

LEGISLATIVE COUNCIL

Thursday, 26 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 papers were laid on the table:

By the President—

Report of the Standing Orders Committee 2021 [Ordered to be published]

By the Treasurer (Hon. R.I. Lucas)—

Approvals to remove track infrastructure—for the period 1 July 2020 to 30 June 2021
Report on the review of 2017 management plan for the South Australian commercial Gulf St Vincent Fishery—outcomes

VISITORS

The PRESIDENT: Before calling on questions without notice, can I acknowledge the presence in the gallery of the Rt Hon. Sandy Verschoor, the Lord Mayor of Adelaide. Welcome.

Question Time

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): 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: From media reports, but moreover from statements that the minister has made this week, we know that the Chief Executive of the Department of Human Services personally attended a street kitchen run by volunteers at Whitmore Square and, at the very least, asked or suggested that they shouldn't be there. The Facebook page that the street kitchen organises said on 3 August:

Last week organisers of the street kitchen were approached by representatives of the Department of Human Services, who claimed they were doing so on behalf of the SA State Premier.

The spokeswoman, called Lois, said she would be using the resources available to her to make sure we don't set up our service in Whitmore Square any more.

The minister, in an answer to a question on Tuesday this week, admitted that she was aware of her chief executive's actions prior to the media reports on Sunday. The minister admitted to this chamber in answer to a question, also on Tuesday, that her chief executive is not responsible for homelessness within the department. In fact, when asked what role her chief executive has in the design, awarding or monitoring of homelessness contracts, the minister said point-blank, 'None.'

In answer to a question, again on Tuesday this week, the minister informed the chamber that the issue of the street kitchen in Whitmore Square was entirely a matter for the local council. The minister said—and I will quote exactly—'Those rules are something that are a matter for the Adelaide City Council.'

We know from media reports that the Chief Executive of the Department of Human Services owns residential property very close to Whitmore Square. We also know from media reports that the Chief Executive of the Department of Human Services has business interests in Sparkke at the Whitmore, which is situated on Whitmore Square. Importantly, the official ICAC conflict of interest training module states:

A perceived conflict of interest arises where a fair and reasonable person might perceive that a public officer's actions or decisions when carrying out their duties might be influenced by their private interests. The person with the conflict of interest may believe a conflict does not actually exist. However, this belief is irrelevant.

I will repeat that piece:

However, this belief is irrelevant. The appearance that the public officer's decision-making might be influenced by their personal interests is enough to compromise their actions and decisions.

So we know that the chief executive of the minister's department sought to shut down, or at the very least sought to move on, a street kitchen that supports homeless people and is located immediately in the vicinity of where the chief executive owns residential property and has a business interest. We know—

The PRESIDENT: The leader ought to bring his explanation to a conclusion.

The Hon. K.J. MAHER: I am coming there. We know from admissions—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: We know from admissions that the minister has made this week in the chamber that the chief executive has nothing to do with overseeing homelessness, and the minister informed us that the kitchen is—

The PRESIDENT: I invite the leader to ask his question.

The Hon. K.J. MAHER: —solely a matter for the Adelaide City Council. My question is: minister, had it ever crossed your mind that this might, at the very least, create a perception of a conflict of interest as described in the ICAC training package?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I would like to add some additional information to this matter, and I might start by saying that I continue to be bewildered and befuddled by the line of questioning, as are a number of other people, I might add, who when there are other issues that the Labor Party—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition will be silent.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, we will listen to the answer.

The Hon. J.M.A. LENSINK: The Labor Party is completely obsessed with this particular matter. I would like to quote from a document entitled E-News: Permits for Food Services in Public Spaces, which is a document from the City of Adelaide:

Organisations that provide food to the homeless and vulnerable in public spaces are required to hold a mobile food vending (MFV) permit issued by the City of Adelaide. This is a requirement under section 222 of the Local Government Act SA 1999 and the Roads By-Law 2018.

This is to ensure the health and safety of service provider and the public and to minimise or remove unintended consequences as an outcome of the activity.

Members interjecting:

The PRESIDENT: Order! I am trying to listen to the minister.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: Order, the Hon. Mr Wortley!

Members interjecting:

The PRESIDENT: Order! Minister, continue in silence.

The Hon. J.M.A. LENSINK: I didn't even have to mention the Repat.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley knows better.

The Hon. J.M.A. LENSINK: Don't mention the Repat. It continues:

For example, we have received complaints about some public areas being left in a less than ideal state, which a permit can help manage.

In June 2021, CoA employees telephoned six organisations identified as operating a food service without a permit in public spaces in the City. It was explained to each of these organisations that they would need to apply for a permit, at no cost, with appropriate insurances, in order to comply with the Act and the By-Law.

