellors at Oxford and Cambridge where it is more likely to be $600,000, or in Germany where it is more likely to be $250,000.

There has been significant pressure on these universities. This federal government and this state government in particular have abandoned those universities and those institutions in this state, and it is a shameful place for us to be.

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ABORIGINAL LANGUAGES IN SOUTH AUSTRALIA

The Hon. J.S.L. DAWKINS (15:59): I move:

That the report of the committee on Aboriginal languages in South Australia be noted.

The members of the Aboriginal Lands Parliamentary Standing Committee, as you would have known during your membership, Mr President, are fortunate to be able to travel to Aboriginal lands in order to meet with community members and service providers across the state. On one such visit to Yorke Peninsula, which initially involved meetings at Point Pearce and Maitland, committee members met with the Narungga Aboriginal Progress Association (NAPA) to hear about the inspiring work the organisation is engaged in with the Narungga (Nharangga) language.

The committee was struck by how NAPA was not only able to develop and distribute upwards of 18 language resources, but to do so in a way that is innovative and accessible to community members. It is clear that the work that NAPA has been undertaking has a much broader impact on the Narrunga community than just language acquisition, generating interest in culture and identity, and having far-reaching impacts on employment, skills development, education and community cohesion.

From this experience, and in acknowledgment of 2019 being the United Nations International Year of Indigenous Languages, the Aboriginal Lands Parliamentary Standing Committee resolved to embark upon an inquiry into Aboriginal languages in South Australia. The hope of the committee is that the report resulting from this inquiry will lead to a better understanding of the power of Aboriginal languages to improve and develop our community of South Australia.

South Australia is privileged to be home to some 46 different Aboriginal languages, and some of Australia's strongest Aboriginal language communities. The report recognises and celebrates the languages and the custodians of these languages, who have lived in South Australia for tens of thousands of years. The inquiry found that language plays a crucial role in connecting Aboriginal people to culture, kinship and country, and can be a powerful force in the recovery of connections lost through the sands of time and colonisation.

Ongoing collection of data by academics also suggests that Indigenous languages have wideranging benefits for physical and mental health and wellbeing, as well as education and employment. Indeed, it has been found that investment in Aboriginal languages will support six of the seven Closing the Gap targets established by the federal government. Throughout my parliamentary career I have been engaged in a variety of mental health and suicide prevention efforts, so from a personal perspective the connection between language and health has been a point of keen interest to me.

The committee has been impressed by the passion and dedication demonstrated by elders, teachers, linguists and students. South Australia has a rich language heritage. Today, many of these languages are now sleeping, but the example of Kaurna slows how such passion and dedication can lead to the revival of once sleeping languages, sparking renewed interest in culture and identity for community members and becoming an important and recognisable contribution to South Australian society.

While many of our 46 Aboriginal languages are now sleeping, we are also fortunate to have four languages that are identified as being strong, that is, languages that are spoken by all generations as the primary means of day-to-day communication: Kulpantjatjara, Pitjantjatjara, Southern Pitjantjatjara, Yankunytjatjara—Western Desert languages that have been integrated into the schools in the APY lands. Across South Australia linguistically-diverse Aboriginal communities have been developing vital resources and programs to facilitate the maintenance and revitalisation of their languages.

Through this inquiry the committee sought to understand the benefits of and challenges to these kinds of programs, and how they may be better supported by the government of South Australia. The committee hopes that the work being undertaken continues to bear fruit for generations, and that more can be made of the resources and knowledge that already abounds. As a result, it has made six recommendations for the support and development of current efforts.

I thank all those involved in the preparation of the 16 submissions the committee received, and pay respect to the outstanding work being undertaken across the state to revive, develop, study and teach the many Aboriginal languages that are at home in South Australia. The committee received submissions that represent a diverse range of perspectives. These included academics like Professor Gil'ad Zuckermann and Associate Professor Rob Amery, who spoke on the processes involved in reviving some of our sleeping languages.

We also heard from language custodians, such as Lewis Yerla Burka O'Brien AO, Mickey Kumatpi Marrutya O'Brien and Ivan Tiwu Copley OAM, who spoke on the social and psychological benefits of learning and teaching Aboriginal languages. The submissions also looked carefully at how Aboriginal languages can be better integrated into schools. The SACE Board has developed three new Australian language subjects that can be taught at senior secondary level. It is the hope of the committee that more schools will begin taking up these subjects and that more language custodians can find roles sharing their knowledge with young Aboriginal and non-Aboriginal students.

In particular, I would like to thank the staff at the mobile language team of the University of Adelaide, especially Karina Lester and Dr Paul Monaghan, who provided a comprehensive submission to the inquiry. The mobile language team has spent the past 10 years working with more than 20 Aboriginal languages in South Australia, promoting their revival and maintenance. The mobile language team worked alongside Aboriginal language custodians to ensure that language work being done is holistically integrated with the social goals of community. The scope of knowledge in this team has been of crucial importance to the inquiry and the committee appreciates their contribution.

I would also like to give special thanks to the hard workers in the Narungga Aboriginal Progress Association. As I have already mentioned, we met originally with Michael Wanganeen and Lee Tremayne in Moonta in June last year, and it was this organisation that inspired the committee to look further at the kind of language work being done around the state. Evidence from the association during the inquiry was also very much appreciated.

I would like to thank the members of the committee for their work towards this very interesting inquiry: the Hon. Tammy Franks and the Hon. Kyam Maher from this chamber, and the members for

Giles, Narungga and Heysen from the other place. I would also mention that before the member for Heysen joined us, we had the member for Waite as a member of our committee during this inquiry. I thank them for their support for this inquiry and the significant amount of information that is contained in the report.

On that note, I would like to thank our executive research officer, Dr Ashley Greenwood, for her support of the committee throughout this inquiry. As a trained anthropologist, she has had special insight into the use and meaningfulness of language among Indigenous groups, and this has been very helpful in identifying witnesses and documents that have supported the writing of this report. I would add that for much of the time of drafting the report for the committee's deliberation, Ashley had a broken hand, so I think she did a marvellous job with the preparation of this report over that time. I look forward to continuing to work with her as the committee continues on with its future inquiries. With those words, I commend the motion to the house.

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

Bills

DISABILITY INCLUSION (COMMUNITY VISITOR SCHEME) AMENDMENT BILL

Introduction and First Reading

The Hon. C.M. SCRIVEN (16:08): Obtained leave and introduced a bill for an act to amend the Disability Inclusion Act 2018. Read a first time.

Second Reading

The Hon. C.M. SCRIVEN (16:09): I move:

That this bill be now read a second time.

This bill has been a long time coming. It is needed and it is urgent. An identical bill was introduced in the House of Assembly today, and the government had the opportunity to deal with it through all stages but they choose not to do that. Apparently, it was not urgent enough. But it is urgent for every vulnerable person with a disability. It is urgent for every friend and relative of a vulnerable person. Indeed, I would suggest it is urgent for anyone who cares about the tragic death of Ann Marie Smith. The shadow minister for human services had arranged an urgent briefing for parliamentarians yesterday, which I am told the Minister for Human Services indicated she would be attending but then failed to do so. It is not clear why.

This bill is in relation to the Community Visitor Scheme. The scheme aims to protect the rights of people living with disability within disability accommodation facilities and services, although in May 2019, due to the final changeover to the National Disability Insurance Scheme, the visitor was no longer able to visit non-government disability accommodation service providers, supported residential facilities or day options programs. Labor wants to see this changed in order to better protect people in these facilities and using these services.

There have been claims that Labor, when in government, did not act to make the changes to enable this, but that is not true. In fact, the legal advice clearly shows that that advice was not received by the Labor government until about three days before the last election which, of course, as members would be aware, was during caretaker period and could not therefore be progressed. The government, however, has had two years since then to act, to make relevant changes, to speak with colleagues in other states who have made these very similar changes, but they have not. Two years, Mr President. It appears that the tragic death of Ann Marie Smith unfortunately has to be the catalyst for change in this state.

The community visitor has not had the ability to enter NDIS-provided services or facilities for two years. The previous Principal Community Visitor, Mr Maurice Corcoran, wrote twice to the minister in his annual reports that this was an issue, but she did not act. The government received a report that said that the Community Visitor Scheme needed to be strengthened and that work with the NDIS Quality and Safeguards Commission was needed. My colleague, the member for Hurtle Vale in the other place, received a letter from Mr Graeme Head, the Commissioner for the Quality and Safeguards Commission, and I quote: 'The NDIS Act does not prevent community visitors from accessing environments in which NDIS participants receive supports and services.'

Indeed, other states—in particular Victoria—made the move relatively early in 2018 to make legislative change in this area. They changed their relevant disability act so that community visitors could enter NDIS services. They also made it so community visitors could enter private homes either where they were invited in or where a warrant was issued because the community visitor deemed circumstances necessary, but this has not been done in South Australia. Who knows whether this would have saved Ann Marie Smith. It may not, but the passing of this bill would certainly reduce the risk of anyone else dying in disability care in this state, whether in a government-funded service, NDIS-funded service or in their own home.

The Minister for Human Services purports to be the champion of the Community Visitor Scheme having put amendments in to create it when in opposition and I commend her for that, as has the member for Hurtle Vale. But the service has failed. It has been under her watch, and we cannot afford for people with disabilities to be failed in this way.

The bill uses much of the original regulations that first created the Community Visitor Scheme. It modifies using many of the provisions that the Victorian parliament has used so that these laws are not inconsistent with section 109 of the Constitution, as the Crown legal advice suggested over two years ago. This bill allows for the entry of the community visitor into private homes, and this is particularly important. It allows a community visitor to enter where someone receiving NDIS help in their home invites them in; but, also, if the community visitor sees circumstances where they believe someone is perhaps under threat, coercion or is in danger, they may have that warrant from the courts to enter.

This is consistent with the powers of Victoria and those of the Public Advocate, who can seek a warrant from SACAT. I note that the Hon. Ms Bonaros has concerns over this, but the proof required to be presented to a magistrate to issue a warrant has, we believe, suitable protections for people's privacy. However, the opposition is willing to work with her to ensure that appropriate protections are in place.

We do not want Ann Marie Smith's death to be in vain. It is a tragedy that I am sure absolutely no-one in this state would ever want to see repeated, but her death and legacy can perhaps result in the protection of other people in her situation. I hope this bill will save the lives of other South Australians into the future. I commend this bill to the council, and may Ann Marie Smith rest in peace.

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

STATUTES AMENDMENT (ANIMAL WELFARE REFORMS) BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:16): Obtained leave and introduced a bill for an act to amend the Animal Welfare Act 1985 and the Dog and Cat Management Act 1995. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:17): I move:

That this bill be now read a second time.

I rise today to introduce this bill, which I first introduced last year before parliament was prorogued. As I do so, I would like to once again emphasise that, while it is being brought forward before this place as a Greens' bill, I would not necessarily call it a Greens' bill. It is a product of many years of work, advocacy and campaigning by many people and organisations throughout South Australia and indeed well beyond. I would in particular like to thank Mia, the Paw Project and the RSPCA for their input into this bill as well as the Animal Welfare League for the conversations we have been able to have with them on this important area of animal welfare reform.

