

LEGISLATIVE COUNCIL

Wednesday, 11 November 2020

The **PRESIDENT (Hon. J.S.L. Dawkins)** took the chair at 14:16 and read prayers.

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2019-20—

Architectural Practice Board of South Australia
Construction Industry Long Service Leave Board
Construction Industry Long Service Leave Board—Actuarial Report
Electoral Commission of South Australia
Electricity Industry Superannuation Scheme
Electricity Industry Superannuation Scheme Financial Statements
Funds SA
Lotteries Commission of South Australia
Office of the Director of Public Prosecutions
Office of the Public Advocate
Outback Communities Authority
Police Superannuation Board
ReturnToWorkSA
South Australian Employment Tribunal
South Australian Equal Opportunity Commission
South Australian Parliamentary Superannuation Board
South Australian Superannuation Board
Southern Select Super Corporation
West Beach Trust

Corporation By-laws—

City of Marion—

No. 9—Shopping Trolley Amenity (Commencement) Variation

Fee Notices under Acts—

Real Property (No. 2)

Regulations under Acts—

Railways (Operations and Access) Act 1997—Operations and Access

Return to Work Act 2014—Exclusions

Sentencing Act 2017—Discounts

Summary Offences Act 1953—Custody Notification Service (No 2)

Rules under Acts—

Road Traffic Act 1961—Light Vehicle Standards—Motor Bikes and Other Matters

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

Regulation under Acts—

National Parks and Wildlife Act 1972—Co-management Boards—Dhilba
Guuranda-Innes National Park

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

Carclew Inc.—Report, 2018-19
 Reports, 2019-20—
 Australian Children's Performing Arts Company
 Carclew Inc
 Education Standards Board
 History Trust of South Australia
 TAFE SA
 Witness Protection Act 1996
 Regulations under Acts—
 Controlled Substances Act 1984—Poisons—Real Time Prescription Monitoring

Ministerial Statement

REMEMBRANCE DAY

The Hon. R.I. LUCAS (Treasurer) (14:19): I table a copy of a ministerial statement relating to Remembrance Day made earlier today in another place by my colleague the Premier.

SACE PSYCHOLOGY EXAM CANCELLATION

The Hon. R.I. LUCAS (Treasurer) (14:19): I table a copy of a ministerial statement relating to the cancellation of the SACE psychology exam made earlier today in another place by my colleague the Minister for Education.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

ELECTRIC VEHICLES

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): My question is to the Treasurer regarding new taxes. In view of the government's announcement yesterday, will every single plug-in electric vehicle be subject to the new electric vehicle tax, and will there be a sliding scale for plug-in hybrid vehicles, depending how much fuel excise they currently incur?

The Hon. R.I. LUCAS (Treasurer) (14:22): The government is still working through the details of the implementation of the proposed road user charge for electric vehicles, as I indicated yesterday. We will introduce legislation to test the will of the parliament early in the new year. We are in negotiations with one or two other state or territory jurisdictions in relation to agreed positions in relation to the implementation of the road user charge. So, details beyond what I announced yesterday—which was zero emission and plug-in hybrids—in terms of further detail, we are still working through that further detail, and that will be apparent once the legislation is introduced.

I do note today amongst the many comment pieces from people, both strongly for and strongly opposed to the proposed road user charge, that Mr Steve Shearer did indicate that he had been in negotiation with the former Labor government prior to the election in relation to the implementation of a road user charge for electric vehicles. We are aware of significant detail of the planning underway by the former Labor government in terms of—should they have been elected—to have implemented similar policies.

ELECTRIC VEHICLES

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary arising from the answer: Treasurer, as a very simple threshold question, will the new electric vehicle tax apply to only vehicles bought after the finalisation of the tax, or will it apply to anyone who has ever purchased a plug-in electric vehicle?

The Hon. R.I. LUCAS (Treasurer) (14:23): We are still working through, as I indicated, the details of the scheme. When the legislation is introduced early in the new year there will be answers to all of the detailed aspects of the proposed road user charge.

ELECTRIC VEHICLES

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Final supplementary: Treasurer, can you understand the damage that is being caused by the uncertainty that you are creating by announcing a brand-new tax but having absolutely no idea how it will work?

The Hon. R.I. LUCAS (Treasurer) (14:24): No, I can't understand the answer to that particular question. It makes no sense at all. The road user charge, as I indicated yesterday, will simply replace a road user charge, which is the fuel excise, which currently funds the road maintenance and funding of our particular roads.

As we move inevitably, as everyone tells me, to a zero emissions society by 2015, which seems to be the agreed policy position of all political parties in South Australia, an aspect of that will be that all of our vehicles will be electric vehicles. Currently, virtually all vehicles pay a fuel excise, which helps to maintain our roads. There are very few—a small number, less than 2,000 to 3,000, so I am advised—zero emission or plug-in hybrid vehicles currently in South Australia.

If we inevitably come to a situation where every vehicle in the state is an electric vehicle and there is no fuel excise being collected to help fund the maintenance of roads, there is a simple question: what will governments, Labor or Liberal, do in relation to the funding of road maintenance? It is a no-brainer that in some way those who use the roads need to help fund the roads. The former Labor government, of which the Leader of the Opposition was a member and which he obviously supported, was obviously involved in relation to the negotiations of these particular issues. So he's been outed; the former Labor government has been outed in relation to the issue—

Members interjecting:

The PRESIDENT: The conversations across the—

Members interjecting:

The PRESIDENT: Order! The conversations across the chamber are out of order, and that goes for members on both sides of the house. The Treasurer has the call.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition will let the Treasurer talk; he will be quiet.

The Hon. R.I. LUCAS: The Leader of the Opposition will have the opportunity early next year to express his view, where he is clearly indicating that the Labor Party is going to oppose the legislation, even though his leader has not indicated that publicly at this particular stage. Clearly, the Leader of the Opposition in this chamber is indicating a different position, as it stands, to the Leader of the Opposition in another chamber.

ELECTRIC VEHICLES

The Hon. M.C. PARNELL (14:27): My supplementary question to the Treasurer is: is the fuel excise that the Treasurer has said is not payable by the owners of electric vehicles a hypothecated levy that can only be spent on roads, or is it in reality part of general revenue of the commonwealth?

The Hon. R.I. LUCAS (Treasurer) (14:27): It's not a hypothecated fund as we have, for example, in relation to victims of crime levies or hospital funds in this state. Hypothecated funds, like the hospital funds, as I am sure the honourable member would know, in South Australia are real revenue, but they end up being part of the general budget equation. The fuel excise is the mechanism through which governments, in this case the federal government together with the states, maintain and upgrade roads throughout the nation.

The inevitable fact is that if we end up with 100 per cent of electric vehicles and there is no road user charge somebody has to pay for the maintenance of the roads that vehicles use. I am sure even the Hon. Mr Parnell would acknowledge, in his guarded comments that I have seen reported, where he says that maybe this should be done later on when we have a lot more electric vehicles, that he's not arguing, it would appear—and I will let him speak for himself—against the principle that if you are a road user you should make a contribution to the maintenance and upgrade of roads.

The PRESIDENT: Further supplementary, the Hon. Mr Parnell, and then I will go to the Hon. Mr Pangallo.

ELECTRIC VEHICLES

The Hon. M.C. PARNELL (14:28): If, as the Treasurer has admitted, it's not a hypothecated levy, how can he say that petrol excise pays for roads any more or less than company tax, personal income tax or any other form of government revenue pays for roads? It's in the mix, isn't it?

The Hon. R.I. LUCAS (Treasurer) (14:29): I give the Hon. Mr Parnell some credit for being a relatively intelligent Greens member of parliament. Even he would understand that the funding that's being raised for a fuel excise is what has sustained road maintenance for decades.

ELECTRIC VEHICLES

The Hon. F. PANGALLO (14:29): Supplementary: Treasurer, why have you imposed a tax, another cost burden, on EVs when the uptake of these vehicles remains at 0.1 per cent of new car sales? Why haven't you provided any incentives, like scrapping certain taxes, to make these vehicles more affordable, or is there a plan or a target to ban the new sales of petrol and diesel vehicles?

The PRESIDENT: I remind the Hon. Mr Pangallo and other members that supplementaries are not to be second reading speeches, so I would ask that you make them shorter. I call the Treasurer to respond.

The Hon. R.I. LUCAS (Treasurer) (14:30): Unless the Hon. Mr Pangallo has a plan to propose to ban petrol or diesel vehicles, we certainly have nothing in contemplation, and I am not aware of any such plan of banning. The argument for electric vehicles from many, many people in the community—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition should remain silent.

The Hon. R.I. LUCAS: —is that it is a no-brainer if we are going to achieve zero emissions. Those who are proponents of electric vehicles are arguing strenuously that in the not too distant future they will be more than cost competitive in terms of their pricing, as inevitably with new technology there are improvements and cost reductions. If ultimately those experts are right, that the cost competitiveness of those particular vehicles is much the same as our existing vehicles, and if it is doing good things for the environment, then overwhelmingly we believe that consumer preference will move towards that particular option.

The other thing we indicated yesterday, as we look at the implementation of this and the discussions we are having with other jurisdictions, is that we are looking still to pitch for the average EV user a lower total cost of both the road user charge and registration than for existing vehicles, so that in the pricing for an average user, in terms of kilometre usage of roads, the cost, when compared with a comparable current vehicle user, would be slightly lower.

So we are endeavouring to model or implement a system which would still have within the pricing system an encouragement for electric vehicle users. We think that consumers, if the price is about the same, for the good of the economy and for the environment, will make a zero emission choice.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. C.M. SCRIVEN: In a letter from 10 major homelessness providers, they specifically raise concerns about collusion in the process to award more than \$70 million per annum in homelessness funding. Under this process the government is seeking to appoint a head contractor for several geographic regions around the state, with that organisation then subcontracting to smaller groups within their so-called alliance. The letter says:

The issue of collusion in forming alliances is confusing, and the first consultation session did not provide adequate explanations.

There are significant risks that providers or groups of providers may seek to freeze out competitors or agree to bid or not bid for one of the major geographic regions. My questions to the minister are:

1. What exactly is collusion in this context?
2. Does the procurement process designed by the minister encourage, allow or prevent collusion?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): I thank the honourable member for her question and direct her to the comments that are publicly available on the Housing Authority website, in which specific matters that were raised through the processes I outlined yesterday, where there were 2½ days of workshops, if you like, for the sector to raise these issues—

The Hon. C.M. Scriven: Yes, they said they don't provide adequate explanations.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The minister is answering a question.

Members interjecting:

The PRESIDENT: Order! There will be an opportunity for supplementaries. The minister can answer the question in silence.

The Hon. J.M.A. LENSINK: Mr President, I was trying to answer the question and I just keep getting interrupted, so I am not quite sure whether the honourable members wish to have a response or not.

The letter that was sent by the organisations was actually sent prior to the completion of the workshop, so it may well be there were issues that they raise that were addressed at a subsequent workshop. But there is information which is available on the South Australian Housing Authority website, and by interjection the Labor Party invites me to read it in full. Under the page entitled 'Probity', it states under 'How is Collaboration different to Collusion?':

Collaboration is where 'two or more organisations work together to achieve something/goal'.

Collusion is where 'there is an agreement between parties to act together secretly or illegally in order to deceive'.

In an Alliance tendering context, Collaboration is the coming together of sector participants to form Alliances to then bid for Services within a Region, or Statewide in the case of DFV. It is about being open with potential Alliance partners about the Services your organisation can provide, your expertise and sharing ways or strategies to deliver the outcomes being sought.

An example is when organisations that previously may have competed or delivered similar services in either the same area or different locations come together in an Alliance (including the Authority) to provide those combined services across a wider area in a more cohesive way.

Collusion is an anti-competitive and illegal practice where organisations may look to undermine the tender process in order to gain an unfair advantage or discriminate against other sector participants.

Examples of Collusion are where:

- two or more organisations agree on how or who to bid for a particular Alliance to unfairly influence an outcome
- an organisation provides an incentive to another organisation not to participate in bidding for one or more Alliances

- organisations combine to deliberately and unfairly prevent another organisation from competing fairly.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:36): A supplementary: how can the minister be confident that no organisations will collude to corrupt the \$70 million worth of annual funding when 10 major service organisations have identified this risk?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): I think the honourable member hasn't actually listened to the response that I just gave, and I would urge her to reflect on the *Hansard*.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:37): Further supplementary: what specifically stops organisations from colluding, and how will you deal with allegations that may arise during the procurement process?

The Hon. K.J. Maher interjecting:

The PRESIDENT: The minister has the call, not the Leader of the Opposition.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): Throughout this process we have had an independent probity adviser who has been advising the authority throughout the process. If anybody has any specific concerns about any particular behaviour, they are more than welcome to contact the independent probity adviser to raise any concerns.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:37): Further supplementary.

The PRESIDENT: Yes; final supplementary.

The Hon. C.M. SCRIVEN: Given the minister said in her original answer basically, 'go and look at the website,' will that be her response to these 10 organisations that have raised these concerns with her in their letter of the end of October?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): As I already said yesterday, the organisations that wrote the letter are going to have a response from the SA Housing Authority. They also are going to have the opportunity to meet with the chief executive of the Housing Authority, which I understand is as early as tomorrow.

ELECTRIC VEHICLES

The Hon. E.S. BOURKE (14:38): I seek leave to make a brief explanation before asking a question of the Treasurer regarding taxes.

Leave granted.

The Hon. E.S. BOURKE: Comments by the national CEO of the Electric Vehicle Council have been reported in the media, and I quote:

...Electric Vehicle Council CEO Behyad Jafari described that proposal as a 'dud'...

'If the revenue from fuel excise is falling because South Australians are burning less foreign oil, that should be considered a blessing,' he said. Overall it's good for air quality, it's good for the health budget, it's good for carbon emissions...The last thing any sane government would do is try to hit the brakes on this trend.

Jafari said a recent analysis by EY showed that every driver who switches to an electric vehicle delivers a \$1,370 boost to government coffers, and a \$8,763 boost to the Australian economy.

'It's like responding to a drop in the tobacco tax take by slamming a new excise on nicotine gum.'

Under the South Australian rule, hybrid cars with very low consumption dodge both the road tax and the bulk of fuel excise costs. My questions to the Treasurer are:

1. Did the government review the Ernst and Young report that detailed the benefits to the government from electric vehicles beyond taxes?

2. How were benefits like improved health and lower health spending considered in developing this new tax?

The Hon. R.I. LUCAS (Treasurer) (14:40): I can indicate that the Board of Treasurers, which comprises Labor and Liberal treasurers from all state and territory jurisdictions, for at least 12 months and possibly two years has been considering every available report in relation to a proposed road user charge. There has been considerable consideration by Treasury officers and government officers in all jurisdictions, Labor and Liberal, in relation to the evidence for a proposed road user charge.

EMPLOYMENT FIGURES

The Hon. D.W. RIDGWAY (14:40): My question is to the Treasurer. Given we now have had the federal budget tabled and, of course, yesterday's excellent state budget, can the Treasurer outline to the chamber what the employment estimates are, both nationally and for South Australia, over the next 12 months?

The Hon. R.I. LUCAS (Treasurer) (14:41): This has been the subject of some media debate, albeit relatively minor, given the substantial and significant initiatives announced in yesterday's budget. On the issue of employment forecasts, the federal budget estimated employment growth of 2.75 per cent.

Federal Treasury officers estimate employment growth on the basis of a comparison between the last three months of the last financial year, which were April, May and June and which were clearly right in the middle of the worst impacts of COVID-19, and they compare the employment in those three months with the estimated employment of April, May and June of next year. They compare the two and they estimate a 2.75 per cent growth.

If we released Treasury estimates on exactly the same basis as federal Treasury, South Australia would be estimating employment growth of 4.25 per cent—significantly higher than the national figure—which is equivalent to approximately 40,000 jobs between the end of June—

The Hon. D.W. Ridgway: How many?

The Hon. R.I. LUCAS: Forty thousand—four zero—from April, May and June of this year compared to April, May and June of next year. As has been evident for a number of years, under Labor and Liberal governments, South Australian Treasury actually uses in its budget document a different measure, which is to look at the average employment for every month in the last year. So you go back to July of last year, take each month in terms of employment right through to June of this year and then you compare it with each month of this current year from July through to June and do a comparison. It is a completely different measure.

If one wants to look at the simple comparison, as federal Treasury has done, as to what will the employment be at the end of this financial year compared to the end of the last financial year, in South Australia's case it is 40,000 extra jobs and a 4.25 per cent employment growth increase compared to the national figure of 2.75 per cent.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:43): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about funding for the current Women's and Children's Hospital.

Leave granted.

The Hon. C. BONAROS: As part of his state budget announcement yesterday, the Treasurer spruiked the state government had bolstered health funding by an additional \$676 million above and beyond what was estimated in the 2019-20 budget. He also spruiked another \$685 million had been set aside for the new Women's and Children's Hospital.

Not one extra penny was committed towards the current Women's and Children's Hospital, which frontline clinicians are warning is rapidly losing its world-renowned reputation due to being severely under-resourced. My questions to the minister are:

1. Why hasn't the government heeded the concerns of about 170 doctors who recently made a public plea for more resources by providing more funding to meet the shortages at the existing Women's and Children's Hospital?

2. Why did the government say the current Women's and Children's Hospital was to receive \$50 million in funding, money that has already been recommitted several times over up until this stage?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:44): I thank the honourable member for her question. The honourable member is correct to say that there are community groups that are asserting that the Women's and Children's Hospital is significantly under-resourced. In that regard, it was interesting to see a Labor MP release a letter from the federal health minister which highlighted, shall we say, a relative underperformance of the state government in terms of activity-based funding.

It's interesting to look behind those figures and see what has happened over time. The letter from Minister Hunt referred to figures from 2012-13 forward, but when you look at the period where the Labor Party was in power, 2012-13 through to 2017-18, the annual activity-based funding by the state government fell by 3.5 per cent. Under the Marshall Liberal government it has increased by nearly 12 per cent to 2019-20 and, yet again, in this year's budget we have seen an additional allocation of \$26 million in terms of the budget, the net cost of programs. So that is a continuing strong performance by this government in investing in the Women's and Children's Hospital.

We do that because we have looked at the services provided by the hospital, looked at the resources that are provided to them and, consistently over the three budgets that the honourable Treasurer has delivered, we have increased resources, and we have increased resources again on this occasion. The alliance might have complaints about the under-resourcing of the Women's and Children's Hospital, but those complaints should be fairly put at the feet of the former Labor government.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:46): Supplementary question: can the minister confirm for the record that yesterday's announcement of an extra \$676 million in health spending is not going to be directed towards—or any of that is going to be directed towards the current Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): I don't know the \$687 million that the honourable member is referring to. I presume it's actually the \$685 million that is referred to in Budget Paper 4, Volume 3—

The Hon. C. Bonaros: No, that's the Women's and Children's Hospital funding.

The Hon. S.G. WADE: Then I don't know to what figure the honourable member refers.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:47): Perhaps then the minister can confirm, the additional 600 and whatever million dollars it is that's going to be spent on health, is any of that going to be directed to the existing Women's and Children's Hospital? Not the money that has been set aside for the new hospital but money that is being spent in health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): In Budget Paper 5, in terms of the general reinvestment in health—and my understanding is that this budget takes the reinvestment to \$2.3 billion since we were elected, but I can check on that figure—the relevant figure, on my understanding, is in Budget Paper 5, page 70, Establishment of a sustainable, efficient health system, \$227 million. That is what I would call the reinvestment figure and certainly that figure applies to the whole health system, and the Women's and Children's Hospital is in that health system. In terms of how much of that is related to the Women's and Children's Hospital, I will certainly provide that figure to the honourable member, and it's also something that we can unpack in estimates.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. E.S. BOURKE (14:48): Supplementary arising from the original answer: the minister says that they are investing in the new Women's and Children's Hospital. Can the minister explain why they have chosen the words 'to put \$685 million towards the construction of the Women's and Children's Hospital' and not to 'build' the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): I can assure you that that money is going to go into building.

Members interjecting:

The PRESIDENT: Order! We are not having a conversation here. The Hon. Ms Pnevmatikos has the call.

ELECTRIC VEHICLES

The Hon. I. PNEVMATIKOS (14:49): My question is to the Treasurer regarding taxes. Does the Treasurer accept the science of human-induced climate change and that we must take steps to mitigate against its effects? If so, why are you creating a tax on electric vehicles that creates a disincentive for people to own them?

The Hon. R.I. LUCAS (Treasurer) (14:50): Some people are referring to me as a 'rampant greenie' in my new iteration. As I near the end of my political career, I am being called all sorts of things I've never been called in my first 37 years. Words like 'parsimonious' and 'frugal' have gone; I am now like Paris Hilton on a shopping spree, evidently.

Now, as I said, some people are calling me a 'rampant greenie' because I keep talking about if we are going to inevitably head—as all of our parties in South Australia are supporting—to zero emissions by 2050, then we need to be prepared to address those sorts of issues. Given what people are portraying me as, we are not taking actions which are going to inhibit what is the inevitable consumer preference and trend and need to move towards electric vehicles.

Indeed, the policies that were announced last week—the \$18 million in investment expenditure on electric charging infrastructure and other incentives to try to encourage the electric vehicle strategy that the government has—even if this road user charge was to be introduced by the parliament, the Treasury estimates, given the insignificant numbers of electric vehicles currently in South Australia, would only collect about a million dollars, or no more than a million dollars a year, over the forward estimates.

We are spending much, much more on electric vehicle charging infrastructure and various other incentives and initiatives to try to encourage electric vehicle usage. As the Minister for Energy indicated last week, government departments and agencies are being encouraged, where it is cost effective to do so, to use electric vehicles within their government fleet. I don't think anyone can accuse this government—or indeed, even me, as the Leader of the Government in this chamber—of being anything other than environmentally friendly.

In relation to the first question, which I think was do I believe in climate change, or whatever that question was: yes, I do believe in whatever your question was. I couldn't remember the detail of it now, but I knew, when you said it, that I agreed with you.

ELECTRIC VEHICLES

The Hon. T.A. FRANKS (14:52): Supplementary: what will be the cost of administering the EV (electric vehicle) road user tax over that \$1 million over the forward estimates of collection of the tax?

The Hon. R.I. LUCAS (Treasurer) (14:52): They are the sort of issue that we are working through at the moment. There is no doubting there will have to be system implementation changes, and this isn't being done in the forward estimates—the next four years—to be generating revenue which is going to be anything more than, as I said, potentially a million dollars. A chunk of that may well be in relation to the system changes. This is about preparing our state for a future where there are electric vehicles and there are no vehicles paying fuel excise at all.

This is about looking to the long term. This is about long-term reform and saying that if we are going to have zero emissions by 2050, and if we are all going to be driving around—or those of you who are still alive—in electric vehicles in 2040 or 2050, whenever it is, then somebody somehow needs to be paying for the maintenance of our roads.

We think, inevitably, and the advice we are getting, as I indicated earlier, is that relatively soon the cost of electric vehicles will be cost competitive to the cost of our current vehicles, given that significant numbers of Australians and South Australians will move to make that particular choice. Whether that's in two years, or five years, or six years—I don't know when that will be. I've seen various estimates.

As I said, we have seen a lot of reports over the last two years at the Board of Treasurers about the preference and what the timescale of that might be, in terms of how the technology might improve and how the costs might reduce. There's no one concluded view in relation to that. It's unlikely to be in the next three or four years, which seems to be the majority view, but it might not be much longer than that before it's cost competitive.

So I think if all of us are actually pledged to a zero emissions future by 2050, all of us need to start thinking beyond the inevitable opportunity which arises to play political games. Perhaps some of us might be prepared to look at whether or not we are prepared to look to long-term sensible reform in relation to these particular issues. As I said, the Leader of the Opposition in another chamber didn't indicate a kneejerk opposition to it. He said that they would need to see the legislation. The Leader of the Opposition here has clearly indicated that he is not going to be supporting it in this particular chamber. He is entitled to put his view—

The Hon. K.J. MAHER: Point of order, sir: I have been grievously misrepresented by the Treasurer, who is—

The PRESIDENT: I think the Treasurer may have concluded his answer. Has the Treasurer concluded his answer?

The Hon. R.I. LUCAS: I have concluded, Mr President. I got the reaction I needed.

HOMELESSNESS SERVICES

The Hon. J.S. LEE (14:55): My question is to the Minister for Human Services regarding social housing. Can the minister please provide an update to the council on how the Marshall Liberal government is keeping South Australians safe and strong by addressing homelessness through the state budget?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:56): I thank the honourable member for her excellent question. Clearly, during the COVID pandemic at the height of restrictions, we had a range of measures to support vulnerable populations who may be particularly at risk if they were to contract the COVID virus, including for our rough sleepers.

The program we had is one which I think all who have been involved in should be very proud of, including our partners in the non-government sector as well as the South Australian Housing Authority, for being able to house the large number of rough sleepers, many of whom we have been able to provide more permanent accommodation. That program was called the COVID-19 Emergency Accommodation for Rough Sleepers (CEARS) response, which has stopped in terms of taking in any people who were in that program.

In the 2020-21 state budget, we did identify that there were some gaps through that particular program and additional needs that we are seeking to provide more support for. So the state budget includes some \$6.3 million over two years from this financial year to accommodate vulnerable people, including some who require additional support to live independently. We know that Aboriginal people represent a significant proportion of rough sleepers in the Adelaide CBD and that 55 per cent of rough sleepers identified as Aboriginal or Torres Strait Islander.

The CEARS response highlighted the need for targeted and tailored housing solutions for Aboriginal elders in particular. This funding will help to reduce homelessness through providing \$4 million for the delivery of 40 long-term housing outcomes in Bedford Park for Aboriginal elders who are at risk of homelessness. We are also upgrading the Holbrook site to provide 18 supported

accommodation units for people who may require them for, say, a three-month period, with \$2.3 million.

People housed at the authority group site will be provided with support to increase their independent living skills and secure services. One thing that we know through the CEARS response is that it was of great assistance to people to have a fixed abode where some of the support services could provide them and enable them to stabilise. Upon completion of the Aboriginal elders site, the dwellings will be leased to the Kurna elders as community housing.

As well as delivering significant economic stimulus through the construction of the dwellings, the development is expected to reduce the demand through the rental program in the area and free up those properties for other people who may need them.

The PRESIDENT: A supplementary, the honourable deputy leader.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:59): Of the \$6.3 million that the minister mentioned to accommodate vulnerable people, how much of that will be applied to people in regional areas?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): It's hard to say, depending on where they originate from. We know that there is often a number of people who come into the CBD because that's where the services are. We have certainly seen during the COVID period that there was a migration of some people into the city because they needed that level of support. There can be quite a number of mobile populations. I don't think we have earmarked those places based on where people come from. It will be based on need, and there will be some form of allocation program that will be based on vulnerability.

STATE BUDGET

The Hon. M.C. PARNELL (15:00): I seek leave to make a brief explanation before asking a question of the Treasurer about the budget.

Leave granted.

The Hon. M.C. PARNELL: As part of the land tax bill debate last year, the Greens secured a number of commitments from the government, which were outlined by the Treasurer during the committee stage of the debate on the bill on the afternoon of 28 November last year. The commitments that had a budget implication were as follows:

1. An additional \$7.5 million per annum from 2020-21 to be spent on preventative maintenance and upgrade of existing public housing stock in the South Australian Housing Authority;
2. An additional \$2 million per annum from 2021 to increase the provision of emergency accommodation and transitional housing for people in need, including women and children affected by family violence and people experiencing homelessness;
3. A five-year trial for a scheme to provide a land tax exemption for private houses that are rented as affordable housing while they are managed by a community housing provider, at an estimated cost of \$400,000 per annum for five years;
4. Installing solar panels on a minimum of 75 per cent of all suitable existing public housing; and
5. Installing batteries, together with solar panels, in a minimum of 75 per cent of new public housing.