One of these organisations was the Community Union Defence League.

These phone calls were followed up with an email to each organisation confirming the requirements and advising the process to obtain a permit.

To date, three of the organisations contacted have applied for a permit.

CoA has not yet received a permit application from the Community Union Defence League.

When the Community Union Defence League were advised of the need to apply for a mobile food vending (MFV) permit, they were also notified that until further notice, Whitmore Square cannot be used as a location for servicing the community. This is due to the scheduled works and other activities associated with the Whitmore Square Greening Project.

The League were advised that SA Police have suggested West Terrace as a suitable location for their service to relocate to. An offer was made to discuss their operations and alternative locations and to answer any questions the League may have about the permit or the application process.

The Hon. I.K. HUNTER: Point of order, Mr President.

The PRESIDENT: The minister will resume her seat. The Hon. Mr Hunter on a point of order.

The Hon. I.K. HUNTER: The minister is answering a question that wasn't even asked. The minister was asked the question: do you understand what perceived conflict of interest is? She is answering a question about a permit system which wasn't any part of the question. I ask you, sir, to ask the minister to come to the pertinent issue.

The PRESIDENT: The member will resume his seat.

Members interjecting:

The PRESIDENT: Order! Do you want me to reflect on the point of order? The minister, I am sure, will get to the nub of the question. However, I think the information she is providing is very relevant to the topic that has been taken up on a number of occasions this week by the opposition. The minister has the call.

The Hon. J.M.A. LENSINK: Thank you, Mr President, and I thank you for your chairing of this chamber. Indeed, I have answered a number of questions in relation to this matter. I think it's clear that the Labor Party has taken up the cause of a group of individuals who are undertaking unauthorised activities in Whitmore Square. It's quite a peculiar position for them to take. I think they are a bit isolated on their own in that regard. I have explained what the Adelaide City Council's role is in this.

Members interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. J.M.A. LENSINK: I have explained about this task force, which has been operating since March 2021, which are separate issues.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter is out of order.

The Hon. J.M.A. LENSINK: I have no concerns at all about the actions taken by my Chief Executive of the Department of Human Services.

The PRESIDENT: The Leader of the Opposition has a supplementary question.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Minister, given your answer about the Adelaide City Council's role as the only person involved in the permits, what on earth was your chief executive doing trying to enforce Adelaide City Council permits?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): I have answered multiple questions in relation to this tedious matter.

Members interjecting:

The PRESIDENT: The Leader of the Opposition has the call. He will be assisted if his front bench remain silent.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Minister, have you yourself ever undertaken the ICAC conflict of interest training or indeed any conflict of interest training?

The PRESIDENT: I will allow the question.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): When one is elected to this place, one is required to undertake the register of interests. As part of my Master of Business Administration, there was a subject which related to conflict of interest. As a member of cabinet, I have had briefings from the ICAC commissioners and the chief executive of that area, and I think I understand this area well.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Final supplementary: is the minister concerned that this saga takes away from the work of the task force and is an embarrassment to the partners that are part of that task force?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:29): Mr President, the only embarrassment should be felt by members of the Australian Labor Party for undermining—

Members interjecting:

The PRESIDENT: Order! I would like to listen to the answer and I would hope the opposition would too.

The Hon. J.M.A. LENSINK: —the goodwill and the hard work of a cross-agency, cross-government department—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —which I remind him—

Members interjecting:

The PRESIDENT: No, no, no. The minister should not be pointing. The minister should not point. Has the minister concluded her answer?

The Hon. J.M.A. LENSINK: No.

The PRESIDENT: Minister, continue.

The Hon. J.M.A. LENSINK: That has had advice from Elders, and all of these—

The Hon. K.J. Maher interjecting:

The Hon. J.M.A. LENSINK: Just because the Leader of the Opposition—

The PRESIDENT: The Leader of the Opposition!

The Hon. J.M.A. LENSINK: —is out of the loop—

The Hon. K.J. Maher interjecting:

The Hon. J.M.A. LENSINK: —that is not my fault. If the Leader of the Opposition doesn't know about the good cross-agency work that is taking place he shouldn't be—

Members interjecting:

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

The Hon. J.M.A. LENSINK: —undermining the good work which is essentially about—

Members interjecting:

The Hon. J.M.A. LENSINK: —the safety of people—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Minister, resume your seat. If the opposition doesn't, I think, revise their ways in the house today then they may see me remove a question from them. We are going to move to the second question of the Leader of the Opposition.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before I ask the Minister for Human Services a question regarding homelessness.

Leave granted.

