LEGISLATIVE COUNCIL

Tuesday, 16 March 2021

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

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

Bills

TERMINATION OF PREGNANCY BILL

Assent

His Excellency the Governor assented to the bill.

MOTOR VEHICLES (MOTOR BIKE DRIVER LICENSING) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (STAND-ALONE POWER SYSTEMS) BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General's Report titled Update to the Annual Report for the year ended 30 June 2020, Report No. 6 of 2021

By the Treasurer (Hon. R. I. Lucas)—

Regulations under Acts—
- Development Act 1993—Horticultural Netting
- Planning, Development and Infrastructure Act 2016—
  - Fees, Charges and Contributions—HomeBuilder
  - Fees, Charges and Contributions—Phase 3 of Code
  - General—Phase 3 of Code
  - General—Horticultural Netting
  - Home Builder
  - Swimming Pool Safety—Fencing
- Road Traffic Act 1961—Miscellaneous—Roadworks

Rules of Court—
- Magistrates Court Act 1991—Criminal—Amendment No 90

Response of the Attorney-General into the Inquiry into the State Courts Administration Council—Sheriff's Office

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

Regulations under Acts—
- Cost of Living Concessions Act 1986—Eligibility

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

South Australian Training Advocate Report, 2020

ANSWERS TABLED

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

Question Time

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): My question is to the Minister for Health and Wellbeing regarding vaccinations. In terms of the COVID-19 vaccine rollout on the Anangu Pitjantjatjara Yankunytjatjara lands, is it the state government or the commonwealth that's in charge of the rollout, and in particular who has operational control on the ground? Can the minister outline for the chamber the plans for COVID-19 vaccinations in Aboriginal communities around South Australia, particularly those communities that were subject to federal biosecurity lockdowns last year?

The Hon. S.G. Wade: Would you mind repeating the last sentence?

The Hon. K.J. MAHER: As well as who exactly has operational control of the vaccination program on the APY lands, also—

The Hon. S.G. Wade: Sorry, you said something about lockdowns.

The Hon. K.J. MAHER: Yes, what's the plan for the vaccination rollout in Aboriginal communities, particularly those that were subject to federal biosecurity lockdowns last year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): If I could start with the last point first, my understanding is there are no commonwealth biosecurity arrangements in place in relation to any Australian community, whether that be Aboriginal or Torres Strait. In terms of our plan for coronavirus in the APY lands, during the early stages of the COVID pandemic, Nganampa, Tullawon and Maralinga Tjarutja made approaches to me and the Hon. Greg Hunt requesting the Australian Defence Force be called in to provide support on the APY lands during the pandemic.

There was cooperative work done across the different jurisdictions because this is obviously an area that involves South Australia, the Northern Territory and Western Australia. Planning has continued, particularly in partnership with Nganampa because obviously the APY lands are some of our most vulnerable communities. SA Health is progressing the development of an Aboriginal-specific vaccination campaign, Stay Strong, Get Vaccinated. This builds on the themes of the Stop the Spread, Stay Strong campaign and information gathered through a survey that was undertaken in late 2020.

The planning and scheduling of the rollout of the COVID-19 vaccine on the APY lands will be developed in partnership with Nganampa Health Council, as they have registered to deliver the vaccine. The COVID-19 vaccination will be offered to all of the community on the APY lands as part of the vaccination rollout.

In terms of responsibility, I suspect it is shared. First of all, the commonwealth has a national plan for the pandemic in relation to Aboriginal communities. We certainly have been working closely with Nganampa in terms of both the pandemic response and the vaccine response, and the commonwealth has specifically sought to engage Aboriginal community-controlled health organisations in the vaccination program.

Earlier today, I was part of a meeting where we received an update on the engagement of Aboriginal community-controlled health organisations. I seem to recall that we were advised that the Aboriginal community-controlled health organisations received their onboarding kits last week. The GPs, of course, received their onboarding kits a couple of weeks ago. We certainly stand ready to continue the partnership with Aboriginal community-controlled health organisations in the vaccination phase of the pandemic, just as we did in the earlier outbreak phase.

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): I have a supplementary question arising from the answer, and I thank the minister for his answer. In terms of the rollout on the APY lands, if there were concerns or problems that individuals had, would it be the state or commonwealth government that would look at it? When the minister talks about a joint rollout, what exactly are the areas of operational responsibility for each—the state and the commonwealth—in this program?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I would reiterate the basic point that my understanding is that the commonwealth is partnering with Aboriginal community-controlled health organisations. Certainly, the state will partner with Nganampa, and for that matter any other Aboriginal-controlled health organisation that seeks our assistance in terms of the vaccine rollout.

An overarching point that I think needs to be made is that we are very happy to partner with the commonwealth government in the vaccination program, but it is fundamentally the commonwealth government's vaccination program. Australians are very lucky that this is a vaccine preventable disease, that COVID has a suite of vaccines that can deal with the virus. We can be very grateful that the federal government had foresight to procure significant amounts of vaccine, particularly Pfizer and AstraZeneca, which are able to be rolled out now.

We, and the other state and territory governments, are actively partnering with the commonwealth government in delivery of the national vaccination program. It is fundamentally a commonwealth vaccination program and we also, as I said, will be partnering with Aboriginal community-controlled health organisations in that joint effort.

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Supplementary arising from the original answer: does the minister have any indication as to what date the vaccination rollout will commence in the APY lands?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): I am happy to take that on notice and bring back an answer.

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): I have a final supplementary.

The PRESIDENT: Final, indeed.

The Hon. K.J. MAHER: Does the minister have any information as to how the vaccination rollout on the APY lands will proceed; that is, is there a demographic or a target in terms of who will get the vaccination first? What are the operational logistics of how that will be rolled out?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:33): My understanding is that the APY lands in particular is part of phase 1b. In other words, it is a high priority as a region. My understanding is that it won't be elements within the APY community that will be prioritised, but in the end that will be a matter for Nganampa and any partner that it has in delivering on the ground. They know their people best. They know their facilities best. I am certainly not going to tell them how to run these clinics.

COVID-19 VACCINATION ROLLOUT

The Hon. C.M. SCRIVEN (14:33): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

The Hon. C.M. SCRIVEN: On Thursday 11 March, the deputy chief executive of the Department for Health and Wellbeing publicly stated that he could not advise where the target had come from to vaccinate 12,000 people in the first weeks of the vaccine program. My question to the minister is: who first advised the minister or the Premier that South Australia could meet a target of 12,000 COVID vaccines in the first three weeks of the rollout?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): My understanding is that the government was not putting forward a target. The government, SA Health, whoever, was making the point that we were destined to receive three shipments of 4,000 doses of Pfizer vaccine. That equals 12,000. That's over three weeks.

COVID-19 VACCINATION ROLLOUT

The Hon. C.M. SCRIVEN (14:34): Supplementary: could the minister explain what he meant in his answer there saying 'health or whoever'. Who is 'whoever' who was giving this advice?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): As I said, the health portfolio is a broad beast.

COVID-19 VACCINATION ROLLOUT

The Hon. C.M. SCRIVEN (14:35): Supplementary: so is the minister saying he actually doesn't know who provided that advice?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): Let's be clear: the commonwealth told us they were going to send us three lots of four, and that equals 12. But let's not allow the opposition to continue their defamation of the public health team.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: No, President—I'm being provoked; I've got a right to respond.

The PRESIDENT: Minister, resume you seat. I have said before that conversations across the chamber are very unhelpful. For a start, I can't hear the minister but I don't really know what those conversations might be, and they—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: —should be taken outside. The Hon. Mr Ridgway! The minister has the call.

The Hon. S.G. WADE: So the honourable opposition—or so-called honourable opposition—is continuing the same pattern in the second year of the pandemic that they started in the first year of the pandemic, which is niggling undermining of the public health team.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Niggling undermining of the public health team.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the leader!

The Hon. S.G. WADE: So here we are, they are three weeks into the rollout—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition is out of order!

The Hon. S.G. WADE: Three weeks into the rollout of the COVID—

Members interjecting:

The PRESIDENT: Order! Minister, please conclude your answer, but in silence from the opposition, and that includes the Deputy Leader of the Opposition.

The Hon. S.G. WADE: The opposition wants to undermine the public health response in the first three weeks. I, completely in contrast to them, want to laud the work that has been done by SA Health—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The whip is out of order.

The Hon. S.G. WADE: —in the last three weeks. Let's be clear—

The Hon. K.J. MAHER: Point of order, sir.

The PRESIDENT: Resume your seat, minister. Point of order, the leader.

The Hon. K.J. MAHER: The minister is entirely misrepresenting everything the opposition have said. At no stage has the opposition sought to undermine the great work that the health officials are doing.

Members interjecting:

The PRESIDENT: There is no point of order. Resume your seat. The minister will conclude his answer.

The Hon. S.G. WADE: Mr President, with all due respect, I am entitled to give an answer. I'm not going to be suffocated by a reckless, disrespectful opposition.

Members interjecting:

The Hon. S.G. WADE: If they want to continue to drown me down, I'm going to continue to give my answer, and I've got a right to do that as a member of this place. So let's reflect on the first three weeks of the vaccination program. Three weeks ago—

The Hon. K.J. Maher: Twelve thousand.

The PRESIDENT: Order! We will move on to the next question if you don't let the minister answer.

The Hon. S.G. WADE: Mr President, I insist on answering this question.

The PRESIDENT: Please do.

The Hon. S.G. WADE: There are two sides of the house and we both have rights. So let's leap back. Three weeks ago, we were rolling out the Pfizer vaccines. Then, unexpectedly, the commonwealth, to their great credit, received a shipment from Europe, which meant that we had AstraZeneca vaccines earlier than we expected. So what did SA Health do? They stepped up rapidly and within days had established AstraZeneca clinics.

The shipment arrived on the Sunday afternoon, by the Wednesday they had arrived in South Australia, thanks to the good efforts of the commonwealth government, and by Friday the Murray Bridge local health network—the Riverland Mallee Coorong Local Health Network, the Murray Bridge hospital—had an AstraZeneca clinic being set up that morning, within 36 hours of supplies arriving. So I'm not going to take an undermining of the public health team by this opposition. I commend them for the sterling job they are doing in this vaccination rollout.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke has the call, and she will be heard in silence by her own team.

COVID-19 VACCINATION ROLLOUT

The Hon. E.S. BOURKE (14:38): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

The Hon. E.S. BOURKE: Dr David Pope, President of SASMOA and an ED doctor, has revealed a text message bungle that resulted in doctors and nurses not receiving their vaccine appointment times. Dr Pope told Seven News on Sunday, and I quote:

> I was going to have a vaccination yesterday and I never received a text message from the system. [It is] greatly slowing down the vaccination rollout. I have to say that frontline staff are being let down.

My questions to the minister are:

1. What steps have been taken to rectify bungles in the vaccine notification system resulting in doctors missing their vaccine appointments?

2. How many frontline clinicians missed appointments for their vaccines because they did not receive text messages due to the technology issue?

3. What South Australian GP practices will be delivering COVID vaccines, with phase 1b set to commence in just six days' time?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): I am advised that Northern Adelaide Local Health Network staff in the phase 1a priority group are sent an email inviting them to book their vaccination appointment. A reminder text message is sent 48 hours and 24 hours before appointments. So far, I am advised, staff who have received their vaccinations within 24 hours of booking it online have not received a text message because of the proximity of one to the other. A small number of staff have missed appointments, and all have received calls from the clinic to rebook, with most receiving their vaccination the same day.

I specifically repudiate the suggestion that that has slowed down the rollout at the Lyell McEwin Hospital. In that context, I specifically note that Lyell McEwin Hospital was actually ahead of their forecast in terms of the administration of vaccines at the Lyell McEwin Hospital. I commend them for that, and I don't think it's appropriate that the opposition should peddle false criticism of our public health team.

The PRESIDENT: The Hon. Ms Bourke has a supplementary.

COVID-19 VACCINATION ROLLOUT

The Hon. E.S. BOURKE (14:41): The minister stated that most received the vaccine on the same day. How many did not?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I am happy to take the honourable member's question on notice.

HOMEBUILDER PROGRAM

The Hon. D.G.E. HOOD (14:41): My question is to the Treasurer. Can the Treasurer update the house on any industry concerns about its ability to meet the overwhelming demand for residential construction as a result of the success of the HomeBuilder scheme?

The Hon. R.I. LUCAS (Treasurer) (14:41): I think, as the honourable member would know, and I suspect most honourable members who are taking constituent inquiries will know, the HomeBuilder scheme, together with the state government $15,000 First Home Owner Grant, has led to the residential housing industry sector in South Australia going gangbusters, to use a very technical economic phrase.

However, that has clearly caused some significant issues in terms of the housing industry being able to meet the construction timelines that are required under the guidelines. I have publicly congratulated the commonwealth government (a) on the scheme and (b) on two examples already where they have shown flexibility in terms of extending the timelines within which builders and individuals can meet the guidelines of the HomeBuilder scheme.

The unprecedented state of residential housing construction in South Australia and the demand for this scheme has meant that it is certainly the state government's view that we will continue to urge the federal government, together with the industry who have been raising this issue directly themselves, I might say, to see whether or not the eligibility criteria for the scheme can actually be extended. By eligibility criteria, we are specifically talking here about the period, which has been extended once, between the signing of a contract and the commencement of construction. The commonwealth government has extended that to six months.

There are increasing concerns being expressed by the industry about a range of issues. One is significant shortages of timber supply in South Australia for builders to be able to meet the demand for residential housing construction. A number of builders, particularly, I am told, those beneath the tier 1 level, are struggling to get supplies of timber suitable for them to be able to meet the contractual

requirements for the individual home builder to be able to meet the demand of the HomeBuilder scheme.

So they have been lobbying the industry associations—the Master Builders Association, the Housing Industry Association, and others—and have been raising the issue with us. They have also been raising the issue directly with the federal government. The federal government in and of itself can't turn around the issue of timber supply overnight, that is going to be an issue of supplies being able to meet the demand, but clearly an extension of that time line of six months to a longer period—perhaps nine months—may allow the same number of homes to be constructed.

There shouldn't be an increase in cost for the commonwealth government over and above their existing commitments, and one can understand any budgetary pressures they might be concerned about. That shouldn't add anything to the construction but will allow a more extended time period within which builders in South Australia, in particular, might be able to meet the requirements of individual home owners.

I have a Board of Treasurers meeting later this week and I intend to raise the issue with colleague treasurers of state and territory jurisdictions to see whether or not our experiences in South Australia are being reflected in those other jurisdictions. Hopefully, if we can see a combined or united view, we can take the issue up with the commonwealth government.

I conclude my remarks by again congratulating and acknowledging publicly the commonwealth government for (a) the scheme and (b) their willingness to listen to industry concerns on at least two occasions so far. We urge the commonwealth government to listen—and I know they are listening—to industry concerns to see whether or not it is possible to further extend that guideline in the operation of the scheme.

HOMEBUILDER PROGRAM

The Hon. C.M. SCRIVEN (14:46): Supplementary: apart from trying to lobby the federal government for that change, is the state government proposing any assistance on this issue?

The Hon. R.I. LUCAS (Treasurer) (14:46): If you are going to solve a problem you identify what the solution is and you move straight to the heart of it. The solution is to extend the time lines, as I have outlined. That is the solution to the problem that confronts us.

It is a wonderful type of problem to have because 12 months ago many commentators, including some in the opposition, were talking about builders going broke and large numbers of jobs being lost. The commonwealth government has resolved those particular issues, and we are now confronted with issues of a different nature. This government's view is, 'Let's identify the problem and what the solution is, and prosecute the solution.' That is what we have indeed done.

HOMEBUILDER PROGRAM

The Hon. C.M. SCRIVEN (14:47): Further supplementary: is the Treasurer saying that if the extension of time is granted that will be the solution to the problem?

The Hon. R.I. LUCAS (Treasurer) (14:47): Together, one would hope it will give time for the timber supply industry to try to catch up with meeting the incredible demand for timber within the residential house building sector in South Australia. That, of course, is made equally challenging because of the decision of the former Labor government in relation to the privatisation of the timber industry.

STRIKE FORCE WYNDARRA

The Hon. T.A. FRANKS (14:48): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing, representing the Minister for Police, a question about SAPOL interactions with Strike Force Wyndarra.

Leave granted.

The Hon. T.A. FRANKS: 'Wyndarra' is an Aboriginal word for west winds. In November 2019, an Adelaide woman approached SAPOL and on her behalf SAPOL made referrals to the New South Wales Police Force between the dates of 21 and 28 November. That woman then attended

the New South Wales Kings Cross Police Station on 27 February 2020 in person. Consequently, on 4 March 2020, the New South Wales Police Force set up Strike Force Wyndarra. It was established to respond to historic allegations of rape made by this Adelaide woman. That strike force was comprised of four investigators and a senior supervisor.

In the Parliament of New South Wales estimates this past Friday, it was revealed there by the New South Wales police commissioner that Strike Force Wyndarra officers were purportedly refused permission to travel to South Australia, on a request made on 13 March 2020, for travel anticipated variously, according to the police commissioner, for either 16 March or between 15 and 18 March. The officers scheduled to meet this woman on 16 March 2020, exactly one year ago today—travel that, had it been completed, would have indeed been one year ago today, at a very different time.