This bill responds to the overwhelming public demand for the humane and accountable treatment of animals and reverses the sanctioned cruelty of woefully inadequate minimum animal welfare standards. It also seeks to improve transparency and accountability. South Australia has some of the weakest animal welfare laws in the country. This is simply unacceptable and we need to address it. That is why today I introduce this bill that amends the Animal Welfare Act and the Dog and Cat Management Act.

This bill covers a range of important animal welfare law reforms because our laws are out of date and out of step with community expectations. Of course, the task of updating them is a significant one, but by delaying we also delay and prolong suffering and cruelty. This bill is modelled on the principles of what are known as the companion animal protection acts in America, or what we have come to term in South Australia as smart sheltering. It is also informed by the work and experience of the RSPCA when it comes to their enforcement of our local state Animal Welfare Act.

Much has been done, and I do acknowledge the work of the previous government, in particular former minister Hunter, who was in this place in his time as minister. But much more is still to be done. Credit where credit is due, former minister. Of course, this bill tackles a raft of issues that are still pressing in this area. It seeks to reduce the number of dogs and cats that are needlessly euthanased by rescues and shelters to as close to zero as possible. It creates a code of practice and licensing requirements for animal shelters, for rehousing services and for animal rescues. It enables better proactive action to be taken to prevent animal cruelty and it creates special provisions relating to the greyhound racing industry, outlining reporting requirements for them, and also importantly making them subject to freedom of information requests.

I think it is an excellent reflection on South Australians that our community has demonstrated time and time again in recent years its strong support for animal welfare, as well as organisations that assist and aid those animals. But time and time again, we have also seen that our laws just are not as strong or consistent enough to ensure that we can assure the safety of those animals in our care, those companion animals, and that we can effectively prevent, preferably, or punish animal cruelty where and as it occurs.

In comparison to other states, our Animal Welfare Act is quite weak in its protection, as it fails those animals in South Australia, I believe. In fact, in many ways, saying that it offers protection to animals is almost a misnomer. It offers the possibility of prosecution against perpetrators of animal cruelty but they themselves rarely face serious penalties that are certainly not commensurate with their actions.

Our laws do need to focus much more, not just on prosecution but on preventing cruelty rather than waiting for the harm to actually happen. Even in the cases of the most brutal act of animal cruelty in this state, we know that the RSPCA has never managed to secure the maximum penalty available under the act, that of a four-year gaol term or a $50,000 fine, and yet there have been some extraordinary levels of animal cruelty in this state. This simply is not good enough.

With that in mind, this bill does adopt the RSPCA's recommendations for animal welfare law reform, and I understand that they wrote to the minister early in this new term of the Marshall government. These amendments are in this bill and they include but are not limited to:

- providing RSPCA inspectors with the ability to enter property and vehicles to seize evidence;
- establishing animal cruelty intervention orders and interim court orders to prevent animal cruelty. Similar to other states, this allows for proactive orders to be made so that a court can intervene before the animal cruelty worsens or arises. It also allows a court to make prohibition orders during the course of a prosecution as a proactive means of cruelty prevention; and
- providing for penalties for breaches of interstate prohibition orders.

We are in a federation and that is only as it should be. However, I am glad to note that—and I thank the Hon. Frank Pangallo for his work in this—one of the changes between the previous bill I introduced and this particular bill, given he moved a successful amendment to the Criminal Law Consolidation Act 1935, is that it now protects RSPCA inspectors by adding them to the list of occupations under section 5AA(1)(c). Assault on those inspectors is now an aggravated offence.

But it is also vital that we update our laws in South Australia so that animal rescues and rehousing services, rehoming services, provide consistent quality care and that they are accountable and transparent in their practices. While I know that the RSPCA publicly publishes its statistics on the animals it receives—and that includes the number that are reclaimed, the number that are rehomed, those that are currently in the RSPCA's care and those that are transferred, as well as the

number euthanased at both a state and national level—other organisations entrusted with these practices do not do this.

That lack of transparency and accountability is not only disappointing, it is counterproductive. It is disappointing because, without this information, there is no way to tell if an organisation is actually doing a good job or not, though I recognise as well that raw statistics are never the whole story and that most organisations are doing very good jobs.

There are, of course, many reasons why animals do have to be put down. Incurable medical conditions where the animal is suffering unendurably is the most obvious one. Unresolvable behavioural issues, such as aggression or biting, are others, but we should be doing everything we can to keep the number of euthanased animals to a minimum, and that is why this legislation that I introduce today is based on the philosophy of smart sheltering.

In some places, most notably the United States of America, this has been called 'no-kill'. In Queensland, it is called 'getting to zero'. Around the world, this has increasingly been something that communities are demanding of those who have care of our companion animals; however, redemption is key. While all shelters will have to sometimes put down irremediably ill and suffering animals, smart sheltering aims to provide a more holistic approach to the welfare of those animals that it is charged with the care of.

Ultimately, smart sheltering comes down to the principle of not killing healthy or treatable animals, and that is the approach that this legislation takes as well. Shelters should not be killing healthy animals because their holding period is over or because the shelter is full. Instead, under this legislation they must take all reasonable steps to reunite the animal or rehouse the animal and it can include offering it to other rescue services.

We know this is achievable because we do not have to look much further than our sister city of Austin, Texas, to see that it is so. The incredible impact of such legislation over there has been that Austin, Texas, is a no-kill city. In 2011, they moved that way and they are now able to save more than 90 per cent of their homeless or surrendered animals in any year.

Coming from this philosophy, this bill introduces new objects and principles into the Animal Welfare Act and it is these principles that I would like to focus on. No dog or cat should be killed if it can be safely placed in a suitable home. Dogs and cats in rehousing facilities require proper shelter, care, nutrition and exercise. Dogs and cats in rehousing facilities require enrichment and interaction. Dogs and cats in rehousing facilities require proper veterinary care. Prescribed organisations should make every effort and be supported to provide every dog and cat in their custody with individual consideration and care.

The Greens wish to make sure that our companion animals in this state are treated humanely and with respect for their individual needs. We also seek to make sure that they are not killed needlessly or arbitrarily but that they are also not held in an environment or in conditions that prolong their suffering (in those situations where an animal is suffering). It is difficult to strike this balance, but it is achievable and it can be helped to be achieved with this bill.

This bill outlines how dogs and cats cannot be euthanased simply because a holding period has expired or because the rehousing service they have ended up at does not have space to take them. Such services are required to provide adequate care, as well as to take all reasonable steps to provide the opportunity for adoption or fostering or to go to another rescue or shelter. Where an animal is irremediably suffering, there are strict conditions on how and why that animal can be killed, and services are required to record and report on the number of animals they euthanase.

To this extent, this bill also establishes the requirement for a code of practice to be created that provides for the quality of care for those cats and dogs in these prescribed organisations. Prescribed organisations under this bill are those that provide rescue and rehousing services. They will also now be required to have a licence to provide any of those services, with the intention being that this will ensure that these services are accountable and transparent in how they operate and that they will adhere to the minimum standards of care. Such organisations will also be required to report annually.

The facts and figures of what they will be required to report include the total number of dogs and cats surrendered or otherwise rescued by the licence holder, the total number of dogs and cats returned to their owners by the licence holder, the number of dogs and cats rehoused by that licence holder, the number of dogs or cats euthanased by or on behalf of the licence holder, including the reason for the administration of that, and the number of dogs or cats in the care of the licence holder on 31 July of that year. Any other information also required by the regulations may indeed be added under the code of practice.

This bill is heavily focused on ensuring transparency. Unless we count these animals, we cannot say that they really count. Unlike our current animal welfare laws, it does not forget greyhounds. Greyhounds are dogs. Currently, our laws do not treat them as such. I have spoken many times previously in this parliament about the need to keep Greyhound Racing SA to its word that they continue to publish figures as they promised, when forced indeed by this council with the threat of a select committee into their practices.

The legislation I put forward today extends transparency and accountability to the greyhound racing industry. To that end, what it requires of the greyhound industry is quite basic—that they lodge every year a report with the minister detailing the number of registered greyhounds destroyed, the approximate number of unregistered greyhounds destroyed and the methods used, and that these reports will be tabled in parliament.

It also, importantly, clarifies that Greyhound Racing SA are subject to the FOI Act. Mr President, I could go on at length about the number of FOI requests that I have put into this industry where they have refused to comply, saying that they are not subject to the act, and the conflicting legal advice at 20 paces that then ensues. This bill will clarify that they are indeed subject to the FOI Act. That transparency measure will ensure that we have the truth about what is going on with this industry and that healthy dogs are living long and healthy, enriched lives.

Ultimately, this bill is intended to be yet another step in the right direction towards modernising our animal welfare laws in South Australia. They do lag behind those of other states in this country, and as a state we really do need to focus on not just the prosecution of cruelty and strengthening that but, of course, the prevention of animal cruelty, so that it is in line with public expectations and, of course, because it is the right thing to do. Our animal welfare laws need to be able to be enforced properly, and they should be serving the very animals that they are supposed to protect. With that, I commend the bill to the council.

Debate adjourned on motion of Hon. T.T. Ngo.

Motions

SMITH, MS A.M.

The Hon. K.J. MAHER (Leader of the Opposition) (16:32): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on—
   (a) any matter arising from the death of Ann Marie Smith;
   (b) any matter arising from the provision of care for those living with a disability in South Australia;
   (c) any matter arising from the oversight of services provided to those living with a disability in South Australia;
   (d) any matter relating to the implementation and oversight of the NDIS in South Australia; and
   (e) any related matter.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This is a motion to establish a select committee and will be a crucial part of uncovering what happened in the tragic death of Ann Marie Smith. It will also identify any gaps that need to be attended to. We have heard from the government that there are a number of inquiries or investigations, including the police investigation, a Coroner's investigation and a federal judicial investigation. All of these are limited in scope to particular aspects.

The government has established a task force, but that task force, as we have found out in this chamber, has been put in an unenviable position: its terms of reference do not even mention Anne Marie Smith, and a task force member has said publicly that there is not enough time to do a good job. The task force has two more meetings before reporting to the government. They only get three meetings in total before they first report.

There are gaps and inconsistencies in the roles and the functions of the various inquiries. We need to know why this happened. We need to know what went wrong and we need to make sure this does not happen again. Different forms of inquiries bring different things to the table. Parliamentary committees have powers, parliamentary privilege and the ability to take evidence in camera. That means that parliamentary committees can uncover facts and some of the underlying issues. The committee must report to the parliament. Its findings and recommendations will be on the public record. We owe it to the community to get this done—to uncover everything we can and to make sure that this can never happen again in this state.

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

PROVOCATION DEFENCE FOR MURDER

Adjourned debate on motion of Hon. T.A. Franks.

That this council—

1. Notes that—
   (a) South Australia once led the nation on the decriminalisation of homosexuality after Dr George Duncan was murdered in the River Torrens because he was gay;
   (b) South Australia now lags the nation in this area as it is the only place in Australia that still enables the so-called 'gay panic' provocation defence for murder;
   (c) the Marshall government made public commitments to introduce legislation to abolish this provocation defence by the end of 2019;
2. Calls on the Marshall Liberal government to introduce legislation to abolish this provocation defence with urgency; and
3. Condemns the continued existence of the so-called 'gay panic' provocation defence for murder.

(Continued from 13 May 2020.)