The Hon. K.J. MAHER: Minister, the Opposition understands that your chief executive has represented to the Sparkke at the Whitmore that she has your approval to be a director while also the CE of the Department of Human Services. My question, minister, is when exactly did your chief executive gain your approval to be a director of Sparkke at the Whitmore?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): There is a pecuniary interest document that I think probably all public servants, certainly chief executives, need to sign. I was made aware, I can't remember exactly what date it was, and, yes, I did agree to it.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): My question is to the Minister for Human Services regarding homelessness. Is the minister aware if her chief executive, when visiting the street kitchen in Whitmore Square, was accompanied by either a member of the safety and wellbeing task force, a member of the minister's department, or a member of the chief executive's immediate family?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I have responded to a number of these questions already in this parliament and I don't intend to provide any more factual information because I have laid out all the facts already. The opposition can try to make stuff up—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —cast slurs on people, try to draw all kinds of peculiar—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —elements together because they think they've got something, but the rest of us are all just shaking our heads in bewilderment about—

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. J.M.A. LENSINK: —their line of questioning.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Supplementary question: does the minister at least concede that this whole messy saga is at least a bad look?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): This is a bad look for Labor, a really bad look for Labor. We have a cross-agency—and they're laughing. They're laughing because they think the matter of safety of remote visitors to South Australia is a laughing matter.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter! Order, or I will move on. Come on, minister, conclude your answer.

The Hon. J.M.A. LENSINK: This cross-agency task force is working very hard—

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley!

The Hon. J.M.A. LENSINK: —to work for the safety of our remote visitors and find solutions to very complex problems. This is an embarrassment to the Labor Party, an embarrassment to the Labor Party, and they should sack their question time writers.

COVID-19

The Hon. D.G.E. HOOD (14:33): My question is to the Treasurer. Can the Treasurer outline to the house whether the government is considering any further financial assistance to businesses impacted by the global COVID pandemic?

The Hon. R.I. LUCAS (Treasurer) (14:34): The only positive aspect of the COVID pandemic is that the masks being worn by the opposition mean I can't actually hear what they are screaming during question time, so there are some upsides. I thank the member for his question. The government has provided two rounds of financial assistance as a result of the late July lockdown for a seven-day period and then the extended restrictions for the week, and then two weeks post lockdown. A business, for example, that was COVID-impacted in the CBD would have been entitled to a total grant of \$7,000 by way of a \$3,000 first grant, a \$3,000 second grant and an additional grant of \$1,000 for a CBD-located business.

We did so on the basis that we accept the fact that many corporates and head offices in Adelaide are continuing to have some or all of their workers work from home during the COVID pandemic, and even those with officers coming back into the CBD office, some are doing so for three or four days a week as opposed to five days a week, and so there were a series of initiatives.

We congratulate the Adelaide City Council and other agencies associated with the CBD, together with the state government, on a range of initiatives that are seeking to try to attract people back into the city on Fridays but also back to work in the CBD and, from the government's viewpoint, providing additional financial assistance to all impacted businesses but in particular a little bit of extra assistance for the CBD impacted businesses.

In relation to the specifics of the honourable member's question, the answer to his question is yes. We have not finalised what the government might do by way of further support but we are having initial discussions with the commonwealth government in relation to, again, those increasingly hopefully as long as our impressive health performance—and I thank my colleague the Minister for Health and his hardworking public health officers—for so long as that continues an increasingly restricted group of businesses, in particular tourism and hospitality but also some within the CBD area as well that continue to be impacted by COVID.

We are looking, as I said, in early stage discussions with the commonwealth government, as to whether there is another round of grants that we might provide to those who continue to be impacted by the pandemic. We have always said that the taxpayers of South Australia cannot afford to bail out and save every job in the state and every business in the state as a result of COVID. We will do as much as we can, using the taxpayers' money—this is not government money, it is taxpayers' money.

I highlighted yesterday how much state and federal government assistance has gone in the last, I think possibly, a month, almost \$100 million in assistance to individuals who have been impacted, and businesses that have been impacted in South Australia, but we will continue to look within the financial restrictions that we have as to whether or not we can provide some further assistance to those increasingly, hopefully, smaller number of businesses that continue to be impacted by the pandemic.

COVID-19 RENTAL AFFORDABILITY

The Hon. R.A. SIMMS (14:38): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Human Services on the topic of the rental moratorium on evictions for those affected by the COVID-19 pandemic.

Leave granted.

