

LEGISLATIVE COUNCIL

Wednesday, 25 August 2021

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

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

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the President—

Report of the Independent Commissioner Against Corruption titled 'Facilities Maintenance in Local Government.' [Ordered to be published]

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:18): I bring up the 42nd report of the committee.

Report received.

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

The Hon. R.I. LUCAS (Treasurer) (14:18): I bring up the report of the committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before calling on questions without notice, can I acknowledge the presence in the gallery today of a former member of this chamber, Kate Reynolds, who was here from 2003 to 2006. Welcome.

Question Time

HOMELESSNESS

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

Leave granted.

The Hon. K.J. MAHER: We are informed that a task force that's investigating antisocial behaviour and violence in the Parklands has apparently been meeting for months, yet there has been no announcement, no public discussion, no public information of its formation or actions.

The only publicity to date about this task force has been an ABC report that the minister's chief executive sought to close down a street kitchen for the homeless, yet over the last few months the minister has announced all sorts of things, including a change to public housing asset limits that, as the minister admitted in this place yesterday, won't house a single new person. In response to a question yesterday, the minister said, 'It's also about transparency for people, being honest with people.' My questions for the minister are:

1. Given the minister's habit of announcing things with no practical effect and yesterday's claim of transparency and honesty, why is this secret task force so shrouded in mystery?
2. When exactly was this task force formed?
3. Who sits on the secret task force?
4. Is there any representation from SA Health; if so, who is the individual from SA Health on the task force?

The PRESIDENT: Before calling the minister, I would observe that there was quite a bit of opinion in that explanation.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I thank the honourable member for his question. I do thank you, Mr President, for your protection and for your reminding members about the opinion, some of which are things that I didn't actually say, but we are used to that from the Labor Party. As I have said many times, everybody needs to check very carefully what the Labor Party say any time of day or night and in any venue at all.

Members interjecting:

The PRESIDENT: Order! The leader asked a question. I am listening to the answer and I would hope the opposition would, too.

The Hon. J.M.A. LENSINK: I am very pleased to provide the honourable member with as much information as I can. The safety and wellbeing task force was established in March 2021 by the South Australian government's chief executive council, following a direction of cabinet. This was in response to concerns around an increase in antisocial and sometimes violent behaviour in the Adelaide CBD associated with visitors from remote Aboriginal communities and this group being recognised as having complex vulnerabilities.

The task force mandate is to develop short, medium and long-term strategies to improve the safety and wellbeing of the community, both visitors and resident, and reduce antisocial behaviour across several areas in the CBD and Port Adelaide. The task force is a multi-agency government response. It is made up of senior officials of state and local government from the following agencies: Department of Human Services; Department of the Premier and Cabinet; Aboriginal Affairs and Reconciliation; SA Housing Authority; South Australia Police; Department for Health and Wellbeing, including Drug and Alcohol Services; Department for Child Protection; Attorney-General's Department, in particular the Liquor and Gambling Commissioner; City of Adelaide; and City of Port Adelaide.

The task force has been considering data and trends, issues and concerns, and current services and opportunities of member agencies, including commissioned reports. The task force has piloted some innovative service models to assist people with health needs, court matters and opportunities to return home. This included coordinating a temporary accommodation hub with supports during the recent lockdown, which I alluded to yesterday, provided through Renewal SA.

The task force has consulted and engaged with many stakeholders, including Aboriginal communities and the non-government sector, to gather information, develop strategies and devise an agreed approach. This includes the APY Executive Board, the APY Art Centre Collective, the Kurna Yerta Aboriginal Corporation, Baptist Care and Iwiri Aboriginal Corporation. All stakeholders are deeply concerned about people caught in cycles of severe alcohol consumption and being unable to return to country for various reasons.

The task force has the support of Aboriginal elders, who have been involved with the task force following its establishment. A joint meeting of APY Executive and Kurna leaders occurred recently to discuss how, through partnership, their leadership can guide the work of the task force and ensure their voices and authority remain at the centre of this work. Elders have agreed that they, and their respective board members, need to be at the table to work in collaboration with government agencies. This is a complex social policy issue, with many factors to consider in order to ensure positive outcomes can be achieved, and it has been further complicated by the COVID-19 pandemic.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary: is the minister able to inform the chamber if either the Chief Executive or Deputy Chief Executive of the Department for Health sit on the task force?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): I am not aware of who the representatives from Health are.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Final supplementary: can the minister bring back an answer in relation to that question?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): I am not the Minister for Health and Wellbeing, so I don't think that is my responsibility.

HOMELESSNESS

The Hon. T.A. FRANKS (14:26): Supplementary: which communities are the task force working with?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): I am happy to take that on notice and provide more information. As I mentioned yesterday, there are certainly some communities from the APY and some from the Northern Territory, but we will see what further details we can get for the honourable member.

HOMELESSNESS

The Hon. R.P. WORTLEY (14:26): The minister mentioned quite a number of departments and agencies who are represented on this committee. Can the minister provide this chamber with a list of those people actually on the committee?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): I will see what I can find that is appropriate to provide to the chamber.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. K.J. MAHER: In this place yesterday, when the minister was asked 'what role does your chief executive have in relation to the design, awarding or monitoring of contracts for the Homelessness Alliances model?' the minister replied, and I quote—and this isn't a difficult quote to remember, having said it just yesterday—'none.' Nada, nothing, none, and yet we now find out that our minister's chief executive is chairing a task force to investigate alleged antisocial and violent behaviour linked to homelessness in the Parklands.

My question is, given the minister's chief executive has no involvement whatsoever in the area of homelessness, even the monitoring of the new alliance system, how, in the minister's opinion, is that chief executive—with no involvement in the area—the best person to chair this task force?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): The honourable member has put together a few strange—I will try not to reflect on the thought processes that take place in the Labor Party, although I must say that sometimes I come in here and wonder what substances the question time devisers in the Labor Party have been working on, and all of their respective members swallow the Kool-Aid in asking them.

In relation to these matters, the Homelessness Alliance contracts were determined within SAHA by a group in there, which included procurement people with experience and understanding. Those alliance contracts are solely within—have been within SAHA. They have been executed and they are monitored by the South Australian Housing Authority.

In terms of the Department of Human Services and their involvement with the task force, that's a separate issue. The honourable member has been a minister, so I am surprised that he tries to put such simplistic concepts as one agency having sole responsibility for a certain policy area. I have clearly, in response to his first question, outlined a range of agencies that are involved in the task force, which includes SAHA. So I don't quite understand why he's asking a question about why a particular department, which actually used to be together with the Housing Authority under Labor, and I might just remind them that Housing SA was a part of the old DCSI, so there clearly are a lot of aligned issues in that space.

Another area of public policy that comes to mind is domestic and family violence. The domestic and family violence alliance, which is one of the five executed contracts, rests within SAHA. There is obviously a lot of domestic and family violence policy work that takes place through the Office for Women within DHS. There are always crossovers in these areas, and we commend our agencies for working together, rather than in silos.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before calling the third question, can I acknowledge the presence of another former member of this chamber, the Hon. Angus Redford, in the gallery.

Question Time

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): My question is to the Minister for Human Services regarding homelessness. Minister, when exactly did your chief executive declare a conflict of interest, perceived or otherwise, due to owning both a home and a business in close proximity to the location where she was seeking to close down a street kitchen for the homeless?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): The honourable member knows very well that the way he has put together that particular question is factually incorrect.

The Hon. K.J. MAHER: Supplementary, sir.

The PRESIDENT: It's a bit hard to get a supplementary out of that, but I will listen to it.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): In relation to the answer that the information in the question was factually incorrect, what part of that is factually incorrect, minister?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): The honourable member knows, as I stated several times yesterday, and it's on the public record, that the Chief Executive of the Department of Human Services did not try to close down a particular service. Also, it's not a soup kitchen, primarily because it doesn't actually serve soup.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Final supplementary: is the minister completely satisfied that section 27 of the Public Sector (Honesty and Accountability) Act was complied with in the actions of her chief executive in relation to the street kitchen in Whitmore Square?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): As I think I said yesterday, maybe not this explicitly, I have full confidence in the Chief Executive of the Department of Human Services.

The Hon. K.J. MAHER: Final supplementary.

The PRESIDENT: Final final supplementary.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Did your chief executive comply with all requirements of the Public Sector (Honesty and Accountability) Act, minister?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): Mr President—

The Hon. K.J. Maher: If you're not saying yes, this is telling.

The Hon. J.M.A. LENSINK: Mr President—

The Hon. K.J. Maher: You can say yes or no.

The PRESIDENT: Order! And the leader might like to listen.

The Hon. K.J. Maher: If you don't say yes—

The PRESIDENT: Leader! The leader is out of order!

The Hon. K.J. Maher: You can say yes—

The PRESIDENT: Leader! The Leader of the Opposition!

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition has asked a question. Give the minister the courtesy of allowing her to answer it.

The Hon. J.M.A. LENSINK: I might point out that the Leader of the Opposition, in his out-of-order interjections, does cast some slurs which I think he ought to apologise for, but that is—

The Hon. R.P. Wortley: Just say yes or no.

The Hon. J.M.A. LENSINK: Not to me, but to—

The Hon. K.J. Maher: You can just say yes or no.

The PRESIDENT: Order!

The Hon. K.J. Maher: You can simply say, 'No, there were no breaches of the act.'

The PRESIDENT: Order!

The Hon. K.J. Maher: If you can't say that—

The PRESIDENT: Order, leader!

The Hon. K.J. Maher: —it's suggesting there might have been.

The PRESIDENT: Leader!

The Hon. K.J. Maher: It's up to you.

The PRESIDENT: Leader! I will suggest to you that you put your mask back on.

The Hon. J.M.A. LENSINK: Mr President, I have full confidence in the Chief Executive of the Department of Human Services.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The honourable Government Whip has the call.

The Hon. D.G.E. HOOD: Thank you, Mr President.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The Hon. Mr Hood will resume his seat.

Members interjecting:

The PRESIDENT: Order! I will remind members that conversations across the chamber are particularly unhelpful.

BUSINESS, FINANCIAL SUPPORT

The Hon. D.G.E. HOOD (14:34): My question is to the Treasurer. Can the Treasurer update the house on how many businesses have received financial assistance as a result of recent COVID restrictions?

The Hon. R.I. LUCAS (Treasurer) (14:34): I am pleased to be able to report to the house that, under a range of schemes, many tens of thousands of businesses have received support from the taxpayers of South Australia to assist them in coping with, firstly, the brief period of lockdown and then a brief period of more intensive restrictions soon after the lockdown period.

In relation to the first business support grant that was announced for those businesses impacted by the lockdown period, I am advised that approximately 18,600 businesses have received grants to the total value of just over \$49 million. I am advised that there are approximately 25,800 applications, so there are still approximately 7,000 applications to be processed. The overall majority of people have already received their taxpayer funds, and just over \$49 million has been paid.

In relation to the second round of grants, there have been approximately 2,300 applications for that second round of grants, and \$5.1 million has been paid out to approximately 1,800 individual businesses. A small number of those also received an additional grant of \$1,000 because they were CBD-located businesses, but overall 1,800.

Treasury has advised me—and I will issue a statement later today urging businesses that might have been impacted by the continuing restrictions for a period after the lockdown—that they have to make a separate application for that second round of business grants, \$3,000, and if they are a CBD-related business an additional \$1,000, so a total of \$4,000.

The Treasury office is of the view that there may well be a view from some that there is an automatic continuation of the application made for the first round of grants for those impacted by the lockdown. That is not the case. There were different eligibility criteria for the second round of grants and the fact that it was obviously extended for CBD-related businesses as well.

I today encourage businesses to make an application. The applications are open right through until, I think, the second or third week of October, so there is plenty of time for businesses to make an application. I would encourage members of the opposition and the crossbench, if they have constituents who might be eligible, to reinforce to them that they do need to make a second application for the second round of grants, if they so wish. The first round of those grant schemes was funded by state taxpayers, and the second round was funded jointly by the federal and state governments.

With the COVID-19 disaster payments I am pleased to be able to report that more than 85,000 individuals benefited from the COVID-19 disaster payments. The total claims paid by both the federal and state governments there amounted to approximately \$48 million in total payments: just under \$6 million for individuals who claimed for less than 20 hours lost during the lockdown period and just over \$42 million for claims paid for people who claim to have lost more than 20 hours of work during that particular period. They were two different grant payments: \$375 and \$600.

So the total federal and state government assistance at this stage is almost exactly \$100 million: a combination of the COVID-19 disaster payments to individuals and a range of business supports to businesses as well. There will obviously be more payments to be made under the original grants scheme but, again, we encourage those businesses that might meet the eligibility criteria for the second round of grants to go to the Treasury website and check whether or not they are eligible for the second round of grants and, if so, to lodge their application. As I said, there is plenty of time, right through to the second or third week of October, for them to make that application for the second round of grants.

ADELAIDE UNIVERSITIES

The Hon. R.A. SIMMS (14:39): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Premier on the topic of Adelaide universities.

Leave granted.

The Hon. R.A. SIMMS: Earlier this year, Universities Australia estimated that the 2020 job losses at our universities are sitting at more than 17,000 people. They have been excluded from JobKeeper, there has been no additional funding from the federal government and universities are facing increasing financial pressure due to the collapse of the international student market.

As recently as yesterday, the University of Adelaide announced its plan to proceed with the merger of faculties, reducing the number of faculties from five to three, with a separate decision to cut up to 130 administration staff and potentially 70 academic staff positions expected to be made soon. My question to the Treasurer therefore is: given the financial pressures faced by our state's universities, and the significant role they play in our economy, will the Marshall government commit to a support package for the university sector in our state?

The Hon. R.I. LUCAS (Treasurer) (14:40): No. This issue has been discussed for most of the last 15 to 18 months. The substantial funder of universities is, of course, the federal government, which has the responsibility. The state government has provided some assistance to students. A support package last year was extended for, in particular, international students who were struggling, and that scheme was negotiated with the universities and with a number of other stakeholders to try to provide emergency assistance for individual students.

In relation to whether the state government will use state taxpayer funding to make grants to our three universities, the answer to that question has been no. The funding decisions for the universities remain with the commonwealth government. The remaining important issue on which the state government has been as active as it can be, given that some of the major decisions are in the hands, again, of the federal government, has been in relation to trying to encourage international students back into our university sector. The Premier in particular has been very active in terms of discussions.

There have been various public statements in relation to pilot programs in South Australia, supported after negotiation with the university sector in South Australia, to see whether there might be some capacity to do so. Of course, the recent outbreaks of COVID-19 in New South Wales and Victoria has meant that progress—progress being an understatement—has slowed significantly in relation to being able to meet that particular policy objective of trying to get international students back into South Australia. It nevertheless remains an active part of discussions between the Premier and the federal government as to when we might be able to start encouraging international students back in, because that is one of the key drivers in terms of the financial viability of our three universities in South Australia.

ADELAIDE UNIVERSITIES

The Hon. R.A. SIMMS (14:43): Supplementary: noting the Treasurer's reply that the state government will not be putting additional money on the table for our universities, I ask him whether he could give this parliament an undertaking that he will be seeking more funding from the federal government for our state's universities.

The Hon. R.I. LUCAS (Treasurer) (14:43): We are always quite happy to ask the federal Treasurer and the federal government for more funding for everything in South Australia, generically in terms of coming into the state budget by way of government grants right across the board. So we are very supportive of the federal government, where it is able, to provide significant additional funding. Issues in relation to education will more particularly—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —be an issue for a discussion between the Minister for Education—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and the federal Minister for Education. I know there have been active discussions there. The Premier, I know, has ongoing discussions with the Prime Minister in

relation to various initiatives, which do involve the universities. For example, the university has been looking at a number of initiatives, some of which involve Lot Fourteen and the like. I know that the Premier has been actively engaged in discussions with the commonwealth government in that particular area.

I am always happy to fight on behalf of South Australia to get as much money as we can from the federal government, not just in the area of money for the universities.

HOMELESSNESS

The Hon. C.M. SCRIVEN (14:45): My question is to the Minister for Human Services regarding homelessness. Given that in every year of the Marshall Liberal government South Australia has had the worst rate of overcrowding in the whole of Australia for Indigenous community housing, why exactly is the minister not providing a single extra home on the APY lands for the next four years and then trying to shut down a street kitchen utilised by people from remote communities?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:45): I thank the honourable member for her question. I will remind her, as clearly the message isn't getting through to members of the Labor Party, that the matter of licensing of food services is a matter for the Adelaide City Council and is not something that—

Members interjecting:

The PRESIDENT: Order! The opposition will remain silent and listen to the answer.

The Hon. J.M.A. LENSINK: I am amazed that the Labor Party continues to misrepresent this issue when they have been reminded of the facts so many times.

In relation to remote housing, this government put our money on the table for the first time when the benevolent Treasurer seated alongside me committed some funding from the South Australian government towards remote housing. Of course, we have heard from Labor in the past about what a great program the previous remote housing program was, and it was, but it was I think some \$290 million which was provided entirely from the Australian government which was able to go towards remote housing on the lands.

We have made an overall commitment of \$37½ million, which matches the commonwealth's funding of \$37½ million. In terms of the rebuilds that we have on the lands, the new homes will increase the capacity by I think it is some 25 per cent in each property. Of course, there are some communities there, such as Ernabella, which are limited by the number of sites; it is at full capacity. So there are other challenges in those areas.

We also know that overcrowding can be an issue in our metropolitan services, so in terms of the South Australian Housing Authority, we have been working to improve our cultural sensitivity towards Aboriginal customers through employing Aboriginal staff within the service so that we are ensuring that people, particularly in metropolitan Adelaide, are getting better services as well.

WHITMORE SQUARE SOUP KITCHEN

The Hon. C.M. SCRIVEN (14:48): Supplementary: given the minister has said the matter to do with the street kitchen is entirely within the purview of the Adelaide City Council, is she implying that the only reason her chief executive was involved is because her chief executive owns a house and business in the local area?

The PRESIDENT: That was a long bow, I think, but I will call the minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): I didn't say that at all. I am not quite sure—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The Labor Party—

The PRESIDENT: The minister has been asked a supplementary question.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader, you are out of order!

The Hon. J.M.A. LENSINK: I am bewildered and befuddled by this line of questioning. It makes no sense to me, and it makes no sense to all those people who read *Hansard*, don't you know?

DOMESTIC AND FAMILY VIOLENCE

The Hon. N.J. CENTOFANTI (14:49): My question is to the Minister for Human Services regarding domestic violence. Can the minister please update the council on the Marshall Liberal government's services for perpetrators of domestic and family violence?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): I thank the honourable member for her question. It does give me great pleasure to provide some further information in relation to this matter.

As I think I have spoken about before, in relation to domestic and family violence one of our many commitments was to host a statewide round table, I think it was, in the early days. That was one of our first 30-day commitments, which we were able to do. From that, we took the view that going out to regional South Australia and speaking to communities directly about what services they would like to see going forward was one of the areas in which we particularly identified that perpetrator services needed to be boosted.