The Hon. I.K. HUNTER (16:35): I rise on behalf of the Labor opposition to support this motion condemning the continued existence of the so-called gay panic defence and call upon the Marshall Liberal government to deliver, however belatedly, on the promise to abolish the defence, which they made in the lead-up to the last election.

The so-called gay panic provocation defence for murder is deeply rooted in homophobia and discrimination. At its core it holds that a same-sex advance is so abhorrent or menacing or shameful as to provide some partial justification for murder. That is a repugnant notion. It is a relic of a time long gone when such discrimination was not considered unusual, but thankfully it is no longer the case in our great state.

In 2015, the former attorney-general, the Hon. John Rau, commissioned the South Australian Law Reform Institute to review legislative or regulatory discrimination against individuals and families on the grounds of sexual orientation, gender, gender identity or intersex status. The work of SALRI in fulfilling that reference underpinned much of the law reform work done by the former Labor government in 2016 under Premier Weatherill. Recognition of relationships, access to surrogacy and IVF and simplifying the process for a person's birth certificate to reflect their gender identity—these

are the reforms of which this parliament can be proud. Each and every one of us in this chamber can be proud that we helped pass laws that measurably improve the lives of LGBTIQ people in South Australia.

Perhaps the largest part of SALRI's work in fulfilling the former attorney's reference is its review of provocation. In two thorough reports published in 2017 and 2018, SALRI explored the complex legal area of provocation and detailed why ending the gay panic defence is not as straightforward as it might seem. In 2016 the former premier, Jay Weatherill, committed to ending the gay panic defence option upon receiving the final SALRI report on provocation. Of course, the final SALRI report was delivered after the 2018 state election, lamentably an election that Jay Weatherill and the Labor government did not win. But the former Labor government's work has given the Marshall Liberal government all the tools it needs to finally end this discriminatory aspect of our law.

This debate is not new. For many years South Australia has been criticised for our lack of progress on this issue, particularly after Queensland passed laws to abolish the gay panic defence, making us the only remaining state or territory in the nation not to have done so. Some have argued that the South Australian parliament did not need to take this action, that the courts had done all the work for us. I must say that I was not entirely convinced by those arguments, but the parliament's Legislative Review Committee in its wisdom twice issued reports in 2014 and 2017, asserting that:

> Although the Committee unanimously supports the position that a non-violent homosexual advance should not of itself give rise to any potential defence of provocation, the Committee is satisfied that the law in this regard has already been addressed…

It is worth reflecting on why that notion was wrong and how it has stalled progress on this issue for so long.

In its April 2018 report on provocation, the South Australian Law Reform Institute states that it 'respectfully differs from the suggestion of the Legislative Review Committee that the gay panic defence effectively no longer exists'. It goes on to reference two key High Court decisions, saying that:

> A defendant remains entitled, in light of Lindsay (and Green), to claim that a non-violent homosexual advance amounts to provocation and for the defence to be left to the jury on that basis. SALRI adheres to its consistent view that it is objectionable and discriminatory that a homosexual advance is still capable of amounting to provocation.

The case of R v Lindsay is particularly important. It dealt with the case of a South Australian who was alleged to have murdered another man after an unwanted homosexual advance. The High Court heard an appeal from our state Supreme Court and in its judgement, in SALRI's view and that of other legal academics, it makes clear that gay panic still forms part of provocation law in South Australia.

Our state does not have a proud history in this area. We are the last state in the nation to have this discriminatory gay panic defence in our law, albeit common law not statute law, but nonetheless it is there. Despite the claims of some, this was confirmed by a High Court case originating from South Australia. Provocation law is indeed complex. It impacts on many other interested parties, particularly women and victims of domestic and family violence. The government will need to introduce legislation that properly supports these groups, while ending the archaic and discriminatory parts of the law.

But, today, this parliament has the opportunity to make clear to the government of this state that it needs to stop the delays, it needs to keep and adhere to its promise to South Australians and deliver a much overdue updating of the law of provocation in South Australia. Most importantly, this parliament has the opportunity today to call for an end to the legal discrimination against homosexuals in our state. For that I indicate my support, the Labor Party's wholehearted support, and, hopefully, the support of every member of this chamber.

The Hon. I. PNEVMATIKOS (16:41): I, too, rise in support of the Hon. Tammy Franks' motion, and in so doing I thank her for bringing it to the council. This motion comes at a fitting time, as June is Pride Month, and throughout June we celebrate and recognise the impact LGBTQI people have had in our community. June was chosen as Pride Month to commemorate the Stonewall riots.

The raid at Stonewall Inn sparked protest and violence for six days. It served as a catalyst for the gay rights movement around the world.

Like the Stonewall riots, change to social policy unfortunately often does not happen without serious harm or injustice to others. The gay panic defence is no different. Too many times this atrocious defence has been used to take away appropriate justice. The gay panic defence is no different. It is time we as a parliament recognised the disproportionate prejudice this defence places on individuals, and amend it before someone else is hurt by this law.

In recent times, our legislation has not kept up with the changing cultural values and attitudes of South Australians. It has seen a slide down the ranks as one of the most progressive states to now the only jurisdiction in Australia to have the gay panic defence. It seems extraordinary that the first Australian jurisdiction to decriminalise homosexuality in 1975 is the last to reform this in the area of provocation. The gay panic provocation defence is unjust, offensive and ultimately discriminatory. It supports the notion that a same sex advance is enough to partially excuse murder.

Not only does this ideology encourage discrimination, but perpetuates the dangerous idea that homophobia justifies murder and ultimately legitimacies violence against LGBTQI people. It is time it was removed. Issues with the provocation defence reach further than the gay panic defence. The operation of provocation is heavily rooted in gender bias and promotes a culture of victim blaming. From a legislative and practice standpoint there are many mechanisms that the Attorney must consider when addressing the gay panic provocation defence.

Current South Australian law fails to adequately reflect the situation of women who experience family violence and who may be driven to kill their abusive domestic partner, or who may be at risk of being killed by their abusive partner. No matter the circumstance, it is unbelievable that the provocation defence still exists when it is so deeply rooted in gender discrimination, and actively promotes a culture of victim blaming. Through media releases and published letters the Attorney has indicated that the department is not just looking at the reform of gay panic defence provocation but at reforming the provocation defence. In an article posted by Alistair Lawrie in February 2020, the Attorney wrote:

> The defence of provocation is a complex area of sentencing law, and it is important that the legislation to remove the gay panic defence is properly considered.

I agree that the area of provocation is complex and requires the Attorney to look at provocation defence as a whole. However, reform in this area could have easily been achieved by now. We are over two years into the Marshall Liberal government. That is two years since we were promised reform in this area and it has still not been achieved. The complexities do not excuse the amount of time that has gone by, especially after the extensive research conducted by SALRI into the operation of provocation in 2017 and 2018, as well as parliamentary inquiries.

The Attorney has made comments that it is her intention to progress the bill to consultation in the first quarter of this year. We are now halfway through the year and have no notion that the bill is proceeding let alone any evidence that an actual bill exists. I am proud to stand and support this motion today and hope that it shows the government that we cannot wait for this any longer.

The Hon. C. BONAROS (16:46): I rise to speak in support of the Hon. Tammy Franks' motion calling for the Marshall Liberal government to introduce legislation amending the so-called gay panic provocation defence for murder with urgency and also to echo the sentiments of other honourable members. As we know, South Australia is the only jurisdiction in Australia to allow the gay panic defence as an option under the umbrella of the broader provocation defence to murder.

I find it inconceivable that it is still an option as a partial defence to reduce a charge of murder to manslaughter. I question how in 2020 we as a state, as a community, are still at that draconian position. As we all know, in the early 1970s male homosexuality was still illegal in every Australian state and territory and homosexual activity was being policed by SAPOL's vice squad quite broadly.

As a result of the outcry and outrage over the death of Adelaide University law lecturer Dr George Duncan in 1972, we were the first Australian state to decriminalise homosexual activity way back in 1975. That was 45 years ago. As has been highlighted by Professor John Williams, also my law school lecturer, what happened to Dr Duncan and the reaction to that left a legacy that has

changed us all. Again, as Professor Williams has highlighted, we do not make enough of what Duncan's death led to. There are a lot of young LGBTQI people around Australia who do not realise that what they have now all started on the banks of the River Torrens in 1972.

If you believe in silver linings, in this case Dr Duncan's death—his murder—did not go in vain. It meant that we led the nation. Sadly, today, we now trail the nation. Allowing the gay panic defence to be considered by a judge or jury does not reflect our community standards. It reflects highly outdated discriminatory views of the past that have no place in 2020. I think in many quarters of the community it is a little known fact. Most people would assume that such a draconian law was a thing of the past. In SA, of course, that is not the case. In fact, I think the last attempt to use the defence was a mere three years ago.

The gay panic defence was considered by the High Court in 1997, as has been referred to by my colleague the Hon. Ian Hunter, in Green v The Queen. More than 20 years ago, Justice Kirby made the following still relevant observation in his dissenting judgement in that case:

> In my view, the 'ordinary person' in Australian society today is not so homophobic as to respond to a non-violent sexual advance by a homosexual person as to form an intent to kill or to inflict grievous bodily harm. He or she might, depending on the circumstances, be embarrassed; treat it at first as a bad joke; be hurt; insulted. He or she might react with the strong language of protest; might use as much force as is physically necessary to effect an escape; and where absolutely necessary assault the persistent perpetrator to secure escape. But the notion that the ordinary 22-year-old male (the age of the accused) in Australia today would so lose self-control as to form an intent to kill or to grievously injure the deceased because of a non-violent sexual advance by a homosexual person is unconvincing. It should not be accepted by this Court as an objective standard applicable in contemporary Australia.

Unfortunately, this was a dissenting view and the High Court further left the option of the gay panic defence on the table in South Australia in the Lindsay case. As we have been reminded, Michael Lindsay was convicted of stabbing a man to death in 2011 and dumping his body in a wheelie bin following an unwanted nonviolent sexual advance by the male victim. The High Court found that the original trial judge did not err in leaving the gay panic provocation partial defence open to the jury.

The exclusion of a nonviolent sexual advance as provocation has been a long time coming, not only because it leads to grave injustices in individual cases but also because it perpetuates the dangerous notion that homophobia justifies murder. I commend the Hon. Tammy Franks for her continuing strong voice and action on this important issue. Successive governments have committed to its exclusion, but to date there has been no delivery on their promises.

The South Australian Law Reform Institute has carefully considered this issue. In 2017, the institute recommended any legislative measure to abolish the use of the gay panic defence be deferred until stage 2 of their report. Stage 2 was delivered in April 2018 and prompted the new and now current Attorney-General to announce her support for removing the discriminatory elements of the defence of provocation as part of the broader suite of legislative amendments.

Clearly, any legislative amendments have to be careful to protect very legitimate defences applicable, such as cases involving domestic violence, but here is a chance to ensure South Australia's law on domestic violence is progressive and victims of domestic violence are given the utmost protection by the law. In April last year, the Attorney-General committed to introducing legislation abolishing the gay panic defence by the end of 2019, and we are still waiting. It is June 2020 and the question has to be asked: how much longer will we wait?

The last state to remove the option of this archaic partial defence was Queensland in 2017. Leaving the option of the gay panic defence on the table sends a terrible message to the community. It is unjust and it is abhorrent. It is as offensive as a racial panic defence. And how would we feel about a racial panic defence? 'Your Honour, the colour of his or her skin made me uncomfortable so I killed him.' It is nauseating, it is sickening and we should all be offended by it. It is no longer acceptable to panic.