The Hon. R.A. SIMMS: In May, the parliament provided renters experiencing financial hardship as a result of COVID-19 with a reprieve when it extended the moratorium on evictions until 1 September. We know that the pandemic and associated economic crisis has coincided with a rental affordability crisis in our state with more and more South Australians struggling to find affordable housing. My question to the minister is: what arrangements have been put in place to ensure that no South Australians will be evicted into homelessness come 1 September?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): I thank the honourable member for his question which sits within the Residential Tenancies Act, an act committed to the Attorney-General, but I will attempt to answer it as best I can, knowing as I do that there are some Housing Authority tenants who appear before SACAT. I should say that my understanding of the way that SACAT operates is that they always take individual circumstances into account, and they have a policy that they do not evict into homelessness. So that is a check and balance, if you like, from that point of view.

The advice that I have from the Attorney in relation to the residential tenancies provisions in the COVID-19 Emergency Response Act 2020 is that there has been a significant reduction in reliance on those provisions. For the first six months they were relied on daily; however, towards the end of last year, there has been a gradual decline in them being relevant. It is now anticipated that these provisions may be relied on once to twice per week.

It should also be noted that SACAT already has power to suspend evictions for up to 90 days, which is more than sufficient to deal with those matters. It is only in very rare, extreme cases that SACAT would consider suspending eviction for longer than 90 days under the provisions of the COVID act. I will seek further details from the Attorney in relation to this and bring that back to the chamber, if there is more detail that we can provide.

COVID-19 RENTAL AFFORDABILITY

The Hon. R.A. SIMMS (14:40): Supplementary: noting the minister's response, will the minister be advocating to the Attorney-General that the protections that are in place for renters who are experiencing financial hardship be extended?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): We take advice from organisations such as community and business services and, indeed, from SACAT. If their advice is that there is no need to continue to extend it further then we would take that advice on board. I think in my original answer I indicated that there is little use of these provisions, and they do need to be lifted at some stage. We would take that on advice from those agencies.

HOMELESSNESS

The Hon. C.M. SCRIVEN (14:41): My question is to the Minister for Human Services regarding homelessness. Minister, what message does it send to the community when the government is barely one month into a new homelessness system, which included slashing millions from critical inner city homelessness services, when your chief executive tries to shut down or shove off a CBD volunteer service?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:42): The basis for that question is factually incorrect.

The PRESIDENT: The Hon. Ms Lee has the call.

Members interjecting:

The PRESIDENT: Order! I would ask people not to have these conversations across the chamber.

Members interjecting:

The PRESIDENT: Order, the honourable leader of the opposition! The Hon. Jing Lee was on her feet, and I ask her to take that position again.

COMMUNITY GRANTS

The Hon. J.S. LEE (14:42): My question is to the Minister for Human Services regarding community grants. Can the minister please outline to the council how the Marshall Liberal government is supporting vulnerable South Australians and communities through Grants SA?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:42): I thank the honourable member for her question. Indeed, we do run a Grants SA range of programs that are very well received within the community. Generally, they are one-off grants, and they can be applied to a range of purposes and support many activities in the community that might not otherwise receive funding.

Quite recently, we announced the successful recipients of the last grant round, which provided over half a million dollars to support vulnerable South Australians and was intended to help South Australians to reconnect with each other and their communities. Some of the successful grant recipients include an inclusive play space for families fleeing domestic violence and a kitchen upgrade to produce nutritious meals for the community, among some 36 not-for-profit projects that were provided grants of up to \$25,000.

Some of them include the Ahwazian Community In Australia, which was to purchase equipment that benefits a proportion of asylum seekers; Beach Road Artworks, which I understand is in our southern area; and the Bungala Kitchen facility, which is located at Port Augusta. They run a great service there, which I have visited, to train particularly Aboriginal people in cooking, and they also deliver a number of meals to people in the Port Augusta community.

We have Centacare Catholic Country Ltd, this is to create the play space that I mentioned at Ceduna, and that is a safe place. The Clarendon Community Association has a community centre and an op shop. We also have the Coorabie and District's Progress Association and there is an upgrade of the Fowler's Bay playground. The Disability Advocacy and Complaints Service of South Australia has a really interesting program called Girls in Autism, which draws on the lived experiences of 12 to 18-year-old girls with autism to develop and publish a monthly podcast series, run by and for girls with autism.

We also have Dis-Able Sailing Incorporated, for a freedom yacht; the Encounter Centre Edwardstown Baptist Church; Enfield Baptist Church Incorporated; and a range of other organisations. We know that during COVID people have been seeking to connect, so this round has been very much about helping people to reconnect in the community and we are very pleased to have been able to support a range of programs.

AUSTRALIAN ARID LANDS BOTANIC GARDEN

The Hon. J.A. DARLEY (14:45): I seek leave to make a brief explanation before asking the Minister for Human Services, representing the Minister for Environment and Water, a question

concerning state government support for an important operation funded by the Port Augusta City Council.

Leave granted.