Prior to that, services for perpetrators have been quite limited in South Australia. My understanding is that there are programs that operate in the correctional services space, but unfortunately the efficacy of those is only about 50 per cent. That probably speaks to the fact that they are tertiary services, and once someone has been incarcerated their behaviours are often entrenched. There are also some programs mandated by the domestic and family violence court for people who have to appear before that service.

We wanted to make sure there were services available in the community. As frontline workers have said to us, they often have perpetrators themselves coming to them and saying, 'I think I need help. What can I do?' From 1 July, we have implemented a new program, which was put to tender and awarded to No to Violence, a national service that operates in other jurisdictions. They will be employing local staff here as well.

It will do a number of things to assist in this space, as well as connecting people to services and providing support interventions. It is also looking at increasing the capacity of frontline workers to identify perpetrators through their work, acting as a central referral point for perpetrators of domestic and family violence, as well as for their friends, family and concerned community members. It will facilitate a number of referrals to specialist support, as well as tracking and mapping perpetrator movement throughout the South Australian system, which will be important for our body of work to understand how this impacts on people across the system.

We are looking forward to the outcomes of that to understand these issues better and to ensure that people are receiving support when they need it.

AFGHANISTAN

The Hon. J.A. DARLEY (14:52): I seek leave to make a brief explanation before asking the Minister for Human Services a question concerning state government support for the South Australian Afghan community.

Leave granted.

The Hon. J.A. DARLEY: My office has received emails and phone calls from approximately 120 individuals who are concerned about the safety of family members in Afghanistan. Many, understandably, have been in a very distressed state. Some examples of these are people requiring one-on-one support in making visa applications and some needing emotional support. Examples have been given to this office of people not eating and having panic attacks, some needing one-on-one assistance to navigate the complexities of the system, including obtaining feedback after a visa application is lodged, and others missing work to complete the visa application.

I have allocated one person in my very small office full time to address this high priority constituent concern. My office has liaised with staff in the offices of the Minister for Foreign Affairs and the shadow minister. My office has provided the limited comfort of forwarding their visa application details to the office of the Minister for Foreign Affairs with a statement of support.

Many individuals have advised my office that they are confused by the visa application process and have received very little or no guidance when they eventually get through to an operator on the hotline number provided. This has left our Afghan community feeling overwhelmed and lost as to where to turn for assistance. We are providing what support we can in the circumstances.

I am aware that the Premier in the other place has made a statement calling on all South Australians to show compassion, reach out with their hearts and support those in our community who have been impacted by this conflict. My question to the Minister for Human Services is: can the minister indicate what South Australian government services specifically are being provided to understandably very distressed members of the Afghan community worried about the circumstances of loved ones in Afghanistan?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I thank the honourable member for his question. I will do my best to attempt to answer it. Some of it sits outside of my portfolio and I think we should probably make sure that we are getting some government assistance to support him with his queries.

In terms of what my Department of Human Services has been involved in, I have been briefed that there is a cross-government—it is not just state government but includes the federal government as well. So the Department of the Premier and Cabinet, health, human services and one of the federal government agencies—which one it is exactly escapes me at the moment—have been working in terms of the new, recently arrived people from Afghanistan, to provide support and assistance.

Human services in South Australia has been providing translator assistance to those people, who clearly are required to quarantine and are under the care, if you like, of health. There are also non-government organisations that are able to assist, which include Red Cross, the AMRC and a range of those other organisations.

I think the pain point, if I can describe it as that, that the honourable member is describing is probably assistance with people who are overseas who need assistance with visa applications. With that specific issue, we will work out who the most appropriate support agency is and make contact with his office to assist them.

I should say, in terms of the people who are arriving at the moment, we are not sure, and I don't think the Australian government is sure at this stage, whether they will be settling in South Australia, so it's the immediate quarantine needs that we are addressing. I think things are a moving feast at the moment in terms of what their needs are going forward, so all agencies are on deck to help.

HOMELESSNESS

The Hon. E.S. BOURKE (14:57): My question is to the Minister for Human Services regarding homelessness. Minister, after your chief executive tried to close down a street kitchen for the homeless, what message do you have for volunteers and those who use their own time and money to help the homeless, and why isn't the minister's department working with people and organisations that have a demonstrated commitment to helping people who are homeless and hungry?

The PRESIDENT: I will call the minister, but that question was laden with opinion as well and I think members would be wise to review that when they draft their questions.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57): Thank you, Mr President, and I thank you for your protection. I just repeat that, once again, that question has been framed incorrectly and I would urge all thinking members of the Labor Party who get to ask questions to engage their brains before just accepting whatever tawdry question they get handed to ask in question time.

The Hon. C.M. Scriven: So does the minister admit she is ignorant, befuddled and bewildered?

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: We have not tried to shut down a service.

The Hon. K.J. Maher: What did your chief executive do?

The PRESIDENT: Order! If you listen to the minister you might find out.

The Hon. J.M.A. LENSINK: I might make a recording of myself and just keep playing it over and over and over again for the benefit of the honourable members because they clearly aren't taking the hint that they've got the facts in this wrong. In terms of anybody who would like to assist, I don't expect everyone to hang off my every word, but if they are going to ask questions they might refer to the *Hansard* from yesterday before they ask a question.

I said that for people who are interested in assisting people there are a number of established services that operate that provide support and assistance. Some of them are funded by government; some of them are not funded by government. We encourage people to engage with those services, and there are plenty of opportunities available if anybody wants to assist.

COVID-19 VACCINATION ROLLOUT

The Hon. T.J. STEPHENS (14:59): My question is to the Minister for Health and Wellbeing. Can the minister update the council on how the government is helping to keep our state safe and economy strong in response to the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I thank the honourable member for his question. The Marshall Liberal government has asked South Australians to roll up their sleeves when it is their turn to get vaccinated, and that is exactly what is happening. Less than two weeks ago, South Australia passed the one million doses administered milestone, and later this week we expect to reach 1.2 million South Australians being vaccinated.

The rollout program is continuing to gather momentum as vaccine supply increases. Last week, the state recorded a record week, delivering almost 100,000 doses, smashing the previous record of just over 87,000. This included more than 17,000 vaccines delivered in a single day, in what was a record for the most vaccines delivered in a day, and that day was last Wednesday.

The record figures follow South Australia's nation-leading move to expand eligibility of the vaccine to all South Australians aged 16 and over. Younger South Australians have demonstrated their eagerness to step up and be vaccinated to help protect themselves, their families and their community, with more than 150,000 bookings made on Monday of last week.

I want to thank everyone who has stepped up and made a booking in what is the largest peacetime operation in our nation's history. We look forward to further increases in the number of vaccinations delivered over the coming months. The Marshall Liberal government is determined to ensure every South Australian has access to the COVID-19 vaccine as soon as possible to keep our state safe and strong.

Australia's first AstraZeneca COVID-19 vaccines were delivered to regional frontline healthcare workers at Murray Bridge Soldiers' Memorial Hospital. In a national first, South Australians living in regional areas aged 16 years and over were able to get their COVID vaccine through regional vaccination clinics from 25 May. South Australia was the first jurisdiction to activate regional, rural and remote community pharmacies to participate in the COVID-19 vaccination rollout.

We have taken additional steps to protect our most vulnerable South Australians from the effects of COVID-19 by broadening access to the Pfizer vaccine to all staff in residential aged-care facilities regardless of age, and opening dedicated SA Health Pfizer clinics where they can get vaccinated.

The vaccination program is our doorway out of this pandemic, and that's why the Marshall Liberal government committed \$86 million in the recent state budget so that SA Health will have the resources they need to be able to pivot to whatever challenges face us in the vaccination rollout.

There are approximately 70 SA Health vaccination clinics in metropolitan and regional South Australia. This includes pop-up clinics in regional South Australia that have already provided first doses to eligible people and will return to offer second doses and to vaccinate additional cohorts.

I thank the teams in our SA Health clinics and our partners in the rollout, including GPs and pharmacists, for their hard work in supporting our safe, steady scaling-up of the vaccine rollout, and I encourage everybody to roll up and get vaccinated. The sooner we can get vaccinated, the sooner we can get back to doing the things we love, like travelling interstate and overseas to see friends and family and standing shoulder to shoulder with friends at social and sporting events.

LEGAL PROFESSION CONDUCT COMMISSIONER

The Hon. F. PANGALLO (15:03): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Attorney-General, about the Legal Profession Conduct Commissioner.

Leave granted.

The Hon. F. PANGALLO: Last month, I submitted nine main questions to the Attorney-General regarding Mr Greg May, the Legal Profession Conduct Commissioner, who was found by a majority judgement of the Full Court to have contravened section 17 of the Public Sector (Honesty and Accountability) Act 1995 five times. Mr May also made admissions to this. These can carry significant penalties, including a gaol term. The Attorney-General herself, when in opposition, was aware of at least one breach when she posed questions about Mr May to the then Labor Attorney-General, Mr Rau.

The response I received yesterday was less than satisfactory. She failed to answer the pertinent questions and seemed to make an excuse for Mr May's actions, despite him clearly breaking the law. I must assume Mr May is immune from breaking the law while he cracks down on lawyers for their conduct. The Attorney-General implied it is not her responsibility for administering the act. She passed the buck, except Mr May's position is actually her responsibility. My questions to the Attorney-General are:

1. Whilst Mr May was appointed by the former attorney-general and Labor government, why was his term of a further five years renewed by this Attorney-General and the Liberal government and in circumstances where the Attorney-General was aware of Mr May's breach of section 17 of the PSHA Act on at least one occasion?

2. Is there a formal process that takes place when renewing a term of a senior government official and, if so, what is it? Does that process require the government official to fully disclose any fact, matter or thing which might be relevant to the decision-maker in renewing the term of his or her contract? If so, did Mr May disclose his five breaches of the PSHA Act?

3. Did anyone ask Mr May if he had any relevant matters to disclose when applying for a renewal of his term for a further five years?

4. Can the minister provide a list of people—public sector employees—who are permitted to break laws with impunity and those who cannot?

The Hon. R.I. LUCAS (Treasurer) (15:05): I will refer the honourable member's questions to the Attorney and bring back a reply.

HOMELESSNESS

The Hon. I. PNEVMATIKOS (15:05): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. I. PNEVMATIKOS: Yesterday, when questioned about trying to try close a street kitchen for homeless people, the minister referred to funding to help women and children return to country. My questions to the minister are:

1. How exactly are women and children contributing to the alleged antisocial behaviour and violence in the Parklands?

2. What exactly will happen when that short-term project finishes in December, as the minister announced it would back in June?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): I can see what Labor are trying to portray here, which is drawing elements together in a misrepresentation of things that I have said. What I have been at pains to try to explain to them is that there are a number of cohorts who have been in Adelaide. The government has been trying to assist each of those cohorts with specific responses, including the ones that I mentioned yesterday. We are seeking to be nimble in our responses to address needs as they arise.

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

The Hon. D.G.E. HOOD (15:07): My question is to the Treasurer. Can the Treasurer outline whether the government has any concerns about the recent actions of the CFMMEU with respect to the construction industry in South Australia?

The Hon. R.I. LUCAS (Treasurer) (15:07): This issue has been raised with me by stakeholders within the construction industry for a significant period of time and, I guess, more recently in the last couple of weeks as a result of a recent federal court decision. I am sure all members in this chamber would be appalled at some of the detail outlined in that federal court judgement.

Just to remind members, the Federal Court this month penalised the CFMMEU and six officials \$428,250 for a series of offences, including making misrepresentations about the requirements to show their entry permits, refusing to follow directions and acting in an improper manner in relation to the major building redevelopment at Terminal 1 at Adelaide Airport back in 2019.

The Federal Court decision says that it is the highest penalty ever imposed by the ABCC in South Australia since the agency was re-established in 2016. Two of the officials of the CFMMEU were found to have repeatedly verbally abused a construction company employee. I won't go into what the court decision indicates the precise detail of the verbal abuse they subjected that employee to.

Commissioner McBurney said the officials' repeated refusal to comply with their legal right of entry obligations demonstrated their disdain for both the rule of law and the legal obligations that apply to federal permit holders. I quote the commissioner:

When challenged to produce their entry permits, or follow established safety and site induction practices two of the officials resorted to verbally abusing employees who were going about their rightful business. The verbal abuse on any measure is unacceptable. No worker in any Australian workplace should have to endure such a tirade. Equally concerning is the absence of contrition or any apology for this conduct. The ABCC takes a zero tolerance approach to this type of abuse and will fully investigate such matters and put them before the court where appropriate.

As I said, I think most members of this chamber, and I know most members of the community would accept the judgement of the Federal Court that no employee who is going about their business should be subjected to the type of verbal abuse that union bosses within the CFMEU subjected employees to on that particular worksite and, indeed, on other worksites. I'm sure all members in this chamber would join with me in expressing their opposition to that sort of continued behaviour in our workplaces, where employees going about their business are subjected to that sort of bullying, harassment and abuse within those particular worksites.

Stakeholders in South Australia have raised with me their concerns about the continuing approach of the CFMEU on construction sites towards other employees and workers on those particular worksites, and the concerns they have at the future of the construction industry in South Australia. The last thing we need in South Australia as we seek to emerge from the COVID-19 pandemic, as we seek to see economic recovery continue in this state, is to have the cancer spread by the CFMEU on building sites within the Eastern States of Australia spread to worksites within South Australia.

If we want to see jobs created and economic growth—there is a record public sector infrastructure investment in South Australia—and we want to see record levels of private sector investment, we need unions, employers and employees working together on our construction sites,

assisting economic recovery rather than, as the Federal Court has found, verbally bullying, harassing and abusing other employees on those worksites.

ADNYAMATHANHA HERITAGE SITE

The Hon. T.A. FRANKS (15:12): I seek leave to make a brief explanation before addressing a question to the Treasurer representing the Premier in his role as Minister for Aboriginal Affairs and Reconciliation on the topic of a damaged Adnyamathanha Aboriginal heritage site.

Leave granted.

The Hon. T.A. FRANKS: Works are being undertaken around the Akurra Adnya (Arkaroo Rock) in the Ikara-Flinders Ranges National Park, and I am informed that they have badly damaged an Aboriginal site. This Aboriginal site consists of the painting site, plus the area in a radius of some five kilometres around that painting site.

That site consists of graves, birthing sites, camps, men's sites, women's sites, artefacts and the cultural tracks used for thousands of years in occupation of this area. I am informed that no authorisation was obtained from the Premier as the Minister for Aboriginal Affairs and Reconciliation to damage, interfere or destroy this large site as is required under the Aboriginal Heritage Act. That information comes to me from representatives of the Adnyamathanha Heritage Association who have put out a media release.

They have stated that they were not consulted and, indeed, elders have noted that they are very distressed to see the destruction that has been caused to this site. I understand that they have written to the Premier to ask what has happened. They stated:

National Parks appear to have breached the South Australian Aboriginal Heritage Act.

No respect has been shown to the Elders who know this area well and are able to identify graves and birthing sites.

They have also sought the immediate cessation of construction works and damage at the site. My question to the Premier is: will the Premier now urgently intervene to cease construction works and damage to this Adnyamathanha heritage site, and what redress will be taken with regard to the national parks action in this matter?

The Hon. R.I. LUCAS (Treasurer) (15:14): I will refer the honourable member's question to the Premier and bring back a reply.

HOMELESSNESS

The Hon. R.P. WORTLEY (15:14): My question is to the Minister for Human Services regarding homelessness. Given reported comments from the minister's chief executive that a street kitchen was 'fostering dependence among a section of the Aboriginal community', is the minister seriously suggesting that people don't depend on food to survive? What service gaps exist under the minister's leadership that vulnerable people can't even eat?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:14): I think I answered a very similar question to that yesterday. I am happy to repeat myself for the benefit of members of the Labor Party. We want the services that we are seeking to provide to people to be strength based. I think that particularly in the homelessness space there can be some community attitudes. If we are talking about people with disability, we call it 'ableness'. I am not quite sure what we would call it in this space, but it's certainly a patronising attitude towards people that assumes that they don't have capacity and they need other people to do everything for them.

What we have been doing through the cross-government group is try to identify as many of the cohorts as possible, how to reach those people and the most culturally appropriate services. As I also said yesterday, in the homelessness space we certainly do know that the best response for people is the housing first approach, in which we get people a roof over their head with the wraparound supports and get them back into leading independent lives, back to what it was that they were aspiring to themselves. I think those things need to be borne in mind as they are a backdrop to all the discussions about these matters.

FAMILY SUPPORT SERVICES

The Hon. J.S. LEE (15:16): My question is to the Minister for Human Services about families. Can the minister outline for the council how the Marshall Liberal government is supporting children getting a better start in life in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16): I thank the honourable member for her question. Can I also outline, in terms of things that are outside the human services portfolio, one of the areas that I think we all greatly welcome from the budget that is being funded is a renewed focus on the early years for children in terms of ensuring that, once they reach five or six years of age and when they start school, they have had a range of screenings and appropriate support services so that nobody is falling behind.

That is an area that is being led by education, although health has a significant role in that, in what is often termed as 'universal services', that is, the services that all children will access, rather than the specialist services. Those of us who have had children and who have the infamous Blue Book know that there are services within the first three months to support particularly new parents. There is a screening that takes place usually at four years of age in the kindergarten setting and there are screenings at 12 months and at three years as well through those universal services. We look forward to those being rolled out through education and health particularly.

Within human services we have a number of programs that support families who are generally considered a bit more at the specialist end, particularly for what we call the pre-statutory services, that is, families in which the children are at risk of entering the child protection system. There are a number of services that human services has commissioned, which are particularly being led by an evidence base. We have a trauma-responsive framework that is being rolled out to ensure that our services understand the impact of trauma and how to respond, for frontline workers in particular.

We have the CFSS services, which are in addition to intensive family services funding, and there are some programs that include Safe Kids, Families Together, which is a three-year pilot in the northern suburbs being delivered by Anglicare; a pilot for Aboriginal families, which is a two-year pilot in the western suburbs that is being delivered by Kornar Winmil Yunti; and the Resilient Families Social Impact Bond, which commenced on 1 July to run over six years and seeks to reduce the number of children who need to enter care.

Tiraapendi Wodli is a justice reinvestment community program to improve safety and wellbeing for Aboriginal families, particularly in the Port Adelaide and western area. Breathing Space is being delivered by Centacare, which is a service targeting young women whose children have been removed and placed in the child protection system and are at risk of repeat removals from future children. We also have Grandparents for Grandchildren, which continues to receive support to fund its peer support information and advice to grandparents who are providing kinship care for vulnerable children.

Those are just some of the programs that we are providing to particularly assist children in that at-risk area. We also at the same time have, bringing closer and closer together, women who are impacted by domestic and family violence, and the children who are the drivers for child protection removals are often in the same situation. A number of those services are being informed by each other's practices, and we are working towards making sure they are working as closely together as possible into the future.

GFG ALLIANCE

The Hon. F. PANGALLO (15:21): I seek leave to make a brief explanation before asking the Treasurer a question about GFG Alliance, the owner of the Whyalla Steelworks.

Leave granted.