I acknowledge that there are lots of numbers and details there, and I am very happy for the Treasurer to take this on notice, but my question is: can the Treasurer please provide the detail of where each of these commitments is fulfilled in the latest budget?

The Hon. R.I. LUCAS (Treasurer) (15:01): That is a very reasonable question. I am certainly happy to take the detailed questions on notice and bring back a reply. I can give you an assurance, however, that I have given a commitment on behalf of the government and I will ensure that it is delivered.

STATE BUDGET

The Hon. J.E. HANSON (15:02): My question is to the Treasurer regarding taxes. How much does the average South Australian motorist pay in fuel excise every year? Secondly, how does this vary, based on petrol vehicles, LPG vehicles, diesel vehicles, LPG dual vehicles, and hybrids that combine electric and any of the use of these three fossil fuels?

The Hon. R.I. LUCAS (Treasurer) (15:02): I am happy to take the detail of that question on notice and bring back a reply.

The PRESIDENT: It's hard to get a supplementary out of that, the Hon. Mr Hanson.

STATE BUDGET

The Hon. J.E. HANSON (15:02): Perhaps while he is taking that on notice I could squeeze out additional information from the Treasurer.

The PRESIDENT: Well, I will listen.

The Hon. J.E. HANSON: Thank you. If LPG users pay less excise, could the Treasurer please take on notice, why isn't the government adding a new tax to those vehicles?

The PRESIDENT: Treasurer, are we being generous?

The Hon. R.I. LUCAS (Treasurer) (15:03): I am always criticised for being generous, Mr President, particularly after yesterday's budget. I am happy to take the detail of the question and endeavour to bring back a reply.

PUBLIC HEALTH SERVICES

The Hon. T.J. STEPHENS (15:03): My question is to the Minister for Health and Wellbeing. Will the minister update the house on public health services in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03): I thank the honourable member for his question. The Marshall Liberal government is committed to the delivery of quality health services and reversing the damage of Labor's disastrous Transforming Health experiment. Adelaide's west was one of the many areas that was impacted by Transforming Health, with The Queen Elizabeth Hospital stripped of services and downgraded in favour of Labor's new RAH project.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: This government has already reversed some of these cuts. We restored 24/7 cardiac services—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter and the Hon. Ms Bourke will remain silent.

The Hon. S.G. WADE: —to The Queen Elizabeth Hospital and we upgraded their cardiac catheterisation laboratories—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: —with an investment of \$4 million. We are also delivering—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley is out of order, and the Hon. Mr Ridgway is out of order. The minister has the call.

The Hon. S.G. WADE: This government is also delivering the stage 3 redevelopment—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —a redevelopment that was twice promised by Labor and twice cancelled. They delivered nothing for the west, other than a press release.

Members interjecting:

The PRESIDENT: The Hon. Mr Wortley is out of order, as are other members on my left. The minister.

The Hon. S.G. WADE: Late last year it was a matter of pride that the Marshall Liberal government delivered the first phase of the redevelopment with the opening of a multistorey car park. For the second phase we worked with clinicians and the communities to ensure the redeveloped TQEH would continue to provide services that aligned with the community's needs. As a result—

Members interjecting:

The PRESIDENT: Order! I am trying to hear the minister, and I am having difficulty, so I am sure others are as well.

The Hon. R.P. Wortley: Why would you want to listen to that rubbish?

The PRESIDENT: The Hon. Mr Wortley, I am talking. I will call the minister.

The Hon. S.G. WADE: As a result of this consultation the scope of the project has been broadened, and an additional \$50 million will be invested in the project to support the expanded scope. The revamped \$314 million TQEH stage 3 redevelopment will now deliver an increase of 15 emergency department treatment bays, taking the number from 31 to 46; an additional operating theatre; and a new 14-bed intensive care unit with more recovery spaces to support this service. The new clinical services building will include 52 inpatient beds, a new medical imaging department, a pathology lab and additional support areas which will rejuvenate the hospital and the services it delivers.

In relation to the emergency department in particular, people who have actually visited the site—and I appreciate members opposite only go there once every four years—would know how cramped the emergency department facility is—

Members interjecting:

The PRESIDENT: Order! Continue, minister.

The Hon. S.G. WADE: The champagne socialists who have long forgotten the Labor people, let me remind you of the Port Augusta ambulance station and also let me assure you that when I was growing up as a child, TQEH was my local hospital.

The Marshall government has commenced preparatory works which will enable a streamlined construction program and allow major construction works to begin in the second half of 2021. The expansion of the TQEH not only demonstrates the Marshall Liberal government's—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter!

The Hon. S.G. WADE: —commitment to Adelaide's west, it also demonstrates our commitment to clinical and community engagement in our major projects.

LAND TAX

The Hon. J.A. DARLEY (15:07): My question is to the Treasurer about the transition fund for land tax. Can the Treasurer advise why it is necessary for taxpayers to apply for relief under the transition fund and why relief is not automatically applied to eligible accounts based on information already recorded on the land tax revenue collection master file?

The Hon. R.I. LUCAS (Treasurer) (15:07): I am happy to take advice on the detail of that question. I suspect it has something to do with the fact that the government's approach to land tax relief has been by way of providing ex gratia relief rather than legislating for these particular arrangements through last year. But I will take advice on the honourable member's question and provide a clear response to the member's question.

ELECTRIC VEHICLES

The Hon. T.T. NGO (15:08): I seek leave to make a brief explanation before asking a question of the Treasurer regarding taxes.

Leave granted.

The Hon. T.T. NGO: On 4 February 2018, *The Advertiser* reported, and I quote, 'The Liberals would not introduce any new taxes if it formed government.' My questions to the Treasurer are:

1. Is the new tax that the Treasurer announced yesterday a new tax?
2. Has the government broken yet another election promise on top of trams, council rates and GlobeLink?
3. How much will the fixed and variable elements of the new tax be?

The Hon. R.I. LUCAS (Treasurer) (15:09): I thank the Hon. Mr Ngo for his questions, and indeed I congratulate him on his recent successes within the party organisation—but I won't be diverted. As I have indicated earlier, this road user charge is merely replacing an existing road user charge; that is, fuel excise is being replaced by a road user charge for electric vehicles. So as a fuel excise that is currently levied on petrol vehicles, as they disappear the road user charge should replace it on electric vehicles.

STATE BUDGET

The Hon. D.G.E. HOOD (15:10): My question is to the Treasurer. Will the Treasurer outline to the chamber the interest savings on government borrowings as a result of yesterday's budget?

The Hon. R.I. LUCAS (Treasurer) (15:10): One of the more intriguing and newsworthy aspects of the very, very generous budget that the government issued yesterday to the people of South Australia has been the juxtaposition of a significant increase in debt—as has been urged on all governments by the Reserve Bank and the federal Treasury Secretary—with the fact that the budget papers reveal that we will actually be paying less in interest costs throughout the forward estimates by a significant amount.

For 2022-23, last year we were estimating that interest costs would be \$814 million on our debt. This year's budget paper is indicating that we are estimating that we will actually be spending \$200 million a year less on interest expense—\$614 million—in that particular year, yet we will have massively increased our debt. That seems paradoxical, but the reality is that over the last 10 months this government has borrowed \$6½ billion dollars at an interest rate of 1.3 per cent. Our borrowing costs have varied at the short end of the market, two-year bonds, from 0.69 per cent through to a 20-year bond at 2.29 per cent. Our average cost, as I have said, was 1.3 per cent.

What the government has been doing through SAFA (South Australian Government Financing Authority) is replacing more expensive debt and replacing it with much, much cheaper debt. Even though the debt figure has been massively increased, our actual interest expense has been significantly reduced.

The Governor of the Reserve Bank, Dr Philip Lowe, has urged us all, Labor and Liberal governments, state and federal, to borrow more to do the heavy lifting to finance public sector spending in infrastructure to try to save the economy from a deep and calamitous recession. That is the clear and unambiguous advice from the independent Governor of the Reserve Bank and many, many other commentators as well.

Over the next 12 days, three other state governments—Tasmania, New South Wales and Victoria, so Labor and Liberal governments—will release their budget estimates. From my discussions with both Labor and Liberal treasurers in those jurisdictions, they, too, will be drowning in red ink, as we have revealed yesterday. There will be significant increase in debt. There will be significant increase in deficits. My colleague-comrade, Tim Pallas, the Labor Treasurer from Victoria, I know will be going through a world of pain because of the second wave lockdown, the impact on the economy in Victoria and the impact on their particular budget.

It is what it is, but the reality is that, for as long as the Reserve Bank continues to intervene in the market to support low interest rates, whilst we have significant increases in debt, in the immediate future we are seeing reduced interest expenses. Even if interest rates modestly increase, we have the capacity, in terms of the \$200 million estimated savings in 2022-23, in the immediate years after that to be able to absorb in a sustainable way those increased interest expenses, should they occur at that particular time.

NORTH-SOUTH CORRIDOR

The Hon. F. PANGALLO (15:14): Can the Treasurer categorically rule out that the government, or a future Liberal government, will not introduce road tolls to help pay for the north-south project, even if it exceeds the \$8 billion or \$9 billion budget, which the Treasurer today hinted could happen, and that he doesn't get additional funding from the federal government if it does blow out?

The Hon. R.I. LUCAS (Treasurer) (15:14): Yes.

ELECTRIC VEHICLES

The Hon. R.P. WORTLEY (15:15): My question is to the Treasurer regarding tax. Can the Treasurer understand why being the least attractive place in Australia, or even the world, to own an electric car sends a wrong message to investors and consumers?

The Hon. R.I. LUCAS (Treasurer) (15:15): South Australia won't be the least attractive place in the world to own an electric car.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Possibly if a state Labor government was re-elected, that might be the case, but certainly if there is a Liberal government—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway is out of order.

The Hon. R.I. LUCAS: —it will not be the least attractive place to make any investment, whether it is an electric car, commercial property, residential property or any investment in the state.

ELECTRIC VEHICLES

The Hon. K.J. MAHER (Leader of the Opposition) (15:15): Supplementary arising from the answer: can the Treasurer further understand why it would make it even less attractive, given the Liberal government's secret plan to introduce toll roads?

The PRESIDENT: I am not sure that that relates to the answer. The Treasurer can respond if he wishes to—I gather he doesn't.

ADULT SAFEGUARDING UNIT

The Hon. N.J. CENTOFANTI (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding safeguarding South Australia's most vulnerable.

Leave granted.

The Hon. N.J. CENTOFANTI: On 18 May, the Marshall Liberal government established an independent Safeguarding Taskforce to examine current gaps in oversight and safeguarding for people living with disability in South Australia. The task force's final report, which was released on 3 August, identified 14 safeguarding gaps and made seven recommendations, which were all supported by the Marshall Liberal government.

The state government immediately moved to action the recommendations that fall within state responsibility, including moving forward the expansion of the Adult Safeguarding Unit's scope to include adults living with disability to 1 October 2020 instead of 2022. Can the minister please provide an update on the expansion of the Adult Safeguarding Unit?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): I thank the honourable member for her excellent question. It does give me great pleasure to provide an update in relation to some of the data in relation to the Adult Safeguarding Unit. I also pay tribute to members of the task force and many members of the community who contributed to the task force's initial and final reports to advise both the state and commonwealth governments on ways in which we could all improve safeguarding for vulnerable people, particularly people with disabilities.

As the honourable member has articulated, the Adult Safeguarding Unit had been in place for older South Australians and, as a result of the recommendations of the task force, it was expanded to include younger people with disability earlier than had initially been anticipated. The Adult Safeguarding Unit had a cross-agency working group in the lead-up to the launch on 1 October to advise it on all the things that needed to be considered in relation to the expansion of the unit.

So a public awareness campaign commenced on 1 October entitled Speak Up! to publicise the increased legal mandate of the ASU and to encourage people to call the SA Abuse Prevention Phone Line for advice, support or to make a report of suspected or actual abuse or neglect. Social media channels were utilised to advise of this, and a fact sheet has been developed by the Adult Safeguarding Unit in consultation with the working group to improve community awareness of current referral pathways for reporting suspected abuse and neglect and the legislative changes that were taking place from 1 October. That sheet has been uploaded on the websites of all working group members, which includes human services, and was also launched on the Inclusive SA website.

During the period 1 October to 31 October, the Adult Safeguarding Unit received a total of 192 phone calls to the SA Abuse Prevention Phone Line, which was an increase of seven from the same period last year. Of those, 35 calls were disability related. The Adult Safeguarding Unit confirmed that for 12 calls that were received, no further action was required. Investigation often revealed complex family situations, with members having limited capacity to navigate the National Disability Insurance Scheme systems, resulting in a person's support needs not being met.

Other instances were the result of inquiries seeking further information about where to report NDIS providers. The 17 active reports represent matters open for investigation and some where safeguarding plans are currently being reviewed. I thank all members of the community who have contributed to this important social reform.

SUPPORTED ACCOMMODATION

The Hon. C. BONAROS (15:20): I seek leave to make a brief explanation before asking the Minister for Human Services a question about the planned trial of CCTV in state-run disability support accommodation facilities.

Leave granted.

The Hon. C. BONAROS: Just last week, the government announced it would be commencing a three-month surveillance trial in two supported accommodation homes housing up to five clients each. My question to the minister is:

1. Has a preferred supplier been selected to operate the trial?
2. If so, who is that supplier?
3. Will it be the same company, Sturdie, which has been given the contract for CCTV cameras in state-run residential care facilities?
4. Can the minister provide information about when the trial will commence and how long it will operate for?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:21): I thank the honourable member for her question, and I appreciate the interest of the SA-Best party in these particular types of cameras.

The camera trial is part of the suite of improvements that the Department of Human Services has been undertaking within state-run supported accommodation for people with disabilities, which numbers about 500 people across the state. There has been a range of things that have been implemented which I think are very effectively improving the services for people with disabilities. We

have been receiving positive feedback from both people with disabilities and their families in relation to this, and indeed staff, who feel much more supported than they have in the past.

We have implemented a zero tolerance to abuse and neglect, improved reporting through anonymous complaints, improved training and development for staff, the recruitment of more quality safeguarding practice staff to monitor and improve practice, placement of team supervisors into homes, and an audit by external providers against the NDIS Quality and Safeguards Commission requirements.

The CCTV is part of improving those services. I appreciate that not all people with disabilities would wish to have CCTV in their particular site, and therefore it is one that we are implementing quite carefully. It's a three-month trial at this stage. The technology provider hasn't been determined at this stage, but if it suits the honourable member, to assist her and her colleague, I will ask my department to seek advice from the Department for Health and Wellbeing about the learnings of their particular trial, which I am sure they are well aware of, but I will just ask them to confirm that they have consulted with them in relation to the aged-care program. The pilot is estimated to cost approximately \$30,000 and begin once we have consulted appropriately with people with disabilities.

Matters of Interest

RURAL AND REGIONAL SOUTH AUSTRALIA

The Hon. T.J. STEPHENS (15:24): I rise today to speak to the prosperity and sustainability of rural and regional South Australia and the people who live in those communities. Many aspects of my speech have been raised by honourable members in this house previously, such as economic stimulus, disaster prevention and relief, mental health and suicide prevention, etc.; however, I have a particular interest in rural and regional South Australia, given my humble upbringing in regional South Australia, namely Whyalla.

Historically, over the years there has been a gradual migration from our regions to Adelaide and more populous areas that has had the impact of reducing populations in regional areas. It is very pleasing to note that net interstate migration is moving to a more balanced position rather than a net exodus, experienced for quite some time. However, particularly for the smaller rural and regional communities, populations have been substantially reduced over an extended time frame and smaller townships even lost as intrastate migration has been witness to a relocation to the Greater Adelaide region.

To provide some perspective, approximately 29 per cent of South Australians reside in rural and regional South Australia, which is typically less than other mainland states. It has been reported that there are 29 regional cities in Australia with populations greater than 30,000, eight of which exceed 100,000. None of these, however, are in South Australia.

Housing and business developments in near-city locations, such as Mount Barker, Gawler, Virginia, Blackwood and south of Adelaide, including the Fleurieu Peninsula, are ensuring prosperity in those regions. Yorke Peninsula is experiencing tremendous growth given its closeness and ease of accessibility, soon to be enhanced by the highway overpass at Port Wakefield and the benefits it will also provide to road safety.

My interest is in the more distant locations, including larger regional centres such as Port Pirie, Port Augusta, Whyalla, Port Lincoln and Mount Gambier, plus the regions of Eyre Peninsula and western South Australia, the Riverland, the Clare Valley and Mid North, the Far North, the Murraylands and the South-East.

Whilst my own regional city of Whyalla has seen a significant decline in population from its most populous time some decades ago, it also offers and has indeed provided great opportunities for the resilient citizens who have made a commitment to stay and have forged careers and established and built businesses there. Identities in Whyalla whom I know personally include Greg Flanagan, Lyle Hancock, John Hunt, Peter Marron and, until recently, Johnny Wishart, and similar conscientious citizens and great characters who take an active interest in supporting that community.

Whyalla is a city that demonstrates to the rest of rural and regional South Australia that communities can reinvent themselves; however, the regions do continue to require and deserve our

support. Regional South Australia contributes nearly \$30 billion to the state's economy, underpinning South Australia's exports. One-third of Australia's renewable energy, which continues to expand, is produced in regional South Australia.

The coronavirus pandemic has provided a wonderful opportunity for the regions, particularly for the tourism industry. We should continue to build and maintain that momentum and encourage our population to visit the incredible scenery and the stays that our state offers. Ironically, as recently reported by the Local Government Association, this surge in regional tourism has created a situation of increased casual and short-term employment; however, filling these vacancies has been problematic.

It is pleasing to see the improving accessibility and safety afforded to travellers to rural and regional areas represented by either improvement to or sealing of roads recently announced by both the Marshall Liberal state government and the Morrison Liberal federal government, a great example of state and federal outcomes working collaboratively.

It is important that we encourage and incentivise investment that reduces the risk associated with the dependence on a large single industry or organisation in our regions. To this end, it is pleasing to see investment especially in tourism and education, the latter particularly in larger communities. Engagement with regional development boards and the chamber of commerce of communities throughout South Australia is paramount. The upgrade to the Mount Gambier Airport and the commencement of the doubling of the Whyalla Airport are initiatives that will hopefully see increased traffic to those cities and surrounding areas.

Investment in the regions of South Australia, outlined in the Marshall Liberal government's 2020-21 state budget, across various initiatives and totalling \$1 billion is exactly the impetus required. This demonstrates the importance of regional South Australia, and it is not lost on this government. I look forward to witnessing a revitalised rural and regional South Australia.

CORONAVIRUS

The Hon. R.P. WORTLEY (15:29): If there is one thing that has been reinforced this year, it is that we as individuals are part of a wider community and that the country is part of an even wider community. We can think ourselves lucky in that living in Adelaide, and being an island nation, we have not copped the full brunt of the COVID-19 pandemic. Just the same, our lives have been changed, in some ways significantly, and quite possibly forever.

In speaking with friends and colleagues it has become apparent to me that we have learnt to appreciate what we have. We have learnt that state borders are suddenly not so important, and we have come to realise that the 'kick a Vic' mentality should be kept as a bit of lighthearted sporting rivalry. We have learnt that life is too precious and too fragile to play politics and one-upmanship over which city is best. Perhaps we have to learn to deal with the fact that we are better in some ways but not as good in others. I am fairly sure that Sydney can claim to have a better harbour than Adelaide, just as it is pretty obvious that Adelaide has a better cricket ground than Sydney.

In Adelaide we can consider ourselves fortunate that we did not go through the 112 days of lockdown experienced by our Melbourne cousins. Similarly, they will be glad that they were not living in the UK, Italy, France, Spain or the US, where new cases of the virus are being reported at a frightening rate. Right now we should be particularly grateful that we live in Australia, and embrace that fact.

We cannot afford to be complacent. As restrictions ease across the country and we return to something like normal life, we have to remain vigilant about the potential spread of this insidious disease. We must keep up the good work of social distancing, maintaining high levels of hygiene, wearing masks when necessary, and by not putting ourselves or particularly the vulnerable at risk. We cannot afford another wave of coronavirus, most significantly from a health perspective, but also from an economic perspective.

The good news for everyone who lives in South Australia, thousands of kilometres and several oceans away from the epicentre of the disease, is that we can enjoy a very good standard of life and living while we wait for the world to return to normal. With the likelihood that international

holidays are still some way off, perhaps not even a possibility for much of 2021, we need to embrace what we have on our doorstep and enjoy it.

Many South Australians will be taking local or short holidays now because they cannot do their annual trip to London, Rome or the United States. Taking a drive to the Flinders Ranges or the ferry to Kangaroo Island is not just a great way to spend a few days, it is also economically valuable on many levels. It costs us a lot less than an overseas trip, we do not spend a day on a plane getting to our destination, and we put money back into an economy that needs our support.

When we start travelling interstate more regularly, the same will apply for trips to Melbourne or Sydney or a tropical getaway to Cairns or the Great Barrier Reef. People from overseas save all their lives to experience these trips, and we have them right on our doorstep, an hour away on a plane, three or four hours at the most. In 2019, more than nine million international tourists visited Australia and they were serviced by a tourism industry that employed more than 660,000 people. Half a million of those visitors came to South Australia and contributed a massive \$1.2 billion to the state's economy.

They do this not just by staying in hotels and hiring a car but in buying local produce, drinking our world-famous wine and dining in our world-class restaurants. Of course, we want those numbers to return to normal as soon as possible and reinvigorate the tourist industry, but only when it is completely safe to welcome visitors back. In the meantime, we have the rare opportunity of beating the crowds of overseas tourists to the best accommodation, attractions and deals, all while supporting our own tourism industry.

There is a saying attributed to Winston Churchill that has never been more pertinent than now: don't waste a good crisis. The translation is that a crisis makes us take stock of our situation, appreciate what we have, and it often results in finding a better way to do things. I urge all South Australians not to waste this opportunity: go and see your own state and country in this gap year of international travel. You will wonder why you have not done it before and you will probably want to do it more often. You will also be helping to keep another Australian worker in a job while having the time of your life.

CLIMATE CHANGE

The Hon. M.C. PARNELL (15:34): Today, I want to talk about climate change and the abject failure of South Australia's planning system to deal with it. This morning, I attended the State Planning Commission Assessment Panel (usually referred to as SCAP). I was at the SCAP meeting this morning because I had lodged an objection to a new fossil fuel power station that was being approved for the northern suburbs of Adelaide.

This is not the first time that I have done that; in fact, I think it is the third time. As I said to the committee members this morning, 'You've heard this before but I am going to keep saying it: as planners, you have a responsibility to take climate change seriously.' I know my words fell on deaf ears because they always do. Planners, like a lot of professions, are in their silos.

They are in their narrow, professional silos. They are interested in how something looks, they are interested in how far back it might be set from the road and they are interested in noise pollution, but they are not interested in the existential threat posed by climate change. It beggars belief that a planning body in this state can assess a fossil fuel power station when the applicant has not at all identified the greenhouse gas emissions—not at all, not one skerrick.

When people like me raise these issues with the State Planning Commission Assessment Panel, their response is, 'Nothing to do with us. We can't talk about climate change. We can't think about climate change.' They just ignore it.

I know that for a fact, because when I asked them back in 2018 if they could tell me what advice they had given the planning minister in relation to climate change and fossil fuel power stations, they said, 'Consideration was not able to be given to the wider strategic implications of the proposal as raised in public representations.' That is code for, 'Parnell was banging on about climate change but we don't want to talk about that.' This is our State Planning Commission. Whilst I did not stay around for their deliberation this morning, which was in secret, I am sure that will be their exact response this time.

What is this power station I am talking about? Members might recall that around three years ago, we were facing a potential power situation where the experts thought maybe a blackout could happen. The state government bought six combined diesel/gas-fired turbines with the idea that they would sit on stand-by, and if we needed them, we could quickly turn them on and avoid a blackout.

Guess what? They were not needed. I did not oppose them because I thought if that is what the experts were saying, I would rather burn a bit of diesel than have a statewide blackout; no-one wants that. They were not needed in the first year, I think they were turned on for one day in the second year, and they were ultimately sold off. One of the companies that bid for them and won was Inergen. Inergen now wants to relocate these fossil fuel turbines from Lonsdale to near the Bolivar sewerage works.

In terms of location, the neighbour is already pretty smelly so it is probably not going to have local impacts, but will it have global climate impacts? Absolutely; yes, it will. Just on their own assessment of operating 10 per cent of the time, it is the equivalent of an extra 11,000 petrol cars on the streets of South Australia every year. That is a serious addition to our carbon load.

Yet, when the Planning Commission is assessing whether or not to approve this new fossil fuel generator, their argument is, 'Nothing to do with us.' It really does beggar belief. I am certainly not on their Christmas card list and I do not expect to be added now, but I did make a comment to InDaily when they reported on the business of the SCAP some time ago. I reported that they cannot just blame the government of the day for bad policy. The SCAP itself must take responsibility for not taking into account relevant consideration that the community demand of them.

The question I posed to InDaily was: what planet do these people live on? Clearly, it is not on planet Earth. The planning system deserves to, and should, play a major role in mitigating climate change. Instead, I am very sorry to say that rather than being part of the solution, in South Australia the planning profession is part of the problem.

REMEMBRANCE DAY

The Hon. N.J. CENTOFANTI (15:39): I rise today to recognise the importance of Remembrance Day. I stand here proud to be an Australian and grateful to live in our prosperous nation. I, like so many others, am forever thankful to those brave Australians who have fought in conflicts to defend our nation, culture and democracy.

The prosperity that this generation of Australians enjoys has not always been afforded to those Australians who have gone before us. Over 100 years have now passed since the guns fell silent on the Western Front to signal the end of World War I. In 1918, after four years of continuous warfare, on the 11th hour of the 11th day of the 11th month, German leaders signed an armistice concluding the Great War.

In 1993, on the 75th anniversary of the Armistice, Remembrance Day again became a focus of national recognition and has since been commemorated annually by services hosted across the nation. I have spoken in this chamber before about the terrible toll inflicted on our nation as a result of the Great War. At the time of the conflict, Australia's population totalled fewer than five million people, with over 416,000 Australians enlisted to fight.

Tragically, 60,000 were killed and 156,000 were wounded, gassed or taken prisoner. Not included in those harrowing numbers are the countless soldiers left to grapple with invisible scars caused by the torment of battle. The loss of life and injury suffered by our nation throughout the war was the greatest per capita suffered by any Allied nation, devastating communities and families. In the subsequent years after the war, Australia endured high inflation which resulted in a severe recession into the 1920s. The repercussions of the war were far reaching in Australia and lingered in our communities for many challenging years.

The signing of the Armistice on 11 November 1918 may have signalled the conclusion of our nation's first significant conflict since Federation in 1901. However, today, on 11 November, we think not only of the struggle Australia faced in World War I, we think of Australian soldiers fighting against the scourge of fascism in World War II, the tragedies in Europe and North Africa, and the triumphs in the Pacific region. The devastation was felt not only abroad but at home in Darwin and Sydney Harbour. Ultimately, we think of our nation's resistance against attempts to breach our shorelines.

We think of the Australian soldiers who fought in the Korean War a short five years after the conclusion of World War II; 340 Australian soldiers were killed in the struggle between communism and democracy which still cripples the Korean Peninsula today. We think of the Australian soldiers who served in the Vietnam War and the unwavering sacrifices these service men and women made to our nation despite the challenges that each soldier faced. We think of the sacrifices made by Australian service men and women this century in Iraq and Afghanistan.

Remembrance Day is a symbol of our nation's efforts in the face of adversity and an important opportunity for us to pay our respects to the men and women who have served our nation and paid the ultimate sacrifice in each conflict throughout history so that we can enjoy our freedom, our democracy and our culture, which many of us take for granted today.

I attended the Remembrance Day service today at the Morphett Vale RSL. It was a moving service and I was honoured to lay a wreath on behalf of the Liberal Party. Despite the health challenges that our community faces today, it remains paramount that we continue to pay our respects on occasions such as Remembrance Day. It is our responsibility today to communicate the values of our nation that have been tested in each conflict—national unity, culture and democracy.