The Hon. J.A. DARLEY: The Port Augusta City Council owns several infrastructure operations of regional or state importance that each have an underlying structural deficit. One such operation is the Australian Arid Lands Botanic Garden. The state government needs to fund the structural deficit of this operation, to remove this unreasonable burden from the ratepayers of Port Augusta.

The Australian Arid Lands Botanic Garden comprises 100 hectares, showcasing plants from Australia's low rainfall regions, attracting more than 150 bird species and with surrounding views of the gulf and Flinders Ranges. An interpretive centre, cafe and shop, opened in 1996, are contained within the Australian Arid Lands Botanic Garden. The botanic garden is a significant cultural tourism and natural science asset to the state.

The council has endeavoured to achieve ongoing state government funding to support this outstanding garden in the same or similar manner to which the botanic gardens around Adelaide—Wittunga, Mt Lofty and Adelaide Botanic Garden—receive state funding. The cost to council in maintaining this state and regional asset, I understand, is in the order of \$850,000 per annum, or some 5 per cent of their rates.

A cursory examination of the financial statements of the board of the Botanic Gardens and state herbarium 2019-2020 reveals considerable state government support in eight other disclosures. Activities undertaken by the Department for Environment and Water, expenses incurred by DEW in performing activities associated with the board of nearly \$10 million for employee costs, supplies, grants depreciation, donated assets and other, with \$1.3 million in offsets.

Given the considerable support provided to the Botanic Gardens of Adelaide and the complementary nature of the Australian Arid Lands Botanic Garden at Port Augusta and the goodwill provided by the community of Port Augusta in funding this botanic garden over several decades, it is reasonable to now expect the state government to step up.

My question to the Minister for Human Services, representing the Minister for Environment and Water, is: is the state now prepared to fund the structural deficit of the significant regional and state asset of the Australian Arid Lands Botanic Garden of Port Augusta, so that the burden does not fall on the ratepayers of Port Augusta?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): I think I will need to take that one on notice and get a response from the relevant minister and bring that back for a reply.

DISABILITY SERVICES

The Hon. E.S. BOURKE (14:49): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability.

Leave granted.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke has the call.

The Hon. E.S. BOURKE: Three recent horror stories regarding people with disability have disturbed many in the community: first, Kelly Vincent, a powerful advocate and a former member of this council, went without basic care, including bathing, for three days during a recent hospital stay; and secondly, Dr Dee-Price, an academic researcher and disability advocate, was forced to publicly fight to get basic equipment to ensure safe care in the hospital system for her 17-year old son over the last two years. Most recently, she and her son had to suffer the indignity of an examination in a public toilet, with an open door and no privacy, because there was nowhere else in the Women's and Children's Hospital with the appropriate equipment for the examination.

Thirdly, and with the greatest risk to life, a person in the DHS transition to home service was neglected and experienced a severe wound infection before being rushed to hospital and spending

weeks there. The circumstances of this case reminded us of the tragedy that occurred with Annie Smith last year. My questions to the minister are:

1. Minister, Ms Vincent is a past employee of your department who has resources and a high profile. Given that she cannot get basic disability care while under the roof of a state government institution, how many others with less capacity to speak out are suffering in silence?
2. How exactly is the experience of all three cases consistent with disability access inclusion plans that are required under a law committed to the Minister for Human Services, or does the minister think that this kind of treatment of people with disability is okay?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): I thank the honourable member for her question. We do find all of these cases distressing to hear about our system, and we are always seeking to improve services. I have outlined in this chamber before the specific services run by DHS, where we have undertaken significant reforms to implement zero tolerance to anything that can be classified as neglect or abuse.

In terms of the disability action and inclusion plans, that was a piece of legislation commenced under the former government and was the first piece of legislation passed by this parliament under the new government. I have been very pleased that all agencies have contributed to the disability action and inclusion plans.

Certainly we know from people with lived experience that the most dangerous situations for them are when they are isolated, so inclusion is part of them achieving full participation, not accepting second best in terms of services and ensuring that we have actions where every agency is improving the way that it deals with matters.

In terms of the health side of things, I do know that each of the LHNs have done their own disability action and inclusion plans. I am sure that my colleague the Minister for Health and Wellbeing is aware of these cases that have come up. I know he is aware of particularly the Hon. Ms Vincent, who is well known to us, and a number of us have reached out to her. Specific matters that fall within health and wellbeing I think my colleague would be delighted to address how that best should be managed going forward. It is something we are always working towards improving.