I note that this planned travel, however, was one week prior to our state closing our borders on 22 March 2020. Following this supposed refusal, SAPOL officers made an attempt to interview the woman here in South Australia in April 2020 but, according to Commissioner Fuller's tabled evidence, the Adelaide woman requested again to speak directly to the New South Wales officers involved in this strike force.

Evidence provided to our South Australian Legislative Council COVID-19 select committee showed that, in that same month of April 2020, between 22 March and 21 April 2020, 9,241 essential travellers crossed our borders in that month and indeed 10,750 non-essential travellers crossed our borders in that month. That makes 20,295 people in total who came into South Australia following the closure of our borders on 22 March 2020. Again, I note that the travel that was refused on 13 March 2020 was prior to our borders even closing at all. My questions to the minister are:

1. Was police business deemed essential under the border travel criteria?

2. Of the approved essential travellers that month alone following the closure, how many were approved as essential that were on police business?

3. Was an actual request ever made on behalf of or by Strike Force Wyndarra to enter South Australia?

4. Will all of this information and the relevant details of the investigation be provided to the Coroner, if it has not already?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:52): I thank the honourable member for her questions for the minister in the other place, and I undertake to refer them to the minister and seek an answer on her behalf.

SA AMBULANCE SERVICE

The Hon. R.P. WORTLEY (14:52): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

The Hon. R.P. WORTLEY: Yesterday, Channel 9 reported the story of a 70-year-old woman in the northern suburbs who waited for an hour for an ambulance while she was in excruciating pain. The government was reported to dispute these claims by arguing that an intensive care paramedic was swiftly on scene. Late yesterday evening, the paramedic who attended the job spoke publicly via Twitter, and I quote:

> I was the paramedic at this job. They are using another job at a similar location to try and confuse you. There was no intensive care paramedic there. The patient waited 58 minutes…We couldn't get another ambulance and needed MFS…
>
> We were the first crew there. Had to call an Intensive Care paramedic who came from Parafield. Sick of people lying about it when I was there.

My questions to the minister are:

1. After one of the minister's chief executives recently threatened paramedics with ICAC for speaking out, why is the government agency now apparently trying to mislead the public about delays in ambulance response times?

2. Is it a breach of the Public Sector Code of Ethics for an agency to make public comments that are not factual?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): I certainly am aware of both comments. What it seems to me, on the face of it, is there were two similar cases and there is a lack of clarity as to which case was being referred to in the media. Certainly, I will seek further information from the Ambulance Service to make sure that the—in fact, to be frank, I will get information on both cases.

SA AMBULANCE SERVICE

The Hon. R.P. WORTLEY (14:54): Supplementary: was it the minister's office that suggested or approved the final wording of any claim that an intensive care paramedic was swiftly on the scene?

The PRESIDENT: I am not sure how that came out of the answer, but I will let the minister answer if he wishes.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): My understanding is that the statement provided to the media was provided by the Ambulance Service.

VIOLENCE AGAINST WOMEN

The Hon. N.J. CENTOFANTI (14:54): My question is to the Minister for Human Services regarding violence against women. Can the minister please provide an update on the federal campaign to address disrespect and violence against women?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I thank the honourable member for her question. The third phase of the Stop it at the Start campaign was launched on International Women's Day on 8 March. Can I acknowledge that South Australia was one of the first states to make a financial contribution to the first Stop it at the Start campaign in 2015, under the previous government.

The third phase of the Stop it at the Start campaign is a primary prevention initiative implemented under the National Plan to Reduce Violence against Women and their Children 2010-22. Primary prevention of men's violence against women focuses on the key drivers of attitudes and values, primarily gender inequality, that support the use of violence against women. As former Prime Minister Malcolm Turnbull said, 'Not all disrespect leads to violence, but all violence starts with disrespect.'

Stop it at the Start aims to help break the cycle of violence by encouraging adults to reflect on their attitudes and have conversations about respect with young people, primarily those in the 10 to 17 age group. We know that there are some alarming attitudes among young people about boundaries and respectful relationships, so the focus is on influencing positive change in young people's attitudes towards violence against women and gender equality. It aims to intervene before attitudes and behaviours develop that may lead to violence.

The campaign acknowledges the importance of role modelling and is targeted at parents and family members as well as teachers, coaches, community leaders and employers of young people. Since young people's attitudes and behaviours are shaped by those around them, it's important to expose young people to positive influences where they live, work, learn and socialise. As such, the campaign recognises the important role of adults in influencing the younger generation and preventing men's use of violence against women.

The campaign has thus far been delivered in two phases through social media, advertisements, television commercials, posters and a website. Evaluation research, which has yet to be fully published, was conducted following phases 1 and 2 of the campaign. It found that 70 per cent of all people recalled an element of the campaign activity, with 60 per cent of those people taking action as a result, such as trying to be more respectful to others, thinking about how to show respect to others, trying to be more respectful to help show young people how to behave, having conversations with young people about how to treat the opposite sex with respect and seeking out information and resources to better understand how to talk to young people about respect.

The latest phase urges people to unmute themselves, that is, to not be bystanders—if they see or hear comments that they think are disrespectful, they can speak out. Given that we have had so many Zoom meetings and the like in the last year, it's become a bit of a catchphrase. The creatives I think advised that it was a phrase that they had been considering prior to the lockdown in any case. We think that it is a unique way to change attitudes.

WAITE GATEHOUSE

The Hon. F. PANGALLO (14:58): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Minister for Transport, about the Waite Gatehouse dismantling and relocation project.

Leave granted.

The Hon. F. PANGALLO: The decision to save the building has been met with relief by heritage lovers and of course the local member for Waite, Mr Duluk, who paradoxically in 2019 gave his endorsement to the intersection upgrade.

Yesterday, Minister Wingard announced that the building, with its distinctive chimneys, would be dismantled brick by brick, window by window, tile by tile, floorboard by floorboard, door by door, fireplace by fireplace and rebuilt on another part of the campus for about $2.5 million, rather than picking it up and shifting it in one piece, as was proposed by a company called Mammoth Movers, because, we have been told, it was the more expensive option. Mammoth Movers' first quote was under $900,000. The gatehouse was to be lifted and rolled about 150 metres down a pathway, but that cost contained some exclusions.

At yesterday's Budget and Finance meeting, the Department for Infrastructure and Transport Chief Executive, Mr Tony Braxton-Smith, said that Mammoth Movers provided an updated quotation, a total cost, inclusive of all works practicable for the job—which he didn't specify—and revealed that it was an estimated $3.6 million GST inclusive. On the surface of it, it sounds like the government has made a prudent call, saving itself $1.1 million by pulling it to pieces Lego-style. My questions to the minister are:

1. Did the government enter into a confidentiality agreement with Mammoth Movers that included its costings, or does it contain a clause allowing Mr Braxton-Smith to breach any confidentiality in revealing the company's commercial-in-confidence information, including pricing?

2. Can the minister and Mr Braxton-Smith now provide to the Legislative Council the full costings of all the works Mammoth Movers provided in reaching that $3.6 million figure?

3. As for the $2.5 million to be spent on dismantling and rebuilding the gatehouse, can the minister also provide details of the full scope of works to turn it into a volunteer centre—that is, are the distinctive chimneys going to be retained and rebuilt; will the existing shingle roof be retained or be replaced by a tin roof; how are they going to replace broken items—and there will be many—or will the University of Adelaide also be required to do the construction works?

The Hon. R.I. LUCAS (Treasurer) (15:01): I am exhausted, and I am only going to refer the question! I am happy to refer the honourable member's question to the minister and bring back a reply.

HOSPITAL MANAGEMENT

The Hon. I. PNEVMATIKOS (15:01): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

The Hon. I. PNEVMATIKOS: Last Monday, the salaried officers association's Bernadette Mulholland revealed that patients are being discharged from hospital early under pressure from hospital administrators. She said:

> The pressure to get people out of hospital has become so great we are now seeing administrators actually directing medical officers to discharge patients before they are ready to go.

My questions to the minister are:

1. What steps has the minister personally taken to investigate claims of hospital administrators pressuring doctors to discharge patients before it is safe to do so?

2. If the allegation is true, is this a breach of the Public Sector Code of Ethics and will this be escalated to the OPI or some other integrity body?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02): The honourable member asks me what action I have taken in terms of looking into the claims. I am in the process of making arrangements to meet with the association to receive more information about the claims they have made.

COVID-19 VACCINATION ROLLOUT

The Hon. T.J. STEPHENS (15:02): My question is to the Minister for Health and Wellbeing. Will the minister update the council on how SA Health is working to promote COVID-19 vaccinations amongst our multicultural communities?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03): I thank the honourable member for his question. In July last year, I gave an update to this chamber regarding the outreach work that SA Health had embarked on to strengthen relationships with culturally and linguistically diverse leaders and communities in the context of the pandemic. At the time, reports of the concerning outbreak in Victoria had underscored the importance of ensuring that public health advice and infection control messaging was accessible to all people regardless of ethnic background or their language.

On 16 July 2020, the Chief Public Health Officer, Professor Nicola Spurrier, hosted a forum, which the Hon. Jing Lee and myself were able to participate in. The forum identified knowledge gaps within the CALD communities, and CALD communities were asked to be messengers to their communities for potentially life-saving public health messaging.

I am pleased to provide an update to the house, that our multicultural leaders have again answered the call to be the key sources of truth in their respective communities as we move into the vaccination phase. Last night, an online forum was held to bring together CALD communities and to discuss the importance of vaccination against COVID-19. Last night's forum was attended by two prominent and respected CALD leaders, His Excellency the Hon Hieu Van Le the Governor of South Australia and the Hon. Jing Lee MLC in her capacity as Minister Assisting the Premier. It was certainly a privilege to have both attend.

Informed by their experiences, the Governor and the Hon. Jing Lee made important contributions to the forum. The CALD vaccination forum was attended by over two dozen participants and was hosted by the Deputy Chief Public Health Officer, Dr Emily Kirkpatrick. Participants took full advantage of the opportunity to discuss their concerns and seek answers from the public health team.

The Marshall Liberal government is keen to see as many South Australians vaccinated as possible and the forum gave speakers the opportunity to reiterate the facts that the vaccine is free, it's effective and it's voluntary. It was also very useful for the SA Health team because CALD leaders used the forum to draw attention to issues that are unique to their communities, such as the fact that, in spite of the fact that the vaccine is free for all, there was concern that people's visa status or their Medicare status may get in the way.

SA Health has been doubly reminded of that concern in the community and we will make sure that that is fed into the communications and information provided to CALD communities. In particular, I am advised that the Refugee Health Service and also the commonwealth respiratory clinics are both accessible to people who don't have Medicare entitlements, but certainly my officers and myself will be doing what we can to make sure that access to vaccination is just as free to people from CALD community backgrounds, in spite of their visa or Medicare status, as it is to any other resident of this community.

The ongoing engagement with CALD communities has been a partnership, not only with the leaders of those communities and the communities but also with other departments, such as the Department of Human Services, Multicultural Affairs SA and a range of non-government

organisations. The opportunity to engage in a process and framework that's been developed by Multicultural Affairs has certainly helped other parts of government to engage effectively.

In-person sessions with peak bodies will commence this week following productive discussions with the Australian Refugee Association, the Australian Migrant Resource Centre and SA Health. Accurate and culturally appropriate health information is just as important during the vaccination phase as it has been through the first year of the pandemic. The same leadership that kept South Australians safe during the Thebarton and Parafield clusters will be vital as we embark on the complex vaccination task.

I thank the many CALD leaders who were involved and made valuable contributions. The work now begins to take information back to their communities and I have no doubt that the health and wellbeing of all South Australians will be more secure thanks to the collaboration with our multicultural leaders and community members.

KANMANTOO POLLUTION

The Hon. M.C. PARNELL (15:08): I seek leave to make a brief explanation before asking a question of the Minister for Health about potential health hazards from pollution at Kanmantoo.

Leave granted.

The Hon. M.C. PARNELL: On 14 March, my office received a letter from Kanmantoo constituents with significant concerns about potential negative health effects of the persistent stench that emanates from the nearby Neutrog plant, which produces fertiliser from chicken manure. I understand that the minister has been sent the same correspondence, but in fairness it was only two days ago so I expect it might not have reached him personally yet.

The residents explained that the odour is only part of the problem and that the dust and aerosol from the plant is also impacting eye health and skin health of residents, as well as dampening community activity and wellbeing. Some members of the community have reported increased headaches, respiratory issues and nausea, as well negative mental health consequences. In the words of one resident:

> It's not just the odour, it's the drift of dust and the air-borne and aerosol pathogens that community members are potentially inhaling and digesting.
>
> …the dust, bioaerosol and pathogen matter is sticking to clothing, especially clothing that is hung outside to dry, and it can make clothes smell and feel gritty.
>
> Members of this community are unable to socialise. Families, friends and other visitors, do not like to visit, stop or get out of the vehicle due to the odour and health concerns.

I would add that Neutrog's own safety guidelines strongly warn against the inhalation, eye contact, skin contact and ingestion of any amount of their product. My questions of the minister are:

1. Is the minister concerned about potential health impacts associated with pollution from the Neutrog plant?

2. Will the minister or his department commit to working with the EPA to investigate potential community health hazards associated with this facility?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): I thank the member for his question. At the end of his explanation, his second question actually touched on what I was going to say in response, which is that the responsibility for environmental health issues is something that my department shares with the Environment Protection Authority. We have long established partnerships in a whole range of domains, perhaps best known in relation to the Port Pirie lead program, but right across the state.

The honourable member is certainly correct. I haven't read that correspondence yet, but certainly I provide an undertaking to him not only to read the correspondence but to engage with my honourable colleague the Minister for Environment and Water in providing him with a response.

COVID-19 VACCINATION ROLLOUT

The Hon. J.E. HANSON (15:11): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing on COVID-19 vaccines.

Leave granted.

The Hon. J.E. HANSON: On 21 February this year, the minister put out a press release about the arrival of COVID vaccines, specifically and clearly stating the following:

> With the arrival of the first 4,000 COVID-19 vaccine doses, we will be able to vaccinate and further protect frontline workers, including medi-hotel and airport red zone staff. We have plans to vaccinate more than 12,000 people within the first three weeks of our rollout.

On the day after, on 22 February, the Premier, in a noon bulletin on Mix radio, said:

> Four thousand of the vaccinations were received into SA yesterday. There is going to be another 8,000 coming very soon, which will allow us to have 12,000 of the vaccinations over the first three weeks.

Earlier today in question time, the minister mentioned the 12,000 figure but said that he had no idea where it came from. Does the minister now accept that he is the person who put the 12,000 vaccination plan into the public arena?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I thank the honourable member for his quote because what he highlights is that what I said was that we had plans for 12,000. The fact is that—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: The fact is that—

Members interjecting:

The PRESIDENT: Order! Does the opposition wish to listen to the minister? Because I do.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, leader!

The Hon. S.G. WADE: In terms of the rollout, it is true to say that there are some clinics that didn't achieve the throughput that they were expecting. I don't criticise them for that because, to be frank, I want every clinician in our vaccination program to put safety first. Let's remember that in the first few days of the national program we had a Queensland case of overdosing. Do you think that might have made our clinicians doubly aware of the risks of a rushed program?

I do not criticise our clinical teams for the progress made thus far, because not only have they expanded the number of clinics, they have delivered thousands of vaccines. If I can pause to pay tribute to them, I have received advice since I have been in question time that yesterday they delivered a daily record of more than 1,000 vaccines. I will continue to stand by my public health team and strongly repudiate the criticism of the opposition.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Opposition Whip is out of order. The Hon. Mr Hanson has a supplementary.

COVID-19 VACCINATION ROLLOUT

The Hon. J.E. HANSON (15:14): Does the minister accept that the 12,000 figure was stated so unambiguously that not only the Premier relied on it but anyone else could have as well?

The PRESIDENT: That's the longbow, but if the minister wishes to respond—

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I've got nothing to add.

ECONOMIC STIMULUS PACKAGE

The Hon. D.W. RIDGWAY (15:14): My question is to the Treasurer.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President.

Members interjecting:

The PRESIDENT: The leader is out of order and so is the minister, for that matter.

The Hon. D.W. RIDGWAY: My question is to the Treasurer. Can the Treasurer—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will be heard in silence.

The Hon. D.W. RIDGWAY: —please outline whether there has been any independent assessment done of the relative size of the economic stimulus packages across the states and territories?

The Hon. R.I. LUCAS (Treasurer) (15:15): The issue of the relative strength of economic stimulus packages has taken on almost legendary status over the last six to 12 months. It seems to be a constant refrain from our opposition in South Australia, and perhaps even oppositions in other jurisdictions as well, that the relative strengths of their economic stimulus packages in the state are not strong enough. Certainly, the state opposition in South Australia spends every waking moment, almost, saying more needs to be done, not enough is being done and the stimulus package isn't big enough.

