LEGISLATIVE COUNCIL

Wednesday, 14 October 2020

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:15 and read prayers.

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:17): I bring up the 15th report of the committee.

Report received.

The Hon. N.J. CENTOFANTI: I bring up the 16th report of the committee.

Report received and read.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2019-20—
Administration of the State Records Act 1997
Privacy Committee of South Australia
Surveyors Board of South Australia
The Public Trustee

ANSWERS TABLED

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

Question Time

DISABILITY ACCESS AND INCLUSION PLANS

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability.

Leave granted.

The Hon. K.J. MAHER: The Disability Inclusion Act 2018 requires state authorities to have a disability access and inclusion plan in place by 31 October, around two weeks from now. Before finalising their plans, regulations that were made by this minister require each authority to prepare a draft plan, publish the draft plan on a website that is accessible for people with a disability and consult with people with a disability, their families, carers and bodies representing the interests of people with a disability.

Searches show that many state authorities, including the police, the Attorney-General, Premier and Cabinet, Child Protection, Corrections, SA Water and local councils, amongst others, have published their draft plans and sought feedback. Indeed, the minister's Principal Disability Adviser, Kelly Vincent, recently said:

> People with disabilities sometimes need extra time to give feedback…if you want it to be accessible and you want it to be genuine it's going to take a while.

The SA Housing Authority is a critical agency for meeting the needs of people living with a disability. More than half of all SA Housing Authority properties are home to at least one person living with a disability, and its largest single customer group are those who receive a disability support pension. It has been brought to our attention that there is no public record of the SA Housing Authority (an agency the minister directly oversees) consulting on a draft plan, let alone publishing a plan, as required by the minister's own legislation.

My question to the minister is: has your own agency that supports tens of thousands of people with a disability breached its own regulations? What measures are in place to monitor and ensure compliance with these regulations?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I thank the honourable member for his question. We are indeed looking forward to the advent of disability action and inclusion plans, which will be required to be provided by 31 October 2020. Some agencies have indicated, and indeed local government have indicated, that theirs may be late, particularly due to COVID and some of the consultation time frames, but I do look forward to receiving as many of those as possible by the end of this month and thereafter being able to table those documents.

Disability action and inclusion plans need to support strategies to support people with disability to access environments, events and facilities, information and communications and to address the specific needs of people with a disability in its programs and services and employment.

Particularly in relation to the South Australian Housing Authority, they seek to have a minimum standard of, off the top of my head, 90 per cent of new builds to be built to a silver standard for disability access, as one of their own internal standards. I will double-check with the organisation to verify what their status is in relation to their particular DAIP.

DISABILITY ACCESS AND INCLUSION PLANS

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary arising directly from the answer given: for agencies that aren't going to meet the requirement to have the final plan finished within two weeks and therefore have already published draft plans, do those agencies require an exemption from the minister for their own regulations?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:24): I am not sure what the exact mechanism is in relation to them not meeting the time frame, but we have been advised that some organisations may not. If you like, it's a bit of a publication requirement because, once I have received them all, they will then be published, so we really would like to have them all meet the time frame so that they can be included in that first report. But we have been advised of those agencies that may not be able to. It is a living document and we appreciate that some local councils and some government agencies may have needed a bit more time than others.

DISABILITY ACCESS AND INCLUSION PLANS

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary arising from the original answer: has the minister taken any action at all to ensure her own agencies that she directly oversees comply with this requirement?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): I haven't been monitoring every state government agency or council agency in terms of their dates because I assume they will go about and do their job and provide those to me in due course. They are all aware of what their requirements are and what the process is.

DISABILITY ACCESS AND INCLUSION PLANS

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary, and a very direct and simple one: has the minister taken any steps to ensure agencies that she directly oversees as a minister are complying with these requirements?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): I have already responded to this question.

HOMELESSNESS SECTOR REFORM

The Hon. C.M. SCRIVEN (14:25): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness sector reform.

Leave granted.

The Hon. C.M. SCRIVEN: The first of the South Australian Housing Authority Homelessness Alliance briefings occurred yesterday. This is a lead-up to the tender process that begins in coming months for more than $60 million per year in funding for homelessness services. During and after yesterday's meeting, multiple sector representatives expressed their concerns to the opposition about this reform. Further, following the briefing, one experienced leader said:

> Absolutely hopeless and insulting the great work of really dedicated people. The language they keep using dishonours the sector and to add insult to injury, they don't even recognise what the problem is with their language.

My questions to the minister are:

1. What does the minister have to say to the organisations that deliver frontline services who are so concerned and feel this way?

2. Given the anger in the sector about this reform package, will the minister reverse or change her decision?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): I thank the honourable member for her question. Of course, this is a government that is not afraid to shy away from reforms, unlike the previous government which just kept rolling contracts over year after year after year. There has been no reform in the homelessness services sector for some 10 years or more.

I have outlined previously about what the pathway is that we are seeking to go down with our partners in the non-government sector in terms of homelessness. We have previously described the system as being broken because there is a range of services, they are often disconnected, and they are difficult to navigate for people with lived experience. I have heard some of the stories personally; they are published in various documents.

What we need to focus on is what it is that we are hoping to achieve, which I have talked about in this place before. The next stage of reform is that we are seeking for the providers to form alliance partnerships. That has been, we believe, a successful model which has been utilised in the United Kingdom, which means that there is much greater connectivity between services and enables the service system to focus on what we really want to achieve with homelessness: which is exit pathways out of homelessness, a housing-first approach, prevention measures and ensuring that the complete focus and design is focused on the people with lived experience.

I appreciate that the process of change is difficult for organisations and that is why the Housing Authority decided to run not just this workshop but a series of workshops, so there will be another on 27 October and one on 3 November. They will go into the next phases in terms of homelessness reform. I think it is hardly surprising that there would be some concerns expressed about what the approach looks like going forward because I think that is standard in any change management process. If you want to refer to the management—

The Hon. C.M. Scriven: So you don't care then, it's just they don't like change; is that it?

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The terms that are often referred to in management-speak are the analogy of storming, norming, forming and performing. We are probably in this first stage where lots of people need to work out what this looks like going forward. So the Housing Authority is working with the sector, because it is a significant change and I will be the first person to acknowledge that. But in terms of our sector reference group and a range of providers, they have also expressed to me that they believe that the alliance model is an effective way going forward. So we want to take everybody along the journey with us, and that is why the Housing Authority has scheduled additional roundtable briefings for providers.

HOMELESSNESS SECTOR REFORM

The Hon. C.M. SCRIVEN (14:30): Supplementary: was there anyone at yesterday's briefing who had lived experience of homelessness?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): I haven't seen the full list of who attended, so I would need to check that, but actually there's been a lot of lived experience provided to this entire process to guide us going forward. That is something that the office of homelessness reform has wanted to be central to this whole process going forward.

The PRESIDENT: Further supplementary, the deputy leader.

HOMELESSNESS SECTOR REFORM

The Hon. C.M. SCRIVEN (14:30): If it's so central to this process, why does the minister not know whether there was anyone with lived experience at yesterday's briefing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): I don't have a list of who attended yesterday. It was voluntary. I don't check—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: But we have sought to ensure that—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: The Hon. Mr Maher is out of order!

The Hon. J.M.A. LENSINK: We have sought to ensure that the experience of people with lived experience is central to this process and that the focus remains on it.

The Hon. C.M. SCRIVEN: Supplementary?

The PRESIDENT: Final one.

HOMELESSNESS SECTOR REFORM

The Hon. C.M. SCRIVEN (14:31): Can the minister name even one frontline organisation that she has personally spoken to about these reforms who support them?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): I could name a number, but as I have said before—

Members interjecting:

The Hon. J.M.A. LENSINK: Well, the Labor Party didn't name—

Members interjecting:

The Hon. J.M.A. LENSINK: What's good for—

Members interjecting:

The PRESIDENT: Order! The opposition asked the question. They might like to listen to the answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: What's good for the goose is good for the gander. The Deputy Leader of the Opposition did not name the organisation that she claims made those comments. However, as I have said previously in this chamber, I am not going to start naming organisations so that the Labor Party can go and vilify them, because that is the way they operate.

Members interjecting:

The PRESIDENT: Order! The honourable deputy leader is out of order.

The Hon. J.M.A. LENSINK: And discussions that I have with organisations remain confidential.

HOMELESSNESS SECTOR REFORM

The Hon. E.S. BOURKE (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness sector reform.

Leave granted.

The Hon. E.S. BOURKE: The minister has decided that the Glasgow model for homelessness reform is best for South Australia. This model only worked overseas with increased social housing stock, and it was implemented in a place that is very geographically different to South Australia. Scotland doesn't have remote Aboriginal communities, and it doesn't have regional towns that are hundreds of—or even more than 1,000—kilometres from a major population centre.

Further, the Liberal government has not announced plans to expand social housing. Instead, it is selling SA Housing Trust land with $400,000 homes on top in competition with the private sector. My questions to the minister are:

1. How many extra public housing—and I repeat: extra public housing—properties will the minister build this year that will be available for people on the public housing waiting list and the homelessness by-name list?

2. Can the minister provide evidence or examples of how the sector reference group informed the new homelessness reform, or was it simply a tick-box process?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): I thank the honourable member for her question. They just don't get it, do they? This process and this reform has been put to us by the sector, and we are engaging with them through this process—

The Hon. K.J. Maher: By who? Who?

The Hon. J.M.A. LENSINK: Well, I've named people before who went to Glasgow.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Anyway, Mr President, I shouldn't engage across the chamber—

Members interjecting:

The PRESIDENT: Order! The minister is right, she shouldn't do that, but she also should be heard in silence. So the minister can continue.

The Hon. J.M.A. LENSINK: There has been no secret that this is the journey that we have been going down.

Members interjecting:

The PRESIDENT: Order! The minister will resume her seat. The opposition has the right to ask questions and to ask supplementaries, but when they ask a question and then when the answer is being given they sit there and laugh, that does not add to the standing of this chamber. I ask that that ceases. The minister will continue.

The Hon. J.M.A. LENSINK: Thank you, Mr President. We have made no secret of what this process that we are going down would be. It's a funding model. If the Labor Party want to draw analogies about the geography and spread of clients, that's hardly relevant because it's all about the funding model and how services operate together. I am not about to be lectured by the Labor Party on any of these issues when they did not do any reform in the homelessness sector.

If I can just provide some statistics, we spend approximately $70 million a year on homelessness services. There are a lot of people who cycle through that service. I can't understand why anyone would think that that is a successful outcome for a particular service model. We are moving to one that we believe has a housing first approach, which will provide wraparound services. It will focus on prevention and it will provide better exit points for people who are experiencing homelessness.

I am not about to be lectured by the Labor Party on the sale of public Housing Trust properties quite frankly because, as we know through the triennial review, there are some 7,500 properties that were sold, $1 billion worth that the Labor Party disposed of, and they put the viability sales—their own Labor treasurer put this in the forward estimates in perpetuity onto the books of the Housing Trust. Quite frankly, the Housing Trust was used as an ATM by the former Labor government, and I am not going to be lectured by them when we have an organisation that is pulling its finances out of the mud because it was wrecked and torn apart and neglected by the Labor Party.

HOMELESSNESS SECTOR REFORM

The Hon. E.S. BOURKE (14:37): A supplementary arising from the original answer: can the minister provide to this chamber how many extra public housing properties will be built by this government?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): This year? Next year?

The Hon. E.S. Bourke: Why not this year?

The PRESIDENT: The minister has the call.

The Hon. J.M.A. LENSINK: I will get some information for the honourable member about—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: We are building a lot—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —is the short answer. We are doing a lot in the public housing space.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I could take out the rest of question time talking about all the things that we are doing—

The PRESIDENT: But you won't.

The Hon. J.M.A. LENSINK: —to rebuild the assets of the Housing Trust.

Members interjecting:

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

The Hon. J.M.A. LENSINK: I am not sure that we have targets by annual year but certainly, because we have been accelerating certain programs, the numbers do shift a bit. We expect that the community housing providers would be building some additional properties. There are a lot of works going on, so it depends on which particular program anyone is talking about, but I will provide—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —some more data about our building programs for her benefit so that she can rest better at night.

HOMELESSNESS SECTOR REFORM

The Hon. E.S. BOURKE (14:38): Supplementary: how can the minister have any faith in this reform process without even being able to nominate how many houses will be built this year? How can you have this reform that is based on a significant increase in social housing?

The PRESIDENT: I remind the Hon. Ms Bourke that you should direct your questions through the Chair.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): I think part of the reason why the Labor Party missed the boat is because their focus is always on such narrow parameters. They have nominated those particular things themselves, which I think demonstrates that they don't particularly understand how people fall in and out of homelessness, how we can best prevent people from falling into the system and how best to provide exits.

Some of the housing providers themselves have been talking about head lease arrangements where they utilise private housing, so public housing is not the only answer to all of these solutions. That may be something that the Labor Party is choosing to focus on, even though their track record on this is fairly appalling. But we believe that there is a range of exit points for people and that, particularly in the affordable housing space, that is one that has been neglected. That is why we have been very keen to make sure that there is more work going on in that space.

HOMELESSNESS SECTOR REFORM

The Hon. E.S. BOURKE (14:40): Final supplementary: the minister raised that a number of supporters came out from the sector in support of this model. Can the minister remind the chamber who those supporters are?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): No, I am not going to name them.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Were you talking about Glasgow?

The Hon. E.S. Bourke: That was the original question.

The Hon. J.M.A. LENSINK: That would be a start. The conference that I attended in Glasgow—and I would have named some of those people because that would have been in a positive context and they would have been more than happy to have been named. The honourable member can check the *Hansard* and have a look at those if she likes, but they are certainly not the only ones.

HOMEBUILDER PROGRAM

The Hon. D.W. RIDGWAY (14:40): My question is to the Treasurer. Can the Treasurer please update the chamber on any issues that have been raised with the government in relation to the implementation of the federal government's HomeBuilder scheme?

The Hon. R.I. LUCAS (Treasurer) (14:41): I am pleased to update the chamber in relation to the ongoing success of the commonwealth government's HomeBuilder scheme, combined with the First Home Owner Grant scheme here in South Australia. There is a $25,000 federal grant and a $15,000 state grant, so for some first new home owners there is potentially a grant of $40,000.

I have updated the house previously on issues that some stakeholders, in particular builders and potential home owners, have raised in relation to the tight time lines within the HomeBuilder scheme. To refresh members' memories, in particular there is the issue of the time period between the signing of a contract and the actual commencement of construction. As I have advised the house, we successfully negotiated some flexibility in relation to that so that the Commissioner of State Taxation has the capacity in certain circumstances to extend that three-month period up to six months.

In updating the chamber, it is clear that there are significant numbers of South Australians who are very interested in either just the HomeBuilder grant of $25,000 or the combined grants of up

to $40,000, but builders are increasingly delaying the signing of the contract to get the maximum value of the three-month period between the signing of the contract and the commencement of construction. So there is potentially a logjam that's going to occur towards the end of the year. Of course, the industry will be going gangbusters—to use a very technical phrase—towards the end of the year and through the early part of next year as the full impact of the HomeBuilder grants and the First Home Owner Grants will be felt in new home construction here in South Australia.

In the very successful discussions we have had with the Master Builders Association, the Housing Industry Association and the UDIA—and we congratulate all of those associations for working very cooperatively with the government, my office and RevenueSA in the early negotiations that we have had about getting flexibility, and they have continued to put a position to the government. The MBA in particular and, as I said, other associations as well have worked cooperatively with us.

I forget the exact date, but I think it might have been Friday that I wrote to the commonwealth minister, on behalf of the government but also listening to the views of the stakeholders, asking whether or not the commonwealth government is prepared to give South Australia a blanket extension of six months in relation to this particular provision. We have currently negotiated that it's three months, but the commissioner has the flexibility on a case-by-case basis to extend it to six months. We have put the request to the commonwealth government—because this is their scheme—as to whether they will approve us giving a blanket exemption for a period of six months.

We understand that might be a difficult decision for the federal government, but nevertheless we think that what we are seeing here, in terms of the enormous demand for both the federal and state government grants, that it would make great sense in terms of the sensible processing of new home construction in our industry if the flexibility of having a six-month period rather than a three-month period was agreed to by the federal minister.

As I said, I think my letter was sent off on Friday (or in the last few days), and we anxiously await a response. I will be pleased when we get a response to update not only the house but also the broader housing sector and the South Australian community on whether or not we have been successful in negotiating that further flexibility, which would be of great benefit to all.

The PRESIDENT: The Hon. Mr Darley has a supplementary.

HOMEBUILDER PROGRAM

The Hon. J.A. DARLEY (14:45): Can the Treasurer advise how many applications have been received to date and how many have been approved?

The Hon. R.I. LUCAS (Treasurer) (14:45): I will have to take the exact numbers on notice, but my recollection is that there are more than 1,000—maybe 1,100 or 1,200—applications. The industry is of the view that it will be significantly more than that. Some are estimating it might eventually be as high as somewhere between 2,500 and 4,000 applications. They are industry estimates that have been provided to my office, but at this stage I think there have been just over 1,000 applications.

In terms of approvals and conditional approvals, I think the numbers are lower than that. My recollection is that it may be about 50 or 60 approvals and it may be 150 or so conditional approvals. It is being very largely driven, in terms of this time line, by builders and home owners wanting to get the maximum value of the period between when the contract is signed and the work has commenced, and it is able to be commenced, which is the three months.

So there is this—game is not the right word—calculation being engaged in by the industry. One or two builders have actually closed off their books because they are not sure that within the time lines they are going to be able to process all the people who have applied to them to have a home built.

I will take it on notice, but I think my office advised me earlier today that there may be over 300 separate builders in South Australia potentially actively engaged in work under the scheme. It will be enormously successful in terms of concentrating work in a period of time, to the extent that we can spread it out over a longer period by getting greater flexibility, which would make great sense to potential home owners, the housing sector and the broader South Australian community.

PADDY'S LAW

The Hon. C. BONAROS (14:48): I seek leave to make a brief explanation before asking the Treasurer a question about Paddy's Law—LPG gas cylinders.

Leave granted.

The Hon. C. BONAROS: Earlier today, and at the 11th hour in the other place, this government decided to gag debate on Paddy's Law, a bill I introduced earlier this year to have warning labels stuck on all LPG bottles sold or refilled in South Australia. As members would know, that bill is in honour of Port Lincoln teenager, Paddy Ryan, who died tragically of heart failure minutes after inhaling LPG gas at a party in February this year.

The bill is about saving lives and is above politics. I have been working with the member for Wright in another place to introduce my bill in the lower house after it was passed in this place, and it was due to be debated today after he secured the support of the crossbenchers (or at least most of the crossbenchers) and the member for Flinders. To mark the milestone, Paddy's father, Adrian, and his family travelled from Port Lincoln and elsewhere to witness firsthand the bill being debated in the house. You can only imagine their devastation and anger when the government brought on a vote to gag the debate and one of the members of the crossbench decided to vote with the government with absolutely no explanation. My question to the Treasurer is:

1. When were you personally first made aware of today's actions by the government and the gagging order?

2. Do you think this is proper parliamentary behaviour?

3. Did the government decide to gag debate because it knew it has members of its own party prepared to cross the floor and support the bill, despite you saying the government is opposed to it?