I do not think it has ever been acceptable to panic about a gay advance and kill someone. We need to acknowledge that times have changed. We are not living in the 16th century. It sends a shameful message to our children that a person—a victim—is less important because of their sexual orientation. It clearly contradicts the spirit of the Universal Declaration of Human Rights, which declares in its very first article, and I quote:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

There is no place in South Australia for antiquated laws that are in clear breach of fundamental human rights in relation to gender, race or sexual orientation. It should not be an option to get a downgrade on a murder charge because you are apparently uncomfortable. With those words, SA-Best joins other honourable members, and the Hon. Tammy Franks in particular, in urging the government to introduce legislation as a matter of urgency to abolish the option of the gay panic defence. With those words, I commend the motion.

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:54): I move the amendment standing in my name:

Leave out paragraph 2 and insert new paragraph 2 as follows:

2. Acknowledges the ongoing work of the Marshall Liberal government and the Attorney-General to draft and introduce legislation to abolish this provocation defence; and

I rise to acknowledge the repugnant discrimination that the so-called gay panic provocation defence represents and also to advise that this was one of the issues that was raised last year in relation to an LGBTIQA+ round table that was held.

I am proud as a Liberal member that the first member of parliament to move to decriminalise homosexuality in South Australia was indeed the Hon. Murray Hill. I think that his record needs to be acknowledged, in that he initiated some of this legislative reform. While it may have taken longer, his role in this does need to be emphasised.

This government and the Attorney-General made a clear and unequivocal commitment that we as a government would reform the law of provocation to remove the possibility of unwanted same-sex sexual advances being raised as a partial defence to murder. It is offensive and unacceptable, and the government appreciates what the removal of this defence means to so many LGBTIQA+ South Australians. To that end, I can advise that officers in the Attorney-General's Department are continuing to work on the bill to make significant changes to this area of law, largely based on recommendations contained in the SALRI report 'The provoking operation of provocation'.

SALRI had first provided a response to this referral in April 2017. A stage 2 final response was provided to this government in April 2018 and subsequently made public. As recognised by SALRI, this is an incredibly complex area of law, and I think that has been acknowledged by a number of speakers. This reform has been a priority of the government, evidenced by the Attorney's reference to the work in her 2020 Address in Reply speech. While I understand it was the Attorney's intention to have this bill introduced last year, the defence of provocation is a complex area of sentencing law and it is important that the legislation to remove the gay panic defence is properly considered.

Accordingly, it has been necessary for the Attorney to seek expert advice, including from SA Police and the Director of Public Prosecutions, regarding the abolition of the defence in murder cases, as well as to consider further reforms to sentencing and defences relating to family violence. The potential implications of the removal of the defence are significant. There are aspects of provocation laws that should remain in our sentencing regime, including, for example, where domestic abuse victims kill an abuser in self-defence.

As previously announced publicly, the bill will abolish the common law defences of provocation, necessity, duress and marital coercion and substitute statutory defences for necessity and duress. The partial defence of provocation, which has been in some circumstances used as a defence to unwanted homosexual advances, will be abolished. With this comes its own challenges, particularly around the current mandatory life imprisonment and minimum 20-year non-parole period. Extensive work is still occurring to ensure the interests of justice are maintained yet the bill does not open itself to unintended consequences.

The passage of this bill remains a priority for the government. It is the Attorney's intention to progress the bill to wider consultation in coming months. The government will continue to be considered in its response to the SALRI report to ensure those who require protection receive it and those with ulterior motives do not have the opportunity to utilise a possible defence in any way contrary to its intended purpose.

The Hon. T.A. FRANKS (16:58): At the outset, I would like to thank those members who have made a contribution today: the Hon. Ian Hunter, the Hon. Irene Pnevmatikos, the Hon. Connie Bonaros and the Hon. Michelle Lensink. I also acknowledge, as was touched on, the considerable contributions that have been made previously in this place and outside it by various members. I note that the Legislative Review Committee, chaired then by the Hon. Gerry Kandelaars, looked at this issue not once but twice. While there was some mention made of unanimity in the committee's views, I remember that at least the Hon. John Darley had a dissenting report that was contrary, possibly to the first Legislative Review Committee, but possibly to the second inquiry into this issue.

I am yet to find a member of parliament who disagrees that gay panic defence is appropriate or acceptable. Generally, members of parliament say to me that murder is murder and, indeed, the claim that somebody made a nonviolent homosexual advance is no excuse. I say 'the claim' because in some cases, certainly in interstate jurisdictions where this defence has been used, families have advocated for the abolition of the gay panic defence but they have also pointed out that the victim, their dead family member, was not gay.

That is in no way a slight on that, they are just the facts. We do not know what the victim did in these cases. The only person who was heard is the person who killed them, and this is the ultimate in victim blaming. Somebody who did not exhibit violence but is claimed to have made a homosexual advance has their murder seen as lesser because they are claimed to be a homosexual man. This defence is not available to women and it is certainly not available to a woman who murders somebody, let alone a woman who is a victim.

I thank in particular Robert Sims who brought this issue to me almost nine years ago, I think. One of the first things he raised with me when I started as a member of this parliament was how horrified he had been as a young law student to learn that his life was seen as lesser in those university law lectures. That has been one of the ongoing parts of this debate, particularly young gay men learning that their lives are somehow seen as lesser under our current laws. That is why so many years ago now I wrote to the then attorney-general Rau and the then shadow attorney-general Wade seeking their cooperation and using the New South Wales processes and inquiries that had been extensively undertaken at that time to progress this issue.

The correspondence to the shadow attorney-general was responded to, the correspondence to the Attorney-General was not, so I brought a bill to this place. At that time, I noted the complex nature of provocation, the gendered nature of a man's honour often being prioritised and how archaic and out of date that was, but of course the very delicate nature where a woman who has been subject to domestic violence over a prolonged period of time also may be able to avail herself of the suite of provocation partial defences. There are other remedies to that particular matter, and certainly under law, as has been advised to the various committees and their reports and inquiries time and time again, in that particular situation, those women are indeed able to avail themselves of other legal remedies.

But one of the other suite of provocation defences is where a woman leaves a man and so offends his honour that his murder of her is then justified—another provocation defence that we have not spent quite so much time on—and so I absolutely agree with the Hon. Irene Pnevmatikos when she notes the gendered nature of these partial defences in the case of murder that they are, in essence, largely victim blaming and certainly incredibly archaic.

It cannot fail to be noticed just how long this has taken and how many inquiries, reports and words have been uttered. As I said, I have not yet met any particular MP who has said to me out and out directly that they do not agree that this defence needs to go. However, we will not be measured by those words, we are measured by our deeds, and here we are eight years later, still waiting for the laws to change. At first, I was told it would never be used and, in fact, one of the arguments was that it does not really exist. That was certainly the view of the previous attorney-general Rau that at one point he articulated that the defence did not really exist.

Then, of course, it was used in South Australia in the appeal of a man who had murdered another man. He stabbed him multiple times, put him in a wheelie bin and dumped his body. It was drawn on by his very clever legal defence team to use this loophole in the law to say that it should have been properly considered and not dismissed out of hand as not being in keeping with

contemporary society. Of course, there were cultural overlays to that, and yet again it delayed law reform in this area.

It is not acceptable to keep making these promises but not actually fix this issue because what we do is we continue the hurt and harm, particularly to gay men but also to LGBTIQ people in this state, by telling them that they are somehow lesser, that they must wait patiently for equality and that their time will come, but that time is not just yet.

We are now the last jurisdiction in Australia to act on this issue. When Queensland beats us by several years, we should be rightly ashamed of our inaction on this matter. I am happy to accept the government amendment in the spirit of a commitment that we will see action. We have been promised action by successive governments. Last year, we were told—at least we had an election commitment finally to it though—that by the end of last year we would see legislation. Recently, around the time of the memorials around the killing of Dr George Duncan, we heard that it would be by the end of this year. That came as a shock and a surprise to many in this community. It is a slap in the face and a betrayal that will not be tolerated much longer.

The time for progressing this is now. The Marshall government has as many reports as it needs to get on with the job and we look forward to there being a piece of legislation before this place during this session of parliament. Sure, it is a complex area, but many legal opinions and minds have gone into this. As we know, defence lawyers do like defences so they do like to keep them. It is time for those defence lawyers to no longer be heard in this debate and for the louder voices, the prevailing voices, to finally be those of people we have treated as lesser for far too long in this state.

I thank all the members of this council for contributing or supporting, and I hope when we do have a piece of legislation incredibly soon on this matter that there will be the same sense of goodwill to get this done. I also acknowledge the work of Murray Hill, which is often overlooked, and of course the leadership of former premier Dunstan. I have forgotten her name, but I actually met the wife of former member Murray Hill.

The Hon. J.M.A. Lensink: Eunice.

The Hon. T.A. FRANKS: Eunice. Thank you, minister. It was Eunice who actually picked up, through her work in the social services—I am not going to say the particular profession because I will probably get it wrong—another area that we should be addressing in this state. She became aware through her counselling, particularly of young people, that there was gay conversion therapy going on in this state. She took it to her husband at the time and in fact was part of making him aware of the injustices and the disgusting treatment that we place upon people, and the rejection that these young people face from their families, their churches and their communities that we cannot any longer continue to tolerate, so I thank Eunice in particular.

It was certainly a pleasure to meet her, but I also note that we still have gay conversion therapy in this state. That is yet another area to address but not until we get the gay panic defence as a partial defence for murder out of this state for good, because of course justice delayed is justice denied and homosexuality is no excuse for homicide.

Amendment carried; motion as amended carried.

Bills

RETURN TO WORK (COVID-19 INJURY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 May 2020.)

The Hon. I. PNEVMATIKOS (17:10): Front-line and support workers have been the real heroes of the coronavirus pandemic. Without hesitation they stood up to the task of protecting South Australians. We owe them our thanks and we will forever be grateful for their service. The Marshall Liberal government seems to lack the same compassion that this side of the chamber has for those workers.

Just yesterday, job cuts were announced in public hospitals and from the beginning of this pandemic the government has been reluctant to assist workers in any further capacity. Workers covered in this bill include those employed in hospitals and surgeries, aged-care facilities, childcare centres, aviation workers, police, emergency services, transport, kindergartens and schools, pharmacies, supermarkets, delis, convenience stores and petrol stations.

I am proud to speak up for these workers today and stand up for workers in high-risk workplaces to gain greater recognition in workers compensation during COVID-19. These workplaces are and were required to stay open during the emergency and yet they are not offered any greater protections through the law even though they were directly placed in harm's way.

The bill has two sets of criteria: workers must undertake duties because they are critical to the ongoing operation of economic, health and emergency functions, and workers are being exposed to a multitude of people every time they go to work. As with most emergencies, they are unpredictable and often this means we need flexible legislation. For this reason, the minister has the power to make regulation to add additional workers as they see fit.

If a worker in a prescribed workplace contracts COVID-19, it will be presumed that they contracted the virus from the workplace; hence reversing the onus of proof, as the act already does for more than two dozen other conditions in certain circumstances. For essential workers there is an increased risk of infection, even if their employer or workplace has increased personal protective gear or other protections within the workplace. These workers simply have no choice but to be exposed to people every day.