I invite everyone to reflect on our history today and pay respect to those who have served. As Winston Churchill so famously said to the House of Commons in a 1948 speech, 'Those who fail to learn from history are condemned to repeat it.' Mr Charles Bean, the official war correspondent who was instrumental in establishing The Australian War Memorial in Canberra, witnessed 23,000 Australian casualties during six weeks in Pozieres, France. Mr Bean wrote that one of the dying Australian soldiers asked him, 'Will they remember me in Australia?' I stand here today with all Australians and say, 'We will remember them.'

Honourable members: Hear, hear!

ELECTRIC VEHICLES

The Hon. F. PANGALLO (15:44): It has been pleasing to see that more of Australia's biggest companies are throwing their support behind achieving zero emissions targets. The momentum gets stronger by the day as the world comes to the realisation that climate change is very real and the only way to tackle it is with strong, green policies and by moving away from a reliance on fossil fuels for our energy needs.

I was amazed to hear recently that for one hour in South Australia solar and wind power powered our entire electricity consumption. South Australia leads the nation, and probably the world, in making this remarkable environmental transition, and I will give credit to the vision of the previous Labor government and its then leader, Jay Weatherill, for making some very difficult decisions.

In yesterday's state budget, much of which SA-Best supports, the Treasurer indicated the introduction of a new road user tax for owners of electric vehicles, due to come into force next year. The reason for that is that at present the federal fuel excise levy contributes the billions of dollars needed for road maintenance and infrastructure projects, like the conservative \$8 billion to \$9 billion required to complete the north-south corridor.

On that, I thank the Treasurer for the decision to tunnel, which will save some sacred sites in the west, like the Thebarton Theatre, the Queen of Angels Church and convent—where I was baptised and had holy communion and went to school—and the adjacent St George College, which was once Thebarton Primary, where I also attended.

But back to the EVs. In his briefing yesterday, the Treasurer gave a wildly optimistic estimate that within 20 or 30 years every vehicle on our roads will be electric. I do not know how he came up with that assessment or if he can possibly back it up with any statistical modelling of the sector. There is no argument that once petrol or diesel guzzling vehicles disappear, the money for roads needs to come from EV users. Just how they collect that is going to be another piece in the zero emissions puzzle.

However, the Treasurer appears to have put the electric cart before the electric horse, with his premature road tax on EVs. What we do not have from the government is a transport plan for EVs. Currently, there are probably about 10,000 electric or hybrid vehicles on Australian roads. Last

year was the sector's biggest in terms of sales—6,718. I would be surprised if even 5 to 10 per cent of that figure applied to South Australia. It still accounted for only 0.6 per cent of total sales.

Infrastructure Australia predicts that by 2040, 70 to 100 per cent of new car sales will be electric, so unless we set a target to stop the sales of combustion engine vehicles, they are going to be around for a few years yet. It was disappointing that the federal Treasurer, Josh Frydenberg, did not add a sweetener for EVs in his budget, which included a 100 per cent immediate tax writedown for business purchases of up to \$5 million.

What our Treasurer should also have announced in his green motoring initiative is an incentive for people to switch to electric vehicles, not impose a tax that will serve as a disincentive to buy one. Here is what is putting the brakes on increasing sales: cost. Just six of 22 models are under \$65,000, so unless the federal and state governments quickly come up with a plan—a policy—that reduces the costs by conditionally wiping away luxury car taxes, GST and other charges like stamp duty, the take-up will be slower than Lewis Hamilton on a penny-farthing cycle.

Last year on my trip to Norway, I met up with Petter Haugneland of the Norwegian EV Association, who explained how and why Norway was leading the world in EV sales. There are 250,000 EVs on their roads, accounting for more than 58 per cent of new sales. There is no purchase tax, zero VAT, no annual road tax, 60 per cent company car tax, 50 per cent concessions on toll roads, ferries and parking. It makes the price of an e-Golf more than €1,000 cheaper than its petrol equivalent.

Norway's national transport plan is to stop selling diesel and petrol cars from 2025, this from a country that derives much of its wealth from its significant oil and gas holdings. Ninety-two per cent of battery electric vehicle owners are very happy with their purchase. Only 21 per cent of Norwegians list 'range anxiety' as their biggest barrier to buying one. I would therefore urge the Treasurer and his transport and infrastructure minister to come together with their counterparts and develop an EV strategy.

NORTH-SOUTH CORRIDOR

The Hon. J.E. HANSON (15:49): It goes without saying that we have all had a tough year. As we commence moving from a COVID-affected state to a post-COVID era of reconstruction, we need to be looking wherever we can for the projects and programs that will build our state and build on the reputation as one of the most livable places in the world. From tourism to manufacturing, the government needs to be working to secure and to lock down every single job we have, but it is also incumbent on the government to do everything it can to create every job that it can.

So it is a bit of a mystery why, in the most recent budget of the Marshall government—the highest spending budget ever—we are not starting work on the north-south corridor right now. We know that major infrastructure projects like the north-south corridor are a major driver in creating jobs; it goes without saying. And we know that this project, once started, will create jobs well into the other half of the next decade. But the soonest, we are told, that the Marshall Liberal government can start on the \$1 billion north-south corridor is in late 2023.

The Marshall Liberal government has been in government already for over two years, but, like something out of the popular ABC comedy *Utopia*, today the Premier dons a hard hat, stands in front of a big drill and declares, 'I have almost decided to start.' The fact is that on Premier Marshall's time line we will have another Olympic Games and another federal election started and completed before he even breaks ground or creates one single job.

To be clear, I welcome the announcement of the Marshall Liberals on their preferred plan for the north-south corridor, which they have decided, after 2½ years, is a tunnel. I just cannot understand why it cannot start sooner. Why do we have to wait three whole years for major work to begin? Why can they not issue a design and construct tender as soon as possible? From delays around hospital construction and the famous right-hand tram turn to delays around its backflips on closing Service SA centres to denying and then stalling and then backflipping on closing bus routes and bus stops, why does recognising basic common sense take so long with the Marshall Liberal government?

It certainly is not for lack of enthusiasm from the new minister, Minister Wingard. Before the budget, he said, about the north-south corridor, that, 'This is a really big project,' somewhat stating the obvious, minister. Then he said:

...as we roll that project out we need to make sure we're taking people on the journey of that because that is a substantial build for South Australia and an exciting one.

Let me assure Minister Wingard, South Australia is on the journey and we are excited, at least as excited as you can get about a major transport project. We are excited, we just do not know why you cannot turn the ignition and get on the road. The north-south corridor is not being delayed by Labor. We support starting the journey of Minister Wingard as soon as possible.

We know it can be done. The fact is, between 2014 and 2018 Labor was able to get the job done. We designed, planned and commenced major construction on the Torrens to Torrens, Darlington and the Northern Connector. We also started the Regency to Pym project, the O-Bahn access project and the Torrens rail junction project, more than \$2.5 billion worth of projects, completed in four years.

We know we need it. With over 200,000 South Australians unemployed or underemployed and the JobSeeker safety net being slashed by \$100 a fortnight from 1 January, the need to invest in major infrastructure projects to create jobs has never been clearer. We know the Marshall Liberal government must know this too. Yesterday's Marshall Liberal budget made clear that zero jobs growth in our state is predicted until after the end of the financial year. Our unemployment was already the highest in the nation before COVID, and with the federal Liberal government saying it is going to be post 8 per cent after the financial year, the fact is we are going even higher.

There really cannot be any reason the Marshall Liberal government cannot start today. Why do we have to wait until after the next state election to even start? Perhaps it is because the Marshall Liberal government knows the simple fact that if you want to get something like the north-south corridor started, you need a Labor government to start it.

HILLCREST PRIMARY SCHOOL

The Hon. J.S. LEE (15:54): Today, I rise to speak about STEM and the new STEM centre at the Hillcrest Primary School. 'STEM' stands for science, technology, engineering and mathematics, incorporating physics and chemistry. I would like to take this opportunity to acknowledge the Minister for Education and the Department for Education for their outstanding work on the STEM Learning strategy. This important strategy will transform public education to enable students at every level of schooling to develop knowledge, skills and understanding in STEM subjects and to apply that learning to shape the world.

It was a great honour to represent the Minister for Education, the Hon. John Gardner, to officially open the new STEM centre on Wednesday 28 October 2020. Our heartfelt congratulations go to the Hillcrest Primary School on receiving \$1 million of state government grants to create the new state-of-the-art, purpose-built STEM learning space. The new STEM labs have cutting-edge technology within an engaging and supportive environment that stimulates the imagination and creative learning of students of all year levels.

The strong leadership and vision of the school principal, Lissa Hutter, and the deputy principal, Simon Watts, enabled teachers, students, the governing council and the entire school community to be involved in the planning, designing and building of the STEM centre. It was wonderful to meet Ms Hutter and Mr Watts and have the opportunity to have a special guided tour by two diligent and impressive year 7 students, Shivangi and Ryan. Both of them displayed a high level of competence and enthusiasm as STEM leaders.

It was a privilege to have the opportunity to witness firsthand how the students and teachers at Hillcrest Primary have embraced this new learning space wholeheartedly and are developing new skills and problem-solving abilities together. Principal Hutter highlighted how many of the technologies and skills used in the STEM labs are new to the teachers as well as the students. It certainly created a fantastic opportunity for collaborative learning experiences.

I would also like to thank Ms Karien Marshall, the chairperson of the school governing council, for her commitment to the STEM centre and congratulate Troppo Architects and Akira

Builders on producing such a flexible and unique learning space that meets the aspirations of the school.

Students now have the freedom to use their creativity and imagination, make mistakes and learn valuable problem-solving skills. I was delighted to meet some of the primary school students and see firsthand how excited and engaged they are in using the state-of-the-art technology for programming, robotics, architecture and learning in many other areas.

Research has shown that 75 per cent of the fastest growing industries require some form of science, technology, engineering or maths skills, and many young people today will go on to work in emerging fields or industries in the future. That is why these dedicated STEM facilities are so important for fostering interest in these vital subjects and preparing students for future careers. When I asked students what they wanted to be when they grew up, I was delighted to hear many call out, 'astronaut', 'space controller', 'engineer' and 'scientist' with a twinkle in their eyes, imagining what future they might have. It is very encouraging news that so many of these young people have the opportunity to pursue these dreams right here in South Australia.

I am proud that the Marshall Liberal government has established the South Australian Space Industry Centre. Premier Marshall is well known for his strong commitment to the endless opportunities provided by the space industry, which challenge our best researchers and engineers and inspire young people to explore new horizons. With the Australian Space Agency located in the heart of Adelaide, we have certainly become the space capital of the nation.

Once again, congratulations to the Hillcrest Primary School on their outstanding work that inspires students' imagination and curiosity in STEM studies. It is up, up and above when talking about space industries and opportunities for these young students; the sky is no longer the limit. I wish everyone at the Hillcrest Primary School a bright future ahead.

Motions

COVID-19 TRANSMISSION COMMITTEE

The Hon. T.A. FRANKS (16:00): I move:

That this council requires the Chair of the SA COVID-19 Transition Committee to provide to the COVID-19 Response Committee of this council the complete adopted minutes of all meetings of the SA COVID-19 Transition Committee.

I rise very briefly to note that, since I gave notice of this motion, the committee of this council, which is charged with the oversight of the COVID pandemic, has finally received a complete set of minutes. However, it was not without literally over a dozen requests, legal advice being sought and obtained back on 23 June, and then, while we received a first lot of minutes after some repeated requests and legal advice being sought back in July, it has taken some four months to get the second lot of minutes.

I do not believe it is unimportant that this council, this parliament and the people of South Australia understand the work of the Transition Committee. This is the committee that is charged with the very important job of bringing us through this COVID pandemic, from the health response to the recovery response. This is the committee that decides whether or not our borders are open or closed. This is the committee that decides whether or not we can drink standing up, whether we can dance at a pub, whether a private function means that we can do both of those things—drink and dance—but, should the pub put on its own function, that we cannot do both those things—drinking and dancing.

Many decisions that are made by this Transition Committee go well beyond that, that have seen families separated; that have seen people unable to access health care, employment or education; that have seen curious decisions made, which are informed by health priorities but are balanced with business and commercial priorities, and the South Australian people deserve to know how and why those decisions are made and, most importantly, who is in the room when it happens and who gets access to the Transition Committee.

We know that the AFL has had access to the Transition Committee. We also know that frustrated businesspeople have written to the Premier, asking him to address their concerns, but it is the Transition Committee that is making these decisions and the Premier is not in that room. In the new world, in the COVID normal, we need new standards of transparency to ensure the trust that

has got us through this pandemic so far in the good shape we are currently in compared with many other countries, even other states and territories of this nation.

I appreciate that the Transition Committee has now provided its minutes to the parliamentary oversight committee charged with ensuring through this pandemic that process is not lost and that democracy is not diminished. With that, I move to discharge this motion and hope that I never have to bring such a motion before this council again. I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

DIWALI FESTIVAL

The Hon. R.P. WORTLEY (16:04): I move:

That this council—

1. Acknowledges the Diwali Festival which will run from 12-16 November and especially the main celebrations of the third day which will take place on 14 November 2020;
2. Recognises the deep importance of Diwali to the Indian community of South Australia and especially to those of Hindu, Sikh and Jain faiths;
3. Recognises the importance of those of Indian descent in South Australia and their ongoing contributions to our great state;
4. Notes the important message of Diwali, which focuses on the triumph of good over evil, knowledge over ignorance and light over dark;
5. Encourages all members of parliament to take the message of Diwali to heart and ensure they strive to enlighten the world through their works and continue their fight against evil; and
6. Wishes those celebrating this festival a happy and safe Diwali.

Today, I would like to bring to the house's attention the upcoming festival of Diwali. Diwali, or Dee-Pali, is a term referring to row of lights befitting the radiant display of light it entails. This year the festivities shall be held between 12 and 16 November. The five-day celebration of Diwali begins after the summer harvests and holds deep meaning to many ethnic communities of the Indian subcontinent, especially the Hindus, Sikhs and Jains. It is celebrated in India, Nepal, Sri Lanka, Trinidad and Tobago, Mauritius, Malaysia, Singapore and the many western countries with an Indian diaspora. Here in Adelaide a robust celebration is also held.

For the Hindus, the significance of the festival changes across regions. One tradition speaks of an avatar of the god Krishna liberating captured girls after killing a demon king, while another focuses on the return of Lord Ram to Ayodhya after defeating Ravan, a symbol of evil in the Indian epic Ramayana.

Many Hindus play tribute to Lakshmi, the goddess of wealth and prosperity on Diwali, and some link the festival to the goddess Kali, who symbolises the victory over evil. Prayers are also offered to the goddess of Saraswati, who embodies wisdom and learning.

The Jains celebrate Diwali to commemorate Mahavir's descent to moksha, or liberation. Mahavir was the 24th and final spiritual leader who achieved freedom from the cycle of reincarnation on Diwali. The gods are said to have illuminated heaven with lamps to mark the occasion of this nirvana.

In Sikhism, Diwali can coincide with Bandi Chhor Divas, the day of the release of the sixth Sikh guru from captivity, along with 52 Hindu princes from the Mughal emperor Jahangir's prison. The legend states that Guru Hargobind refused to leave without the princes also in captivity and, upon negotiation, was allowed to take only the princes that could hold onto his coat. He is said to have outsmarted the Moghul emperor and freed all the princes imprisoned with him by wearing a special coat with 52 coat-tails.

Similar to the variety and significance behind Diwali across different religions, there is no particular way to celebrate Diwali, with marked differences between how every community and region celebrates. However, there remains a consensus on it being the festival of light. It is the celebration

of the prevalence of light, goodness, knowledge and wisdom over darkness, evil and ignorance. The third day marks the darkest night of the Hindu calendar, and clay lamps illuminate the night.

Diwali is not limited to displays of lights via lamps and firecrackers but also involves a celebration of family and life. Houses are cleaned in anticipation. Gifts are exchanged, feasts prepared, and tributes made to the gods. It is one of the highlights of the Indian calendar, loved by children and adults alike. In Adelaide, the Diwali Mela is held annually to mark the occasion with a variety of music and dance performances along with traditional Indian food. I look forward to it very much, and I encourage members of this chamber to attend a Diwali festival—there are quite a number around, even though they will be COVID compliant—and pay your respects to their very important festival.

Debate adjourned on motion of Hon. J.S. Lee.

SIKH COMMUNITY

The Hon. R.P. WORTLEY (16:09): I move:

That this council—

1. Acknowledges the celebration of Guru Nanak Dev Ji's 551st birthday anniversary, which will be celebrated on 30th November 2020;
2. Notes the history of the Sikh migration and settlement in Australia goes back more than 100 years;
3. Recognises that they have brought with them the best of their culture, and the values they live by make our state stronger;
4. Recognises that they have built harmony, understanding and friendship with other communities, which has enabled them to settle successfully in Australia; and,
5. Congratulates the Sikh community and the volunteers who have worked hard to bring these celebrations together and share them with all of South Australia.

I rise today to acknowledge the wonderful contribution the Sikh population has made in Australia over almost 200 years. With the 551st birthday of Guru Nanak, the creator of Sikhism, being celebrated on 30 November, it seems an appropriate time to speak out about that contribution.

Australia has a rich Sikh history, which has been beneficial to our culture, society and even our economy. The first Sikhs arrived in Australia around the 1830s, migrating as hawkers and farmers as the demand for foreign labour increased. These hawkers served as an important link in connecting isolated farms with supplies and household items and delighted children with stories of foreign lands a long way away.

The Sikhs integrated well into 19th century Australia and were noted for their work ethic and stature. By 1929, they owned land, had the right to vote and received a pension. When World War II broke out and many young Australians went off to fight, Sikhs were important workers in maintaining the agricultural industry.

While the partition of India in 1947 led many Sikhs to return home to India to protect their families and assets in tumultuous times, the Racial Discrimination Act 1975 led to a large increase in Sikh migration. Sikhs migrated not just from their homeland but from countries such as Malaysia and Singapore, seeking out Australia as a free and stable country with economic opportunities.

In the 21st century, Sikh migrants have expanded their field of work. Rather than be restricted to rural areas, many of them have sought out work as health professionals, lawyers and business owners. Australia now has the fourth largest population of Sikhs outside India, behind only the UK, the United States and Canada. The Australian Sikh population increased steadily from 12,000 in 1996 to 26,500 in 2006, before increasing significantly to 125,000 in 2016. In the last four years, that has grown quite significantly. Most are from the Punjab region on the border of India and Pakistan.

Founded in this region in the 15th century, Sikhism is the youngest of the major religions. Its philosophies are simple, regarding God as the creator and believing justice is best dispensed through karma and divine grace. A lot of cultures could benefit from that belief system. Sikhism has many qualities that people of all faiths, even those who are not religious at all, would appreciate and embrace. It acknowledges the five thieves, which is the Sikh equivalent to the seven deadly sins.

These are: ego, anger, greed, attachment and lust. The primary aim of the religion is to counter these so-called thieves with five virtues: truth, compassion, contentment, humility and love.

Sikh culture believes that God has no gender and the scripture does not discriminate between men and women or ban them from any role. It does not push the fire and brimstone edict of heaven and hell; instead, it believes in a spiritual reunion of akal, for which there is no perfect literal translation, but has the ultimate goal of achieving salvation.

The Sikh community is active in South Australia, promoting inclusion and understanding of different cultures. The Sikh Society of South Australia has actively promoted family advocacy and support groups, and assistance for women who have been victims of domestic violence. It has also been vigilant in its adherence to and education of safety and social distancing requirements during the COVID-19 restrictions.

As I have mentioned in this place before, the Sikh community made up 20 per cent of the British Indian Army that fought alongside Australians at Gallipoli, even though they made up just 2 per cent of the Indian population. The role of the Sikhs, from their bravery to camaraderie, has become part of Australian wartime folklore, and for good reason: they were an integral part of the battlefield, the medical units and supply and transport. They shared their meals of dahl and roti bread with Australian soldiers, and were on the frontline of battle to capture trenches and secure positions.

There is no doubt that without the support of the Sikhs, many more of our young Australians would have died at the Battle of Gallipoli. Whether it is helping build our nation over 190 years, fighting alongside our soldiers in the most brutal of conflicts, or living by a peaceful philosophy, Australian Sikhs have proven themselves many times over.

As they commemorate the birthday of Guru Nanak, the birth of their religion and celebrate Diwali, I urge all South Australians, and in particular members of this chamber, to attend a Sikh function to celebrate Guru Nanak's birthday. There is a very simple greeting you can give, and that is to put your hands in front of you and say, 'Sat Sri Akal'. This practice is a safe COVID-19 greeting.

Debate adjourned on motion of Hon. J.S. Lee.

GREEN OPEN SPACES

The Hon. M.C. PARNELL (16:17): I move:

That this council—

1. Acknowledges the importance of providing South Australians with a diverse range of quality public and private green open spaces and green infrastructure in our urban environments.
2. Recognises that urban trees are critical infrastructure with economic, environmental and social benefits.
3. Notes that increasing the level of tree canopy and green open spaces across metropolitan Adelaide will improve air quality, stormwater absorption, beautify streetscapes and parks, provide habitat for our native wildlife and improve biodiversity.
4. Notes that South Australia is rated as the second most vulnerable state on the heat vulnerability index and that increasing tree canopy and green open spaces would help cool the city by reducing heat island effect.
5. Notes that between 2013 and 2016 average urban tree canopy cover across metropolitan Adelaide dropped by 1.9 per cent and hard surfaces increased by 2.6 per cent.
6. Calls on the government to:
 - (a) prioritise the protection of existing urban trees and green open spaces; and
 - (b) develop a comprehensive urban forest plan in collaboration with local government and local communities to create healthy and diverse urban forests across metropolitan Adelaide with the aim of increasing the average tree canopy to 30 per cent by 2045, particularly in those areas identified as being most vulnerable to heat stress.

It will come as no surprise that the Greens want to see more trees and green open spaces in our urban environments. Greener spaces make for better urban places. However, the Greens are not the only ones who appreciate and recognise the value of urban trees and green open spaces—their value is well documented.

We know that increasing tree canopy and creating more green open spaces has many positive effects. It can improve air quality by filtering pollutants from the air; lower carbon emissions; absorb and filter stormwater; provide natural cooling to reduce the heat island effect; enhance biodiversity; provide habitats for native fauna; contribute positively to physical and mental health; beautify our streetscapes; and generally improve our quality of life.

Who would not want all of that? That is why it is alarming to note that in the 2017 report *Greener Spaces, Better Places* it shows us that we are actually going backwards in metropolitan Adelaide. From 2013 to 2016, average urban canopy cover across Adelaide dropped from 21.37 per cent to 19.45 per cent. In some local government areas the picture is quite dire. For example, the City of Playford has the lowest canopy cover in the city at 9.4 per cent, a drop of 5.4 per cent since 2009. To ensure that we reverse this worrying trend and increase the amount of tree canopy, especially in the local government areas with the lowest coverage, we need targets.

Our laws go some way to protecting significant and regulated trees but they need to go much further. These laws need to be enhanced to arrest the decline of tree cover and vegetation generally and to stop us going further backwards. At the same time, we must prioritise the creation of more open green spaces across metropolitan areas, whilst also preventing what still exists from being lost forever to development.

The 2017 Living Adelaide report, released under the previous government, recognised this and called for all local government areas to achieve a rate of tree canopy of greater than 30 per cent by 2045. This is similar to the target recently adopted in the ACT. With the average across metropolitan Adelaide at around 20 per cent, this goal aims for a 10 per cent increase across the board, or to put it another way, half as much again as our existing tree cover.

The Living Adelaide report identified priorities that addressed the need for more open spaces, with a focus on 'ensuring a diverse range of quality public open space and places'. The key priorities include—and I will just go through four of them: Firstly, planning for 'diverse areas of quality public open space (including local parks, community gardens and playgrounds)'. Secondly, providing:

...diverse areas of quality public open space in neighbourhoods (especially in higher density areas) such as local parks, community gardens, playgrounds, greenways and sporting facilities to encourage active lifestyles and support access to nature within our urban environment.

Thirdly, improving, prioritising and extending:

...walking and cycling infrastructure by providing safe, universally accessible and convenient connections to activity centres, open space and public transport...

Fourthly, ensuring:

...that public open space is adequately greened and irrigated...to act as a natural cooling system to reduce heat island effects in urban areas.

Open spaces on their own are not enough: they must be green open spaces. Hard surface spaces only serve to trap in the heat and increase run-off. In 2017, RMIT and the Clean Air and Urban Landscapes Hub produced a research report entitled 'Where should all the trees go?' and that compared national canopy levels overlaid with urban heat and socio-economic data and provided an overall vulnerability indicator. On this measure, South Australia was considered to be particularly poor.

In addition to the 1.92 per cent loss in tree canopy cover and 0.69 per cent loss in shrub cover between 2013 and 2016, there has been a 2.57 per cent average increase in hard surfaces. These hard surfaces include asphalt, buildings, car parks and footpaths. When you break that figure down, it shows that 36 per cent of our urban local government areas have had a 5 per cent increase in hard surfaces over that three-year period, and that is a very worrying trend.

South Australia's rating on the heat vulnerability index shows that we are the second most vulnerable state, after Tasmania. Worryingly, South Australian local government areas make up more than half of the most vulnerable councils in the country. These include the cities of Charles Sturt, Gawler, Port Adelaide Enfield and West Torrens, with the City of Playford being the most vulnerable in South Australia and one of the most vulnerable across Australia. This is due to the loss

of canopy cover that I mentioned earlier, and a loss of shrubbery, combined with a 4.5 per cent increase in hard surfaces.

Clearly, we could be doing a lot better. So what are other Australian capital cities doing about this? The cities of Sydney and Melbourne both have detailed action plans to address these issues in their respective cities. Sydney has an action plan entitled Urban Forest Strategy, which was adopted in 2013, and Melbourne's action plan is entitled 'Urban forest strategy: making a great city greener 2012-2032'.

As is apparent from the titles, both these cities have adopted an approach that emphasises the concept of urban forests. Rather than the traditional tree management approach, which is centred on individual trees, this approach focuses instead on the forest. Rather than seen as mere ornaments, trees are treated as critical infrastructure, with their economic value recognised in addition to the environmental and social benefits. Accordingly, maintenance no longer focuses on individual trees but rather on overall forest management.

In Melbourne, the strategy divides the city into 10 precincts with individual plans that identify the existing state of the urban forest in that area. Then, in collaboration with local communities, these plans show how changes will be implemented to create a healthier and more diverse urban forest. In Sydney, an implementation plan outlines priority actions and achievable time lines, including:

- protecting existing trees;
- improving the spread of street and park trees, with a focus on increasing species diversity;
- targeted programs to increase tree canopy, with an initial increase of 8 per cent over the first 10 years, then a further 4 per cent increase after that; and
- community education and participation programs.

Some specific actions include:

- development of a matching grants program that encourages and facilitates community greening programs;
- increasing the compliance focus to ensure private property owners undertake and maintain the planting of trees following tree removal or development works;
- ensuring maintenance plans are in place for new trees planted in private development sites; and
- assessing development applications to ensure proposed tree selection is compatible with desired canopy cover targets, biodiversity needs and landscape character for particular precincts or villages.

The success and progress of these actions are reviewed annually and adapted as required, with a full strategy review after five years. The Greens would like to see a similar approach taken in South Australia.

It is also important to point out that it is not just the number of trees that counts. Size does matter. The benefits provided by trees increase exponentially with size and depending on the overall increase in leaf area. In one year, one tree cools like 10 air conditioners running continuously. It absorbs 3,400 litres of stormwater and filters 27 kilograms of pollutants from the air.