The PRESIDENT: Order! I was going to allow the member to complete her explanation but I should remind—

The Hon. C. BONAROS: That's not an explanation, Mr President, that's a question.

The PRESIDENT: Sorry?

The Hon. C. BONAROS: That was a question to the Treasurer. It's not an explanation.

The PRESIDENT: It was an explanation because you sought leave, and I gave you leave.

The Hon. C. BONAROS: Yes, and I just asked the question.

The PRESIDENT: So what I am doing is about to quote to you standing order 188:

No Member shall quote from any debate of the current Session in the other House of Parliament or comment on any measure pending therein unless such quotation be relevant to the matter then under discussion.

The Hon. C. BONAROS: It is relevant to the matter under discussion, Mr President.

The PRESIDENT: We won't have an argument. I am going to allow you to complete your explanation and question quickly, and then if the Treasurer wishes to respond he can, but he is not obliged to.

The Hon. C. BONAROS: Can I get some clarification as to why he is not obliged to, please?

The PRESIDENT: Because I have just read out that standing order which is really putting some doubt into whether you are able to do what you have done. Now, I am giving you—

The Hon. C. BONAROS: Well, can you explain to me, Mr President, what part of the question is out of order?

The PRESIDENT: The Hon. Ms Bonaros! I am speaking.

The Hon. C. BONAROS: We will gag the debate in this place, too, shall we?

The PRESIDENT: Order!

The Hon. C. BONAROS: Yes. Wonderful.

The PRESIDENT: I have just indicated to the honourable member that I will allow her to complete her explanation and question.

The Hon. C. BONAROS: I have finished my explanation, Mr President. This is a question. I am up to question 4. The last question is: have you the courage, Treasurer, to share with this chamber the comments you made to Adrian, Paddy's father, in a private conversation with him over the phone?

The PRESIDENT: I will give the Treasurer the opportunity to respond, if he wishes to, but at no stage is this Chair trying to gag anything. I am, however, adhering to the standing orders. I am pleased that we are going to have a meeting of the standing orders committee fairly soon, which is—

The Hon. C. BONAROS: It'd be the first in a long time.

The PRESIDENT: —one which hasn't happened for a very long time. But at no stage is this Chair trying to gag any debate. The honourable Treasurer.

The Hon. C. BONAROS: Mr President, I simply asked what part of the question was in breach of the standing order that you read out, just so that I understand it.

The PRESIDENT: The whole—

The Hon. C. BONAROS: The whole?

The PRESIDENT: Look, I think I—

The Hon. C. BONAROS: The whole? So what—

The PRESIDENT: Look, if the Hon. Ms Bonaros would allow me to answer. You will resume your seat. I have given you the discretion of going on and asking all of that because I felt that there was some grey area in 188, but I think if I had read it out properly I probably could have stopped you. I am going to ask the Treasurer to respond if he wishes.

The Hon. R.I. LUCAS (Treasurer) (14:52): I am always happy to, within the standing orders of course, respond—

The Hon. C. Bonaros: Well, answer the last one, Treasurer.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I beg your pardon.

The Hon. C. Bonaros: Answer the last one.

The Hon. R.I. LUCAS: If you let me—

The PRESIDENT: Order! We won't have a conversation. The Treasurer has the call.

The Hon. R.I. LUCAS: I am always happy to answer questions, but in compliance with the standing orders. The government's position on this particular bill has been quite clear and the Hon. Ms Bonaros and other members, indeed, are clear on the government's position. In relation to a private conversation that I have had with a number of individuals, I am happy to defend anything I have said to any particular individual.

If a particular individual, a family member, wants to put on the public record what they believe I have said to them in a private conversation, I am happy then to respond as to whether that's an accurate view of what I said or I didn't. But there is nothing that I have said to anybody in relation to this particular issue that I am not happy to defend if it's placed on the public record.

I am not sure what the Hon. Ms Bonaros is inferring. If she wants to place on the public record—she will have plenty of opportunities on any other occasion—matters of public importance, or whatever else it might happen to be, she can indicate whatever it is that she believes. But unless she actually indicates what the private conversation was and what a person's version of that private conversation was, then I am not in a position to respond. But I know that what I have said to individuals in relation to this issue I am more than happy to defend publicly, because it would have

been entirely consistent with the views I have expressed in this house publicly and also to other members.

I am well aware of the views of my friend and colleague the member for Flinders on this particular issue, and I have had any number of conversations with him as well. Indeed, as late as last evening, when I was informed that a family member might either have been here yesterday or was coming today, I provided further information via the member for Flinders to provide for that family member in relation to work that I see, and that the government sees, as the potentially permanent solution to this issue—not the issue of whether or not we put a sticker on a cylinder but the issue of a permanent solution, which is the valve.

In the discussion I had with a particular family member they expressed some view about whether or not that was going to be a potential solution. I then made further inquiries and got further information, and I asked the member for Flinders—given the close association he has with the family and that, as I understand it, he was going to either be speaking or meeting with a family member yesterday or today—whether or not he was prepared to pass on the information. He indicated his willingness to do so. Whether or not that has occurred, I don't know.

It is entirely up to the other member of the private conversation to share that private conversation publicly if they wish, but I can certainly indicate to the Hon. Ms Bonaros that if she thinks there is some 'shock, horror' revelation, that I have said something to someone in relation to this issue that is contrary to what I have said publicly, I reject that completely. Anything I have said to a number of individuals about this issue is entirely consistent with the position I have adopted in the house—and I that I am prepared to defend publicly as well.

PADDY'S LAW

The Hon. C. BONAROS (14:57): A supplementary: I didn't ask what the member had relayed to the member for Flinders. I asked specifically, without making any inferences about what has been said to me or otherwise, what was the nature of the discussion he had with Mr Adrian Ryan.

The PRESIDENT: This is a question?

The Hon. C. BONAROS: Yes, that's my question.

The Hon. R.I. LUCAS (Treasurer) (14:57): Well, in relation to that, I am not going to reveal the nature of a private conversation with an individual unless he or she puts on the public record their version of a particular private conversation—

The Hon. C. Bonaros interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —because it was a private conversation. It is a very sensitive issue and I acknowledge that. There are very strongly held views by family members in relation to it. The government's position happens to be different to the views of the family members, and indeed to the those of the Hon. Ms Bonaros. We respect those differences, but it doesn't mean that the government can't sensibly and sensitively have discussions with individuals.

I was asked—I think by the member for Flinders, although I would have to check the record—whether or not I was prepared to have a private conversation with a family member. I said I was, and I contacted the family member. It was at my instigation; that is, the telephone call. It may have been that there was a request by the member for Flinders whether I was prepared to have a direct telephone conversation with the family member, and I said I was more than happy to—and I did so. If the family member wants to place on the record their version of a private conversation—

The Hon. C. Bonaros: I'm asking you to place it on the record.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As I said, if they want to then I am quite happy to respond to it, but I'm not going to place on the public record a private conversation about a very sensitive issue that I had with a family member. I have no concerns about responding to it. The Hon. Ms Bonaros wasn't

privy to that conversation at all and I was, and I have no problems at all in terms of ultimately responding to that.

The Hon. C. Bonaros interjecting:

The PRESIDENT: Order! I am going to continue. The Hon. Mr Ngo.

HOMELESSNESS SECTOR REFORM

The Hon. T.T. NGO (14:59): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding the homelessness sector reference group.

Leave granted.

The Hon. T.T. NGO: On 3 September 2020, the homelessness sector reference group was shown a presentation on sector reform, which contained tender deadlines and key dates regarding homelessness service tenders. This group only includes a small number of the organisations that currently deliver services or that may bid on new service contracts. Other members of the sector were told later and had less time to prepare for the bid process. This raises questions about probity and fairness. When challenged about delays to maintenance stimulus spending in this place, the minister relied heavily on probity base, saying, and I quote:

> …in terms of there being reasons why things might take longer than we hoped. Particularly within government, there are probity issues that need to be dealt with, particular policies which are applied, which are more than appropriate to ensure that any of the contracts that have been let have been done appropriately.

My questions to the minister are:

1. Does the minister believe that it is fair and within the government's own probity and procurement guidelines to give unfair advantage to some members of the sector whilst others are left in the dark?

2. Why does the minister use probity to explain her own delays but not demand probity when it would ensure fairness in procurement?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): I thank the honourable member for his question. From recollection, the CE of the Housing Authority has already responded to some similar questions in another venue. My understanding of this specific issue is that it wasn't a very long time period between when the sector reference group was given those time frames and when the general sector was also provided with that information. I further understand that the Housing Authority had specific probity advice in relation to this matter. If that is not correct, I will bring back a further response to the chamber.

HOMELESSNESS SECTOR REFORM

The Hon. T.T. NGO (15:01): Supplementary question: when exactly was the broader sector given the details of the tender dates; do you remember?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:02): I don't have the details of every communication that my agency makes to every organisation.

The Hon. C.M. Scriven: You just said it wasn't a big difference.

The Hon. J.M.A. LENSINK: While the Deputy Leader of the Opposition's comments are disorderly, I can reply that I have been verbally briefed about this, but I will double-check what the difference between the dates is and bring that specific information back to the chamber.

PUBLIC HOUSING

The Hon. J.S. LEE (15:02): My question is to the Minister for Human Services regarding public housing. Can the minister please provide an update to the council about how the Marshall Liberal government is supporting jobs through maintenance of public housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:02): I thank the honourable member for her question, and I do need to correct myself in response to a previous question. I think I stated that the Labor Party had sold a billion dollars' worth of public housing in 15 years, but it was actually $1½ billion.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It happens to be—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the honourable Leader of the Opposition! The minister has the call.

Members interjecting:

The PRESIDENT: Members on my right are not assisting. Order on both sides!

The Hon. J.M.A. LENSINK: Thank you, Mr President. There happens to be a news article dated 4 July 2018 with the title 'Officials milked "cash cow" homes', which is an article that I happen to have with me in the chamber this afternoon.

Members interjecting:

The PRESIDENT: Order! The minister is on her feet.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke and the leader are out of order. The minister will be heard in silence.

The Hon. J.M.A. LENSINK: Yes, it is with great pleasure that I do get to talk about the maintenance that we are doing on our public housing stock. We have an annual program with a budget of $115 million for the 2020-21 financial year, which is for a range of services, whether it's immediate maintenance, responsive maintenance or the programs for when somebody leaves a property, the house is vacant and is to be re-tenanted. That's the general program that we operate on an annual basis.

In addition to this, there is some $21.1 million that was allocated through the 2019-20 state budget for a preventive maintenance and upgrade program for walk-up flat sites, which has been progressing. So the amenity of those properties has been greatly improved. In addition, through Our Housing Future 2020-2030, we have provided an additional $75 million to address the capital maintenance backlog, which means that we are able to provide a much more responsive and proactive approach to improving sustainability in energy efficiency. Through the stimulus COVID funding, $10 million of this was brought forward to provide immediate stimulus.

We have done a range of works in this space. I would like to advise the house in relation to some of the properties that have been completed—if not, almost completed—through what we believe is 160 jobs and upgrades of 1,400 properties. I think we have talked about the Rosslyn Court site at Parkside. Rellum Court at Glengowrie had internalising of laundries, lighting and horticulture, and demolishing outbuildings. Anne Close in Christie Downs had improvements to public areas, including lighting, horticulture and common driveways. Stow Court at Fullarton had lots of work to common areas, lighting and the like. Avondale at Elizabeth had very similar upgrades, as did Drew Court at Oaklands Park and the Holbrook at Brooklyn Park.

This is in addition to maintenance work, which is $10.5 million to upgrade 198 units in those three walk-up flats; $9.5 million on preventive maintenance and upgrades to 250 properties across metropolitan Adelaide, which is expected to be completed by mid-2021; and $1 million towards upgrading 40 properties on Kangaroo Island, due to be completed this month. So that's a great deal of improvement works that the South Australian government is providing to existing South Australian Housing Authority tenants.

The PRESIDENT: Supplementary, the Hon. Ms Scriven.

PUBLIC HOUSING

The Hon. C.M. SCRIVEN (15:07): Can the minister tell the chamber how many Housing Authority properties have outstanding maintenance at the moment?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): I have provided that information through a question on notice to the House of Assembly, and that's a matter of public record.

The PRESIDENT: The Hon. Mr Hanson has a supplementary.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:07): Just a clarification on the $10 million that the minister mentioned in regard to the COVID maintenance stimulus: I want to clarify that that is new money and is not money that was announced previously as part of the land tax consideration through a bill that went through.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:08): No, it's not new money. It's money that was in the budget which we have then brought forward. I think it's important to—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Well, we have never made any secret of this. One of the things—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson asked a supplementary. He would like to hear the answer, and he can't hear the answer at the moment because of his colleagues in front of him.

The Hon. J.M.A. LENSINK: Thank you, Mr President. It's about accelerating existing works that might have been otherwise waiting to be done at some future time. We have brought things forward so that we can keep tradies—

The Hon. K.J. Maher: No new money?

The PRESIDENT: Order, the leader!

The Hon. J.M.A. LENSINK: —across South Australia busy. The honourable members, in their disorderly way, talk about no new money. They had their 1000 Homes in 1000 Days, which actually wasn't new money, but they kept on acting like it was. We have the benefit, in this Marshall Liberal government, of having a benevolent Treasurer. Rather than the Hon. Mr Lucas treating the South Australian Housing Trust as an ATM to reduce the cash budget, reduce the maintenance budget and sell hundreds and hundreds of—

The Hon. K.J. Maher: What are you talking about? He sold 3,000 the last time he was in government.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: We have received four years' worth of funding up-front, which gives the authority great certainty—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition should not be engaging in conversation.

The Hon. J.M.A. LENSINK: —which has given the authority the great benefit of having funding certainty to be able to continue with programs that they otherwise may have had to cease partway through the financial year.

The PRESIDENT: I am very keen to move on because we have crossbench members who need to have a question. The Hon. Mr Hanson has a very brief supplementary.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:10): I will be very swift, thank you, Mr President. Of the $10 million which has been brought forward, how much of that as a percentage or an amount has been spent?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:10): The works are almost complete, so if anybody understands how these things work in terms of contracts and maintenance, some of the invoices may not have been issued but the works I understand are, if not complete, very close to complete, which is the main issue because that means that the tenants have the benefit of that $10 million and the tradies have the benefit of knowing that that income is coming in.

PUBLIC HOUSING

The Hon. M.C. PARNELL (15:10): I seek leave to make a brief explanation before asking a question of the Minister for Human Services about solar panels on public housing.

Leave granted.

The Hon. M.C. PARNELL: On 10 September, I asked the minister about the progress of one of the commitments given to the Greens by the Treasurer during the Land Tax Bill debate last year, namely that the government will install solar panels on a minimum of 75 per cent of all suitable existing public housing. The minister took the question on notice and brought back a reply yesterday, for which I am grateful; however, the reply didn't answer all the questions that I asked, so I will invite the minister again to consult with her department and bring back answers to the following questions:

1. How many public housing properties does the SA Housing Authority currently own or control?

2. How many of these SA Housing Authority properties have been identified as suitable for solar panels to be installed?

3. Exactly how many of these properties have had panels installed to date?

4. Within what time frame will the government install solar panels on the remainder of the 75 per cent of suitable public housing properties?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): I thank the honourable member for his question. The answer in relation to how many properties we own and manage is approximately 35,000. I have seen a figure recently in relation to the number which I think had been assessed as suitable for solar panels. It was somewhere between I think 5,000 and 10,000, but I will need to get those exact figures. I will endeavour to answer the questions that he has asked and bring that back to the chamber.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:12): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. J.E. HANSON: In the 2019-20 budget, there was $42.5 million announced for the SA Housing Authority to undertake maintenance upgrades and construction. It states that under this initiative SAHA will undertake:

- A $21.1 million preventative maintenance and upgrade programme in 2019-20…

And:

- A $21.4 million housing construction programme in 2019-20 and 2020-21…

Further to this, on 21 May this year, the minister put out a press release talking about a separate $10 million, mentioned also as part of previous answers today, that is maintenance stimulus that was 'in addition to the $21 million maintenance budget announced as part of the 2019-20 State Budget'. Now, that's been announced today as being reannounced money.

Last month, the minister's chief financial officer revealed that only $5.8 million of the $42.5 million was spent by 30 June 2020. That is less than 14 per cent of the approved funding being spent in the year following the budget. Last sitting week, further to that, the minister said in this place:

> …in terms of there being reasons why things might take longer than we hoped. Particularly within government, there are probity issues that need to be dealt with, particular policies which—

have to be applied. My questions are:

1. Minister, do you not ask, or does your agency not tell you, about project delays which mean that funds that you think are being spent are not being spent and funds that you think need to be brought forward are being brought forward and not spent?

2. Were you aware of the probity issues and policies referred to last sitting week, and indeed today, when preparing for the last state budget, that said clearly that all the maintenance work and some construction work would happen within the following 12 months and there would be no delays?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:15): I thank the honourable member for his question and appreciate his congratulations for the large number of programs this government has engaged in. In relation to the housing construction program of $21.4 million, the Housing Authority is constructing 100 new homes which is aiming to help South Australians get a foot in the door of home ownership while supporting jobs and local construction business. They are scheduled to be built by mid-2021, with the majority (70) to be sold as affordable.

South Australians who are eligible can also take advantage of a range of government grants, including the First Home Owner Grant and the HomeBuilder scheme. In relation to the preventative maintenance and upgrade program, I think I have already referred to that, and the upgrading works, that $21.1 million program, they are significantly completed. They are expected to be fully completed by the end of this month. That relates to that one as well. I am not sure what the other questions were—

The Hon. I.K. Hunter: An extra 10 million bucks.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I think I've been quite clear that we had $10 million which was brought forward to be spent sooner rather than later—press the accelerator, get going with the programs. I have already responded to that particular question.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:17): Supplementary based on the answer: is the 100 homes proclaiming to be built or in the process of being built or getting done part of the 14 per cent of funds that was spent to 30 June, and are they the homes that you have previously mentioned in this place will be sold as affordable homes once they are completed?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): They will be, as far as affordable homes. I am not quite sure where the government got the 14 per cent figure—

The Hon. J.E. Hanson: From your chief financial officer.

The Hon. J.M.A. LENSINK: Well, I think they have extrapolated what was said and done their own back-of-envelope calculations—

The Hon. K.J. Maher: Well, what's the answer then? If that's wrong, you must know what it is. Give us the answer.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: But the reality is, as I have said, that—

The Hon. K.J. Maher: Go on.

The PRESIDENT: Order! The minister has the call and—

The Hon. K.J. Maher: To claim something's incorrect, she must know what the correct figure is, so let's hear it.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: In terms of the stimulus program, those works have largely been completed, and that is the point, because the tenants have the benefit of it—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Well, the honourable member—

The PRESIDENT: Order! Members on my left will not allow the minister to answer a supplementary that has been asked by one of their colleagues. The minister has the call, and I would very much like to get to the next question.

The Hon. J.M.A. LENSINK: In terms of the timing of payments and so forth, those things are matters that the contractors will seek their invoices from the Housing Authority. Some of that timing we don't have any control over, but they know that they will be paid and that they will be paid quickly, which is a commitment that we have made as a government across government—that anybody who invoices the government should be paid within a short period of time.