ABORIGINAL HEALTH

The Hon. T.J. STEPHENS (14:53): My question is to the Minister for Health and Wellbeing. Will the minister update the council on efforts to increase South Australia's Aboriginal health workforce, specifically in rural and remote areas?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): I thank the honourable member for his question. Strengthening and sustaining the delivery of high-quality health care in rural South Australia is a major priority for the Marshall Liberal government. Meeting that priority relies first and foremost on growing a rural health workforce of well-trained and properly supported clinicians.

In the lead-up to the 2018 election, the Marshall Liberal government promised that, if elected, we would invest in building South Australia's rural health workforce and in upgrading services and facilities in rural areas so that our most valuable resource, our staff, can flourish and be properly supported in the delivery of high-quality care and treatment.

The Marshall government is delivering on substantial investments in rural health, the kind of investment that wasn't seen under the former government. The Marshall government's first budget included \$20 million over four years to develop and implement a rural health workforce strategy. Over the last two years, SA's rural support service, under the leadership of Dr Hendrika Meyer, has drafted, consulted on and finalised tailored rural workforce plans for the medical workforce, the Ambulance Service workforce, the nursing and midwifery workforce and the allied and scientific health workforce in regional areas.

Last week, consultation commenced on a draft plan for the next component of the rural health workforce strategy, a plan to grow and sustain our rural Aboriginal health workforce. In rural South Australia, as is the case in other parts of Australia, the health outcomes for Aboriginal people

are significantly poorer than those for non-Aboriginal people. One important way we can close the gap in health outcomes is through engaging more Aboriginal people as health practitioners.

It is widely recognised that having Aboriginal people deliver health services increases Aboriginal people's engagement with, and participation in, the health system. That engagement in and of itself increases opportunities for Aboriginal people to have their health needs met and to access medicine, treatments and professional advice that can dramatically improve not only their health and wellbeing but also the health and wellbeing of their loved ones and communities.

Half of South Australia's Aboriginal community live outside of metropolitan Adelaide. Across our six regional local health networks Aboriginal people as a percentage of the entire resident population range from 1.2 per cent of the resident population in the Barossa Hills Fleurieu Local Health Network to over 10 per cent of all people living in the Eyre and Far North Local Health Network. At present, Aboriginal people are significantly under-represented in the health workforce, including in rural settings. If SA health is going to meet its own target of 4 per cent of all of its employees being Aboriginal and Torres Strait Islander people, we need to make changes to the way we structure our rural health services, including how we attract Aboriginal people into careers in rural health.

Traineeships, graduate programs and pilot programs can all be important entry points into a career as a health professional, but they won't lead to sustainable careers unless we are also putting in clear career pathways, supports and further training opportunities. That's why the development of a rural Aboriginal health workforce plan is so important.

The draft plan was released last week, and I would like to acknowledge the work of Sharon Perkins, the Director of Aboriginal Health in the Riverland Mallee Coorong Local Health Network, for the key role she played in its development, including through chairing the rural health workforce Aboriginal health working group. Consultation on the draft plan will be undertaken in each regional local health network over the next two months. These consultations are an important opportunity to road-test the plan with Aboriginal community members and key stakeholders ahead of its finalisation and public release.

More information on this important work, including the draft plan, is available on the SA Health website, and I hope that members of the council might look for ways to support and promote this vital project.

ABORIGINAL HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:57): Supplementary: what's been the minister's response to a letter on 22 June from Nganampa Health that was sent to him that outlines difficulties and questions the very viability of Nganampa Health without increased funding?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I would certainly look forward to a question from the honourable member. If that was a supplementary, then he might wait for another opportunity.

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

The PRESIDENT: Arising out of the original answer.

ABORIGINAL HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:58): In relation to the minister's answer about Aboriginal health, what's the minister's view about requests from Yadu Health Aboriginal Corporation to improve their facilities?

The PRESIDENT: The minister has the call.

The Hon. K.J. Maher: Do you know what it looks like when you refuse to answer?

The PRESIDENT: Order! The minister has the call, if he wishes to.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, leader!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader! You asked a supplementary question. The minister is on his feet.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): The opposition consistently ignores the proceedings of this place. Neither of those questions had any relationship to Aboriginal health workforce training.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: If the honourable member has no interest in training the Aboriginal people of South Australia to participate in the provision of their own health care, he should say so rather than bringing in random issues that have nothing to do with my answer.

Members interjecting:

The PRESIDENT: Order!

ABORIGINAL HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:59): A final supplementary, sir.

The PRESIDENT: Arising from the original answer?

The Hon. K.J. MAHER: Absolutely. Can the minister understand just how it looks to Aboriginal South Australians when he refuses to answer supplementary questions that have not been ruled out of order that go to the very health of Aboriginal people in this state?

The PRESIDENT: I will rule that out of order.