So it is important and I think informative for all of us that the independent assessment be conducted. The independent federal Parliamentary Budget Office—there is nothing more independent than that—has conducted their own analysis of the relative strength of the stimulus packages in the various states and territories, and their measure was essentially the size of the package as a percentage of gross state product. It was relative, clearly, in absolute terms, that bigger jurisdictions like Victoria and New South Wales have bigger numbers than our $4 billion figure, but our $4 billion figure is relative to the size of our state's economy.

Pleasingly, in relation to that, from the viewpoint of comforting the opposition in South Australia but also others, the taxpayers of South Australia are doing an enormous job and a lot of heavy lifting in terms of their $4 billion economic stimulus package over the next two years—the second strongest stimulus package of all of the states in Australia.

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

The Hon. R.I. LUCAS: The second strongest at 3.6 per cent of gross state product. The New South Wales government—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —has the highest measure of the—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke needs to be quiet.

The Hon. R.I. LUCAS: —strength of their package at 4.6 per cent, South Australia at 3.6 per cent, Tasmania 3.3 per cent.

The Hon. K.J. Maher interjecting:

The PRESIDENT: And so does the leader.

The Hon. R.I. LUCAS: Intriguingly, three Liberal governments are leading the rank here.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Next come the Labor-led jurisdictions.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable leader!

The Hon. R.I. LUCAS: My very good friend, comrade Tim Pallas, in Victoria is languishing at 2.8 per cent, and Western Australia at 1.9 per cent. As I said, it's useful to get an independent assessment because it might give some degree of comfort to those in the opposition that when they are bewailing the lack of economic stimulus, the independent commonwealth Parliamentary Budget Office should provide them with a great deal of comfort that South Australian taxpayers are doing the heavy lifting, we are providing significant stimulus and there will be more to be announced over the coming days.

LAND TAX

The Hon. J.A. DARLEY (15:18): I seek leave to make a brief explanation before asking the Treasurer a question about land tax.

Leave granted.

The Hon. J.A. DARLEY: I have recently been contacted by owners of land who in the past have received land tax accounts, but to date have not received their latest account. On examination of the circumstances, I have found that many of these people are no longer liable for land tax as a result of the most recent changes. Can the Treasurer advise how many previous land tax payers are not liable for land tax during 2020-21?

The Hon. R.I. LUCAS (Treasurer) (15:19): I am delighted the honourable member is getting that sort of feedback as a result of the government's comprehensive, groundbreaking and competition-busting reforms of land tax just over 12 months ago. Indeed, many of the people who spoke to both the honourable member and myself leading the charge against the land tax reforms—not all of them, because a number of them continue to protest the government's changes, but a number of them—have gone silent.

The reason they have gone silent is that they have actually taken stock of exactly what they are going to be paying under the land tax changes and have realised that they are either better off or nowhere near as badly impacted as they believed they would be, and the government's compensation or transition fund assists them in the first year. So I think the feedback to the honourable member's office has been similar to the feedback I have received.

However, the frank answer to the question is at this stage RevenueSA has indicated to me we are not in a position to be able to give the precise answer to the honourable member's question, other than what we indicated at the time; that is, our assessment at the time was that 92 per cent of individuals would be better off and 8 per cent would be paying more, and 75 per cent of companies or related corporations would be better off and 25 per cent would be paying more.

The honourable member asked a question a week or two ago about people who were still waiting for their land tax bills from the current round of land tax. That is still the case. RevenueSA has advised me that because of the complicated nature of many of the tax arrangements, particularly those that relate to trusts and related corporations, in a significant number of cases RevenueSA has had to go back to the individual taxpayer and ask for further details in relation to the structure of their companies.

I think I have shared with members that in one particular case I think there were more than 400 related companies, with minor differences, structured in a way, under the pre-existing rules, to assist that particular taxpayer. So unravelling those and fitting them into the new tax arrangements that have been approved has required, in many cases, going back and asking individuals for further details.

In all of those cases—and there are a significant number of those cases; it is not just a handful, there are some thousands of those cases—where people are being requested for further information, we are still not in a position to be able to finally say whether they are paying less or more or no change at all. Bearing in mind that a significant number for the first year—because the

government's 100 per cent compensation arrangement means that for anyone with an increase in total tax payable between $2,500 and $102,500 in the first year—it was a zero sum game for them because there was going to be 100 per cent compensation, eventually.

We added to the arrangements that went through the house with some extra COVID relief, which we announced during COVID relief, to increase the percentage from 50 per cent to 100 per cent. So in the first year anyone who was impacted by the aggregation changes, not as a result of increases in valuations of their properties—some people have come to me as Treasurer and said, 'We are paying more. This is terrible.' We go back to them and say, 'Yes, but your property was previously valued at $600,000. It is now valued at $750,000. Therefore, it's an impact of the increased valuation, not the fact of the government's land tax reform changes.'

The answer to the question is I can't give a specific response. If there is anything further I can add other than the general detail I have provided to the honourable member by way of expression, I will, but I am sure, given I raised this question two weeks ago with RevenueSA, I am just not going to be in a position at this stage to provide further clarity to the honourable member's question.

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

LAND TAX

The Hon. F. PANGALLO (15:23): I will correct the Treasurer: I asked the question actually about the land tax bills. Is it not the case, Treasurer, that RevenueSA does not have the systems in place to be able to deal with the complexities of its legislation? If the bills haven't been issued as yet, what's going to happen if they are issued later in the year? Can property owners expect to get two bills within a matter of months that they have to pay?

The Hon. R.I. LUCAS (Treasurer) (15:24): I apologise profusely if I gave credit to the Hon. Mr Darley for the question the Hon. Mr Pangallo raised. I might say my hairdresser was delighted that I referred to the advice he had given to me in relation to the honourable member's question. He has been trading out on that for the last couple of months.

In relation to the honourable member's question, the discussions I have had with RevenueSA in relation to these issues are clearly that if someone is receiving a reduction in their land tax—which the majority of them will be as a result of the government's changes—the issue of getting two tax bills should not overly concern them because they are getting a reduction, maybe over two bills, in the one year.

The honourable member may well be talking about the minority of people who may see some sort of an increase. Discussions I have had with RevenueSA is that they are looking at the arrangements that can be made for a staged payment—I guess that is my layperson's description of what might occur—in relation to their land tax commitments, if they have any. However, it may mean that the land tax bill for next year—hopefully it won't be as complicated the second time around—may or may not be in this calendar year. It may not occur until early next year, so they will be in two separate calendar years anyway.

In response to the honourable member's first question, no. RevenueSA and their systems are working as expeditiously as they can in relation to the complicated new tax arrangements. They knew the degree of complication they were going to be confronted with, it has just taken them much longer in terms of tackling the task of individual cases than they would have otherwise wanted.

LAND TAX

The Hon. E.S. BOURKE (15:26): I have a supplementary arising from the original answer: the Treasurer mentioned that there were thousands waiting in this backlog he described. Can he please advise how many thousands are waiting?

The Hon. R.I. LUCAS (Treasurer) (15:26): I am happy to take that question on notice and bring back a reply.

FLINDERS MEDICAL CENTRE

The Hon. T.T. NGO (15:26): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.T. NGO: On Friday 12 March, doctors at Flinders Medical Centre declared a 'Code Yellow internal disaster' because they simply did not have the ability to treat urgent 'lights and sirens' patients who were left stuck on the ramp. My question to the minister is: what immediate steps are currently being taken to prevent another internal disaster at the Flinders Medical Centre emergency department?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:27): I thank the honourable member for his question. As per normal processes, on 12 March, a Code Yellow was called following a surge in presentations at the Flinders Medical Centre emergency department. I am advised that the Code Yellow effectively resolved the surge quickly, within approximately 20 minutes. Patients are always triaged according to clinical urgency and all patients received care according to their clinical needs.

Bills

CORONERS (INQUESTS AND PRIVILEGE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 March 2021.)

The Hon. R.I. LUCAS (Treasurer) (15:29): I would like to take the opportunity to thank members for their contributions during the second reading stage and look forward to further discussions as we move through committee. I will just make a few brief points in relation to some issues that members raised during the second reading.

To clarify for members, the current provisions in the Guardianship and Administration Act provide that where a person who is subject to certain detention orders under that act dies of natural causes, there is no requirement for a mandatory inquest. The bill is simply moving these provisions from the Guardianship and Administration Act into the Coroners Act.

We are not introducing new provisions in relation to persons who may be detained under the Guardianship and Administration Act. What we are doing is extending similar provisions to persons who are subject to an inpatient treatment order (ITO) under the Mental Health Act. That is, where a person subject to an ITO has died of natural causes, outside of a dedicated psychiatric ward setting, no mandatory inquest will be required.

I think it is very important to emphasise the point that these provisions only apply when the death has occurred from natural causes, where the existence of an ITO or other detention order is really just incidental. To give an example, this may be a person who has died of advanced cancer, who is subject to an ITO due to the effects of the disease or treatment causing delirium. These are not cases where there is any suggestion of something untoward occurring, or any suggestion of self-harm or other misadventure.

There is no reason in these clear-cut cases to subject the families and loved ones of the deceased person to a mandatory inquest. I know some emphasis has been placed on families who may desire an inquest, but in these cases where the cause of death is clear, a mandatory inquest would only add to the distress of the family by subjecting them to the drawn out process. Importantly, an inquest will still be able to be held where the Coroner considers it to be necessary or desirable, or where directed by the Attorney-General.

The second point I would like to make is in relation to the length of time that families may be waiting for an inquest. While multiple factors determine the length of any coronial investigation, one of the typical delays is the wait for a post-mortem report to be provided by Forensic Science SA following an autopsy. The government has taken steps to address this issue.

As part of the 2019-20 state budget, the government committed to purchasing a new CT scanner for Forensic Science South Australia to bring South Australia in line with best practice in other states around the country.

An onsite CT scanner has been installed and in operation since July 2020 and now allows Forensic Science SA to use medical imaging technology to report a cause of death to the Coroner in approximately 30 per cent of cases. This will substantially reduce wait times for grieving families and ease delays in the justice system.

Funding has also been committed to the Coroners Court in the 2020-21 state budget, including funding for an additional Deputy Coroner and associated support staff for a period of 12 months. I was also pleased to see from the Coroners Court annual report for 2019-20 that significant progress has been made in clearing the backlog of matters. The number of inquests awaiting a hearing in the Coroners Court almost halved during the last financial year due to the court maximising its resources and hearing a large number of affidavit-only inquests.

The amendments in this bill reducing the number of mandatory inquests will further assist to reduce the delays in waiting for inquests. I thank honourable members for their contribution to the second reading of the bill.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–3]—

Page 2, after line 14—Insert:

(2) Section 3—after subsection (2) insert:

(3) For the purposes of this Act, a reference to the circumstances of an event may be taken to include matters related to or arising out of the event or its aftermath.

This amendment simply seeks to clarify the scope of which circumstances the Coroner can investigate. It includes matters related to the event or arising from the event and also includes the aftermath of the event that is in question. It is a pretty straightforward amendment. I should say that all these amendments come off the back of very lengthy discussions, both with our former coroner and also with stakeholders in this area who have indicated that it would be beneficial to clarify what the scope of a coronial investigation is. There are a number of other amendments that have been drafted in a similar vein. Again, it is a very straightforward amendment and I hope it gets through.

The Hon. R.I. LUCAS: I am advised that we have been persuaded by the logic of the honourable member's argument. We are prepared to support the amendment.

The Hon. M.C. PARNELL: Just for the record, the Greens support the amendment. I will put on the record now, if it helps the committee, that we will supporting all of the Hon. Ms Bonaros's amendments.

The Hon. J.A. DARLEY: I will be supporting this amendment.

The Hon. K.J. MAHER: Again for the sake of the good operation of the committee, we indicate that we will be supporting all of the Hon. Connie Bonaros's amendments. We will be moving and supporting all of our own amendments, too.

Amendment carried; clause as amended passed.

New clause 4A.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–3]—

Page 2, after line 14—After clause 4 insert:

4A—Amendment of section 13—Jurisdiction of Court

Section 13—after its present contents (now to be designated as subsection (1)) insert:

(2) In ascertaining the cause or circumstances of an event, the Coroner's Court is to promote the public interest in open justice which may include, without limitation—

(a) the public identification of a person, public sector agency or other organisation involved in the event, in particular in circumstances where it appears that such a person, agency or organisation caused or contributed to a death; or

(b) requiring a person, public sector agency or other organisation to provide information about and explain their action or inaction in the circumstances of the event; or

(c) assessing, subject to this Act, the accountability and responsibility of a person, public sector agency or other organisation involved in the event.

In the interests of time, and given we have an understanding of where members sit in this matter, I will briefly explain that this amendment deals with the jurisdiction of the court. It makes the jurisdiction of the court clear so that it cannot be challenged later in the courts. It can require a person or public sector agency to provide information and can assess their accountability in the event. It is much wider than at present. It has been one of those issues that has been called on over many years—by the government, indeed, while they were in opposition, and of course also by the previous coroner.

The Hon. R.I. LUCAS: I am advised that the Hon. Ms Bonaros's logic and argument has persuaded the government, so we will support new clause 4A, the amendment as it has been moved. I am advised that the government's view is that the amendment does not expand the existing jurisdiction of the Coroners Court; rather, it acts to provide some clarity to the issues that the Coroner may examine when taken together with the earlier amendment to section 3. Therefore, as indicated, the government will support this amendment.

The Hon. C. Bonaros's new clause inserted.

New clause 4A.

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

Amendment No 1 [Maher–1]—

Page 2, after line 14—After clause 4 insert:

4A—Amendment of section 19—Inquests to be open

Section 19(1)—after 'or to' insert:

this Act or

I indicate that this amendment is consequential on the passage of the next amendment that I have. If this amendment fails I will not be moving amendment 2 [Maher-1]. I indicate that the two sets of amendments that we have—amendments Nos 1 and 2 and then amendments Nos 3 and 4—are designed to bring into line the operation of a jurisdiction that can compel witnesses to give evidence with what was the view of this chamber when we were considering amendments to the ICAC Act.

There are some significant similarities between the two regimes that apply under ICAC and under the Coroner's jurisdiction. As a consequence of what this bill seeks to do, it clarifies what was thought, I think, by most to be the case and it allows the Coroner to compel witnesses to give evidence even if it is against their own interest, whether that be in criminal or civil liability or in terms of some other penalty in terms of employment disciplinary proceedings.

We think that is a right and proper course to take and the Coroner can issue that certificate to effectively say, 'It cannot be used against you in any other proceedings.' That is similar to what the ICAC Act can do. The ICAC Act can compel a witness to give evidence against their own interest, and the ICAC Act also provides similarly that such evidence cannot of and in itself be used against a person in any other sort of proceeding.

When there was an amendment bill in this chamber previously it was the will of the chamber that there ought to be some form of protection for witnesses who are compelled to give such evidence in an open court. What that previous ICAC bill sought to do was to open up proceedings of ICAC. What this chamber decided then was that in an open setting where it can be reported on freely by the media, where it is not done in a closed court, that there ought to be some basic levels of protection; that is, rules of evidence, principles of natural justice apply given the open nature of the ICAC hearings that were proposed. The ICAC Act amendments to the open hearings required notice to be given to potential witnesses about what their rights were and that they may seek legal advice.

Our first amendments are quite simply a requirement that potential witnesses are provided a notice that they may wish to seek legal advice, and when we go further on—and I will speak more to them in the not too distant future—amendments Nos 3 and 4 require that where the Coroners Court is going to compel someone to give evidence and issue such a certificate that it not be done in open court and that the Coroners Court be effectively closed in those circumstances, to bring it into line with what was the view of the chamber when we were considering the ICAC amendment bill.

The Hon. R.I. LUCAS: My advice is that Maher amendment 1 closely aligns with Maher amendments 3 and 4. I note the honourable member has spoken of his view that it is connected to Maher 2, but it may well be the member is going to look at all his amendments—1, 2, 3 and 4—as connected. However, I will provide the advice I have been given in relation to why the government is opposing the package of amendments 1, 3 and 4, and for the following reasons we will be opposing the amendments.

Again, the government sought the views of the State Coroner and the State Coroner has advised that he has serious concerns about the disruptions to inquest proceedings that this amendment would cause, with the existing judicial authorities for claims of privilege against self-incrimination to be considered on a question-by-question basis. Therefore, if each time a witness was asked a question and then compelled to give evidence and a certificate granted, it would considerably slow down proceedings if the room is also then required to be cleared of family, supporters, members of the public and media representatives.

There is also public interest in the subject matter of the proceedings being public and able to be reported on by the media. If the aim of these amendments is to stymie the ability of the media to report on the proceedings, a suppression order may actually be required to prevent all publication of the evidence. Therefore, every time the court was closed, a suppression order would likely need to be considered, further slowing the process.

The Coroner also points out a further public interest in maintaining an open court for compelled evidence. He states that it is conceivable that the evidence given may be untrue or disputed. Media reporting of such evidence may serve to notify those persons who can expose the untruthfulness of the evidence and encourage them to come forward. He expresses that this is a legitimate hope in a coronial inquest, the function of which is an inquiry into the true circumstances of a death so that similar deaths can be prevented in the future.