RETIREMENT VILLAGES

The Hon. J.A. DARLEY (15:19): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General, a question about the Valuer-General's implementation policy on retirement villages.

Leave granted.

The Hon. J.A. DARLEY: Yesterday, I was advised the Valuer-General is undertaking work required to implement the government's decision on the valuation of retirement villages, as recommended by the joint select committee. In undertaking this work, I understand the Valuer-General has engaged an independent subject matter expert to define valuation methodologies. My questions are:

1. What is the estimated cost of engaging an independent subject matter expert to assist in formulating and implementing this policy?

2. Why is this work not being undertaken by one of the Valuer-General's 23 head office staff or by Land Services SA?

The Hon. R.I. LUCAS (Treasurer) (15:20): I am happy to take the honourable member's questions on notice and refer them to the Attorney-General for a reply. I do know he has pursued this issue assiduously over the years. I think he has had a good long discussion recently with the Attorney-General in relation to these and related matters.

As I assured the honourable member yesterday, I think it was, in relation to the issue of what has to be done in terms of implementing the recommendations of the joint select committee, the government has taken those on board and the Valuer-General understands that there is a roll of work that has to be completed in time for the next year assessment period. The government expects that that will occur.

Matters of Interest

QANTAS

The Hon. T.T. NGO (15:21): On 28 August, I proudly stood with unionists, including members of the Transport Workers Union, at Adelaide Airport. We showed our dismay following announced plans to cut even more jobs at Aussie icon Qantas. It was reported that the company plans to slash 2,500 more jobs on top of the 6,000 planned redundancies. These further slated cuts impact many ground crew positions in airports around Australia, including Adelaide. I understand Qantas has outsourcing plans, taking opportunities away from its own workers to save a buck.

I know no-one here is a fool. Jobs are falling across Australia. The final extent of retrenchments and redundancies is unknown. The coronavirus pandemic hit travel and tourism hard, and businesses across the sector are suffering. The pain is felt far and wide, and one of the sector's big players, our flying kangaroo, has a powerful kick aimed at some of its own employees. These are the workers who brought Qantas back into the top 10 best airline rankings in 2019. The workforce is on the pandemic frontline, putting themselves at risk while bringing Australians home and reuniting families.

We think of the excitement and glamour of flying as travellers, but it is not all glitz. Many workers in aviation work tirelessly behind the scenes, making sure we get where we are going without incident. We must remember these are the people we rely on to arrive safely and without interruption. These people are part of the jigsaw puzzle, keeping us moving and our aviation industry alive, even during these tumultuous times.

These are the dedicated employees who grew the company from an outback operator into one of the world's oldest airlines, but Qantas' proposed actions will send thousands of these employees into a job market where unemployment figures have tumbled. Our state's unemployment rate is the nation's highest, at 7.9 per cent seasonally adjusted. By my reckoning, it will be harder for local axed Qantas ground crew to find new jobs than for those in Victoria, where despite lockdowns employment figures are higher.

Fiscal historians will remember the federal government's contribution to Qantas when it went into private hands last century. Now, I understand from the unions, Qantas recently received over $800 million in public support—that is $800 million of taxpayers' money—and about half from JobKeeper payments. For these ground workers, their families and supporters, Qantas accepting staff retention payments on one hand while making plans to cut jobs on the other is brutal.

When Qantas balances its books, it is hard for ordinary Australians to see why the company must cut jobs to keep flying. Its 2020 annual report shows a $3.5 billion cash balance. Qantas investors might miss out on dividends now, but as borders reopen and economies improve the company's bottom line will grow and shareholders will expect returns once again. By then, these jobs will most definitely be gone, replaced with outsourced workers who come and go at the company's whim.

Where will it stop? Once a company breaches loyalty with one group of workers, who is next? The year 2020 may not have brought the centenary celebration Qantas hoped for, but let's hope 2020 is not the year it turned its back on workers.

In closing, for pursuing this campaign on behalf of TWU members, their families and working Australians, I thank the Transport Workers Union. I especially thank the SA branch and its team, including secretary Ian Smith, senior branch official Matt Burnell and the federal union under the leadership of Michael Kaine.

JOB CREATION

The Hon. D.G.E. HOOD (15:26): I rise today to speak about economic performance and job creation in South Australia. As we continue to ease restrictions, the Marshall Liberal government is creating more jobs and supporting businesses through our $2 billion stimulus package. Over the last month, an astonishing extra 13,400 jobs were created, and over the last three months more than 33,000 South Australians have found work.

We know we have a lot more work to do, but we hope that by keeping South Australia safe and our economy strong we can continue to further ease restrictions, support our businesses and continue to create more jobs. South Australia's headline unemployment rate was unchanged at 7.9 per cent in August, with 841,200 South Australians in some form of employment.

Significantly, there is growing confidence in our local economy. South Australia’s employment growth over the last months was the second highest of any state, and the state experienced the highest growth in the participation rate nationally. In fact, the size of South Australia's labour force has now returned to pre-COVID levels. This is indeed a fantastic achievement.

Nearly 100,000 jobs have been supported in South Australia through our $10,000 emergency cash grants, which have benefited more than 18,700 hardworking small businesses and not-for-profit

organisations. Moving forward, maintaining and creating more local jobs remains a top priority for the Marshall Liberal government, which is why, along with our $2 billion stimulus, we are rolling out a record $12.9 billion pipeline of infrastructure works over the next four years. This is the largest investment in infrastructure in our state's history.

We are not just building roads; we are also building schools, hospitals and affordable housing. Our infrastructure build underpins a host of sectors within our economy and will improve the lives of everyday South Australians. Importantly, the government is also lowering the cost of doing business in South Australia, helping our businesses grow and, as I have outlined, creating more jobs.

With our tourism, retail and hospitality industries hit so hard by the necessary COVID restrictions, we must do everything we can to allow our local businesses to survive and thrive. This is particularly the case for small business, obviously. South Australia's 143,000 small businesses (defined as those employing 20 people or less) form the backbone and are key drivers of the state's growth and employment.

We are also continuing to expand our defence industry capabilities at Osborne and Edinburgh, which will sustain thousands of local jobs. This is on the back of the recent positive job announcement that global tech and services company Accenture is to set up an Adelaide hub in the Lot Fourteen precinct, with a plan to create up to 2,000 jobs.

The Adelaide hub includes development of national security and cyber defence capabilities as well as new advanced technology centres of excellence in areas such as IT. It also boasts artificial intelligence and analytics. The Lot Fourteen site is already home to the Australian Space Agency, the Smart Sat Cooperative Research Centre, MIT Living Lab, the Australian Institute of Machine Learning and the Australian Cyber Collaboration Centre.

We also have the encouraging news that BAE will hire 1,000 staff to work on the $45 billion Future Frigate Program in 2021—just next year. The vast majority of the jobs will be based in South Australia and involve construction on the first of the Hunter class warships. Naval Group Australia is also expected to hire more than 100 new staff in 2021 as the $90 billion Future Submarine build approaches, with a focus on engineering, procurement, trades and information and communications technology. The sector will help the economy recover by delivering local jobs, as well as flow-on benefits in technology and innovation.

It has been hugely reassuring also that Australia Post is running its biggest recruitment drive in its 210-year history, with 221 jobs up for grabs in South Australia. We have recently seen the opening of the Adelaide Oval Hotel, which has created over 100 ongoing jobs. Further, South Australian-based potato supplier, the Pye Group, receiving funding through our government's Regional Growth Fund, will create around 40 new regional jobs. The Regional Growth Fund itself was established to unlock new economic activity in our regions, and it is delivering critical economic infrastructure to create direct benefits across regional industries and strengthen regional communities.

To ensure that South Australians are equipped for the jobs of the future, the Marshall Liberal government's Skilling South Australia program is also delivering 20,000 apprenticeships and traineeships for South Australians.

The Hon. C.M. Scriven: Ha!

The Hon. D.G.E. HOOD: And we will get there. This translates into more jobs and lasting careers in new and expanding industries like defence, space, advanced manufacturing and health. The South Australian government is committed to helping people get skills and qualifications to build careers and meet the workforce needs of industry now and into the future, driving growth in apprenticeships and developing a sustainable training system.

The initiative encompasses a range of activities to ensure that these training opportunities are attractive to job seekers, business and industry. South Australia is leading the nation in apprenticeship and trainee growth. The latest national training data for the year March 2020 shows South Australia recorded an 11.9 per cent increase in paid training commencements.

PADDY'S LAW

The Hon. C. BONAROS (15:31): In February of this year Paddy Ryan, aged 16, died of heart failure minutes after inhaling gas from a barbeque gas cylinder at a house party in his home town of Port Lincoln. Paddy was a good kid who made a stupid mistake. Since then his dad Adrian and his family have been moving heaven and earth to bring about changes, very simple changes, to save other victims and spare other families the same unspeakable pain and loss they have had to live with every day.

I was with Adrian, Paddy's dad, today at a press conference when he said that every day he wakes with the thought of what happened to his son; every night he goes to bed with the thought of what happened to his son. Every minute of every day he has to live with the silly mistake his son made that ultimately cost him his life. Adrian has been an absolute champion in terms of trying to bring about change. It is no wonder then that earlier today he was left absolutely gobsmacked, in fact in tears—a grown man left in tears—when he witnessed the behaviour of members of this parliament in the other place.

The other place had been on notice for weeks. The other place had been on notice for months that this debate was due to occur today. Instead of allowing that debate to take place, and with absolutely zero notice, they chose instead to gag the debate at the 11th hour. They chose instead to ensure that something that could potentially save the life of another young person like Paddy Ryan did not see the light of day in this place today. That is what the Liberal government did today. That is exactly what the Liberal government did today.

They went into that other chamber and they used their numbers to gag a debate on a bill that potentially could save another victim like Paddy Ryan. That is precisely what they did today, and they did so with no justification and no explanation. They did not face that family and explain to them why they did what they did today. They had all the time in the world, up until today, to contact that family and say that this is what they would be doing, but instead they gave assurances, instead they made it quite clear that today the debate would go ahead as normal.

The family travelled for four hours from Port Lincoln to be here today, other family members travelled from elsewhere in South Australia to be here today, to see what they thought would be a momentous occasion in honour of their son who died earlier this year. Instead, they got a slap in the face like they have never received before. Instead, they got to see the very worst of this parliament in full swing. They sat in the members' lounge of the other place and they watched the debate be gagged for no apparent reason.

If the government was genuine and they did not believe in the merits of this bill, then the very least they could have done for Paddy and Adrian and their family is allow that debate to take place today and provide their justifications for not supporting it on the record. But they did not do that because there is absolutely no justification for what they did today and they should all, absolutely all, hang their heads in shame.

I will not tolerate any member of this place smirking at me for the comments I am making today and placing such little value on the life of a young man who made a very innocent mistake which cost him his life. You may not agree with the merits of this bill but the very least you could do, as members of this place, is allow debates to take place. That is what you are paid for. That is what you are here for. By God, I promise you all that I will continue to raise this issue until you do just that.

ADELAIDE ELECTORATE

The Hon. E.S. BOURKE (15:36): I have called the streets of the capital we live in home for many years and I am proud to be the opposition shadow assistant minister for the City of Adelaide. Like the local member for Adelaide, I attend many events within the city, and I will be honest: the member for Adelaide is everywhere. But it is unfortunate that I am about to give a very big but to that.

No matter what side of politics your local member falls on, you would hope that they are doing all they can to be the loudest voice at the decision-making table, that they are advocating through all forms of correspondence and meeting requests, and keeping promises they made while asking for the community to trust them with their vote.

For almost a year, I have worked with the Walkerville community who are looking for answers regarding the future of the beloved YMCA site on Smith Street. The YMCA has been part of the Walkerville community for over 60 years. Generations have come and gone through the front door of this facility that has created memories through their gymnastics programs and the indoor courts programs. Importantly, the local surrounding businesses have also benefited from the economic flow from this facility.

The local member, Minister Rachel Sanderson, has stood in the other place and grandstanded at about how she will do everything in her power to support the YMCA—everything. When the community called on my office to investigate the recent bungled and nothing but embarrassing process undertaken by the Walkerville council to revoke the community land status of this site, I came across something that honestly surprised me.

I received a large bundle of papers and reports through an FOI to the Minister for Local Government. While riffling through these papers of petitions and letters of support to keep the YMCA site, I did not once come across a piece of correspondence from the local member, Rachel Sanderson.

I am not one to jump to conclusions, so I put in another FOI to the Minister for Local Government to ask specifically if there was any correspondence, any meetings, any electronic briefings, diary entries, emails between the local member for Adelaide, Rachel Sanderson, and the Minister for Local Government regarding the revocation of this site. But not one document was found on the local member. Unfortunately, this uncovered a disappointing theme.

Further FOIs were submitted on many of the key issues within the Adelaide electorate community, including the Whitmore Square master plan. No correspondence or diary requests were found by the City of Adelaide, despite the local member promoting this in her recent newsletter. There was also the Ovingham Overpass. Two documents were found, but no correspondence to voice the concerns of the community. The only two items of correspondence found were to the department's office advocating for her own interests to use taxpayers' money to ask the following questions regarding a community forum about this issue:

> Please advise and provide a draft copy of the FLYER before letterboxing by DPTI about where this forum will be held…The venue to be held in the Adelaide electorate…A suggestion by Rachel, perhaps it can be held at the Austrian Club.

There was also a description of the area where the letterboxing would be distributed—all on the taxpayers' money. Further, road safety is a significant issue within the electorate of Adelaide, especially around schools in Prospect. However, since 1 April 2018 not one document has been sent to the Minister for Road Safety from the local member.

Then there is the minister's broken promise of a sound abatement wall on Park Terrace. Members of this community changed their vote purely on the basis that the member had promised, in the lead-up to the election, that she would build a sound abatement wall. This went from a promise in 2018 to build a sound abatement wall on Park Terrace to a budget commitment in 2018 from the member that she would build a barrier on Hawker Street and Park Terrace.

Recently, it has been announced that it would be an amenity wall that would not even reduce the sound of traffic. As described by local business owner Aaron, it is nothing but an unwanted retaining wall.

Time expired.

ACCENTURE

The Hon. D.W. RIDGWAY (15:41): I rise today to speak about Accenture and the game-changing contribution it will make to South Australia. I was pleased to play my part in helping attract Accenture to South Australia. It is another announcement that demonstrates the Marshall Liberal government's commitment to attracting industries that will provide jobs not only now but well into the future.

Accenture is a Fortune 500, multinational company that operates in over 120 countries. With nearly 500,000 employees, Accenture has a huge breadth of experience and a track record of

delivery across the digital, consulting and technology industries. It has nearly 5,000 employees in Australia and is recognised as the leading implementation partner for many tech companies around the world.

South Australia needs jobs that rebuild our economy. With the changes that COVID-19 has brought it is important that we get young people back into work, and the government's attraction of Accenture will be vital in getting young people into jobs. These are not just any jobs either: Accenture will provide highly paid, highly skilled careers for students, graduates and anyone looking to move into the digital and tech industries.

This government is not content just preserving the jobs we have, it is striving to create jobs and drive long-term investment that will transform our state and make South Australia the choice for people seeking a rewarding career along with all the lifestyle advantages Adelaide and its surrounds have to offer. It is also an important announcement that helps put South Australia on the map in the minds of people like Peter Verwer, the Prime Minister's Special Envoy for Global Business and Talent Attraction.

I congratulate the Prime Minister on an outstanding appointment in Mr Verwer. As a former chief executive of the Property Council of Australia and executive chairman of Fractal IQ, a start-up think tank for trends in the digital economy, he is at the forefront of the industries South Australia is seeking to attract. People like Mr Verwer are working tirelessly to make Australia a smarter country, with opportunities for people to build fulfilling and successful careers within a strong and robust economy.

Australia is an attractive investment destination with our safety, rule of law and high-quality labour force. It is imperative that South Australia be front of mind when companies consider Australia as their investment destination. Announcements like this one help cement our reputation nationally and across the globe as an investment destination of choice, and bolster our state's high-tech reputation. Accenture will need a broad range of technical specialists across three key areas:

- advanced technology, including systems engineering, cloud computing and digital marketing;
- intelligent operations, including robotics, artificial intelligence and data analytics; and
- cybersecurity, which includes security engineers, postgraduates, managers and executives.

Accenture's Adelaide hub will be located at Lot Fourteen. It is expected to create up to 2,000 jobs by 2024 and by that point will inject more than a billion dollars into the South Australian economy. Joining other future-driven companies and agencies, including the Australian Space Agency, the MIT Living Lab and the Australian Institute of Machine Learning, Accenture will add a lot to Lot Fourteen's worldwide standing as an innovation centre of excellence.

Accenture has a particular focus on equality and diversity, which it harnesses to foster innovation in its workforce and allow people to perform at their best. Its innovative approaches, including hiring veterans, people returning to the workforce, people with special needs and aptitudes, and workers requiring flexible arrangements, give it a greater diversity of thought and experience. This investment demonstrates the huge lift in business confidence and an economic boost for South Australia as we come through the COVID-19 pandemic, and I commend the government on this excellent partnership for South Australia.

I would also like to express my thanks to a number of people in the team that attracted Accenture to South Australia. They include, from the Department for Trade and Investment, the chief executive, Ms Leonie Muldoon; the deputy chief executive, Megan Antcliff; Gavin Artz; and Mark Wadewitz, to name but a few from the Department for Trade and Investment's team. From my former ministerial office, I would like to thank for their support and congratulate my former Chief of Staff, Andrew Ockenden, my media adviser, Kathryn McFarlane, and my very hardworking adviser, Rowan Thomas.

SOCIETY OF AUCTIONEERS AND APPRAISERS

The Hon. J.A. DARLEY (15:46): I rise today to speak about the Society of Auctioneers and Appraisers. The Society of Auctioneers and Appraisers is the professional body representing the specialist interests of auctioneers and appraisers in South Australia.

The society has a diverse membership with varying specialties in appraising, selling, auctioning and valuing real estate, plant and machinery, antiques, fine art, livestock and many other varied categories. The society provides superior education and training, useful resources and plenty of networking opportunities to support their members and to further enhance their professional standards.

The society has a membership of over 320 professionals who represent principals and key decision-makers of real estate, general and livestock companies in both metropolitan and country areas, including major franchise groups as well as independents. The membership has a promotional reach to over 3,000 industry personnel and combined sales are estimated at over $3 billion annually.

The society was the first in South Australia to introduce computerised documentation of real estate forms for agents and the first in Australia to release an app, allowing the public to search for any upcoming auctions by suburb, address, date, salesperson or auctioneer.

For a number of years, I have had the pleasure of attending the society's Golden Gavel competition, which is the longest running auctioneering competition in the Southern Hemisphere. The Golden Gavel competition was established by past president Mr Anthony Toop in 1993. The competition provides a fantastic opportunity for auctioneers to showcase their skill set and talent. Winners of the Golden Gavel competition have gone on to forge very successful careers.

The rising star category of the competition also provides a great platform for young and upcoming auctioneers to be recognised by the industry. This category is open to auctioneers who have conducted fewer than 10 auctions in the field and have not won the award previously. This year, the rising stars auctioned a 1920s character two-bedroom home at Fullarton from a catalogue at the Klemich warehouse in Kent Town, utilising Bidtracker and Zoom. The auctioneers had to highlight the benefits of living in the area and conduct the live auction to online bidders and judges.