For casual workers on low pay with no access to leave, this bill provides critical income protection if they fall ill with COVID-19 in the prescribed workplace. For permanent workers, it adds an additional layer of protection and builds on the Return to Work Act schedules that already list presumptive conditions for which the standard onus of proof is reversed. With the challenging economic hardships we are facing we must consider that an individual may decide to go to work rather than to stay home with an illness.

The harsh reality is that without protection such as the Return to Work Act some people cannot afford to take time off and will continue to work with an illness even if that comes at the expense of others being infected. We simply cannot afford for this to happen. It is incredibly disappointing that the government has not shown an ounce of support for this type of legislation. This pandemic has highlighted their broader agenda and their top-down approach to continue economic growth in the state.

I thank the Hon. Tammy Franks for her contribution to the chamber with a similar bill and thank her for her continuing support of workers' rights. Workers deserve better rights now more than ever. I indicate my support for this bill.

The Hon. T.A. FRANKS (17:14): Given I have a similar bill on the *Notice Paper* and have also called for workers compensation presumptive arrangements under our Return to Work scheme, it is no surprise that the Greens will be supporting this bill today. Indeed, I must again pay tribute to my colleague David Shoebridge in the New South Wales parliament, who took a standalone bill to the New South Wales parliament very similar to that which I will introduce.

Indeed, the Hon. Rob Lucas was railing against the impact that my bill would have, how the sky would fall in in this state should we actually afford workers not just some kind words and sweet niceties and platitudes but some proper cover should they contract coronavirus during this pandemic, or indeed if we put them in harm's way and then did not support them to be able to continue to live, and in fact forced them into presenteeism, further endangering not just themselves but those around them.

At the same time that the Hon. Rob Lucas was citing business advocate after business advocate about how this would be the most terrible thing to do to South Australia's economy and industry, the New South Wales parliament was passing the Greens' amendment to government legislation to enact those very measures that the Hon. Rob Lucas claimed would make the sky fall in in this state. While it possibly has rained in the past few weeks in New South Wales, I note that the sky remains intact.

The Liberal government of New South Wales supported those Greens' provisions to ensure COVID care under their workers compensation scheme for prescribed workers and certainly in people-facing industries. It was not only the Liberal government that supported it. Indeed, I think the Minister for Small Business in that state wholeheartedly thanked the Hon. David Shoebridge for putting that item on the agenda. The Labor opposition, of course, unsurprisingly, supported it, but actually every single member of the upper house supported these provisions that we discuss here today.

I note that the Marshall Liberal government therefore stands in stark contrast to the Berejiklian government on care for workers under the COVID pandemic—workers in these people-facing industries who have suddenly been put in precarious and dangerous positions through the very nature of the virus and the nature of their work.

The Greens stand by workers and we also stand by public health provisions that ensure we are not supporting and pushing people into presenteeism. Sick people during this pandemic should not be turning up to work. We should be ensuring the protections they need not to do so. If somebody contracts coronavirus and dies, we should be giving them supports. We know that in the UK a bus driver has died from this disease and has been left completely unsupported, and yet we are putting people in harm's way with a virus we do not yet fully understand but we know is contracted through the contact that we are forcing particularly on people in what are now known as essential industries to undertake each and every day.

Essential industries are traditionally seen as those such as health and emergency services and policing, but essential industries, we have quickly learned in the last two months, are the provision of food and services. The provision of those goods and services and activities allow us to stay home if we are not in those industries, allow us to stay safe, but do not allow them necessarily to have that same safety and security.

I think, given that these provisions are available to all workers, it is simply that we are making it less onerous upon them to take advantage of the workers compensation scheme by changing that presumptive relationship and recognising that, rather than these particular workers staying home, staying safe, that they are having to go to work and be in harm's way to keep our society going, that we should at the very least change the rules around that presumption, given that we are putting them in these positions, we are putting them in danger. We owe them the absolute respect of ensuring that, where they do get sick, we protect them, where they are in danger and have symptoms of being sick, that we protect them and we protect ourselves by doing so.

Certainly to not afford what I have called COVID care is cutting off our noses to spite our faces. We want people to stay safe under the pandemic, but if we are not going to provide the protections people need we are going to see presenteeism, we are going to see people put in danger and make that choice to perhaps not turn up to work or to turn up to work and possibly make others sick unless we provide this presumptive treatment under this pandemic.

The Greens have noted that the Labor opposition prefer their bill to the Greens' bill. I note the amendments that have been filed not just by the opposition, which largely are clerical and administrative in nature, but the Hon. Connie Bonaros has filed amendments in terms of the prescribed workplace definitions and also the inclusion of disability, and the Greens will be supporting those, as well as that of the facility not being a private residence at which residential accommodation, respite care and other supports and services are provided to people with a disability.

The Greens have also today lodged amendments that reflect some of our bill, the bill that the Labor opposition did not prefer. I note that one of the issues I raised in the previous debate was a commencement date, and the Greens have reissued our commencement date that sees this presumptive COVID care retrospectively, back to 15 March.

We also have noted that the Labor approach has been to define workplaces rather than an extensive series of workers. I note that this approach with healthcare workers has not prescribed those particular workers as a class but has instead prescribed their place of work, that being defined as a hospital, day surgery premises or a pharmacy, which I believe excludes many healthcare workers. I ask the Labor opposition to explain whether or not GPs are covered under their bill,

because most GPs do not work in hospitals, in pharmacies or where day surgery is performed, and whether a range of nurses are covered under its bill, particularly those who work in community clinics.

In particular, of greatest concern right now, is whether or not the COVID clinics themselves, if not in hospital premises, are covered by the Labor Party legislation. I note that, with a short time frame, I have contacted a range of the health services unions, specifically HSU but also the ANMF, the AMA and the salaried medical officers unions. Certainly the ANMF has welcomed the Greens' amendment to the Labor opposition bill.

I note that it would be out of order for me to comment necessarily on committee evidence, but I am sure it was reported in the media somewhere that SASMOA wrote very early on in the pandemic to the Treasurer via the Premier, that they were seeking to be covered by a presumptive treatment under the Return to Work Act for their workers, their front-line medical doctors and salaried medical staff to be covered under the pandemic by this treatment.

Their correspondence, I understand, continues to remain unanswered and unresponded to by the government and I note was strangely absent from the Treasurer's contribution to my bill. I am hoping that he will remedy that today with his response to SASMOA's request for just the sort of COVID care that we are talking about supporting today.

With that, I do look forward to the committee stage of the debate. I remind the Marshall ministers that they are out of step with their New South Wales counterparts. I also remind them that this does not actually create a new entitlement. It does, however, reduce the blue tape that has been put in their way to access this COVID care under our workers compensation scheme, and whether it is green tape, red tape or, in this case, blue tape, I thought simplification and protection of workers was what we were all here for under this pandemic. With those remarks, I commend the bill to the council.

The Hon. C. BONAROS (17:25): I rise to speak in support of the Return to Work (COVID-19 Injury) Amendment Bill 2020 introduced by the Hon. Kyam Maher. As has been highlighted already, we have already indicated our support for a similar bill that has been proposed by the Hon. Tammy Franks, which broadly shared the same intentions. There are, as the Hon. Tammy Franks has mentioned, amendments that have been filed to this bill. I have amendments that deal specifically with the disability accommodation sector, and the Hon. Tammy Franks has also indicated amendments that I think are very necessary whichever way we go on this issue.

It is an understatement to say this pandemic has caused a great deal of grief, concern, worry and anxiety to all South Australians. However, South Australians have risen to the challenge with a level of commitment and diligence that makes me very proud to be a South Australian. I am especially pleased as a member of the Legislative Council and as an ordinary citizen to have been able to play my part, as small as it may be, in implementing temporary legislative measures that have been so far very effective in managing the health impacts of this declared emergency.

Ensuring that we do not see a recurrence of infection rates and responding to the significant economic impacts on families and businesses is going to be just as challenging and will require more longer term substantive responses from all levels of government—there is no question about that. The outstanding and timely health advice we have received and the community's adherence to those directions have directly contributed to the situation we have today, when there are no cases of COVID-19 in South Australia that we know of, none in hospital, and we have no cases in residential care. As of today, over 102,300 COVID tests have been conducted, and that is an enviable achievement.

I know how hard it has been to comply with some of those restrictions and the isolation, especially when we could not visit loved ones who were ill, in care, vulnerable, aged or dying, and still in many cases cannot. At the moment I have a family member who is in hospital, and none of us are able to visit, which makes it particularly difficult, not just on families, because there is, of course, only so much you can get over the phone.

I can point to another example of a young mum, also in a facility, who was not able to see her kids for weeks and weeks as a result of COVID-19. The impact on those children has been absolutely tremendous and should not be underestimated. The limited number of people who have

been able to attend funerals has added more to the grief and distress of many South Australians who have lost loved ones during this period.

I will point also to the—I will call it very difficult—situation of quarantine. I have a lot of sympathy for those individuals who have had to spend up to two weeks or longer locked in a hotel room. Often, we think of hotel rooms as a great escape. I can attest to the fact that I have some very limited and different firsthand experience of the stresses of COVID-19, which were brought on as a result of isolation after contact with a colleague who had himself been in contact with another colleague who had tested positive for the virus, and it is not pleasant to be effectively quarantined from your family for two, three or four days, let alone 14 or more days. It is a very difficult situation.

What I do not know firsthand, though—what I cannot fathom—is how difficult it is to be a front-line or emergency response worker like a nurse, a doctor, a teacher, a shop assistant, a police officer, an ambulance officer, a bus driver or a COVID-19 testing station attendant. These people have all bravely risked their own health during the pandemic for the greater good, often to the detriment and risk to themselves and their families, while the majority of us had the comparatively easier and much safer option of working from home with our families and our pets.

A lot of people took part in baking copious amounts of goodies—I wouldn't know about that—reading, home exercise, catching up on chores, gardening around the home, watching endless hours of movies and trying to homeschool our children—whatever it took to pass the time of day during the lockdown when you could not attend work. I am sure many of us have a new appreciation of what teachers in particular do each and every day, often with very little thanks and recognition—I know I certainly do. I hope South Australian teachers know more than ever how valued they are.

The bill is aimed at minimising the WorkCover disputes and legal proceedings and provides critical financial certainty to those front-line workers. It means the link between a worker who is suspected of or diagnosed with COVID-19 in the workplace does not have to be established, that it is automatically presumed the worker contracted the illness on account of the nature of their work. However, an important element of this bill is that the disease is presumed, in the absence of proof to the contrary, to be a work injury arising from a person's employment.

That safeguard of including the clause in the absence of proof to the contrary does provide a check and balance to the reversal of the presumption that usually applies. The bill also has a practical approach of covering prescribed workplaces and prescribed occupations but, as we have pointed out, some of those have been left out—some that we thought ought be included—both of which can be added by regulation should they be found to be too restrictive or have excluded an occupational workplace that should have been prescribed.

Defining emergency services and passenger transport work provides some additional clarity in this area of who is covered by the bill as well. The amendment that I have filed in my name, [Bonaros-1], amendment No. 1, as the Hon. Tammy Franks has outlined, ensures that disability is included in the definition so that a prescribed workplace includes a facility (not being a private residence) at which residential accommodation, respite care or other support and services are provided to people with disability. This means that facilities such as Minda, Rose Terrace Lodge and Bedford Phoenix are covered as prescribed workplaces, so their employees are covered even if not listed as a prescribed occupation.