The Coroner advises that any potential personal embarrassment to a witness or prejudice to a future criminal trial can already be adequately addressed with a suppression order, as required. The amendments are also contrary to the spirit of section 19 of the act, which states that inquests should be open to the public subject to part 8 of the Evidence Act 1929 and the interests of national security.

I think it is also worth pointing out that this type of requirement does not exist for other court proceedings. Directions hearings or voir dire hearings on the admissibility of confessions or of other evidence are conducted in open court during criminal trials. The protection for witnesses or defendants in those cases is that the proceedings are not published.

In the government's bill, witnesses who are compelled to give evidence that may incriminate them or expose them to a penalty are protected by the availability of suppression orders where appropriate and also by the certificate system that will ensure that the evidence cannot be used against that witness in other proceedings. In the government's view, no additional protection measures are required. It is for those reasons the government will be opposing the amendments.

The Hon. M.C. PARNELL: The Greens looked long and hard at these amendments because, as the Hon. Kyam Maher said, they were drafted in a way to be consistent with similar evidentiary provisions that were included in the ICAC Act. What has ultimately got the Greens over the line in relation to opposing the amendment is the feedback from the Coroner that these amendments collectively will have unintended consequences.

The amendment that is before us, as the Treasurer pointed out, will result in significant disruptions to inquest proceedings. There are other amendments, which the honourable member may not move if he sees the numbers in the room, where the Coroner has talked about unintended consequences significantly impairing the ability of the Coroner to conduct thorough inquests. On the back of that feedback, I do not think that the advantages to justice, as the honourable member sees these amendments, outweigh the disadvantages to the practical conduct of these coronial inquiries. The Greens will not be supporting the amendment.

The Hon. J.A. DARLEY: I will not be supporting these amendments.

The Hon. C. BONAROS: It does not matter what I do now. I appreciate where the Hon. Kyam Maher is coming from, particularly with respect to the ICAC Act, but I think it is very difficult not to be persuaded by the Coroner in this instance, particularly in relation to the serious disruptions that the Treasurer talked about.

Perhaps more importantly for me, in relation to the true circumstances of someone's death and preventing future deaths of the same nature, that is overwhelmingly the priority of the Coroner and we need to be doing everything we can to promote that concept. If the Coroner has grave concerns about these amendments, then despite, I think, the best intentions of the honourable member, we would not be in a position to support them.

The Hon. K.J. Maher's new clause negatived.

New clause 4B.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–3]—

4B—Insertion of section 20A

After section 20 insert:

20A—Right of appearance for nominated representative of families

(1) This section applies to proceedings before the Coroner's Court relating to the death or disappearance of a person.

(2) Without limiting any other provision of this Act, the nominated representative of the family of a person to whom proceedings to which this section applies is entitled to appear in those proceedings and may examine and cross-examine any witness testifying in the proceedings.

(3) The reasonable legal costs of the nominated representative may be the subject of an application for legal assistance under the *Legal Services Commission Act 1977* which is to be determined in accordance with that Act.

(4) For the purposes of this section, a reference to the *nominated representative* of a family will be taken to be a reference to a legal practitioner—

(a) engaged by or on behalf of the family to represent them in particular proceedings; and

(b) nominated, in accordance with any rules of the Court, by the family as their nominated representative.

(5) In this section—

Aboriginal or Torres Strait Islander person means a person who—

(a) is a descendant of the indigenous inhabitants of Australia or the Torres Strait Islands; and

(b) regards themself as Aboriginal or Torres Strait Islander or, if they are a child, is regarded as Aboriginal or Torres Strait Islander by at least 1 of their parents;

adult means a person of or over the age of 18;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

family, in relation to a person, means—

(a) the person's senior next of kin; and

(b) in relation to an Aboriginal or Torres Strait Islander person, includes any person held to be related to the person according to Aboriginal kinship rules, or Torres Strait Islander kinship rules, as the case may require;

parent of a child includes a guardian of the child;

senior next of kin for a deceased person or person who has disappeared means—

(a) the spouse or domestic partner of the person (and if the person had more than 1 spouse or domestic partner, the person's most recent spouse or domestic partner);

(b) if the person did not have a spouse or domestic partner or if they are not available—any adult child of the person;

(c) if the person did not have a spouse, domestic partner or adult child or if they are not available—a parent of the person;

(d) if the person did not have a spouse, domestic partner, adult child or living parent or if they are not available—any adult brother or sister of the person;

(e) if the person did not have a spouse, domestic partner, adult child, living parent or adult brother or sister or if they are not available—

(i) any person who is named as an executor in the person's will; or

(ii) any person who was the person's legal personal representative immediately before the person's death or disappearance;

spouse—a person is the spouse of another if they are legally married.

This is going to be interesting for me to argue. This amendment is aimed at giving a limited right to the senior next of kin to have legal representation, rather than the Coroner or the Attorney of the day deciding this question on their own. Legal counsel would also be able to examine and cross-examine witnesses.

I have to say that this amendment has been drafted I do not know how many times to try to appeal to the government's good senses, but under the current drafting we have said that they could apply to the Legal Services Commission for funding. The Legal Services Commission, of course, can still decide, or will have to decide, if they are eligible for funding, and it does nothing to diminish the Attorney's ability to provide funding for legal representation. There is nothing in here that compels the LSC to fund the representation either. It just points out that this is an option, rather than the Crown funding representation.

I am sure the government will argue that it does not matter whether it is the LSC or the Attorney-General, the money is still coming out of the government's pockets. I accept that, but I think it is important to note that this was one of the key recommendations of the former Coroner in relation

to, I suppose, enshrining in legislation the right of appearance for nominated representatives of families.

We have gone some way to limiting who those family members might be, so we have a definition that applies specifically to senior next of kin and a definition that applies specifically to Aboriginal and Torres Strait Islander persons in the amendment. I suppose this is my last-ditch attempt at trying to convince the government that I do not think the cost of legal representation ought to be the primary consideration. I think that ensuring that those family members who have lost someone ought to have a seat at the table when an inquest is being held into the death of one of their loved ones is.

I can say from experience that I do not think I can point to a particular case where that has ever been declined, that I have been involved in, certainly. I have worked on a few cases now where family have had that representation. In some instances, they have also made applications to the Attorney of the day seeking for their legal representation to be paid for by the government. I think in at least two of those cases that I can recall—or maybe three—the Attorney of the day did indeed provide that funding.

I suppose it also depends on what the Attorney of the day deems as the prerequisites for providing that funding. If they set the benchmark too high, then those who can otherwise not afford to have legal representation will not have legal representation. Again, if we are just thinking about the jurisdiction of the Coroners Court and the sorts of cases that we are dealing with, I think it is accepted that the family of a deceased can have a lot to offer in terms of the coronial inquest.

That is not to say that counsel assisting is not going to do an exemplary job and ask all the right questions, but it is important, I think, also for families to be involved. I think the former Coroner identified that as something that ought to be included in these reforms. For that reason, I am urging all honourable members to support it.

The Hon. R.I. LUCAS: The honourable member and the government have been on a unity ticket, but sadly it looks like just for this brief moment there will be an aberration. Members earlier advised that they were all supporting the honourable member's amendment, so I am a realist. I hope maybe, if I can share the Attorney-General's and the government's what to me at least seems and looks to be very persuasive logic, it might lead at least the Hon. Mr Parnell as he looks for legacy issues.

I would like to see an occasion where, having listened to a debate and the government's response, he says, 'As one of my final legacy issues, the logic of the Attorney-General has convinced me to change my position midstream and I now indicate'. Anyway, let me try at least one last time with the Hon. Mr Parnell.

The government indicates it will oppose new clause 4B insofar as it inserts new section 20A. There is currently no inherent right of appearance before the Coroners Court, aside from the Attorney-General. Under section 20 of the act, every person seeking to appear must make an application to the court and satisfy the court that they have a sufficient interest in the subject or result of the proceedings. Whilst family members of a deceased person are, for obvious reasons, invested in the outcome of the coronial inquest, it does not follow that a nominated representative of the deceased family should be required to appear before the inquest and examine or cross-examine witnesses.

Further, as section 20A expressly does not limit any other sections of the act, and therefore does not purport to exclude the operation of section 20, the amendment is likely to have little practical effect. The nominated representative would still need to have a sufficient interest in the subject or outcome of the inquest in order for the court to allow the family members of the deceased person to appear in proceedings where they have made an application.

Furthermore, it is unclear how the provision would operate if there was some conflict within the family about who was to be the nominated representative or if different family members wanted to have different representatives. I think we have all been aware of cases where families are not always united of purpose in relation to these situations, so those who are supporting this are going to need to address and think through the potential consequences of the amendment.

The other part of new section 20A that is of concern is subsection (3), which purports to allow the legal costs of the nominated representative to be the subject of an application for legal assistance to the Legal Services Commission. The Legal Services Commission sets its own funding guidelines and criteria as to what types of legal matters are eligible for assistance. It is the government's understanding that appearing before the Coroners Court would not ordinarily be approved for legal assistance and, as the Legal Services Commission sets their own eligibility criteria, simply including this provision in the act would not allow or compel the Legal Services Commission to fund these types of matters.

The government is concerned that, to the public at least, this amendment appears to require the Legal Services Commission to fund these matters when, in the government's view, that is not the case. I repeat: the government's advice to the committee is that there is no requirement on the Legal Services Commission to act in response to this particular remit should it be passed.

For all those very persuasive reasons from the Attorney-General and learned legal counsel, I ask members to reconsider. In the absence of their reconsideration, I acknowledge on previous indications that the Labor Party and the Greens are supporting SA-Best's amendment and that is enough to see the passage of this amendment at least through this house of parliament.

The Hon. M.C. PARNELL: I acknowledge the Treasurer's desire to try to get the Greens over the line. Of course, we always listen to the debate—it is what we always do. Like other members, if information that we have had turns out to be wrong, then we reserve the right to change our opinion. In this case, there are a couple of issues.

The first thing I would do is acknowledge the Hon. Connie Bonaros's long professional experience in this jurisdiction. While she has been a member of this chamber for a number of years, for a number of years before that she worked in political office, and it was an office that had a lot to do with the families of people who had died and where there were coronial inquests. I have not been personally to a Coroners Court inquiry, but I know the Hon. Connie Bonaros has a lot of experience.

The second thing I will say is that whenever I hear from the government words to the effect of, 'We don't like this, and anyway, it doesn't seem to do much,' that then raises the point, if it is not doing much, there is probably no harm in letting it go through. You cannot have it both ways, really.

The third thing I would say is that, as the Hon. Connie Bonaros pointed out and as the Treasurer alluded to, proposed subsection (3) states:

> (3) The reasonable legal costs of the nominated representative may be the subject of an application for legal assistance under the Legal Services Commission Act 1977 which is to be determined in accordance with that Act.

It seems pretty clear to me that we all know that legal aid is underfunded. We all know that the Legal Services Commission will determine, according to its own guidelines, who does and who does not get legal aid. In some ways, if there is a redundant provision, it is possibly this one. It says they can apply for legal aid. Yes, anyone can apply for legal aid. It does not mean you are going to get it. I do not think that that subsection is a reason to oppose this clause.

Probably the best argument the Treasurer had is in relation to divided families—let's put it another way: families where there is disagreement as to who ought be the representative, which family member, which lawyers do they use. I can see that that is potentially a problem, but probably nine times out of 10 it will not be. My view would be, let's give this a go. If it turns out to be a major stumbling block where lots and lots of families, having the right of representation for the first time, turn out to be internally divided, and if it turns out to be a real live issue, then perhaps bring it back and we can look at it again. For now, the Greens are still inclined to support the Hon. Connie Bonaros's amendment.

New clause inserted.

New clause 4C.

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

Amendment No 2 [Maher–1]—

Page 2, after line 14—After clause 4 insert:

4C—Insertion of section 20A

After section 20 insert:

20A—Notice to witnesses

The Coroner's Court must, at least 28 days before the commencement of an inquest or such shorter period determined by the Court to be appropriate in the circumstances, provide each witness in the inquest with a notice setting out that the witness may—

(a) be required to answer a question, or produce a record or document, that may tend to incriminate the witness in respect of, or make the witness liable to a penalty under, an Australian law or a foreign law; and

(b) wish to consider obtaining legal advice.

New clause negatived.

Clauses 5 and 6 passed.

Clause 7.

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

Amendment No 3 [Maher–1]—

Page 5, after line 4 [inserted section 23A(3)]—After paragraph (c) insert:

(d) that, if the person is required to answer the question, or produce the record or document, under subsection (4), the Court will be closed while any evidence relating to the question or production of the record or document is adduced, unless the person indicates to the Court that they agree to it remaining open.

I foreshadowed the purpose of this amendment when I moved my first two amendments, amendments Nos 1 and 2 [Maher-1]. This is, again, to bring the operation of the Coroners Court into line with what the view of this chamber was in relation to proposed amendments to the open operation of ICAC; that is, where a person is compelled to give evidence against them, either the general rules of evidence apply or it is held in a closed court.

I note that the Treasurer, in making analogies to how this works with court proceedings, did refer to criminal court proceedings where they can be held in open, and that is true, but then all the rules of evidence, the rules of whatever court it is apply, principles of natural justice apply to what happens in those open hearings. They do not here. People are compelled to give evidence against their own interests without any of those other protections applying in a criminal jurisdiction.

In trying to explain this, I think the Treasurer on that occasion is trying to have it both ways, saying, 'No, it's fine in criminal courts,' but of course in criminal courts there are all those protections, including the rules of evidence, including the rules of court, that apply when you are giving evidence, but in the Coroner's jurisdiction those same protections are not applicable, yet it is in open court. I just do not think it is a fair comparison.

The Hon. R.I. LUCAS: For the reasons I outlined earlier, we see this as consequential to an earlier vote. We are opposing the amendment.

Amendment negatived; clause passed.

New clause 8.

The Hon. C. BONAROS: I move:

Amendment No 3 [Bonaros–3]—

Page 6, after line 10—After clause 7 insert:

8—Amendment of section 25—Findings on inquests

(1) Section 25(2)—delete subsection (2) and substitute:

(2) The Court may add to its findings any recommendation that, in the opinion of the Court—

(a) might prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the inquest; or

(b) relates to a matter arising from the inquest, including (but not limited to) matters concerning—

(i) the quality of care, treatment and supervision of the dead person prior to death; and

(ii) public health or safety; and

(iii) the administration of justice,

and is, in the circumstances, an appropriate matter on which to make a recommendation.

(2) Section 25(4)(a)—after 'Attorney-General' insert:

and any relevant Minister other than the Attorney-General

(3) Section 25(4)(b)(i)—delete subparagraph (i)

(4) Section 25(5)—delete subsection (5) and substitute:

(5) Each relevant Minister must, within 8 sitting days of the expiration of 6 months after receipt of a copy of a recommendation resulting from an inquest—

(a) cause a report to be laid before each House of Parliament—

(i) giving details of any action taken or proposed to be taken in consequence of the recommendation; or

(ii) if no action has been taken or is proposed to be taken—giving reasons for not taking action or proposing to take action; and

(b) forward a copy of the report to the State Coroner.

(6) The State Coroner may, at any time after the provision of a report under subsection (5), request a supplementary report to be prepared by the Minister that addresses any matter that the State Coroner considers necessary arising out of the report.

(7) If the State Coroner makes a request under subsection (6), the Minister to whom the request was made must, within 8 sitting days of the expiration of 6 months after receiving the request—

(a) cause a supplementary report to be laid before each House of Parliament addressing the matters requested to be addressed by the State Coroner; and

(b) forward a copy of the supplementary report to the State Coroner.

(8) In this section—

relevant Minister, in relation to findings and recommendations of the Court, means—

(a) if a recommendation is directed to a Minister, or to an agency or other instrumentality of the Crown, as a result of the inquest—the Minister to whom, or the Minister responsible for the agency or other instrumentality of the Crown to which, the recommendation is directed; or

(b) in any other case—the Attorney-General.

This amendment is, for me, probably the most important and the one that has formed the basis of several bills before this place. It started off following the death of Christopher Wilson and the findings on that matter.

It clarifies that the Coroner can, firstly, make a broader range of recommendations if the Coroner thinks that might prevent or reduce the likelihood of a recurrence of an event. They can look at a broader range of matters that relate to the circumstances around the care, around the treatment and so forth, of the person and the circumstances generally around somebody's death. That is a very important element of this amendment.

The amendment then goes on to provide a level of accountability when there are findings following an inquest, and that level of accountability kicks in in terms of the reporting requirements regarding any recommendations the Coroner makes. It provides that each relevant minister must,

within eight sitting days of the expiration of six days after receipt of a copy of a recommendation resulting from an inquest, do one of two things. They have to cause a report to be laid before each house of parliament giving details of any action taken or proposed to be taken in consequence of the recommendation or, and importantly, where no action has been taken or is not being proposed to be taken by the government of the day there will be a requirement that they give their reasons for not taking any action or proposing to take any action.

A copy of the report has to be forwarded to the Coroner, and the State Coroner may, at any time after the provision of the report, request a supplementary report to be prepared by the minister that addresses any matter the Coroner considers necessary arising out of the report. If the Coroner makes a request, then the minister to whom the request is made has, again, eight sitting days after receiving the request to cause a supplementary report to be laid before each house of the parliament and forwarded to the Coroner.