Before the Golden Gavel competition is held, the society offers a nationally accredited two-day real estate auction academy training workshop for aspiring auctioneers and for practising auctioneers who want to enhance their current skills. During the workshop, participants learn how to capture their audience's attention, build trust, project their voices, control their environment and many other important skills to enable them to excel in their career.

Finally, I would like to acknowledge my admiration for our state's outstanding female auctioneers. There is no question that auctioneering is still a male-dominated industry; however, it gives me hope that our state has inspiring female auctioneers who are fantastic role models for young women. The society's current membership is approximately 20 per cent female, and I hope that number continues to rise in the future.

I would like to thank the current women working as auctioneers for their role in paving the path for future generations and for inspiring female talent to enter the industry. I encourage any woman interested in joining the industry to contact the Society of Auctioneers and Appraisers.

LIMESTONE COAST REGIONAL MEDIA

The Hon. C.M. SCRIVEN (15:50): It gives me great pleasure today to speak about regional media in my home town of Mount Gambier and in the broader Limestone Coast. Members may be aware that *The Border Watch*, *The South Eastern Times* and the Penola *Pennant* closed down in September of this year, with only a couple of days' notice to the staff and the community. Many people in my community relied on *The Border Watch*, *The South Eastern Times* and the Penola *Pennant* for information about issues directly affecting residents in the Limestone Coast.

While state papers, such as *The Advertiser*, may cover issues relating to the Limestone Coast from time to time, *The Border Watch*, *The South Eastern Times* and the Penola *Pennant* had been embedded in our region as a source of news dedicated specifically to our region. The announcement of these closures led many local residents to question how they would access a

regular and reliable source of information. Who would report on the deliberations of local council meetings, for example? Indeed, several of my elderly acquaintances asked, 'How will I know who has died?'

During the height of COVID-19 in South Australia, earlier in the year when there were significant restrictions put in place and people were forced to stay at home, regional papers, particularly *The Border Watch*, *The South Eastern Times* and the Penola *Pennant*, played a crucial role in ensuring residents were kept informed and not left completely isolated. Indeed, many regional papers played a crucial role in keeping people connected and allowing people to feel just that little bit less alone.

Papers, such as the *Naracoorte Community News*, emerged as new publications during that time and also played a critical role in supporting their community. Peri Strathearn created a digital publication in Murray Bridge, the Murray Bridge News. In Mount Gambier, *Lifestyle 1* adapted to be more news focused and The SE Voice was born.

Regional journalists form part of the community, and they are a trusted source of information. So it was with absolute delight that I heard that *The Border Watch* would be publishing again under new ownership and in a somewhat different format, but publishing again nevertheless. It will be a weekly paper and will be launching this Friday. It will have the goal of growing to publish twice a week in the future. There are also hopes that *The South Eastern Times* may also be able to be published again.

In order for this to happen, it is vital that everyone gets behind our regional papers and supports them in any way they can. I encourage everyone to purchase their paper, subscribe to the online edition or indeed take out advertising in the paper wherever that is possible. On this point, I also urge the state government to better support regional papers by taking out advertising space to publish public notices. This was something that was done for many, many years and was only withdrawn under this Marshall Liberal government. Under Labor it continued and was an important source of revenue for regional papers.

I understand that some of this has been reinstated during COVID, but it is important—indeed, I would say it is essential—to regional media that it is reinstated on a permanent basis. Many regional residents do not necessarily access online notices and other online information, so it is important that those notices are published in a hard copy regional newspaper. Regional residents want to know what is happening in their communities in the Limestone Coast, and we have been given a great opportunity to once again have access to local regional media. I urge everyone in our region to take full advantage of it.

I want to commend the passion and commitment to regional journalism of people such as Raquel Mustillo and Brett Kennedy, both from the former *Border Watch* and, I am pleased to say, coming to the new *Border Watch* as well. I am confident that the paper's circulation will grow extensively under their scope and that the paper will continue to cover stories that matter to local people and will ensure regional residents are kept up to date and well informed about what is going on in our community. Welcome back, *Border Watch*—and #RegionalMediaMatters.

Motions

NUYTS ARCHIPELAGO MARINE PARK MANAGEMENT PLAN

The Hon. K.J. MAHER (Leader of the Opposition) (15:54): I move:

That the Nuyts Archipelago Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

The first four motions on the *Notice Paper* are about sanctuary zones and I will speak to the first motion but the words that I speak in relation to the first motion are applicable to the other three, so I will not speak individually to all motions. I will speak to the first motion and then just move as printed to the other three.

In speaking to this motion, it is a disallowance motion that seeks to block a politically driven move by the Liberal government to change the management plans of four South Australian marine parks. Sanctuary zones are the key zone for protection and conservation of biodiversity within the

marine parks network. These changes by the government are politically motivated. The changes are not backed by the science community and are strongly opposed by experts and environmental groups.

The process has been undertaken over almost 15 years to ensure we have a system in place that properly balances multiple needs. It delivers significant environmental benefits, it is fair for those making a living off the seas, whether through fishing or tourism, and it ensures accessibility for South Australians who want to enjoy what our great state has to offer. More importantly, it is based on science. I highlight this because it is obvious the changes brought about by this process do not appear to have the same principles attached. There seems to be more internal Liberal politics than science behind these changes.

The Minister for Environment and Water was so proud of these changes that he snuck them into the *Government Gazette* late last month without so much as a tweet, Facebook post or media release to highlight them. Those who know how active the minister usually is on these platforms understand that this is somewhere between unusual and completely unique. This quiet approach is possibly the result of the strong public support for the current network of marine park sanctuary zones.

A recent YouGov poll conducted on behalf of the Wilderness Society of SA found overwhelming public support for the sanctuaries amongst South Australians, with 88 per cent of respondents agreeing that sanctuary zones are a good idea and an incredible 75 per cent wanting to see them doubled in size. Thousands of emails have also been sent to the Labor opposition and, I know, the Premier and the minister, from South Australians who oppose this destruction of our precious environment.

The government's own research shows little benefit to local economies and warns of the environmental dangers of these changes. A 577-page report was commissioned by the Minister for Environment and Water in 2018 and produced by Adelaide consultants BDO Econsearch. The report examined the environmental, social and economic impacts of the marine park sanctuary zones. The document found that the economic benefit of opening up the zones to fishing was minimal and that modifying the zoning arrangements will, and I quote the report:

> reduce the effectiveness of the marine park network in protecting and conserving marine biodiversity habitats.

These changes have targeted some of the largest and most important sanctuary zones in the network, which are home to many species from the smallest invertebrates to southern right whales in breeding season. These changes are a terrible outcome for the environment, they are a terrible outcome for recreational fishers, and they are a terrible outcome for South Austrians who love to experience our natural wonders.

This parliament cannot in good conscience allow these changes to proceed. Just because we are seeking to disallow the changes does not mean we do not support the extension of sanctuary zones in some of the management plans. We would welcome the minister returning to parliament with the extensions and increases only. More may need to be done to ensure the increased zones deliver real benefit. A supplementary report of the government's proposed changes to the zones made findings in relation to the increased zone. For the Nuyts Reef expansion, the report stated:

> It is suspected that the new sanctuary zone area is mostly sand habitat rather than reef habitat.

And:

> As fisheries activity is thought to be minimal in the area, it is expected there will be minimal impact on the site-attached fished species.

For the Isles of St Francis expansion, the report stated:

> There are no data currently available on estimated displaced catch/effort for the proposed increased area of the Sanctuary Zone. Thus it is not possible to estimate the economic impact of the proposed increase in Sanctuary Zone area. Nonetheless, the new area is likely to be of relatively low value to rock lobster and abalone fisheries as it is suspected to be largely sand habitat.

We are also not seeking to disallow the changes to the Coorong Beach South sanctuary zone to allow for shore-based fishing or the changes to the Encounter Marine Park. I commend this motion

to the chamber and seek the support of members to not allow changes that are based on internal political motives rather than based on science.

Debate adjourned on motion of Hon. T.J. Stephens.

UPPER GULF ST VINCENT MARINE PARK MANAGEMENT PLAN

The Hon. K.J. MAHER (Leader of the Opposition) (16:00): I move:

That the Upper Gulf St Vincent Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

Debate adjourned on motion of Hon. T.J. Stephens.

NEPTUNE ISLANDS GROUP (RON AND VALERIE TAYLOR) MARINE PARK MANAGEMENT PLAN

The Hon. K.J. MAHER (Leader of the Opposition) (16:01): I move:

That the Neptune Islands Group (Ron and Valerie Taylor) Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

Debate adjourned on motion of Hon. T.J. Stephens.

WESTERN KANGAROO ISLAND MARINE PARK MANAGEMENT PLAN

The Hon. K.J. MAHER (Leader of the Opposition) (16:01): I move:

That the Western Kangaroo Island Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

Debate adjourned on motion of Hon. T.J. Stephens.

Parliamentary Committees

SELECT COMMITTEE ON HEALTH SERVICES IN SOUTH AUSTRALIA

The Hon. C. BONAROS (16:01): By leave, and on behalf of the Hon. Irene Pnevmatikos, I move:

That it be an instruction to the Select Committee on Health Services in South Australia that its terms of reference be amended by inserting new paragraph 2A as follows—

2A. That, during the period of any declaration of a major emergency made under section 23 of the Emergency Services Act 2004 or any declaration of a public health emergency made under section 87 of the South Australian Public Health Act 2011, members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.

This motion is the same as the number of other motions that have been put up in this place to allow for members of the health committee to participate in proceedings by way of telephone or videoconference or whatever other electronic means are deemed appropriate. It is pretty self-explanatory and straightforward, and I understand there is no opposition to it.

Motion carried.

JOINT COMMITTEE ON END OF LIFE CHOICES

The Hon. K.J. MAHER (Leader of the Opposition) (16:03): I move:

That the report of the committee be noted.

I am not going to speak for very long on this at all. There will be, I think, plenty of time to speak on the issues that were traversed by the committee and in this report in the not-too-distant future, when legislation will no doubt be brought before the chambers of parliament on voluntary assisted dying.

In relation to the report on end-of-life choices, I wish to thank first and foremost the many witnesses who provided submissions. There were over 120 individual submissions and dozens of witnesses who participated in the hearings of the committee.

I particularly want to thank the staff of this chamber who serviced that committee very diligently, with the added complexity of having a joint house committee and having to have quorum not just from this chamber but from another chamber, who, quite frankly, sir, are much greater rabble than we and more difficult to control. It was a stellar job in doing that. Specifically, I thank Mr Anthony Beasley from the Clerk's office and the research officer, Dr Robinson, for the work in preparing this report.

It is a difficult issue. As many witnesses who appeared before this committee noted, end-of-life issues are not something we like to talk about or deal with particularly well in our society. There were a number of areas that the committee was challenged with looking at and that the report covers, including the important role that palliative care plays in our society for people facing the end of their life and that it should be funded properly.

The committee looked at advance care directives and how they operate, with a particular emphasis on how they operate differently in different jurisdictions. I think the committee was pretty unanimous in its desire that there ought to be some better uniformity in how advance care directives operate across states. People are not static and do not always live in one state for the whole of their lives.

A very substantial part of the committee's deliberations involved voluntary assisted dying. I believe there have been some 16 attempts at different pieces of legislation over the last quarter of a century before the chambers of the South Australian parliament. Many of them have involved the late member for Fisher, Dr Bob Such. A number have involved the Hon. Mark Parnell from this chamber.

The committee particularly focused on the Victorian voluntary assisted dying model and how that has operated. If any of the last 16 pieces of legislation before the South Australian parliament had been successful, South Australia would have been the first jurisdiction to successfully have a scheme operating in Australia, after the Northern Territory's was disallowed by the federal government many years ago.

That has now changed. There has been a scheme operating since the middle of last year in Victoria and there is a scheme about to operate in Western Australia. I believe this very week there will be debate in the Tasmanian parliament, and soon after they have their election the Queensland parliament I think will follow on voluntary assisted dying. It was recognised that there has been a change. It is not something that would make us unique and the first in Australia to have such a scheme.

A range of witnesses talked about the operation of the Victorian scheme and, again, reasonable people have come to different views about these and many other issues that both major parties declare as conscience issues. There were certainly witnesses who, no matter how protected or restrictive a scheme might be, were just opposed to the idea of voluntary assisted dying.

There were many, including health professionals, whom the committee took evidence from who thought the Victorian model was too restrictive. It has been commented on as being the most conservative or restricted model operating in any jurisdiction around the world. There was certainly evidence taken that the restrictions might be too onerous and place too many difficulties on people accessing the scheme.

The first report on the operation of the Victorian model noted that in the first six months 52 Victorians utilised the voluntary assisted dying scheme. The head of the review committee for voluntary assisted dying, former Victorian Supreme Court Justice Betty King, in her report on the first six months of operation noted that, of the 52 cases they examined, compliance with the requirements in the Victorian scheme was 100 per cent. Again, I think this is a change from when our legislation has been considered previously by this parliament, in that there has been a scheme operating and the report has noted absolute compliance with the regulations in the scheme.

They are some of the important issues that the committee took evidence on. I think another one that had an impact on many members of the committee was evidence from both the SA Police and the Coroner's Office. SA Police, quite unusually in my experience, put in a written submission supporting a legislated voluntary assisted dying scheme in South Australia. They did not appear as witnesses at the committee, but that was the written submission. The Coroner's Office, which appeared before the committee, spoke of some of the effects that it has when there is not a legislated way for people to end their life with dignity and they effectively take matters into their own hands.

From memory, around 10 per cent of suicides that first responders—and I think this was from the police, not the Coroner—have to deal with are by people who are facing a terminal illness who do not want to go on with their own lives. That puts tremendous pressure on first responders but more so on the families, the loved ones of those who have chosen to end their own lives without a way of being able to access a voluntary assisted dying scheme.

Again, there was a range of views on voluntary assisted dying, which is to be expected. I would expect in the not-too-distant future, possibly within the coming weeks, that as members of parliament it is something we will need to start turning our minds to.

Debate adjourned on motion of Hon. T.J. Stephens.

Motions

MURRAY-DARLING BASIN PLAN

The Hon. T.A. FRANKS (16:10): I move:

That this council—

1. Notes with concern the first review of the Water for the Environment Special Account independent panel finding that the agreed 450 gigalitres of water for South Australia under the Murray-Darling Basin Plan will not be fully expended by 30 June 2024, as required;

2. Expresses dismay that so far South Australia has received less than 1 per cent of that required 450 gigalitres; and

3. Condemns the December 2018 changes to the socio-economic criteria for water efficiency measures.

I struggle to find the words to adequately convey the utter dismay I and many other South Australians have felt following the release of the first review of the Water for the Environment Special Account report from the independent panel. After so many years of hearing from governments and from ministers, who have assured us constantly that the new efficiency measures, the new criteria for projects, not using water buybacks, would somehow definitely deliver vital water for South Australia, we now know what we suspected, that none of this was true. None of this was actually the case.

The Greens have been saying it for a while, but many in the community—stakeholders, experts, farmers, environmentalists; a really diverse list—know that the government is not doing enough or doing the right things to deliver that vital water for our state. This first review not only makes it plain that we will not see the required 450 gigalitres of water delivered for our state, it also shows us how heartbreakingly little we have received so far. Of that 450 gigalitres, we have received 1.9 gigalitres, less than 1 per cent of what we are owed by that deadline.

I imagine some will want to point out that the full 450 gigalitres is not set to be delivered until 30 June 2024. However, this review indicates that the 450 gigalitres will not be recovered by 30 June 2024. Indeed, the panel provides several reasons for this finding:

> Only 1.9 GL, or less than 1% of the required volume, has been recovered to date (as at February 2020). To recover almost the entire 450 GL in the less than 4.5 years remaining, the rate of recovery would need to accelerate to more than 100 GL per year, starting immediately. The panel does not consider that this is realistic at this stage.

So 100 gigalitres per year is required, yet in all of this time we have only reached 1.9 gigalitres. The report continues:

> Information provided by the department suggests that up to 90 GL might be recovered by 2024 through efficiency projects being discussed with potential partners or participants (as at February 2020). However, the recovery of this volume is uncertain, as the projects are still in the pre-application phase and may not progress to formal application, approval and implementation.

> Analysis commissioned for this review indicates that the potential volume that feasibly can be recovered by 2024 is up to 60 GL, due to the combined impact of key limiting factors—including current time constraints; current social views, government policies and political positions; and the current program's attractiveness to potential participants.

As it is stated by that independent panel in their letter to the minister, this review reflects a milestone assessment at this point in time. What a bleak milestone this is for South Australia. How did we get here? There are many factors, but there is a significant one in South Australia. Let's talk about efficiency measures. Efficiency measures are an agreed component of the basin plan to recover 450 gigalitres of water. This water aims to deliver enhanced environmental outcomes in the Coorong and Lower Lakes, as well as flood plains adjacent to rivers in the southern Murray-Darling Basin.

In 2018, the ministerial council agreed to adopt a set of socio-economic criteria, which are to be applied to all efficiency measures projects prior to any approval. Since the first appropriation of funds to that special account in 2014-15, the department has implemented and expended moneys on only three efficiency measures programs: the South Australian pilot of the Commonwealth On-Farm Further Irrigation Efficiency Program (COFFIE), which was funded from September 2016 to October 2018; the Murray-Darling Basin Water Infrastructure Program, which was funded from July 2018 to December 2018; and the Water Efficiency Program, which was funded from July 2019.

The COFFIE program recovered 1.9 gigalitres through 66 projects funded under this program, and that represents 0.4 per cent—less than half a per cent of the required 450 gigalitres. The Murray-Darling Basin Water Infrastructure Program received zero gigalitres as it was paused five months after its launch, when the ministerial council decided that the additional socio-economic criteria should be incorporated into the program. These additional criteria were agreed to in December 2018.

The program was redesigned and relaunched as the Water Efficiency Program in July 2019, and remains open. As at February 2020, this program has recovered around 0.015 gigalitres through two small on-farm projects. Essentially, no material progress has been made. The panel has indicated that, for the 450 gigalitres of water to be delivered by that 30 June 2024 date, we would have to, starting immediately, recover more than 100 gigalitres per year over the next four years. The panel does not consider this realistic at this stage, and certainly not under the current circumstances, and it is no surprise why.

All in all, this review tells us that only up to 60 gigalitres of water are potentially recoverable. Realistically, given the combined effects of the key limiting factors, those factors being: the technical potential for further water recovery in the basin through the Water Efficiency Program; the time constraints imposed by the special accounts legislated end date; the current social views, government policies and political positions on further water recovery in the basin; and the program's current attractiveness as a business proposition to potential participants.

To some extent these factors are related, but what make this even worse, however, is that the technical potential for water recovery through the Water Efficiency Program is between 600 and 650 gigalitres—significantly above the required 450 gigalitres. However, with the key limiting factors this changes to: 185 to 195 gigalitres when the impact of time constraints is factored in, which is less than half the required 450 gigalitres; further decreases to around 110 to 120 gigalitres, when the impact of current social views, government policies and political positions are factored in; and increases even further to less than a grand total of that 60 gigalitres, or perhaps less, when the impact of the program's current attractiveness to potential participants is also factored in.