REGIONAL HEALTH SERVICES

The Hon. E.S. BOURKE (14:59): A supplementary arising out of the original answer: as part of the growing regional health workforce that the minister mentioned, does this include a full-time doctor at the Maitland hospital?

The PRESIDENT: Here, again, I am not sure whether that arose out of the original answer but I will allow the minister to respond.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): I am not aware of any Aboriginal health workforce plans in relation to Maitland general practice.

The PRESIDENT: The Hon. Mr Pangallo has the call.

Members interjecting:

The PRESIDENT: He will be heard in silence. The Hon. Ms Bourke, order!

Members interjecting:

The PRESIDENT: Order! I am on my feet. We have too many conversations across the chamber.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I call the Hon. Mr Pangallo, I acknowledge the presence in the gallery of the Hon. Ian Gilfillan, former member of this council.

Question Time

COVID-19 HOSPITAL RESPONSE

The Hon. F. PANGALLO (15:01): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about the COVID Delta response in our hospitals.

Leave granted.

The Hon. F. PANGALLO: This morning I was alarmed to hear of the hospitals and staff in New South Wales that are stretched to breaking point because of the current out of control wave of coronavirus. Figures released today show that there are 1,029 cases in New South Wales. Almost 100 people have died and hundreds more are in hospitals. Beds are in such drastic short supply that ambulances containing patients with the virus are having to ramp for hours. The New South Wales government is being forced to bring in 350 medical staff from overseas. My questions to the minister are:

1. Can he outline what strategy has been put together in the event that South Australia experiences a similar wave or a lesser wave?
2. What is the tipping point for our hospitals for the number of cases they can handle?
3. How can our hospitals manage additional demand when they are already struggling now with no community transmission?
4. Is the government in talks with the federal government to build a medi-facility like one that has been announced by the Queensland government?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02): I thank the honourable member for his question and it highlights yet again that the crossbench is showing repeatedly that they are more ready for government than the group that holds the current opposition. I am mindful of the developments in Europe where apparently some green groups are challenging the social democrats for the right as alternative government. Yet again, it's a very sensible, relevant question from the—

The Hon. I.K. HUNTER: Point of order.

Members interjecting:

The PRESIDENT: The minister will resume his seat.

Members interjecting:

The PRESIDENT: Order, the leader! I can't hear either of you.

Members interjecting:

The PRESIDENT: Order, the leader! Leader of the Opposition, you have your whip on his feet. He wants to make a point of order and I can't hear him. Now, the Hon. Mr Hunter?

The Hon. I.K. HUNTER: The point of order is a question of relevance. The minister was asked a question by the Hon. Mr Pangallo—a quite pertinent question, I think, to his portfolio—and the minister goes off on a diatribe with nothing to do with health or the question that he was asked.

The PRESIDENT: I am sure that the minister is going to address—

Members interjecting:

The PRESIDENT: Order! The point of order has been made and I am sure that the minister is going to address the nub of the question.

The Hon. S.G. WADE: I would like to thank the Hon. Ian Hunter sharing with me in his complimenting the Hon. Frank Pangallo for a very important question, because it is a very important question, and to be frank, if you asked the people of South Australia—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition!

The Hon. S.G. WADE: —if they wanted to know the answer to the Hon. Frank Pangallo's question—

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

The Hon. S.G. WADE: —or the homelessness—

The PRESIDENT: Point of order. Resume your seat.

The Hon. S.G. WADE: —series we received this week I am sure they would be—

The PRESIDENT: Minister!

The Hon. S.G. WADE: —with Frank Pangallo.

The PRESIDENT: Minister, resume your seat! The point of order?

The Hon. K.J. MAHER: Sir, the minister continues to talk about—

Members interjecting:

The PRESIDENT: I can't hear.

The Hon. K.J. MAHER: —politics and the interaction of crossbenchers and refusing to answer questions about Aboriginal health.

Members interjecting:

The PRESIDENT: Order! I cannot hear the leader. He is trying to make a point of order. I have no idea about the relevance of it or not, because I can't hear him. And it's on both sides.

The Hon. K.J. MAHER: My point of order is that the minister continues to talk about things like politics in Europe that have nothing to do with the question when repeatedly today he has refused to talk about things like Aboriginal health.

The PRESIDENT: Order! Resume your seat. The minister will continue his answer, and I am sure he is going to address the nub of the question that was asked by the Hon. Mr Pangallo.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Well, that will be my decision. The minister to continue.

The Hon. S.G. WADE: Thank you, Mr President, and through you could I thank the Hon. Frank Pangallo for his question—

Members interjecting:

The PRESIDENT: Order! I am listening to the minister.

The Hon. S.G. WADE: —because the Hon. Frank Pangallo's question—

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

The PRESIDENT: The Minister for Human Services will refrain from pointing.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The leader will remain silent, or the next question will escape the Labor Party.