As I said, this is a key amendment because, as we know, in the Christopher Wilson case there were a number of recommendations, very important recommendations, that were made in relation to our police complaints handling procedures that went ignored—and that continue to go ignored, in fact, to this day. Julie Wilson, bless her, has advocated for years for these provisions to come in, and I think the least we can do in this jurisdiction is, when we have the Coroner, whose sole function is to hold these inquests and determine, where they can, the circumstances leading to somebody's death and preventing future deaths, for the government of the day to at least respond.

If they are not going to implement the recommendations of the Coroner, then the very least they can do is respond to the parliament but, more importantly, to those families regarding why they are not going to be taking any action. If there is a justification for not taking any action on the part of any government then there is absolutely no reason why they would not want that to be provided to the family.

I think what is missing here is the closure that that would provide for those families as well. They have gone through this process. They know very it is a very important process. There is a list of recommendations that may be made by a Coroner, and then they just sit there and nothing happens to them. The families never get any answers as to why nothing is going to happen, why those recommendations are not implemented.

It baffles me that we have the Coroner holding inquests and making recommendations, making findings as to changes that we could be implementing to prevent future deaths or future similar situations from arising, and yet if the government of the day chooses to do nothing then that is the end of the matter.

I mention Julie in particular because it is one of those cases that has stayed with me. Julie has done absolutely everything in her power to make sure that these changes finally come into play. I should say to those members who do not know, Julie did not just lose one son as a result of the murder of her son. She lost both her sons because, shortly after Christopher was murdered, her other son could not bear the loss of his brother anymore and, ultimately and very sadly, he also passed away. He took his life because he could not live with the consequences of what he had seen happen to his brother.

So I have all the admiration in the world for Julie Wilson for the advocacy that she has managed to achieve over so many years, not in the name of just one of her sons but both of her sons, I think it is fair to say. Again, I am very grateful to everybody who is supporting this amendment and look forward to its passage, finally.

The CHAIR: My advice is that new clauses 8 and 9 are unrelated, so they can be put separately if that is the wish of the committee.

The Hon. R.I. LUCAS: We will just address new clause 8 and then we can address new clause 9. I will not speak at length in relation to new clause 8. The Attorney-General in particular wants to place on the record her thanks to the honourable member for making the changes in this new clause 8. As a result of the negotiations between the Attorney, her officers and the honourable member, the government is prepared to support these amendments in new clause 8.

New clause inserted.

New clause 9.

The Hon. C. BONAROS: I move:

Amendment No 3 [Bonaros–3]—

After new clause 8 insert:

9—Insertion of section 37A

After section 37 insert:

37A—Release of records to family when no inquest held

(1) Subject to this section, the State Coroner must, unless the State Coroner is satisfied that it is not in the interests of justice to do so, on application by the family of a person the subject of an event in relation to which the State Coroner determines an inquest is not to be held under this Act or an earlier enactment (whether the determination was made before or after the commencement of this section), provide to the applicant a copy of all records held by the State Coroner in respect of the event.

(2) An application may only be made under subsection (1) in respect of an event in relation to which the State Coroner determines an inquest is not to be held—

(a) if the event is a reportable death—after the expiration of 20 years following the making of a finding as to the cause of death or a finding that the death was due to undetermined natural causes; or

(b) in any other case—after the expiration of 20 years following the determination that an inquest is not to be held in relation to the event.

(3) The ability of a person to make an application under this section does not derogate from the ability of the person to make an application under section 37.

(4) For the avoidance of doubt, records that may be provided under subsection (1) include the following:

(a) material that was not taken or received in open court;

(b) a photograph, slide, film, video tape, audio tape or other form of recording from which a visual image or sound can be produced;

(c) material of a class that is prescribed by the regulations pursuant to section 37(2)(d).

(5) Material that has been suppressed from publication under this Act or any other Act (subject to that other Act) may only be provided under this section if the State Coroner is satisfied that it is in the interests of justice to do so.

(6) The State Coroner may provide a copy of records under this section subject to any condition the State Coroner considers appropriate, including a condition limiting the publication or use of the records.

(7) If a copy of a record to be released under this section identifies an individual, the State Coroner may redact or otherwise modify the copy of the record to the extent necessary to remove the identity of the individual from the copy if satisfied that the interests of justice require it in the circumstances of the particular case.

(8) The State Coroner may not charge a fee in relation to—

(a) an application for the provision of copies of records under this section; or

(b) the provision of copies of records under this section.

(9) In this section—

Aboriginal or Torres Strait Islander person means a person who—

(a) is a descendant of the indigenous inhabitants of Australia or the Torres Strait Islands; and

(b) regards themself as Aboriginal or Torres Strait Islander or, if they are a child, is regarded as Aboriginal or Torres Strait Islander by at least 1 of their parents;

adult means a person of or over the age of 18;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

earlier enactment means—

(a) the *Coroners Act 1975*; or

(b) the *Coroners Act 1935*; or

(c) any other Act or law of this State providing for the holding of an inquest into the death or disappearance of a person;

family, in relation to a person, means—

(a) the person's senior next of kin; and

(b) in relation to an Aboriginal or Torres Strait Islander person, includes any person held to be related to the person according to Aboriginal kinship rules, or Torres Strait Islander kinship rules, as the case may require;

parent of a child includes a guardian of the child;

senior next of kin for a person the subject of an event in relation to which the State Coroner determines an inquest is not to be held means—

(a) the spouse or domestic partner of the person (and if the person had more than 1 spouse or domestic partner, the person's most recent spouse or domestic partner);

(b) if the person did not have a spouse or domestic partner or if they are not available—any adult child of the person;

(c) if the person did not have a spouse, domestic partner or adult child or if they are not available—a parent of the person;

(d) if the person did not have a spouse, domestic partner, adult child or living parent or if they are not available—any adult brother or sister of the person;

(e) if the person did not have a spouse, domestic partner, adult child, living parent or adult brother or sister or if they are not available—

(i) any person who is named as an executor in the person's will; or

(ii) any person who was the person's legal personal representative immediately before the event in relation to which the State Coroner determines an inquest is not to be held;

spouse—a person is the spouse of another if they are legally married.

This aspect of the amendment deals with the release of records to families where no inquest has been held. Again, it is one of those where we have been back and forth with the Attorney for some weeks now, trying to reach a resolution. Basically, there is a two-step process to the coronial inquest: the Coroner will have an inquiry first and, off the back of the inquiry, will determine whether an inquest is necessary. Inquests are not always necessary. Where they have had an inquiry, though, they will have in their possession a lot of material that relates to the death of an individual.

Where there is no inquest, I suppose there are many families who are left with a lot of unanswered questions, knowing full well that there is a body of material that is in the possession of the Coroner and that could potentially go a long way towards answering a lot of their questions in relation to the death of a loved one. It is certainly very different to the final product that the family will receive from the Coroner in terms of the information they receive around the death.

The intent of this amendment is to only apply to those instances where there has been an inquiry but not an inquest held. It will give families, senior next of kin, additional rights to access information in specific circumstances in addition to those already in section 37 for the general public.

Specifically, it is important to mention that it covers materials, as I said, where an inquest has not been held, which section 37 does not actually cover at the moment. It does not prevent section 37 from applying. This is purely in addition to the provisions that apply or to the material that can be disclosed under section 37.

The Coroner, even under this amendment, still maintains the ability to not release the information. The clause cannot kick in before a 20-year time frame has elapsed from the date of the inquiry. If there were to be a death and there were not to be an inquest and 20 years pass, then a senior next of kin, as defined in this section—it is the same definition that we have put in the previous provisions—would be able to have access to the information that they are seeking.

There is nothing preventing someone now from going to the Coroner and seeking access to information; in fact, it happens all the time. It is important to note that it is not just family members who go to the Coroner. Journalists and reporters are probably the next group of individuals who go to the Coroner, and perhaps authors of books would also go to the Coroner's office to seek information. One practice that we know the Coroner does undertake at the moment is to allow access to information in the court's jurisdiction for viewing. That means I can get approval from the Coroner to go in to sit down to review the material, but I cannot take anything with me.

This amendment is specifically aimed at those families who want to see what the material says in relation to the death of a loved one. I appreciate that this amendment is probably more contentious than any of the others. It comes off the back of work that my colleague has been doing with a family, where over 20 years have passed and they still cannot get any closure and still have not been able to get access to information that the Coroner has—information that I think will go a long way towards alleviating their concerns and providing them with the closure they need as well.

For those reasons, I urge honourable members, or the government really, to consider the amendment and just note again that it is quite restrictive in terms of what they can have access to, the Coroner will maintain discretion over what they can release and, importantly, there is absolutely nothing in here which will prevent the Coroner from redacting or modifying those records when they are released.

If there is information in that material that the Coroner thinks should not be provided to family members then, in the first instance, they can refuse to provide them altogether and, in the second instance, they can redact or modify the records so as to ensure that those parts of the record that potentially would identify an individual or anything else are not included in the final copy of what is given to the, again, very limited definition of who would be deemed suitable as a family member.

The Hon. R.I. LUCAS: The government opposes the amendment for the following reasons, but in doing so the Attorney advises me that we acknowledge the honourable member's continued efforts to revise this particular clause to address various issues the government has raised with the same, as I think the honourable member has outlined in her contribution.

This clause seeks to provide that the Coroner must, on application by a member of the family defined as a senior next of kin or other family member in the case of Aboriginal or Torres Strait Islander persons of the deceased person, provide them with materials held by the Coroner in relation to a matter where an inquest was not held either because it was determined by the Coroner that an inquest was not required or because the act otherwise does not require an inquest.

The amendment further provides that the material must be released after a 20-year period and includes material that was not taken or received in open court. It also includes a photograph, slide, film, videotape, audiotape or other form of recording from which a visual image or sound can be produced, and also material of a class that is prescribed by the regulations.

The government notes that material that had been suppressed can be provided if the Coroner believes it to be in the interests of justice to do so. The government acknowledges that this amendment has been further modified by the honourable member and now includes a caveat that the Coroner may decline to provide any of the material if the Coroner considers that it is not in the interests of justice to do so.

However, the government still has a number of concerns in relation to the amendment even in its revised form, and I want to note that the government has consulted extensively with the Coroner

in relation to these amendments and their potential effect on the Coroners Court. Firstly, there is no material in a Coroner's file that falls outside the categories of material outlined in the existing section 37 of the act.

Section 37 already sets out how various types of material and evidence is to be accessed by the public. We understand that there are concerns that section 37 does not cover material where there has not been an inquest, but the Coroner has advised that this is not the case. For example, such material may comprise findings by the court in section 37(1)(d) or material covered by section 37(2)(a), being material not taken or received in open court, or under section 37(2)(c), being 'a photograph, slide, film, video tape, audio tape or other form of recording from which a visual image or sound can be produced'.

It is important to make a distinction between material that is part of the public court proceedings of an inquest and other material that does not automatically form part of the public record. Material that is not within the open court file is covered under section 37(2). Material in these categories is still available to be inspected and possibly also a copy provided upon application and with the permission of the Coroner.

Access to the categories of material covered by section 37(2) may also be subject to conditions. There are very good reasons for these types of material to be treated in such a manner. For example, the material covered by section 37(2)(c), being a photographic video or other evidence of this type, is also currently only available with the permission of the Coroner, for good reason.

This material can be very graphic or confronting and may include things such as post-mortem photographs. This is not the type of material that is appropriate to be released, even after a long period of time. There may also be material in the file such as allegations against persons that turned out to be unsupported or false, and the release of this information may also be inappropriate.

We have been advised that where an application for access to material falling under section 37(2) is made by the senior next of kin or family members, every effort is made by the Coroner to allow as much access as possible. The Coroners Court also ensures that where access is granted to material that may be distressing or confronting, a social worker from the court is available to support the person and can be present with them when that material is viewed.

We acknowledge that there has been an attempt in the amendments to provide protection to preserve the confidentiality of some of the material and in the newest version of the amendments that the Coroner may impose conditions on being provided with the material. However, in relation to the provisions in the amendment allowing the Coroner to redact the names of individuals, the Coroner has advised that to undertake the redactions would be a huge administrative task that would take significant resources.

The Coroner also advises that to redact the material in such a way as to properly conceal the identity of persons in the material would often render the material nonsensical. The redaction powers in the amendment would also not allow the Coroner to redact material for reasons not related to the identity of an individual, such as the graphic nature of a photograph.

The amendment also only provides for copies of material to be provided, not for material to be inspected. There is material where it may not be appropriate to provide copies of material owing to its sensitive nature, but inspection may be appropriate. This amendment does not allow for that distinction to be made.

In addition, this amendment effectively creates two tiers of access to material. New section 37A, restricted as it is to the senior next of kin, may actually be narrower in its availability than existing section 37, which applies to members of the public. As I outlined earlier, there is no material in the Coroner's file that is not already covered by the access provisions in section 37.

To summarise, the government's view is that current section 37 of the act provides the appropriate balance between ensuring transparency and the open availability of information relating to coronial matters, whilst also preserving the confidentiality of material that should be protected. It is for those reasons that the government is opposing the insertion of new clause 9.

New clause inserted.

Schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:29): I rise today to speak on the Electoral (Miscellaneous) Amendment Bill 2020. I might just say from the outset that this bill represents a fundamental attack on our democracy. There are significant elements of this bill that are purely and only in the interests of the Liberal Party and will do damage to the interests of anyone who is not a Liberal incumbent. There are elements of this bill that go to how elections operate, that are recommendations for minor administrative matters, but the fundamental elements of this bill are twofold.

One of the fundamental elements of this bill dreamed up by the Liberal Party is to introduce optional preferential voting into the lower house of state parliament. That is nothing but a cynical ploy by the Liberal Party to try to entrench their incumbency. What it would have the effect of doing—and I think others in the other chamber have recognised this—is it would make it all but impossible for a new Independent ever to be elected to the lower house. There are some entrenched Independents who may survive this attack on their chances of ever being elected, but it would make it almost impossible for a new Independent ever to be elected.

It is true and it is fundamental that almost always when an Independent first runs they, as a general rule, will come second and rely on the preferences of those who have come third to be elected for the first time. There are some Independents who eventually are able to be elected in their own right, even on first preferences, but this is a cynical ploy to absolutely deny any chance of new Independents gaining a foothold in the parliament, and it is an assault on our democracy.

The government is well aware, also, of the effect this would have on minor parties in this chamber, who negotiate with major parties for preference in the upper house in relation to what happens in the lower house. This is a Liberal government trying to take that away from them as well. It is an assault on Independents and minor parties in both chambers of this parliament, and we will not stand for that.

The other part of this that is exceptionally offensive is that the Liberal government, having gained (and I was going to say a majority, but of course that is no longer the case) and then lost a majority in the lower house of parliament, is seeking to ban one of the fundamental ways people are able to campaign when they are not an incumbent, and that is with corflutes that have been a feature of our democratic electoral system in this state for many years—for many years. This is, again, another cynical, cheap attempt by the Liberal Party to deny new entrants to the democratic process.

Again, we are not going to stand for that. We are not going to stand for the Liberal government, now that they have what is not even a slender majority, now that they have incumbents in the lower house without a majority, trying to protect them by taking away one of the few ways that new candidates can be recognised in an electorate, through corflutes.

These two elements came out of no report, were not recommended by any independent body, but were dreamt up by the Liberal government as a way to try to do damage to Independents and minor parties, and we are not going to stand for that. We will not be standing for the Liberal Party trying to usurp democracy in such a brazen way.

There are a number of other elements of this bill, things that have been suggested in terms of how elections work. We note that the last election, without these other changes, worked just fine. I might say too that it really is outrageous that we are considering this now. We have now passed the five-month anniversary of the bill coming into this chamber. The government has failed to act on this for over five months now. That is what the government has chosen to do—that is what the government has chosen to do. To come to this chamber now, within a year of the next election—well within a year of the writs being issued for the next election—in the final quarter of the electoral cycle, seeking to change the rules is, quite frankly, outrageous. We are not going to stand for it.

The Hon. M.C. PARNELL (16:34): I commence my remarks on this bill by pointing out that the fundamental approach that the Greens take to these matters is to look at a threshold question: does the bill taken as a whole improve or detract from our democracy? That is the test that we are going to be applying. I want to run through quite a few separate elements in this bill. It will take me a little while, so I would appreciate the indulgence of the house.

I want to talk about some of the less contentious matters very briefly because, not being contentious, they do not require a lot of discussion, but I think I need to touch on them. I will address the issue that the Hon. Kyam Maher focused on in his contribution, that is, the move for optional preferential voting in the lower house. I will probably spend the bulk of my contribution on the issue of corflutes, because that does appear to be the last of the major contentious issues in the bill. I will talk a little about some further reforms that are required, particularly in relation to financial accountability and some unintended consequences that have arisen from previous amendments to the act. And I will very briefly outline what will shortly be six sets of Greens' amendments to this bill.

First, I will start with some of the less contentious issues. As the Hon. Kyam Maher pointed out, if this bill had consisted entirely of recommendations made by the Electoral Commissioner following the last election, then probably the bulk of it would have sailed through quite smoothly. But the government has tacked on to the Electoral Commissioner's recommendations a number of their own hobbyhorses, and that is what I think is going to occupy most of our time.