The sums are dire. It is farcical. It would possibly be funny, if it was not so utterly devastating, when you look back on the minister's comments made in 2019 when he was quite chuffed with himself about the deal he struck with the other states on the socio-economic criteria. I quote:

> In December, a historic agreement was struck between the Murray-Darling Basin states and the Commonwealth. In a significant moment for our state, Victoria and New South Wales finally agreed to participate in the full range of water-saving projects that could deliver the 450 gigalitres. We did this by bringing all the states to the table and led to the development of a package that will lead to actual water being delivered back to the river—

Not much actual water so far—

> while ensuring regional communities are not ripped apart—just as the original plan from 2012 demands.

I tell you what rips regional communities apart, and that is not even having an environment that is healthy to sustain that community regardless of the socio-economic factors. Further to this, the observations from the panel about government policies and political positions are even more damning.

Indeed, in particular, this minister of this Marshall government capitulated to other states on the socio-economic criteria that are contributing to the failure to achieve a return of 450 gigalitres of water to the system. We have a minister who is standing firm behind these efficiency measures and who continues to stand against using buybacks, despite the fact that we have been told repeatedly by the federal government's own research agency, ABARES, the previous Murray-Darling Basin royal commission, experts and the community that water buybacks are a more effective and less costly option for recovering that required 450 gigalitres of water.

We cannot, in this council, on behalf of our state, stand by while we get barely a trickle of water coming down the river. The minister has sold our state down the river for just 1.9 gigalitres so far. It is up to this council to stand against that and call this minister to account.

Debate adjourned on motion of Hon. T.J. Stephens.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT REGULATIONS

The Hon. M.C. PARNELL (16:22): I move:

That the general regulations made under the Planning Development and Infrastructure Act 2016 concerning the Planning and Development Fund, made on 24 September 2020 and laid on the table of this council on 13 October 2020, be disallowed.

This is a motion to disallow regulations. It is the third time that I have introduced this motion and I expect it will be the third time that the motion passes. Following the second disallowance of the regulations that changed the permissible use of the open space fund—that was back on 23 September—the government finally got the hint and removed the offending regulation from the general regulations.

The No. 3 regulations, which were also tabled yesterday, do not contain the offending provision, which was regulation 25 in the previous iterations, so my feeling is that unless people discover something newly offensive in those regulations, I expect the bulk of those general regulations will go through unchallenged. But the government has not abandoned its plan to use the open space fund for administration and they have now introduced new regulations dealing with just this issue. These are the regulations that I am now moving to disallow.

The government has reworded and reintroduced changes to how the open space fund can be used in this separate regulation. It is entitled the Planning Development and Infrastructure (General) (Planning and Development Fund) Variation Regulations 2020. Those regulations were also gazetted on 24 September, being the day after the last disallowance.

Now on my assessment, whilst the new regulations contain less words, the new form of text chosen does seem to cover all the items in the list that were in the regulations that were disallowed. I will not go through all the technical details of how it does that, but the new regulations replace a list of items with a more generic description. My assessment was that it has exactly the same effect: it allows the government to raid the open space fund and use it for administration.

I took the opportunity to again write to all the stakeholders, all the groups that had opposed the previous regulations, all the groups that encouraged this chamber to disallow those regulations. I wrote to them for two purposes: firstly, did they agree that my assessment was correct, that the new regs were just as offensive as the old; and, secondly, did they still want the Legislative Council to move disallowance.

I received responses back from all those stakeholders. Before I quickly summarise what they said, yesterday all members would have received a large bundle of papers, being the Auditor-General's Report. I do not expect members would have read all that report yet, but I draw their attention to page 376 of the report. That is a section of the report dealing with the Department of Planning, Transport and Infrastructure. What it says, in summary, is that the total income of the agency decreased by $96 million, or 4 per cent.

The Auditor-General's Report goes on to describe why that happened, and then it has a section stating:

> an increase in transfers from other government entities of $21 million. In 2019-20 this included a contribution of $13 million from the Planning and Development Fund for planning reform and $7 million from Renewal SA for the Adelaide Festival Centre precinct.

When you add the $13 million that the government has pilfered from the open space fund in the last financial year to the $10 million that the media has reported was pilfered from the fund in the previous two financial years, that gives you $23 million that cannot be spent on parks and footpaths and cycleways, open space for the benefit of the community, because that money has been hived off into administration. That is the quantum of money we are talking about that these regulations allow.

Going back to stakeholders, Stephen Smith, who looks after planning issues for the Local Government Association, wrote to me, saying:

> Hi Mark,
>
> Our assessment is the same as yours that these new regulations, while amended, still provide for the Planning and Development Fund to be used to fund the government's eplanning system, and do not address the following concerns raised by the local government sector.

There are five, and I will list them quickly:

> 1. During a time when parks and recreational areas are needed to support community health and wellbeing, the government appears to be diverting funds that have been provided by those subdividing their land to fund the operations and functions of a government agency.
>
> 2. While the importance of both the e-planning system and the Planning and Design Code are acknowledged, the funding of these essential elements of the new planning system should come from general revenue and not from the Planning and Development Fund.
>
> 3. Any funds that are paid directly to councils through the open space contribution scheme under the Planning, Development and Infrastructure Act must only be applied by the council for the purpose of acquiring or developing land as open space.
>
> 4. This variation may increase the impost on councils by reducing the funds available to establish new parks and recreation areas.
>
> 5. Councils are already making contributions for the maintenance of the e-planning system through an annual fee, and the state government will be receiving a greater proportion of planning assessment fees under the new fee regime. The ability to use open space funding for the operation of the state's new planning system is 'triple dipping'—

not double dipping, but triple dipping—

> and puts greater pressure on council ratepayers to fund a new system that provides less influence to local communities in planning decisions.

Mr Smith then goes on to point out that this item is on the agenda of the annual general meeting of the Local Government Association in coming weeks. I think all members should expect correspondence from the LGA, urging them to disallow again these regulations.

I have received correspondence from the Urban Development Institute. This is effectively the developers' lobby. These are the people who build the multistorey dwellings and who are involved in subdivisions and property development. Pat Gerace from that organisation wrote to me:

> Hi Mark
>
> Thanks for reaching out.
>
> Yes we do have an issue with the use of contributions made to this fund not being spent on open space and public realm improvements, and instead on the administration of the system.
>
> We made our thoughts clear in a recent article in the Advertiser and this position has not changed.

In previous disallowance motions, I have read extracts from that article. So local government does not like it and the property development industry does not like it. If we go through the National Trust, Darren Peacock, the CEO, says, 'Thanks, Mark. Certainly agree with the disallowance.' Again, he sets out reasons that I have set out before. I contacted Professor Warren Jones from the Protect Our

Heritage Alliance, who wrote, 'Thank you, Mark, for pursuing this. Please pursue another disallowance.' He makes some other comments, as well.

Christel Mex from the Community Alliance says, 'Go for it!'—I think that is an endorsement of disallowance. Melissa Ballantyne from the Environmental Defenders Office says she supports disallowance, and Craig Wilkins, the CEO of the Conservation Council, says, 'I agree with others' contributions. Keep going!'

Whilst technically this disallowance motion is a bit different from the others, the substance of the motion is exactly the same. When it comes to a vote on the next Wednesday of sitting, I expect the outcome to be exactly the same. The government should not be raiding the open space fund for administration.

Now we know that, over the last three years, it is at least $23 million that can no longer be spent on public infrastructure, public works and parks and things that make our communities good places to live. That is an outrage. If the government has messed up its budget by not allocating enough for administration, they need to provide additional general revenue allocations and not raid this important fund.

Debate adjourned on motion of Hon. T.J. Stephens.

WORLD DAY AGAINST THE DEATH PENALTY

The Hon. M.C. PARNELL (16:32): I move:

That this council—

1. Notes that Saturday 10 October was the 18th World Day Against the Death Penalty;

2. Notes that the last person executed in South Australia was in 1964 and that the death penalty was eventually abolished in this state in 1976; and

3. Reaffirms its opposition to the death penalty, which is an unacceptable punishment in a modern civil society.

Saturday 10 October this year marked Amnesty International's 18th World Day Against the Death Penalty. Amnesty International is calling on countries that still use the death penalty to halt all executions and permanently remove the death penalty as punishment for all crimes. While this is a global initiative and the death penalty still harms many people worldwide, I am proud to note that here in South Australia we abolished the death penalty in 1976, more than a decade after the last person was executed in our state in 1964.

In the 18 years since the first recognition of this international day, we have finally started to see some encouraging numbers worldwide. Last year, Amnesty International recorded 657 executions in 20 countries, excluding China, and a further 26,604 were known to be under sentence of death globally.

Encouragingly, 657 executions, whilst a lot, does represent a 5 per cent decrease from 2018. It is the second consecutive year that Amnesty recorded the lowest number of global executions over a 10-year period, but 657 people intentionally killed by the state is still unacceptable. It is 657 people too many.

To use the words of Amnesty International, 'the death penalty is a violent punishment that has no place in today's criminal justice system.' In this modern age, methods of execution still include things like beheading, electrocution, hanging, lethal injection and shooting. If this makes your stomach churn then you are not alone, because surveys show that Australians have shown consistently stronger and stronger opposition to the death penalty over time, with the most recent Roy Morgan survey in 2009 showing that over two-thirds of Australians (64 per cent) found imprisonment a preferable punishment for murder as compared with the death penalty.

Only 23 per cent of people supported the death penalty in 2009, which is down a full 30 percentage points from when the same survey was conducted in 1962, two short years before the last death penalty execution in South Australia.

There are many reasons why South Australians overwhelmingly oppose the death penalty, but I will outline just a few of the key points. The first and perhaps most obvious is that we know that

intentionally killing another person is wrong. We have collectively agreed on this as a society, and I think it is a central tenet of a peaceful and just community. Certainly, the Greens have long opposed the death penalty, not least because one of our central guiding principles is peace and nonviolence.

Apart from the very crucial foundational point that our society knows killing is wrong, the death penalty has also failed as a tool in the criminal justice system, for many reasons. One of these reasons is that the death penalty is discriminatory. The death penalty disproportionately impacts people facing racial, ethnic or religious marginalisation and those from less advantaged socio-economic backgrounds.

This is especially important to note in the wake of the Black Lives Matter movement, which has brought the global emergency of police violence and systemic injustice against people of colour to the forefront of public discussion. It is clearer than ever that the death penalty represents another vehicle through which the criminal justice system facilitates violent discrimination against people of colour as well as other marginalised groups. In some countries, including the USA, the death penalty is also used against people with mental or intellectual disabilities, who also face disproportionate discrimination in society and in the criminal justice system.

This disproportionate impact on marginalised people is made worse by the fact that many do not have access to effective legal representation, and we know that such access tends to align with privilege. It is for this reason that this year's theme for World Day Against the Death Penalty focuses on the right to effective legal representation for individuals who may face a death sentence.

As someone who practised as a lawyer for many years, primarily in the general area of legal aid, I know this need for effective legal representation is absolutely critical. We also know that the death penalty does not reduce crime. As Amnesty International points out, there is no evidence that the death penalty is any more effective in reducing crime than life imprisonment. So the death penalty does not represent an approach that is tough on crime but one that is just tough on life—and 'tough' is an understatement because, no matter how you spin it, the death penalty is irreversible. A finite and permanent punishment, there can be no claim that the death penalty is geared towards reform or rehabilitation.

When asked for any final words before being executed, one US prisoner is reported to have quipped, 'Well, this will teach me a lesson, won't it?' The irony of that statement cannot be lost on anyone. It may be that not everyone should have a second chance out in society, and all of us will have different ideas about how our communities can be protected from perpetrators of horrific crimes, but it is objectively true, no matter who you are or what you believe, that the death penalty is permanent. The criminal justice system is managed by human beings who are fallible. The death penalty offers no recourse for human error, and errors do happen and have just happened in the past. This is an unacceptable risk.

The death penalty also hurts children. While international law prohibits the death penalty for crimes committed by people under 18 years of age, some countries still sentence juvenile defendants—in other words, teenagers—to death. Additionally, and often overlooked, there are the children and families of parents sentenced to death. These children can face significant psychological distress and carry a heavy emotional burden, which Amnesty International sees as a clear violation of their human rights.

Protecting human rights is central to the rationale behind World Day Against the Death Penalty, and it is clear that the death penalty represents a breach of these human rights. Specifically, it contradicts our right to life and our right to live free from torture or cruel, inhumane or degrading treatment or punishment, which are both protected under the Universal Declaration of Human Rights. Amnesty International, like the Greens, opposes the death penalty in all cases, without exception, regardless of who is accused, the nature or circumstances of the crime, guilt or innocence, or method of execution.

I would invite colleagues to reflect with pride that South Australia has been death penalty free, legally, since 1976, but we need to recognise that there is much work that still needs to be done elsewhere. The Greens support Amnesty International in their push for an end to the death penalty and I encourage my colleagues to do the same. Finally, I would like to thank Michael Becker from

the Unley group of Amnesty International here in Adelaide for drawing my attention to this important international day.

Debate adjourned on motion of Hon. T.J. Stephens.

INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATIONS

The Hon. F. PANGALLO (16:40): I seek leave to move Notices of Motion, Private Business, No. 15 in amended form:

Leave granted.

The Hon. F. PANGALLO: I move:

1. That a select committee of the Legislative Council be established to inquire into and report on—
   (a) any damage, harm or adverse outcomes to any party/s resulting from investigations undertaken pursuant to the ICAC Act (other than adverse findings resulting from the conduct of persons investigated);
   (b) any damage, harm or adverse outcomes to any party/s resulting from prosecutions which follow investigations undertaken pursuant to the ICAC Act (other than adverse findings resulting from the conduct of persons prosecuted);
   (c) options that may prevent or reduce the likelihood of, or any harm or damage resulting from, such outcomes and whether exoneration protocols need to be developed; and
   (d) any other related matter; however, the committee shall not receive submissions or evidence in relation to any current investigation or current prosecution arising from such an investigation or any matter that is currently the subject of referral by the ICAC for further investigation and potential prosecution.
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, during the period of any declaration of a major emergency made under section 23 of the Emergency Services Act 2004 or any declaration of a public health emergency made under section 87 of the South Australian Public Health Act 2011, members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.
4. 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.
5. 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.

I seek leave to conclude my remarks at a later date.

Leave granted; debate adjourned.

Bills

TERMINATION OF PREGNANCY BILL

Introduction and First Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:44): Obtained leave and introduced a bill for an act to reform the law relating to pregnancy terminations, to regulate the conduct of health practitioners in relation to pregnancy terminations and to make related amendments to the Criminal Law Consolidation Act 1935 and the Intervention Orders (Prevention of Abuse) Act 2009. Read a first time.

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:46): I move:

That this bill be now read a second time.

It is with honour today that I rise on behalf of the Attorney-General to introduce the Termination of Pregnancy Bill 2020. The bill repeals division 17 of the Criminal Law Consolidation Act 1935 and creates a new standalone act to regulate the termination of pregnancy as a lawful medical procedure.

Abortion law reform has been the subject of considerable discussion over recent years, both locally and interstate, and involves an extremely sensitive area of policy for the community. In 1969, South Australia became the first Australian jurisdiction to legislate for the lawful medical termination of pregnancy. Over 50 years have passed since those laws were first enacted. In that time there have been significant changes to clinical practice in this area, including improvements in medical termination methods and the modernisation of health service provision.

As a result of these developments, it is clear that South Australia's laws no longer reflect best clinical practice and have instead become a barrier to healthcare access for many women and their families. To that end, on 2 February 2019, the Attorney-General asked the South Australian Law Reform Institute to inquire into and report in relation to the topic of abortion law reform, with the aim of modernising the law in South Australia and adopting best practice reforms in relation to the lawful regulation of termination of pregnancy.

Referral of abortion law reform to SALRI for proper investigation and recommendations for reform based on best practice in this area and with the guidance of other jurisdictions was considered the most suitable way to achieve modern, effective and appropriate reform of abortion laws in South Australia. SALRI presented the government with its report on 31 October 2019. The SALRI report made 66 recommendations, including that abortion should be removed from the criminal law and treated as a public health issue.

As noted by SALRI, abortion raises many ethical, medical, legal and other issues and implications. It attracts strong, emotional and often conflicting views, both from those directly affected and the wider community. The development of a suitable legislative framework for the lawful termination of pregnancy requires sensitivity and careful consideration to ensure a moderate and suitable way forward is achieved, giving regard to the resulting impact on South Australian families.

This bill before parliament is a culmination of the work of SALRI and the government on an important matter of law reform. The government has carefully considered SALRI's report and the submissions of members of the public and stakeholders in order to present a suitable legislative framework for the lawful termination of pregnancy in South Australia.

Consistent with the recommendations of the SALRI report, the bill repeals abortion from the criminal law and creates a new standalone act to regulate the termination of pregnancy as a lawful medical procedure. In recognising that abortion should be treated as a healthcare issue, the bill makes it clear that a person who performs, consents to, assists in or attempts to perform a termination on themselves does not commit an offence. The bill is informed and guided by the principles of best clinical practice and promotes and respects patient decision-making by removing a number of barriers that currently impede access to abortion care services.

The bill allows for a medical practitioner to perform a termination on a person who is not more than 22 weeks and six days pregnant. Thereafter, the bill provides the determination may be performed by a medical practitioner on a person who is more than 22 weeks and six days pregnant where the medical practitioner has consulted with another medical practitioner and both practitioners consider that in all the circumstances the termination is medically appropriate. In determining whether a termination is medically appropriate, a medical practitioner must consider all the relevant medical circumstances and the professional standards and guidelines that apply to the medical practitioner in relation to the performance of a termination.

While SALRI recommended for the absolute removal of gestational limits, it is recognised that this is a sensitive issue and that there are divergent views on the appropriate approach. It is the government's view that the gestational limit of 22 weeks and six days most closely aligns with current clinical practice in other Australian jurisdictions.

Importantly, the bill will allow for a registered health practitioner to perform a termination on a person who is not more than 63 days pregnant by administering a prescription drug or by prescribing a drug, provided that the practitioner is acting in the ordinary scope of their profession

and is authorised to do so under the Controlled Substances Act 1984. This position reflects SALRI's recommendation that the categories of persons authorised to perform terminations should not be confined to medical practitioners but should, where appropriate, include other registered health practitioners who are suitably credentialled to perform such procedures within the ordinary scope of their profession.

In keeping with modern health practices, the bill removes a number of outdated requirements which currently act as a barrier to access for women, especially in rural and regional communities, including that the woman be personally examined by two medical practitioners prior to seeking a termination, and that the woman must have resided in the state for at least two months prior to a termination.

The bill also removes the requirement for terminations to be carried out in a prescribed hospital. This represents an important step forward in removing restrictions in relation to the use of telemedicine in respect of abortion care services in South Australia, and makes it easier for women living in rural and regional communities to access the health care they need. In accordance with the SALRI recommendations, the bill preserves the right of registered health practitioners to conscientiously object to perform, assist in, or provide advice in relation to a termination of pregnancy.

In circumstances where a registered health practitioner conscientiously objects to a termination of pregnancy, the bill requires that the practitioner immediately disclose their conscientious objection to the patient. Furthermore, in the case of an objection to performing a termination or providing advice about the performance of a termination, the bill requires the practitioner to either transfer the care of the patient to another registered health practitioner who, in the first practitioner's opinion, can provide the requested service and does not hold a conscientious objection, or provide the patient with information on how to locate or contact such a registered health practitioner.