Aside from the obvious environmental benefits of increased urban tree canopies and green open spaces, there are significant social benefits as well. One of these is the enhancement of social cohesion and physical and mental wellbeing. The 2015 state government report 'Healthy parks healthy people South Australia 2016-2021', which was released jointly by former ministers for health and the environment, the Hon. Jack Snelling MP and the Hon. Ian Hunter MLC, recognised the link between health and nature. The vision was that:

All South Australians experience the health and wellbeing benefits of being connected to nature.

The Greens agree that this is a noble vision. Again, to quote the words of the ministers:

The scientific evidence unequivocally shows that spending time in nature is good for us—it improves our physical and mental health, it has positive effects on our ability to concentrate and learn, solve problems, think critically, and be creative. These concepts, of course, are not new. Aboriginal people have always understood that people and their environment are intrinsically connected, and that the health of one is dependent on the health of the other.

The report refers to the restorative effects of exposure to parks and green open spaces and how this reduces chronic stress, assists in recovery from depression and anxiety, and promotes a sense of wellbeing and an increased feeling of individual resilience.

It refers to strong evidence that green infrastructure, such as parks, gardens, street verges and sports ovals, contributes positively to physical and mental health. Active, healthy lifestyles are also encouraged by access to a range of quality green open spaces in urban areas. As urban areas become more developed, having high-quality green open space to protect and promote population health and the natural environment becomes even more important.

The benefits of tree canopy and green spaces are clear. The current picture in Adelaide shows that there is real room for improvement so that we can achieve these environmental and social benefits. Shifting our tree canopy from the current 20 per cent average to over 30 per cent, while prioritising the creation of more green open spaces, will greatly increase these benefits for all of us. I would like to finish by sharing a couple of proverbs which I think we would do well to heed. The first is attributed as a Greek proverb and it goes:

A society grows great when old men plant trees whose shade they know they shall never sit in.

The second proverb, which is attributed to China, is:

The best time to plant a tree was 50 years ago. The second best time is right now.

I commend the motion to the house.

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

Parliamentary Committees

SELECT COMMITTEE ON THE EFFECTIVENESS OF THE CURRENT SYSTEM OF PARLIAMENTARY COMMITTEES

The Hon. C. BONAROS (16:29): I move:

That a message be sent to the House of Assembly seeking permission for the Clerk of the House of Assembly to attend and give evidence before the Select Committee of the Legislative Council on the Effectiveness of the Current System of Parliamentary Committees.

As part of the committee process, we as a committee have requested that the Clerks of both houses attend and provide evidence to that committee. It is pretty straightforward. I do not think there is much more to explain than that.

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

Motions

PLANNING AND DEVELOPMENT FUND

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

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.

(Continued from 14 October 2020.)

The Hon. C.M. SCRIVEN (16:33): Labor supports this motion to disallow the general regulations made under the Planning, Development and Infrastructure Act 2016, made on 24 September 2020 and laid on the table of this council on 13 October 2020. This is not the first time the Labor opposition has supported similarly intentioned motions. The Legislative Council has previously supported this motion on at least two previous occasions.

The Hon. M.C. Parnell: This is the third.

The Hon. C.M. SCRIVEN: Yes, this is the third. We support the disallowance, because these regulations would allow the Minister for Planning to continue to use funds from the Planning and Development Fund to prop up his failed planning reforms. Members will be aware that under the Planning, Development and Infrastructure Act 2016 applicants who create new developments are required to pay into the Planning and Development Fund. They pay in moneys to enable projects to be undertaken to improve the public realm.

Money paid into the fund is derived from cash payments in lieu of open space for development, involving the division of land into less than 20 allotments and for strata and community titles. The Planning and Development Fund, more commonly known as the open space fund, is of course meant to be a resource for projects to make streets and suburbs more liveable by developing reserves, planting trees, constructing water harvesting projects and building playgrounds. Instead, the Marshall Liberal government has been diverting resources from the open space fund to prop up the mismanaged planning reforms and the error ridden ePlanning system.

Members interjecting:

The PRESIDENT: Order! There is a little bit too much conversation in the chamber. The Hon. Ms Scriven has the call.

The Hon. C.M. SCRIVEN: So far this reform process has been plagued by a series of crises that have led to massive staff resignations, missed deadlines and massive budget blowouts. It is not surprising that the Liberal government is trying to cover up their budget overruns by raiding other budget lines, but in this case they are raiding funds designed to improve the quality of the amenity of our communities.

The open space fund is there for the specific purpose of improving the conservation, enhancement and enjoyment of public open spaces and to provide communities access to quality green public open space for positive health and wellbeing outcomes. Of course, during the COVID times of this year I think those open public spaces have become more and more valuable and more and more valued.

Open space and green Parklands are what make our capital city so beautiful. They speak to the vision laid out by Colonel Light in 1837, and those principles speak to the enjoyment and the lifestyle South Australians love and why we are one of the most liveable cities in the world. Our backyards, parks and reserves also foster community, allowing neighbours, friends and families to connect.

The Auditor-General's annual report revealed that the planning department last financial year took \$12.9 million from the open space fund to pay for its new planning system—that is right: \$12.9 million. The transfer of moneys from the open space fund is on top of nearly \$10 million taken from the fund in the previous two financial years to finance the new Planning and Design Code.

We have heard in other forums of parliament just last month that the government has earmarked more money from this fund to pay for its planning reforms. Evidence given confirmed that the government intends to use \$25.5 million in total to pay for their planning reforms. This, of course, has serious implications for the local government sector and the moneys available to continue to provide the green open spaces that our communities rightfully expect.

I place on record today Labor's continued support for this disallowance motion. Labor will not stay silent while the open space fund is plundered by the planning minister to prop up the budget shortfall in the development and implementation of the planning code. This is why we will support this disallowance.

The Hon. R.I. LUCAS (Treasurer) (16:37): I rise to speak on behalf of the government to the motion. I have a sense of déjà vu all over again. This is the third time that, as has been referred to, we have had this particular debate, so I will not repeat at length the government's position in opposing the motion.

There are many beneficiaries of the new planning and development system, including the general community, development industry, local councils and the state generally. As such, the funding strategy to the program always included a contribution from the Planning and Development

Fund. This was a decision of the former Labor government. Members would be aware that the Planning and Development Fund can be used for a range of purposes as set out in section 195 of the Planning, Development and Infrastructure Act 2016. The act envisages regulations that set out additional circumstances in which the fund can be used.

The variation of regulations ensures that a portion of the fund can be used to ensure this critical element is required for the implementation of the act to be developed on time, ensuring all South Australians gain the benefit of a new and more efficient planning system. I again indicate the government's opposition to the motion, although we accept that the majority of numbers in this chamber, as has occurred on two previous occasions, are not with the government's position.

The Hon. M.C. PARNELL (16:39): I will exercise a similar discipline to the Treasurer and not speak at any length. As both the Treasurer and the Hon. Clare Scriven have acknowledged, this is now the third time that we have been invited to vote on a motion to disallow the regulations that allow for the raiding of the open space fund, for administration. In fact, the words 'deja vu' were the ones that the Treasurer used. I liken it to the voicemail message of a friend of mine, some time ago: he was a bit of a wag, and when you rang his number the recorded message said, 'You know what this is and you know what to do.' I think that is pretty much what this motion is all about.

I know that other members of the crossbench are not speaking today; they have already assured me that their support for this motion is ongoing. So I have no doubt that we will again in this place disallow these ill-conceived regulations. My sincere hope is that when we open the *Government Gazette* tomorrow afternoon we will not see the same regulations promulgated again for a fourth time. My promise is that if we do, we will see another disallowance motion back here again.

I would prefer the government to accept the will of this chamber, accept that our view is that the open space fund should be spent on open space, and not keep attempting to use this fund as a cash cow for general administration to do with the new planning system. I commend the motion, and I look forward to its speedy passage.

Motion carried.

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 14 October 2020.)

The Hon. C. BONAROS (16:41): I rise to speak in support of the Hon. Irene Pnevmatikos's motion urging the Australian government to work towards signing and ratifying the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons.

On the morning of 6 August 1945, the *Enola Gay*, a United States warplane named after the pilot's own mother, released a devastating and world-changing nuclear bomb, codenamed 'Little

Boy', onto the city of Hiroshima. Not that anyone knew it at the time, but it was the ultimate war crime. Three days later, it was Nagasaki's turn. By the end of the year, an estimated 150,000 people had died in Hiroshima, half of those instantly and half in the aftermath, following immense suffering from burns and radiation sickness.

A conservative estimate of 75,000 people met similar fates in Nagasaki. Thousands upon thousands of innocent civilians were indiscriminately killed: innocent men, women and children. Such is the devastation of war. The history books tell us that the aftermath of the bombing was a tragedy in itself. An already starving population suffered from extreme malnutrition. There are horrific recounts of hungry children dying with pebbles in their mouth.

It has been 75 years since the devastation of Hiroshima and Nagasaki, and sadly today the threat of nuclear weapons still powerfully lingers. The dangerous sleeping giants of the world continually beat their chests, pontificating they are well prepared for nuclear war. Former US President, John F. Kennedy, said it best in his address to the United Nations General Assembly in 1961:

...every inhabitant of this planet must contemplate the day when this planet may no longer be habitable. Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us.

Those powerful words are just as relevant today as they were back then, almost 60 years ago. With those haunting words, SA-Best joins the Hon. Irene Pnevmatikos in urging the Australian government to take all necessary steps to advance international nuclear disarmament and commends her for moving this motion.

The Hon. R.I. LUCAS (Treasurer) (16:44): I rise on behalf of government members to address the motion. Australia does not possess any nuclear weapons, it is not seeking to become a nuclear weapons state. Australia's core obligations as a non-nuclear weapons state are set out in the UN Nuclear Non-Proliferation Treaty. This treaty provides enduring benefits in curtailing proliferation of nuclear weapons, advancing nuclear disarmament and underpinning the right of all nations to the peaceful uses of nuclear energy.

This major international treaty has been enforced since 1970, and over 190 states are party to it. The United Nations Treaty on the Prohibition of Nuclear Weapons was adopted in 2017, and will come into force when 50 nations have ratified it. To date, 82 have signed and 43 have ratified the treaty. Australia has not supported this ban treaty because it is considered unlikely to eliminate nuclear weapons, it creates parallel obligations to the Nuclear Non-Proliferation Treaty, and is inconsistent with Australia's US alliance obligations. In addition, nuclear armed states have not joined the treaty, and it is expected to remain ineffectual unless these states sign it.

This treaty prohibits participating in any nuclear weapon activities, including undertaking not to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons. The treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any state in the conduct of prohibited activities. As I said, this particular treaty is inconsistent with Australia's US Alliance obligations. It is for those reasons the government cannot support the motion.

The government had considered moving an amendment along the following lines:

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 that Australia does not possess any nuclear weapons and is not seeking to become a nuclear weapons state;
5. Notes that Australia's core obligations as a non-nuclear weapons state are set out in the Nuclear Non-Proliferation Treaty, which includes a solemn undertaking not to acquire nuclear weapons; and

6. Commends the Australian government for its strong support of a progressive approach to advancing nuclear disarmament, non-proliferation and developing consensus towards the elimination of nuclear weapons.

The government would have been prepared to support a motion along those terms, but we note that they are quite different from the intentions of the mover and those who support the mover in relation to this particular motion. As I said, the government cannot support this motion for a number of reasons, in particular because it is inconsistent with Australia's US Alliance obligations, to which the Australian government is prepared to defend and support, and the South Australian government supports the Australian government's position in relation to that.

The PRESIDENT: Before I call the Hon. Ms Pnevmatikos, I gather that the Treasurer is not moving that motion?

The Hon. R.I. LUCAS: No.

The Hon. I. PNEVMATIKOS (16:48): I will be brief as I know we have quite extensive business to attend to today. I thank all members for their contributions to this motion. It seems particularly important to be bringing this motion to a vote on Remembrance Day. Today is a day we reflect on the injustices and loss of life that war brings. It is important that we remember past events to create a more just future for all. This future must be without weapons that cause destruction like the atomic bombs on Hiroshima and Nagasaki. Since the motion was put to the chamber, over 150 countries have signed the treaty, and 88 federal politicians have pledged their support to ending the use of nuclear weapons. It is time that this house do the same.

Motion carried.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: ALINYTJARA WILURARA NATURAL RESOURCES MANAGEMENT REGION

Adjourned debate on motion of Hon. N.J. Centofanti:

That the sixth report of the committee, fact-finding visit, Alinytjara Wilurara Natural Resources Management Region, be noted.

(Continued from 22 July 2020.)

The Hon. R.P. WORTLEY (16:50): One of the Natural Resources Committee's important roles is undertaking fact-finding visits to South Australia's natural resource management regions. The committee aims to visit at least two NRM regions each year. The Natural Resources Committee visited the AW region, which is short for Alinytjara Wilurara region, on 20 to 22 November 2019. At around 250 square kilometres in size, the region is vast. It covers the north-west quarter of South Australia and represents approximately 28 per cent of South Australia's total land area. The population of the region is around 3,000 people.

The committee previously visited the region in 2014. The first day included a visit to Nilpena Station to view the Ediacaran fossil beds. Around two-thirds of Nilpena will become a part of the Ediacara Conservation Park in late 2020. Purchasing this section of Nilpena Station was funded by the South Australian government and through funds raised through by the Flinders Ranges Ediacara Foundation, the Wyss Foundation and the Foundation for National Parks and Wildlife.

On day two, the NRM flew to Umuwa on the APY lands and was met by the general manager, Richard King, who welcomed the committee to the lands. The committee was privileged to participate in a tour of Indigenous protected areas and receive information from the APY land management team about its current and proposed projects.

The committee visited Mabel Creek Station on day three, hosted with great thanks by elder Mr Ian Crombie. The site was acquired by the AMYAC for its use as a training and cultural facility and has achieved much success with the management of buffel grass as a buffer zone for the Great Victoria Desert. During its visit, the committee received information about:

- the development of world heritage site for Nilpena Station;
- national parks and protected areas framework in the area;

- multiple governance frameworks for natural resource management in the region;
- eco and cultural heritage-based tourism activities and the management of visitors in significant protected areas;
- innovations and pilot trials in natural resource management issues;
- cooperation between bodies; and
- state and federal government support and involvement in the APY lands.

The committee applauds the AW NRM region for a multitude of achievements in one of the state's most remote regions. The committee also noted that:

- 42 Indigenous people are employed in NRM-related roles as at 2019 in the region;
- 73 Indigenous people have been trained in NRM-related issues as at 2019 in the region;
- seven events were held in the 2018-19 year to build community capacity in adopting sustainable pastoral practices;
- 753 feral horses were removed in the region in 2018-19; and
- 5,162 feral camels were removed from the region in 2018-19.

The committee heard that invasive species are a continuing challenge in the region. Strategic planning is in place for buffel grass management.

The committee acknowledges that funding of NRM programs continues to heavily influence outcomes. The Australian government is the major funding partner for the AW NRM region, mainly through the National Landcare Program. All projects funded through the NLP include community capacity-building elements.

The committee further acknowledges that there are some cultural challenges in achieving NRM outcomes that will help the APY lands adapt to a changing climate. From its visit to Nilpena Station, the committee heard that a World Heritage listing process is being sought for the Flinders Ranges, which would recognise its fossils and geological features as a unique and outstanding example of major stages of the Earth's history.

The Natural Resources Committee recommends that the South Australian government:

1. Explore innovative and digital elements of proposed upgrades to parks and protected areas;
2. Explore further funding sources for asset upgrades through platforms such as philanthropic organisations and corporate sponsorships;
3. Continue to foster and promote relationships between the previous NRM structures and the departmental structures;
4. Continue to support evidence-based approaches being applied to NRM practices within the AW NRM region;
5. Continue to maintain productive and active relationships with the Australian government's First Nations, education and skills, and environment programs;
6. Provide support to programs where multiple benefits are being achieved across cultural, environmental and economic outcomes; and
7. Facilitate legislative amendments and other dispute resolution support mechanisms that would enable resolution of ongoing pastoral management issues.

I would like to also acknowledge the contribution of the committee membership, in particular, Mr Josh Teague MP, the Presiding Member; Mr David Basham MP; Dr Susan Close MP; the Hon. John Darley MLC; Mr Nick McBride MP; and the Hon. Terry Stephens MLC, who was replaced by the Hon. Dennis Hood MLC, who was eventually replaced by the Hon. Nicola Centofanti MLC. I would

also like to acknowledge the work of Mr Phil Frensham and Mr Shannon Riggs and, in particular, the work of Dr Monika Stasiak, who actually put the report together. With that, I commend the report.

The Hon. N.J. CENTOFANTI (16:56): I would like to thank the Hon. Mr Wortley for his contributions and I would also like to note the excellent work of the Natural Resources Committee.

Motion carried.

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. I. Pnevmatikos:

That the interim report of the committee be noted.

(Continued from 22 July 2020).

The Hon. C. BONAROS (16:57): I rise to speak in support of the interim report on wage theft. Some of Australia's major retailers would have us believe wage theft does not exist in this country. Federal Attorney-General Christian Porter emphatically believes otherwise and has threatened to introduce new industrial relations reforms to name and shame those businesses found guilty of wage theft, an issue he describes as 'an endemic problem in Australia'.

His warning followed supermarket monolith Coles adding itself to the long list of companies, including Woolworths, Bunnings, the Super Retail Group and iconic restaurant chains, found to be ripping off their employees. Coles has gone on the public record, saying it has set aside \$20 million this year to cover payment discrepancies that it said occurred over a six-year period, and it is not alone.

Late last year, the country's largest retail conglomerate, Wesfarmers, revealed it had underpaid workers \$15 million over the past nine years. Closer to home, South Australia's largest private employer, convenience store chain OTR has recently been accused of wage theft that could amount to some \$70 million in underpayments to thousands of employees. A class action on behalf of 1,050 workers in that instance has been instigated and lodged with the Federal Court.

The company is accused of failing to pay overtime, underpaying staff and misusing its traineeship program as a method to reduce workers' pay. This is not dissimilar to many of the claims involving other similar employers. It estimates that more than 8,000 current or former employees of the chain are eligible to join the class action and claims that the operators could be liable to pay back \$50 million to \$70 million in unpaid wages and entitlements.

These allegations, which date back to 2014 and span across all of the OTR stores in South Australia, involve eight different wage minimisation tactics that allegedly enabled the organisation to underpay its staff. But, again, they are not alone. In August, another of South Australia's largest independent retail groups, the Romeo's Retail Group, was accused of wage theft that could amount to \$20 million in total underpayments to at least 500 employees.

The firm representing the workers has accused the company of failing to pay overtime, penalty rates, allowances and leave loading on annual leave, and of engaging in tactics to minimise wages. The group has about 50 stores across South Australia and New South Wales. The law firm estimates that more current and former employees are eligible to join the class action and alleges that the owner-operators could be liable to pay back nearly \$20 million in unpaid wages and entitlements.

I should make a disclaimer at this point, because my husband previously worked for Romeo's, so I should just place that on the record, given that I have just indicated those claims. I will place another disclaimer on the record: I worked for Drakes, and the next one I am about to address is Drakes.

The Hon. T.J. Stephens: Were you any good?

The Hon. C. BONAROS: I was good; I was very good. The class action alleges that Drakes staff were not paid allowances and entitlements owed from performing overtime and penalty work. It further claims that employees had been paid for 38 hours per working week yet were rostered to work 45 hours or more per week, and worked in excess of rostered hours. The statement of claim lodged with the Federal Court late last month claims, amongst other things, that staff had uniform

costs deducted from their wages, and that in 2017 staff were directed not to record their hours on an electronic time record system. It seems, from what I have said, that no-one is immune.

It also seems that there is a lot to be said about the advice that many of these businesses—otherwise good, local, loyal SA businesses that we have all come to love and support—have received. It is really important, I think, that we acknowledge this point, as some of the interpretations that have resulted in these claims simply do not add up with what these businesses thought they could do.

In my view, it would be naive or even irresponsible for us to suggest these actions all emanated from some wilful or deliberate attempt to underpay staff. I simply do not think that that is necessarily the case. As I said, we have a number of good, local SA businesses here that we have all supported for a very long time, that now find themselves in the same category as the big operators in town, so something does need to be said about the advice that has been relied on, and about previous interpretations that they have relied on, versus current legal precedence and interpretations.

These businesses would have inevitably relied on the advice of lawyers, accountants and other experts, and will no doubt have attempted to avail themselves of any measures available to them that would have resulted in saving dollars. I can understand that, but these dollars have, in a growing number of cases, come from the pockets, from the pay cheques and at the expense of hardworking and loyal employees. These are not my findings, these are the findings of those actions that the committee has been considering.

They are the challenges that confront us. Most, if not all, of us in this place and throughout the community have always, as I said, supported these very proud SA-owned businesses, and that is really what I think makes it even more difficult to reconcile—the extent of the claims that we are hearing about with their otherwise strong reputations and track records. But what irks me is when those who do know better seek to downplay their roles and responsibilities in such cases.

A case in point is the evidence given before the committee of the Shop, Distributive and Allied Employees Association (SDA). It annoys me because the SDA knows that SA-Best has a long track record of supporting the very good work that they do to protect workers' rights and entitlements—and I would like to think that we have a very good working relationship—but there comes a point when you have to accept that you stuffed up and take responsibility for your actions.

Trying to undo or shy away from evidence given to a select committee by a member of your own organisation, that you then attempt to reverse without any regard for the facts or the role your organisation played in it, simply does not cut the mustard. In fact, it undermines the very important work organisations otherwise do in protecting the rights of their members. It undermines the very important work that the SDA does for its members in terms of protecting their rights and entitlements.

The committee has heard overwhelming evidence about the extent of underpayment of wages and entitlements and of wage theft. The work of groups like the McKell Institute, which has thoroughly investigated the extent of wage theft and produced a significant body of data to the committee; the various legal centres that represent vulnerable workers; academics; researchers; multicultural organisations; youth groups; the growing number of judgements and legal precedents; and, indeed, the body of data by the Fair Work Commission all clearly point to a significant problem across our workforce that warrants further scrutiny and attention by the federal and state governments.

You do not need to take the committee's word for it. As I said at the outset, federal Attorney-General Christian Porter has said that he will not hesitate to name and shame those businesses who are found guilty of behaviour that he describes as 'an endemic problem'.

In closing, I am extremely grateful to my colleague the Hon. Irene Pnevmatikos for her tireless commitment to push ahead with this enquiry, and her very long track record of fighting for the rights of workers despite pushback and resistance from the business sector at large, which has now been forced to confront some uncomfortable and damaging truths.

I also want to thank the committee's research officer, Margaret Robinson, and the secretary, Leslie Guy, for working with the committee members to this point in terms of preparing this interim report. I also thank each of the former and current members of the committee: the Hon. Emily Bourke,

the Hon. Tammy Franks, the Hon. Jing Lee, the Hon. Terry Stephens and the Hon. Russell Wortley. I will have more to say about the issue of wage theft once we have a final report before the committee.

The Hon. R.I. LUCAS (Treasurer) (17:06): This motion is merely noting the report, so we are happy to support it; however, I do want to take the opportunity to repeat the government's position in relation to this particular issue. The government do not support any employer who deliberately sets about underpaying the wages of their employees. I am sure that is common ground amongst all members. The distinction that I have previously sought to put is between a deliberate and conscious decision, which I think the federal minister Christian Porter has referred to, in terms of deliberate underpayment.

This is an important distinction because the term 'wage theft', which has been embraced by the supporters of this particular issue, includes not just those who deliberately underpay, but embraces those who, through inadvertent or unintended action, have not complied with the award conditions their employees are entitled to. This is why we have the Fair Work Ombudsman and the like to provide assistance for employees.

I do note that the nature of the speech given by the Hon. Ms Bonaros today in relation to the issue of wage theft is markedly different to one that she gave earlier. I think she was seeking to acknowledge that there may be well-intentioned employers who are now being accused of wage theft in the public arena. In her contribution today, she stated that she did not believe that some of those employers would have been intending wage theft, as has been characterised.

That is, indeed, the distinction we made earlier. It is our view that there are genuine employers who I do not believe ever intended to deliberately underpay their employees. To characterise them as thieving wages from their employees, as supporters of this particular issue have done, is unfair on them.

I do want to speak up on behalf of local retailers like Romeo's and Drakes in South Australia because I do not believe, knowing the owners and proprietors of those particular businesses, that they would be people I would feel comfortable of accusing of wage theft and including them in the pejorative phrase and the characterisation, which is quite damaging to those particular businesses, of being engaged and involved in wage theft.

They may well have underpaid and not complied with award conditions; that may well be an issue. That will ultimately be something we determine either by tribunals or courts. But the point we have always made is that the use of this phrase 'wage theft' can destroy the reputation of reputable employers who have done a lot of good for many South Australians. Whilst I have had different views to the Romeo's and the Drakes on issues like trading hours and the like, I have publicly congratulated people like Roger Drake, and I do so in relation to the Romeo's, as being successful local South Australian businesspeople in terms of what they have done.

Where we are now because of this phrase 'wage theft' is that the Romeo's group, for example, is facing class actions over claims they have underpaid staff by nearly \$20 million. Class actions from allegations dating back to 2014; \$20 million in unpaid wages and entitlements. An employee, who worked at three different Romeo's stores between 2016 and 2018, is one of the claimants who makes a series of allegations about wage theft and deliberate underpayment of wages by Romeo's. He refers to senior management in a number of stores.

Another employee, who is part of the class action, worked at Romeo's stores from 2009 to 2014. Again, this is drawn within this broad umbrella of accusing Romeo's as a group of wage thieves and, again, with the broad reference by these individual employees and the groups who represent them of characterising not just the owners of Romeo's but the managers of the individual stores of Romeo's as being complicit in terms of wage theft.

Similarly, with Drakes supermarkets, there has been recent publicity in relation to both ownership and management of the Drakes stores. I think that is unfair. I really think that is unfair. It should be called and distinguished for what it is. That is, distinguishing that it is an employer who deliberately underpays wages who should get a fair whack, which is what Christian Porter the federal minister has indicated.

Someone who has inadvertently taken wrong advice or wrongly interpreted award or enterprise bargaining conditions and not paid their employees, nevertheless still should be brought to account, if there is a tribunal or a court which finds that they have wrongly paid or underpaid their particular workers or employees during that particular period. If that is the case, it should be corrected. The employees are entitled to whatever it is they are entitled to and that should be resolved.

To characterise this as wage theft on reputable, in my view, and genuine employers in South Australia—and I will defend the reputation of the Roger Drakes of this world and the Romeo brothers of this world until someone can give me evidence otherwise that says they deliberately set about thieving wages from their employees. I will not believe that until someone can produce the evidence that says they were thieving wages from their employees. It is grossly unfair to damage the reputations of groups like Drakes and Romeo's in South Australia in the way that it has been characterised.

That is my entreaty to those who support this particular cause. Describe it as it is. Distinguish between deliberate underpayment of wages and belt the hell out of those particular employers. But distinguish them from those who have made genuine errors, who have not set about deliberate underpayment of wages, but who nevertheless need to be held to account. If they have to repay underpayment of award conditions or enterprise bargaining conditions, they should be required to do so. I have no concerns about that at all.

It was sort of easy when the targets in the early stages of this debate were big multinational companies in the other states. It then spread to the ABC, for example, much supported by various groups in the community, who were accused of underpayment or wage theft. Again, I do not believe the ABC did it as a deliberate endeavour to thief wages from their employees, but they will need to be held to account—or perhaps they have already been held to account; I do not know—in relation to those particular issues.

We have seen examples in this state where the potential underpayment of public servants within departments, which go back many years prior to the change of government, is being challenged through various tribunals. Again, I do not characterise that as wage theft from employees. I do not believe that Labor ministers of the former government deliberately set about thieving wages from their employees. It was a difference of opinion, I am sure, based on Crown legal advice in terms of what the employment conditions mean.

I have long argued that these are complex matters. Some of the people in the past debates, when you have a look at them, when I have raised the issue that these are complex matters in terms of interpretation, have characterised it as, it is black and white, you either do it or you do not, it is clear what you have to pay, but anyone who has any experience and any knowledge of employment law will know that there are complicated issues in relation to employment law: enterprise agreements, the payment of allowances and the payment of benefits. All those sorts of things can be complicated.