One of the recommendations from the Electoral Commission was in relation to pre-poll voting. In my discussions with electoral officials, I understand they are planning for a continued increase in the number of people voting prior to election day. It could be pushing 30 per cent because it has increased year on year, or election on election. I cannot vouch for this figure, but someone told me they had heard the same number. The recent Western Australian election had something like 60 per cent of people voting before polling day. Again, I cannot vouch for it, but it was certainly something that I was told. What I can say is that it is indisputable that the number of people voting before polling day is increasing across the country and across jurisdictions.

The Electoral Commissioner was keen to have a period for pre-poll voting that was long enough to enable all those who wished to do so to vote beforehand. The bill provides for up to 12 days' voting. I am quite torn by this particular amendment. One of the views that I have always held is that our democracy is best served when everyone has access to the same or similar information and the longer a pre-poll period, the more likelihood that something could happen. It means that people who vote very early do not have the benefit of that information.

A classic example would be a scandal that emerged a week out from election. That would mean that that could have affected the votes of people, but they had already voted; they voted the week earlier. Part of me thinks that we should constrain that period. However, the Greens will be supporting the 12 days. That is the position we have reached.

There is a consequential amendment that we may not support, but we will see what happens in committee; that is, the presumption in favour of polling day. The provision that the government seeks to remove is the following:

> The Electoral Commissioner must, where relevant in the carrying out of the Electoral Commissioner's functions under this Act, promote and encourage the casting of votes at a polling booth on polling day.

I have always liked that provision. I thought that there is the convenience of pre-poll voting. I accept that there are some people who just are not going to be able to get to a polling booth on polling day, but I am not sure that we should be abandoning entirely the concept of a polling day and replacing it with a polling period. That is the direction that we are going in, where the Tuesday a week and a half

before polling day is just as valid as polling day itself. If that provision is removed, there will be no requirement on the Electoral Commissioner at all to encourage people to vote in their local community on polling day. We will see where that one lands, but the Greens have accepted the 12 days as a convenience to voters.

The Electoral Commissioner also recommended some alternative ways that people should be able to lodge information with the commission. I think that makes sense. The idea of people being able to apply for postal ballots by phone or online—I think that makes a lot of sense. Part of the incumbency problem that we need to overcome is that for many, many years postal voting has been a racket, in a way. That is where the old parties have collected details of postal voters. They have asked for people who want to vote by post to send their applications into a political party. The political party then passes them on.

The advantage, of course, is that the political party then has the names and addresses of all the people who they know they are not going to reach on election day with material, so it basically becomes your direct mail list. That is a racket that the old parties have had for too long. I like the idea that voters should be able to liaise directly with the Electoral Commission and not have to go through the intermediary of political parties. I think there are some sensible reforms there.

Similarly, in relation to the way election information is published, newspapers have traditionally been a way of publicising information. I do not know anyone under 30 who reads a newspaper. The ones that I am connected with do not read newspapers. They are not going to get their information that way, so I think we do need to enter the modern realm. I do not think we necessarily need to outlaw advertisements in newspapers, but we certainly should not be mandating them. I know this is an issue we are going to come back to in relation to the local government bill, because again there are issues around how information is published.

There is an amendment in relation to itinerant elector reforms, which makes sense. But I would like to now get onto the key issues; firstly, optional preferential voting. At one level, we possibly do not need to spend a lot of time on this because the government has made it fairly clear that they are not proposing to withdraw these amendments, but we are told we they are not proposing to advance them with any particular vigour. Where does that leave us? I think we need to work on the assumption that they are before us and we need to address them.

I agree with the Leader of the Opposition in his assessment. I think it is an exercise in self-interest. That is not just my view. In researching this, I went to some of the best known election experts in Australia to see what they had to say about optional preferential voting in the lower house. I was quite attracted by the words of Mr Antony Green, whom we all know as one of the lead commentators on elections. I will just read a few sentences that he wrote about this issue. He said:

> In proposing that South Australia adopt optional preferential voting for House of Assembly elections, the Marshall government is highlighting democratic principles in favour of making preferences optional. But you don't have to be cynical to see that in backing principle, the SA Liberal Party is also backing its own self-interest…
>
> What the Marshall government no doubt finds attractive about OPV is that it makes life harder for candidates who must come from behind to win on preferences.
>
> Every exhausted preference under OPV removes a vote from the pool of possible preferences needed by a trailing candidate to catch the leader. Leading candidates benefit most from receiving a preference, but under OPV, leading candidates also benefit from exhausted preferences. Every exhausted preference puts a leading candidate slightly nearer the [winning] post, which is 50 per cent of the vote remaining in the count.
>
> And history explains why the Liberal Party might find OPV attractive. Since 1982, there have been 26 South Australian electoral contests where a trailing candidate won from behind on preferences. Of those 26 contests, 14 were won by Labor, 11 by Independents or minor parties, and only one by the Liberal Party.

So you do not have to look very far to see the self-interest. We know from interstate that once there is optional preferential voting for lower house seats—where it is not an onerous task, there is a small number of candidates—it very quickly becomes first past the post. Parties tell their voters, 'Just vote 1, just vote 1,' and without preferences there is that difficulty for anyone who is coming second to catch up on preferences.

The Hon. Kyam Maher's assessment was correct, and Antony Green agrees. This is a move by the Liberal Party to prevent other parties from being able to take the advantage of voters'

preferences—and we have to remember that these are preferences cast by voters, they are not something invented by the parties. It is going to make it harder for small parties, Independents or the opposition to catch up. The Greens will not be supporting optional preferential voting, and we appreciate that the government is not going to push that very hard—that is good.

I would now like to get onto the issue of corflutes. This is an issue that is quite vexed, even within our political party. One thing we did last year, when this bill first came up, was organise a meeting of members—always tricky in a COVID environment. However, we had a meeting of members and we discussed whether or not to support the ban on corflutes, whether to modify the ban on corflutes, or whether to take some other position. I think it is very fair to say that opinion was divided. I will come back to what that might mean for the approach the Greens take in relation to this bill.

I would like to explore some of the arguments for and against corflutes. The first argument people raise is in relation to democracy. What is clear is that for very many South Australians the first time they realise an election is looming is when they see the first signs appear on the Stobie poles. They know then that it is election time and they know the campaign is underway. That is the case for the vast bulk of the population who are not engaged in politics.

The corflutes in the public realm are also an indication of who is running. I think the experience has been, even from small parties, that there is a fear that if voters do not see their preferred candidate or preferred party on a Stobie pole maybe they are not running, maybe they are not serious, maybe they are not part of the election. I think it is that fear of invisibility that sees all the major parties using corflutes; they want to be seen, and they want to be seen to be serious about contesting the election.

The flipside of that argument, of course, is that if nobody has corflutes then perhaps nobody is disadvantaged. That is probably true in relation to the contest between the two old parties, but it is a very hard sell for a local Independent candidate, for whom corflutes might be their main campaign strategy. Corflutes for Independent and minor parties often seek to direct traffic to a website people can visit, and that then explains who they are, what their policies are and what commitments they are making in the event they are elected.

If those small party and minor candidates cannot use corflutes then they need to get their message out in some other way. The other way is generally through paid means. This is important, because while corflutes are not free, they are free to erect; you just need volunteers. Once you have bought the corflute—maybe it is $10 in round figures—it is free to put up and it can stay for the duration of the election campaign.

Most other forms of paid advertising are out of the reach of very small parties and Independents. They cannot pay for TV ads, radio ads, newspaper ads, Google ads or Facebook ads. Most other forms of communication cost money. Corflutes, on the other hand, are relatively cheap. With a cost of close to zero, certainly for installation, they are attractive to small parties. I raise those two issues because the democratic argument cuts both ways. There are arguments for and against corflutes.

Let's look now at the annoyance factor. I will admit that I do not know anyone who loves corflutes. The only exception I recall was when we had small children. Every election we would have a game as we were driving down the road, and that was to associate an animal noise with the different corflutes. I will not embarrass members by saying which animal was associated with which party or which candidate, but what I can tell you is when you got into the built-up areas, the back of the car resembled Old MacDonald's farm. There was oinking, there were rooster calls and there were cows mooing. That cacophony of noise from the back seat actually tells you just how many corflutes there were on the Stobie poles.

I think most people would say, 'It's annoying. It's a blight on the landscape. It's visual pollution. It's un-Australian to brag and self-promote. As we all know, all politicians are crooks and you wouldn't want to vote for any of them anyway.' That is the prevailing feeling you would get at the front bar perhaps or around the water cooler.

However, in a quiet sober moment, I think most people would probably express to you the view that they are grateful that the way democracy works in this country is generally peaceful, that we live in a democracy with free speech and that we resolve issues at the ballot box. I do not want to be channelling the Prime Minister—

The Hon. T.A. Franks interjecting:

The Hon. M.C. PARNELL: —but it was something Bob Brown used to always talk about in terms of the alternatives to democracy, but I will not take that any further at the urging of my colleague.

The Hon. T.A. Franks: Just don't channel the Prime Minister.

The Hon. M.C. PARNELL: Okay. I accept that the annoyance factor is real but it can be taken with a grain of salt. I think it is hard to imagine a popular protest, 'Save the corflute'. I accept that in the public what this legislation proposes would probably be a popular move.

In terms of the effectiveness of corflutes, one thing that is often said is they do not influence how people vote. I think that is probably true a lot of the time, but what corflutes do, as I've said before, is tell people the election is on. They tell them, in a compulsory voting system, that they had better start thinking about it and they alert them to the choices they have on voting day. People can see that there are a plethora of choices out there and they know that from what they see on the Stobie poles.

I am not saying that there are not more effective strategies for gaining recognition or increasing the vote. Doorknocking is obviously well recognised as a way of personally reaching voters and regarded generally as more effective than, for example, just popping something in the letterbox. You could say that if corflutes were banned then parties with considerable volunteer resources might engage in these other activities as well, but I would also point out that corflutes are not just the smiling face and vote 1.

Certainly, the Greens over the years have had lots of message corflutes and that does help, I think, to frame key issues in an election. I expect if I was to explore the dark reaches under my house I would find 'Save the River Murray', 'Solar on every roof' and 'Free the refugees' I think would be in there as well. Message corflutes are in fact a way of bringing into the public consciousness some of the key issues at election time.

The issue of the expense again is an argument that cuts both ways. I said before that corflutes are a relatively inexpensive way of alerting the public to the fact that you are running. On the other hand, you can end up with an arms race, especially in relation to big parties that buy thousands upon thousands and every single Stobie pole and light pole has a poster on it. So whilst there is some advantage for small parties and candidates, there is also the arms race amongst the big candidates, and it can become expensive.

Probably one of the key issues that concerned Greens members when we discussed this was the fact that most corflutes fall into the category of single-use plastic, and that is something that causes some concern. What I think people probably do not recognise, and I suspect the big parties do not recognise, is that corflutes are recyclable—it is just that they mostly are not recycled. Certainly, I know some go into the shed for a member who intends to contest again and again, and despite the passage of years that might ravage the faces and bodies of members, on the corflute they are forever young. I have 15-year-old or 16-year-old corflutes under my house, and I have not changed a bit.

Certainly, some corflutes are reused, but most of them are single-use plastic and are thrown away. Having a quick look online, I went to a web page, the EnviroPrint Australia web page, and they pointed out:

> Retired polypropylene packaging, printed signage and off cuts can be recycled and re-processed in a purpose built recycling facility - creating refreshed boards for new sign printing. Our recycled corflute signs are made from 100% post industrial Polypropylene (such as Fluteboard and Corflute).

So they can be recycled and turned into new corflutes. I think that a better approach, if corflutes are to remain, would be to look at the alternatives to plastic corflutes. I found at least four that were available in Australia; they are not that hard to come by.

I mentioned EnviroPrint, which has a recycled, fibre-based corflute alternative that is recyclable and biodegradable. When I looked at the images on their website, I found that our Greens colleagues interstate were some of their biggest customers. Another supplier, Mesh Direct, provide a product called EcoBoard that is biodegradable, recyclable and will start to break down after two months. I will read you a sentence about EcoBoard:

> Ecoboard is our new biodegradable, organic and chemical-free alternative to traditional corflute and plastic products. Being biodegradable means that it can be broken down rapidly by microorganisms and therefore, doesn't stay in our environment for thousands of years like other materials.
>
> The product is very simply a wood pulp core with a high-quality paper lining. Its…white surface provides an outstanding print surface…
>
> Due to its biodegradable nature, it's not quite as durable as traditional corflute. We recommend it as a great short-term material for outdoor signage solutions and projects. However, it can last up to 12 months for indoor applications…
>
> The signage industry can be wasteful. That's why we are making it easy to feel good about using Ecoboard signage. It's 100% recyclable and can go straight in the green recycling bin, it's that simple.

So it does not have to be plastic corflutes.

Another one, a company called LF Media, is promoting something called Katz Outdoor Display Board. Again, it is 100 per cent biodegradable. They say it lasts up to 10 weeks in an outdoor setting. They are about $10 each and are not that much different from the plastic corflutes. Given that it is paper based and moisture can affect it, they recommend 12 weeks before it starts to degrade, long enough for an election campaign. There is one more that I looked up, Oppboga outdoor board. It has all the same attributes, being 100 per cent biodegradable, paper based and, they say, water resistant. Again, they recommend 12 weeks for outdoor use.

The point that I am making is that the single-use plastic issue is one that concerns Greens members, but it is not insurmountable. Another argument used against corflutes is in relation to litter. Yes, I am sure corflutes have been ripped off Stobie poles and thrown into creeks, but that they become long-term litter is very rare, in my experience. If you do not take them down after the election the councils are onto you. Most of them are recovered. I would suspect that it would be one-thousandth of one per cent of the litter stream if you were to look at everything else that is out there. I am not saying that they are never part of the litter stream but it is a tiny proportion.

The visual pollution argument I touched on before, but what I find interesting is that people have chosen to take offence at a smiling face on a Stobie pole for one month every four years when they do not appear to take the same offence at, for example, an unhealthy product billboard—maybe it is fossil fuels, maybe it is hamburgers, maybe it is alcohol—that is far greater in size, 24/7 and illuminated at night as a permanent part of the landscape. That is not offensive, but the smiling face is. When it comes to visual pollution, it really is in the eye of the beholder.

I do not worry too much about that, although the sheer numbers, we would have to accept, are a problem, and a problem to the extent that you cannot not see them. They are a problem if you put them in the wrong spot. You are not supposed to put them on traffic islands or attach them to traffic lights or anything like that. There have in the past been suggestions that the numbers be limited. In the past, there have been amendments put in this place for 100 per candidate per electorate, or 200 perhaps.

I am attracted to those, but of course the main problem is one of compliance. When they are pulled down and replaced, if 10 get pulled down and vandalised and you replace them with 12 you are two over the limit and you could be fined. It is problematic from a compliance point of view, but that is an option that has been looked at in the past.

Public safety is often raised. Again, if people put them in the right spots I do not think that is a problem. That said, you do want to be very careful on narrow, winding hills roads where people are on a ladder up a pole on a blind corner—yes. But, again, I am not aware of any statistics that relate to death or injury as a result of people putting up corflutes.

In the bill the government will be talking about limiting corflutes to polling booths, and I will come back to that one later because that is the subject of an amendment that I have filed. I was

inspired by the Treasurer the other day when we were having a discussion about a different piece of legislation and we were trying to work out when it was last debated. I was making fun of the Treasurer saying, 'No, you should write your speech again. You don't have to look at the old one.'

Well, I did look up some old speeches. I am accused of lots of things but I do not want to be accused of changing my mind that often. I went back to what I had said about corflutes when we last debated this issue in 2009. I think members may be amused by some of the positions that were taken, because of course back then it was a Labor government that had moved to ban corflutes and the responses of the Liberal Party were different to the responses they have now. Back in 2009—so 12 years ago—I said:

> When the government puts up changes to electoral laws you can be pretty certain there will be a strong element of self interest involved. Some of the changes proposed in this current series of amendments are, I believe, quite blatant in their attempt to advantage the big, old parties over the smaller parties and Independents. The government seems very keen to make it more difficult for parties to become registered and, once elections are called, they are determined to make it harder for small parties and Independents to get out their message, and there is really no other explanation for the proposed restriction on public space electoral advertising.
>
> The government knows this is one area where competition is fierce and where small budgets can make a big impact. They know that small parties cannot compete for TV or newspaper space, and now they want to outlaw the one area where the playing field is a little bit more level.
>
> The lens through which the Greens look at bills such as this involves some fundamental principles. The first test we apply is: will these measures improve our democracy?

I then went on, but I thought that even more interesting than what I had to say back in 2009 was what the Liberal Party had to say back in 2009. I was very attracted to our former colleague in this place the Hon. Robert Lawson QC, shadow attorney-general. Here are the Liberal Party's words on exactly the same question in 2009, when Robert Lawson said:

> This is a major change, and it has undoubted political consequences.
>
> Any restriction on political advertising or activity will prove to be an advantage to incumbent members and to an incumbent government. Quite apart from that fact, such restrictions are restrictions on the concept of free speech and ought be very closely examined.