The Hon. F. PANGALLO: As has been widely reported, GFG, headed by British billionaire Sanjeev Gupta, was plunged into crisis earlier this year when its financier Greensill collapsed. According to media reports, that led to the company having to refinance about \$US5 billion in debt globally, with the Australian arm understood to be about \$430 million of that amount.

The Premier recently visited Whyalla to attend a mining conference in the town and told delegates that the completion of GFG Alliance's refinancing process was imminent. Further, the Premier revealed that once GFG had secured its refinancing, the state government would move to finally commit to a \$50 million payment the previous Labor government had promised the company, and something this government committed to honouring, to be spent improving the ongoing viability and sustainability of the Whyalla Steelworks. My questions to the Treasurer are:

1. Have you, the Premier or any other government minister or member of the steel task force been approached by GFG Alliance or any subsidiary company in recent weeks requesting payment of the \$50 million?

2. When was the last time the state government representatives met with or communicated with GFG?

3. When do you envisage the \$50 million payment will be made to GFG Alliance, and the terms and conditions of that payment?

The Hon. R.I. LUCAS (Treasurer) (15:23): There have been, there are and there will be ongoing discussions between representatives of the government, in particular at officer level, steel industry task force and senior management of GFG, in relation to the issues that the Hon. Mr Pangallo has raised. Insofar as they relate to any potential payment of the \$50 million promise the former government made, which this government with conditions was prepared to continue, there have been a number of discussions with GFG over a long period of time and they continue.

GFG is quite clear that the state government will not expend any portion or all of the \$50 million of taxpayers' funding unless it meets the conditions that I have publicly outlined before. They are, broadly, that they are funds that would be directed towards some either infrastructure project or some project which is going to assist the long-term viability of the Whyalla Steelworks.

As I have said publicly—and I repeat today—we are not prepared to provide \$50 million of taxpayer funding, in whole or in part, to repay past debts or expenditures. We are interested to meet the commitment the former government made that if there was a project or projects which assists the long-term viability of the Whyalla Steelworks we are prepared to look at projects along those lines and are prepared to commit taxpayer funding towards those projects.

Matters of Interest

PUBLIC LIBRARIES FUNDING

The Hon. E.S. BOURKE (15:25): From new parents and their babies to kids and to seniors, we know that South Australians love their public libraries, but I think many people in our community would have been surprised to have found out this week that our public libraries are under threat because of this Marshall Liberal government. It is yet another public community service that has been short-changed, yet another sign that this government does not care about the communities they serve.

Time and time again we are seeing cuts to public services or services being put under threat by this government, from our public trams and trains to Service SA and now around 140 public libraries. I think many people who rely on their public library, as well as the wider community, would be genuinely surprised to find out that this government is not supporting libraries but is refusing to index a longstanding funding commitment to public libraries.

In doing so, they are breaking a decade-long public library funding commitment that was signed off by the former Labor government. I believe this was the longest standing state government funding commitment to public libraries in the nation, but that has come to an end under this government, when this government decided to short-change public libraries by \$6 million over five years.

The LGA warned that they would not sign off on a deal that left public libraries unable to deliver the community services people rely on, be that access to computers and the internet or the popular toy library service. Really, it leaves little wonder as to why the LGA refused to sign off on a deal that would leave public libraries \$6 million out of pocket over five years.

This cut to yet another public service has come from the top office of government. Library funding falls under the responsibility of the Premier—the Minister for the Arts. When questioned during estimates about the impact of not indexing funding to public libraries, the Premier seemed unaware of the significance of this funding cut, with comments such as, 'I do not know how you would even possibly get to that figure,' or, 'I do not know how you would arrive at that figure,' and, 'If that is what the Labor Party thinks the indexation rate should be, goodness gracious.'

Yes, Premier, goodness gracious. You are right: we are talking about a lot of money. It is a shame the Premier was unable to calculate the true cost of not indexing public library funding, that true cost being \$6 million over five years. As Ben Footner, President of Public Libraries SA, stated on 891 this week, 'This is a death by a thousand cuts.'

There are many reasons why people rely on public libraries these days. In fact, SA libraries outperform the national average on the highest rate of physical visits per capita. Quite simply, we love our libraries in SA. The 9.7 million people visiting a public library every year in SA are not just popping in to borrow a book anymore. Our libraries offer valuable services that provide many supports in our communities, from access to computers, language services, internet access, children's entertainment, to writing resumes. They really are a community hub.

When we look at who is using public libraries, we really do get a picture of the economic benefits of libraries. An SA public library visitor survey found that people who are looking for work are some of the most frequent visitors to walk through the doors of a public library. Considering that under this government SA has regularly carried the unwanted title of the worst unemployment rate in the nation, it would be a reasonable question to ask why this government would now break a 10-year funding agreement with a public service that helps job seekers get back into the workforce.

Again, I want to borrow the words of Ben Footner, President of Public Libraries of South Australia, from an interview on 891 this week. He said:

The cost of doing business does not stop growing, and so it sees us in a situation where we have to have conversations about where we will absorb this cut.

He goes on to list the concerns as 'fewer books' and 'fewer services'.

People are getting a little bit tired of having to ask questions about this government: why do they continue to short-change us when it comes to local services, public services and community services? With around 140 public libraries across the state, every council will be impacted. Members can be sure that this cut will have a significant impact on every South Australian across the state.

Time expired.

AFGHANISTAN

The Hon. J.S. LEE (15:30): I rise today with a heavy heart to speak about the frightening and devastating tragedy in Afghanistan as the Taliban take control of the country, and the dangerous situation currently unfolding over there. We have all watched the images and reports coming out of Kabul and Afghanistan with horror and anguish, and we can only imagine how incredibly awful and difficult it is for Afghan and Hazara communities in South Australia, who are all concerned for the safety and wellbeing of loved ones still in Afghanistan.

Last week, the Premier of South Australia, the Hon. Steven Marshall, met with leaders from the South Australian Afghan community and provided his assurance that the government of South Australia is standing shoulder to shoulder with the Afghan community, ready to offer all possible assistance to local Afghan and Hazara communities. The Premier yesterday reaffirmed his commitment, in his ministerial statement, that our state government stands ready to support the federal government's humanitarian evacuation and repatriation program to provide safe settlement for any Afghan refugees in South Australia.

On Saturday 21 August 2021, the South Australian Afghan community held a candlelight vigil in Victoria Square to come together as a community to reflect on the situation and support each other in this time of need. It was heartening to see community-minded individuals and groups from all walks of life, including the Premier and Tim Whetstone MP, member for Chaffey, join the community at the vigil to demonstrate their solidarity and strong support for the Afghan community. Sadly, due to the

passing of my brother last week, I was unable to attend the candlelight vigil, but I was there in my heart and spirit.

The South Australian Multicultural and Ethnic Affairs Commission was very well represented, including by its chair Adriana Christopoulos, along with other SAMEAC members. In particular, I wish to acknowledge Mr Hussain Razaiat, who arrived as an asylum seeker from Afghanistan and who is now the president of the Afghan United Association of South Australia and also a member of SAMEAC. I thank him for his compassionate leadership in organising the vigil along with other community leaders during this difficult time. We are grateful for all the passionate community leaders, members and volunteers from the Afghan community for their tireless efforts and contributions in supporting the community.

Honourable members would have seen in today's paper the heartening news that 100 Afghan refugees touched down in Adelaide in the early hours of this morning on an emergency evacuation flight from Kabul. This flight has been one of the many dangerous rescue missions that have been conducted by the Australian Defence Force, working around the clock in coordination with our allies and partners on the ground to evacuate Australians, permanent residents, family members and visa holders, including former locally-engaged Afghan employees.

Along with the recognition of the great work by Mr Hussain Razaiat, I would like to acknowledge Eugenia Tsoulis, CEO of AMRC, also a SAMEAC member, for working closely with the Afghan community with the support of, and discussion and consultation with, local government in Murray Bridge, Mount Gambier and Naracoorte. With volunteer support from the Afghan United Association, AMRC are providing increased settlement services in Adelaide, Bordertown and Naracoorte.

I would also like to acknowledge Ahmed Zreika, another SAMEAC member, who is the president of the Islamic Society. Through their staff and volunteers they are also helping new arrivals and families to receive support at this incredibly challenging time. I would like to commend Multicultural Youth SA for making available a pool of social workers who are willing to be on call after hours to assist Afghan refugees in quarantine with culturally safe foods, prayer rugs and in-language resources translated into Dari, Farsi and Pashto.

The situation in Afghanistan is unpredictable, dangerous and sadly worsening as the deadline for the withdrawal of US troops approaches on 31 August. In answer to the question posed earlier by the Hon. John Darley to the Minister for Human Services, the Hon. Michelle Lensink, I would like to confirm that there is a multi-agency approach by the government, working with the federal government, in relation to settlement issues of refugees from Afghanistan. We stand in solidarity, and with prayers in support of the community.

KANGAROO ISLAND WHARF FACILITY

The Hon. F. PANGALLO (15:35): I wish to address the irrational decision made by the Attorney-General and planning minister, the Hon. Vickie Chapman, to knock back the development of a deep sea port at Smith Bay on Kangaroo Island. This decision, based on her own views rather than the experts' and the advice from our own State Planning Commission, is going to cost the Kangaroo Island community and economy dearly as well as be a hit to the state's economy at a time when timber resources are so desperately needed.

Millions of tonnes of timber are awaiting harvest or ready to be shipped from the island to meet the insatiable need of the nation's construction industry. The government continues to act like a sloth in trying to find a solution to this urgent dilemma it created through its own inept action and decision-making. The State Planning Commission concluded that the project should be given provisional approval with certain caveats—manageable caveats. Many business leaders on the island and mainland are astounded by the minister's decision. She is not an expert and I wonder what else or who motivated her to make the call.

The minister has generational longstanding family, personal and financial interests on the island, and I appreciate her passion for the place where she was raised, but her decision also begs the question: why have a planning commission in the first place go to such forensic detail assessing a project and making recommendations to the government only to have the government totally ignore that expert advice and outright reject the project?

The minister's appalling call, supported by a mayor who has a conflict of interest because his property is located adjacent to the wharf and the abalone farm, which would have resulted in log-laden trucks going past his place, has cost the island's economy jobs and much-needed revenue. Here is what Ms Chapman has done with one swoop of her blunt, misinformed chainsaw:

- killed off a lucrative forestry industry that would have provided hundreds of jobs and injected millions of dollars into the economy for decades;
- killed off additional investment opportunities on the island, including a chipping plant and power generator;
- killed off incentives for the expansion of associated industries, like transport and clearing;
- killed off further tourism opportunities with cruise ships having a better place to offload passengers;
- killed off hope the existing timber can be transported off the island efficiently and economically, which now may result in excellent quality timber having to be torched every single day in winter, thus creating an environmental pollution hazard; and
- killed off further investment interest in Kangaroo Island and South Australia.

Who would want to try to get a project off the ground here when they have to spend millions on reports and EISs just to gain approval? When they do, it is knocked back, knocked on the head, by a minister despite getting the nod from the planning agency. It is an appalling message the Marshall government has sent to the international business community. The minister seems totally oblivious to the impact her decision will have on future generations in a region that already desperately needs a viable, income-generating stream apart from its rural contribution.

But here is the kicker to another critical issue the planning minister may now need to take responsibility for: the death of thousands of koalas. We know that many were killed during the 2020 bushfires, but thousands more are still living in the remaining blue gum plantations. Kangaroo Island Plantation Timbers has an obligation to its shareholders to provide a return on investment. Now that it cannot do that by exporting the timber, it has decided to return the land to agricultural use.

That means clearing the remaining blue gum plantations, the habitat of thousands of koalas. What will become of them? KIPT has been told by National Parks it must come up with a koala management plan. It needs to identify where the koalas are and then relocate them. Where on the island will they be able to do that? Did Ms Chapman even consider this in her deliberations? Was it discussed in cabinet?

This is going to add another layer of costs, or should I say losses, to KIPT, a publicly listed company that was investing millions of dollars of its own money and was not seeking handouts from the government. Ms Chapman's captain's call in defiance of what was recommended could now end up being a public relations tourism disaster for the island that could result in thousands of koalas starving to death or, God forbid, thousands of this national emblem being euthanised.

The PRESIDENT: Before calling the Hon. Ms Scriven, can I just remind the Hon. Mr Pangallo that he should refer to the Attorney-General in that role or as Minister for Planning, rather than as Ms Chapman.

REGIONAL PUBLIC LIBRARIES FUNDING

The Hon. C.M. SCRIVEN (15:40): I rise today to speak on behalf of my community about the impending cuts that are being made by the Marshall Liberal government to local libraries across the Limestone Coast and the rest of the state. We know that crisis talks are ongoing between the Local Government Association, the state government and libraries across South Australia as a result of the state government's proposal to effectively cut \$6 million from libraries over the next five years.

We know that in the 2021-22 state budget funding for council libraries was frozen at \$20.7 million per year in 2021-22 and for future years, despite the previous 10-year agreement including annual indexation. The Local Government Association predicts that this decision will result

in \$6 million less in funding for libraries across South Australia, including the Limestone Coast and the rest of regional South Australia.

I enjoy using my local library, the Port MacDonnell library in my home town, and it is an incredibly valuable asset to our local community. It is staffed with wonderful employees, such as Angela, Georgia, Sharron and Zoe. I know many people in Mount Gambier and Millicent equally value and use their libraries on a very regular basis.

Councils in these regions are already contributing funding to the ongoing operational costs of the libraries. Last year alone, the City of Mount Gambier contributed 10 per cent of its annual budget to the library, cultural centres and arts division of its budget. The Wattle Range Council contributed over \$500,000 a year. These are significant figures, given the cost pressures facing regional councils, which often have a shrinking rates base but high demand for key services. Councils across the region are providing more than their fair share when it comes to funding libraries. All they are asking is for the state government to provide its fair share to ensure the ongoing viability in regional areas.

Libraries are more than just for borrowing books. They are so much more these days, particularly in regional locations. Regional libraries offer a place for residents to meet over a coffee and to catch up. They provide wi-fi access to the local community. They provide regional students with access to key information. They run youth programs, preschool programs and school holiday programs. They support seniors groups, local authors or new authors, and other groups, such as those promoting mental health. My local library also offers a range of government services, including Centrelink, and is used as a banking agency for local residents.

In parliament's estimates earlier this year, when the Premier was asked about these funding cuts, his response was astonishing. He said, 'I do not know how you arrived at that figure.' Well, it is the association that has arrived at that figure. How out of touch with our regions is this Premier that he is unaware of the cuts and the direct damage they will do to local regional communities. I urge the Premier to reconsider these cuts and give consideration to just how much they actually affect the local community on the Limestone Coast as well as in the rest of South Australia.

HEALTH INFRASTRUCTURE

The Hon. D.G.E. HOOD (15:44): Recent data has revealed that the Marshall Liberal government's record health spend will result in a 65 per cent boost in treatment spaces across redeveloped metropolitan and peri-urban emergency departments. A much-needed 140 new treatment places will be added to emergency departments and emergency extended care units from the Lyell McEwin Hospital in the north to the Southern Fleurieu Health Service in the south.

Under the Marshall Liberal government, with more than \$1 billion annually committed to hospital redevelopments and a total health spend of \$7.4 billion in 2021-22, South Australians will increasingly receive the emergency care they need closer to their homes. The need for more capacity in our emergency departments is exactly what we are delivering as we continue our landmark hospital build program. The Marshall Liberal government is delivering more beds, including the extra 140 treatment spaces across those emergency departments.

As we continue to roll out the state's record health spend, every metropolitan hospital will be upgraded and we will expand almost every metropolitan hospital emergency department as well as several peri-urban emergency departments. At the Flinders Medical Centre, for example, we are transforming the state's busiest emergency department into its largest, expanding it by 30 treatment places to a total of 86 spaces.

The government is almost doubling the number of beds in the Lyell McEwin Hospital emergency department, taking it from 39 treatment spaces to 72. At The Queen Elizabeth Hospital, we are adding 15 emergency department treatment spaces as part of the \$314 million redevelopment of that hospital. Modbury, Mount Barker, Murray Bridge, Gawler and the Southern Fleurieu Health Service in Victor Harbor will also grow their emergency departments by 45 treatment spaces between them to help ease pressure on the larger hospitals and to accommodate the extra demand from growing populations in those areas.

Having inherited an absolute mess from the Labor Party's failed attempt at Transforming Health, the Marshall Liberal government is improving South Australia's health services to ease pressure on our emergency departments, reduce ambulance ramping and deliver health care closer to home.

To complement our expansion of world-class infrastructure, the Marshall Liberal government is also expanding our team of world-class clinicians. As shadow minister for health and wellbeing, Chris Picton, correctly pointed out while speaking to Ali Clarke on ABC radio recently, we currently have more doctors, more nurses, more midwives and more ambulance officers in South Australia than ever before in the state's history.

We are employing almost 1,000 more staff, including more than 500 frontline doctors and nurses. Minister for Health, the Hon. Stephen Wade, recently announced 74 additional paramedics would be added to their ranks, meaning more than 250 additional Ambulance Service personnel have been employed in the first three years of this government. South Australians are being cared for by more health professionals than ever before in bigger, better hospitals.

As those opposite well remember, it was not that long ago that the former Labor government cut beds, downgraded services at our hospitals and closed the Repat entirely. The former Labor government brought ramping to South Australia, they allowed it to fester and develop into the norm for our hospitals. It is unacceptable, and we are committed to fixing this issue. We have rolled out a range of initiatives to expand capacity and improve patient flow. We will continue to do this. We will fix it.

South Australia is not alone in experiencing high levels of emergency department presentations in recent months. During the COVID-19 pandemic, hospitals throughout the nation have experienced increased pressure. Unfortunately, ramping and long waiting times for ambulances have been experienced in Queensland, Western Australia, Tasmania, Victoria and New South Wales as well. We thank all South Australians for their patience during this challenging period. Every South Australian can rest assured that we are committed to building a better health system for all.

As Minister Wade said recently, while we cannot make the concrete dry any faster on the upgrades that we are currently undertaking, we are getting on with the job of increasing capacity in our hospitals to help fix ramping and deliver better health care for all South Australians.

JUSTHAM, MR L.I.

The Hon. T.A. FRANKS (15:48): It is my sad privilege today to rise to speak about Leif Indigo Justham. I rise today to pay tribute to a young man whose life was cut tragically short, but it is a life that leaves an enduring legacy.

Leif Indigo Justham had a passionate love for the planet and the life that comes from it. I share this in our parliament, in our Legislative Council, today because I, like Leif's loving family and friends, want people to hear Leif's story and be inspired by his beliefs. Described by his loved ones as:

The most passionate and committed person you will ever meet. He rationally developed his convictions, and then held them above anything else. He influenced the lives of everyone he met.

Leif believed in living every moment as fully as possible and doing absolutely everything in his power to protect the natural world. He loved big, ancient trees, rare birds, regular birds, microcosmic ecosystems and all the beauty in nature. He aspired to encourage people to use their individual power for good, specifically by divesting their financial assets away from fossil fuels through their bank and super funds.

Leif lived by his convictions, but on 6 April this year Leif was hit and killed by a truck on the Nullarbor. The driver has been charged with dangerous driving, and Leif's family and Hills community are left devastated by his loss and their overwhelming grief.