For the avoidance of doubt, the bill provides that the right of conscientious objection does not extend to override any duty owed by a registered health practitioner to otherwise perform or assist in the performance of a termination in an emergency or to provide aftercare or any ancillary treatment associated with the termination of pregnancy. The bill establishes an offence for unqualified persons who perform, or assist in the performance of, a termination.

The government agrees with SALRI that there is a clear public interest in protecting the public from dangerous and unsafe medical practices carried out by persons who are not authorised or qualified to carry out terminations of pregnancy. However, the bill also ensures that proceedings for the offence will only be able to be initiated with the written consent of the Director of Public Prosecutions. This is an important safeguard to ensure that proceedings for the offence will only be instituted in circumstances where it is in the public interest for the offence to be prosecuted.

Related amendments have also been made to the Intervention Orders (Prevention of Abuse) Act 2009 to expressly include coercive conduct in relation to the termination of a pregnancy as an act of abuse within the meaning of the act. Provision has also been made for the publication and use of information relating to terminations of pregnancy. These reforms represent a significant step forward in removing barriers to access for women and improving the availability of abortion health services across South Australia, particularly for rural and regional areas of the state.

Consistent with the recommendations of the SALRI report, the bill reflects current best clinical practice, promotes patient decision-making and respects the individual choice and autonomy of the patient while ensuring that there are appropriate safeguarding measures in place where necessary.

Can I advise honourable members that I understand that there is some consensus for the Legislative Council to progress this bill. I therefore request that honourable members be prepared to do their second reading speeches in November so that we will have a chance to go through the committee stage in this calendar year. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Interaction with other Acts

The measure applies in addition to the Consent to Medical Treatment and Palliative Care Act 1995, the Controlled Substances Act 1984 and other Acts.

Part 2—Termination of pregnancies

Division 1—Lawful termination of pregnancies

5—Terminations may be lawfully performed in South Australia

This clause sets out the circumstances in which terminations can be lawfully performed in the State.

6—Terminations by medical practitioner from 22 weeks and 6 days

This clause contains special provisions relating to terminations by a medical practitioner where the person is more than 22 weeks and 6 days pregnant.

7—Registered health practitioners who may assist

A registered health practitioner who performs a termination may be assisted by another registered health practitioner acting in the ordinary course of their profession.

8—Registered health practitioner may refuse to perform or assist in terminations

This clause allows a registered health practitioner to conscientiously object to performing or assisting in the performance of a termination. The section does not however limit any duty owed by a registered health practitioner to perform, or to assist in the performance of, a termination in an emergency or to provide after care or ancillary medical treatment associated with a termination.

9—Protection from liability

This clause protects registered health practitioners from liability who act in accordance with this Act to either be involved in the performance of a termination or refuse to be involved in the performance of a termination. Liability includes that arising under disciplinary proceedings or similar proceedings.

Division 2—Offences relating to unlawful termination of pregnancies

10—Termination of pregnancy by unqualified person

This clause creates an offence for the performance of a termination or assistance with a termination by an unqualified person.

11—DPP's consent required for prosecution under Part

The prosecution of an offence under this part requires the Director of Public Prosecution's written consent under this clause.

Division 3—Protection from criminal liability

12—Person does not commit offence for termination on themselves

This clause removes liability for a person involved in a termination conducted on themselves.

Part 3—Miscellaneous

13—Conduct and performance of registered health practitioners

This clause provides factors that regard may be had to when considering a matter under an Act about a registered health practitioner's professional conduct or performance.

14—Restrictions on publication of certain information

This clause creates an offence to publish identifying information or data regarding a person involved in a termination.

15—Confidentiality

This clause proposes confidentiality requirements in relation to personal information obtained in connection to the Act. It provides for exceptions to confidentiality, including where required or authorised by or under law.

16—Review of Act

This is a review provision that requires the Minister to cause a review of this Act on the expiry of 5 years from its commencement.

17—Regulations

This is a regulation making power provision. It includes the grant of power to make regulations which require any registered health practitioner, hospital or private day procedure centre to collect and provide the Minister or the Department with data and statistics in relation to services connected with the performance of terminations; and require reports or information of any other kind to be provided to the Minister or the Department.

Schedule 1—Related amendments Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of Criminal Law Consolidation Act 1935

2—Amendment of section 12A—Causing death by an intentional act of violence

The proposed amendment removes a reference to abortion as a criminal offence under section 81(2) of the principal Act.

3—Repeal of Part 3 Division 17

The proposed repeal removes the division relating to abortion from the principal Act.

4—Amendment of Schedule 11—Abolition of certain offences

The proposed amendment abolishes the common law offence of abortion.

Part 3—Amendment of Intervention Orders (Prevention of Abuse) Act 2009

5—Amendment of section 8—Meaning of abuse—domestic and non-domestic

The proposed amendment inserts into the principal Act's definition of an act of abuse against a person resulting in emotional or psychological harm as including coercing a person to terminate a pregnancy and coercing a person to not terminate a pregnancy.

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

Motions

INTERNATIONAL DAY OF RURAL WOMEN

The Hon. C.M. SCRIVEN (16:57): I move:

That this council—

1. Acknowledges that 15 October is the International Day of Rural Women;
2. Recognises the critical role and contribution of rural women, including Indigenous women, in enhancing agricultural and rural development, improving food security and eradicating rural poverty; and
3. Commends the many valuable contributions of rural and regional women to South Australia.

It gives me great pleasure to move this motion here today, acknowledging that tomorrow, 15 October, is the International Day of Rural Woman. In moving this motion, I want to speak about why it is vital that we celebrate women's contribution to primary industry and agribusiness in South Australia.

Women have always been critical contributors to agriculture and food production in South Australia and across the country; however, historically their contributions have been undervalued. The latest Australian Bureau of Statistics census data revealed that there was 85,681 farming businesses in Australia, with an overall value of some $56 billion in agricultural production.

While only 22 per cent of farmers are registered as being female, a recent report commissioned by AgriFutures Australia showed that women contribute nearly half of the total real farm income. They contribute 48 per cent of total real farm income in Australia.

Women have always worked on the land in Australia. For more than 50,000 years Indigenous woman cared for the land and fed their families. In South Australia, since white settlement in 1836 women have worked alongside men on farms, but their role and contribution has not always been acknowledged.

The lack of acknowledgement goes back many years. Prior to the 1970s women's access to agricultural training and education was severely limited, and in some cases women were banned from enrolling in agricultural colleges.

Census data did not register farm women, and they were denied land rights and were also prohibited from inheriting their family farms. That continues perhaps not in law but often in practice. One of my high school friends was a member of a farming family in the South-East. When the second of her surviving parents died—so she had lost both parents by then—the farm went to her brother. There were three girls and the one son.

They had known that that would happen, but the brother and his wife then sold the farm, so the expressed intention of the parents, that the farm would continue within the family (and they thought that by passing it to the son that would ensure that it happened) did not happen. There remains bitterness and sadness in that family because two of the three girls would have been more than happy to take over that property and continue to farm it.

However, during the 1980s and the 1990s, progressive changes emerged as a result of the Australian Rural Women's Movement, which provided rural women with a platform to meet, to campaign and to gain recognition. This set the groundwork for significant reform, and in 1994 women were finally legally recognised as farmers by the Australian Law Reform Commission, according to my advice. Coupled with the changes in the Australian agricultural education system, and opportunities which have also been broadened, the visibility of women in agricultural training and industry programs has increased.

Modern-day farmers are now experts in plants and animals, business management and marketing. They are equipped with the decision-making skills to improve profitability, reduce costs and increase overall production. We are seeing more women taking on higher education in the technical and scientific fields of agriculture. Agribusinesses are starting to realise that organisations with a more diverse leadership team will perform better. Closing the gender gap will increase productivity through enabling women to engage in decision-making, contributing to the industry and the development of the wider economy.

There are now many female agronomists, scientists and growers. It is heartening to see that more women are now taking on those leadership roles. Primary production is a vital part of the state's economy. Under the previous state Labor government South Australia's gross revenue for food and wine reached a record high of almost $20 billion in 2016-17, but of course farming is a challenging industry, subject to the vagaries of weather, international markets and unpredictable commodity prices.

The industry must deal with natural disasters and changes in international conditions, something particularly relevant for everyone this year with COVID. Women in regional areas deal with all of this, as well as personal challenges, sickness, death, separations, and more, often without the same level of access to services that is available in metropolitan areas.

As a regional woman I have spoken before in this place about the wonderful sense of community I have the privilege to experience. In my local community of Port MacDonnell there is friendship, there is support, there is giving for the good of the community, and that became even more clear during COVID this year. Another issue that became even more clear was that of food security, and the role of rural women in improving food security is highlighted in this motion.

I would like particularly to acknowledge one of the women who is combating food insecurity in our Limestone Coast region: Lynne Neshoda from Foodbank. Lynne has been with Foodbank I think for about three years now as manager, and she is instrumental in ensuring that that organisation goes some way to meeting the needs of our local community. Foodbank, I am sure many members are aware, involves the growers, manufacturers and processors who produce quantities of food that cannot be sold for various reasons, instead redistributing that surplus food to those in need.

Lynne is not only totally dedicated to Foodbank in Mount Gambier but is also very much involved in the wider issues affecting those who are disadvantaged. For example, at a recent public transport forum, which I was pleased to be able to attend and be involved in, Lynne was able to talk about the basic issues affecting people in need, for example the fact that the bus service in Mount Gambier does not go near Foodbank. So those who are most disadvantaged have very little opportunity to access necessary food through Foodbank, without spending potentially several hours—and I am not exaggerating—to get to Foodbank and then to return.

The first International Day of Rural Women was observed on 15 October 2008, with the new date recognising 'the critical role and contribution of rural women'. Many of those things in today's motion were also the guiding principles when it was first established. The International Day of Rural Women was created to inspire rural women to share stories, stories of women who are real, who are emphatic, stories from the farmers, from the stay-at-home mothers, from the regional educational and health professionals and regional community members.

I am delighted that the Woman in Business and Regional Development in the Limestone Coast are hosting an event this Friday to celebrate International Day of Rural Women, and I do wish I could be there. However, I wish them well. Members will gather to consider and reflect on the positive and inspiring women in our community, to celebrate, to inspire and to encourage. I am aware that the South Australian Country Women's Association is having a walk and dinner at Uraidla tomorrow night to mark the occasion. I also wish them well for that event and all celebrations across the state and the country to celebrate this important day. I commend the motion to the chamber.

Debate adjourned on motion of Hon. T.J. Stephens.

Parliamentary Committees

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: RECYCLING INDUSTRY

Adjourned debate on motion of Hon. D.G.E. Hood:

That the fourth report of the committee on the Inquiry into the Recycling Industry be noted.

(Continued from 9 September 2020.)

The Hon. M.C. PARNELL (17:05): This is a motion to note the report of the Environment, Resources and Development Committee following its inquiry into the recycling industry. This was a most useful inquiry which I was pleased to participate in. I think we have some valuable learnings that we can pass on to the government, the chamber and the community more generally.

It is probably fair to say that the origin of this inquiry was in a sense of national concern about what we were going to do when the Chinese stopped taking our rubbish. Members would be familiar with the National China Sword policy where they effectively said, 'We are getting so much rubbish that is contaminated from overseas and it is of low value. The level of contamination is too high and we are not going to take it anymore.' That did put the cat amongst the pigeons in many countries. Unfortunately, it resulted in a bit of a race to the bottom and there were a number of other countries in South-East Asia which found themselves the recipients of the First World's waste which was contaminated and not able to be satisfactorily recycled.

Anyway, we fast forward and I think this inquiry did show that, despite the National China Sword policy, there was a great deal of interest in the community in us doing much better with our waste. It is a point of state pride. We feel ourselves to be a national leader when it comes to waste and recycling, and a lot of that has its origins in the deposits on the bottles. But if we are fair and reasonable with ourselves, as important as that was, it is a tiny fraction of the waste that is generated in a modern industrial society. There is so much more that we can and should do.

I was heartened by the number of times the phrase 'circular economy' was mentioned by witnesses and in the inquiry generally. People are coming to the conclusion that we do need to move away from an economic system that involves inputs, processing and waste—a linear progression. People are much more interested, on a finite planet, in trying to develop strategies for a circular economy where ultimately there is no waste or at least the amount of waste is very much reduced.

I will not go through all the committee's findings and recommendations but one thing that came out quite clearly was that, even amongst people who are motivated and inclined to do the right

thing, many people found it very difficult to know exactly what the right thing to do was, people standing between two bins wondering where this particular item goes. I know the government has tried campaigns; I think it is the Just Ask Vin campaign. There are lists on the internet of where different items should go but, even with all of that work, we still find that there are some serious problems. I will give one example and it finds its way into the committee's recommendations at recommendation 11:

> That state government, in collaboration with local government and stakeholders, devises a cost-effective strategy and implementation plan to divert as much glass as possible from co-mingled recycling.

Most members would think, 'Hang on, I put my empty vinegar bottle or jam jar or whatever it might be in the yellow lid bin at home because that's what we are told to do.' However, having examined this process from cradle to grave, as the committee did, I can tell members that, first of all—and let's use an olive oil bottle as an example—it may well smash as you are putting it into the yellow lid bin.

If it does not smash then it will possibly smash when it is roughly tipped into the back of the truck and maybe compacted. If it does not smash then it is probably going to smash when it is dumped onto a concrete apron. If it does not smash then there are a number of conveyor belts and drums and mechanical sorting devices it goes through.

The bottom line is that it is mostly going to smash, and when the glass smashes in the commingled recycling it contaminates the paper and the cardboard. Shards of glass embedded in cardboard is not a good recycling proposition, and it is that sort of contamination that China railed against and that, in part, led to them refusing to take the world's waste.

We also saw that horrendous example in Adelaide, where commingled recycling was compressed into bricks and subsequently became impossible to sort. It all ended up in landfill. That was a recycling company that went bust some little while ago.

The question then is: what to do? It struck me that it was not that difficult, but in the absence of clear direction even people who want to do the right thing struggle. I came up with a very fine solution (and I am a bit embarrassed it took me so long to realise it): if I have a box next to my rubbish bin that might have some deposit bottles in it or cans or PET bottles, if I have another box next to that for the wine bottle or the vinegar bottle or the olive oil bottle I can take them to the same place.

I do not get 10 cents for my olive oil bottle, but I can put that bottle into a glass bin that contains nothing but glass where it does not matter if it smashes because it is going to be recycled back into a glass product. It is a very, very simple thing to do, but how many people would know that is appropriate? I have stopped putting glass in my yellow lid bin and I tell everyone I meet that they should do the same thing. However, what this really needs is a more concerted campaign, whether it is by the EPA or another agency, because people do want to do the right thing but just do not know what the right thing to do is.

I understand that in Victoria they have now gone to a fourth bin on the kerb: they have general waste, they have organics recycling, they have the commingled; and I think they are now separating metal and glass, which is not that difficult. They can go in the same bin, and they are easy to separate at a processing facility. You do not want broken glass mixed in with plastics and cardboard.

Having said that, I think one of the main failings, not necessarily just of this inquiry but of the system as a whole, is that too much reliance is placed on consumers, consumer behaviour, consumers doing the right thing, when ultimately what we really need to move towards is shifting the responsibility home to the manufacturers of products and the manufacturers of packaging.

The concept of product stewardship, also known as extended producer responsibility, is not new. A number of industries have seen the writing on the wall and have decided they had better do something before they are made to do it by legislators. We are all familiar with the schemes; we have some of them here in Parliament House. The empty toner cartridges from your printer or your photocopier, we can recycle those, and for mobile phones most people are familiar with Mobile Muster. These are all voluntary schemes.

Television recycling is interesting. It is now illegal to take a television to the tip. You cannot dump a television into landfill, so there is a regulatory component there. The trick is to make it as easy as possible for those electronic products to be recycled. There are also issues in relation to

tyres: it is illegal to dump those now. Unfortunately you need to pay to get rid of a tyre, which means that anyone who has a tyre will probably keep it in the shed, wait until they sell the house and make it someone else's problem. There are plenty of these stewardship programs, and they are mostly voluntary.

I think the next step for us, as a society, will be to move towards more compulsory standards that prevent, for example, food producers or others using multiple packaging materials that make it impossible to recycle—the plastic that is bonded to the paper, for example. Whilst it might give you a lovely window to see the product, it makes it much harder to recycle. I think we are going to have to sheet home responsibility more and more to manufacturers. We have not done that enough. It was a little bit outside the terms of reference of this inquiry, but I think it is an area we need to go to next.

I would like to join the Presiding Member and thank the members of the committee, all the witnesses who gave evidence and the people who took time out to show us some of the things that they were doing with recycled products. I would particularly like to put on the record my thanks to the staff of the committee, who did so much work pulling together our itinerary, the witnesses and the trips that we took, and also compiled the final report, so my thanks go to Joanne Fleer and Merry Brown. I think this is a good report and it shows us where we can start but by no means does it offer us all the solutions.

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

Motions

NUCLEAR WEAPONS

Adjourned debate on motion of Hon. I. Pnevmatikos:

That this council—

1. Acknowledges the 75th anniversaries of the atomic bombings of Hiroshima and Nagasaki, which occurred on 6 and 9 August 2020, respectively;

2. Notes that the coronavirus pandemic starkly demonstrates the urgent need for greater international cooperation to address all major threats to the health and welfare of humankind, including the threat of the use of nuclear weapons;

3. Notes that close to 14,000 nuclear weapons are held between nine nations, presenting an unacceptable risk to humanity;

4. Notes the concerning trend in weakening or undermining arms control agreements by nuclear-armed states, including the Iran deal, the Intermediate-Range Nuclear Forces Treaty and the Open Skies Treaty;

5. Notes the substantial progress of the 2017 UN Treaty on the Prohibition of Nuclear Weapons (TPNW), which comprehensively outlaws nuclear weapons and provides a pathway to elimination, towards entry-into-force; and

6. Urges the Australian government to work towards signing and ratifying the TPNW, in line with our international obligations to pursue the elimination of these weapons of mass destruction.

(Continued from 23 September 2020.)

The Hon. M.C. PARNELL (17:16): Seventy-five years on from the atomic bombings of Hiroshima and Nagasaki, the world is awash with nuclear weapons. The danger of nuclear war is growing. The more we learn about the catastrophic consequences of any use of nuclear weapons, the worse it looks.

As the motion points out, nine nations possess some 14,000 nuclear weapons and 1,800 of them stand poised and ready to be launched within minutes. As long as they exist, nuclear weapons pose the most acute existential threat that human beings have created for ourselves and for all species with whom we share planet Earth.

Whilst these weapons have thankfully not been used in the last 75 years, they have not gone away—far from it. Thankfully, there are a number of groups in civil society that are refusing to accept that this situation is normal or acceptable. I will pick out just two: the Medical Association for the Prevention of War and the International Campaign to Abolish Nuclear Weapons (ICAN), the winner of the 2017 Nobel Peace Prize for their efforts in bringing together the international community to

sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons. Unsurprisingly, there is a considerable overlap and cooperation between these groups.