This is the important bit:

> We on the Liberal side oppose these amendments in the strongest possible terms.

What amendments are those? Exactly the amendments the Liberal Party is now moving.

The Hon. R.I. Lucas: They are Labor's amendments. They are your amendments.

The Hon. M.C. PARNELL: Sorry, the amendments that the former government moved. Robert Lawson goes on about corflutes:

> They are a very important way in which candidates can put themselves before the electorate to gain some name recognition for themselves and/or their particular party.

He goes on:

> It is a clear example of this government's desire to close down the debate, to restrict opportunities for political engagement, and to limit the capacity of small parties and newcomers to participate. The reason is obvious. This government sees itself as riding high in the polls; the Attorney-General has said publicly, and somewhat arrogantly, that he regards the Australian Labor Party as the natural party in government in South Australia. Clearly, he wants to keep it that way.

On a more reflective note, the Hon. Robert Lawson went on:

> We do not pretend that corflutes are popular with the public or with local councils; many regard corflutes as visual pollution. However, that is not really surprising, as many people are disdainful of the whole political process, and regard letters and brochures from aspirants to political office with annoyance and irritation. All the polling shows that they get heartily sick of electioneering. The way to overcome that cynicism is for us, as political parties and candidates, to engage the public and enthuse them. The government has chosen the easy way—namely, banning the most visible form of political activity—but the opposition does not believe that is the way to go.

He concludes by saying:

> In very brief conclusion, the opposition is strongly opposed to the restriction on electoral advertisements. They are already an important part of our political process. There are already in place adequate controls and

regulations over them. Indeed, one might say there is actually over-regulation of electoral signs, but this is a politically motivated proposal to improve the prospects of the current government and should be opposed.

What a difference 12 years makes. I put that on the record because I expect there will be a fair bit of chest beating going on and people who are standing on principle and saying how important it is, that they are listening to the community and they are trying to address all the evils in relation to corflutes, but I think it is worth reminding us that oppositions very quickly can not just change but be diametrically reversed.

As I said at the outset, this is an issue where the Greens as a political party have a divergence of views, so when we get to the committee stage in this bill we reserve the right to have a divergence of views in our party. It is not something we do very often, but that is certainly something that we might look at.

I want to very quickly raise some of the amendments. I am not going to go through them obviously because we can do that in committee. You might not have set 6 yet, but there will be six sets of amendments. Some of them relate to the situation if the corflute ban goes through and there are some that relate to the situation if the corflute ban does not go through. In other words, if corflutes are allowed, there are some amendments that deal with that, in particular making sure that they are not made of plastic unless that plastic is biodegradable and compostable.

In relation to if corflutes are banned, then there do need to be some consequential amendments because there are some unintended consequences of that ban. I pointed out to some people—and people say I am wrong, but I do not think I am wrong—that the definition of 'electoral advertising' is very broad and includes effectively any political comment.

Imagine if the march we had yesterday in relation to safety for women, violence and appropriate workplace behaviour took place in an election period where every second or third person is holding a sign, then under the government's bill they are potentially breaking the law. They are on a public road. The word is 'exhibiting'. This bill does not deal with cable tying or wiring corflutes to Stobie poles and lamp posts. This is about exhibiting on a public road.

Imagine the school kids on School Strike 4 Climate just before an election. The only safe children would be the ones under 10, who cannot commit a criminal offence. Over 10, they can be charged with a criminal offence. Nearly all of their posters are political. Many of them name members of parliament. The Prime Minister often features on these schoolkids' posters; perhaps state members of parliament do as well. There are some unintended consequences.

Similarly, a local member or a candidate who is out doorknocking may put an A-frame on the corner of the street saying, 'I am in the neighbourhood meeting people,' or saying that they are having a street corner meeting. Those signs are outlawed as well—they are banned. There are some consequential amendments, but, as I say, I have some amendments to cover most situations, whether the corflutes on Stobie poles are banned or whether they are allowed.

I also have what for the Greens is a very important amendment. It is not new. We have been raising it for 20 years and it is about how we can improve our democracy by giving those who stand to benefit or lose the most by our political decisions the right to vote. I am talking about voluntary voting for 16 and 17 year olds. It has been our policy forever. I have certainly moved it in amendments to bills. My colleague the Hon. Tammy Franks moved a private member's bill in 2010 calling for voluntary—so not compulsory—voting for these young people who are engaged.

We know they are out there; we see them. We see them at the marches. They are the ones who are going to inherit the climate mess if we do not do something about it. I think they are stakeholders, and I think they should be entitled to vote. That is certainly a Greens amendment that I have put on the table.

There is one other final substantive issue that I want to raise. It is something that I was urged to put into this bill. I have decided not to, but I want to put it on the record, so that the government deals with it in another bill. I understand that when it comes to the issue of financial disclosure the government has seen the complete mess that is now the electoral act, with, I think, section 133ZZ, something, something. It is a complete mess, and I understand the government's intention is to extract all those provisions that relate to financial reporting and accountability and put them into a

separate act, and also to deal with some of the problems that have emerged now that those provisions have had an election to operate.

I just want to put on the record that I have received communication from two of the peak bodies representing civil society groups. I am talking about SACOSS, representing, if you like, the charity or the civil society sector, including a lot of the religious charities—they are part of SACOSS—and also the Conservation Council. In an email that I received from Craig Wilkins, the chief executive, in just a couple of sentences he says:

> The main concern we have is that an org such as mine, which spends $10K in the lead up to a state election (inc. staffing, travel, advertising, printing etc) on 'expression of views on an issue in an election by any means'—

those are the words—

> becomes a 'third party' under the Act.
>
> There are a whole lot of onerous reporting requirements that then ensue.
>
> The most egregious is a requirement for any donors of ours…who donate more than $5,000 to us in a financial year at any time between elections even if that donation was not intended to be for political expenditure, must also lodge a return.

In other words, the donor—someone who gives money to the Conservation Council to do some monitoring of animals or to do something to help with an environmental project, or a person who donates to a religious charity for relief of poverty, housing the homeless, or whatever it might be—all of a sudden, if the organisation expresses political views (as they all do and as they should) becomes a donor who has to put in a return.

That is a crazy situation. I know the government is aware of it, but I am putting it on the record now to say that I did not move it as an amendment here—there are enough amendments for us to consider in this bill—but I do want the government to consider that when we come back with the other bill.

In a nutshell, that is the position that the Greens are taking. We are supporting the recommendations made by the Electoral Commissioner, we are opposing optional preferential voting, but we appreciate the government will not be pursuing that with any great vigour and we have a number of amendments in relation to corflutes.

The Hon. T.A. FRANKS (17:14): Given the unusual nature of the Greens' contribution, I thought I would make it clear at which point the Greens diverge on this bill. I certainly welcome the Electoral Commission's recommendations for reforms that enable people to vote and, as my honourable colleague noted, we will be supporting the 12 days of pre-poll and making things easier for people to vote.

I understand that the optional proportional voting regime pursued by the government in this bill will not be pursued. I note that I have some sympathies for OPV. I note that it exists in New South Wales, where the Greens in fact hold several lower house seats. It is not a disincentive to Independents and to minor parties to get themselves elected. What would be better, of course, would be multimember electorates, which would then actually reflect the diversity of our community in our parliament, something which is sadly lacking in a 50 per cent plus one winner takes all system. We did indeed have a party forum on this bill and there was a wide range of opinions on OPV, and on corflutes, and on the range of other measures in this bill.

I will be supporting banning street corflutes, and I strongly hold that view. I note that my honourable colleague has outlined his reservations about banning street corflutes. I also note that 2009 was a long time ago now, and I certainly was not in the parliament at the time. As I have been known to say in the last few days, banning street corflutes might be one of the few things on which I agree with the former member for Croydon, the previous Attorney-General, Mick Atkinson.

Certainly, back in 2009 I still had a MySpace account. I think things have changed a little in terms of the public discourse. I think we are cleverer than needing single-use plastic on poles across the state to tell people that there is an election on. I think we have well and truly left that part of our democratic history behind. I note that we have electronic means that are actually quite affordable. Indeed, you can do Facebook advertising for $10—something that you cannot necessarily do a run of corflutes for.

I do not think that putting corflutes up on Stobie poles across the state enhances our democracy. What I do think enhances democracy is having the ability to ensure that we are on a level playing field, that those who have more money at their disposal are not advantaged, that those who can win the arms race of putting up corflutes and stealing other corflutes from other parties or Independents are not advantaged.

I always think of the story of the first time that my now adult son voted out in the Ramsay by-election, when the previous Premier stepped down. The face of my longtime friend, the now new member for Ramsay, Zoe Bettison, was on all of the corflutes plastered in the entire electorate. My son, new to voting, asked me who he should vote for. I said, 'Who do you think?' He said, 'Well, she's got the most corflutes.'

I said, 'You knew her when you were a child, she knew you as a toddler,' and he went, 'Oh well, she's got the most corflutes and she knew me when I was young, that's good enough for me.' He did however, by the way, vote Greens in the upper house at all opportunities, but he also infamously went into the electorate of Ramsay keen to have not accidentally voted for a Labor member running for an entirely other seat, because he did not want to vote for them accidentally, and in that he definitely voted for the Greens in the upper house.

The recent women's March 4 Justice certainly had placards that said 'vote out misogynists'. I do not know that it was necessarily gender specific nor party specific. I am not sure that they would fall foul of the laws that we seek to debate in the coming days. I remain to be convinced that we are accidentally banning protest in the street such as the youth climate rally school strike that will happen on Friday or the women's March 4 Justice yesterday by banning street corflutes.

I am cognisant that the ACT Greens in the most recent election actually took a policy of banning street corflutes first to their territory legislature, where it did not get the support of the old parties, and then they did it as a voluntary move in that recent election. Indeed, they increased their number and continue to hold Labor minority government status with now three ministers in that ACT government, so it can be good for minor parties.

It can be something that we do as a matter of principle. Principle, I think, in this debate has been used to reflect the pragmatism of the people who purport to be principled. Whatever side of this debate you sit on, you can argue in this place your case to prove your point, but I cannot, as a member of this parliament, vote to support keeping single-use plastics on poles across the state as part of a supposed healthy democracy.

The Hon. C. BONAROS (17:20): I rise to speak on the government's Electoral (Miscellaneous) Amendment Bill 2020. I think it is fair to say for my contribution that it is not lost on any of us that this bill is now being debated almost 12 months to the day of the next election, despite the fact that we have had nearly three years to get here.

Members have already outlined their thoughts, and I echo precisely the sentiments of both the Leader of the Opposition and the Hon. Mark Parnell when it comes to optional preferential voting. Depending on who you talk to in this place, the government has accepted the fate of the OPV provisions that they are seeking to incorporate into this bill, but of course we do not know that for sure. We suppose that the bill will pass this chamber, and the vote will be what it will be, but we do not know where it will go from there.

In fact, I would go one step further and say that, if OPV is to be scrapped, if the government is willing to accept that that is not going to form a part of this bill, then we should have scrapped the bill entirely and pressed ahead with those provisions that did come off the back of the recommendations of the commission.

That is not where we are at now. We have this bill before us. I think I will make a couple of points before I get into specifics, but I think we are all critically aware in this place that a modern, sophisticated electoral system underpins our robust democracy. The voting circus and subsequent civil unrest that we have seen recently in the United States has highlighted the important role of our comparatively unified electoral system and the role that it plays in supporting the integrity of our democratic elections.

In stark contrast to many other countries, we do have an outstanding electoral system underpinning our democratic rights to elect our governments in South Australia and indeed throughout Australia. Thanks to our respective constitutions, we can hold and express our own political views and exercise our right to vote without fear of reprisal or repercussion. The outcomes of our elections, although disappointing to those whose preferred candidates were not elected, are nevertheless acknowledged and respected.

About 96 per cent of Australians eligible to be on the electoral roll are registered to vote, and about 90 per cent of those registered exercise their right to vote in state and federal elections. Even though we have compulsory voting, I think this is still an outstanding statistic and one that we should all be proud of. Like others, I certainly hope that we are able to increase the 90 per cent figure as younger voters come online.

We need to keep on the front foot with innovations and new technologies that improve and streamline access to voting, while maintaining the security, trust and high standard of integrity we have in our existing electoral processes. The introduction of an electronic electoral roll, as provided for in this bill, is one of those measures that I am sure all of us are keen to look at further. It aims to make it easier for electoral staff and systems to check voters' eligibility in real time, while also providing flexibility for those voting outside of their electorates to vote anywhere. It should limit the potential for a person to vote multiple times, as there will be none of the lags possible with administering hardcopy electoral rolls across many booths.

I note that the bill provides for the commissioner to develop regulations to enhance processes as technologies evolve. The obvious enhancement that comes to mind is electronic voting. I expect that is going to be part of a more comprehensive suite of reforms in the future, but it is not one we are planning to deal with before the next election, which as I said is in 12 months' time.

The bill before us aims to allow more flexible pre-poll voting options with polling booths established up to 12 days before an election. I think there are serious issues associated with this that need to be more fully canvassed. As has been highlighted by the Hon. Mark Parnell, there is absolutely no question that the news cycle, the 'scandal of the day', can absolutely influence the way somebody votes, and the longer that period extends out from an election then the longer that becomes somewhat problematic for political parties. The easier options to apply for a postal vote by phone or online can be seen as sensible improvements but, again, there are issues with all these considerations.

I am mindful that we are considering these 12 months out from an election, particularly given that we have had so much time to do so before today. I have to say that our position, within SA-Best, is unanimous: we are strongly opposed to a ban on corflutes as these, for us, have often been the only viable form of political information available for access by people, especially regarding minority and non-incumbent candidates.

The Hon. Mark Parnell has done a good job at summing up the position both in relation to those who support and those who oppose corflutes. I strongly disagree with any assertion that corflutes have no impact or usefulness. I do have some sympathy for the view that they could potentially be capped in some way but, by the same token, I accept that there are issues around how we regulate the number of corflutes. There are all manner of issues, but there is absolutely no question that, as a minor party, we have used corflutes as our main form of political advertising. It has served us well, and it has served us well for a very long time.

To ban corflutes 12 months out from an election is, as you can imagine, something we absolutely disagree with for the reasons I have just outlined. We are already on the back foot when it comes to both major parties. In fact, we have seen the damage corflutes can do to minor parties; the government and the opposition have both played a major role in that, in terms of the advertising campaigns they and stakeholders who support them have undertaken. I do not need to canvass the last election, but we all know what those corflutes were. We all know what those, I could go as far as calling a lot of them 'mistruths', were that were printed on those corflutes, and there were a number of complaints made to the commission because they were used as an attack tool. So I get that there are going to be issues around the use of corflutes.

There can be negatives from the use of corflutes but, overwhelmingly, when you are a minor party the one thing people appreciate is that when they see those corflutes go up with your name and your brand on them, they know you are in the running and they know you are going to take part in the election. It is that instant identifying factor that individuals have with your party. You cannot afford the TV advertising, you cannot afford the other forms of advertising that the major parties do, you cannot afford the social media and online advertising, but you can afford the corflutes. They are an extremely valuable tool for minor parties and Independents. They are just some of the reasons we strongly support them.

I appreciate that not everybody likes to see them plastered all over the roads, I appreciate that there are issues in terms of making sure they come down in time after an election. I appreciate all those issues, but should we be deciding today, 12 months out from an election, to ban corflutes? My answer would be categorically no.

There are also amendments in this bill that deal with misleading advertising. This is, again, something we were extremely familiar with at the last election and I have some sympathy for those amendments. I understand that they arose from the recommendations of the commissioner as well, but there is absolutely no question that the introduction of OPV, which I will go back to now, and the issue of corflutes has been an exercise in self-interest and self-preservation by the government. There is absolutely no questioning that.

The bill proposes that for the House of Assembly voting a voter only needs to place a number 1 on the ballot paper next to the candidate they choose. There are no other preferences required to be recorded. It is a middle path between first past the post and preferential voting as has been used in New South Wales since 1981 I think it is. Voters who want to register one or more additional preferences among the remaining candidates can do so as they do now, using consecutive numbers, but unlike full preferential voting, they do not have to continue on from their first preference. They can leave the rest of the ballot paper blank.

If no candidate gets more than 50 per cent of the preference votes, then the least popular candidate is eliminated as happens now in full preferential vote counting. Then the second preferences are distributed—this is probably not for the benefit of members but for those who may be listening—among the remaining candidates, but the ballot papers where the voter has only indicated a first preference for that least popular candidate are considered exhausted and their votes do not count. That process continues until one candidate gets more than 50 per cent of the votes and so on.

As the explanation I have just given illustrates, OPV always produces a winning candidate with a majority among voters who have expressed a preference between the winner and his or her main rival. It does not, however, always produce a winning candidate supported by a majority of all voters who have cast a valid vote. That is my first ground for rejecting this provision.

In appearing to be democratically providing the OPV system it is patently obvious that the SA Liberal Party is pursuing its self-interest. Just in case we needed reminding of the figures the Hon. Mark Parnell referred to earlier, I will repeat them: since 1982, there have been 26 electoral contests where a candidate trailing on first preferences has won. Of these, 14 were won by Labor, 11 by Independents or minor parties, and just one by the Liberal Party. I want to keep that option available to South Australians and I do not want to give the SA Liberals an own goal at every future election. In my view, that is exactly what these provisions are intended to do.