COVID-19 has highlighted the critical high-risk occupations, like a cleaner and carer, that may not immediately spring to mind as front-line essential workers but who nevertheless cannot avoid contact with the public and would have commonly breached social distancing rules. The bill has been made retrospective by the amendment filed, and rightly so. We have been dealing with this pandemic for many months now, and we will be dealing with it for a long time coming. Even though our response has been outstanding, there have still been 440 cases and four deaths from COVID-19 in South Australia.

Our neighbours in Victoria and New South Wales have new outbreaks occurring and clusters that have spread. While the risk has lessened for us in SA, we must remain forever vigilant. COVID-19 has not gone away and will be an issue for all Australians for a long time coming, potentially until a vaccine is found, but we do not know at this point in time. There are many unknown factors.

Until then, this bill aims to provide our front-line essential workers with some level of financial assurance and protection and, critically, access to WorkCover should they contract the illness. Who better to protect than those who have so bravely protected and cared for all of us throughout this pandemic? With those words, I commend the honourable member for introducing the bill, just as I commend the Hon. Tammy Franks for introducing hers, and I look forward to the passage of one of these pieces of legislation today.

The Hon. R.I. LUCAS (Treasurer) (17:35): I apologise, Mr President, I have been on a Treasurer's teleconference, so I have been unable to hear the I am sure very worthwhile contributions of honourable members. Given this is similar to a bill that was debated a couple of weeks ago, I can assume that the contributions were similar to the contributions on the previous bill that was discussed, which I think was moved by the Hon. Ms Franks.

Can I indicate that the government outlined its position very strongly on that previous occasion, which I think was sometime in the middle of May. The contribution was on 13 May, for those erstwhile readers of *Hansard.* The contribution I made on that bill on 13 May 2020 is a fair summary of the government's position in relation to both that bill and this particular bill as well, so I will not repeat all the arguments that I put on behalf of the government as to why we will not be supporting the legislation.

Nevertheless, given the fate of the vote on the last bill, I am assuming the majority in the council are likely to support the bill through the Legislative Council, but the government's position will remain opposed to the legislation. I highlight again the overwhelming tidal wave of opposition that this bill and the other bill have engendered in the employer community. I think I quoted at length from the views of the Australian Small Business and Family Enterprise Ombudsman, Kate Carnell AO, and placed her views on the record.

I placed on the record the views of Master Grocers Australia, who represent a lot of the independent retailers in South Australia—Drakes, Romeos, Chapley's and the Eudunda Foodland group—and their very strong opposition to this particular proposition. My very good friends representing the independent retailers, the South Australian Independent Retailers group, are trenchantly opposed to this particular legislation and the other bill as well. In addition, the Motor Trade Association is strongly opposed and the Australasian Convenience and Petroleum Marketers Association is strongly opposed.

The Australasian Association of Convenience Stores, the peak body of the convenience industry, is strongly opposed. The Australian Retailers Association is strongly opposed. The Council of Small Business Organisations Australia is strongly opposed. The Australian Industry Group is opposed. The Master Builders Association is opposed. The Australian Lottery and Newsagents Association, representing the small lotteries and newsagencies throughout South Australia, those small businesses battling at the moment, is strongly opposed.

The Pharmacy Guild of Australia is strongly opposed. The Australian Hairdressing Council is strongly opposed. Business SA has also expressed their concerns about the legislation. The Self Insurers of South Australia have indicated their opposition. ReturnToWorkSA have also indicated their opposition to the legislation. As I said, there has been a tidal wave of trenchant opposition and alarm expressed at the legislation that is being moved in this chamber by the Labor Party and the Greens.

There are provisions in this particular bill which are even more onerous than some elements of the bill which was moved by the Greens in this place. At least in a couple of areas the Greens sought to restrict the employees working in those particular industry sectors to those who have face-to-face contact with members of the public. The Labor Party legislation does not even do that. For example, someone working in a supermarket who is buried at the back of the supermarket working in IT or corporate matters or whatever it might be is covered by the Labor Party legislation but is not covered by the legislation moved by the Australian Greens in relation to it. So there are some differences between the two bills but, nevertheless, overall they are extraordinarily similar.

The only other point I would make in opposing the bill is: what is the issue that is being sought to be addressed in relation to COVID-19 and workers compensation? ReturnToWorkSA advised me that as of this week there have been four claims made for compensation under COVID-19. Three of

the four have been accepted and one was withdrawn. So there have been four claims; three have been accepted and one has been withdrawn. In relation to the public sector, the Commissioner for Public Sector Employment has advised us as of this week that there has not been a claim in relation to workers compensation.

I think the challenge for those who continue to pursue this particular line in this particular legislation is to demonstrate the reasons for the legislation and where the current arrangements are inadequate in their view. The government's strong position, as outlined on 13 May, on this occasion remains the same. We will not be supporting the legislation. Nevertheless, whilst we divided and tested the numbers on the last occasion, we accept the inevitability as members have spoken that they are going to support the legislation. So our views remain opposed but we will not be seeking to divide the house.

The Hon. K.J. MAHER (Leader of the Opposition) (17:42): I thank all members for their contributions on this important bill. I will address some of the remarks that have been made and also maybe just address where the opposition stands on the amendments that have been filed. I will very quickly reflect on the comments from the Leader of the Government in this chamber, the Treasurer, whose mindset is that you need to wait until something goes wrong, you need to wait until a worker is unfairly denied, you need to wait until someone who is working on the front line as a nurse in a hospital has their claim disputed before you do anything about it. That is not the opposition's view.

The opposition's view is to do something pre-emptive and fix the problem before it has arisen and someone has their life turned upside down and encounters difficulty. I know that is not the view of the government. The government would prefer to have people denied and then say, 'Look at this. We never thought this would be a problem.' That is just not the view that we take. We use a precautionary principle in relation to this. If this bill is successful, our great wish is that it has no work to do; that would be a fantastic outcome. However, I do not think we plan for the best possible outcome and legislate that way. I just do not think that that is a sensible way for us to operate as the Leader of the Government would have us do.

I note the contribution from the Hon. Tammy Franks about a passage of similar and perhaps even more expansive legislation through the New South Wales parliament, supported by the New South Wales government, supported by the Hon. Rob Lucas's counterpart, the Treasurer in New South Wales, through both houses of parliament becoming law. It is good enough for New South Wales but it is not good enough for the Hon. Rob Lucas and workers in South Australia, which I think is an absolute shame, but that is the choice of the Hon. Rob Lucas and the message he chooses to send.

I will not go into great detail, but I might turn to amendments that have been filed. The opposition has moved three amendments to our own bill. The first and the third amendments are typographical amendments picked up by parliamentary counsel. The second amendment goes to exactly the same issue as the Hon. Tammy Franks' first amendment and that is the commencement date and at what date a worker may get the benefit of this bill.

The Hon. Tammy Franks' first amendment notes that the bill will be taken to have come into operation on 15 March, that is, in effect, retrospectively covering any worker who contracts COVID-19 from 15 March. What the opposition's amendment No. 2 [Maher-1] does is insert in the section that talks about if a person is employed and contracts COVID-19, 'If, whether before or after the commencement of this clause', so it puts no date. It is retrospective to any time that a worker contracts COVID-19. By the very definition of COVID-19, this is not something a worker two or three years ago is going to contract. This is a disease that is relatively recently known to the world, so if a worker at any stage contracts COVID-19, under the amendment that the opposition has filed they will get the benefit of this bill.

I turn to the Hon. Connie Bonaros' amendment and thank her for filing it and also providing it to the opposition. The opposition has had time to consider the amendment. It does what many of the opposition's parts of our bill do and that is define the workplace and define it in relation to other legislation, so disability is defined in relation to the meaning it has in the Disability Inclusion Act. It then goes on to talk about the workplace at which this act seeks to cover. I can indicate that the opposition has had a chance to consider that and will be supporting that amendment.

In relation to the Hon. Tammy Franks' amendments, we will not be supporting the first one with the 15 March date, again because it is the same topic—

The Hon. T.A. Franks interjecting:

The Hon. K.J. MAHER: That is what the committee stage is for and these are reasons why we can debate these things and come to a conclusion.

In relation to amendment No. 2 [Franks-1], defining prescribed occupation further, we are not necessarily opposed to that. We are happy to consider all of those as the bill travels between the houses. We think it is important that this bill is passed in this chamber today and we are more than happy to look at those as the bill goes between the houses and whether there needs to be other references to how these things are defined, whether it is defined in this bill itself or by reference to a definition in another act.

We will not be voting for them today. We have not had a chance to consider them. There may be some work to do with definitions there, but we remain open to the possibility of supporting those when this comes up in the lower house, should it pass the chamber today, as I hope it will, and send a clear message to those workers that the bill seeks to protect.

Finally, the Hon. Tammy Franks had a question in relation to our bill and whether the definition of 'prescribed workplace' as hospital or private day procedure centre is wide enough to cover GP clinics and indeed COVID-19 clinics. I am happy to take that on notice. I am not sure is the answer to that. It was some time ago when we drafted this bill. I will seek some clarification.

These are issues that I think are properly and reasonably addressed as this bill travels between the houses. There may well be areas that, when it gets to the lower house, we need to expand. As I said in the second reading explanation when this bill was first introduced, we recognise, particularly from opposition, that there may be areas that we did not consider and that we have not covered the field as properly as it should have been and that is why it includes the ability to prescribe by regulation further workplaces, should that be necessary. As I said, as it travels between the houses, we certainly will look to see if they need any changes or any additional definitions or inclusions.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I have a question of the opposition. With regard to the remarks in the second reading speech he covered amendment No. 2 [Maher-1] and noted that that addressed a similar provision with regard to the commencement of the act that, under the Greens' version, would have come into operation on 15 March 2020, should that Greens' amendment be successful.

The reason I have raised that issue both previously and in this particular amendment is because we have a government that is unwilling to enact this legislation, potentially. We have also seen governments of the other colour, where private members' bills have passed and eventually become acts, make the whole clock tick down the year or so that it takes for that bill to be enacted without provisions which I, as a member who has moved much private members' business, know that we need to ensure is enacted regardless of a recalcitrant government.

My question to the Labor opposition is: how will your amendment with regard to commencement ensure that should the Marshall government not wish to enact this legislation we are not waiting over a year for it to come into operation?

The Hon. K.J. MAHER: I thank the honourable member for her contribution and indicate that we are utterly and entirely convinced by her persuasive arguments in favour of it, and I can indicate, when we get to it, that the opposition will not be moving amendment 2 [Maher-1] and instead will be supporting the first amendment of the Hon. Tammy Franks. The honourable member is right, this government has an appalling track record of not—

The Hon. T.A. Franks interjecting:

The Hon. K.J. MAHER: No, this government has an appalling track record of not giving effect to the will of parliament.

Clause passed.

New clause 1A.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 2, after line 5—Insert:

1A—Commencement

This Act will be taken to have come into operation on 15 March 2020.