The United Nations Treaty on the Prohibition of Nuclear Weapons is the first global treaty to ban nuclear weapons and all activities related to them. It makes nuclear weapons illegal alongside land mines, cluster munitions, chemical and biological weapons. ICAN urges all nations to sign and ratify this groundbreaking agreement, which will enter into force after the 50th ratification. This UN treaty now has 84 signatories and 47 ratifying state parties, so we are just three nations short of the number of nations needed to bring the treaty into operation.

There is one glaring and embarrassing omission in the list of nations and that is Australia. Australia has no nuclear weapons but our foreign policy is so weak and our reluctance to offend the US, which together with Russia has 90 per cent of the world's nuclear weapons, means that Australia is yet to sign. That has to change and that is why ICAN launched a parliamentary pledge a few years ago. The pledge reads:

> We, the undersigned parliamentarians, warmly welcome the adoption of the UN Treaty on the Prohibition of Nuclear Weapons on 7 July 2017 as a significant step towards the realization of a nuclear-weapon-free world.
>
> We share the deep concern expressed in the preamble about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and we recognize the consequent need to eliminate these inhumane and abhorrent weapons.
>
> As parliamentarians, we pledge to work for the signature and ratification of this landmark treaty by our respective countries, as we consider the abolition of nuclear weapons to be a global public good of the highest order and an essential step to promote the security and well-being of all peoples.

So far, 13 South Australian members of parliament have signed this pledge. I want to put their names on the record, in alphabetical order—no priority here. I will read the names as they are listed on the charter rather than give the members' electorates, which we normally do, but this is how it is reported so I think I can do that.

From the House of Assembly: Frances Bedford MP, Blair Boyer MP, Geoff Brock MP, Susan Close MP, Nat Cook MP, Katrine Hildyard MP and Joe Szakacs MP. From the Legislative Council, again in alphabetical order: Tammy Franks MLC, Ian Hunter MLC, Tung Ngo MLC, Frank Pangallo MLC, Mark Parnell MLC and Irene Pnevmatikos MLC. I expect that many more members would like to sign that pledge. My guess is that they may not have seen the invitation, so I make no criticism of them. But it is not too late to sign; you can do it online.

The Hon. C. Bonaros: I'll sign.

The Hon. M.C. PARNELL: We have one taker immediately, Mr President, from the crossbench. It takes no effort; you can do it online. It sends a strong message to our constituents and our governments that, even at the state level, we want our voices to be heard on this important issue. Members can also download the report 'Choosing Humanity: Why Australia must join the Treaty on the Prohibition of Nuclear Weapons'.

The motion also refers to the 75th anniversary of the Hiroshima and Nagasaki atomic bombings. I have never been to either of those cities but my mother has. My mother, Judith Leng, was seven years old when she accompanied her father and mother to Japan after World War II in 1947. My grandfather, the late Bill Leng, was a distinguished public servant who rose to become deputy secretary in the Department of Defence until he retired in 1970.

At the end of the Second World War, he served as finance adviser to the Australian commander-in-chief of the British Commonwealth Occupation Force (the so-called BCOF) in Japan between 1947 and 1949. He was made an honorary brigadier. He was encouraged to take to Japan his young family, and according to my now elderly aunt the family would often make excursions from their military base to Hiroshima, where my seven-year-old mother and her sisters happily played amongst the ruins. My mother subsequently died of non-Hodgkin's lymphoma at the age of 22, leaving behind my distraught father and my two-year-old self. That was nearly 60 years ago. I do not remember my mother; I only have photographs.

Is there a connection between my mother's death, as a young woman of 22, and the atomic bombs? Of course, we cannot know for sure in any individual case, but there is certainly

epidemiological evidence of a possible connection between non-Hodgkin's lymphoma and exposure to ionising radiation. The evidence comes from studies conducted at the Los Alamos National Laboratory, studies of nuclear workers at other sites who have been exposed to ionising radiation, and there is also evidence from persons exposed to the atomic bomb showing an increased risk of developing non-Hodgkin's lymphoma.

My point in telling this story is that the impact of nuclear weapons goes much wider than even the immediate death and devastation. The ripples from these appalling weapons reach out into all nations and all parts of society, and they last for generations. The most effective way to ensure that nuclear weapons will never ever be used again is to ban them from the face of the earth. That requires international cooperation, and Australia must play its part. I fully support this motion, and I congratulate the Hon. Irene Pnevmatikos on putting it on our agenda.

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

LEGAL PROFESSION, HARASSMENT

Adjourned debate on motion of Hon. C. Bonaros:

That this council calls on the Attorney-General, within three months of the passing of this motion, to instigate an independent inquiry by the equal opportunity commissioner into the prevalence of harassment, including sexual harassment, in the legal profession in South Australia and to report to the parliament on the following matters:

1. The adequacy of existing laws, policies, structures and complaint mechanisms relating to harassment, including sexual harassment, in the South Australian legal profession; and

2. Improvements that may be made to existing laws, policies, structures and complaint mechanisms relating to harassment, including sexual harassment, in the South Australian legal profession.

And that the inquiry into the above matters include consideration of, but not be limited to, the following:

(a) identifying measures to implement policies and procedures to appropriately address the issue, including the development of clear and enforceable standards of appropriate conduct;

(b) considering the establishment of an independent complaints body as a mechanism for individuals to make complaints in a confidential and supportive environment with appropriate legal protections against recrimination;

(c) ensuring any independent complaints body:

(i) has a diverse membership;

(ii) is transparent in its processes;

(iii) has appropriate investigative powers;

(iv) consults widely with a broad range of stakeholders; and

(v) provides for appropriate avenues of redress in the event a complaint is made out.

(d) consider any other relevant matters.

(Continued from 22 July 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:24): I rise to indicate Labor's support for the motion moved by the Hon. Connie Bonaros in the fight to stop harassment in the legal profession. We feel the Attorney-General should use the expertise of the equal opportunity commissioner to undertake the independent inquiry that is suggested in this motion. All professions, including and perhaps especially the legal profession, should be safe and empowering workplaces for workers. Harassment is completely inappropriate. It should never be encouraged, tolerated or allowed to spread in the workplace.

Recent events show that workplace harassment and sexual harassment can be insidious in the legal profession. We have also seen how easily it can be swept under the rug, protecting perpetrators of harassment or sexual harassment. This was especially highlighted very publicly in revelations about Dyson Heydon. A report found a former justice of the highest court in Australia sexually harassed six of his junior associates, and it went on and on. It was not dealt with properly

when concerns were raised. Victims with incredible talent and potential left the profession while the perpetrator retained his position.

Dyson Heydon even went on to lead a royal commission with the intent of destroying the union movement whilst getting paid thousands of dollars a day to do so. Ironically, the union movement, the body that represents workers and in many instances helps workers through situations where they have been harassed and sexually harassed in the workplace, was led by Dyson Heydon who the report found had sexually harassed six of his junior associates. What message does this send to those who are victims and want redress?

The statistics in Australia show a disappointing story. Harassment, and particularly sexual harassment in the workplace, is a pervasive reality that undermines participation in the Australian workforce. Nationally, the Australian Human Rights Commission in 2018 found that one in three people experienced sexual harassment at work in the previous five years. The same survey sadly showed how gendered and intersectional this issue can be. It showed almost 40 per cent of women and 26 per cent of men experienced sexual harassment in the workplace. Aboriginal and Torres Strait Islander workers were also more likely to experience this kind of harassment, with the figures of 53 per cent and 32 per cent respectively.

The legal profession above all should be a place where people's rights are respected and supported. Speaking out can be extremely difficult for people experiencing harassment at work. They may fear losing their career or reputation. Bullying and sexual harassment should never be tolerated. An equal opportunity commissioner inquiry would be a concrete step in making a difference. If the Attorney-General acts on this motion, it will support and protect South Australians working in the legal profession from workplace harassment.

We agree that the equal opportunity commissioner is in the best position to provide analysis and solutions for a way forward. We must end harassment in the legal profession as in all professions and I commend this motion to the council.

The Hon. M.C. PARNELL (17:28): I am pleased that this chamber yesterday made amendments to the Equal Opportunity Act to ensure that claims of sexual harassment by members of the judiciary against other members of the judiciary are now included in that act.

Members interjecting:

The PRESIDENT: I welcome the fact that there is some discussion going on, probably about the progress of this matter, but if it can be done without interfering with the Hon. Mr Parnell that will be much to my liking.

The Hon. M.C. PARNELL: Thank you, Mr President. Along with the equivalent provisions for members of parliament, these are long overdue reforms. However, as the Hon. Connie Bonaros has pointed out, they are not perfect and grey areas remain. Nevertheless, it is a start. I am also pleased that all parties are going to support this motion today. I note from InDaily an article published this afternoon by the journalist Stephanie Richards under the heading 'Govt backs harassment inquiry into legal profession, but Parliament House off limits'.

Now, I am not going to revisit the Parliament House issue, but it does seem as if the government is going to get behind this inquiry into the legal profession, and that is a good thing. The motion calls for an inquiry by the equal opportunity commissioner, which I support, but I would also note that the legal profession itself has begun to realise that it has a problem, and there is now growing leadership beginning to emerge on this issue. For example, on Monday of this week the Adelaide Law School hosted a seminar as part of its Next Steps series, which was entitled, 'Maintaining integrity at work'.

The seminar featured the Hon. Chief Justice Chris Kourakis; Amy Nikolovski, the immediate past president of the Law Society; along with law school lecturer Dr Gabrielle Golding. This is a pretty impressive line-up of senior legal figures in this state to discuss exactly these issues—discrimination, sexual harassment and bullying in the legal workplace. This would never have happened when I studied law at university in the 1970s and 1980s. So the profession is onto it.

I make this point not to say, 'Well, if the profession is onto it, therefore we don't need an inquiry.' Rather, it is to say that I think an inquiry would support initiatives like this, because the value of an inquiry is that it can help expose the extent of the problem, and it can bring on board more people, more members of the legal profession, to help stamp out this inappropriate behaviour. So I see current moves within the legal profession and this equal opportunity commissioner inquiry we are debating now to be complementary.

We know from experience that in hierarchical professions such as law there is a great incentive to keep your mouth shut. After all, making a complaint against a senior member of the profession—a High Court judge, for example—can be seen as a career limiting move. But we also know that there is strength in numbers, as the Me Too movement has shown, and I have no doubt that, given an appropriate and safe space to raise issues of concern, many members of the legal profession will participate in the inquiry. We will have a much better idea of the nature and scope of the problem and what needs to be done to fix it. So I am pleased to be supporting this motion.

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:38): I move to amend the motion as follows:

Delete in the original paragraph the words 'instigate an independent inquiry by the Equal Opportunity Commissioner' and substitute the words 'appoint an independent person to independently inquire'.

Delete paragraph 2 and substitute the following:

2. Improvements that may be made to existing laws, policies, structures and complaint mechanisms relating to assault and harassment, particularly in light of recent developments in other jurisdictions to treat sexual harassment as a workplace health and safety issue;

3. Consider the establishment of an independent complaints body as a mechanism for individuals to make complaints in a confidential and supportive environment with appropriate legal protections against recrimination;

4. Ensure any independent complaints body:

   (a) has a diverse membership;

   (b) is transparent in its processes;

   (c) has appropriate investigative powers;

   (d) has avenues for anonymous complaints;

   (e) consults widely with a broad range of stakeholders; and

   (f) provides for appropriate avenues of redress in the event a complaint is made out; and

5. Any other relevant matters.

The PRESIDENT: The Hon. Ms Bonaros, if you speak, you close the debate.

The Hon. J.M.A. LENSINK: I am happy to say a few words.

The PRESIDENT: If the Hon. Ms Lensink wants to elaborate on that, I think it would be particularly useful, given that we do not have written copies of it.

The Hon. J.M.A. LENSINK: Yes, I apologise for that and I will tell off the Attorney-General. Nobody does that, sir; I am joking.

The Hon. S.G. Wade: That's very courageous.

The Hon. J.M.A. LENSINK: It would be very courageous, as my colleague disorderly interjects. Principally, it shifts the investigation from the Equal Opportunity Commission to an independent person and in subparagraph (d) it adds 'has avenues for anonymous complaints'. I think any honourable members who have had dealings with these sorts of issues would understand that facilitating the ease with which people can make complaints is quite important to assisting victims to raise matters.

I have some general comments in support of the motion, which has been broadly supported by the legal profession, with the Chief Justice convening a meeting to address the issue of bullying and sexual harassment in the profession. The Chief Justice's media release stated:

…The Honourable Justice Trish Kelly, Acting Chief Justice of South Australia…presided at an initial meeting with representatives from the South Australian Bar Association, the Law Society of South Australia, Women Lawyers Association of South Australia, Australian Association of Women Judges, Women at the Bar, and the Adelaide Law School.

The group discussed practical solutions to address the issue and the need to encourage reporting, whilst recognising that a great deal of work has already been undertaken by the legal profession in relation to the issue of bullying and sexual harassment in the legal profession.

The members attending agreed on a number of in-principle measures which will include the need for:

- involvement of the profession from grass roots level to the highest level, starting at law schools;
- compulsory continuing professional development and compulsory training for all lawyers; and
- a process whereby those practitioners affected can complain in confidence and receive appropriate support and counselling.

The meeting also recognised a need for ongoing training for all practitioners to be undertaken annually and an acknowledgement of their understanding of the obligation they have in reporting inappropriate behaviour.

Given the work already occurring in the legal profession and the ability of independent bodies to consider allegations of sexual harassment in the legal profession, the amendments also ensure achievable outcomes occur, and consideration occurs of key issues in the profession.

The PRESIDENT: Before calling the Hon. Connie Bonaros, I would just indicate personally that I am happy to proceed with this, but if there was any disagreement from anybody to going ahead at this stage, because we do not have written copies of the changes, then I would suggest that we could do that. But in the absence of that, I will give the Hon. Connie Bonaros the opportunity to conclude the debate.

The Hon. C. BONAROS (17:43): I thank all members of this place and the other place, in particular the Attorney, for working with me in relation to this motion. The amendments that the minister has just outlined were the subject of discussions between the Attorney and me. To some extent, I think it was a matter of just perhaps cleaning up the wording but also making a couple of additions of matters that I had overlooked in the first instance. The issue of who will actually conduct the inquiry has been changed to indicate that it is an independent person, as opposed to stipulating that it must be the equal opportunity commissioner.

To the point made by the Leader of the Opposition, there is of course nothing preventing that independent person from being the commissioner, provided they are independent in the way they conduct the inquiry, and that is really what we are trying to achieve. That was, I suppose, one of the non-negotiables in terms of the discussions I had with the Attorney. I am extremely grateful that she has seen fit to work with me on this and, importantly, to ensure that we have a unanimous position in this place on such an important issue.

The Hon. Mark Parnell talked about the growing leadership in this area, and it cannot come soon enough in my opinion. Of all the professions, it is very much my view that the judiciary, the legal profession and each and every member of this place, that is, our lawmakers, those people who are armed with interpreting our laws and applying our laws, should know better. It is abundantly clear that in many instances they do not.

I also acknowledge the growing amount of work that has been done in this area. I acknowledge the work the Chief Justice is doing in this area in terms of the review he has instigated, but I am also mindful of the fact that our Chief Justice, whilst everything he is doing is very admirable and very helpful for all of us, is somewhat limited in the scope of anything he does because his reach does not extend to the entire legal profession—it extends to the judiciary. This is really ensuring that the same considerations he may be making in relation to the judiciary are not limited just to the judiciary but extend to everybody working within that profession.

I said today that the legal profession and members of parliament are by no means the only professions within which this conduct happens, but we have had the benefit of some very outdated exemptions in the past from rules that apply to other workplaces but that do not apply to us, and there is absolutely no place, in my opinion, for those sort of exemptions.

Other jurisdictions are leading the nation in terms of the work they are doing. Victoria and New South Wales are leaps and bounds ahead of South Australia in terms of the work they are doing. It was also my wish that we look at those jurisdictions and any other jurisdiction that is leading the way and learn from them, particularly in light of the Heydon revelations and the letter that was signed off by over 500 members of the legal profession across the nation. Some of our most eminent lawyers in the profession signed off on the letter, saying that every jurisdiction needs to take action.

In terms of the clauses of the motion itself, I indicate that they are a reflection of many of the points raised by those members of the profession. It is entirely consistent with what is being proposed across the board in terms of what we need to be looking at. Anyone who suggests that there are no or limited complaints in South Australia to the Equal Opportunity Commission or any other body, and that therefore this is not an issue, is fooling themselves, because we know absolutely, as was illustrated by the Leader of the Opposition, that there are ramifications for those people who choose to speak out.

Adelaide is a small place and, in addition to risking your career, it makes it very difficult to work at one of these firms or in the legal profession if you are brave enough to come forward with a complaint. The equal opportunity commissioner has said that to date she has only ever had one complaint made to her about a member of the legal profession. There is very good reason why there has only been one complaint, because the mechanisms we have had to date simply have not worked.

So we do need to ensure that we have the appropriate mechanisms in place to give somebody who has been the victim of this sort of behaviour the confidence that they need to ensure that their complaint will be dealt with in the appropriate manner. This motion is intended to reflect some of those measures which exist in other jurisdictions, or which are being called for, which do just that.

In closing, I would like to thank each and every member who has supported this motion. It is lovely when we all work together and reach a unanimous decision on something as important as this. With those words, I commend the motion to the house.

Amendment carried; motion as amended carried.

BLOOD DONATIONS

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

That this council—

1. Notes that since 1996 South Australia has had a deferral period for gay and bisexual men looking to be donors of whole blood, meaning they cannot donate blood unless it has been 12 months since their last sexual contact with a male partner;

2. Recognises that the Therapeutic Goods Administration (TGA) has recently approved an application by Australian Red Cross Lifeblood (Lifeblood), which proposes to reduce the deferral period for donors of whole blood to three months since their last sexual contact; and

3. Supports the removal of this restriction and calls on the Marshall state government to effect its implementation in South Australia so that more people can donate blood regardless of their sexuality or sexual activity.

(Continued from 1 July 2020.)

The Hon. I.K. HUNTER (17:51): I rise to make some brief remarks on the motion of the Hon. Tammy Franks. The issue of the blood ban for gay and bisexual men is one that has been strongly opposed by many in the community, particularly by the LGBTIQ community, for many years. That people who are in a long-term monogamous relationship cannot give blood, no matter how many times they test negative for HIV or other sexually transmitted infections, is quite bewildering to many people.

This is particularly true given that Red Cross Lifeblood is so often in need of life-saving donations, and many people who could safely give blood and want to are being denied the option to do so. Indeed, recent developments have also brought the so-called blood ban into further question. A 2015 report by Canadian Blood Services found that the risk of HIV transmission from infusion of contaminated blood was as low as one in 21.4 million donations, and blood services worldwide have put in place measures to successfully minimise the risk of infection spreading through donated blood.

Last year, it was reported by the Kirby Institute at the University of New South Wales that HIV diagnoses in Australia had reached an 18-year low at only 835 diagnoses. The institute attributed this in part to a drop in HIV diagnoses among gay and bisexual men by some 30 per cent over five years. Of course, the blood ban has long been rooted in discrimination, caught up in the homophobic panic around HIV and AIDS in the 1980s. The HIV crisis of that era took many lives, particularly of gay men, and was made all the worse by the stigma and fear created in the community.