On Monday 22 March this year, Leif had commenced a solo cycle, destined to cycle around Australia's Highway 1. He was on the Nullarbor that day, cycling to promote the need to divest from polluting industries. Leif wanted us all to stop using 91 octane unleaded petrol. Australian petrol

quality, Leif would like us to know, is ranked only 70th globally and is the lowest in the OECD, with sulphur levels 15 times higher than those that are permitted in Europe.

Unfortunately, while he had intended to ride around Australia and raise awareness about banks and superannuation funds and the need to divest from fossil fuels and to pressure governments to take tangible climate action, just two weeks into that journey he died in the active pursuit of his passion and his life was tragically taken.

He is fondly remembered by many. I would like to observe the words of the Stirling Districts Football Club in their recognition of his passing, who noted that on that day they lost an ace:

A player and long time member of this great club was tragically killed whilst committing a typically massive act of charity.

Leif Indigo Justham cared—he cared for his family, he cared for his mates, he cared for the Stirling Districts Football Club and he cared for the planet. That quote on Facebook states that his enthusiasm, positivity and empathy was an example to us all. He lived a life less ordinary and was a truly inspirational character. He has certainly affected my life for the better. I hope that by trying to emulate his values this can help his memory to live on.

The tributes to Leif on the website that his family has now put online, and by those such as the football club and many activists, are truly touching, and to celebrate his life there have been many events. Leif knew that even though he was just one person, he could inspire others too and that together we can make that difference. He believed in the power of his actions to realise that we all can, and must, make a difference.

Leif knew and was loved by so many people. My sincere condolences to his friends and the Justham and Taylor families. For those who knew Leif, and for those who did not but are moved by his story, the most important thing you can do is change your superannuation fund to one that does not invest in fossil fuels or polluting industries.

More than \$3 trillion is invested across all Australian super funds, and you can use the power of your money to make a real difference and to ensure that Leif's legacy lives on. His family say that they would love it if everyone who is moved by this story commits to adopting ethical super options or, better still, to changing their own superannuation to more ethical institutions. The reality is, of course, that many of Australia's superannuation funds are investing in these dirty industries, but you can go to leifjustham.com to change your super and remember Leif's legacy.

PETERBOROUGH

The Hon. J.E. HANSON (15:53): I love South Australia. Although I spend a great deal of my time here in Adelaide when I am representing the people, I like getting out to regional South Australia. One of the things that I like best about regional South Australia is the sense of history that you get out there. You get out there what has made our state, and you also get out there what has made our state great.

While you can find paintings in this place of important people sitting around an old gum tree telling you that they made the state, the fact is that when you get out to regional South Australia you can see the industries and you can see the people and the workers when they are out there creating the building blocks for what makes us what we are today.

One such town is the town of Peterborough. Fittingly, for a state of pubs and churches, one of the oldest structures in the town, and in fact I would say in South Australia, is the Peterborough Hotel, the pub. It was constructed in 1881. One year later, they constructed a primary school. In 1891, they constructed the general store and the post office. The police station, the cells and the courthouses were all completed in 1892 and a power station was created for the town in 1914. The hospital followed in 1922. The fact is that all this clearly establishes that Peterborough was a driving force for our state as a regional town, and the services underlined it as a place to be.

Much like the original town and the name of the town, in Peterborough a great deal has changed. But changing times should not make us forget what makes regional towns and those who live in them great. Services like providing local doctors to service locals in regional towns cannot be something we ignore. There is a growing crisis in regional health in South Australia.

There is one GP for roughly every 900 people in Adelaide, in a town like Peterborough it is one GP for every 3,000 people. Locals can wait months for an appointment. Of the 60 training rural GP positions, only roughly 20 of these are actually filled. Peterborough's local GP clinic itself is on life support. It faces closure in February next year due to doctor shortages. This situation is desperate.

A survey of rural doctors done by the Rural Doctors Association of SA found that 77 per cent of doctors say the number of doctors is below critical mass. These numbers are simply alarming. Peterborough residents who have contacted me are genuinely concerned about what the closure of the GP clinic will mean for their town. They know all too well that a regional service lost is a regional service often lost forever. They do not want to see their local GP services in Peterborough be a thing of the past. They are deeply concerned, and they should be.

It is part of the reason why an elected Malinauskas Labor government will invest \$662 million in fixing health, with at least—at least—\$100 million in regional country health. Sadly, it seems the Marshall Liberal government is not concerned. After three long years of suffering, a long-awaited meeting between the Liberal government and local GP representatives was cancelled at the last minute—cancelled just last week on Thursday. This is exactly the kind of action that makes the Rural Doctors Association's claim that SA country doctors are being left out on a limb by SA Health ring so very true. That limb is so very close to snapping.

If the GP clinic in Peterborough is allowed to close by a government that can find \$660 million to build a new basketball stadium in Adelaide, it will stand as a testament to the modern Liberal Party's failed values. For a party that claimed regions matter and a Liberal leader who promised he would fix country health services, the closure of the Peterborough clinic will expose this as yet another broken promise to the regions.

Such broken promises sit awfully nicely next to their broken promises on no more privatisation, protecting our water and failed savings on power bills. For Peterborough—a town, as I have said, that has so much history laden all over its streets—it will certainly not be forgotten.

Bills

RETURN TO WORK (IMPAIRMENT ASSESSMENT GUIDELINES) AMENDMENT BILL

Introduction and First Reading

The Hon. I. PNEVMATIKOS (15:58): Obtained leave and introduced a bill for an act to amend the Return to Work Act 2014. Read a first time.

Second Reading

The Hon. I. PNEVMATIKOS (15:59): I move:

That this bill be now read a second time.

I rise today to speak on the Return To Work (Impairment Assessment Guidelines) Amendment Bill 2021. The bill I am introducing today focuses on section 22 of the act regarding the Impairment Assessment Guidelines and solely arises as a result of recent actions and decisions made by the Treasurer to change these guidelines.

The Impairment Assessment Guidelines play an integral role within the Return To Work scheme assessing the level of disability affecting workers as a result of workplace injury and accident. These guidelines are used by accredited doctors, who are required to use these guidelines to determine the nature and extent of a worker's level of injury for the purposes of lump sum compensation. It is one means of at least attempting to address the effects of injury and accident and making some effort to redress those impacts. The intent of the guidelines is to provide for an objective, fair and consistent method of assessing permanent impairment arising from a work injury, resulting in a fair and equitable outcome for all injured workers and businesses.

Currently, under division 5, section 22(4)(f) of the Return to Work Act, the minister responsible may, from time to time, amend or substitute the Impairment Assessment Guidelines. As many, if not all, in this chamber would be aware, ReturnToWorkSA, acting for the Treasurer, proposed extensive changes to the Impairment Assessment Guidelines. Yesterday, those changes

were gazetted and announced by the Treasurer. These changes were presented as according to the Return to Work Corporation 'to provide improved clarification and consistency of assessments' and to make for a 'fairer scheme for workers and employers'. However, no-one I spoke to regarding these changes shared that view.

In mid-June, I was contacted by worker's compensation lawyers and doctors about the changes, as initially proposed by the Return to Work Corporation on behalf of the Treasurer. After those initial conversations, I met with an extensive range of people working in worker's compensation, including around 60 lawyers from plaintiff law firms, the Lawyers for Workers group, Australian Lawyers Alliance, many doctors, specialists, SA Unions and almost all unions with offices in South Australia and workers to discuss the proposed changes.

Every single person I spoke with raised grave concerns that these changes would result in workers' rights being taken away and further confusion and instability to the Workers Compensation Scheme. My consultation with these groups uncovered the various concerns with the changes and brought to light the extensive, uninformed and ill-conceived proposal for change. The reality is that the changes proposed are contrary to the rhetoric. They are extensive and will significantly reduce entitlements and supports available to workers who suffer injury or disease.

The Treasurer explained to us in this chamber that his changes to the guidelines would not affect those percentage thresholds, namely 5 per cent and 30 per cent whole person impairment. The Treasurer assured us that the goalposts in that regard would not change, and that is true, but he omitted to explain that the rules of the game were significantly changing.

The proposed changes targeted three main cohorts of workers. The first is those who have a minor disability and meet the 5 per cent threshold of whole person impairment assessment. The proposed changes effectively erode that 5 per cent threshold, making it impossible for many workers to receive lump sum compensation for a variety of injuries, including those to the knees, arms, hips, ankles and wrists.

For example, if a tradesperson fractures their knee whilst in the course of their employment and this results in a trauma to the joint requiring surgery, and the worker continues to experience ongoing restrictions of movement, this disability will establish an entitlement to lump sum compensation. Under the previous guidelines, the existing guidelines, a worker could have the movement in his knee measured as well as his scarring assessed as part of the impairment assessment, and this would reach an impairment rating of 5 per cent whole person impairment.

In the new gazetted guidelines their restricted movement is assessed; however, scarring is not incorporated in the assessment and any asymptomatic wear and tear is also deducted from the impairment assessment. This means that any asymptomatic wear and tear that most of us over 30 years of age have would be incorporated into that assessment and deducted. This renders it impossible for workers to meet the 5 per cent threshold and therefore have no entitlement to compensation.

On the other end of the scale, those workers who have serious injury, with a whole person impairment of 30 per cent or more, under the current system a worker with a disability of 30 per cent or more would be classified as seriously injured. As a seriously injured worker they would be entitled to claim ongoing medical and treatment costs as required, and would be able to claim income support if and when they are unable to work.

For example, a full-time nurse who injures her neck and suffers a nerve injury, which affects the use of her arm as a result of failed spinal fusion surgery, on the current guidelines would have an impairment rating of 31 to 33 per cent whole person impairment. On the new guidelines the impairment would fall short of the 30 per cent figure, and she would have a rating of 26 to 28 per cent whole person impairment.

So the Treasurer is correct in saying that the 30 per cent threshold is not changed. It just means that fewer workers will be entitled to compensation because of the obstacles put in place by these guidelines to prevent them from receiving that entitlement as envisaged in the act. Thirdly, workers with pre-existing injuries or asymptomatic injuries will incur a deduction with no limits, as long as an assessment does not reach less than zero per cent. The new guidelines' requirement for an

additional discount or deduction for pre-existing asymptomatic conditions means that workers will be doubly penalised.

The Return to Work Corporation and the government do not want to see negative or minus percentage assessment. I understand that, because logically a negative assessment potential would mean that the worker owes a debt to the Return to Work Corporation as a result of a workplace injury or accident that a worker may have suffered. In essence, what this provision does is reduce a worker's entitlement by having regard to an injury or condition that not even the worker was aware they had that supposedly pre-existed their work injury.

It further relegates anyone over 30 years of age, who has normal wear and tear of joints and muscles—not to mention those who are working in hard labouring jobs—that they be penalised and subject to a greater deduction. No workers compensation scheme in Australia that I am aware of penalises workers with a double deduction. Just as Return to Work had stated, the Treasurer in his ministerial statement yesterday assured the parliament these changes were not wholesale and that the advice he was given was taken seriously. But there was much doublespeak, and the insult to workers continues.

The gazetted impairment guidelines merely muddy the waters and use clever language to hide the true changes. The rhetoric does not match the reality. These new Impairment Assessment Guidelines gazetted yesterday add insult to injury, run contrary to the act and erode workers rights in a comprehensive and systematic manner. These gazetted changes go further than those originally proposed by Return to Work for consultation earlier.

These changes pose a double penalty for workers, meaning the workers who were not even aware of underlying health conditions, which they may not even know about, will have their entitlements deducted to a point where they receive no entitlements. Unlike the proposed changes, these gazetted changes place no cap on this double deduction, meaning seriously injured workers could receive nothing at all. These changes are not only unconscionable; it is outright, blatant discrimination, with inadequate and improper consultation.

But wait, it gets better. As required by the act, the Treasurer and the Return to Work Corporation set about consulting on the changes. It appears the government simply went about this to tick a box. The changes that have been made to the guidelines do not reflect the consultation I have had; nor are they supported by constituents I have heard from. Simply, the Treasurer has sought to go ahead with the changes, disregarding the advice provided by professionals in the area, be they doctors, specialists or lawyers.

It has been known within the workers' compensation sphere for some time now that if Return to Work is dissatisfied with an outcome it will generally continue litigation through appeals in order to get the outcome that suits them. A review of the tribunal and Supreme Court decisions and appeals reveals a Return to Work Corporation that is litigious and not prepared to accept the interpretation of the Return to Work Act and case law.

There are myriad cases that I will list, and I urge members to read them: *Onody v Return to Work Corporation*, *Palios v Return to Work Corporation*, *Canales-Cordova v Return to Work Corporation*, *Frkic v Return to Work Corporation*, *Esposito v Return to Work Corporation*, *Gooch v Return to Work Corporation*, *Opie v Return to Work Corporation*, *Return to Work Corporation v Summerfield*, and there are many more to illustrate this point.

There is no doubt that there is a substantial amount of case law where Return to Work has not achieved their perceived outcome in the court system and has now elected to make changes to the law with the new Impairment Assessment Guidelines. It is apparent that Return to Work do not like how these laws are being interpreted and these changes are an attempt to rewrite them with no act of parliament or parliamentary scrutiny.

Since 2014, the Return to Work Act has been the subject of much litigation and unnecessary cost to the workers' compensation scheme in an endeavour to interpret the legislation in a way that suits the intent of the Return to Work Corporation. When this parliament passed the Return to Work Act in 2014 it followed extensive consultation and debate. For the last seven years, the courts have been plagued and required to interpret the intent of the law as enunciated in the legislation. What we

are seeing is the Treasurer and the Return to Work Corporation bypass the act, bypass adequate consultation and bypass the courts' decisions to create the outcomes they want.

Neither the Return to Work Corporation nor the Treasurer as an executive has the mandate to change the law without the consent of the parliament. They are not lawmakers; they are not interpreters of the law. Parliament makes the laws, and the courts interpret them where there is any degree of confusion or ambiguity.

Yesterday, the Treasurer's statement reflected the Return to Work Corporation's alleged agenda of improving 'efficiency, fairness and transparency'. Well, one would expect that efficiency would also include less litigation and appeals; however, this is completely unfounded. With changes this big in subordinate legislation that go against current case law and the Return to Work Act itself, there is no doubt that litigation will increase. It will cost workers more, cost the corporation more and further pressure the court system, which is already running at capacity.

Through this process, we have not been given any clarity on who has advised Return to Work or the Treasurer to make these changes. During estimates we heard the Treasurer and Return to Work unable to answer who advised on these changes. It is not inconceivable to assume that Return to Work itself created these changes in-house.

I acknowledge that consultation into the changes was broader than what the act stipulates; however, key stakeholders were left out, and these are significant and substantial changes through delegated legislation. This further illustrates my point that this is a backdoor approach to changing legislation without any debate, without any parliamentary scrutiny.

The draft proposed changes were circulated to accredited impairment assessment doctors, as well as several other organisations involved in the Return to Work scheme. No unions, workers compensation lawyers or the public were asked to comment on the proposed changes. In their submission to Return to Work regarding the changes, the Law Society noted the 'organisations representing workers or employees generally such as unions, Business SA and industry groups' were missing from the consultation process.

The Law Society went on to mention specific concerns with the proposed changes, but were particularly critical of the methodology Return to Work and the Treasurer used for the consultation process, making the point that it was substandard in its call for feedback and the time frame for consultation that was presented.

This bill aims to bring due and proper process to this area of the Return to Work Act. Simply, wholesale changes to entitlements, as well as responsibilities under the legislation, cannot be made without parliamentary scrutiny. Just like other rules, subordinate legislation and regulations, changes to the Impairment Assessment Guidelines should be assessed by the appropriate instruments held by the parliament.

The bill also includes a retrospectivity clause, meaning that the changes that have been gazetted would be reversed if this bill were to pass. These gazetted changes are another part of the Marshall government's agenda to erode workers' entitlements without the full scrutiny of the parliament and continues their trend of unvetted changes.

We cannot let these types of sweeping changes be made by one person. The minister may like to hide behind the decisions being completely made by ReturnToWorkSA, but in fact the buck stops with him. The Return to Work corporation is not the legislator and nor should it be.

Workers fought hard for these rights, and with the stroke of a pen Rob Lucas has the power to take away these rights. These are retrograde changes that will hurt people. Let's not go back to a time where there were no protections and no workers compensation scheme at all.

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

Motions

ELECTRIC VEHICLES

The Hon. R.A. SIMMS (16:18): I move:

That this council—

1. Notes the announcement from the NSW government that they will waive stamp duty and provide rebates on electric vehicles;
2. Notes that Australian state governments were warned a road user tax on clean cars introduced without other support for the technology could discourage their uptake and impede greenhouse gas cuts;
3. Further notes this advice was received before South Australia and Victoria announced plans to introduce a charge on driving electric vehicles;
4. Recognises that the flawed Victorian approach to implementing a tax on electric vehicles has been described by 25 organisations, including global auto manufacturers Volkswagen and Hyundai and policy experts the Electric Vehicle Council and The Australia Institute, as 'the worst electric vehicle policy in the world'; and
5. Calls on the Marshall Government to support electric vehicles in South Australia by instead offering real incentives to increase the uptake of electric vehicles to combat climate change.

Right now, governments around the world are seeing the benefits of making electric vehicles cheaper by encouraging their uptake. The UK government recently announced that it would be banning the sale of petrol cars by 2030—banning their sale—and the Greens Labor government in the ACT is even offering electric car buyers free registration and \$15,000 loans to encourage uptake.

With transport emissions currently sitting at around 20 per cent to 25 per cent of total emissions in Australia, we need to do what we can to support electric vehicles and to create the jobs that would flow here in our state. Offering incentives to increase the uptake of electric vehicles is essential if we are serious about combating climate change.

That is why the Greens continue to oppose the Liberal government's electric vehicle tax. This is a tax that will make our state an international pariah when it comes to fighting climate change, and this is a tax that will expose our state to international condemnation and ridicule. The future of cars is electric mobility, alternative fuels and public transport and it is time for the state government to recognise that reality and to actually invest, not penalise people who are doing the right thing.

Investment in truly innovative car manufacturing in Australia would see a shift towards electric cars instead of paying companies to make less efficient six-cylinder petrol cars. When you consider that the electric and sustainable car industry is set to be worth \$1,200 billion globally by 2027, proper government support could help Australia play a really key role and, in particular, obviously assist us in South Australia. Of course, the federal government are dragging their heels. We know this federal government is useless in virtually every regard, but South Australia needs to step up and position itself as a world leader.

South Australia should be showing some leadership here. We have huge skills and experience in our state manufacturing industries and we need to be looking at what we can do to harness them. That is why it is absolutely ludicrous that this government, in last month's budget, confirmed that it is going to be proceeding with this standalone tax on electric vehicles—a bill that is coming at a time of climate crisis when transport is the fastest growing source of emissions in South Australia and when South Australia and Australia are lagging behind the rest of the world when it comes to our uptake of electric vehicles.