I have heard the arguments that fewer ballot papers are invalidated because the voters have made a numbering error, because under preferential voting any voting with a valid first preference counts, even if there are errors with further preferences on that ballot paper. It is sold as a simplification because voters would not have to number preferences for other candidates, they would not have to number the other preferences to have their vote count.

This is a dumbing down of our voting system we simply do not want to see. The electorate is smart enough to decide their own vote with full preferential voting, and I have every confidence that they will keep doing so without the government legislating as many advantages in their favour as they can in the last period of this parliament and 12 months out from an election. The worst thing

that we can do—and we have seen this before—is move the goalposts so close to an election. Twelve months is, in political terms, very close to the goalposts.

My strong opposition to OPV is that it makes it much harder for candidates who must come from behind to win on preferences because every exhausted preference under OPV removes a vote from the pool of possible preferences needed by a trailing candidate to catch the leader. Under the proposed changes, leading candidates not only benefit most from receiving a preference but leading candidates also benefit from exhausted preferences. Every exhausted preference puts a leading candidate slightly nearer the winning post, which is 50 per cent of the vote remaining in the count. Principle and democracy may be the catchcries used by the Marshall government in promoting OPV, but the record of those 26 contests since 1982 is absolutely what is driving the switch to OPV.

The South Australian parliamentary system has long differed from other jurisdictions due to the strength of the minor parties, like ours and like the Greens. As a member of a minor party in South Australia, it is easy to see what preferential voting is intended to do to us, the Greens, other minor parties and Independents. It is clearly intended to remove all of us as a force from the South Australian political landscape. Support for both major parties has, we know, declined over the past three decades. In fact, I think it is Labor support that has fallen further, and the lower major party vote has caused an increase in the number of electoral contests decided on preferences.

At only one of the eight elections since 1989 has Labor's statewide first preference support been higher than that of the Liberals. That was in 2006 and, as all Liberals know, it was the only election since 1985 where Labor recorded the majority of the statewide two-party preferred vote. OPV would weaken the flow of the Greens preferences and other preferences to Labor at future elections, making it harder for Labor, or indeed any party, to win from behind. These are just some of the reasons why we do not support OPV.

Finally, this bill has, in my view, the negative unintended consequence of abolishing SA's unique registered preference ticket savings provision. We know that in South Australia votes cast with a single 1 can be saved from becoming informal by the vote being assigned the preferences of the registered ticket lodged by the candidate who received the first preference. Around 4 per cent of votes are saved from informality by this provision. What an easy conservative ride the SA Liberals were imagining for themselves by introducing OPV. A parliament without the accountability and scrutiny that the minor parties and Independents provide in this place and without the innovative and groundbreaking amendments and legislation of the minor parties would be a very much impoverished place indeed.

The work we do as a crossbench—the work we crossbenchers get on with in this place, year in year out, through being close to our constituents and being nimble, responsive and attentive to South Australians—illustrates that we bat well above our weight without the resources of the major parties. Of course, we also do it unencumbered by the shackles of the clunky major party machines we see in this place, the same clunky major party machines that we have to contend with at every single election.

It is my contention that voters will still make up their own minds on preferences and that the current system is working as intended. It is the government that wants to stack the odds in its favour through the introduction of OPV, just in time for them to face the electorate again in 2022, and absolutely the same can be said in relation to the use of corflutes.

We are not so easily conned and neither is the South Australian voting public. Introducing OPV into our system was the real prize the government was trying to land here. If that is not the prize, scrap the bill and come back with one that just deals with the recommendations of the commission, and we will gladly consider it in time for the next election. They are the provisions that we should be looking at here, not OPV. With those words, I indicate that there are many aspects of this bill that SA-Best absolutely will not be supporting.

The Hon. D.G.E. HOOD (17:38): I move:

That the debate be adjourned.

The council divided on the motion:

Ayes 10

Noes 11
Majority 1

AYES

Centofanti, N.J.	Franks, T.A.	Hood, D.G.E. (teller)
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Parnell, M.C.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

NOES

Bonaros, C.	Bourke, E.S.	Darley, J.A.
Hanson, J.E.	Hunter, I.K. (teller)	Maher, K.J.
Ngo, T.T.	Pangallo, F.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

Motion thus negatived.

The Hon. R.I. LUCAS (Treasurer) (17:43): That was a completely unexpected stunt or move by the Labor Party. We have just listened, or I listened—I just had to go to a meeting—to a number of speeches, one of which was from the Hon. Mr Parnell, who indicated that he has five sets of amendments, and he still has a sixth set of amendments which are coming and have not yet been tabled. His set of amendments 4 and possibly 5 were tabled today. I have not even had a chance to look at them.

Clearly, no-one has had a chance, other than the Hon. Mr Parnell, to look at amendment set 6 because he has not even tabled them. I am not sure how anyone could think that we are going to now sit this evening, which I assume is the intention of the majority, and proceed with the committee stage of the debate. It also means I have no opportunity at the second reading to even consider some of the issues the Hon. Mr Parnell raised and address some of them at the closure of the second reading.

If we are going to sit tonight and to the early hours of the morning to conclude this particular debate, if that is the wish of the majority, as would appear to be the case, then we will all have to be educated on today's amendments from the Hon. Mr Parnell and his amendments, which I assume he is now hurriedly rushing to have parliamentary counsel finalise the drafting of so that we can have a debate about something that none of us had any chance to look at other than the Hon. Mr Parnell, and maybe the Hon. Ms Franks—

The Hon. T.A. Franks interjecting:

The Hon. R.I. LUCAS: Okay, although I did note, at least on one issue there is a divergence of views, so he may not have shared all his amendments—

The Hon. T.A. Franks interjecting:

The Hon. R.I. LUCAS: Okay, he is being very collegial, is he? He is sharing all of his amendments with you? So two members of the chamber may well be aware of these particular amendments. In this particular chamber, any slight majority (11-10) can always force a debate or stop a debate on any particular issue. I am indebted, as Leader of the Government in the last three years, to have a sensible planning session where we expect occasionally people might want to play games if they want to, but we sit down on a Monday evening at 4.30pm and we plan the proceedings of the Legislative Council. We had agreed that we would proceed with the electoral bill on Thursday.

At that particular stage, I must admit, I still was not aware of the assembly line of amendments the Hon. Mr Parnell was churning through. We thought all the amendments that the Hon. Mr Parnell had moved had been considered by our joint party room, which meets on Monday evening at 5 o'clock. We considered—and the Hon. Mr Parnell with a nod might be able to help me—

at least sets 1, 2 and 3. I am not sure that we have considered, as a joint party room, sets 4 and 5, and we have not seen set 6.

I am not sure where the other party rooms that are represented in this particular chamber are up to. That is the dilemma that confronts us as a government in terms of trying to process this. I am not sure what the intentions of the Labor Party were. As I said, to be fair to them, they indicated that they were ready to proceed with the electoral bill on Thursday. I had indicated to them at that particular stage it therefore was highly likely we would have to sit Thursday morning to process the electoral bill on Thursday.

Four of the five crossbenchers were represented at that particular meeting on Thursday, so they were all there as part of that particular discussion. No-one indicated at that particular stage that at quarter to 6, when we sought to be consistent with that particular timetable, 11 members in this chamber were going to gang up and force us to continue the debate and I assume come back this evening and debate amendments, some of which we have not ever seen before.

If this is the way we want to run this chamber, then I am glad I am retiring in March next year, and good luck with it. By convention, we have generally operated on a basis where we have understood where we are up to, and on occasions the government, whether it has been a Labor government or Liberal government, has been outvoted by the opposition. That is a fact of life. It is what it is. By and large, we try to operate on the basis that we know what is coming up, we have a chance to plan for it and to prepare for it.

If we are going to get to that sort of set of circumstances, when members are not ready for a particular bill, if we have the majority in the chamber, then the option that is opened to the majority of the time is to jam it through and say to those who are not ready, 'Well, too bad. The majority are ready to do it, we will jam it through.

That is not the way to run this particular chamber. It is not the way it has been run in my very long time—I will not mention the number of years—under the Labor government, under the leadership of people like Chris Sumner, Paul Holloway and others. It has certainly not been the way it has been run under me as leader of the chamber when we have been in government either. I do not think it is the proper way to run the chamber in terms of electoral matters.

In addressing, therefore, the electoral issues, I did not hear the final contribution of the Hon. Ms Bonaros. I was going to read that with interest tomorrow, prior to the debate on Thursday. I did hear the contributions of the Hon. Mr Parnell and the Hon. Ms Franks, and the brief contribution from the honourable Leader of the Opposition in relation to the bill.

I am aware of some of the issues the Hon. Mr Parnell is going to raise, evidently, in the committee stage. To be fair to him, he said he would expand on them in greater detail in the committee stage of the debate. He briefly flagged that he had a whole series of amendments, some of which were contingent, as I understood him to say—and again, I was going to read the transcript to try to understand it—and that, depending on the nature of the biodegradability of the posters or the corflutes, certain things might happen.

Whether I have misunderstood that or not, I do not know, but he evidently has contingent amendments, contingent on where the majority goes on certain banning of corflute-related amendments. The Hon. Ms Franks indicated that she and her colleague, at least on this particular issue in this particular bill, had strongly divergent—I do not know if she used the words, but I would characterise them as strongly divergent—views in relation to the issue of the banning of corflutes.

Where we are in relation to the amendments that we have not seen, clearly I have no idea. All I can say in concluding—and I apologise for the haphazard nature of my second reading contribution, because it was entirely unexpected—is that if we are going to progress tonight, if that is what the majority wants and we come back after the dinner break to progress this, then this is going to be a mess of a committee stage. For the reasons I have outlined—I will not go over it again—it is going to be a mess of a debate in terms of trying to understand what amendments are being moved. The prospects of having this debate concluded tonight are very slim, unless the majority is going to force us to sit all night until breakfast.

There is no prospect of this getting through tonight, given the complexity of the amendments that have been filed and ones that I understand are still to be filed in relation to the issue. Therefore, we are likely to have to return on Thursday anyway to conclude the debate, given the honourable Leader of the Opposition has indicated his intentions to—as is his right as a private member—insist on a vote on the second reading of the (I might have the wrong title) voluntary euthanasia bill.

The Hon. S.G. Wade: Voluntary assisted dying.

The Hon. R.I. LUCAS: The Voluntary Assisted Dying Bill. Various other members have indicated new motions they are going to be moving and speaking to tomorrow as well. I am not sure what the majority thinks they are going to achieve by sitting until the early hours of the morning and still not getting through this particular bill, and having to come back on Thursday and having a mess of a debate.

I would hope that the majority might reflect on what has just occurred. I assume the second reading is going to pass, but maybe that is a big assumption; maybe the majority is going to defeat the second reading and that is the intention. If the bill passes the second reading and we do get into the committee stage of the debate, at clause 1 I would propose that we report progress. I would hope that some of the members of the majority might reflect on what has just occurred and that, in the interests of not only this bill but as cordial and productive a relationship as we can have in the last 12 months leading up to the election, we might have a different vote outcome on a move for progress to be reported at clause 1 when we get into the committee.

The council divided on the second reading:

Ayes 10
Noes 11
Majority 1

AYES

Centofanti, N.J.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Parnell, M.C.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

NOES

Bonaros, C.	Bourke, E.S.	Darley, J.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Pangallo, F.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

Second reading thus negatived.

STATUTES AMENDMENT (FUND SELECTION AND OTHER SUPERANNUATION MATTERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 March 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:58): I rise to speak on this bill, which seeks to pick up an initiative previously moved, I understand, by the Hon. Connie Bonaros to introduce what is commonly referred to as choice of fund for South Australian government employees and other members of public superannuation schemes.

The bill seeks to provide a choice of fund for members of the Southern State Superannuation Scheme (the Triple S scheme), provide an opportunity for partial choice or portability in moving a member's accrued superannuation benefits out of the Triple S scheme into another eligible scheme

of their choice, and facilitate a change of employment arrangements of the staff of Super SA to be done not by the Treasurer but, instead, by the Super SA board.

There has been a long held view that allowing choice of fund would diminish the pool of funds available for investment from the government superannuation scheme and, with that, make it more expensive to invest in those funds from various categories of investment. Further, the Triple S scheme enjoys constitutional protection, which basically means that it maintains a tax exempt status or a tax exemption for moneys paid as contributions into that scheme—both superannuation guarantee contributions and any additional contributions a member may elect to make.

SA is the last public sector regime, as far as we are aware, to enjoy this constitutional protection. Indeed, when the current Prime Minister was Treasurer, our side has been informed that there was communication with the state government urging that there needed to be change in regard to this issue of constitutional protection. Public sector leaders have voiced their views on the bill to the opposition. It was of particular concern to representatives of SA Police and, to a lesser extent, representatives of the Ambulance Service.

With regard to police, it is worth bearing in mind that there are slightly different superannuation arrangements in place for police as a result of an enterprise bargaining agreement reached about a decade ago, whereby police would pay an additional 4.5 per cent of their salary post-tax into the superannuation scheme to make sure that they not only had financial capacity to provide for their retirement but also had enough capacity to provide for additional income protection and total and permanent insurance through the scheme.

The government, we understand, has consulted with the Police Association, and this arrangement should not be put at risk. However, police will not have full choice of fund but partial capacity, with a certain amount to be left in government super for insurance purposes.

The organisation which represents the greatest cohort of members of the Public Service, namely the Public Service Association, is reluctantly resigned to this move, we are advised, whilst not seeing the additional benefits available for their members and whilst seeing the potential risk of losing the tax exempt status; that is, the constitutional protection I mentioned earlier. Further, they have concerns about the insurance arrangements and how this may be impacted by a member exercising choice of fund.

There is one public sector group that is very strongly in support of this, and that is the Australian Nursing and Midwifery Federation. They are a strong proponent of this move, the reason being that roughly 60 to 70 per cent of their membership have other employment outside the public sector, for example, in private hospitals—so they may be a member of a fund such as HESTA—or in an aged-care facility and so on. I understand it has been a frustration to their members. It is a significant example, I will admit. I think we have in excess of 20,000 nurses in South Australia, maybe even more.

There is also the looming threat of insurance arrangements being privatised and moved away from Super SA. If Super SA is seeking to hive off parts of the business that it might see as too labour intensive, namely insurance arrangements, and also seeking to increase their own workforce substantially over the next four years, together with seeking to change the terms of employment of people in Super SA—

The PRESIDENT: There are one or two many conversations in the chamber. I would like to hear the Leader of the Opposition.

The Hon. K.J. MAHER: —it seems inevitable that a move to a market competitor in the Triple S scheme, a scheme that is actively out in the market, will be able to lose its own members to competitors but also able to attract members from its competitors.

If the plan is for Super SA to open itself up to allow members to exercise choice of fund and to start competing in the market in a very limited way under the terms of this bill by trying to entice former Triple S members or members who have an inactive Triple S account, they will be starting the process of competing in the market.

This raises the real risk of the commonwealth telling us in South Australia that we cannot have it both ways; that is, a constitutionally protected, tax exempt scheme competing in an open market environment. This is a massive risk, I am advised, of roughly $100 million a year to the state's public servants. Labor believes this risk is too great and poses a risk much greater than the potential benefits. Therefore, we will not be supporting the bill.

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

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The House of Assembly informed the Legislative Council that it had appointed Mr Murray and Mr Pederick to the committee in place of Mr Cowdrey OAM and Mr Ellis (resigned).

Resolutions

REVIEW OF HARASSMENT IN THE SOUTH AUSTRALIAN PARLIAMENT WORKPLACE

The House of Assembly passed the following resolution to which it desires the concurrence of the Legislative Council:

1. That in the opinion of this house a joint committee be appointed to inquire into and report on the recommendations arising from the equal opportunity commissioner's report into harassment in the parliament workplace and how they are implemented.

2. That, in the event of a joint committee being appointed, the House of Assembly be represented thereon by four members, including the Speaker, of whom three shall form a quorum of assembly members necessary to be present at all sittings of the committee.

Bills

LANDSCAPE SOUTH AUSTRALIA (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

CORONERS (INQUESTS AND PRIVILEGE) AMENDMENT BILL

Final Stages

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

At 18:07 the council adjourned until Wednesday 17 March 2021 at 14:15.

Answers to Questions

LAND VALUATIONS

In reply to **the Hon. J.A. DARLEY** (16 February 2021).

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has provided the following response:

The Attorney-General respects the independence of the office of the Valuer-General and the Valuer-General's decision to not personally meet with the honourable member. This follows advice given to the Hon. John Darley MLC by the Valuer-General previously and expanded upon at Budget and Finance Committee.

The Hon. John Darley MLC is invited to put his concerns in writing, noting that the Valuer-General has responded to a number of requests by the Hon. John Darley MLC to meet regarding this topic, inviting him to raise specific matters in writing. To date, that invitation has not been taken up.

We also note a subsequent question raised 2 March 2021 relating to this topic. The Valuer-General has also previously addressed this matter in the aforementioned responses.