Thankfully, the recent recommendation of the Therapeutic Goods Administration to reduce the deferral period from 12 months to three months is a step in the right direction, although it is only a small step. I note that there is an amendment standing in the name of the Minister for Health and Wellbeing to acknowledge that the TGA's new recommendation aligns Australia more closely with current clinical and scientific evidence. The opposition believes this is an appropriate acknowledgement and we will be supporting the minister's amendment, although for the reasons I will outline shortly, this is a practically meaningless statement.

It is important to acknowledge that scientific evidence evolves over time and we are beginning to see the start of this once again in this field. While Canada's blood donation deferral period aligns with our three-month approach that the TGA has just announced, the Canadian Chief Public Health Officer was quoted earlier this year saying, 'There needs to be an ongoing examination of science. We need to continue to look at this policy.' The article in the *National Post* goes on to say:

> On its website, Canadian Blood Services says the three-month deferral period came in 'as an incremental step' towards changing the criteria. Since then, the work continues to evolve eligibility criteria based on the latest scientific evidence, as well as new developments in research into alternative screening methods.

That is a quote from the *National Post* of 13 June 2020.

I acknowledge that the current health advice recommends we adopt that three-month stance, but I hope the Therapeutic Goods Administration, the state government and the minister continue to keep a watching brief on this important issue, because this small step still does not mean that committed, monogamous, even married, gay couples are treated in the same way as heterosexual couples.

As for the immediate reaction to the announcement from members of the gay community—and this is just what I have gleaned from social media today—it can be best summed up as an action that is overdue. It is certainly a response, a partial response to community demands over the years, but it is one that is still discriminatory in its action. After all, heterosexual couples, married and unmarried, do not have to refrain from sex for three months before donating blood—they do not have to refrain from sex at all—yet a married gay couple in a faithful, monogamous relationship has to forgo sex for three months if one of them wants to donate blood. This is not equitable, and it is really not going to encourage too many people in this situation to actually become blood donors.

So yes, it is a small step, and for many who have commented today it is a tokenistic one. It will probably be ineffective and will probably not encourage an appreciable increase in blood donors; but the TGA is happy to make this small incremental change. I commend the Canadian experience, where they are looking at different ways of protecting the blood supply that treat donors, homosexual and heterosexual, in exactly the same way.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:56): I would like to thank the Hon. Tammy Franks for moving this motion. The Marshall Liberal government acknowledges the generosity of donors who volunteer their time and their blood to help save lives. Every week, Australian Red Cross Lifeblood needs more than 29,000 donations to meet the constant demand for life-saving blood products.

Australian Red Cross Lifeblood is responsible for collecting blood donations in Australia in accordance with an agreement with the National Blood Authority, acting on behalf of all Australian governments, and the regulatory requirements determined by Australia's Therapeutic Goods Administration. Under these arrangements Lifeblood can be required to defer donors from giving blood when there is considered to be a high risk of infection being transmitted through blood transfusions.

The state government recognises that Lifeblood has been deferring donors who declare a history of male-to-male sex since the 1980s. In Australia there is currently a 12-month deferral period for a number of donor groups with sexual activity-based risk factors, including male-to-male sex. Changes to blood donor deferral policies in Australia are jointly considered by Lifeblood, the National Blood Authority and all Australian governments. Any changes must be in accordance with the regulatory requirements set out by the Therapeutic Goods Administration.

The state government acknowledges the decisions in April and July 2020 by the Therapeutic Goods Administration to approve an application by Lifeblood that proposes to reduce the deferral period for blood donors to three months since their last sexual contact. Sexual activity-based risk factors are defined in eight categories, including sex work, male-to-male sex, sexual contact with an injecting drug user (current or past), and sexual contact with a partner known to be infected with a blood-borne virus such as HIV.

Internationally, regulators are moving to reduce deferral periods. A three-month deferral for donors with sexual activity-based risk factors will bring Australia into line with the UK, the United States of America and Canada. In November 2017, the UK Blood Service, again incrementally moved from 12 to three months for deferrals for all sexual activity based risks, including male-to-male sex. On 2 April 2020, the United States FDA announced a reduction of deferral from 12 months to three months.

The application by Lifeblood was based on a comprehensive sexual activity deferral review, which began in 2017 and considered recently accumulating clinical and scientific evidence on sexual activity based risks. This evidence included epidemiological data and improved testing technology as well as the deferral practices in several other countries.

The safety and wellbeing of both blood donors and the recipients of blood products is foremost. The government would like to make it possible for as many South Australians as possible to give blood while ensuring the supply of blood and blood products continues to be one of the safest in the world.

The government supports an inclusive donor policy. The government strongly supports equitable arrangements for blood donor deferrals based on risk and supported by evidence. The state government recognises that this decision better aligns Australia's blood donation policy with the most up-to-date clinical and scientific evidence.

Lifeblood has proposed an amended national blood donor declaration form to reflect the approved changes and has requested each jurisdiction give effect to the changes in accordance with local legislation for national implementation from 31 January 2021.

I propose to put forward an amendment to the motion to reflect the fact that the TGA is part of a national process and that process is underway. The state government would not want to unilaterally action the TGA decision to reduce the deferral period for donor groups with sexual activity based risk factors. Accordingly, I now move to amend the motion as follows:

Leave out paragraph 3 and insert the following new paragraph in lieu thereof:

3. Notes that the TGA decision better aligns Australia's blood donation policy with the most up-to-date clinical and scientific evidence.

The Hon. C. BONAROS (18:02): I will be very brief and indicate SA-Best's support for this motion for reasons similar to those that have already been outlined by other honourable members, and I commend the Hon. Tammy Franks for raising this most important issue in this place.

The Hon. T.A. FRANKS (18:02): I thank those speakers who have made a contribution today—the Minister for Health and Wellbeing, the Hon. Ian Hunter and the Hon. Connie Bonaros—and for their support. I indicate that I am supportive of the proposed amendment made by the Minister for Health and Wellbeing. While it is not as strong as my original motion, I think that there is goodwill to keep working on this issue and not to let this great breakthrough, which I think Lifeblood must be congratulated on making through this new TGA decision, be lost in terms of momentum.

It is much-welcome news that the previous 12-month time period has now been changed to three months. While three months is not necessarily as far as it could go, it is in line with the

TGA recommendations and both removes the stigma and follows the science when it comes to those men who have sex with men donating much-needed blood.

Lifeblood, it is unsurprising, have led this because they are at the coalface of having to ask those willing blood donors the personal question about their sexual activity and then in the unfortunate position of refusing that willing donation of blood not based on science but, indeed, based on stigma that is decades out of date in terms of the scientific requirements and the medical imperatives.

Indeed, while Lifeblood and the government do have a responsibility to ensure that nobody receiving a blood transfusion is infected by a preventable infection, more can still be done to allow particularly men who have sex with men to participate in blood donation even further and to increase our overall blood supply. This will need ministerial activism and leadership, however.

Indeed, community attitudes have shifted, and the community and willing blood donors would likely tolerate a much more detailed questioning of their activities in terms of not just casual sexual partners but, as the Hon. Ian Hunter noted, monogamous relationships that are long standing. This would be understood by the community and I believe will potentially further remove not just the stigma but increase that life-saving blood.

With that, I again thank all members for their contributions and the consensus that we have here today. It has been a long time in the making, and the work of Lifeblood is to be commended yet again, not just for the life-saving work that they do with blood donors but indeed for this destigmatisation they have led the charge on today. I hope that ministers around the country and our own Marshall government minister will continue this work.

Amendment carried; motion as amended carried.

Bills

ASSISTED REPRODUCTIVE TREATMENT (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 April 2020.)

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:06): I rise on behalf of the government on the Assisted Reproductive Treatment (Review Recommendations) Amendment Bill 2020, introduced into the Legislative Council by the Hon. Connie Bonaros. As has been canvassed on several locations in recent times in this place, a statutory review of the Assisted Reproductive Treatment Act 1988 was conducted by Professor Sonia Allan and tabled in parliament on 11 April 2017, during the term of the previous Labor government.

The review highlighted the need for the establishment of a donor conception register (DCR) in South Australia and recommended that the DCR should be operated by births, deaths and marriages (BDM) within the Attorney-General's Department as the mainstream provider for information about births. The review highlighted that many people who were conceived using sperm, eggs or a complete embryo from a donor did not have ready access to information about their donors and therefore their genetic heritage.

If the donation occurred after 2004, the donor-conceived person is able to access identifying information from the clinic where they were conceived once they turn 18. This requirement is mandated by the National Health and Medical Research Council's ethical guidelines on the use of assisted reproductive technology, which has the status of law in South Australia.

The previous government made no announcements or commitments following the tabling of the Allan report, nor did they do anything to resolve this issue in the 16 years they were in government. However, the Marshall Liberal government has taken action. During the passage of the Surrogacy Bill 2019, the government accepted an amendment that has the effect of mandating the establishment of a DCR by November 2021. This is an acknowledgement by the government of the

seriousness of the issue and the need to deliver a solution for people who were donor conceived prior to 2004.

This bill is similar to a bill the honourable member introduced in 2018, which was subsequently withdrawn in the House of Assembly. The primary intent of the bill is to place responsibility for the establishment and operation of a DCR with the registrar of births, deaths and marriages. The bill seeks to transfer the responsibility of the minister under the Assisted Reproductive Treatment Act to the registrar of BDM, which deals with the establishment and operations of the DCR.

The government continues to support a donor conception register and is delivering on that commitment, but the government does not support the model in this bill. In our view, the honourable member has not rectified problems with the previous bill. In particular, she has not included provisions which would enable information about donors to be provided when the donor-conceived person was born prior to 2004. This would require a change to the confidentiality provisions under section 18 of the act.

After 2004, donors were not allowed to donate unless they were prepared to have identifying information about themselves shared with the person conceived. In the absence of provisions which would enable consent to disclose information to be overridden where consent cannot be obtained from the donor, no information can be provided to the donor-conceived person.

Demand for a DCR is highest amongst the group of people born before 2004, as they have the most difficulty obtaining information. People born after 2004 are able to seek identifying information about their donors from the clinic that helped their parents conceive. It is also respectfully the view of the government that there are other deficiencies of the bill and this bill will not be supported by the government. The bill does not reflect a complete understanding of the range of provisions that will need to be included in the act prior to a DCR becoming operational.

The government is still working on the design of a donor-conceived register. The principle that the welfare of the child born as a result of ART is of paramount importance, as enshrined in section 4 of the ART Act, will underpin the development and operation of the register. There are three critical components to the register: the database, the support services and the inclusion of donor information on birth certificates. As Minister for Health and Wellbeing, my department and I are in discussions with the Attorney-General and her department in assessing the options and developing a model.

It is noteworthy that recent changes to the Adoption Act support the provision of retrospective access to identifying information about donors as the principles apply. Parallels are drawn between adoptions and donor conception both in the review report and through the Victorian legislative changes. Similar psychosocial issues arise. South Australia provides adopted adults with unqualified access retrospectively to their original birth record, regardless of previous assurances of anonymity to the biological parent. In this way, the parliament has indicated its willingness to legislate on these matters respectively. The adoptions and the Victorian system provide a model for retrospective access.

The proposed policy framework that would govern the register, with the provision of support services, will mitigate potential perceived harm caused by releasing information. In conclusion, while the government does not support this bill, we continue to take this issue very seriously and will continue to work diligently to deliver a register.

The Hon. E.S. BOURKE (18:12): I rise to indicate I will be the lead speaker for the opposition and that the opposition will be supporting this bill. In doing so, I would like to thank the Hon. Ms Bonaros for not only introducing this bill but for her ongoing advocacy for reproductive rights. As the Hon. Ms Bonaros has stated, the amendments in this bill arise from a review of the legislation undertaken by Associate Professor Sonia Allan OAM, commissioned by the former Labor government.

This is the second time these amendments have been presented to the council, with their initial introduction in late 2018 also receiving the support of the opposition. In February of last year, in response to the opposition seeking her feedback on the initial legislation, Associate Professor Allan expressed disappointment that her review recommendations had not yet been progressed

under the Marshall Liberal government. In her response to the shadow minister for health, Associate Professor Allan noted that in her review:

> I stated such matters needed to be addressed as a matter of priority.
>
> Some two years later, it would be more than beyond the time to introduce them…I cannot stress to you enough the disappointment that will ensue if this opportunity is lost.
>
> The current government's lack of follow-through…has been disappointing to say the least.
>
> I really would like to see the rest of Parliament seize the opportunity to make them act to finally serve the interests of donor-conceived people, their families, and donors, who have been waiting so long for the establishment of the donor-conception register.

Frustratingly, despite the support of the opposition and the endorsement of Dr Allan, the government knocked back the legislation late last year and appear to be doing the same with this private member's bill.

It is now some 3½ years since Associate Professor Allan handed down her review recommendations. As Ms Bonaros highlighted in her second reading speech, South Australians remain in search of a missing piece of their family puzzle. This bill is one of the remaining pieces missing for many South Australians. Prior to the government's blatant refusal to support the 2018 bill, the opposition had cohosted a forum with SA-Best where donor-conceived people generously shared their stories. Donor-conceived people were extremely hopeful of the legislation's passage after years of waiting for change, and it was disappointing that the government did dash these hopes, with no real excuse offered for doing so.

Thankfully, late last year SA-Best managed to secure amendments to the Surrogacy Act, requiring a donor conception register to be established within two years of the passage of those amendments. While this was a positive step, one I welcomed and was pleased to support, the additional amendments from the original 2018 bill remained. These amendments include practical steps to put the health and welfare of donor-conceived people at the forefront and to ensure that records related to the donor conception are made available.

Medical science has made great strides in understanding genetics and the importance of a person's family medical history. It cannot be considered fair to deprive an individual of what could be crucial information for their medical treatment simply because they are donor conceived. People need to be equipped with all the best tools when they are confronted with medical life challenges, and any information that helps solve medical stories—stories that can help save lives—should be obtainable.

This information, which we know is so important to the wellbeing of an affected individual, is so often unavailable due to the lack of access to donor conception records. It is reasonable to expect donor information to be appropriately documented and protected, therefore allowing it to be available to those who want or need to access it. The opposition is also supportive of the proposed changes to the birth certificate, including in this version of the bill, allowing for the option to list a donor as a child's father on their certificate.

These recommendations, guided by Associate Professor Allan's review, are seeking to make a substantive change to the industry in response to the legitimate concerns of the affected community. I reiterate the opposition's full and ongoing support for these amendments to be legislated and for those South Australians calling for change to finally be heard. It is our past that ultimately influences our future. We need to give South Australians the tools and the keys to their past, so they, too, know their future.

The Hon. C. BONAROS (18:17): I thank the Hon. Ms Bourke and the Minister for Health and Wellbeing for their contributions today and for the very logical points the Hon. Ms Bourke just made in relation to why this bill is needed. It would appear that sometimes we all have to be dragged to the table kicking and squealing in order to get something through this place, and that was certainly the case last year when we saw the first raft of amendments to this bill during the Surrogacy Bill debate.

This is absolutely the next step, if you like, to the changes we need to agree to and should have agreed to last year when this bill was debated. The current bill has been on the agenda since

May of this year—that is the second iteration of the bill. It is now October, and not one conversation has been had with me regarding any improvements to the bill.

The minister has pointed out some apparent shortcomings that he sees in this bill. My response to the minister is this: Associate Professor Allan has indicated what the most important provisions in one of these bills is, and they are precisely the provisions that I have ensured are incorporated into this bill.

The provisions the minister says are lacking from this bill are the ones that are obviously more contentious. We did not seek to legislate for the release of confidential information and we did not seek to disclose anonymous donor information without consent, because there are other means of dealing with those issues—via regulation or amendments to the bill.

The ball was firmly in the government's court, and they had the ability between May and now to have those discussions with us. Instead of doing that, they chose to point out what they, and they alone, view as shortcomings to this bill. I can tell you that those shortcomings do not reflect the views of Associate Professor Allan, who we worked with very closely in terms of the design of this bill. In fact, this bill reflects the most important measures that need to be implemented to ensure that the records the Hon. Ms Bourke referred to are preserved.

They are the last pieces of the puzzle, as I have said previously, that we need to ensure are not lost. There are hundreds of boxes of those pieces of puzzle sitting in various locations in SA, and we should be doing absolutely everything to protect them. The longer we take to pass this legislation in this place, the more at risk we are of losing those, and the more we open up those individuals who are seeking access to their biological background, their genetic background, from never having access to that material. That is what is at risk here.

The minister says that the government continues to work on this issue. I would like to know when it is that we are going to actually see something from the minister and from the government that addresses this issue once and for all. There is no question that we are going to have a register; we have passed those provisions. I implore the government to join in the conversations that we are having and see this bill through to its fruition, to ensure that all those individuals who have come to this place or who have attended forums, who are begging and pleading, have access to records that make up the other part of who they are. They know half of their being, and the other half they have no idea about.

I absolutely implore the minister to see sense and to support measures that are aimed at doing just that, measures that 100 per cent reflect the views of Associate Professor Allan and the recommendations that she made some 3½ years ago. They do include the health and welfare of any child. They do include giving the option for a child's genetic father to be recognised on their birth certificate as a donor rather than an unknown person and some minor changes in relation to ensuring that the register in place is maintained by the registrar and not the minister.

I cannot emphasise enough the importance of this piece of legislation, and I indicate again that I will continue to lobby on this most important issue because I have given my word to all those families who I have met with, who are waiting very patiently for their puzzle to be solved once and for all.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I am advised by my colleague, the Minister for Health, that the government pro forma was prepared to support the second reading, but for the reasons he has outlined the government will not be supporting the third reading. Given the lateness of the hour and in recognition of the numbers in the chamber, I indicate the government's position at the third reading. I will not be proposing to divide, given the lateness of the hour, but I just want to place on the record, on behalf of the minister, his advice that we will be opposing the third reading.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill reported without amendment.

Third Reading

The Hon. C. BONAROS (18:25): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EQUAL OPPORTUNITY (PARLIAMENT AND COURTS) AMENDMENT BILL

Final Stages

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

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

DEFAMATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 18:29 the council adjourned until Thursday 15 October 2020 at 11:00.

Answers to Questions

HOUSING GRANTS

In reply to **the Hon. J.A. DARLEY** (23 September 2020).

The Hon. R.I. LUCAS (Treasurer): The Minister for Planning and Local Government has advised:

The Planning and Design Code (the code) transitions local development plans into a new framework under the *Planning, Development and Infrastructure Act 2016*.

The code allows the excision of an allotment to accommodate an existing dwelling on a smaller allotment of land where this was already permitted under the local development plan. This allows for an additional dwelling to be accommodated on the remaining larger parcel of land.

Further policy development and improvements are expected to be advanced in successive iterations of the code. This would provide the opportunity to expand the application of these provisions should there be a demonstrated need.

It should be noted, that these dwelling excision policies do not apply in the Environment and Food Production Areas (EFPA) or the character preservation districts. In both these areas the legislation does not allow subdivision for land to create new allotments for residential purposes.

The State Planning Commission will conduct an inquiry into the EFPA in 2021, which will also consider recommendations about the character preservation districts. Part of this review will include a call for submissions from interested parties.