This inserts a commencement that the act will be taken to have come into operation on 15 March 2020. It was on Australia Day, or 26 January this year, that I think we had the first known case of COVID-19 in this country. Certainly, we saw state and territory governments then implement various phases of emergency management provisions, including declaring public health emergencies and so on. In South Australia the first of those declarations and recognition of cases was in train on 15 March. That is why I chose that date.

We could go back to the 26 January date if members want to go back to the first known case of coronavirus in this country, but it seemed to me not only recognition that this is a new disease that was not known prior to the commencement of that date but that it would also act as a disincentive for a recalcitrant government to stall the implementation of this legislation because it will always eventually go back to 15 March.

The Hon. R.I. LUCAS: The government opposes the amendment and opposes the bill. I guess this presupposes that the legislation will pass in the other place.

The Hon. K.J. MAHER: I am indicating support.

New clause inserted.

Clause 2 passed.

Clause 3.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Maher–1]—

Page 2, line 11—Delete 'Section 9(1)(b)' and substitute 'Section 9(2)(b)'

This was a typographical error that has been picked up that refers to the wrong section, so I move that it refer to section 9(2)(b) rather than section 9(1)(b).

Amendment carried; clause as amended passed.

Clause 4.

The Hon. K.J. MAHER: I move:

Amendment No 3 [Maher–1]—

Page 3, line 7 [clause 4, inserted Schedule 3A, clause 1(2)]—After 'referred' insert 'to in'

Again, this is a typographical amendment.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 3, after line 14 [clause 4, inserted Schedule 3A clause 1(5)]—After the definition of *air passenger service work* insert '*disability* has the same meaning as in the Disability Inclusion Act 2018;'

I will speak to both amendments together; they are related. As I have already highlighted, they deal with the insertion of disability accommodation into the definition of a prescribed workplace. Disability is defined in amendment No. 1 [Bonaros-1] to have the same meaning as in the Disability Inclusion Act 2018, and amendment No. 2 [Bonaros-1] provides that a facility, not being a private residence, at which residential accommodation, respite care or other supports and services are provided to people with disability will be included as a prescribed workplace.

I am sure if we looked at this legislation long enough, there are other areas that we could potentially pick up. That has been dealt with by the inclusion of a provision in the bill which enables us to expand the scope by regulation, but I do think it is important, for obvious reasons, that the issue of disability accommodation be inserted at the outset as one of those prescribed workplaces.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks–1]—

Page 3, after line 36 [clause 4, inserted Schedule 3A, clause 1(5), definition of *prescribed occupation*]—Insert:

(ba) work in the health care sector; or

(bb) work in the hospitality industry; or

(bc) work in the retail industry; or

(bd) work in the freight transport industry; or

As I noted in the previous discussions in this place on this matter, essential workers, of course, we have known and taken to be those who work in health care, police forces and emergency services. I note that in the Labor opposition's bill they prescribed occupations as meaning work as a police officer or emergency services worker or passenger transport work or air passenger service work, and we have just included disability work as a prescribed workplace potentially, if the indication of the chamber is to my reading understood.

So if you are in the police force, an ambulance officer, in emergency service or in passenger transport work or air passenger service work, and now disability, you are covered, but if you work in the healthcare sector, hospitality, the retail industry or the freight transport industry you need to rely not on the prescribed occupation but on the prescribed workplace.

I note that a prescribed workplace with regard to health is a hospital or private day procedure centre, under the meaning of the Health Care Act, or a residential aged-care facility, or a pharmacy under the Health Practitioner Regulation National Law (South Australia) Act 2010, or a childcare centre or kindergarten under the Children's Services Act, or a school within the meaning of the Education and Early Childhood Services (Registration and Standards) Act 2011, or a supermarket, grocer, delicatessen or convenience store, or a petrol station, including any parts of a petrol station that consist of a shop or shops selling goods by retail, or any other workplace, to be left to the whims of a recalcitrant government to determine.

So that blue tape will not be cut, that presumptive COVID care will remain in the way of those who work in the healthcare sector more broadly and do not work in those particular prescribed workplaces. I have noted, for example, that the COVID clinics we have around the state are not necessarily all in hospitals or private day procedure centres. It concerns me that GPs, for example, treating patients, or, in particular, somebody taking the swabs for COVID, for coronavirus, are not protected specifically from the blue tape for that COVID care presumptive treatment under this particular opposition model.

Further, you might work in the hospitality industry. Unless that shop is in a petrol station, or perhaps there is a coffee shop in a supermarket, that would have you covered, but if you are just a retail industry worker you are not covered with that presumptive removal of the blue tape for this workers compensation treatment.

In terms of the freight transport industry, we know more than ever that freight transport has become incredibly important and an essential service. Those who have stepped up for us to keep us

fed and who are now, with the restrictions and the road map to recovery being eased, at the front line—the people serving us our food, the people pouring that frothy in the front bar of the ALMA for the Premier—deserve the respect of the removal of the blue tape preventing this COVID care being afforded them because of their occupations.

I note that the opposition has said that it had not considered the situation of the GP. I find that quite concerning that they had not considered the very people who are taking the swabs, analysing. Is SA Pathology covered if it is not necessarily in a location defined here under the Health Care Act as one of the prescribed workplaces? I find it highly disturbing that we would move forward with the bill to afford the removal of the blue tape and a presumptive treatment instead of what are their workers compensation rights already to front-line healthcare workers just because they do not operate out of a hospital.

I find that extraordinary in this day and age, when we are setting up drive-by services—and of course we are providing them with PPE, but we know that that is not in any way a complete protection and we are putting them in danger to keep us safe and to keep us home.

While I heard the opposition say that we will sort this out between the houses, I remind the opposition of the numbers in this chamber being in support of the removal of this blue tape. However, there is no guarantee in the other place. The recalcitrant government has indicated, through the Leader of the Government in this place, that they do not support this COVID care being afforded to South Australians as it is in New South Wales, which passed with the support of the Berejiklian government of a Greens' amendment to legislation.

That legislation was supported by the New South Wales Labor opposition, One Nation, the Shooters, Fishers and Farmers Party and all and sundry. There was cross-party support and consensus to remove the blue tape that made it harder for sick workers to receive the care they deserve when they are out there caring for others. I note that unless some miracle occurs and a member of the government crosses the floor in the other place, it means the end of the debate on this matter, to ensure the care of doctors, nurses and front-line health professionals, including those taking the swabs and those analysing the results of those swabs.

It is not guaranteed under the opposition bill and it will not be if the government continues with the form it has shown so far. With that, I urge the opposition to reconsider their position, to acknowledge that they have erred in the restrictions and prescription of the workplace rather than the occupation on this matter, and to support the Greens' amendment.

The Hon. R.I. LUCAS: We join the Labor Party in opposing this particular amendment. We oppose the bill and we oppose the amendment.

The Hon. C. BONAROS: I think the case for the amendment has been well made. As with disability, I think it is important that these are front and centre in terms of the legislation, and we will be supporting the Hon. Tammy Franks' amendment.

The committee divided on the amendment:

Ayes 4
Noes 16
Majority 12

AYES

Bonaros, C.	Franks, T.A. (teller)	Pangallo, F.
Parnell, M.C.		

NOES

Bourke, E.S.	Centofanti, N.J.	Dawkins, J.S.L.
Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Maher, K.J. (teller)	Ngo, T.T.	Pnevmatikos, I.
Ridgway, D.W.	Scriven, C.M.	Wade, S.G.

NOES

Wortley, R.P.

Amendment thus negatived.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 4, after line 7 [clause 4, inserted Schedule 3A clause 1(5), definition of *prescribed workplace*]—After paragraph (b) insert:

(ba) a facility (not being a private residence) at which residential accommodation, respite care or other supports and services are provided to people with disability; or

I move this amendment for the reasons already outlined.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Leader of the Opposition) (18:12): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

The Hon. I. PNEVMATIKOS (18:13): I move:

That it be an instruction to the Select Committee on Wage Theft in South Australia that its terms of reference be amended in paragraph 1 by inserting after subparagraph (h) new subparagraphs (ha) and (hb) as follows:

(ha) The impact of COVID-19 economic measures on work practices;

(hb) The intersection of slavery and slavery-like practices with wage theft to establish the depths of human trafficking in South Australia; and

I rise today to bring this motion to a vote. This motion clearly extends the wage theft committee's terms of reference to both include COVID-19 circumstances as well as look at the intersection of human trafficking and slavery and wage theft. I would like to thank each member of the committee, former and current, for their work on the committee. I am sure other members of the committee would agree that the investigation has uncovered much more than we anticipated and has highlighted how rampant the issue of deliberate underpayment of workers' wages and entitlements is in South Australia.

The submissions of witnesses have highlighted the systemic issues of employer practices as well as the number of workers and their families who are affected by wage theft. Several witnesses raised issues that were beyond the scope of the current terms of reference, hence the reason that I am seeking to extend them with this motion today. Although the current terms of reference allow for other matters relating to wage theft to be discussed, I am proposing that the committee specifically add these extensions to properly assess the full scope of wage theft in South Australia.

I have talked about the issue of slavery and slavery-like practices in this chamber before and believe that it intersects greatly with wage theft. The deliberate underpayment of workers and labour exploitation is a slavery-like practice and must be investigated. Furthering the wage theft committee's terms of reference in this area would uncover the true human cost of wage theft in South Australia.

Secondly, the motion seeks to extend the terms of reference to investigate the impact of COVID-19's economic measures on work practices. Coronavirus has forced many workers from a range of industries to change their work practices. As such, workplaces have been reported to be

underpaying their workers. We know that businesses are hurting; however, employers cannot use this pandemic as an excuse for underpaying their workers.

The media has also reported that businesses are rorting the JobKeeper scheme and not using the program as legislated. I recognise that the economic measures in response to COVID-19 predominantly lie within the federal law, but we have a responsibility to assess how it is applied and manifests in our state. As we begin to recover from the deepest impacts of the coronavirus, it is of the utmost importance that the committee fully consider what effect it has had on wage theft. If this motion is successful, an interim report will be released soon, with another to be released after further assessment of these two additions is complete.

The Hon. T.A. FRANKS (18:16): I rise on behalf of the Greens to support the Hon. Irene Pnevmatikos' motion today, certainly extending specifically the terms of reference of the wage theft select committee currently underway. I note that I am a member of this particular select committee and that it has done some very fine work already, although I am not sure if I am allowed to talk about that at this point.

I would also note that we do know already that the impact of COVID-19 has been profound in our community, with the extension of the economic measures around COVID-19, and not just potentially the wage theft under schemes such as JobKeeper but also the treatment of those who have become trapped by the pandemic. Certainly, my understanding is that we have many, for example, international students and others on various visas, who have now been put in a position with very little support.

We know, anecdotally, from reliable sources of information that, for example, international students are relying on charity for the only food that they are receiving, and we know that they are in positions where their employment has disappeared. They are unable to return home, not least because of financial means, but of course with travel restrictions and difficulties, and we have in our society now people with no access to supports eating only a few meals a week. That sort of situation is one that this legislature should not look away from but should look deeper into and should shine a light on.

While these are federal matters—and, indeed, slavery and slavery-like practices have already been presented as evidence to the wage theft committee and are largely the domain of the federal parliament—it is our duty to ensure that where these practices are going on in South Australia we do not look away. We should not shield ourselves from the reality of these situations simply because there are constitutional lines drawn between pieces of legislation, when the job of a select committee is also simply to be that conduit to people who are vulnerable and who are being exploited. In these particular situations, I think the worst of the worst practices are taking place. We know these practices are taking place, and the extension of the select committee's terms of reference for a period of time longer to look at these issues more deeply is most welcome.