They are clearly complicated for small businesses. As we are seeing now, they are clearly complicated for reputable state businesses like Romeo's and Drakes. They are clearly complicated for big government organisations like the ABC, so I think we have to acknowledge that this particular debate is not as simple as some have sought to characterise it, that you should just be paying clearly what you are required to pay. Of course you should, but sometimes there is either confusion or differing opinions as to what the enterprise agreement or the award conditions might mean.

With that, I leave on the public record my defence, until someone else can prove to me otherwise, that I do not believe the Drakes and the Romeo's of this world should be accused of wage theft, should be included in this general debate under the topic of wage theft. I strongly oppose that ongoing characterisation and the damage to their brand and their business from being characterised as such by those who continue to pursue this particular issue. I remain strongly of the view that any employer who deliberately underpays their workers should be held to account, and I support the broad positions that the federal minister, Mr Porter, has been putting in relation to holding those particular employers to account.

The Hon. I. PNEVMATIKOS (17:18): I do not know where the Treasurer gets his information from, but there were no direct accusations made against any particular individuals in the deliberations

of the committee looking into wage theft. I appreciate that the Treasurer has always had concerns, from the outset when this committee was established, in naming the committee a committee on wage theft, but I think the Treasurer should appreciate that he is working against the tide in that regard. It is a widespread problem. It does not afflict all employees or all employers; nonetheless, it is an issue, and certainly the deliberations of the committee have identified that.

Secondly, can I simply state that this was a parliamentary inquiry; it was not a court trial. It was not a presentation of evidence and a determination of people's guilt or otherwise. There are courts in the land that can address those issues and that have on various occasions.

In any event, I would like to thank all members of the wage theft committee, past and present, for their contribution: the Hon. Connie Bonaros, the Hon. Emily Bourke, the Hon. Tammy Franks, the Hon. Jing Lee, the Hon. Terry Stephens and the Hon. Russell Wortley, as well as the committee secretary, Leslie Guy, and the research officer, Margaret Robinson. Further, I would like to thank those who spoke on the report: the Hon. Connie Bonaros and the Hon. Rob Lucas.

The committee's interim report revealed that wage theft is widespread, affecting all industries, and is a deep-rooted issue that requires immediate action and remedy. The report heard from organisations questioning the efficacy of existing structures to properly address and redress wage theft. In response, the interim report identifies three key areas for South Australian legislation to address: the need for greater oversight and regulation in a more systemic and integrated way; increased penalty for offenders, including criminalisation in certain cases; and, lastly, streamlining court and tribunal processes.

Before the winter break we established that the committee would also look at the intersection of slavery and slavery-like practices, as well as the effects coronavirus has on wage theft. The committee still has more to uncover in these areas and will release a final report detailing further recommendations. Wage theft is not only hurting workers, it is hurting employers and businesses who are playing by the rules and the state's economy. Now, during this pandemic, is the time to be addressing these systemic issues to build back stronger and fairer structures. I commend the report.

Motion carried.

Bills

HEALTH CARE (SAFE ACCESS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 October 2020.)

The Hon. I.K. HUNTER (17:22): I do not propose to keep the chamber unduly this afternoon with any words from me, other than to say that I will, of course, be supporting the Health Care (Safe Access) Amendment Bill. I note that it is a conscience vote for Labor members and one which has been debated previously in this place, or a bill very similar. In fact, this bill is nearly identical to the previous health access zones bill which passed this place in 2019.

I would like to thank members of the public and the community who have contacted me to share their views on this subject. I have reflected on my previous contributions to this debate and the comments I have made in the past. My position has not changed. I would like to commend the co-sponsors of this legislation, the Hon. Tammy Franks in this place and Nat Cook, member for Hurtle Vale in the other place.

I would like to particularly acknowledge the member for Hurtle Vale for successfully negotiating the arcane hurdles of private members' legislation in the lower house. Passing a bill in private members' time in the other place is no mean feat, and I think she does deserve some consideration.

I would also like to make it plain, for the record, my position on the amendments. I will be supporting no amendments, for two reasons, really. Some of the amendments have only just been filed—moments ago—and I do not think it is conducive to a satisfactory debate to be filing

amendments this late, when we have known for some time this matter is coming to a vote today at this hour.

Additionally and perhaps more importantly, any amendments made in this chamber today will necessarily mean an amended bill will need to go back to the other chamber and go through that whole arcane process of private members' legislation in the other place, where I would predict the bill would be lost for all time and would have to start again. For me, this is too important an issue to have that done to it. I want this bill done and dusted as soon as possible, so my position—and it is only my position—is that I will be supporting no amendments. I will be supporting the bill as presented from the lower house.

The Hon. I. PNEVMATIKOS (17:24): I rise today to speak not only in support of the bill but to convey how important it is to South Australians, particularly women and workers. We have considered a very similar bill in this place previously. It is important to note that the previous bill was passed with an overwhelming majority, and although the make-up of our chamber is slightly different to when that happened, I have no doubt that we will reach the same outcome again.

I would like to begin my remarks by thanking the member for Hurtle Vale for leading the bill through the other place and the Hon. Tammy Franks for championing the bill in this house. As we all know, the process of passing private members' bills through the other place is challenging, to say the least. The time restriction in place for private members' business makes it easy for progress to be held up, especially when members slow progress intentionally. Some members asked questions out of genuine concern for the bill; others, who did not like the bill, purposely sought to use the maximum time in their second reading contributions to drag out debate through the committee stage.

It was obvious that others saw it as an opportunity to once again slow progression on reform that is far overdue and make decisions prejudiced by their own views on abortion and women. Opposing members labelled this bill as an infringement on free speech, violating the right to protest and taking away liberties and freedoms of South Australians. These claims are false and need to be called out. Not only are these lies being espoused in parliament but in the public and are obviously influencing people's decisions in this parliament. This information builds fear and seeks to challenge the truth. It ignores the experience of others and the professional legal recommendations, ultimately undermining women and their autonomy.

Watching these debates, it is extremely obvious who uses these issues to stop progress on abortion reform and stall progress on reproductive rights. Some members are ignorant of the fact that we all know that they are anti-abortion. It is not only obvious to us but to the public as well. These members use these false claims as a facade to hide from being outrightly anti-abortion. No-one outrightly in this parliament claims to be pro life or anti-abortion. Rather, they hide behind these lies and incorporate the notion of helping women. To those members: in using that line, you are not helping women, you are denying them human rights and access to health services.

The opposition to this bill consistently surprises me. The minority of anti-work and anti-women protesters outside abortion clinics and on parliament's steps seem to be amplified in this place, with members mirroring their agenda of scare tactics and questioning women's autonomy. If people in this place truly cared about the wellbeing of patients and healthcare workers, they would support the bill.

When I visited the Pregnancy Advisory Centre for a briefing last week, I was confronted with the 40 Days for Life anti-abortion group. These protesters are obviously intimidating and harassing patients and workers. Not only have I seen this firsthand but it has been extensively reported through media, the SALRI report and during the course of this bill. People have tried to justify the anti-abortion protesters being there. Members have labelled the protesters as a form of counselling and comfort to patients. No form of counselling is done by these protesters. The very definition of counselling is the provision of professional assistance and guidance in resolving personal or psychological problems.

I emphasise the word 'professional'. Giving women unsolicited advice and biased information out the front of a medical clinic is incredibly offensive to both the women accessing the service and the health professionals working in the practice. Women feel as though the anti-abortion protesters

undermine their autonomy by questioning their ability to make decisions about their own body. They also purposefully guilt women about making the decision to terminate a pregnancy.

Health professionals are offended by the anti-abortion protestors, as they portray staff as enablers, without any regard for their expertise and ethics. Members in this place are hiding behind these claims when in parliament. However, they have no issue with actively participating in pro-life rallies and freely expressing their opinions to the media.

Why these members do not outrightly say that they are anti-abortion is beyond me. If you truly believe in something, then you usually are not ashamed to stand with the group. Unlike members of this place, the 40 Days for Life group very publicly state on their website that they work to end abortion locally through prayer and fasting, community outreach and peaceful all-day vigils in front of abortion businesses. This group is actively pursuing an agenda contrary to the law. They go even further to detail the number of babies saved, abortion workers who have had to quit and clinics they have closed.

Our party values workers and their contribution to society. As a Labor Party member, the work this group does to disentitle people from employment and shut down clinics is appalling. I am surprised that other members of my party do not see it this way. Through these statistics—unverified statistics, I might add—this group is boasting about taking away human rights from people. This group does not just want this legislation to fail, they want the practice of abortion to be completely banned. Our parliament cannot and will not let laws change back to what they were 50 years ago.

I note that three amendments have been filed in relation to the bill. The Hon. Nicola Centofanti has indicated that she will be moving an amendment specifically to allow silent prayer from occurring in the prescribed premise. This was addressed in the lower house and through multiple briefings. It is not illegal within the current form of the legislation to pray silently within the prescribed premise. Silent prayer would be unlikely to constitute threats, harassment or obstruction, but may be intimidating and hence be a prohibited behaviour. It is unnecessary to include this amendment.

This amendment was also not supported by the Human Rights Law Centre, SALRI, Monash University, the South Australian Abortion Action Coalition and the High Court of Australia. Listening to the advice of professionals and understanding the intention of this amendment to murky the waters of this legislation means that I will be voting against this amendment.

The Hon. Dennis Hood has indicated that he will be moving an amendment that would need the minister to review the operation of the safe access zone. This is also an unnecessary burden to this bill. We know from cases in other jurisdictions around Australia that this legislation works as prescribed by the legislation. It has been tested through legal proceedings in other jurisdictions and decisions made through the High Court. The pending Termination of Pregnancy Bill also includes an overall review, making this additional clause redundant.

The final amendment, and perhaps the most illogical of them all, is from the Hon. Clare Scriven, with the deletion of 'protected premises', substituted with 'boundary of the property on which the protected premises are situated'. Questions regarding the boundary have been answered in the lower house and discussed at length in the lower house and through briefings. Just in case there is any confusion, the current bill's interpretation would be that the safe access zone begins at the perimeter of the premises where an abortion is being legally performed and applies to any public area located within a 150-metre radius. Very straightforward, I would have thought.

If I am wrong in that explanation and the experts briefing us on this clause from Monash University are also wrong, I await the Hon. Clare Scriven's explanation. To those members who are thinking of opposing this legislation, I remind you of how appalled we and the public were about the horrific abuse and harassment frontline medical workers were receiving during the beginning of the pandemic. Did you find those attacks horrendous? Did you find it appalling when they were spat on, tackled to the ground and verbally abused in the street? This happens to people working in abortion clinics every single day.

The double standard presented by some members is laughable. Even through my work in women's health and the unions, I have never seen so much resistance to women and workers' rights as has been displayed by members throughout this debate. For those who have been asleep at the

wheel, the public, health professionals and patients no longer accept practices rooted in misogyny and patriarchal structures.

For years, community groups, activists and the general public have been calling for legislation that recognises women having autonomy over their own bodies. It is time this parliament wakes up to those calls. The passing of this legislation marks the beginning, but do not worry, there will be plenty more to come.

The Hon. M.C. PARNELL (17:36): I will be supporting this bill. I would like at the outset to offer my hearty congratulations to my colleague the Hon. Tammy Franks for her work on this bill and on previous bills over many years. Her work in this area shows that persistence, I think, does pay off. I associate myself with the remarks that she has made, but I would also now like to associate myself with the remarks that the Hon. Irene Pnevmatikos has made. Many of the issues that she has raised were issues that I wanted to raise myself, in particular the claim that this bill somehow is a gross infringement on civil liberties, the rights of free speech, the right to protest and, the latest in that list, the right to pray silently, apparently.

I agree with the Hon. Irene Pnevmatikos that the free speech, protest and silent prayer that the opponents of this bill advocate is not for any other reason than to intimidate and influence the behaviour of people seeking to access legitimate medical services. The protesters outside abortion clinics are only there to influence the behaviour of the patients who are attending. There is no other reason for them to be there.

We have known for a very long time that, when it comes to civil liberties and human rights, including the right to free speech, there are limits. For example, where the right to free speech crosses against the right not to be vilified racially, this parliament and society, I think, accepts that there are limits, and the limit is, 'Thou shall not racially vilify people.' Does it infringe your right to say whatever you want? Maybe it does, but it is a right that, as a society, we have correctly identified needs to be curtailed for the greater good.

When it comes to this issue and the right for people to silently pray, for example, at a place of their choosing, which might just happen to be outside an abortion clinic, the other day I was trying to think of some parallels. Maybe someone wants to silently pray on the intersection of King William Street and North Terrace. They might claim that that is the particular spot that they want to silently pray: 'The cars won't be that inconvenienced. They can drive around me. I'll promise to just stand right in the middle. I will not be in anybody's way.' Guess what? That person is going to get arrested. Society has decided that in most situations that is not appropriate. 'Pray somewhere else' is what the police officer would tell that person.

So there are limits to free speech, and I have no qualms whatsoever in drawing up these limits in a way that protects women who are attending these health clinics, protecting their mental health, protecting their privacy and their dignity. I do not want to see some of the behaviour that has been described of protestors outside abortion clinics.

The other thing I will say is that many of us today are wearing our red poppies, it being Remembrance Day. I found it odd—I will say it more strongly: I found it offensive, but I will start with odd—that apparently there are some bills on the *Notice Paper* that cannot be debated on Remembrance Day. Other bills, apparently, are okay. This one is okay and we are debating this bill now, but another bill on the topic of abortion apparently is inappropriate to debate on Remembrance Day.

My view is that it is very poor form to somehow invoke the memory of people who have died in the service of their nation in a partisan way and to say that those people would not have liked the bill and therefore it is not proper for us to debate it on Remembrance Day. It is a bizarre concept and I find it offensive.

The Hon. C.M. Scriven interjecting:

The Hon. M.C. PARNELL: Regardless, the work of parliament will proceed. There was an out of order interjection that the RSL lined up, saying, 'Please don't debate abortion on Remembrance Day.' I did circulate to a few members—not to everyone—an image. It is a favourite image of mine. It is actually one of the war memorials in Canberra.

It is in the precinct of the parliament building. It is a very simple granite memorial. It has a slouch hat, I think there is a nurse's hat and there might be an air force hat in there as well as a drinking fountain, so it is functional. It is a war memorial and basically the war memorial says—the words are few, but they are very powerful—'Look around you,' referring to the parliamentary precinct, 'this is what they believed in.'

I am thinking that they believed in democracy. Many of them believed they were fighting for democracy. Guess where democracy gets done? It gets done in places like this. The *Notice Paper* is what the *Notice Paper* is and we will debate the other bill tomorrow. That is just fine, but I just want to say that I thought it was very poor form for people to invoke Remembrance Day as a reason not to debate particular legislation.

On this particular bill, as I have said, congratulations to my colleague, the Hon. Tammy Franks. It is an important bill. It is a bill that will improve the dignity, the security and the wellbeing of women who are accessing these services and I think it is more than time that this parliament passes this bill. I very much look forward to a successful vote, whether it is today or whenever, but I think this is a bill whose time has come.

The Hon. C. BONAROS (17:42): I rise to speak in support of the Health Care (Safe Access) Amendment Bill 2020. The recent passing of eminent United States Supreme Court Justice Ruth Bader Ginsburg marked a momentous moment in our history. It was a salient reminder of both just how far we have come but also the long and often exasperating road still ahead of us when it comes to some of our most basic human rights. At her confirmation hearing some 27 years ago, the celebrated gender equality advocate said, I quote:

The decision whether or not to bear a child is central to a woman's life, to her well-being and dignity. It is a decision she must make for herself.

All women and girls have a fundamental right to safety, privacy and dignity, especially when it comes to accessing vital health care. By its very nature, access to such safe health care is not just something we simply deserve or we have earned; it is something we are entitled to and, sadly, it is something millions of women the world over continue to fail to attain.

This debate is not just about body autonomy and reproductive freedoms; it is about ensuring that our daughters, our granddaughters, our sons and our grandsons are safe in the knowledge we have done absolutely everything in our power to address those aspects of our outdated and archaic laws that make the long road ahead easier to navigate. It is about protecting the very basic rights that people like the late Ruth Bader Ginsburg and others before her have championed for decades.

Choosing to terminate a pregnancy is never an easy decision. It can be heartbreaking. It can mean the end of a much-wanted pregnancy. It can mean the difference between life and death for a woman. It can mean a lifetime of emotional turmoil. It can mean having no choice at all. It can mean so many different things for so many different women.

We probably all know somebody who has terminated a pregnancy. Many of us may have felt the heartache ourselves. The bottom line is that these are not easy choices or decisions, but they are choices and decisions that women and girls need to be able to make free of unnecessary obstacles and worries, free of undue pressure and fear, and free of stigma. They are choices every woman is entitled to have, and decisions that women and girls need to be able to make for themselves.

I have spoken on the record previously about my support for this bill. My reasons for supporting these measures have not changed, so I do not intend to repeat them today. The importance of this legislation has been canvassed extensively by everybody, from the medical profession, researchers, academics, advocates and legal experts, to the South Australian Law Reform Institute. I do not need any further convincing. None of us should need further convincing. It is the right thing to do, and it is the decent thing to do.

I do want to address the issue of silent prayer, something which I myself quite often do, because whether we like it or not, it is central to this debate. Believe it or not, supporting this bill does not make us any less Christian, it does not make us any less Hindu, Muslim, Sikh, or any other religion you may believe in. Indeed, my own personal belief is that supporting this bill is in good

keeping with the core values central to religious beliefs: compassion, understanding, love and, importantly, respect of others, and forgiveness. It is basic human decency.

I think this is articulated best by the Reverend Paul Turley from the Clayton Wesley Uniting Church in a letter that he wrote to the editor of *The Advertiser* that was published in today's newspaper. I appreciate that this is in relation to the broader abortion debate, but it is just as relevant to the debate before us today. He wrote:

I write in support of the bill to decriminalise abortion that is before the South Australian Parliament.

I do so because, like many others in our community, I believe that a woman seeking an abortion is not, and should not be treated as, a criminal by the laws of South Australia.

I write also as a Christian minister and do so because some religious opponents of the bill seek to portray their views as the Christian view.

There is no Christian view on abortion. Only Christians who have a view.

My view as a Christian is that moving abortion from the field of law into the field of health is the compassionate and just thing to do...

I am sure the decision is made unnecessarily more difficult by the threat of criminality. To be just is to seek the fair and equal treatment of all.

This bill will help ensure that the lack of access to services, particularly for women in rural and remote parts of SA, will be addressed.

One of the concerns of some is addressed by a study reported in 'Study backs abortion shift' (*The Advertiser*, Monday). It found the tiny number of later-term abortions sought in the UK, US and Canada were all sought by, in the words of the study's author, Dr Prudence Flowers, 'people in desperate circumstances that are very rare'.

In these rare circumstances, compassion and justice are even more crucial.

As I said, this bill may not be directly about the abortion debate but it is so indirectly because we are talking about access to health care for the termination of a pregnancy. I thank Reverend Turley for those eloquent and considered words. If you truly believe in a god—your god—then surely it must follow that you also believe that he will hear your prayers wherever you may be. The reality is that not everybody shares your beliefs.

Women attending such clinics and workers at those clinics, who are going about their employment obligations, are entitled to do so without fear or judgement, without intimidation, and making an already very difficult—an extremely difficult time—more traumatic. They are entitled to expect that even though we may not share the same personal beliefs, as legislators the legal standards we create will be fair and equitable for all. I count my lucky stars that I live in a nation that affords me and every other woman with safe (albeit far from perfect) choices in our decision-making in the full knowledge that so many other women simply do not have that entitlement afforded to them in law or in practice.

With those words, I would like to thank the member for Hurtle Vale in the other place, and of course the Hon. Tammy Franks in this place, for their commitment to this bill and to seeing it through to fruition. I commend the second reading.

Sitting suspended from 17:50 to 19:45.

The Hon. C.M. SCRIVEN (19:46): As members would be aware, we debated a similar bill to this last year. Firstly, we need to remember there is no evidence for this bill. When we did debate the similar bill last year, I asked the Hon. Ms Franks how many prosecutions there had been in the 27 years of operation of the pregnancy advisory clinic—it is now 28 years, of course—and the answer was none. I have heard that there has been one attempted prosecution in all that time which was not upheld. So in 28 years, there has possibly been one attempt at prosecution, yet this is something that requires its own law, we are told.

The argument is put forth that there were no prosecutions because the law was not suitable and yet the Summary Offences Act covers disorderly or offensive conduct or language. Someone who behaves in a disorderly or offensive manner is guilty of an offence with a maximum penalty of \$1,250. An offence in that definition includes threatening, abusive or insulting language or behaviour.

So, number one, the Summary Offences Act already has mechanisms to address behaviour if, indeed, it were occurring.

Secondly, all councils have by-laws and the City of Charles Sturt is no exception. The City of Charles Sturt in which the abortion clinic is located has by-laws which prohibit particular behaviour, specifically:

A person must not on local government land annoy or unreasonably interfere with any other person's use of the land by making a noise or creating a disturbance...

To be absolutely certain, those who go to the abortion clinic regularly must obtain a permit from the council to be on council land. No proceedings for breach of permit have been made. A permit has never been revoked, a permit has never been refused, despite the fact that under the by-laws a person cannot annoy or unreasonably interfere with another person's use of land. Again, there is clearly no evidence that women are being targeted and harassed.

Last year, the Hon. Ms Franks, who introduced this bill, referred to complaints to Charles Sturt council. Freedom of information requests show that there had been 21 complaints over five years, roughly four per year, and several were from the same person or body. It is not even four per year from different people. What were those complaints?

One was that there were four people sitting on chairs. The relevance of that is that the permit issued to 40 Days for Life or other groups requires that they must sit or be behind a barricade. Another complaint was that a person entering the clinic was told by the people who were outside that they were there to help. Another complaint was that a small group of people were across the road from the centre and they were 'subject to their stares'—so they were being looked at.

We have not seen pictures displayed of dead babies at the Woodville abortion clinic. We have not seen any offensive signs. Reference has been made to studies by the Castan Centre for Human Rights Law, which apparently show that the mere presence of people outside a clinic caused harm to women going in. There are two such studies from that institute that I looked at. The first outlined the methodology of the study as follows:

We conducted 40 semi-structured, in-depth interviews with staff working in clinics providing abortion services and professionals engaged in health policy.

The second was the 2018 study by Penovic and Sifris from the Castan Centre. That study involved:

19 semi-structured, in-depth interviews with professionals engaged in health policy and staff working in clinics providing reproductive health services, including abortion.

The methodology further said:

Interview participants were recruited through personal contacts, email and snowball methodology.

And further:

We decided not to undertake interviews with persons who have engaged in anti-abortion protests.

This one was the study that involved only 19 people, who were already known to the authors or their associates and who were working in abortion facilities, such as the Maria Stopes Maroondah clinic in Victoria. It is not clear whether the 40 people in the first-mentioned study included the 19 people in the earlier study. They may or may not, but either way it is either 40 people total or, at most, 59.

I am not saying that there is no value at all in this study, but it must be seen through the lens of a very small sample who were not randomly selected, many of whom had a financial interest in abortion. There was no evidence that the study's authors put in place appropriate mechanisms to mitigate the possibility that some of the respondents would not want people offering alternatives to abortion and offering help outside their clinic because it would affect their bottom line.

The study's authors also outlined why they did not undertake interviews with women who had accessed the clinics, citing, for example, privacy, which is understandable. However, the conclusions reached are therefore relying on the perceptions of people other than those who have experienced people outside the clinics.

In an earlier contribution, the Hon. Irene Pnevmatikos said that when she visited the Pregnancy Advisory Centre last Friday she was confronted by the 40 Days for Life protesters (I think

they were the words that she used). I also attended at the same time. There were two people standing under a tree opposite the centre, and I think I can say with confidence that unless you were looking particularly for them you would not know who they were or what they were doing there. Just up the road, behind bollards, there were three or four people who, again, would not be easily seen as one entered the abortion clinic. To go down that part of the road, you are actually going to a no-through end, so it is very unlikely that they could have been considered to be intimidating in any way.

Back to the studies. The studies such as the one described, which was not random, which was very small in sample and which interviewed people who had, potentially, a financial interest in a particular outcome, would obviously not pick up the women who appreciated offers of assistance outside a clinic. As mentioned, here in Adelaide we have not seen the harassment that has been outlined, but we have seen offers of help to women, many of which have been absolutely welcomed. This was from one woman who assisted, who said:

A mother was referred to me for assistance with an unexpected pregnancy. I found her employment and a house, budgeting assistance through...

And she mentions the person and organisation. She continued:

I arranged babysitting while the Mother was at work. A lady who met the mother through the cafe became the baby's Godmother, and cares for the baby girl up to this day, bringing her often to [the café]. All the regular customers know the little girl and some have given clothes and toys as gifts for her.

There will be some arguments that assistance is provided inside the clinic, so help is not needed to be offered outside. The experience of many women is contrary to that. As I mentioned, I visited the Pregnancy Advisory Centre last week on invitation as part of the briefings on the termination of pregnancy bill. There were information pamphlets in the various waiting areas, but none of them outlined alternatives to abortion. I repeat that: there were information pamphlets in the various waiting areas, but none of them—not one of them—outlined alternatives to abortion; nor did they offer assistance in housing or material help.

I asked where such pamphlets could be found and was told they were in the drawer of the social worker. Now, one could mount an argument that once a woman had got in to see the social worker, the social worker could give her those pamphlets, but in the general waiting area, where there are other information pamphlets, it struck me as remiss, to say the least, that those alternatives are not offered and that those options are not offered.

In any case, with the best of intentions the level of support provided in the earlier example cannot be provided by government bureaucracy, however well intended they may be. Anyone who has worked in government knows that things often move quite slowly and that a staff member would not be able to find employment, arrange a roster of volunteer babysitters, provide baby goods and arrange housing. Had these forms of help not been available to this woman, she would have been forced into an abortion. She would have had no choice—quite contrary to making a choice.

I would like to remind members of other experiences of people who have been offered help by people outside of an abortion clinic. I am quoting here:

We both are grateful to you to have Saira in our life. I still remember that day back in December...when we went to [the] clinic...and met [you]. It is because of you all who motivated us to continue ahead and face the challenges with your help and support. We are really thankful to everyone who supported us to have such a beautiful baby in our life. Thanks for helping us in our bad times. I've attached the recent photograph of our family.

Another:

I wish to say how grateful my wife and I are to [you] for offering help to my wife and to myself when we went to the...clinic. This enables us to cancel the appointment of the abortion and...keep the little baby Nicholas who is now 6 years old...We thank God for people who were there for us that morning and the little baby now alive.

Another one:

Me and my family are very thankful for you and your team for the help you provided us...If we couldn't meet you at the time of my wife's pregnancy termination...probably we [would have had the] abortion! But your help stopped us to do so, bundle of thanks and regards that with your help my wife gave birth to an angel Maria and also she completed her study, because of your help to looking after my other two kids...for more than a year at my house. My daughter is very cute, she is 6 six months old and she starts talking some words. Kind regards from me and my Family.

Another one:

Our son Noah is 17 months old and he is a beautiful and healthy little boy. We are so proud and blessed to have him in our lives. When I was pregnant...[you were put in] our way and we walked away from abortion. [You] helped us all through the pregnancy and even after. [Your friends] helped pay all our bills and introduce us to some beautiful people who now have become our close friends. We would like to take the opportunity to thank [you] for the incredible help, support and their prayers because it all paid off. We will never forget.

This is an example of some of the people's experiences who have been approached by people outside of an abortion centre. They have been helped by the people outside the abortion centre. They have been very grateful for the support they received. They could not have received that support if legislation such as this had been in place.

No-one supporting this bill has addressed this issue, no-one: the help provided, the help that was not offered to these women through the system, the current health system, the current health system under this current government and many governments previously.