What on earth are the Liberals thinking? What on earth is this Marshall government thinking when it comes to its absurd electric vehicle tax? Instead of penalising those who are trying to reduce their carbon footprint, the government should be taking steps to make electric vehicles more accessible to more people. Let's expand the use of electric vehicles in our community. EVs are no longer seen as an expensive vehicle that is out of the reach of most people, but to ensure that trend continues we need a government to actually show leadership and play their role in taking on the climate crisis.

There are lots of examples of what they could be doing here. We can look at what has happened interstate where there are interest-free loans of two years or free registration. These are the sorts of things that could be done to try to encourage the uptake of electric cars. Once you remove some of those obstacles, the running costs are significantly cheaper than diesel vehicles. A recent comparison of four ACT government vehicles—two EVs, two petrol—showed that the EVs saved

about \$1,800 per vehicle in running and maintenance costs over an 18-month period. That is significant.

Research from the Australia Institute back in 2019 showed that South Australians strongly support electric vehicles and they want governments at all levels to implement policies that encourage their use. That same report found that 70 per cent of people want the government to build a network of charging stations for electric cars, two-thirds want to see the luxury car tax removed from imported electric vehicles and more than half want to see the government offering loans for electric cars. When you consider that Tesla have indicated interest in building cars right here in South Australia, it is absurd that the government are putting up more barriers to increasing the uptake of electric vehicles.

In May of this year, the Victorian government passed legislation, which will be effective from 1 July 2021, which will require road users driving electric vehicles to pay 2.5¢ per kilometre driven. This equates to around \$375 annually, based on the national average of 15,000 kilometres per year. These laws also place a cost on plug-in hybrid vehicle owners to pay 2¢ per kilometre driven. That equates to \$300 for every 15,000 kilometres.

Owners of these vehicles will be required to submit vehicle odometer readings and face vehicle registration suspension for noncompliance. Hybrid cars that are not able to be charged externally are exempt from this tax. The Victorian government explained that, as EV owners do not pay the national fuel excise of 42.7¢ per litre, this is the way of that government recouping costs they claim are associated with road upkeep.

The question remains, why on earth is South Australia following the flawed Victorian approach to implementing a tax on electric vehicles such as this when 25 organisations, including global auto manufacturers Volkswagen and Hyundai and policy experts the Electric Vehicle Council and The Australia Institute, have called it the worst electric vehicle policy in the world? The worst electric vehicle policy in the world is being exported from Victoria and brought over to South Australia.

Prominent signatories of the open letter against the tax include Hyundai, Volkswagen, Uber, JET Charge, the Electric Vehicle Council, Solar Citizens, Environment Victoria, Doctors for the Environment Australia and The Australia Institute. Instead of looking to the absurd approach that has been taken in Victoria, why has the state Liberal government not considered the New South Wales approach, which properly supports the electric vehicle industry and delays the introduction of any EV tax until 2027? Taxing EV drivers for not burning petrol is like taxing non-smokers for not smoking. It is a laughable proposition. It is an example of failed leadership from this Marshall Liberal government.

Quite frankly, I think the community expects a level of inaction and incompetence in Canberra because we know we have a Prime Minister who loves to kiss pieces of coal and does not care about the climate crisis, but they expect better from the South Australian Liberal government. This really is an appalling lack of leadership. It is an irresponsible decision at a time when real action on climate change is essential. We need to shift our focus to 21st century technologies. We need to utilise manufacturing skills that exist in our state by building a world-leading electric car industry that will get our state economy back on track, so really it is time for the Liberals to change course.

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

Bills

STATUTES AMENDMENT (UNIVERSITIES - CAPS ON VICE-CHANCELLOR SALARIES) BILL

Introduction and First Reading

The Hon. R.A. SIMMS (16:27): Obtained leave and introduced a bill for an act to amend the Flinders University Act 1966, the University of Adelaide Act 1971 and the University of South Australia Act 1990. Read a first time.

Second Reading

The Hon. R.A. SIMMS (16:28): I move:

That this bill be now read a second time.

This bill is seeking to cap the salaries of vice-chancellors in our state universities. It is a really timely bill because our universities are in crisis and it is important that those in leadership positions are seen to actually lead when it comes to their own salaries. Over the course of 2020, the coronavirus pandemic saw South Australians hard hit, with an estimated 40,000 job losses across our state. Our three universities saw over 350 staff members lose their jobs, and this is on top of the 157 staff at the University of Adelaide who took so-called voluntary separation packages.

In 2021, we look set to repeat this trend, with the University of Adelaide forecasting that they intend to axe a further 130 jobs in the wake of their decision to merge five faculties into three as part of what they refer to as a rationalisation process.

There is nothing rational about this decision. This is not merely a statistic or an abstract number. This is 130 individuals, all of whom will be put out of work. It is 130 families that will lose a source of income during one of the most uncertain times in our history. The human impact of this decision cannot be underestimated.

This decision is particularly galling when one considers it is being made by someone who is being paid just under \$1 million a year. By contrast, the South Australian Premier, the Hon. Steven Marshall, will be paid less than half that. What this bill seeks to do is to tie the salaries of our vice-chancellors to that of the Premier. It is unacceptable that during a time of extreme financial uncertainty for so many, South Australian university bosses continue to rake in exorbitant salaries while presiding over the dismissal of hundreds of employees, ongoing rationalisation of staff, ongoing casualisation of staff.

How can we justify paying an employee of a publicly funded institution a salary of well in excess of \$1 million? Indeed, those are the salaries that are being paid to the vice-chancellors at Flinders University and the University of South Australia. While our universities continue to take a hatchet to people's livelihoods, it is only fair that these top executives start to actually feel the pinch where it hurts, start to see a reduction in their own salaries.

Conversely, we have seen this crazy situation where the more these vice-chancellors are being paid, the less quality that seems to be offered in our state's institutions. We have seen the quality of our universities decline over the last few decades. With rising class sizes, fewer assessment markers and an amalgamation of roles and departments, all of this has meant that staff are completely overworked. Indeed, having worked in the university sector myself previously prior to coming into this place, I can attest to the fact that staff in our state's universities face significant pressure.

Our federal government has done nothing to ease these concerns, and instead what it has done has made degrees more expensive for students. I want to put on record my outrage at the decision of the federal Liberal government to hike up the HECS fees for students who dare to study the humanities. Anybody would think that the Liberals do not want people to learn about history or the arts. I cannot imagine why they would be afraid of teaching young people such things. It is an appalling, short-sighted decision that the federal Liberals have taken in hiking up HECS fees in that way.

That has been really a bipartisan project started by the Labor Party when they implemented HECS back in the 1990s. Since then, we have seen HECS become a user pays, pays, pays system. We have seen a lack of investment in universities. As a result, these institutions have become reliant on international students, who are treated as cash cows and who are basically forced through fee-paying places to bankroll our university system. This is not an acceptable way for our universities to be run.

The current structure of our universities as part of this corporate governance model treats vice-chancellors like they are CEOs of multinational corporations. CEOs are chosen for their ability to turn a profit and to make money. That should not be the focus of our universities. I ask members of this place: why are we treating our universities like corporations? Why are we putting profits ahead of students? Why are we paying our vice-chancellors such obscene salaries, particularly in the middle of this economic crisis?

This bill will change that. It is a simple bill. As I said, it will cap the salaries of our vice-chancellors and put them to be at the same level as the Premier. Australian vice-chancellors are some of the highest paid in the world, doubling and sometimes tripling the salaries of their US and UK counterparts. In times of economic downturn, reduced student enrolments and further federal cuts to higher education, we can no longer justify paying such extravagant salaries. Might I say that such salaries were never justified.

Higher education has been under continual attack from our federal government and there is no relief in sight. They have effectively forced our universities to shift their priorities away from learning and on to earning—and that is an outrage.

The COVID-19 pandemic has exposed the decaying structures that support modern universities in Australia. Our universities are built on the exploitation of international students, and I note that students are facing spiralling classes and many are getting a less than satisfactory service as a result of learning online as part of COVID-19.

Staff and students deserve so much better. This bill is not going to solve all the problems faced within our university sector and, indeed, the payment of these vice-chancellors is a symptom of a much broader problem, that of the corporatisation of our universities, but reducing the salaries of our vice-chancellors will go some small way towards changing this system. There are other reforms that are required, too. We need more money from the federal government, and the Greens are going to continue to advocate for that, but we also need to reverse the changes that were made to the governance of our universities back in 2016, when we saw the previous Labor government strip staff and students from university councils.

We are seeing now what happens when you reduce the influence of staff and students on these committees. We have seen that at the University of Adelaide, where the merger plan has been given the green light, but we have seen that across the sector over many, many years. It is part of this model that runs our universities like corporate boards rather than institutions that should operate for the public good. We cannot continue to allow this corporate greed to run rampant in our institutions. These institutions of higher learning should be treated as such. They should operate in the public good.

We cannot continue to pay six and seven figure sums to lone individuals while they preside over the sacking of hundreds of staff in the middle of a global pandemic. That really is outrageous and it is a slap in the face to all of those staff who are losing their jobs, to all of those staff who face increased casualisation, and to all of those staff who face uncertainty at the moment that these decisions are made by the millionaire class.

There is a great deal more work that we must do to reform our universities. We must continue to promote them as places of higher education, not simply degree factories and money makers. I hope that members on both sides of this chamber will support this bill because I believe that it will go some small way towards putting our universities back on track. There is significant community support for this. Indeed, there have been 1,300 signatures on a petition circulating online in support of the bill. It has had a lot of support from the NTEU and student groups, and I look forward to the Labor and Liberal parties and SA-Best and Advance SA coming on board so that we can achieve this reform.

Debate adjourned on motion of Hon. J.E. Hanson.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (CPIPC RECOMMENDATIONS) AMENDMENT BILL

Introduction and First Reading

The Hon. F. PANGALLO (16:39): Obtained leave and introduced a bill for an act to amend the Independent Commissioner Against Corruption Act 2012 and to make related amendments to other acts to implement recommendations contained in the Report of the Crime and Public Integrity Policy Committee into Matters of Public Integrity in South Australia. Read a first time.

Second Reading

The Hon. F. PANGALLO (16:40): I move:

That this bill be now read a second time.

I rise today to introduce this bill which amends the Independent Commissioner Against Corruption Act 2012, based on the recommendations made by the Crime and Public Integrity Policy Committee report, which I tabled in this place last December.

The members of that committee had anticipated that the Attorney-General, the Hon. Vickie Chapman, would abide by her statutory obligation to respond to that important report by a parliamentary standing committee within the designated four months. That almost 10 months have passed since it was delivered and the Attorney-General, the state's top-ranked legal official, has not uttered a word on it is a mystery only she can answer. It is surprising, nonetheless, because when I met with the Hon. Ms Chapman earlier this year on another matter, she indicated, and I welcomed her intent, that she would introduce her own amendments to the ICAC Act. All I have heard since is deafening silence.

In 2019, the Crime and Public Integrity Policy Committee commenced its inquiry into matters of public integrity, anticorruption measures and the interrelationships with integrity and anticorruption bodies. It received 16 submissions from individuals and organisations, including SAPOL, ICAC, the Auditor-General and the Ombudsman. The final report contained 17 recommendations and was tabled in December 2020. Many of these recommendations formed the basis of the amendments contained in my bill. Among the major changes I am proposing are:

- That ICAC be known as the Independent Commission Against Corruption—that is, removing the title of commissioner—and that its powers and responsibilities be revised to handle only matters of serious and systemic corruption.
- That responsibility for misconduct and maladministration be conferred to the Ombudsman.
- That a separate and independent office of public integrity be established.
- The establishment of an office of inspector, replacing the reviewer, with enhanced powers of review and oversight of ICAC and the OPI, reporting directly to parliament.
- Building effective protections for persons facing investigation by the commission.
- Better managing public statements and reporting to protect people from reputational damage and harm.
- That there be provisions, including retrospectivity, for the inspector to recommend remedies, including compensation, where individuals have suffered severe, undue prejudice to their reputations.

This reform bill is necessary and timely. There has been some disquiet about ICAC expressed from the highest echelons of the legal profession. This has been assembled with the support of members from all sides of parliament.

The Hon. Bruce Lander was appointed the integrity agency's first commissioner and given the difficult task of building it from scratch in 2013 without an instruction manual, with a range of differing state regimes with their own inherent problems and with no national ICAC body. It was a work in progress, and it was never going to be a perfect instrument. However, after eight years of substantial expenditure, secret investigations, underwhelming results, controversy and criticism, an examination of its performance by its creator, the state parliament, now seems appropriate.

The changes proposed in this bill, most of which I will outline shortly, are designed to make ICAC a more streamlined and more effective corruption-busting tool and, importantly, a more accountable integrity body than it has been.

ICAC's legislated curtain of secrecy has effectively shielded its conduct and operations from proper scrutiny by the parliament. It seems to be accountable to no-one, let alone parliament. Had it not been for the select committee into reputational harm and damage caused by ICAC investigations, which I moved and chair, we, the public, would still be in the dark about some of its more spectacular failures, questionable tactics and powers exerted on hapless and, in some cases, innocent individuals in the public sector.

Anticorruption and integrity agencies do have a critical and crucial role to play in our society, because serious corruption and misconduct in our public sector must not be allowed to flourish unchecked. As I have said, corruption is the mortar holding up society's walls, it is the oil that greases the wheel, and it is everywhere—in the highest and most unexpected places. Sunshine is the best disinfectant, and we have a responsibility in this place to ensure that the sun shines brightly.

These agencies have enormous powers bestowed upon them, but it is an expectation that they must also always use these powers responsibly and within the law. Those in their sights should expect to receive the fairness of natural justice and due process, as accorded to others in our community. If they have done wrong, they deserve the appropriate punishment after proper judicial processes have been followed.

The High Court will soon be the final arbiter on allegations of abuse of power by ICAC and the legitimacy of the current ICAC Act when it hears an appeal by Mount Gambier MP, Mr Troy Bell. Non-judicial investigations with coercive authority have been likened to star chambers. As Queen's Council and former Federal Court judge Peter Graham points out, inquiries, commissions against corruption and royal commissions are poor relations of adversarial court proceedings that endeavour to guarantee fairness.

As I have pointed out previously, anticorruption bodies have increasingly assumed that it is their role to determine guilt or innocence. They have extended their reach into prosecutions, into SAPOL and into jurisdictions of the Ombudsman. Most concerning is the number of cases where their targets were presumed and publicly outed as guilty from the outset.

Operation Bandicoot, involving police officers from Sturt Mantle, was one of ICAC's most high profile cases in 2014. We heard jaw-dropping prejudicial commentary on the day of the officers' arrest from Mr Lander, and then police commissioner Gary Burns, before any of the charges were even laid, let alone fully tested in court. Indeed, the charges against the various officers from Sturt Mantle were changed 19 times between 2014 and 2019, including during their trial. How can persons mount a proper defence when the narrative keeps shifting with little or no notice? This adds to the emotional and financial costs of these proceedings.

Not one of the charged officers in Bandicoot was found guilty of the charges. Many of the original charges laid were withdrawn. Of those that did proceed to court, not one was proved, yet the lives of these officers, their reputations and careers have been destroyed beyond repair. There has been no commensurate announcement of the eventual outcomes, that charges were dropped, that charges were not capable of being proved, or the lack of evidence against these poor, unsuspecting, diligent police officers, who were absolutely vilified.

I have heard their stories of their treatment, and they are harrowing and most disturbing. Distressingly, some of those SAPOL Anti-Corruption Branch officers involved in the investigation still refuse to accept the acquittals and not guilty verdicts. The internal witch-hunt continues against two, resulting in enormous mental anguish for them. The same applies for the other officers, who simply want to resume the jobs they loved doing.

I, for one, am worried for them and their welfare, yet similar concerns are not forthcoming from SAPOL nor ICAC. SAPOL and ICAC still want their pound of flesh to justify the tens of millions of dollars they wasted on what should have been an internal disciplinary matter about proper recordkeeping, not criminal conduct and not abuse of public office.

The subsequent prosecution and trials were a farce. The behaviour of SAPOL's Anti-Corruption Branch was abominable and unlawful. It withheld vital evidence which showed far worse conduct taking place in other sections of the Sturt local service area, yet no action was taken. Searches were undertaken without the required general search warrant being executed.

When ICAC closed its book on the case after the arrests the director of investigations at the time declared that the storm of publicity Operation Bandicoot generated had the beneficial effect of acting as a deterrent—in other words, scaring the bejesus out of police officers and public servants—yet they were still to prove their charges. Had it not been for my select committee, this appalling case of injustice, along with others we have heard, may have never come to light. This bill contains remedies and protections for such circumstances, but I will come back to them later.

Here is another glaring example of a disturbing guilty-until-proven-innocent attitude demonstrated by ICAC investigators. Mr Andrew Baker, the ICAC chief investigator in the matter involving former Renewal SA chief executive John Hanlon, wrote an email in September 2019 to a potential witness in Germany with the anticipation that they would provide evidence to support their belief. The email from Andrew Baker went something like this, and I quote, 'The matter we are investigating concerns what we believe'—

The PRESIDENT: The Hon. Mr Pangallo, I am reluctant to interrupt you, but just be careful in the way you relay evidence that may have been given to the select committee, because the current standing orders are very specific about that.

The Hon. F. PANGALLO: This has not been given to the select committee, Mr President.

The PRESIDENT: Just be careful that you do not get into that territory, and—

The Hon. F. PANGALLO: No, I have not, and I do not intend to get into that territory.

The PRESIDENT: Okay, proceed, thank you.

The Hon. F. PANGALLO: I will go back. The ICAC chief investigator in the matter involving former Renewal SA chief executive John Hanlon wrote an email in September 2019 to a potential witness in Germany with the anticipation that they would provide evidence to support their belief. The email from Andrew Baker went something like this, and I quote:

The matter we are investigating concerns what we believe is a fraudulent trip conducted by John Hanlon.

By 'what we believe', Mr Baker was asserting it to be true, even before any evidence had been found and any of ICAC's claims had been tested in court. I do not know if Mr Baker worked as a senior detective in SAPOL or whether he was one at all or if he had any legal or investigative training prior to his assuming his senior ICAC role, but you would not expect to see such sloppy language coming from a former policeman in correspondence to a total stranger he has not met or who had no knowledge of Mr Hanlon or ICAC itself.

The public stain of public allegation or assertion of corruption from a body like ICAC is one of the most severe penalties you can inflict on an innocent person. It is also the most difficult, if not impossible, to remove. Just ask Mr Hanlon or any one of those eight police officers from Sturt Mantle or others that have been acquitted of corruption charges who have been unable to rebuild their shattered reputations, like Dr Jurgen Michaelis, who was in charge of a lucrative investment unit for the state government only for it to collapse after a vexatious and ultimately false complaint to ICAC. It cost him and our state dearly—more than \$300 million in lost opportunities. Dr Michaelis said it could have been avoided in a matter of minutes if the previous commissioner, Mr Lander, had just taken the time to listen to him.