The Hon. C. BONAROS (18:19): I would like to quickly note our support for the motion. The two members who have spoken already—the Hon. Irene Pnevmatikos and the Hon. Tammy Franks—have already outlined the reasons well, and given the hour I indicate our support for the addition.

The Hon. R.I. LUCAS (Treasurer) (18:19): I will speak briefly. We opposed the original motion, I oppose this particular extension, but I accept the majority will support it. There are two points I would make. One is that I think it is disappointing that it is a time when many of us are trying to work together—government employers and employees. I instanced yesterday the genuine endeavours of the commonwealth government to work with Sally McManus and the ACTU and business leaders in the interests of post COVID-19 recovery. I outlined my endeavours to work together with Angas Story and other representatives of the employees.

The use of inflammatory language by the honourable member, and indeed others, to attempt to demonise the employer class in South Australia and businesses in South Australia—inflammatory language such as 'slavery', 'slavery-like practices', 'human trafficking', 'wage theft', etc.—seeks to divide rather than to unite. This government is in the interests of working together with employers and employees. We are not interested in driving a wedge. We have seen the problems in other parts

of the world where leaders seek to drive wedges between people. This government is about trying to unite rather than driving wedges—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —in relation to this issue. I am assuming, given the views that some members expressed in relation to this motion, that some of the evidence, which is now public, of a former Labor minister who is now a prominent member of the Labor opposition in another place, where the union has taken that particular issue to court for underpayment of wages or entitlements whilst that particular person was a Labor minister, may well be part of the evidence in terms of wage theft as it is so described; that is, for the deliberate underpayment of wages to employees within the public sector.

I am sure the Hon. Ms Pnevmatikos, the Hon. Ms Bonaros, and others who have expressed their views about deliberate intent on behalf of employers, will be exploring those particular claims and issues as well in terms of the evidence that has been presented.

The Hon. I. PNEVMATIKOS (18:22): Just one comment: human trafficking and slavery practices are issues that have been identified worldwide. Human trafficking is occurring. We have heard evidence on the committee about that, so it is not a figment of my imagination or anyone else's. It is a real problem and I cannot give it another name if that is the reality.

At the end of the day, there are a number of practices—and that is not to say that there were not employers who we heard from who were doing an admirable job and were not the target of considerations of our inquiry because there was no issue with their practices—but an assumption that is being made that it is all about painting everyone with the same brush is not the case, and certainly that has not been revealed in the inquiries of the committee.

Motion carried.

Motions

MUECKE, DR J.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:24): I move:

That this council—

1. Recognises the 2020 Australian of the Year, South Australian Dr James Muecke AM;
2. Highlights Dr Muecke's outstanding contribution to the medical profession worldwide in the area of eye health and the prevention of blindness; and
3. Acknowledges the significant impact Dr Muecke has had on the fight to prevent blindness, not least through his role as co-founder of Sight For All, a research, education and infrastructure organisation providing low-cost programs to target the causes of blindness.

I rise to recognise the work of Dr James Muecke. Dr Muecke is an outstanding Australian excelling in the area of eye health and the prevention of blindness, which service has seen him recognised with one of the greatest honours of our state and our nation.

Dr Muecke was born in Adelaide and graduated from the University of Adelaide in 1988 with Bachelor of Medicine and Bachelor of Surgery degrees. He commenced his medical career in Kenya, later returning to South Australia, where he became an eye surgeon. After a trip to Myanmar to conduct research about childhood blindness, he co-founded Vision Myanmar at the South Australian Institute of Ophthalmology in 2000. This program focused on eye health and blindness initiatives in Myanmar, including the training of a local eye surgeon, Dr Than Htun Aung, at the Women's and Children's Hospital. Dr Aung returned to his country as its first eye surgeon, seeing approximately 20,000 children on an annual basis. In 2015, Dr Aung started training his own colleagues as paediatric eye surgeons.

With the success of Vision Myanmar, Dr Muecke co-founded Sight for All as a charity to deliver eye health programs free of charge to partner countries and communities, with the ultimate aim of reducing vision impairment and blindness. The vision for Sight for All is to create a world where

everyone can see. Many of the visual impairments that the Sight for All program targets are preventable through the treatment of eye conditions, such as cataracts, glaucoma, diabetic retinal disease and corneal diseases. Blindness and vision impairment can significantly reduce a person's quality of life. In many cultures, these eye conditions can also limit access to education and work, leading to social isolation and poverty.

A team of more than 120 ophthalmologists, optometrists, orthoptists, ophthalmic nurses and scientists from Australia and New Zealand donate their time, goodwill and expertise to Sight for All's projects in Aboriginal communities in Australia, communities in Ethiopia and countries across Asia, including Bangladesh, Bhutan, Cambodia, Laos, Myanmar, Nepal, Sri Lanka and Vietnam. Each year, these teams of visionaries, as they are described, donate 10,000 hours towards sight-saving work in these countries. Their work is supported through charitable donations and corporate sponsorship to fund the provision of diagnostic equipment, surgical instruments and educational materials. Sight for All is currently improving the lives of half a million people annually, and its impact is growing year on year.

Dr Muecke has devoted over half his career to treating and preventing blindness. His focus, as Australian of the Year, is fighting blindness from diabetes in this country. I have met with Dr Muecke, and I gave broad support to his aim of combating diabetes. Type 2 diabetes is the leading cause of blindness in working-age Australians and the fastest growing cause of blindness amongst Indigenous Australians. In 2018, 10.8 per cent of South Australian adults reported having diabetes. Almost 80 per cent of these had type 2 diabetes, which is largely preventable.

The impact of diabetes on eye health can be minimised with appropriate screening and treatment. Dealing with preventable illness is one of the reasons that the Marshall Liberal government has established Wellbeing SA, to develop health prevention strategies to manage chronic diseases and maintain wellbeing, thereby leading to healthier lives.

Wellbeing SA will undertake a range of initiatives to improve nutrition and increase physical activity, the two main contributors to diabetes. These initiatives will support the work of Dr Muecke to reduce the incidence of diabetes in the population through good nutrition, screening and, for people with diabetes, the importance of regular eye checks. I understand that Dr Muecke has met with Wellbeing SA and will work further with them to promote better diabetes care and nutrition at the population level.

Dr Muecke's receipt of the 2020 Australian of the Year award comes 30 years after a fellow ophthalmologist and eye health innovator, Professor Fred Hollows, was awarded Australian of the Year in 1990. Like Fred Hollows, Dr Muecke is a legend. I am delighted that his service has been recognised by his well-deserved receipt of the honour of the 2020 Australian of the Year award.

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

At 18:29 the council adjourned until Thursday 4 June 2020 at 14:15.

Answers to Questions

DOMESTIC VIOLENCE

In reply to **the Hon. C. BONAROS** (28 April 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

SAPOL is regularly visiting high-risk offenders and vulnerable families during COVID-19 to ensure they have access to the services and support they need and that their risk is not increased during the restriction period.

Specialist domestic and family violence services funded by the Department of Human Services (DHS) are continuing to provide services and to support known at-risk individuals and families. Some services have altered their operations to offer support to victims and survivors safely. Particular services are making contact more regularly with families and perpetrators they work with, to provide an additional line of sight on perpetrators and keep their families safe.

In terms of at-risk children, in response to the pandemic, DHS brought forward the establishment of ten Child and Family Safety Networks across South Australia, to complement Child and Family Referral and Advice Networks (CFARNS) already operating in the metropolitan area. These are meeting regularly to share information and resources.

In addition, a single point of entry via a centralised triage team has also been established, enabling key stakeholders to refer vulnerable children and families directly for support. Through the Child and Family Support Services, home visiting has continued to vulnerable children and families, adopting protocols approved by SA Health.

DHS, in partnership with key stakeholders, also rapidly introduced a range of other strategies to support vulnerable families, including school holiday programs for at-risk children and young people; emergency food and financial assistance, including packages specifically provided for at-risk families; and webinars to support parents and carers during COVID-19.

We will continue to respond flexibly to the unfolding circumstances presented by the COVID-19 pandemic, and to the needs of vulnerable women, children and families.

CORONAVIRUS, SAFE EXERCISE

In reply to **the Hon. M.C. PARNELL** (29 April 2020).

The Hon. D.W. RIDGWAY (Minister for Trade and Investment): The Minister for Transport, Infrastructure and Local Government has advised:

The Minister for Transport, Infrastructure and Local Government wrote to Mr Stephen Hodge, Director, National Advocacy of We Ride Australia on 18 May 2020.

The South Australian government supports cycling for its economic, environmental and social benefits. Over time, it is endeavouring to provide a comprehensive network of bicycle routes consisting of paths, backstreets and arterial on-road bicycle lanes. These will provide for a diverse range of people that choose to cycle, whether for transport or recreation.

I am advised that the Department of Planning, Transport and Infrastructure (DPTI) takes an integrated multi-modal approach to transport and land use planning, which considers the state's key challenges and objectives, and balances the needs of all road users within the funding available.

DPTI works to make cycling and walking safer and to optimise travel times, where appropriate, by providing:

- low traffic, low speed environments for cycling and walking
- safe and convenient road crossings
- smooth pavement and sealed shoulders
- space specifically for cyclists, including continuous designated and dedicated road space or paths; and
- priority for cyclists.

All major road projects take cycling and walking components into consideration. New and improved cycling and walking infrastructure is being built around the state each year to help support active travel and enable people of all ages and abilities to be active in the community.

Through the Capital City Committee, DPTI is working with the City of Adelaide and contractors to develop a 20-year strategy that will inform future transport projects in and around the Adelaide CBD. The strategy's objectives include:

- Deliver safe and community-centric outcomes to move in and around the city.
- Address growing network congestion and infrastructure investment to increase efficiency and maximise asset use.
- Improving network access and connections to/from and within the city.

- Delivering a fully integrated network approach for active travel, public and passenger transport, and personal vehicle users.
- Supporting city and business growth in one of the world's most liveable cities.

In encouraging more people to ride bikes and be active, DPTI:

- Administers the State Bicycle Fund. South Australian local councils can apply to DPTI for funding on a dollar-for-dollar basis for the development and implementation of suitable cycling initiatives. These may include the development of local area strategic bicycle plans and cycling networks, constructing on-road cycling lanes or off-road cycling paths, bicycle parking and the promotion or cycling and cycling facilities.
- Promotes Cycle Instead, which works as an interactive journey planner for bike trips. It shows the Bike*direct* network across metropolitan Adelaide so riders can quickly choose the most direct and comfortable route for their journey using secondary roads, bike lanes, shared paths, greenways and bicycle boulevards.
- Promotes South Australia's network of cycling trails which cater to all levels and abilities.
- Delivers the Way2Go program, working in partnership with local councils and primary school communities across the state to improve the safety of children and families as they walk, ride and scoot for school journeys.

LANDING PAD PROGRAM

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (14 May 2020).

The Hon. D.W. RIDGWAY (Minister for Trade and Investment): I have been advised the following:

All relevant information and eligibility criteria for the South Australian landing pad program is publicly available at https://dti.sa.gov.au/investment/south-australian-landing-pad.