I remind members that the 40 Days for Life positioning is about 75 metres away from the entrance of the abortion centre. As I mentioned, it would be very hard to even tell why people were there unless you already knew or were looking for it. As we know, this bill prohibits discussion of abortion within 150 metres of an abortion clinic or other hospitals that perform abortions. Indeed, it currently states that it is within 150 metres of any hospital in this state.

My question, which I will put when we get to the committee stage, is: if the other termination of pregnancy bill goes through, which means that abortions will be able to happen in places other than hospitals, does that mean there will also be a 150-metre exclusion zone around any of those locations? It would be helpful to have that answer from the mover when we get to that stage.

We are also told that the staff at the abortion centres have a screening tool for domestic violence, and certainly I am glad to hear that they do, but all tools have their limitations. There are certainly women who say either that they have not benefited from such a tool or that, to their knowledge, it was never applied for them. These are the women who have said that they have been taken into the abortion clinic—often by a male person; perhaps a partner, perhaps a brother or perhaps a parent—not wanting to have an abortion and yet there was no screening that picked up that they were being coerced. There was no screening that gave them assistance to say, 'No, this isn't what I want.' A number of women have said that they are not even asked if it is what they want.

Madeleine talked about just such a situation. She said that she found herself unexpectedly pregnant at 18, and she goes on to describe how she went ahead with the abortion and did not think it was necessarily too difficult a situation. She said that neither her boyfriend nor either set of parents pressured her to have the abortion. She said:

Instead...there was eerie silence. They said nothing except that they'd support me whatever my choice. That is something I think a lot of people say with the expectation that that will be helpful.

She continues, however:

It was as I sat in an anatomy and physiology lesson in first-year nursing, staring...at the embryonic development of a 10-week-old foetus, that the whole house of lies came crashing down around me. There she was: no ball of cells, no half a fingernail-sized blob but a baby, heartbeat and all...That moment of realisation broke me open, and I found within a well of grief so immense.

She talks a bit more about her grief and then goes on to say:

I signed away her life with less awareness than when I signed the countless pages of warnings for a recent routine endoscopy.

In the name of wanting to be supportive of a young woman facing an unexpected pregnancy, a young woman at risk of feeling pressured and condemned; the risks were not even mentioned. Not by the doctor I visited, not by the counsellor and not by the abortionist. It was decided for me by society that I didn't need the difficult facts, because abortion was the best choice for all involved.

So Madeleine did not feel that she was exercising her agency; she did not feel that she was making free choices. Instead, she felt that others had decided that this was the best choice and that was what she was obliged to do. However, four years later, when she saw a picture of an unborn baby, that is not how she felt.

We of course will be discussing other aspects of abortion in another bill, so I will not continue along that line here at this stage. What I do ask members to think of, and we know that probably most if not all members have already decided how they are going to vote on this bill: I want you to think about those parents who have contacted me and others in this place, those parents who said how much they appreciated being offered help at the front of a clinic when they felt they had no choices.

They said how much they appreciated being given those choices by people who are willing to help them; people who are willing to support them and love them, not judge them; people who are willing to organise a roster of child care by volunteers so that a mother could continue her pregnancy and still work; and people who are willing to stand with the woman and say, 'If you want another option, we can help you.'

If we pass this bill—and I know it is probably when we pass this bill—we are saying to those women, 'You didn't deserve that help. That help didn't come to you through the system, and we are fine with it not coming to you through any other way.' That will be a tragedy, and I ask members to reflect on that.

The Hon. N.J. CENTOFANTI (20:04): I rise to speak on this bill and to indicate that I will not be supporting it in its current form. First, I would like to place on the record that I think it is reprehensible that anyone would be harassed in any manner in any situation, let alone for attempting to access a medical procedure. I believe that we all have the fundamental right to go about our daily lives and decisions without abuse or threat. We also all have the fundamental right to express a view or an opinion in a respectful manner. This is called free speech, and we are all lucky to live in a country, the foundations of which were built on free speech and liberty.

This bill is regressive as it is an attempt to progressively dismantle the architecture around freedom of speech. Government should not be able to regulate a person's speech, just because it disapproves of their opinion or what they say. It is disingenuous to limit free speech only in relation to a particular cause, as this bill seeks to do in section 48C(2)(b). Free speech is about the right to express one's opinion without censorship, restraint or legal penalty.

I disagree with members who claim that this legislation does not impinge on freedom of speech, because it does. It regulates the format or manner of a form of expression by restricting the uses of places in which a particular protest activity may take place. That, in itself, impinges on freedom of speech.

I reiterate, as I stated previously, that I do not support and fervently oppose any situation in which a protest is violent, aggressive or of a harassing nature. I can see the motivation behind this legislation: to protect people who are having to make extremely difficult decisions. However, we have current rules that govern protesters of all causes, rules that balance the rights of those inconvenienced and, more importantly, laws prescribing harassment and assault.

I draw the chamber's attention to the Summary Offences Act 1953, which refers to disorderly or offensive conduct or language, behaving in a disorderly or offensive manner, and then defines 'offensive' to include 'threatening, abusive or insulting'. These laws already exist to protect our citizens from harassment, and further laws such as these do nothing more than to threaten to protect the value of freedom of expression.

I would also like to talk about the reality of this legislation. In 2017, several members of the ACT community were fined for praying silently in Canberra's CBD after the passing of legislation in the ACT preventing protests in the vicinity of an abortion clinic. During this debate in the other place some members suggested that silent prayer in itself could not be interpreted as a prohibited behaviour in any case. It is true that this may not be the intended consequence of the bill, but what we have seen occur in the ACT shows that this is the reality.

So that members are aware, let me step you through the consequences of this legislation. A zone, similar to the proposed legislation today, was introduced around the Moore Street Clinic in Canberra in March 2016. A group of individuals had held vigils at the civic clinic every Friday for 18 years. After the legislation was passed, the group no longer held group vigils, remained silent, did not use placards and instead prayed as individuals. Despite this, police fined three of these

individuals and temporarily took another into custody for praying within the protest exclusion zone. Again, it may not be the intended consequence, but like much legislation it is the reality.

That is why I will be moving an amendment identical to the amendment moved in the other place by the Minister for Environment and Water, to ensure that silent prayer cannot be interpreted as prohibited behaviour. This would enable people to peacefully and silently provide prayer for individuals as they enter or leave a protected premises.

There are stories of women who have actually, by choice, approached those so-called protesters: women who felt that their circumstances meant they had no other choice but to seek an abortion, women who felt pressured to make a decision based on the lack of necessary support. These women, feeling empowered, have then changed their minds and have raised their children with the support of this community.

They are stories such those of Aashika and Suyra, who came to Australia after the earthquakes in Nepal with little money and no family support. They were not aware of the support structures available in Australia. When remembering her past journey, Aashika said:

I was so stressed outside the abortion clinic. My husband and I just stopped there. My husband went to talk with one of the people sitting on the side of the road. He didn't force us to stop or listen to him. He just spoke with us about our problem, why we were choosing abortion. My husband told our story...The man, Paul, told us about the things he could help us with and we don't have to abort our baby. He really helped us. He helped us to bring our mother out to Australia to help take care of the baby whilst I was studying and my husband was at work. He also helped us with accommodation and other things.

Another story is from Sara, a young woman who walked into the cafe adjacent to the abortion clinic to ask for directions to the clinic. She spoke to Marguerite, the then owner of the cafe, and after a friendly conversation Marguerite gave her literature on pregnancy support and her mobile number. One hour later, the young woman phoned Marguerite to thank her for the information and to say that she had decided to keep her baby. In 2013, Sara's healthy baby girl was born, and Marguerite continued to support Sara, bringing her needed goods for her and her baby.

I strongly believe that silent prayer should be allowed. By explicitly allowing individuals to practise silent prayer near an abortion clinic, a woman then has the option to seek their support, such as we hear in stories. There has been a lot of discussion on women's choice, and this is another example of choice. By removing these people from this area, you remove the woman's choice to approach and engage. I believe that the saving of one life and the provision of support for these women justifies the amendment.

I am also extremely uncomfortable with the wording of the proposed amendments to the Health Care Act. Under section 48E, the proposed changes state:

A police officer may, if the police officer reasonably suspects that a person has engaged, or is about to engage, in prohibited behaviour in a health access zone, direct the person to immediately leave the health access zone.

If he or she fails to comply, they are guilty of an offence with a maximum penalty of \$10,000. There are five words that I am extremely uncomfortable with, and they are the words 'or is about to engage'. I am no lawyer, but even I know that there are some basic principles of criminal law. One of those is that you cannot arrest someone before they have actually committed a crime. After doing some research on the topic, I can tell you that there are five principles of criminal law, which are: (1) actus reus (or guilty act); (2) mens rea (or guilty mind); (3) and probably the most important, the concurrence of actus reus (guilty act) and mens rea (guilty mind); (4) causation; and (5) harm.

Legally, I am not sure how one can satisfy oneself beyond reasonable doubt that someone is 'about to engage' before they have actually engaged in prohibited behaviour. I believe there is a significant risk that, with the use of these words, members of the public could be religiously profiled and, in doing so, be forced to leave a health access zone before actually committing a crime.

This bill has been carefully crafted so that the crime is not actually committed unless the member of the public argues the point as to why they may be within the health access zone other than to protest and refuses to leave the zone. What happens if this person is visiting a sick friend or relative in a hospital where abortions are performed? What about their right to be in a public space? I believe this legislation is flawed and problematic.

When working on a measure that restricts freedom of expression, we need to ask ourselves a number of important questions: whether the measure can be justified under the permitted grounds for restriction, whether it would be effective to achieve the desired ends, whether it impinges on freedom of expression to a greater degree than is necessary, and whether there are less restrictive means of achieving the desired ends. I believe this legislation is fundamentally flawed in all these areas and I therefore cannot support it.

The Hon. D.G.E. HOOD (20:15): Members will be aware that I spoke at some length on a very similar bill that was debated in this place not long ago. In light of that, I do not intend to go into the same level of detail today but, rather, will outline more briefly some of the reasons that I will not be supporting this bill. I refer members to my previous speech on this matter for a more detailed outline of my position but I imagine members are familiar with it by now.

The principal reason I oppose this bill is I believe that the bill is a disproportionate response to overcome a perceived problem based on very little evidence that any problem actually exists. The Pregnancy Advisory Centre is the primary setting for the proposed safe access zones that this bill seeks to impose, given that is where most of South Australia's roughly 4,300 yearly abortions are performed.

For some 30 years, vigils have been held at that site by those wishing to exercise their democratic freedoms to assemble, pray and advocate. This has been done by way of permit through the City of Charles Sturt and not even once, as I am informed, has this permit ever been revoked by the council—not once in 30 years.

As a democratic society, we have the expectation that the fundamental democratic rights of our citizens will not be eroded except when it is absolutely necessary to do so, but this is exactly what this bill will do. It impinges upon the right to peaceful protest, freedom of expression and freedom of speech. It targets otherwise law-abiding citizens and says that you cannot behave in a way that is legal and acceptable in any other setting but not in this defined zone. Furthermore, if you do protest there, potentially even silently, you face the prospect of arrest and a \$10,000 fine or imprisonment for up to 12 months.

I argue that this bill is unnecessary because we already have laws in place that deal with this harassment, intimidation and coercion if, in fact, it occurs. These are the very reasons we are told this bill is needed; however, I am informed that there has never been a single successful prosecution regarding the behaviour of any of the people involved in prayers or vigils over that entire 30-year period of time. I am aware of a single attempted prosecution during that period, but it failed due to a lack of evidence; in fact, I understand the charges were withdrawn and not pursued.

Therefore, in light of those circumstances, it begs the question: if there was a significant issue requiring legislative intervention with actual cases of bullying or violence against individuals—which is wrong and I think all of us would acknowledge that—just seeking to use a government service, where is the evidence of it? Why have people not been arrested and charged in over 30 years? Why has the council not revoked the permits it issues regularly? Where is the proof? I guess that is the most simple way of asking that question. If people have genuinely been subject to the types of behaviours this bill seeks to prevent, why have there not been any successful prosecutions to date under existing laws?

I would like to contrast the behaviour of people involved in these vigils with the sort of behaviour that we frequently see on our nightly news services. I am talking about violent protest with acts of what is clearly criminal behaviour with real and devastating consequences for the victims. Fortunately, these events often occur overseas, and we have seen them frequently on the news in recent times. But there have been examples of those protests turning violent at times in our country, too, and when these events do occur, we also see arrests and charges laid, as they rightly should be, and I would 100 per cent support that. What we do not see is people's democratic rights to peaceful protest taken away, and I emphasise peaceful protest. The right to freedom of speech and freedom of expression are not outlawed as a result of these quite violent events that we sometimes observe from time to time.

On a personal note, I must say that I do know some of the people involved in the groups that pray and hold vigils at the Pregnancy Advisory Centre. I know some of them personally, and I can

tell you that my knowledge of them is that they are peaceful people. I do not know all of them, of course, so I cannot vouch for all of them, but certainly the ones I do know are decent, law-abiding citizens and would take pride in not infringing the law. Again, the record of no successful prosecutions and not even a single revocation of permits by the council, in my mind, is a clear and indeed irrefutable demonstration of their desire to, in simple terms, do the right thing.

As I mentioned before, while this bill seeks to focus on hate behaviour—as it calls it; it talks about harassment and intimidation—it is my view that we already have laws to deal with those exact issues. Indeed, the Summary Offences Act 1953 section 7 is a good case in point. The heading is 'Disorderly or offensive conduct or language' and it states:

- (1) A person who, in a public place or a police station—
 - (a) behaves in a disorderly or offensive manner; or
 - (b) fights with another person; or
 - (c) uses offensive language,
- is guilty of an offence.

There is a \$1,250 fine or potential for imprisonment for up to three months. I would support that. Secondly, it states in subsection (2), 'A person who disturbs the peace is guilty of an offence.' Again, it is a \$1,250 fine potentially or imprisonment for up to three months. Again, I would support that. It goes on to detail what is considered disorderly and it is exactly what you would expect it to be. It defines the word 'offensive' and includes threatening, abusive or insulting—I am quoting directly from the act—and goes on to define them. My clear understanding is that that is exactly what people are taking issue with if, indeed, it has occurred.

That is in dispute but if it has occurred then we would have laws that already deal with that, and I have just outlined two subsections in the act that actually deal with this specific issue. These existing laws do not single out a particular group—that is, the existing laws do not single out a particular group or a particular issue. The issues we are dealing with in this bill could be dealt with under existing legislation. That is my primary point.

Of course, the truth is that there is insufficient evidence of this alleged behaviour because, as I have already said, there has never been a single successful prosecution. I would like to outline the potential effect of these laws, should they pass, by referring to a case in the ACT in 2016. That year the ACT Legislative Assembly passed legislation that banned protesting in exclusion zones around the abortion clinic in their city, so that law is very similar to the one being proposed here.

In that time, in that actual year, three men aged in their 70s were simply offering silent prayers and not protesting in any verbal way, they had no placards or anything like that, out the front of Canberra's abortion clinic but they were arrested for their silent prayers and charged for their behaviour—for praying in silence, making no noise at all, I am informed and, indeed, that was the case as it went through the court.

Despite only being there to pray silently, the men were charged by police for being in a protected area and engaging in prohibited behaviour. They were each issued a \$750 fine but they refused to pay, and the matter moved, not surprisingly, to the ACT Magistrates Court. The court heard that the men were walking, silently praying, and one sat on a nearby bench holding a pair of rosary beads. The law prohibits, and I quote, 'protest by any means in the exclusion zone', and the prosecution argued that the men's actions amounted to a protest: by being there and, as I said, one of them sitting on a bench having a pair of rosary beads. However, in the court, Magistrate Glenn Thexton disagreed stating:

They simply do not stand out as participating in any extraordinary activity. I make these observations cognisant of their previous involvement in prayer vigils and their admitted views about abortion.

Magistrate Thexton dismissed the charges wholly. It is not unreasonable to expect a similar outcome here should this bill pass. Certainly, sanity prevailed in the end but the fact that these elderly gentlemen, all in their 70s, as I said, could be charged and a fine issued for silently praying, making no noise at all, not holding placards or anything of that nature, is just plainly wrong in my view. Nothing in the bill that we have before us prevents exactly the same thing from happening here in

South Australia. I do note a proposed amendment, however, which would remedy the situation which I intend to support.

I turn to clause 48E of the proposed bill which I believe presents a very real problem. The heading is 'Police officer may direct person to leave health access zone', and subclause (1) states:

A police may, if the police officer reasonably suspects that a person has engaged, or is about to engage, in prohibited behaviour in health access zone, direct the person to immediately leave the health access zone.

Subclause (2) states:

A police officer may, if the police officer reasonably suspects that a person or persons are engaging, or are about to engage, in prohibited behaviour in a health access zone, direct any or all persons within the health access zone to immediately leave the health access zone (whether or not the person or persons to whom the direction is given are engaging, or are about to engage, in prohibited behaviour).

What concerns me greatly about this clause is the reference to 'are about to engage'. It specifically allows a police officer to direct a law-abiding member of the public to leave a public place when they have not engaged in any activity contrary to law. This potentially means you could be arrested and fined for doing nothing if merely the officer's opinion was the individual was about to do something. How can this possibly be proven in a court of law?

It is difficult to see how a case like this could proceed to court without being dismissed, making the bill fatally flawed, in my opinion, or certainly this section of it. I firmly believe that we are indeed on very shaky ground when legislation is enacted for what someone is about to do. It completely flies in the face of the presumption of innocence and it simply cannot be proven what someone was about to do. On countless occasions over the years I have heard a number of members defend individual legal rights in this place, including the presumption of innocence as a primary right.

I would ask those members genuinely and sincerely to consider their position on this bill, or at least this section, as a consequence. How can we possibly know what someone is about to do? In summary, it is my strong view that the bill is unnecessary and seeks to target a matter and, more concerningly, particular individuals quite unfairly, and it is a substantial removal of basic civil liberties. Clearly, I will not be supporting the bill.

Should the bill pass the second reading into the committee stage, members will note that I have an amendment in my name that I intend to move. It is a very simple amendment that requires the bill to be reviewed in two years' time should it pass. It is as simple as that. Given the very substantial potential imposition on individual liberty that the bill entails, I sincerely ask those who intend to support the bill to consider supporting my amendment so it can be properly reviewed, as are very many other bills in this place.

We often pass bills in this place that have review clauses on them that I believe are of substantially less consequence than this. Regardless of the abortion issue, we are talking about civil liberties and the fact that we cannot possibly know what individuals may or may not be about to do. I strongly believe the bill will be well served by review in two years' time.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (20:26): I rise to speak on the Health Care (Safe Access) Amendment Bill 2020. This bill is a conscience vote for the parliamentary Liberal Party. Accordingly, I do not speak for another member. However, I am also mindful that, as Minister for Health and Wellbeing, I have a solemn responsibility to promote access to healthcare services for South Australians.

I advise the council that the Department for Health and Wellbeing supports the bill. It welcomes the opportunity to put in place formal exclusion zones that will ensure the safety and wellbeing of clients and staff of clinics that provide termination services. This will ensure that women in South Australia can receive care free from harassment and intimidation at what can already be a tremendously difficult time. The safe access zone bill will also align South Australia with most other Australian states and territories that already have safe access zones. That is the end of the department's input.

As a Liberal, I hold that a person should be able to access health services permitted under the law in accordance with their understanding of their needs and in accordance with their values.

They should be able to do so without fear that they will be subject to duress or intimidation. I respect the liberal principle put by J.S. Mill:

That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

The moral offence caused to one person by another person's choice to access health services within the law is no basis to curtail the first person's choice. As a Christian, I know that many Christians consider abortion to be the taking of a human life and a grave moral offence. However, other citizens hold diametrically opposed moral perspectives.

We live in a pluralist society, and in 1969 our state decided, despite the diversity of moral perspectives, to allow legal abortions. Since 1969, successive state and federal governments have provided funding to make abortions widely available through public health services. My assessment is that there is minimal support to step away from this pluralist position on abortion and impose a single world view on the issue, to prohibit abortions and to withdraw funding from termination of pregnancy services.

In the context of this broad consensus, I consider that no citizen has the right to unilaterally rewrite the laws of this state by impeding the right of other citizens to access health services to which they are legally entitled.

If a member of this council is considering supporting this bill, I simply ask: are you intending to bring a bill to prohibit abortion in South Australia? If not, I respectfully submit that facilitating protests which impede access to legally authorised and funded health services is a feeble attempt to achieve beyond the law what cannot be achieved democratically within the law. I support the bill.

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS (Treasurer) (20:30): I rise very briefly to oppose the bill. I gave the reasons when we last debated this bill not that long ago and those reasons remain a fair reflection of my views.

The Hon. T.A. FRANKS (20:30): I thank those members who have made a contribution this evening to this bill and for their thought and consideration into their positions: the Hon. Ian Hunter, the Hon. Irene Pnevmatikos, the Hon. Mark Parnell, the Hon. Connie Bonaros, the Hon. Clare Scriven, the Hon. Dennis Hood, the Hon. Nicola Centofanti, the Hon. Stephen Wade (Minister for Health and Wellbeing) and the Hon. Rob Lucas (Treasurer and Leader of the Government in this place). It is fair to say there is a variety of opinions in this room. It is fair to say that everyone has given this some thought before we come to this debate before us.

In summing-up, I note that we have a bill before us that reflects the recommendations of the SALRI report. It is a reasonably heavy tome of October 2019 that is an extensive piece of work. I draw members' attention to Part 18—Safe Access Zones. Recommendation 49 states:

SALRI recommends that any new law in South Australia should include safe access zone provisions around premises where abortion services are provided and that the purpose of these provisions is to protect the safety and welfare, and respect the privacy and dignity, of people accessing the services and employees or other persons who need to access those premises in the course of their duties or responsibilities.

Recommendation 50 states:

SALRI recommends that any new law in South Australia should provide that a place will be within the safe access zone of premises at which the service of providing an abortion is ordinarily undertaken if it is in the premises or not more than the prescribed distance from an entrance to the premises.

Recommendation 51 states:

SALRI recommends that any new law in South Australia should provide that the prescribed distance is 150 metres.

Recommendation 52 states:

SALRI recommends that any new law in South Australia should provide that the operation of the safe access zone is not limited to the hours of operation of the premises and should be 24 hours a day and seven days a week, with no exceptions.

Recommendation 53 states:

SALRI recommends that safe access zones should be automatically established by legislation and not be by Ministerial decree.

Recommendation 54 states:

SALRI recommends that a new offence be established in South Australia—

I will repeat that: a new offence be established in South Australia—

to provide that it is an offence to engage in prohibited conduct in the safe access zone for an abortion services premises and 'prohibited conduct' should be defined to mean intimidation, obstruction, impeding access, harassment or other conduct that relates to abortions or could reasonably be perceived as relating to abortions and would be visible or audible to another person entering, leaving or in the premises; and would be reasonably likely to deter a person from entering or leaving, or from requesting, undergoing, performing or assisting in the performance of, an abortion.

Indeed, recommendation 55 states:

SALRI recommends that a new offence should be established in South Australia to provide that it is an offence for a person to make, publish or distribute a restricted recording of another person without the other person's consent and without reasonable excuse. A 'restricted recording' should be defined to mean an audio or visual recording of a person while the person is entering, leaving or in an abortion services premises, and which contains information that identifies, or is likely to lead to the identification of, the person being recorded.

Finally, recommendation 56 states:

SALRI recommends that there should be a maximum penalty of one year's imprisonment and/or an appropriate fine for each of the offences in Recommendations 54 and 55 above.

Far from this being a figment of my imagination, this is the recommendation of the South Australian Law Reform Institute, which was thoroughly researched and well tested, and heard from all opinions on this matter. Indeed, I have not ever heard anyone say that SALRI has it wrong on a majority of the recommendations that they put forward in government bills. It seems to only be when it is those conscience votes that somehow SALRI is not to be listened to or acknowledged.

I do acknowledge the extensive work of SALRI. I obviously have put such a bill before this place before. Indeed, it is almost a year since this place, this council, passed a very similar bill that also—

The Hon. S.G. Wade: More than a year. It was October.

The Hon. T.A. FRANKS: More than a year. Thank you, Minister for Health and Wellbeing. It is more than a year since we passed in this council such a safe access zone protection for those workers and patients, either working in the provision of abortion health care or seeking medical treatment, or those supporting them—their families, their friends, their loved ones.

It provides that 150 metres of respite from protest, specifically protest, because this bill does not, as the Hon. Dennis Hood alluded to in the ACT bill, outlaw all protest. It is very specific. It is that prohibited conduct: intimidation, obstruction, impeding access, harassment. That is what we are talking about here. This bill does not ban silent prayer. What it does ban is the ability for silent prayer to be used to intimidate, obstruct, impede or harass. That will be the test of this law.

The idea that somehow this law is not necessary because there have been no prosecutions is an incredibly circular argument that I really do not understand. The thing is we do not have a fit-for-purpose law, currently. The council around the Woodville PAC has had to retrofit and use its by-laws to address a situation that causes workplace stress to those working in that healthcare centre, that indeed provides an ongoing annoyance and hindrance to the residents around that healthcare service. I can vouch for many people I know who have either been supporting somebody or seeking abortion health care from that service, who have been harassed, who have felt that they were being shamed or watched, or that their dignity and privacy were being offended.

In fact, it is often not the patient, because certainly the patient is in no state, usually, to deal with those people, who probably do mean no harm. The patients, the supporters of the patients and the healthcare workers themselves tell me that that is not the way that they feel when they are watched, when they are impeded, when there are these protesters who, we all agree, do protest

outside abortion healthcare services in South Australia. They feel that they need more protection than is currently afforded them.

Given the amount of abortion stigma and shame that is put on women, particularly, in our society, why on earth would you think that they are going to come out and call for these laws to protect them? They simply have a difficult experience made far more difficult on that day by our failure as a parliament to do what every other state and territory, except for WA, has so far done and ensure safe access zones around abortion health care.

I note that in the last half hour the Western Australian parliament has passed a safe access zone abortion healthcare bill through its lower house, so we could actually, finally, not be the last for such a reform, but we will see. Time will tell this evening whether we get through this debate tonight. I have to say that the idea that this bill is unnecessary is a little disingenuous, when we know that the SALRI report has recommended it and yet nobody who got up and spoke saying that this bill was not necessary mentioned the SALRI report.

The idea that people do not feel threatened, intimidated and harassed is certainly not my experience of those constituents I have spoken to; those workers in these healthcare services that I have spoken to; their professional associations, whether it is the AMA, the HSU or the ANMF and the like; or indeed, the very patients themselves. And I am here to say that human rights are universal and indivisible. You cannot cherry-pick them. There are other rights at stake here when we debate this tonight. There is a right to health. There is a right to a safe workplace. There is a right to privacy. There is a right to respect for their decision.

While people have waxed lyrical about the right of freedom of speech—the free speech rights that are apparently trampled upon by this bill—I will note that is also disingenuous. We do not get to say whatever we like whenever we want to. In this place—the home of democracy and freedom of speech—I am afforded parliamentary privilege right now while I speak. I am also afforded the protection, through the President, from being harangued, harassed, intimidated and prevented from speaking when it is my turn.

I also note there are people in the gallery. Some would be supportive of this bill, some would be opposed to this bill. They do not have the right right now to speak at the microphone as I am doing, and should they do so, they would be removed from this place. Yet are we saying that this very parliament has trampled and stifled and ended free speech in South Australia? No, we do not, because we balance the responsibilities of free speech with the rights of free speech and indeed respect for dignity and democracy.

I will have more to say on the amendments that have been put up in the committee stage. I am somewhat frustrated that the other place did not debate the bill that this council sent down to it—that we had to start all over again with the member for Hurtle Vale with a bill in the lower house to try to get it through. I watched the extraordinary lengths that people went to to stifle that debate, to limit the time that that bill was given to get to that very respect, indeed, for freedom of speech and the right in this place to have our views noted for the record with the very votes that we carry, which is a real privilege, I have to say, in representing our constituencies.