There have been those who have taken their lives and attempted suicide because of ICAC investigations. One was Chief Superintendent Doug Barr, a highly decorated and respected senior police officer who for some time had no idea of what wrong he was alleged to have committed. The stress on him and his family was enormous. It proved too much and, sadly, he took his life awaiting a prolonged outcome from Mr Lander. His death was conveniently hushed up. Chief Superintendent Barr's distinguished career involving notorious crimes, including the brutal attack on two backpackers at Salt Creek in 2017, went unacknowledged publicly as it deserved.

A few weeks later, the family received ICAC's final report. In a cruel twist of timing, it arrived on their doorstep on Christmas Eve, their first without him. It cleared him of any wrongdoing. The accusation was merely a supposed conflict of interest, which could have been addressed internally. The report was dated 10 October, eight days before Chief Superintendent Barr took his life. Had he received it earlier perhaps the outcome might have been different. There were no condolences attached for their distressing loss.

Therefore, reparation and remedies must be included in this bill, so too oversight. One of the most significant changes is the expansion of the role of the reviewer, to be known as the Office of the Inspector. The inspector will be appointed by the Governor after qualified candidates are submitted by the Attorney-General for consideration by the Statutory Officers Committee. There will also be a deputy inspector to assist in the execution of the inspector's duties.

It was the Crime and Public Integrity Policy Committee's view that the work of the inspectorate should be proactive as well as reactive to complaints or reports of the actions of the officers it has oversight over. The inspector will conduct annual reviews examining the operations of the Office of Public Integrity and the Independent Commission Against Corruption, investigate complaints and conduct investigations on the inspector's own motion or at the request of the Attorney-General or the Crime and Public Integrity Policy Committee.

Reports on reviews must be provided directly to the parliament. The inspector will have sweeping powers to carry out their reviews, consistent with similar agencies in other states. The inspector will ensure that the significant authorities given to ICAC and the OPI are exercised within the law. A review will mean any matter arising from the conduct of the commission, the commissioner, the deputy commissioner and their employees. There are also provisions for the inspector to recommend remedies, including compensation, where individuals have suffered severe undue prejudice to their reputations.

The current reviewer's scope for investigating complaints against ICAC and the OPI is extremely limited. Currently, it comprises the Hon. John Sulan and an office assistant and is therefore under-resourced to undertake complex investigations. This new office would address the concerns of those who maintain there has not been proper accountability and oversight of ICAC from its operations, which has been highlighted in evidence heard by the select committee into reputational harm and damage caused by ICAC investigations or other matters that have been brought to my attention. I call this evidence that has been ignored wilful blindness, and something needs to be addressed here. Something is rotten, and it needs to be attended to.

Furthermore, this bill makes the Office of Public Integrity a separate entity that will no longer report to ICAC. Its role will be to receive and assess complaints about public administration from the public, as well as assess reports about corruption, misconduct and maladministration. Matters of serious corruption would be referred to the ICAC, while others are forwarded to inquiry agencies like SAPOL, the Ombudsman or the Auditor-General. An annual report must be provided to the parliament before 30 September each year.

With extraordinary powers at its disposal, the commission's focus will now need to be on far more serious corruption. Presently, the bar is set so low that even innocent mistakes in public administration—something as trifling as a speeding offence—can be viewed as corrupt or an abuse of public office.

At a recent meeting the Crime and Public Integrity Policy Committee had with the current ICAC commissioner, the Hon. Ann Vanstone QC indicated that the commission would concentrate on corruption cases and that she would personally oversee briefs to the Director of Public Prosecutions. She is a highly skilled prosecutor.

One of the more contentious issues, as supported by evidence provided to the Crime and Public Integrity Policy Committee, has been ICAC's direct involvement with the Office of the DPP and in the laying of charges. I have spoken with present and former MPs who took part in the original debate on the ICAC Act in 2012, and it remains their view that parliament had never intended for ICAC to bypass police when it came to laying charges. Referring matters directly to the DPP will not be permitted in this bill. The ICAC commissioner will be required to prepare briefs for the police.

The bill contains important protections on the disclosure of an investigation. Coupled with the enormous stress an ICAC investigation presents to all concerned, including those in the workplace who may not be the subject of the investigation, the prohibition of disclosure, which may or may not have a basis in fact, carries dire consequences, is draconian and has a detrimental effect on the mental health of individuals to the point where, as I have just outlined, there have tragically been suicides and attempted suicides.

While the bill ensures strict confidentiality surrounding an investigation remain in place, persons can seek exemptions and authorisations from the ICAC commissioner or director of OPI to disclose a summons to close family members, legal practitioners, doctors and psychologists. They will not commit an offence if it has been authorised or anything that is said in any proceedings to which parliamentary privilege applies. However, any public statements made by the ICAC, OPI and the minister must not:

- disclose that an investigation is about to start or is ongoing;
- disclose that persons have been referred for further investigation and potential prosecution; or
- refer to any matter related to an investigation that is current and ongoing and not be in the form of a report on an investigation whether it is ongoing or completed.

These safeguards are designed to prevent damaging public statements that would suggest criminal or civil liability without any charges being laid. The reforms I am proposing are not intended to weaken the role of our integrity agencies. On the contrary, they are carefully considered amendments based on the recommendations made by the Crime and Public Integrity Policy Committee, provided to the Attorney-General some 10 months ago. They are intended to improve the performance and standing of the integrity agencies in the community and give the public confidence and trust in them.

I would like to acknowledge the input and assistance from my colleagues on the Crime and Public Integrity Policy Committee: the Hon. Tom Koutsantonis, the Hon. Justin Hanson, Mr Dan Cregan MP, Mr Steve Murray MP, and former members the Hon. Dennis Hood and the Hon. David Ridgway. I would also like to acknowledge members of the select committee on ICAC harm and reputational damage: the Hon. Russell Wortley, the Hon. Justin Hanson, the Hon. Tammy Franks, the Hon. Nicola Centofanti, the Hon. David Ridgway, and we welcome a new member, the Hon. Heidi Girolamo.

I commend the bill to the chamber and give notice that I will be putting this bill to a vote on 22 September.

Debate adjourned on motion of Hon. J.E. Hanson.

Motions

NOTICES OF MOTION, PRIVATE BUSINESS

Notices of Motion, Private Business No. 5: Hon. J.A. Darley to move:

That he have leave to introduce a bill for an act to amend the Emergency Management Act 2004.

The Hon. J.A. DARLEY (17:04): Mr President, I will not be proceeding with this notice of motion.

Notice of motion withdrawn.

AFGHANISTAN

The Hon. C.M. SCRIVEN (17:05): I seek leave to move Notice of Motion No. 7 standing in my name in an amended form.

Leave granted.

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

That this council—

1. Acknowledges the more than 26,000 Australians who served in Afghanistan and mourns the ultimate sacrifice 41 Australian soldiers made while serving our countries;
2. Supports the people of Afghanistan during this difficult time and acknowledges the sacrifices made by many Afghan people over the last 20 years working with Australian and NATO partners to help free Afghanistan from the Taliban;
3. Supports and commits to work with the local Afghan community of South Australia and provide assistance where appropriate;
4. Calls on the Morrison government to implement the following actions:
 - (a) immediately grant all Afghan nationals who are already in Australia on Safe Haven Enterprise visas (SHEVs) and Temporary Protection visas (TPVs) a path to permanent residency and ultimately Australian citizenship;
 - (b) subject to all necessary security and health checks facilitate migration to Australia of Afghan residents (including their families) who have worked with or assisted Australian

- Defence Forces or consular personnel in Afghanistan, in recognition of their service to Australia;
- (c) immediately announce a humanitarian refugee visa program for Afghan ethnic minorities, such as the Hazaras and advocates for women's rights and human rights, journalists and other activists at risk due to Taliban rule; and
 - (d) prioritise and increase the number of Australian family reunion visas for Afghan Australians.

It is hard to describe the trauma being experienced by thousands of Australians of Afghan heritage at this time. The situation in Afghanistan is heartbreaking. Thousands of people are trying to escape the country, desperate to flee the Taliban. Many Afghan Australians escaped here because of firsthand experiences of the horrors of the Taliban. They escaped here to save their lives, but they are now witnessing their spouses, their children, their parents, their friends being stranded in Afghanistan and desperately trying to flee.

We have all seen the images of packed aeroplanes, people crowding to get on and not making it. We have heard direct accounts of beatings, reports of women being forced out of work and education, reports of random executions. Afghan people who assisted the allied forces in any way are particularly at risk. These are people who worked with Australian forces to help free Afghanistan from the Taliban, people who helped to uphold democracy. Ethnic minority groups, including the Hazara people, are also in particular danger, as are advocates for women's rights and human rights, journalists and other activists.

We have heard many tragic stories. Razia is a citizen who fled the Taliban 14 years ago. Her sister and mother are alone in Kabul, unable to even leave the house now and get food. The Taliban are back, driving around their district looking for women. Razia's mum and sister are only in Afghanistan as they have been waiting for over four years for the Morrison Liberal government to process their visas.

Abdul is an Australian citizen. He is in Kabul with his pregnant wife and their two-year-old Australian child. He is only in Afghanistan because he has been waiting for three years—three years—for the Morrison Liberal government to process his wife's visa. He eventually had his visa granted, but has been beaten while trying to get to the airport to leave.

Here in Australia there are more than 4,200 people who have been deemed to be genuine refugees but have no path to permanent residency and ultimately to Australian citizenship because they are on temporary protection visas. Some of them have been on these temporary visas for years, which means they have a permanent fear of being sent back to Afghanistan.

The Prime Minister and the foreign minister have said that no-one will be sent to Afghanistan 'at this time'. These comments are welcome, but they are not enough. Saying 'at this time' is not enough. Saying 'at this time' is not certainty for people who fear for their lives if they are sent back.

Australians have a proud record of compassion and welcoming those in peril. People who are already here, who have been deemed already to be safe and appropriately residing in Australia, should be able to access permanent residency and then citizenship. They are already assessed as genuine refugees. They have nowhere else to go. As the Leader of the Opposition said this week: it is our collective responsibility to put pressure on the decision-makers in Canberra who can help this cause.

Our Afghan community in South Australia is around 8,000 people, with more than 300 in the Limestone Coast. Many live in and around Bordertown and Naracoorte, and both towns held vigils last weekend for the terrible situation we are seeing in Afghanistan. I commend everyone involved in those vigils. Well done. They are important shows of support for our Afghan community locally, and they complement the vigil that was held in Adelaide on Saturday which was attended by many, including the Leader of the Opposition.

We also honour our veterans, the 26,000 Australians who served in Afghanistan, and the families and communities that support them. This is an incredibly difficult time for many of them also, and we mourn the 41 Australian soldiers who made the ultimate sacrifice while serving our countries.

Statements of support are important, but actions are vital. That is why we are calling on the Morrison government to immediately take action to support Afghan Australians and their families. Their fears are real. Our responses should be genuine. They deserve no less.

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

COVID-19 RENTAL AFFORDABILITY

The Hon. R.A. SIMMS (17:12): I move:

That this council—

1. Notes the six-month extension to the short-term moratorium on eviction for non-payment of rent due to severe rental distress as a result of COVID-19 is due to expire on September 1;
2. Recognises that the pandemic continues to pose a serious threat to the security of South Australians;
3. Calls on the Marshall government to immediately:
 - (a) guarantee that no South Australian renter will be evicted into homelessness, by extending the moratorium on eviction;
 - (b) waive all rental debt accrued by renters impacted by COVID-19; and
 - (c) introduce permanent rent caps to limit annual rent increases.

This is a motion calling on the government to extend the moratorium on evictions for non-payment of rent due to severe rental distress as a result of COVID-19. It is also calling on the government to guarantee that no South Australian renter will be evicted into homelessness, by extending that moratorium; to waive all rental debt accrued by renters impacted by COVID-19; and to introduce permanent rent caps to limit annual rent increases.

You may recall back in May, shortly after my appointment to this parliament, I moved to extend the moratorium on evictions and rent hikes for 12 months. Unfortunately, it was only the Greens that supported that, but the government did agree to extend the moratorium until September. We now have a ticking time bomb when it comes to rental affordability that, I think, is going to explode next month unless the government takes action.

I am very concerned about the welfare of South Australians who are experiencing rental stress, who may find themselves evicted next month if the government does not step in and help them. My view is that this government has a responsibility to help the most vulnerable people in our community during this once-in-a-century pandemic, during this once-in-a-century economic crisis.

Sadly—and I think we all hoped we would not still be in this position as we enter into the second half of this year—the impact of COVID-19 is still being felt: the health impacts, but also the significant economic impacts that have destroyed many of our local businesses and are continuing to impact on the capacity of South Australians to make ends meet.

We know that South Australia has a significant shortage of affordable housing. That has been magnified by the failure of the Liberal government to invest in social housing at a state level as part of their budget, but it has also been exacerbated by the failure of the Liberal government in Canberra to invest in social housing and to provide any support for some of the most vulnerable people in our community.

They gave a short-term increase to JobSeeker last year. The Greens welcomed that, but they should be making that increase permanent. If you are somebody who is single and you are trying to live on JobSeeker—and I say trying to live on JobSeeker because it is woefully inadequate—there is not a single property that you can afford to rent in South Australia. Anglicare did a report on this and that is what they found. There is not even one place that you can afford to rent. That is an outrage. It is an indictment on this state Liberal government that they have not taken action to address this housing affordability crisis.

That is what the Greens are calling on them to do today by calling on my colleagues in this chamber to support this motion so that we can get the government to step up and show the leadership that we desperately need on this crisis. We cannot afford to see vulnerable South Australians being cast onto the street. We know that if you move out of a tenancy and you find yourself homeless, that

can set you on a long-term path of homelessness. That is not what we want for vulnerable South Australians, and the government needs to take action.

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

CLIMATE CHANGE

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

That this council—

1. Notes with deep concern the sixth assessment report of the Intergovernmental Panel on Climate Change;
2. Recognises that land temperatures have already warmed by 1.4° Celsius and that we will likely reach a dangerous 1.5° Celsius of warming before 2030;
3. Recognises that globally we have reached 1.09° Celsius of warming and will likely reach 1.5° Celsius of warming in the early 2030s;
4. Acknowledges that if we exceed 1.5° Celsius of warming it means we will lose the Great Barrier Reef, experience more frequent and intense heatwaves, see more extinctions of plants and animals, have widespread and sustained drought, more extreme weather events, and catastrophic bushfires will be the norm; and
5. Affirms that it is not too late to act, but that the window for doing so is rapidly closing.

On 9 August this year, we saw the release of the IPCC sixth assessment report. I think it is safe to say that for those of us who even just glanced at it—and I will admit it is a large tome, so I have not read the whole thing yet—particularly in the midst of all this grim pandemic news, it painted a harrowing picture of the future should we fail to act on climate change.

The report is unequivocal: human influence has warmed the climate at a rate that is unprecedented in the last 2,000 years. Most of us here are very aware of this fact and have been for some time. This report presents us with something newer, and given our continued insistence that we must act on climate change to provide a safe world for our children, it is something that we need to acknowledge and act on with urgency. Climate change is already affecting every inhabited region across the globe, with human influence contributing to many observed changes in the weather and climate extremes.

The report is a collection and reflection of five years of painstaking work, involving 234 leading scientists from more than 60 countries rigorously assessing more than 14,000 research papers. Land areas in Australia have warmed by 1.4° Celsius between 1910 and 2020. Annual temperature changes have emerged above natural variability in all land regions.

Heat extremes have increased and cold extremes have decreased, and these trends are projected to continue. The report also identifies that relative sea levels have risen around Australia at a rate higher than the global average in the last few decades, and shorelines have retreated. This is projected to continue, with increased coastal flooding and shoreline retreat forecast.

Since 1950, the frequency of extreme fire weather days has increased, and the fire season has become longer. The intensity, frequency and duration of fire weather events are projected to increase. It is difficult to imagine fire seasons worse than the ones we have seen recently and certainly the one we saw in 2019-20, but when we look at those pictures from Greece we realise that is the reality we face without quick and serious action.

We are also predicted to face and already have seen increases in marine heatwaves and ocean acidity, particularly with enhanced warming in the East Australian Current. All of this, of course, is bad news for coral reefs. For South Australia specifically, the report warns that there has already been an observed decrease in rainfall and an increase in agricultural and ecological droughts. This is only projected to get worse and the report highlights in particular that the significant rainfall decrease is attributable to human influence.

The news is also not good for our cities, which are hotspots for the urban heat island effect. Re-greening our cities and suburbs is a vital task in protecting them from rising temperatures, with some cities predicted to become unlivable in the summer months without urgent action. But it is not the only solution. The clearest message of all coming from this report is that it does not have to be

this way. We should feel anger and grief over what we have already lost through decades of ignored warnings, but we cannot let that define what we do next.

We need to create hope, and it is not too late to prevent runaway climate change. It is not even too hard. We know what we need to do, and we have for some time, we just need to commit to actually doing it. Australia has the capacity to be a world leader in climate action and renewable energy, phasing out coal and building a renewable energy economy that exports clean energy to our world. We need to cut emissions by around 45 per cent by 2030, and to around net zero by 2050.

These need to be real cuts, not creative carbon accounting and not weasel words, because without this action we are unlikely to keep global warming below 2°Celsius, and it is already incredibly difficult for us to keep warming below 1.5°Celsius. We will not be able to keep warming below that 1.5° without strong action to reach net zero emissions before 2050. The latest emission predictions released by the federal government in December last year show that we are well behind on that path to net zero by 2050.

We need to act faster. For 40 years, almost my entire life, we have been saying that we must act to protect the future of our children, and for 40 years we have failed to do so in a way that meaningfully addresses the problem. We are running out of other people's futures to hypothecate about, to burn as climate change encroaches on all our lives even now.

A leaked draft of the IPCC report revealed that global greenhouse gas emissions must peak in the next four years, and that coal and gas-fired power plants must close in the next decade to avoid climate breakdown. Stranded assets will be a growing problem as coal-fired and gas power plants with working lives usually measured in decades will have to be decommissioned within nine to 12 years of construction, and that is what the report finds. The scientists echo the recent advice from the International Energy Agency that no new fossil fuel development can take place if the world is to stay within that 1.5°Celsius of heating.

We know that some of these changes are baked in already. We have seen this as temperatures continue to rise and as fire seasons and droughts increase in their intensity, but we can still prevent a lot of the most serious impacts of climate change, of greatly increased temperatures, and we must act now. What does acting now look like? For starters, it means we need to seriously acknowledge our current situation. We are already seeing the effects of climate change today, and the best time to act was actually decades ago. Of course, the next best time to act is right now, today.

When we take action—and I want to be clear that we need to take action and hold those to account who are most responsible for pollution, for emissions—this means that we need to target the big polluting corporations, the ones who have spent decades trying to bury the science of climate change, the ones who have spent decades trying to shift the blame. We cannot let those big corporations continue to lay systemic issues at the feet of individuals.

You can use as many keep cups or reusable shopping bags as you like, but it will not change the fact that, on several occasions this year alone, the ocean was on fire. It was on fire because of ruptured oil and gas pipelines. It will not change the fact that 100 companies are responsible for 71 per cent of emissions. Further, half of global industrial emissions since 1988, the year that the IPCC was established, can be traced to just 25 corporate and state-owned entities. Eco-friendly personal choices are great. I do not want to discourage those, but on their own they are not nearly enough. We need collective action. We need it now and we need it at every level in our society, from local to global.

What is even more difficult to stomach is that one-fifth of industrial global greenhouse gas emissions are backed by public investment. To quote Tim Hollo, the director of The Green Institute, 'It is dangerous nonsense for both major parties to try to have this planet and heat it, too.' We need to decouple the vested interests of the fossil fuel lobby from politics. We need to end their dirty donations and we need to stop investing in fossil fuels.

We need to stop approving new fossil fuel projects, and we need the two major parties to stop clinging to these fossil fuels while spruiking a clean, green image for South Australia and for Australia more broadly. By ending the influence of fossil fuel giants and their lobbyists, we can

transform Australia's energy system from one of the oldest and dirtiest in the world to one of the cleanest and smartest. I am disturbed that our Prime Minister, Scott Morrison, continues to say that Australia's response will be led by technological change. What technological change he refers to is unclear at best and fictitious at worst, with a focus apparently on hydrogen and 'carbon capture' technologies.

Hydrogen, for example, if not done sustainably, can be a disaster for emissions. Blue hydrogen is a perfect example of this. It is derived from methane in natural gas and has previously been touted as a better alternative because the production emissions are captured and stored deep underground. However, new research indicates that this energy alternative could be worse than burning coal.

In addition, carbon dioxide is a by-product of blue hydrogen production and, while the plan is to capture and store the gas, the question remains as to what to do with that supply in the future. That is a connected problem to that of carbon capture sequestration in general—a failing technology that is at the core of the fiction that we can continue to use fossil fuels while keeping the global temperature rise below 2°.

CCS projects have encountered failure for three key reasons, according to the latest research. These are high capital costs, low levels of technological readiness and a low credibility of project revenues. The more successful projects have been monetising the carbon captured by pumping it into oil wells to extract more fossil fuels, which is something highly questionable in terms of its CO² removal effectiveness.

I could go on, of course, but what it comes down to is this: we already know what works, and we already have the technologies we need to transition into a sustainable renewable future, a future where we do not warm our planet by more than 1.5°. In fact, South Australia has led the way before and should continue to do so, with continued investment in renewables, such as solar, wind and green hydrogen. Accompanied by battery technology, we can end our reliance on fossil fuels and transition to a sustainable, renewable economy that is safe for the climate and creates and transitions jobs into green industries.

We have everything to gain by acting on climate change. We have taken baby steps so far, but now it is time to really leap into action. People are waiting on us as parliamentarians to act. We have, of course, seen the hundreds of climate rallies over the last few years and the petitions and the emails. We have seen kids skipping school to make a point and to fight for their future, organising with their peers and communities to take action.

In the absence of federal leadership, communities across Australia are stepping up to fill that void. More than 100 jurisdictions throughout Australia have declared climate emergencies across metro, regional and rural communities, and of course we know that in this very council, in this chamber, we have done so as well, and I commend the member for Port Adelaide for her leadership on this issue in the other place this week.

There are now thousands of different communities of climate action. Those who have intentionally slowed and stopped climate action for decades are now finding that the tides are turning against them. Globally, markets are dramatically shifting away from fossil fuels, and this is largely because regular people continue to find new ways to challenge these corporate giants, whether it is through the courts, through boardrooms, through AGMs or through the ballot box: it is not too late to ensure a safe climate for all of South Australia, and it is not too late for us as parliamentarians to support the people we are supposed to represent, and to magnify their action and passion. We must lift our ambition and we must live our ambition as well.

I would like to leave today with this quote from Dr Joëlle Gergis, an award-winning climate scientist based at the ANU, and one of the scientists who contributed to the IPCC report. That quote is:

Being part of a group of scientists from every corner of the world, working together to try to avert disaster at this critical moment in human history, changed my life. It taught me that when we align behind a collective vision guided by strong leadership—no matter how insurmountable these challenges feel—anything is possible.

Ultimately, we only really have one choice to make—to stay connected with people that restore our faith in the goodness of humanity, or fall into an abyss of cynicism and despair. It really is as simple as that. You can choose

to be a person that restores someone else's faith in humanity and do what you can, where you can, even when all feels lost.

Because once despair has passed, we need to remember that there is still so much worth saving. How bad we let things get is still up to us—the apocalypse is not a done deal.

I commend the motion to the council.

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

AFGHANISTAN

The Hon. T.A. FRANKS (17:32): I move:

That this council—

1. Calls on the federal government to provide immediate assistance to Afghan people both on the ground in Afghanistan and by providing protection here in Australia;
2. Calls on the federal government to offer permanent protection visas for up to 20,000 people from Afghanistan who are at risk of persecution from the Taliban; and
3. Acknowledges that Australia's actions have contributed to the growing threat to many Afghan people from the Taliban, and that we have a moral obligation to provide aid and sanctuary to the people who will suffer as a result.

I rise to speak on this motion today. As I do so, I am sure that mine is not the only heart that is breaking as we all watch the situation in Afghanistan unfold. The situation at and around Kabul airport is extremely dangerous and unpredictable as people try to access evacuation flights. This motion, and I hope this council, calls on the federal government to provide 20,000 permanent protection visas in addition to Australia's annual humanitarian intake for Afghan people with a well-founded fear of persecution by the Taliban in Afghanistan.

These visas are crucial to protect women, human right's advocates, LGBTIQ+ people, alumni of Australian universities, journalists, Afghan government workers and people from ethnic and religious minorities previously persecuted by the Taliban. Australia must act now as a good global citizen and do what we can to support people on the ground, especially those women and girls who are facing a massive curtailing of their rights, living through this dire situation.

Even in the interim we should be issuing bridging visas to allow people to get out, to help Afghan people who have fought for Australian armed forces or consulates, partners of Australian permanent residents and citizens and people who have applied for humanitarian visas, so that they can at least have a chance to reach safety or to stay here in safety. Bridging visas can be granted in real time, effectively with the stroke of a pen. The time for substantive review of applications can come later. Our priority should be getting people to safety as quickly and as efficiently as we can.

The Australian government has for months ignored urgent calls for evacuation flights and visas for translators and diplomats, and now it may be too late to ensure their safety. We owe it to the people who helped us to now help them.

Like so many others, this morning I was both relieved and thrilled to hear that we have had that first plane full of families touch down at Adelaide Airport. We have been able to bring over 100 people to safety today, and I am hopeful that we are able to do much more.

We must also be supporting and sending aid on the ground in Afghanistan, particularly after further warnings we have received this morning that without urgent aid we are facing a humanitarian disaster, with approximately 14 million people—a third of the population—facing starvation. The United Nations World Food Program has warned that without additional funds they will start to run out of food in September.

We need to urgently take action, and Australia's 20-year involvement in Afghanistan has contributed to this moment. We must not abandon the people of Afghanistan at this moment. This crisis we are now in, we now see, is yet another example of how violent wars fail people. We saw it with Vietnam, and we see it now with Afghanistan. It is yet another reminder, a demonstration, of why we must find peaceful, non-violent solutions to increasing tensions. The cost of not doing so is far too high, and it comes with unacceptable human suffering.

In the face of this, accepting 20,000 humanitarian entrants and offering permanent protection for Afghan citizens in Australia is quite literally the very least we can do. I commend the motion.

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

Parliamentary Committees

COVID-19 RESPONSE COMMITTEE

The Hon. T.A. FRANKS (17:36): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

SELECT COMMITTEE ON HEALTH SERVICES IN SOUTH AUSTRALIA

The Hon. E.S. BOURKE (17:36): On behalf of the Hon. Ms Bonaros, I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO SA PATHOLOGY AND SA MEDICAL IMAGING

The Hon. E.S. BOURKE (17:37): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

SELECT COMMITTEE ON POVERTY IN SOUTH AUSTRALIA

The Hon. T.A. FRANKS (17:37): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

The Hon. I. PNEVMATIKOS (17:38): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

SELECT COMMITTEE ON REDEVELOPMENT OF ADELAIDE OVAL

The Hon. I.K. HUNTER (17:38): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

SELECT COMMITTEE ON FINDINGS OF THE MURRAY-DARLING BASIN ROYAL COMMISSION AND PRODUCTIVITY COMMISSION AS THEY RELATE TO THE DECISIONS OF THE SOUTH AUSTRALIAN GOVERNMENT

The Hon. K.J. MAHER (Leader of the Opposition) (17:38): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST

The Hon. I.K. HUNTER (17:39): On behalf of the Hon. Clare Scriven, I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

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

Orders of the Day, Private Business, No. 9: the Hon. R.I. Lucas to move:

Select Committee on the Effectiveness of the Current System of Parliamentary Committees: Report to be brought up.

The Hon. R.I. LUCAS (Treasurer) (17:39): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

**SELECT COMMITTEE ON DAMAGE, HARM OR ADVERSE OUTCOMES RESULTING FROM
ICAC INVESTIGATIONS**

The Hon. F. PANGALLO (17:40): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

**SELECT COMMITTEE ON STATUTES AMENDMENT (REPEAL OF SEX WORK OFFENCES)
BILL**

The Hon. T.A. FRANKS (17:40): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

**SELECT COMMITTEE ON CERTAIN MATTERS RELATING TO THE OPERATIONS OF THE
OFFICE OF THE VALUER-GENERAL**

The Hon. J.A. DARLEY (17:41): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

**SELECT COMMITTEE ON THE PRIVATISATION OF PUBLIC SERVICES IN SOUTH
AUSTRALIA**

The Hon. R.A. SIMMS (17:41): I move:

That the time for bringing up the committee's report be extended until Wednesday 17 November 2021.

Motion carried.

*Motions***WHITE ROCK QUARRY**

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Notes with concern the proposed expansion of the White Rock Quarry in Horsnell Gully and the impact that this will have on health, the environment and air quality for residents in the Adelaide Hills.
2. Notes the risks posed by the toxic respirable crystalline silica dust that is lifted into the air by blasting.
3. Further notes that the South Australian Environment Protection Agency (EPA) does not specify separation distances in their guidelines for the operation of quarries containing silicates, and where the activity includes blasting.
4. Calls on the Minister for Energy and Mining and the Minister for Environment and Water to heed the concerns of the Residents Against White Rock Quarry, and
 - (a) reject Hanson Australia's revised mine operations plan for the expansion of White Rock Quarry; and

- (b) amend the current EPA guidelines to ensure minimum separation distances from residential properties.

(Continued from 23 June 2021.)

The Hon. R.P. WORTLEY (17:42): I move to amend the motion as follows:

After 'Quarry' in paragraph 4(a) insert:

until it can assure local residents, the Department of Energy and Mining and the EPA that there will be no impact on the nearby natural environment and community amenity;

I rise to indicate the opposition's support for the motion and to speak to the amendment that has been filed to amend paragraph 4(a). The effect of our amendment is to insert the words 'until it can assure local residents, the Department for Energy and Mining and the EPA that there will be no impact on the nearby natural environment and community amenity' at the end of that paragraph. I move this amendment to the motion on the understanding that it has the support of the mover of the motion.

Labor supports the residents in their efforts to ensure proper process and a good outcome for the environment and the local community. I understand that the Deputy Leader of the Opposition, the member for Port Adelaide in the other place, met with locals to discuss their concerns and understood that there was some possibility that an agreement could be reached that would satisfy both Hanson Australia and locals. This is the reason for the amendment I have presented.

We live in a world with increasing conflict between residential, environmental and industrial land. The shrinking availability of land untouched by human activity, increasing populations and ever expanding mineral extractions means that we are more often facing situations like the one residents in Horsnell Gully and its surrounds now face. I would also like to congratulate the mover of the motion for putting this to the chamber.

Labor is certainly not anti-mining and most certainly not anti-jobs but, in an increasingly complex world and with the threat of climate change and biodiversity loss across the planet, we need to be more deliberate about what activities are suitable and where.

We need look no further north than northern Adelaide to see what can happen when mistakes are made or regulatory settings are not able to avert environmental disaster. The death of large tracts of incredibly important mangrove forest near St Kilda should never have occurred. If it were not for locals—in particular, a local scientist—we might not have known about the event until much later and after much more destruction.

Local communities know their area. They care about the native wildlife and the unspoiled beauty of their neighbourhood. For those who live in the Adelaide Hills especially, this is often what drives them to move there. We should heed their calls, listen to their concerns and ensure that we have the best possible regulatory settings in place when making decisions on the appropriateness or otherwise of these types of activities. With that, I reiterate our support for the amended motion.

The Hon. T.A. FRANKS (17:45): I rise to speak very briefly in support of the motion moved by my colleague, the Hon. Robert Simms. I have spoken previously about the Greens' concerns regarding the proposed expansion of the White Rock Quarry in Horsnell Gully, but I think it is worth reiterating today just why it is so important that we ensure that this proposed expansion, if it is to go ahead, is safe for the environment and for the local community.

Let's remember that White Rock Quarry is not just a quarry. The site is used to manufacture concrete and recycle construction and demolition waste as well. There are all sorts of materials and pollutants and dust being processed incredibly close to residential areas. Let's also not forget that this company is already in breach of its current licence due to the pollution of Third Creek. If Hanson Heidelberg Cement Group cannot avoid this scale of pollution while the quarry is at its current size, how will they manage pollutants following a 400 per cent expansion? A 400 per cent expansion is just not viable if they cannot manage the quarry at its current size.

Particularly following the winter rains, the difference in the water coming from the quarry was incredibly distinct and visibly different from the water entering the creek from other sources. The water from the quarry resembled thick yellowish sludge as it was deposited in Third Creek, from

which it is flushed directly into the Torrens. Horsnell Gully, which White Rock Quarry is situated in, is also nestled in between Morialta Conservation Park, Horsnell Gully Conservation Park and Giles Conservation Park, serving as a critical wildlife corridor for local species. The expansion of this mine threatens to significantly narrow this wildlife corridor, and of course that is just one of the key concerns.

Another concern is the impact that the expansion of the quarry could have on health, as it produces respirable crystalline silica, known as RCS. This is a substance known to cause silicosis, the new asbestosis. There are 17 properties already within that 500-metre range of the White Rock Quarry activity boundary. The proposed expansion would push that out to 50 homes. Let's consider this in the face of the fact that, according to the Cancer Council, there are no known safe levels of RCS inhalation.

I commend my colleague for bringing this motion before the council and I welcome the support of the Labor opposition because it is absurd that private mines are now still somehow allowed in this state of ours to operate right up to the boundary of private homes. Residents are rightly concerned about the impacts of the dangerous dust produced by these mines and the impact they could have on them and their families. We know that exposure to silica dust in particular can lead to the development of lung cancer, silicosis, kidney disease and chronic obstructive pulmonary disease. Why are we needlessly exposing people to this? Why are we allowing miners to endanger residents' health?

As I have highlighted before, there is very little data or information available on the health impacts of exposure to particles if you are living near a quarry. I urge the government to listen to the concerns of local residents and to reject Hanson Australia's revised plan for the expansion of White Rock Quarry. This plan goes deeply against the community's interests. I commend the motion.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:49): I rise on behalf of the government to respond to the motion. The government will not be supporting the motion, because the motion misunderstands the Mining Act and prejudices the assessment process, which is already underway. The motion and the associated bill to amend the Mining Act 1971 fail to acknowledge the requirements that are already in force under existing legislation and processes.

Potential environmental impacts of proposals need to be addressed for all quarries and mines in South Australia, whether regulated as a private mine or an extractive mining lease. Impacts on people and communities, including health and safety, are required to be addressed. Science and evidence-based assessments of potential impacts are considered in determining separation distances.

The motion and the Hon. Robert Simms' private member's bill have been brought in response to the proposal to expand the White Rock Quarry. Many quarries in Adelaide, including the White Rock Quarry, predate the residential areas that now surround them. The Department for Energy and Mining is legally required to assess applications proposing to expand quarrying operations, and the Environment Protection Authority is legally required to consider the evaluation distances for effective air quality and noise management.

Recommended evaluation distances between certain activities and sensitive receivers (such as houses) may trigger the need for a more detailed assessment, different design and management measures to reduce air quality impacts. The characteristics of different sites, such as topography, design, scale of quarrying operations and management measures, mean the level of impact can vary significantly, making it inappropriate to impose a minimum one-size-fits-all separation distance. Instead, regulators need to undertake individual assessment of environmental impacts based on site-specific details using science and evidence-based decision-making.

Many issues have been raised by the community, including concerns about dust (especially respirable crystalline silica), noise, vibration, light pollution, water contamination, decreases in property values, biodiversity, truck movements and public safety, loss of Hills Face Zone and the loss of a cave that may have cultural significance.

The government is listening to the community. All these specific concerns raised by community members are established components of the government assessment process. The

government is getting on with the process. The Department for Energy and Mining has issued a request for further information from Hanson. That was issued on 27 July 2021 and is publicly available on the Department for Energy and Mining website.

Hanson must clarify the scope of their proposed operations and provide risk analysis and evidence relevant to that scope. Hanson must submit a revised mine operation plan for reassessment before any extension of the current operations will be considered. Any revised mine operation plan submitted by Hanson will be subject to technical review by the Department for Energy and Mining, the Environment Protection Authority, the Department for Environment and Water, SA Health and SafeWork SA.

The government is not inclined to support the amendment, in particular because it narrows the range of factors that should be considered or the number of agencies that should be engaged in the process. The opposition amendment would discount any input from the Department for Environment and Water, SA Health and SafeWork SA. The government believes that would make it a less robust process and we oppose that move.

The government is addressing the concerns of the community. The government considers the established regulatory framework works to ensure robust assessment of proposals, and if this proposal proceeds will ensure that it is subject to fit-for-purpose management of impacts that protect the environment, health and safety of the community.

The Hon. R.A. SIMMS (17:53): I welcome the support of the Labor Party for this motion and, as the Hon. Russell Wortley indicated, I am supportive of the amendment that has been circulated by the Labor Party.

I welcome the fact that the Department for Energy and Mining is currently in the process of considering the application regarding White Rock Quarry and has sent that back for resubmission within six months and advised that the MOP will need to undergo another comprehensive assessment. That is welcome, but it really is just a stay of execution in terms of this project.

We need to knock this on the head, and that is what this motion does. It sends a very clear message to the government and also to the Hanson mine that they cannot proceed with a project that is going to have such a deleterious impact on our environment and on community health and wellbeing.

Make no mistake: if this mine expansion is able to proceed, then these kinds of expansions will be much more commonplace within metropolitan South Australia. They will be coming to a neighbourhood near you. Any resident who is concerned about community health and wellbeing will have reason to be concerned about the White Rock Quarry expansion, because really it is setting a precedent for what happens with private mines that are backing up against housing and impacting on community amenity. With that, I commend the motion to the chamber.

Amendment carried; motion as amended carried.