We will not all agree, but I do think that this place does respect our differences of opinion. What I fear is that should we amend this bill tonight we will see, yet again, the games of the lower house, of the other place, used to not ever see this bill see the light of day and become an act and be assented to.

So I have every sympathy for the Hon. Dennis Hood's amendment, but I will not be supporting it tonight. I do, however, offer to the Hon. Dennis Hood two options. The first: I am happy to either move or support an amendment to the other bill that we will be debating tomorrow, the termination of pregnancy bill, to ensure that in the review clause that already exists within that bill we also look at safe access zones.

Should that bill not pass this council or parliament, I also say I will support or indeed sponsor a private member's bill to affect the same, and I would hope it would pass both of the houses of this parliament with rapid speed, because I think it would be in everyone's interest to see that review clause.

I note, finally, this bill is on those SALRI recommendations, but those SALRI recommendations also drew from the extensive experience in Australia over well over a decade of laws that have been tested—and tested in the High Court, because people who chose to protest outside abortion health care in various other jurisdictions were prepared to cross state boundaries to go and do that, to get arrested, to get it tested in the High Court.

This bill is a very safe option because it actually reflects legislation that has passed those very tests, those tests that have balanced things such as freedom of speech with the right to health care, the right to a safe workplace and the right to have your privacy respected. I look forward to the committee stage.

The council divided on the second reading:

Ayes 14
 Noes 7
 Majority 7

AYES

Bonaros, C.
 Franks, T.A. (teller)
 Lensink, J.M.A.
 Parnell, M.C.
 Wade, S.G.

Bourke, E.S.
 Hanson, J.E.
 Maher, K.J.
 Pnevmatikos, I.
 Wortley, R.P.

Darley, J.A.
 Hunter, I.K.
 Pangallo, F.
 Ridgway, D.W.

NOES

Centofanti, N.J.
 Lucas, R.I.
 Stephens, T.J.

Hood, D.G.E.
 Ngo, T.T.

Lee, J.S.
 Scriven, C.M. (teller)

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C.M. SCRIVEN: This is for the record, so I am not trying to draw it out, so hopefully the honourable member will just simply answer the question quickly so that it is on the record. Could the mover advise how many times there have been prosecutions in regard to the Pregnancy Advisory Centre for the behaviour that apparently is going to be fixed by this bill?

The Hon. T.A. FRANKS: This bill will create a new offence, so there have been no prosecutions for an offence that does not yet exist, but I imagine there may well be people who seek to test it. However, I note that in the bill you have to really push to get to that point where you are charged with the offence of threatening, intimidating, harassing and impeding somebody's access or other prohibited behaviours.

This idea that somehow this bill is unusual, because the police might ask you to move on if they suspect you are about to commit an offence—it will allow the police the ability to manage this situation in a way that they have been seeking the power to do. The council has had to create a very unwieldy and not-fit-for-purpose permit system to address it. So I suspect that, while there have been no offences at the moment because this fit-for-purpose offence that has been recommended by the SA Law Reform Institute has not existed to this point. The fact that nobody has been charged or found guilty of an offence, or a prosecution that was successful, is an indication that we do need this law to address situations where there have been those tensions, those difficulties.

There has been fracas, arguments, melee and so on that those supporting the patients and the patients themselves have found, getting into heated arguments with the protesters and the like,

where this will now provide the police the ability to be able to intervene, de-escalate the situation, ask those creating the offence to the patients, their supporters or the health workers, to move out of the 150-metre safe access zone. Should they not comply with that police direction, then that is when this offence will take effect, and I should imagine that there will be those who come and seek to test it, so potentially we will have a prosecution in the next year or so.

The Hon. C.M. SCRIVEN: I am not sure if the member misheard. My question was: how many times have there been prosecutions in regard to the behaviour that this is allegedly going to fix? I did not refer to any particular offence.

The Hon. T.A. FRANKS: I did understand your question. This creates an offence that will be able to be fit for purpose for this behaviour.

The Hon. C.M. SCRIVEN: I draw the member's attention to Summary Offences Act, which defines disorderly or offensive behaviour to include 'threatening, abusive or insulting'. How many attempted prosecutions have there been in relation to the Pregnancy Advisory Centre at Woodville?

The Hon. T.A. FRANKS: Those are not the subject of this bill. This bill creates a new offence. If the honourable member wishes to talk about the Summary Offences Act or the Criminal Law Consolidation Act, the appropriate place would be when we debate bills with regard to that, and then you might ask those questions of the Attorney-General.

The Hon. C.M. SCRIVEN: It is a little interesting, given that the member was talking about other members being disingenuous. The simple question is in regard to the attempted prosecutions at the Pregnancy Advisory Centre, and that is why it is relevant to this bill, because this is the reason the member is saying that there is no fit-for-purpose offence currently in existence, yet there appears to be one that talks about threatening, abusive or insulting behaviour. How many attempted prosecutions have there been for the behaviour outside of the Pregnancy Advisory Centre? That is the question.

The Hon. T.A. FRANKS: I do not have that information to hand, so if the honourable member would be convinced to change her vote, should I undertake to get that information to her by the third reading, perhaps we could dig up the archives, but I am pretty sure that actually no matter what I say right now is not going to change your vote, the Hon. Ms Scriven.

The Hon. S.G. WADE: On the assertion that base criminal laws and summary offences laws are sufficient to deal with these sorts of issues, is the member able to advise whether any other state or territory has needed to have specific provisions in relation to health care access to protect access?

The Hon. T.A. FRANKS: Every other state and territory of Australia, with the exception of WA, has a law fit to create a safe access zone outside abortion health care of up to 150 metres, as is in this legislation. Each and every one of those jurisdictions in Australia—and I note that in WA the health minister there has introduced a bill that has now passed one chamber of that parliament. Every place in Australia has had, through either government legislation or private members' legislation, protections around abortion health care, because they have all required it.

What I would note—and I raised this the last time, a year and a bit ago, when we discussed this matter—if South Australia is the only jurisdiction in Australia that does not have this protection, those who seek to protest outside abortion health care will come to South Australia to protest outside the abortion health care services here. We know that from the High Court experience. We know that the people who seek to protest to stop abortions taking place in lawful healthcare services in Australia will travel a very long way to do so. South Australia, if it were to be the only jurisdiction not to have such a law, would be the jurisdiction where all of those who sought to protest abortion would come.

The Hon. C.M. SCRIVEN: I would just like to place on the record my understanding is there was one person who travelled from Tasmania into another state—I believe it was Tasmania. However, my question is in regard to the member's frequent reference to the SALRI report. From my reading of that report, I cannot see any reference by the authors of the report and those who were involved in that investigation in actually attempting to talk with women who had been offered and received assistance from people outside the abortion centres, such as a number of women who I mentioned in my second reading contribution. Can the member tell me whether there is something

that I have missed in the report in regard to reaching out to those women to find out the assistance they received and how they would be affected if this bill was to proceed?

The Hon. T.A. FRANKS: I would actually note, despite what the Hon. Clare Scriven just informed the council, that both of the High Court challenges tested the very laws on which we are now basing our bill that we are currently discussing. In both of those situations people travelled over state borders to protest in those two jurisdictions. So there is at least—

The Hon. C.M. Scriven: How many people?

The Hon. T.A. FRANKS: You only said one, so there is more than one.

The Hon. C.M. Scriven: Yes, I think the other one actually moved to that state.

The Hon. T.A. FRANKS: Oh, they moved to the state! Even better!

The CHAIR: Order! We are not having a conversation here.

Members interjecting:

The CHAIR: Order! The Hon. Tammy Franks has the call. We will not have a conversation across the benches.

The Hon. T.A. FRANKS: I think the Hon. Clare Scriven asked me to explain to her a document that she read from the Castan Centre for Human Rights Law. I did not refer to that document; she did. If she does not comprehend it, that is her concern, and it is nothing to do with this particular discussion that we are having about clause 1. I do not understand why I am being asked about a document by the Monash University's Castan Centre for Human Rights Law and what it might mean.

Members interjecting:

The Hon. T.A. FRANKS: Oh, the SALRI report. You will have to be a bit clearer when you say which report, because I could not tell which one you were referring to. Could you ask the question again, if you are referring to the SALRI report?

The Hon. C.M. SCRIVEN: Certainly. What indications are there from the SALRI report that they reached out to women such as those who had received assistance outside abortion centres? I referred to some of the examples I used in my second reading contribution as an example of those women who have found it most beneficial to have that assistance offered outside abortion clinics.

The Hon. T.A. FRANKS: Thank you for the clarification, because I did not hear which report you were referring to in your original question. The SALRI consultation was actually an open process available to all people, not just in South Australia but, indeed, Australia and the world. Everyone was able to make a submission to it.

The Hon. C.M. SCRIVEN: Being open to everyone is quite different from actually seeking out the experiences of people who have benefitted. I think I will just leave that on the record.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. D.G.E. HOOD: I have a question on clause 4, new section 48E. New subsections (1) and (2) are of particular interest to me and I did outline them in my second reading contribution. It really comes down to the issue of the wording of how a police officer is to gauge the offence. It states:

- (1) A police officer may, if the police officer reasonably suspects that a person has engaged, or is about to engage, in prohibited behaviour in a health access zone, direct the person to immediately leave the health access zone.

My question to the mover or to the minister—whomever is the right person to reply—is that this is a difficult issue, so how is that police officer supposed to reach a point of genuinely understanding if someone is about to do something? There may be times when that is appropriate, when you can

judge or it seems likely that someone is about to do something, but I guess the point I am making is it is incredibly tenuous.

It really comes down to the individual judgement of that police officer, which may be perfect judgement or could be highly imperfect judgement. How does that particular phrase sit with either the mover, the minister or whomever the person I am asking this question to, and how do they see it holding up and being worked in practice?

The Hon. T.A. FRANKS: Thank you to the honourable member for the question. The first thing I did mean to add in my summary comments is we do entrust police with quite extraordinary powers and we do expect them to use their judgement. We are certainly not empowering them here to arrest somebody for the suspicion that they are about to engage. We give them the power to ask that person to leave the area and to move that person on if they have that suspicion. It does not in and of itself lead to a charge or arrest.

What does lead to this offence coming into play is then that person refusing to comply with the direction of the police officer. Indeed, it is a far less powerful position than that we charge police officers with every single weekend on Hindley Street. We have declared public precincts in this state where, indeed, the police officer does not even have to imagine that someone is going to engage in a prohibited behaviour but they have the ability to move them on, kick them out for days at a time and, indeed, have quite extensive and significant other powers that we do not often afford people. We do so because we have seen that that area is an area where the police need those extra powers.

This 150-metre safe access zone around abortion health care is, if the council supports it tonight, an area in which we believe we can trust the police to fulfil their duties, that significant power, with that judgement that we anticipate they will have. But, certainly, should the police not exercise their authority appropriately, it would not stand up in a court, so that is the balance we make here in terms of protecting the workers and the patients and those who support them.

The Hon. D.G.E. HOOD: I thank the member for her responses. I think that is exactly the crux of the issue for me. I do not want to put words into the honourable member's mouth but I think she said that in the case where it was not interpreted or was not used appropriately, it would be thrown out of court. Does that not therefore suggest, and I would like the member to respond if she is in agreement with this, that we acknowledge, or those supporting this at least would acknowledge, that clearly this is not absolutely crystal clear and that there is potential, as there may be in other circumstances—I agree, with the Hindley Street example; it is a good example. It may well be true in those examples as well but there is the possibility under these circumstances for it to be misused.

Whatever law we make, that sits uncomfortably with me. There is a high level of discretion, I guess is the point I am trying to make, with the individual police officer, who may well be antagonistic to these people at the site, for example, for whatever reason. They may be completely supportive of their view as well. That is entirely possible. But in the circumstance where they are antagonistic to that view, I think this interpretation creates a situation where that police officer has an inordinate amount of power and potentially can create a situation where these individuals' liberties are infringed. That is the point I am making. I wonder what the member would say to that.

The Hon. T.A. Franks: The minister seems very keen to make a contribution.

The CHAIR: The honourable minister.

The Hon. S.G. WADE: I am happy to defer to the member but the point I want to make is to reiterate the point that the honourable member made, which was that this parliament continually gives police significant discretionary powers, whether it is drug offences, whether it is the right to inspect a vehicle in relation to road traffic offences. We give police very significant discretions. They are not clear-cut and they are often challenged. Day after day after day, police have to account for themselves in the courts.

That does not mean that the parliament does not give police powers where it is not clear-cut. We trust police to make their best efforts. We rely on the courts to curb them when they exceed. I believe this is another example of appropriate police discretion in a very important area of protecting both—I commend the honourable member for continually referring to the rights of staff. I employ

44,000 staff right around South Australia and the staff at the Pregnancy Advisory Centre, like any other healthcare staff, have the right to come to work without being intimidated by protestors.

The Hon. T.A. FRANKS: I wish to add to that. There are a few things and one is that we are not implementing mandatory sentencing here; we are not having that sort of approach. I understand where the honourable member is coming from in terms of the significant powers that we give the police. We allow this policing by community consent but where you have concerns about how a police officer might use their powers, the remedy there is not actually to give them the powers in the first place, it is to not have the police investigating police where there are complaints of wrongdoing, and to have independent complaints and scrutiny on that process. Certainly, that is a much bigger discussion than the one that we are currently having.

The Hon. C.M. SCRIVEN: For clarification—and I appreciate that we had this conversation when we debated a similar bill but just for the record—section 48F creates an offence to publish or distribute a recording. 'A person must not, without the consent of another person, publish or distribute a recording of a person approaching, entering or leaving protected premises if the recording contains information that identifies or is likely to identify,' etc.

I just wanted clarification from the honourable member that if someone is within the 150 metres, if they are filming themselves and someone else comes into that camera shot without the first person's inclination or consent or whatever, is it envisaged that that person could potentially be in breach of this provision or is it the case that they had no intention to record another person and therefore they would not be in breach?

The Hon. T.A. FRANKS: I note that the full title of 48F is 'Offence to publish or distribute recording', not just to record but to publish or distribute those recordings. Indeed, the person must not, without the consent of the other person, publish or distribute a recording of a person approaching, entering or leaving protected premises if that identifies the person or is likely to identify the person entering those protected premises.

Should a person be filmed and they have no problem with being identified, there is no issue; should they be filmed and have a problem with being identified, there is an issue. We already have laws that are quite strict around, for example, filming schoolchildren or photographing outside schoolyards, playgrounds and the like. We already have protections where we do respect people's privacy for many good reasons—not just child protection but for others as well.

You do not have the right to go and film people and invade their privacy everywhere in this state. There are quite strict laws around that through various acts, but including the Surveillance Devices Act, so it is simply a nice balance, I think, that respects the right of this person to that privacy and ensuring their dignity and their access to health care without the fear of it being splashed on a social media page to their stigma, shaming and humiliation. Indeed, we do have humiliating and degrading filming laws for that very purpose as well, which were put up by the former Labor government.

The Hon. S.G. WADE: Could I reiterate the points the honourable member made. She made a number of references to privacy-style legislation. We do not have strict privacy legislation in South Australia, but under the Health Care Act we have very strict patient confidentiality provisions. It would be completely incongruous to say that you have to maintain people's confidentiality inside the door but outside the door you can film and publish. I think this is a responsible provision.

The Hon. C.M. SCRIVEN: I do not necessarily have a problem with this provision, but I do want to clarify whether there are any unintended consequences. My thinking is, as far as I am aware, and I am happy to be corrected, that other laws around that usually refer to the purposes for which you are distributing or whatever and not to a particular area. I am happy to be corrected if I am mistaken in that.

Opposite the abortion centre at Woodville, for example, there is a cafe or a restaurant now that has outside chairs. If someone totally unrelated to abortion in any shape or form is sitting there and takes a selfie or films a video of themselves going out for their wedding anniversary or whatever it might be, and there are people approaching the clinic, and you naturally put that on Facebook—

The Hon. S.G. Wade: Really? Do you want to?

The Hon. C.M. SCRIVEN: Your own wedding anniversary—

Members interjecting:

The CHAIR: We are not having conversations across the chamber.

The Hon. C.M. SCRIVEN: I think it is not unusual when people go out for an event that they film themselves, either with a video or a photograph, and they post that on social media. This is a public cafe that has outside seating. All I want to know is: are there unintended consequences of this? This is totally unrelated to abortion or the fact that it is an abortion centre in that sense, in that this creates a zone, a geographical area, which as I understand it is unusual in this kind of legislation.

As I said, I do not actually have a problem with this clause in terms of how it applies to people who—not that we have had any evidence of it, although we have asked for it—deliberately film people who are going in for an abortion, even though we have not seen that happen here. My question is nothing to do with that because I support that provision in the sense of not allowing that to happen.

My question, which I think is a reasonable one, is: are there unintended consequences if you are taking a selfie, having a photo and you put it on Facebook because you happen to be within that zone? You might accidentally get someone who is entering the abortion clinic. I just want to know how that would be addressed.

The Hon. T.A. FRANKS: You may accidentally capture them and then it is an invasion of their privacy, so this would account for that and would allow them to ask you to take that down, for example, or give them some rights around their privacy if they are approaching, entering or leaving that protected premises. The example given of sitting in a cafe is not approaching, entering or leaving the protected premises.

The Hon. I.K. HUNTER: To further tease out that hypothetical that has been raised, if I am taking a photograph of myself at a cafe as a selfie and there is an abortion premises across the road 20 or 30 metres away, you are not going to be able to identify the stick figure that is in the background of the picture and you will not, therefore, be captured by this clause because a person would not be identified. However, if you sit at the cafe with an extension lens on trying to capture those people, then you will be. That is the distinction.

The Hon. C.M. SCRIVEN: Certainly, I hope that is the case, as the Hon. Mr Hunter has said. However, I am not sure that it necessarily is when you are on outside seating, the width of a road and someone is approaching. So I am not convinced of that but let's hope it does not occur.

The Hon. F. PANGALLO: I want to pick up on something the health minister said in relation to breaching of privacy that if somebody came out and it just so happened that their photograph had been taken or there was a camera there or whatever that it would be an invasion of their privacy. Is that what you are saying, health minister?

The Hon. S.G. Wade: Do you want to finish your comments?

The Hon. F. PANGALLO: All I wanted to say is: what happened when you had TV cameras and other people filming people coming out of COVID testing clinics without even seeking their consent? Would that have been a breach of their privacy?

The Hon. S.G. WADE: The legislation I was referring to was the Health Care Act at section 93(2) which provides:

...a person engaged or formerly engaged in connection with the operation of this Act—

in other words, healthcare services—

must not disclose personal information relating to a person obtained while so engaged except to the extent that he or she may be authorised or required to disclose that information...

The honourable member made a number of comments in relation to privacy related legislation. I was making the point in relation to health care. We have some of the strictest legislation to say you shall not disclose personal information. Primarily, that relates to the internal operations of healthcare services but, to me, it makes logical sense if you cannot identify a person receiving a healthcare service inside the door, why would we not protect their privacy outside the door?

The Hon. F. PANGALLO: I just wanted some clarity on that, health minister, not so much in this matter but in relation to COVID testing where people's privacy would have been breached. You would have been able to identify them. They would have seen themselves lined up, going in to have a test, so would that apply in that case under that section of the act?

The CHAIR: I will call the minister but we have explored this one a great deal. I think we will move on to the amendment after the minister's response.

The Hon. S.G. WADE: I think the Chair is suggesting that I do not need to give account for the Health Care Act. The honourable member is bringing up another bill.

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

Amendment No 1 [Scriven-1]—

Page 2, lines 18 and 19 [clause 4, inserted section 48B, definition of *health access zone*, (b)]—Delete 'protected premises' and substitute 'boundary of the property on which the protected premises are situated'

In a letter to members of this place, the Hon. Tammy Franks had a section entitled 'How is a health access zone defined?' She stated:

The health access zone begins at the perimeter of a premises where an abortion is being legally performed and applies to any public area located within a 150 metre radius.

The reason for this amendment is quite simple. As it is clear to members, I do not agree that these exclusion zones are necessary or appropriate. However, if the bill does pass, I think it is entirely reasonable—indeed, I would say it is essential—that it should be absolutely clear where these zones begin and end. It is a fairly simple amendment, simply because I think it is reasonable for people to have clarity. That clarity was provided by the member in a letter and, therefore, it pretty much replicates that, except I think the word we have used is 'boundary' rather than 'perimeter'.

The Hon. I.K. HUNTER: I just want to reiterate, in relation to this amendment and all subsequent amendments, the comment I made in my second reading speech. Without entering into the debate about the merits of the amendments, a successful amendment here tonight will have the effect, I believe, of sending this bill back down to the lower house to go through their processes of private members' legislation, and my fear is that it will disappear and we will be back here next year with a brand-new bill trying to get this thing done all over again.

Whilst there may be meritorious arguments about the amendments, I will not be supporting any of them. I want this bill passed as it came up from the lower house, so we do not have to deal with this issue a third time next year. If there are amendments that are so meritorious, then let them be introduced in a private member's amendment bill at a later stage.

The Hon. C. BONAROS: I was actually about to sit down, but while I am on my feet, can I just echo the same sentiments that were expressed by the Hon. Ian Hunter and agree that I think there is merit to some of the amendments, particularly in relation to the review provisions, but it is not something that I think needs to be dealt with today and to hold up this debate. I am comfortable with the undertakings that have been given by the Hon. Tammy Franks in terms of dealing with those separately to this piece of legislation.

The Hon. I. PNEVMATIKOS: I would like to echo the comments made by the Hon. Ian Hunter and the Hon. Connie Bonaros. Certainly, I will not be supporting any of the amendments. As I indicated in my second reading speech, I think most of the amendments have very little value or merit in terms of being considered in this legislation. We need to pass this bill and start moving on. If there are particular issues that some of the members here want to pursue—I did not know we had such civil libertarians—then I would suggest that they pursue them at another time with their own bill.

The Hon. C.M. SCRIVEN: For the record—maybe the Hon. Mr Hunter can enlighten me—under what circumstances would we be coming back next year with a different bill? Are we intending to prorogue?

The CHAIR: I will go to the Hon. Mr Hunter, because I think he is the one who possibly raised that matter. The Hon. Mr Hunter.

The Hon. I.K. HUNTER: Many of us in the chamber have been in this situation before, where we have pinned our hopes on a bill going down to the lower house, or coming up from the lower house, and in a spirit of compromise adopted amendments, which had to go back to the lower house once again, and because they have an amazingly arcane process down there, which I cannot fathom, in how they deal with private members' legislation, those bills disappear for all time and never get back up to the top of the *Notice Paper* to be dealt with again.

In that situation, if that happens, if the amendment is successful tonight—and it may well be, depending on the will of the house—then my prediction is that that is exactly what will happen with this bill, and someone in the lower house will have to, once again, for a third time, construct a new bill to bring it back to our attention. I really do not want to see that happen.

The Hon. S.G. WADE: Very briefly, I think the other factor that might feed into the consideration of members is whether matters that are raised in this bill might be more appropriately picked up in the Termination of Pregnancy Bill tomorrow, for example, the review provisions. If we have a review provision in that bill, it does not need to be in this one.

The Hon. T.A. FRANKS: I will not be supporting this amendment. I note that the bill we have before us is something that is in accordance with the SALRI recommendations but is also in accordance with the pieces of legislation interstate that have been tested in the High Court, so the language that we have used in the bill that is before us being debated is language that has been used in those other jurisdictions. I am averse to straying from that language.

We should also not just send this bill off to the Bermuda Triangle of the other place, where legislation strangely disappears, never to be seen again. Potentially, should it even pass that particular test, it would open it up for another High Court challenge or, indeed, difficulties around where boundaries were not necessarily clear on these properties on which the protected premises are situated.

The Hon. D.G.E. HOOD: I will be supporting the amendment. It is a very simple amendment. It really just seeks to define what the boundary is. That is the thrust of this bill: to create an area around which protest or whatever it is cannot actually occur. To have that area clearly defined is actually very important, and I think this amendment serves to clarify that.

I do accept the argument that has been generally made that the other place has strange and convoluted processes by which private members' bills are passed. I accept that. It never ceases to confound me. But I do not accept the argument that that is a good reason not to amend the bill before us.

Our job as legislators is to make the best bill we can, surely. We amend government bills all the time. We amend other private members' bills all the time. I do not see why this would be any different. Surely my fellow legislators would like to see it being the best bill it can be. I think this amendment makes clearer what the boundary should be, and for that reason I think it is a worthwhile addition to the bill, which I disagree with, as I have outlined in my second reading speech. Nonetheless, this will improve it, and for that reason I will support it.

The Hon. T.A. FRANKS: I wish to note that when the Hon. Dennis Hood just made a contribution, he noted that this bill bans protest outside healthcare services providing abortion. I draw his attention to 48C(2), 'To avoid doubt, nothing in this Part prevents a person from' and specifically (b) in that section 'engaging in lawful protest, or otherwise engaging in lawful behaviour, within a health access zone in relation to a matter other than abortion'.

The CHAIR: The Hon. Mr Hood.

The Hon. D.G.E. HOOD: Last one from me, sir, thank you, just very quickly in response to the Hon. Ms Franks: I agree with her. She is right. I used the wrong word, but I think she understands my intent.

The Hon. I. PNEVMATIKOS: Point of order: there is a man sitting in the gallery. Is that man filming? I certainly want to clarify that issue, because there is no right to filming.

The CHAIR: The only filming in the gallery that is allowed is with my permission, and no-one has sought my permission, not in this evening session. So I make it clear to anybody that there is to

be no filming unless there has been an application to me, and I am not aware of that. So there will be no filming from the gallery.

The Hon. C.M. SCRIVEN: I was just going to sum up before the amendment is put, if I may. I admit I did not go into much detail because I thought this was a fairly straightforward amendment, but it appears I do need to go into it a little bit more. At the moment the wording is 'protected premises means any premises at which abortions are lawfully performed'.

The premises would often be interpreted by a layperson as being the building in which abortions are performed, and someone could therefore rightfully think that they could protest or whatever they might want to be doing 150 metres from the wall of the building. I think that would be a not unreasonable assumption, but my understanding is that the intent of this is that it should be from the perimeter or the boundary.

Whilst I realise that this means that anyone who is going to be engaging in behaviour at an abortion centre under this amendment will actually need to move further away, I think it is only reasonable that that is very clear and that people have the right to know. Given that the Hon. Ms Franks actually included this in an explanatory paper, clearly there is some doubt around it, so I think it is worthy of being supported.

Amendment negated.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Cent-1]—

Page 3, after line 37 [clause 4, inserted section 48C(2)]—Insert 'or'

(c) engaging in silent prayer within a health access zone.

I made it clear in my earlier remarks why I feel I need to move this amendment standing in my name, so I will not speak at particular length on this amendment except to say that this is an argument about the fundamentals of freedom of expression. I feel somewhat comforted that the Hon. Tammy Franks has stated in her second reading speech, as well as tonight, that this bill does not prohibit silent prayer. I would hope that, if this bill is successful in its current form, judiciary officers will come back to this debate to understand the intent of the legislation. However, based on the experience in the ACT, I do not think an assumption can be made that silent prayer will not be deemed to be prohibited behaviour.

The Hon. T.A. FRANKS: I thank the member for her explanation of why she has been motivated to move this amendment. Indeed, I reiterate that this bill does not prohibit silent prayer, even within the safe access zone. What it does prohibit is the prohibited behaviours, and it ensures that claiming silent prayer as an alibi for enacting those behaviours is not given to people as a way to get around the law. Indeed, I have not based this on the ACT; I have based it on the Victorian example, where, I am told, there is silent prayer still around abortion health care. As long as it is not harassing, threatening or intimidating, it is not seen as prohibited behaviour and is responded to accordingly.

The Hon. C.M. SCRIVEN: I will be supporting this amendment. I note that in the other place, and also in the media, the Attorney-General stated that she does not consider that this bill bans silent prayer. If the Attorney-General does not think that, and other members do not think that it bans silent prayer, it would seem to me that making that clear by accepting this amendment would be the appropriate direction.