INTERNATIONAL DAY AGAINST HOMOPHOBIA, BIPHOBIA, INTERSEXISM AND TRANSPHOBIA

Adjourned debate on motion of Hon. I.K. Hunter:

That this council—

1. Recognises 17 May as the International Day against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT);
2. Acknowledges that Monday 17 May 2021 marks 31 years since the World Health Organization removed homosexuality from the classification of diseases and related health problems;
3. Condemns the ongoing discrimination faced by lesbian, gay, bisexual, transgender, intersex and queer South Australians;
4. Opposes anti-LGBTIQ conversion practices, recognising the significant and lasting damage they cause to the health and wellbeing of LGBTIQ people; and
5. Commits to working toward acceptance and inclusion of all LGBTIQ people.

(Continued from 12 May 2021.)

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:57): I am grateful for the opportunity to make some remarks in relation to this particular motion, and I thank the Hon. Mr Hunter for putting it on the *Notice Paper*. The International Day against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT) was launched on 17 May 2004. The date that was chosen was for that occasion 31 years ago when the World Health Organization removed homosexuality from the classification of diseases and related health problems.

IDAHOBIT celebrates LGBTIQ+ people globally and raises awareness of the work still ahead to combat discrimination. In South Australia, since 2014, to celebrate IDAHOBIT the state government has traditionally provided a free breakfast on 17 May for the community, hosted by the Department of Human Services. Unfortunately, last year, due to the pandemic, the event had to be held online.

This year, the Marshall Liberal government has again provided funding to the South Australian Rainbow Advocacy Alliance (SARAA) to support the LGBTIQ+ community to lead an after work event at U City with poet and Aboriginal health educator Dominic Guerrera as a guest speaker, with refreshments and entertainment provided.

I would like to provide some information as a bit of an update for the chamber on some of our initiatives in a moment. Before that, however, I will provide some information in relation to paragraph 4 of the motion, which relates to conversion practices, about what work has been taking place by SA Health.

Conversion therapy is the practice of trying to change a person's sexual orientation by using coercive psychological, physical or spiritual interventions. It has been performed by a range of people under various hats, including professionals, priests and church ministers and even life coaches and counsellors. The Chief Psychiatrist has made it clear that this practice is outside the scope of therapeutic practice in all SA Health state-funded public mental health services, and this message has been communicated to health service clinicians working in these services.

In December 2019, the Chief Psychiatrist issued an internal memorandum to all public mental health services regarding the inappropriateness of gay conversion therapy, seeking confirmation that it was not provided, and all local health networks have confirmed that they do not provide or support such a therapy. A number of health practitioner professional health bodies, such as the Australian and New Zealand College of Psychiatrists, the Psychological Society of Australia and the Australian Association of Social Workers, among others, formally recognise the harm this practice causes and acknowledge that it is not a therapeutic practice that anyone should endorse or provide.

In relation to some of the other initiatives which I think I have spoken about in this chamber before is the work of the South Australian Rainbow Alliance and the round table that the government held, I think in 2018, to commence some work to ensure that people in our rainbow communities are receiving services in an inclusive way and also to address a range of inequalities.

These come under a number of areas, that being wellbeing, in particular for children and young people, ageing and aged care, and health; safety, the Safe Spaces Program and domestic and family violence; equality, which covers invisibility and recognition, work and participation, law and policing; and capacity, which is regional and remote communities and overarching areas.

I will just provide some information about some of the work that has been taking place across government. Under the theme of Wellbeing for Children and Young People, there is some work that is led by the Department of Human Services to uphold the gender identity rights of children and young people that it works with. The Department for Education has also been involved in this space, as has the Department for Health and Wellbeing and child protection, the latter having recently published a practice paper to assist staff when they are supporting LGBTIQ+ children and young people in care and young people who are questioning their gender identity.

Under the theme of Wellbeing—Ageing and Aged Care, the Office for Ageing Well, in partnership with other organisations, has established eight Ageing Well Community Networks that provide safeguarding support and information to older people, including older LGBTIQ+ people. The Office for Ageing Well continues to support and roll out age-friendly customer service resources

and training to frontline state government services to improve the experience of all of their customers in an inclusive way.

The Office for Ageing Well and the Seniors Card are sponsoring the fourth National LGBTIQ+ conference and Better Together will be providing 100 free registrations to senior card members. I think this conference may have already taken place so this is written in a different tense.

The 'Creating LGBTIQ+ Inclusive Aged Care Services in South Australia' report was commissioned by the Office for Ageing Well to explore issues that impact on the rainbow community in the aged-care sector. The report focused on access to and the appropriateness of aged-care assessment processes and aged-care service provision for the community, and identified potential solutions for consideration.

The Equality Project is a national promotion organisation for the rainbow community and has partnered with the Office for Ageing Well to develop a seniors training model to raise awareness about the issues facing older people in the rainbow community.

Under Wellbeing—Health, the Wellbeing SA Strategic Plan has identified LGBTIQ+ as a priority for the work of the agency. It has a commitment to ongoing inclusion for participants in the co-design of My Home Hospital service which will include continuing to engage with people when developing policy strategies and frameworks, working on inclusion training and considering the most appropriate model, including Rainbow Tick accreditation or other models.

The Suicide Prevention Plan has been under development in collaboration with many cohorts, including the LGBTIQ+ community. The mental health services plan specifically refers to LGBTIQ+ communities. The Office of the Chief Psychiatrist Lived Experience Team has supported the introduction of a gender neutral Mx prefix in its mental health record system within SA Health. There has been training to ensure delivery of safe and effective services, especially trauma-informed care.

Under the theme of 'safety and safe spaces', the Department for Correctional Services is updating their policy response outlining the treatment and management strategies for prisoners and offenders who identify as transgender or intersex to provide safe places.

In relation to safety in domestic and family violence, SA Police is reviewing its gay and lesbian liaison officer role. As we are all aware, there were two bills that passed this parliament, the Statutes Amendment (Abolition of Defence of Provocation and Related Matters) Bill and the Spent Convictions (Decriminalised Offences) Amendment Bill. The government continues to support SARA in its role in improving issues related to invisibility and recognition.

Under the theme of 'quality work and participation', all state government agencies have developed diversion and inclusion strategies and actions that aim to reflect the diverse community the public sector serves and to build diversity and inclusion.

I might leave it at that. There are a few other points but, given the time this evening, I will just make those remarks about the actions that the state government has been involved in, in undertaking to support the intent of this motion.

The Hon. I.K. HUNTER (18:06): I would like to thank the Hon. Robert Simms and the Hon. Michelle Lensink, Minister for Human Services, for their contributions. I long for the day when I no longer have to—or no-one has to—move and debate motions such as this in the chambers of parliament, but that day is not yet here, certainly not in Australia.

The unfortunate reality is that homophobia did not end with the passage of the amendments to the Equal Opportunity Act in 1986 in South Australia. Homophobia did not end with the equalisation of adoption, IVF and surrogacy laws in South Australia in 2016. Homophobia did not end with the passage of marriage equality across the country in 2017. My god, was it that long ago?

We parliamentarians have a duty to reject the dangerous idea that LGBTIQ people can be fixed or changed. We have a duty to call out homophobia and to prevent harm to our young LGBTIQ community, harm such as conversion therapy. IDAHOBIT is a day once a year where we have an opportunity to reflect on how far we have come but also to commit ourselves to how we can do better

for our LGBTIQ community in South Australia, particularly the young, and for the future citizens of this state. I commend the motion and I look forward to its passage.

Motion carried.

ENVIRONMENT PROTECTION ACT REGULATIONS

Orders of the Day, Private Business, No. 36: Hon. N.J. Centofanti to move:

That the regulations under the Environment Protection Act 1993 concerning Mass Balance Reporting and Other Measures, made on 10 December 2020 and laid on the table of this council on 2 February 2021, be disallowed.

The Hon. N.J. CENTOFANTI (18:08): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

ENVIRONMENT PROTECTION ACT REGULATIONS

Orders of the Day, Private Business, No. 37: Hon. N.J. Centofanti to move:

That the regulations under the Environment Protection Act 1993 concerning Waste Depot Levy, made on 18 February 2021 and laid on the table of this council on 2 March 2021, be disallowed.

The Hon. N.J. CENTOFANTI (18:08): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

Bills

STATUTES AMENDMENT (HATE CRIMES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 December 2020.)

The Hon. T.A. FRANKS (18:08): I rise to continue my remarks from last year, when I introduced this bill. At that time, we had just passed legislation to end the so-called gay panic defence in our state. The bill before us today was originally an amendment I had to that bill, which we have now seen made law. After I filed those amendments, it became clear that members would prefer to consider them as a separate piece of legislation, which is what we have before us today. This is, I believe, a very simple bill. I will note from the outset as well that I am aware that the government has amendments to the bill, and I am very supportive of those amendments.

Ultimately, it comes down to the fact that we still have a clear problem with hate crimes and with dealing with them within our legal system. Generally, hate crimes are understood to be crimes motivated by bias, prejudice or hostility towards a victim based on their particular characteristics, such as race, gender, sexuality or gender identity.

There are limited options for a legal recourse, and some cases—and certainly a few recent instances demonstrate this—such as the spate of Nazi or neo-Nazi stickers that cropped up throughout the streets of Rundle Mall and Adelaide at the beginning of the NAIDOC Week this year, demonstrate that it is time South Australia caught up, stood up and ensured that hate crimes were addressed and dealt with properly. It is high time that we provided real and strong protections for marginalised South Australians.

Clearer hate crime legislation will provide better protection for communities and individuals by equipping our justice system to respond in ways that support victims to pursue that justice. At present they are forced to work with laws that are weak, outdated and confusing. These impediments to properly dealing with and recognising hate crimes mean that we are compounding culture where hate crimes tend to be minimised or dismissed, where incidents are pursued by the police, and they tend to be charged under other laws, like assault, public nuisance or wilful damage, obscuring the data about the nature and the prevalence of these hate crimes.

It misses an opportunity for the collection of accurate data, and by ignoring the harm caused by discrimination it also misses the chance to raise broader public awareness and feed into the development of community education, which could of course have preventative effects.

To know how effective we are at curtailing racism and other hate crimes, such as those perpetrated against the LGBTIQ+ community, we need to be able to measure it, which we do not do if hate crimes continue to be unacknowledged in our justice system. South Australia has had a Racial Vilification Act since 1996, but no-one has been convicted under this act in that time, and, of course, this act does not account for other types of prejudice for other hate crimes. These types of crime are rarely recorded, are rarely acknowledged, let alone acted upon.

The former race discrimination commissioner, Tim Soutphommasane said that, if police did not record and act on common cases of racial vilification and abuse, it made it harder to prevent major hate crimes. To quote him:

What gets measured gets done. If you don't know just how prevalent hate crime is in our society, it becomes easy then to dismiss it as just a theoretical threat.

Clearly, our existing laws are not enough. Even if we look at the national picture, only about 20 people have ever been convicted under hate crime laws. We of course know that many more than 20 hate crimes have been committed; we just have not been recognising them.

Prejudice-motivated conduct must be added as a sentencing factor, like it is in New South Wales, Victoria and the Northern Territory. That is why we have this bill. I want to touch upon the first part of it briefly, though I understand the government will not be supporting that element of this proposed legislation. I hope that in speaking to it I can at least put the importance of these changes on the public record, and perhaps they may be considered again in the future.

Part 2 of this bill seeks to amend the Criminal Law Consolidation Act 1935 to allow for aggravated offences. This means that, if an offender committed the crime as a result of, or for reasons related to, the offender's hatred for or prejudice against a particular group or groups of people, including people of a particular race, religion, sex, sexual orientation, gender identity or age, or people having an intersex variation or particular disability, and knowing or believing that the victim was a member of that group, the offence is treated as an aggravated offence. There is precedence for this. In the UK, for example, they introduced a new crime of racially aggravated assault in 1998—yes, in the last century.

The biggest justification for having this offence stand alone as an aggravated offence is the fact that the gravity of harm created by racial violence is higher than other parallel offences, as the aftermath of such violence is so far-reaching. It can lead to prolonged periods of serious anxiety and depression and social phobias, both among its victims but also among their communities. I have many friends who have been bashed as gay hate crime has been perpetuated on the streets of Adelaide. Some of them are too scared to go out after dark to this day, decades later.

Not only that, the physical violence that accompanies these hate crimes is also frequently more brutal and often leads to higher hospitalisation rates when compared with other assaults that are not motivated by this prejudice. That is why the Greens included that provision in the bill and why the Greens believe it is so important, as it directly addresses the seriousness of the offence and the hate behind it. So while I do not expect that that element of this legislation will remain in the bill that we pass today, I do want to highlight that for the future.

What is so important and vital in this bill and what I am glad to hear that the government will be supporting is that it will amend the Sentencing Act 2017 to include in individual sentencing factors whether the offence was wholly or partly motivated by hatred for or prejudice against a group of people to which the defendant believed the victim belonged, including people of a particular race, religion, sex, sexual orientation, gender identity or age, or people having an intersex variation or a particular disability.

This will ensure that hate crimes are properly acknowledged and addressed in our courts. It will ensure when the courts are considering a punishment that they look at the full extent of the harm done to victims when crimes are motivated by that hate or prejudice. Attacking someone because of

who they are or because who you believe them to be offends you should increase your punishment, not reduce it.

Prejudice-motivated crime is not new to Australia or to our state, but we still have not found ways to deal with it properly in our legislation. I hope that this bill goes at least in part to address that gap in our laws and that it is the beginning of more to come. I commend the bill.

The Hon. K.J. MAHER (Leader of the Opposition) (18:16): I will speak very briefly. I thank the honourable member for bringing this bill before this chamber and note that it is a longstanding issue that the honourable member has brought to the attention of this chamber. I think there are amendments to a previous bill that went to the same issue. So it is something that the Hon. Tammy Franks has brought before us a number of times, and I thank her for that.

The prejudices shown against various sectors in our community are something that ought not be tolerated. Parts of this bill will go in some way to, if not stopping that, properly allowing that to be taken into account in how an offender who is motivated wholly or partly by hatred of prejudice against particular groups can be subject to potential increased penalties for that.

We will be supporting the bill. We will also be supporting the government's amendments so that the first part of the bill will not succeed on this occasion, but I do take into account the commentary from the Hon. Tammy Franks today. But we will be very pleased to support that other part that allows it to be taken into account in sentencing.

I think the honourable member is right: they are very far and few between in prosecution, but in allowing it to be taken as a factor in sentencing we think not just that this will have an effect of highlighting the issue via sentencing remarks but that it could potentially act as a deterrent for this sort of behaviour.

The Hon. R.I. LUCAS (Treasurer) (18:17): On behalf of the Attorney-General, I confirm the government supports the intention of the Statutes Amendment (Hates Crimes) Bill moved by the Hon. Ms Franks. To that end, amendments have been filed in my name that remove the changes to the Criminal Law Consolidation Act but keep the changes proposed to the Sentencing Act. Should the government's amendments be accepted, the government will support this bill.

The bill as introduced amends section 5AA of the Criminal Law Consolidation Act to make it an aggravating factor to commit an offence where a reason for the offence was the offender's hatred for or prejudice against a particular group of people and the offender knew or believed that the victim was a member of that group. The hatred can be based on religion, race, sex, age, disability or other factors. There can be other reasons for the offence; hatred or prejudice only has to be one reason. The question of whether a person hates or is prejudiced against a particular group 'is to be determined according to the standards of ordinary people'—proposed section 5AA(2aa).

Adding hate to the list of aggravated offences in section 5AA would only have a tangible impact where there is already a separate penalty for an aggravated form of an offence—for example, assault. It would have no impact where there is not an aggravated form of an offence. There is no aggravated rape or aggravated murder.

In circumstances where there is an aggravated offence component, and were the bill to pass unamended, it would have the potential to double up as both an aggravated factor and a factor to be considered in sentencing. I do not think it was the intention of the mover to have this distinction between offences.

The bill also amends section 11 of the Sentencing Act that sets out individual sentencing factors to add that the court must take into account that the offence was wholly or partly motivated by hatred for or prejudice against a group of people to which the defendant believed the victim belonged, including, without limitation, the same factors as mentioned above.

Whilst hate or prejudice may currently be taken into account in sentencing for criminal offences, pursuant to section 11(1) of the act, it is the government's view that making it a mandatory and explicit consideration would ensure greater consistency in sentencing and consideration of the offence in a wider context. It does so without complicating or creating distinctions in aggravated offences. Indeed, this change does not create any new offences.

Jurisdictions that have undertaken hate crime reform—namely New South Wales, Victoria and the Northern Territory—have done so at the sentencing stage. During debate on self-defence laws last year, when the partial defence of provocation was abolished, all parties agreed that crimes committed on the basis of hate could not and should not be considered mitigating. That is correct, but it is the government's view that hate on the basis of immutable or protected characteristics adds a different dimension to an offence that ought to be considered in sentencing.

In addition to the examples already proffered by the Hon. Ms Franks in her second reading contribution, crimes against Australians of Chinese background during the onset of COVID or the defacement of synagogue property or vilification of Jews are further relevant and contemporary examples of where this consideration would be appropriate.

The government thanks the Hon. Ms Franks for bringing this bill to the council, and urges members to consider the sensible amendments proposed in this bill to the Sentencing Act.

The Hon. T.A. FRANKS (18:20): I thank those who have just made a contribution and shown an interest in this debate: the Leader of the Opposition and shadow attorney-general, the Leader of Government Business and Treasurer, as well as the ongoing interest of SA-Best in this particular bill. In particular, I want to thank the Attorney-General and her staff, most notably Ingo Block, as well as the South Australian Rainbow Advocacy Alliance, without whose work we would not be debating this right now.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I move:

Amendment No 1 [Treasurer–1]—

Page 2, line 4—Delete '*Statutes Amendment (Hate Crimes) Act 2020*' and substitute:

Sentencing (Hate Crimes) Amendment Act 2021

I gave the reasons for this amendment in the second reading reply I gave on behalf of the Attorney-General.

The Hon. T.A. FRANKS: For the record, given reference to my second reading speech providing a fuller position from the Greens, we support this.

The CHAIR: I indicate to the committee that it is the view of the table that the actual words should be in italics. That is a clerical matter that will be dealt with.

Amendment carried; clause as amended passed.

Clause 2 passed.

Clause 3.

The Hon. R.I. LUCAS: I move:

Amendment No 2 [Treasurer–1]—

Page 2, line 8 to page 3, line 7 [clause 3 and Part heading]—Part 2 will be opposed

The CHAIR: The amendment is that part 2 will be opposed, so the question I will be putting is that clause 3 stand as printed.

Clause negatived.

Clause 4 passed.

Schedule.

The Hon. R.I. LUCAS: I move:

Amendment No 3 [Treasurer-1]—

Page 3, lines 18 to 21 [Schedule 1 clause 1]—Delete clause 1

Amendment carried; schedule as amended passed.

Title.

The Hon. R.I. LUCAS: I move:

Amendment No 4 [Treasurer-1]—

Long title—Delete ‘the *Criminal Law Consolidation Act 1935* and’

Amendment carried; title as amended passed.

Bill reported with amendment.

Third Reading

The Hon. T.A. FRANKS (18:27): I move:

That this bill be now read a third time.

Bill read a third time and passed.

APPROPRIATION BILL 2021

Introduction and First Reading

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

At 18:29 the council adjourned until Thursday 26 August 2021 at 14:15.