The Hon. D.G.E. HOOD: Very quickly, I indicate that I will also support the amendment. I think that this is a very small bar, and in fact it seems everyone is in agreement that this bill will not prohibit silent prayer. In that case, I would argue: why on earth would we not make it crystal clear for the courts, who may have a different view, or for a particular judge who may have a particular view? As we all know as legislators who have been doing this for some time, sometimes courts do not pay particular attention to *Hansard*—sometimes they do and sometimes they do not.

If we all feel as I do, and as I believe the mover of the amendment does, that this is something that we should not be prohibiting, why on earth would we not enshrine it in the bill, which looks like it will pass, to be sure that that is the case? I will certainly be supporting the amendment.

The Hon. T.A. FRANKS: Very briefly, I will note again that this is legislation that has seen the test of two High Court challenges. It does not prohibit silent prayer, but it does prohibit its use as an alibi to threaten, harass, intimidate and impede somebody either working in these healthcare centres or seeking to access that health care.

The Hon. S.G. WADE: On that point, my understanding of what the honourable member has said is that if silent prayer is conducted in a way that is intimidating or harassing, it would be an offence under the act and to put this provision in would actually excuse intimidating and harassing behaviour.

The Hon. T.A. FRANKS: I thank the Minister for Health and Wellbeing for clarifying that concern. For those who are not familiar with the history of this legislation, of how it has been tested, there could be an assumption made that there needs to be that exemption to protect that particular religious freedom. Indeed, we are aware that sometimes people may not even be religious or be people of faith, but they could potentially use this, for example, to have 20 or 30 people in a row praying while blocking passage to that particular healthcare service. We do not want to open the door to allow that sort of behaviour.

Indeed, I think to allow silent prayer to be used in that way denigrates those people of faith. I am certainly, as I mentioned in the second reading explanation, an agnostic person. I have studied comparative religion; I have an interest in some religions more than others. I noted in my second reading explanation that I am not a monotheist, but certainly this bill does not prohibit people of faith from engaging in their faith, but it does prohibit, for example, 20 or 30 people, which would be quite an intimidating presence, all praying with a visible presence to that person.

Let's get back to this: this is a person who has made a very difficult decision. Often they may not have ever thought they would be in that situation. When we access health care of any sort it certainly provokes anxiety in me. Simply going in for knee surgery earlier this year provoked a lot of anxiety in me, and I know that I was in need of the most calming and supportive environment, which I thanked the medical staff for providing me.

The receptionist in particular calmed me down and gave me that sort of comfort, and that is what we want people engaged and accessing a healthcare service to feel: we want them to be relaxed, able to have their dignity preserved, have good access to that health care and not be put in a position where they are feeling shamed, stigmatised, anxious or stressed in that situation. That is the least level of dignity that we can afford them.

The committee divided on the amendment:

Ayes 7
Noes 14
Majority 7

AYES

Centofanti, N.J. (teller)
Lucas, R.I.
Stephens, T.J.

Hood, D.G.E.
Ngo, T.T.

Lee, J.S.
Scriven, C.M.

NOES

Bonaros, C.
Franks, T.A. (teller)
Lensink, J.M.A.
Parnell, M.C.
Wade, S.G.

Bourke, E.S.
Hanson, J.E.
Maher, K.J.
Pnevmatikos, I.
Wortley, R.P.

Darley, J.A.
Hunter, I.K.
Pangallo, F.
Ridgway, D.W.

Amendment thus negatived.

The Hon. D.G.E. HOOD: I move:

Amendment No 1 [Hood-1]—

Page 5, after line 9—Insert:

48G—Review of Part

- (1) The Minister must cause a review of the operation of this Part to be conducted and a report on the review to be prepared and submitted to the Minister.
- (2) The review and the report must be completed after the second, but before the third, anniversary of the commencement of this Part.
- (3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

I think this amendment is self-evident. It really just requires a review of this act, should the bill pass, sometime after the second anniversary of it passing and before the third anniversary, and for the report to be laid on the table of the parliament six days after it is received by the minister. It is pretty straightforward. I do not think it needs a lot of explanation. One thing I would say, though—

The CHAIR: The Hon. Mr Hood would be helped with a much lower level of conversation in the chamber.

The Hon. D.G.E. HOOD: Thank you for your protection, Mr Chairman. It was quite intimidating there for a moment. One thing I would say is that this is not done in any skulduggery sort of way. I understand the comments that have been made to that effect. I think this bill, should it become an act, genuinely deserves a review. It is very unusual. Even those who are supporting it would acknowledge that.

I acknowledge the comments of the Hon. Ms Franks earlier in her summing-up. She is somewhat supportive at some level, although she will not support it on this occasion because she does not want to see the bill return to the lower house. I would say to her, respectfully, that it seems to me that this bill will pass comfortably. It is not my choice, but that is the will of the house. I suspect it is the same in the lower house. I do not think there will be any problems. Not that that is my will, but that will be certainly the will of this place, by the looks, and I expect it will of the other place.

What harm would a review do? I would say none. In fact, what are pretty extremely powers in the sense that we have discussed about police anticipating behaviour that contravenes the bill, I would say, are worthy of a review. For that reason, I move this amendment.

The Hon. T.A. FRANKS: As I indicated both in my second reading explanation and earlier on this evening, I do support a review, and I support a review for many reasons. I think I have always supported reviews in legislation as they have come through. A review may well find that, indeed, there are ways that this law perhaps could be more effective to protect workers and patients. Some may believe that it would find that police have been given powers that are too great in this situation, but I am strongly supportive of a review. What I am not supportive of is sending this bill in an amended form to the other place, because a year and a month ago we did that and it never came back. The other place is indeed a little—

The Hon. C.M. Scriven interjecting:

The Hon. T.A. FRANKS: The honourable member interjects, but I note that when you prorogue and you have reached the second reading on a bill in one house, you can actually restore it to the *Notice Paper*, and we did that. We tried again, and yet we could not get it to a debate. It languished at the bottom of the *Notice Paper* while people talked about car parks. For some reason there was a great obsession with car parks in debates about abortion safe access zones. Goodness knows why, but it seemed to be flavour of the month every time we sought to get the legislation that passed this chamber debated in the other one.

A year and a month later, here we are. The member for Hurtle Vale and I, working together, gave up on that previous bill because it did hit the Bermuda Triangle of the other place—the legislative Bermuda Triangle—of private members' business, which is a conscience vote, not party vote, and deemed controversial because it deals particularly with women's bodies and reproductive rights. We know the reality is that even with the smallest of amendments, the games that can be played in the other place mean that it will not come back to this place to then pass the parliament.

There is an easy remedy and I am happy to bring a private member's bill forward tomorrow and have that sit on the *Notice Paper* to effect a review. I imagine it would pass both houses of this parliament very quickly should it have that support. I imagine that games would not be played with it, because I think it would be in everyone's interest to have that review. Both the opponents of the bill and the supporters of the bill would probably come together.

Taking a risk with this piece of legislation tonight, amending it and seeing the other house be able to stymie and impede debate yet again, to play games behind the scenes, to sink its chances of ever actually reaching a vote in the other place—I am not willing to take that risk. I am not willing to further sacrifice the protections that we could have afforded those patients and those healthcare workers a year ago had the other place actually had the respect of this chamber to debate that bill that we passed a year and a month ago.

In this case, I cannot support this particular amendment. I possibly should have thought of a review clause myself and we should have added that at the start. I acknowledge that that is something that we should have inserted in, but tomorrow we will debate that termination of pregnancy bill and we have every chance in that particular bill to put that review clause to look at this particular issue or we can progress that private member's bill with great haste.

The Hon. F. PANGALLO: I also propose to move an amendment on the floor. I just want to make it clear that I am supportive of this bill that has come up through the House of Assembly and into the Legislative Council and I appreciate the passion that both the Hon. Tammy Franks and the member for Hurtle Vale, Natalie Cook, have about this.

The CHAIR: To clarify, the Hon. Mr Pangallo, we already have an amendment that has been moved. Are you seeking to amend that amendment?

The Hon. F. PANGALLO: Yes, I am. I would like to move an amendment on the floor. I move to amend the Hon Dennis Hood's amendment as follows:

Delete 'two years' and substitute 'four years'.

I think it is important that we do have a review in this bill. I know there are concerns that have been raised here tonight that they do not want to see it go back to the House of Assembly with a view that it may well be stalled there. I do not hold that view, because they had the majority numbers there and it came up, and I am sure it will come up now. I cannot see them objecting to having a review, particularly for four years.

We know that legislation that has good intent sometimes has unintended consequences. We have seen that with several bills. There are bills that we have debated in this place that have resulted in unintended consequences. I am not going to go through any likely scenarios of those unintended consequences, but I think having four years is acceptable.

We can come back and have a look at it in case something has arisen in that period of time that perhaps warrants a tweak to the legislation. That is not saying that the legislation will not pass; I am just saying that it is fair that we do have a review, just like we do with many other pieces of legislation.

We see this often in this place, where there is legislative table tennis that goes backwards and forwards with significant bills. We will have significant bills coming up before the end of the year where there are going to be amendments that are going to be moved, and it will mean having to go back to the House of Assembly and then having to come back here before they finally get passed to the other place. With that, I wish to move that amendment in my name to the amendment of the Hon. Dennis Hood that a review be conducted after four years.

The CHAIR: Just before I call any other member, we are just trying to work out your amendment off the floor.

The Hon. F. PANGALLO: That we substitute the two years for four years.

The CHAIR: What my great assistants here have proposed is that your amendment to the amendment would be in proposed subsection (2) leave out 'second but before the third' and insert 'fourth'.

The Hon. F. PANGALLO: Four, yes, Chair.

The CHAIR: The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: I will be very brief. I had indicated to the Hon. Mr Hood that I was somewhat supportive of a review and then, in discussions with the Hon. Mr Pangallo, we talked about four years. I am still committed to that but I put on the record that I think the best thing we can do tonight is to pass the bill as it is and look at the private member's motion, or if it is possible—and I am not sure that it is—tomorrow, when we are dealing with the other bit of legislation, whether we can incorporate it. However, I have some sympathy: I have been here for probably nearly longer than everyone else except the Hon. Mr Lucas and I have seen the Bermuda Triangle phenomenon before, where things disappear.

I have always been a strong advocate, even though I had some texts tonight about am I really a right-winger? I have always been a strong advocate of pro-choice, and it is a woman's choice to do whatever she chooses to do and not be impeded or harassed, even by the physical presence of somebody at a clinic. I am happy to support a review but I apologise to the Hon. Mr Hood and the Hon. Mr Pangallo because I did give them some indication earlier that I would support it, but I think in the interests of making sure that this legislation passes, I will look at supporting a review in another format either as a private member's bill or in conjunction with tomorrow's bill.

The Hon. S.G. WADE: I intend to be very brief. I hear no voice against a review in relation to this matter. I stand with the Hon. Mr Hunter in asking: how best do we deliver that review? I think it is best to consolidate the consensus between the two houses in relation to safe access zones tonight. I certainly will not be supporting a private member's bill to institute a review. I am very attracted to a review in the Termination of Pregnancy Bill.

This bill is part of a conversation, if you like, between the houses on these very important issues. I am confident that through these two bills we will have both reform in relation to safe access zones and reform on termination of pregnancy, including a review. I support a review established through that second bill.

The Hon. T.A. FRANKS: Could I just clarify that a private member's bill was the second-best option. I strongly support amending the other piece of legislation that we are currently debating. I think that would be the most appropriate place for the review. That is a five-year review, however.

The Hon. C. BONAROS: The Minister for Health and Wellbeing effectively took the words out of my mouth. There is nothing on the face of it that prevents us from combining the review of health access zones and the debate that we are going to be having tomorrow into the one. They effectively directly and indirectly deal with the same issues, and ordinarily we would—I would anticipate that any review of the bill that we will be debating tomorrow would involve a review of the access zones as well.

I think there is overwhelming support for a review, it is just where that review ought to be placed. The overwhelming view seems to be that it is best placed in tomorrow's debate because we face less risk of complications with this bill.

The Hon. D.G.E. HOOD: As I am the mover of the amendment that is being amended I would like to respond. My strong preference is for my amendment. I am not sure that that will be carried. In that case, the Hon. Mr Pangallo approached me just a few moments ago with the idea of a four-year review. I am happy to support that on that basis, support his amendment to my amendment, if you like. I think this bill does need review. I think two to three years is a more appropriate time frame but I am happy to accept four.

The CHAIR: The first question I am going to put is that the amendment moved by the Hon. F. Pangallo to the amendment moved by the Hon. D.G.E. Hood be agreed to. I put that question.

Amendment to the amendment negatived.

The CHAIR: The question I will now put is that the amendment moved by the Hon. Mr Hood be agreed to. I put that question.

Amendment negatived; clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. T.A. FRANKS (21:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

There being a disturbance in the strangers' gallery:

The PRESIDENT: No, order!

TRAINING AND SKILLS DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 10 November 2020.)

Clause 20.

The Hon. C.M. SCRIVEN: Members may recall when we adjourned on this bill it was following a question that I had in regard to the commission on its own motion being able to terminate a training contract. My question was around whether there would be any processes for appeal. My recollection is that the minister came back and said that he would give an undertaking that such a provision would be included in the regulations.

First of all, I would like to clarify that, as I have just described it, it was correct. All of that was in regard to suspending a training contract and whether there was a process for appeal. My question then is whether we got to the next section and discussed a process of appeal for terminating a training contract. I am sorry if that sounded a bit vague. I am happy to clarify a bit more, if necessary.

The Hon. R.I. LUCAS: I am advised that the minister on behalf of the minister did give an undertaking to provide an appeal provision in the regulations for both suspension and termination.

The Hon. C.M. SCRIVEN: On the basis that was provided for both the suspension and the termination of a training contract, I have no further contribution at clause 20.

Clause passed.

Clause 21.

The Hon. C.M. SCRIVEN: Clause 21 removes the existing section 52, which is about the transfer of a training contract to a new employer when there is a change of ownership of the business, being that the rights and obligations are transferred to the new owner of that business. Could the Treasurer explain why that provision is going to be removed which I understand is the outcome of this clause?

The Hon. R.I. LUCAS: I am advised if the member could clarify, as we are not aware of this particular clause removing anything. If the member could perhaps indicate what her understanding is and we will seek to clarify it perhaps, if she could clarify her question?

The Hon. C.M. SCRIVEN: My understanding is that clause 21 says to delete section 52 and substitute with what then appears in the bill. My understanding is that by removing that existing section 52 it removes the obligation for the training contract to be transferred to the new employer when there is a change of ownership of the business.

The Hon. R.I. LUCAS: I am advised that we very sneakily just moved this to new section 54MA. The existing provision has been transferred to 54MA, clause 23, page 35 of the bill.

The Hon. C.M. SCRIVEN: Thank you. I appreciate that clarification very much. My next contribution is at clause 22, so that is all on clause 21.

Clause passed.

Clause 22.

The Hon. C.M. SCRIVEN: My concern is with the wording of clause 22. It states:

- (1) Subject to this section, the time spent by an apprentice or trainee attending a course as part of their apprenticeship or traineeship will be treated for all purposes as part of the employment of the apprentice or trainee.

My question, essentially, is: what about training and assessment associated with a training contract that is not attending a course, given that is essentially inconsistent with competency-based training? The suggestion and feedback that the opposition received from stakeholders is that it is a bit of a hangover in terminology from the pre competency-based training days, when training was delivered in courses and students sat tests and were marked, etc.

Delivery modes, of course, have changed greatly since those days. Providers customise delivery and assessment to suit different learning styles, to make sure that deficiencies in learning are addressed to then achieve competency. For example, it might be that an apprentice or trainee is completing TAFE work online, or other modes that may even still be in development, and would not be attending a course as such. Can the Treasurer provide some clarity around what is intended here?

The Hon. R.I. LUCAS: I am advised that it is intended for the phrase 'attending a course' to have a broad definition that would include, for example, other activities aligned to off-job training. Detail with regard to off-job training, including clarification with regard to off-job training and wages, will be provided as necessary in the regulations and South Australian Skills Standards. Stakeholders will be consulted in the development of these documents.

The Hon. C.M. SCRIVEN: Thank you for that clarification. On the basis that that is intended to be broad, that it is intended to capture examples such as the one that I mentioned, and that the Treasurer has given an undertaking that they will be in the regulations, I have no further contributions at clause 22.

Clause passed.

Clause 23.

The Hon. C.M. SCRIVEN: Clause 23 relates to prohibited employers. This clause deletes the current registration of employers and replaces it with a new section 54F. I would just like to note for the record that the problem with the previous bill, prior to the government amendments to its own bill, was that the only recourse was after an incident had occurred, and that could, of course, be something very serious: a death or serious injury. The opposition is pleased to note that the term 'imminent risk of harm' is now included, but it does demonstrate, unfortunately, how the previous, original bill was ill thought through or at least ill developed by the minister in the other place. The new section now talks about prohibited employers, and it states:

- (2) In determining whether or not an employer is suitable to employ an apprentice or trainee, the Commission must have regard to the following:
 - (a) whether the employer is able to provide, or arrange to provide, an apprentice or trainee with the facilities, range of work, supervision and training required under a training plan for the apprentice or trainee...

What this means is that the criteria that has been deleted from the existing legislation is that the employer must provide or be able to provide suitable premises and suitable equipment, supervision of the apprentice or trainee and the ability to provide the appropriate range of work to satisfy the training contract.

It is entirely appropriate that the employer must be able to provide a variety of things, but the new registration does not require an employer to demonstrate that he or she can provide those things in order to become registered. My questions are around why the registration requirements are no longer legislated, given that they are important things such as suitable premises, equipment, supervision and the range of work.

The Hon. R.I. LUCAS: I am advised that these new requirements are more consistent with other jurisdictions and, in broad terms, the need to streamline the employer registration process, whilst maintaining protection for apprentices and trainees was identified as a key matter for review in both the current and the 2016 reviews of the act. The department's processing times for new employer registration applications are currently around 10 to 12 days following the introduction of a risk assessment matrix for prospective employers and the introduction of an online application system.

Before these changes, the processing time for employer registration applications was approximately 26 days. The streamlined registration process should further significantly reduce registration times and provide a lighter regulatory touch for employers when they engage with the system.

The Hon. C.M. SCRIVEN: I thank the Treasurer for his response. Does the Treasurer envisage that the ability to provide suitable scope of work will be in the Skills Standards, which is what is referred to a number of times—the Skills Standards to be apparently covering things which will no longer be legislated? My specific question is: will suitable scope of work be in those standards?

The Hon. R.I. LUCAS: The specific answer to the honourable member's question is that it will be subject to further consultation as to whether it will be included in the skills standard but that the scope of work question that the member has put will be considered either at the registration process or at the signing of the contract. So there is the assurance that the scope of work will be considered at either registration or at the signing of the contract of service. The issue of whether or not the scope of work will be part of a skills standard will be the subject of further discussion and consultation.

The Hon. C.M. SCRIVEN: I thank the Treasurer for his answer. Could he point to where in the bill it says that scope of work will be part of the registration process? It may be that it is—it is late in the night—but I have not seen it.

The Hon. R.I. LUCAS: It is not specifically referred to in the bill. The advice I am provided with is that it will be part of that particular discussion, but it is not specifically provided for in the bill.

The Hon. C.M. SCRIVEN: The answer that I have just been given possibly affects my next question. I will put on the record a concern that if that is going to be part of the registration process it would be better if it were specifically included in the bill. Given that we are looking at prohibited employers, the opposition is concerned that if an apprentice, for example, has not been provided with a suitable scope of work during their apprenticeship, what recourse will they have? It will obviously be of no use to them that the employer, now being designated a prohibited employer, will not be able to take on a new apprentice. That is going not to help the apprentice who has been through his or her apprenticeship and has not been provided with suitable scope of work to actually be competent.

The Hon. R.I. LUCAS: I am advised that the scope of work would be checked and assessed before the actual contract of training, so that there will be the protection, at that particular stage, for the individual that the member is referring to.

The Hon. C.M. SCRIVEN: Can I ask, then, why the scope of work has been taken out of the legislation if that is the intention?

The Hon. R.I. LUCAS: I am advised that it is part of the development in this bill of the risk assessment matrix, and in some cases the scope of work is of greater importance in some higher risk occupations and of lesser importance in some lower risk occupations. It is part of the risk assessment matrix that is going to be determined between higher risk occupations and lower risk occupations.

Clause passed.

Clause 24.

The Hon. C.M. SCRIVEN: My question is in regard to the new section 54(O), which is regarding a transfer fee payable in relation to certain substitutions of employer in relation to a training contract. My understanding from briefings on this topic is that this is intended to discourage poaching

of apprentices (and possibly others, but apprentices for brevity). Did the government receive any feedback to indicate any opposition from any stakeholders to this, particularly from employer, employer groups or training organisations?

The Hon. R.I. Lucas: Clare, we have passed that clause; 54(O) is still part of clause 23. We are on clause 24.

Clause passed.

Clause 25 passed.

Clause 26.

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

Amendment No 9 [Scriven-1]—

Page 43, line 15 [clause 26(2)]—Delete '(for a period not exceeding 4 weeks)'

This is in regard to the SAET being able to suspend the employment of an apprentice or trainee for no more than four weeks. The bill removes the provision that, if the South Australian Employment Tribunal suspends the employment of an apprentice or trainee, it can be for a period not exceeding four weeks. Our understanding is that that suspension could be for longer than four weeks under the bill as it stands. The opposition is concerned that the removal of this limit of four weeks will place an unfair burden on an apprentice or trainee who may be suspended from work without pay for a much longer period of time.

The essential change is that it ensures that that suspension can only be for four weeks. That is designed to protect an apprentice or trainee from suspension for a longer time, which would seriously financially compromise them.

The Hon. R.I. LUCAS: The government does not support this amendment. The government bill introduces changes to reduce red tape, including when matters are referred to the SAET for resolution. The government does not support the amendment, as it would reintroduce a layer of red tape by requiring parties to reapply to suspend an apprentice or trainee's employment each four weeks a dispute is being conciliated or adjudicated before the SAET.

Amendment negated; clause passed.

Clauses 27 and 28 passed.

Clause 29.

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

Amendment No 12 [Scriven-1]—

Page 45, lines 18 and 19 [clause 29, inserted section 70B(1)]—Delete 'may, on an application under section 70A or on its own motion,' and substitute 'must, on an application under section 70A,'

This amendment is quite an important one, so it is probably a good one to finish off on for the night, as it is our final one from the opposition. This is in regard to application for recognition of other trade qualifications. The section says:

A person may apply to the Commission for recognition of the person's qualifications or experience in relation to a particular trade...

Further, it states:

The Commission may, for the purpose of determining an application...require the applicant to—

(a) undertake an examination or test; or

(b) undergo an independent competency assessment...

As determined, and that is all well and good. Subsection (6) states:

The Commission may, in determining an application under this section, seek advice from any person or body who, in the Commission's opinion, has special knowledge of, and experience in, the relevant trade or declared vocation.

It is saying that, when the commission is deciding whether to accept a person's qualifications in regard to a particular trade or vocation, they may seek advice from a relevant body. It could be a training body, it could be the certifying body in the case of a particular aspects, but it does not insist that they must do so. The amendment, instead of saying that they 'may' seek advice from an industry body with relevant expertise, says that they 'must' seek advice from an industry body with relevant expertise. Note that that advice will not be binding on them. Once that advice was sought, they would not be required to be bound by it, but it ensures that all relevant information is taken into account.

One of the concerns that was raised in consultation and getting feedback on this bill is the fact that there can be times when there might be particular pushes, for example, from a baking franchise to have a qualification—let's say a baker's qualification—accepted without necessarily things like a full scope of work. So, for example, working in a baker's franchise would not expose an apprentice to the full range of work and scope that would be available in many other baking positions.

Obviously, one cannot expect the commission to be across every single trade and apprenticeship, and it is clearly already acknowledged in the bill that the commission may gain some benefit from it. But there was a strong view from those with an interest in this sector that this should be a requirement, that they should be required to seek advice from, for example, an industry body with relevant expertise, and that that was essential in safeguarding the quality level of qualifications and ensuring that the consistency of qualifications and the value and recognition of them was retained, hence the amendment.

The Hon. R.I. LUCAS: The government does not support this amendment. Clause 29 of the bill introduces new sections 70A and 70B to enable the SASC to recognise qualifications and experience obtained outside of a training contract. The amended act permits an individual to apply for the SASC to have their skills and experience in relation to a particular trade or declared vocation assessed, and sets out how the SASC will assess the application.

The opposition's amendment does not materially enhance the government's bill. To the contrary, this amendment would restrict the discretion of the commission to determine for itself whether or not a person is adequately trained. It would also prevent the commission from, on its own motion, determining and certifying that a person is adequately trained for work in an occupation.

The Hon. C.M. SCRIVEN: Can the Treasurer explain how it would prevent any of those things? It simply says that the commission must seek advice. It does not ask for that advice to be binding, so how would it prevent any one of those things that has been put forward by the Treasurer?

Amendment negatived; clause passed.

Remaining clauses (30 to 36), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (22:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 22:38 the council adjourned until Thursday 12 November 2020 at 11:00.

Answers to Questions

LAND TAX

In reply to **the Hon. J.A. DARLEY** (10 September 2020).

The Hon. R.I. LUCAS (Treasurer): I have been provided the following advice:

The land tax letters referred to information being held by RevenueSA in its online system and provided an opportunity for landowners to update the information held by RevenueSA and to supply additional information where relevant. As at 23 September 2020, approximately 193,000 land holding declarations have been received through the RevenueSA online land tax portal, with a further 18,500 declarations in progress.

Approximately 170,500 landholders have not provided a response. Some landowners would not have needed to provide information, for example, if they only own land which is exempt or if they only own taxable land not subject to a trust with a total site value that falls below the new land tax free threshold of \$450,000. No penalties apply for not providing a response.

Where a landowner took no action with respect to the land tax letters sent and subsequently receives a land tax assessment that is incorrect, they may provide RevenueSA with the necessary information at that time in order for a reassessment of their land tax liability to occur. Pursuant to Part 5, Divisions 1 and 2 of the *Taxation Administration Act 1996*, interest and penalty tax may apply in circumstances where false, misleading or incomplete information has been provided to the Commissioner of State Taxation, or information that should have been provided has not been so provided.

SCREENING CHECKS

In reply to **the Hon. C.M. SCRIVEN** (23 September 2020).

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

The South Australia Police have advised that since the commencement on 1 July 2020 of provisions relating to working with children checks under *Child Safety (Prohibited Persons) Act 2016*, two cautions have been issued.

The commonwealth government has jurisdiction over aged and National Disability Insurance Scheme worker screenings, which includes investigation and enforcement of any breaches of these requirements.

DISABILITY SERVICES

In reply to **the Hon. J.E. HANSON** (23 September 2020).

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

In line with changes associated with the full transition to the National Disability Insurance Scheme (NDIS); the commencement of the NDIS Quality and Safeguards Commission in SA on 1 July 2018, and the transition of Housing SA to the South Australian Housing Authority, the role and scope of the IMU has reduced, resulting in the number of staff employed decreasing from 14 FTEs to 11 FTEs.

No staff are in acting positions.

PUBLIC HOUSING

In reply to **the Hon. E.S. BOURKE** (23 September 2020).

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

As at 21 September 2020, construction on all 100 homes was underway.

AFL GRAND FINAL

In reply to **the Hon. F. PANGALLO** (24 September 2020).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

Under Emergency Management (Cross Border Travel No 16) (COVID-19) Direction 2020, entry to South Australia from Victoria is prohibited unless a traveller is approved as an essential traveller.

Currently, Victorian-based family members and fans would not meet the requirements to be assessed as an essential traveller.

The state's Transition Committee continually reviews our COVID-19 restrictions based on all available evidence to ensure the state remains COVID-safe.