The Hon. S.G. WADE: Unlike the jibe from the opposition benches when the question was asked, it wasn't a Dorothy Dixier. It's the sort of question that ordinary South Australians are asking. They want to know that this state is ready.

Members interjecting:

The PRESIDENT: Order! Do you want the minister to answer this question? Order! Minister, continue.

The Hon. S.G. WADE: I think it is important to appreciate the different phases this pandemic is going through. In phase 1, in terms of the first wave of cases, particularly focused in the first six months of 2020, there was feverish activity within SA Health to prepare for protecting the people of South Australia in an environment where not only was there no vaccine; there was still so much we did not know about COVID-19. In those first few months, as I have said to the house before, it was a very chilling prospect.

At the time we reached what turned out to be the peak of our first wave in late March 2020, we were seeing images of Europe and places like Italy where countries that were very familiar to us and where we have great affection for them were struggling to cope under a wave of hospitalisations with COVID. What we then went through in the latter part of 2020 was a significant easing of the threat through effective border controls, public health measures and the like.

What we have seen particularly since about June this year has been the resurgence of community transmission within the Australian jurisdiction. That is in a very different environment to the first wave. In the first wave we did not even have an approved, developed vaccine. The first vaccine wasn't available till late in the second half. So the preparations for the acute sector readiness in the first wave were very different to what we face now.

We now have a situation where not only have we got a lower level of community transmission than we had during the first wave in South Australia but we also have significant vaccination levels. As of this week we passed the 50 per cent of the South Australian population over 16 being vaccinated. That will significantly reduce the prospect of people contracting the virus, and if they do contract the virus, of being hospitalised; if they are hospitalised, of needing to go into intensive care; and if they are in intensive care, the prospect of them dying.

So the acute sector plans that are developed by SA Health are constantly under revision, and I can assure the house at the time of the commencement of the domestic outbreaks, which initially were in New South Wales and more recently Victoria, SA Health consciously went back to revise and update their planning.

As I understand it, there is a number of documents in the series, if you like. There is a pandemic plan, and plans at the local health network level as well. We will continue to revise those plans, because the more South Australians step up and get vaccinated, the longer we can act to stop community transmission in South Australia, the greater prospects that we would have in the context of an outbreak. The honourable member is completely right. Even in a significantly vaccinated community, the challenges for the health system with significant community outbreaks are significant.

Within New South Wales, they will be experiencing changes in health presentations. During the first wave, we had a significant reduction in presentations to emergency departments. There will be different elements of the health system where there will be more or less demand, so the health system needs to manage that. Certainly, the SA Health team will be watching and learning from the experiences in New South Wales so that we can better understand how our system might react.

After all, some of the responses to the first and second wave in Australia were unexpected, and plans that were made earlier in the year needed to be revisited. I am sure that will be done as we learn how New South Wales responds to its outbreak. Our thoughts are very much with our New South Wales brethren and also, for that matter, Victoria. There continues to be cooperation between the jurisdictions to support each other. There is only so much you can do at a distance, but particularly contract tracing is an area in which we are able to provide support. I can assure you that the government's investment in the—

The PRESIDENT: The minister needs to bring the answer to a conclusion.

The Hon. S.G. WADE: Just very briefly, then, I reassure the house that the government has made provision. In the most recent budget, there is \$86 million to ensure that SA Health will have the resources for its COVID response that will enable it to pivot to respond to COVID-19.

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

COVID-19 HOSPITAL RESPONSE

The Hon. F. PANGALLO (15:12): I thank the minister for his response. I imagine the pandemonium may have made him forget the specifics of my question. What I was after was what numbers would it take for SA Health to be no longer able to cope in our hospitals? Is there a number that our hospitals can accommodate before there are going to be issues? Is there a plan for that?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): Yes, sorry, I should have perhaps been more explicit in drawing the relationship—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: It is going to be constantly changing, because your expectations of hospitalisations and so forth will vary. They will constantly change on the basis of your vaccination rates. I undertake to seek information from SA Health that might be of interest to the honourable member, but I think it would be unrealistic to say that we have a formula, because there are so many variables.

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

COVID-19 HOSPITAL RESPONSE

The Hon. F. PANGALLO (15:13): For instance, if there were to be 100 admissions within the next two, three or four weeks, could our hospitals cope with that? Is there a number where it could actually be a tipping point?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): I am not aware of any such number.

AMBULANCE RAMPING

The Hon. I. PNEVMATIKOS (15:13): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

The Hon. I. PNEVMATIKOS: On 1 May 2018, which was 1,213 days ago, the Premier spoke about ramping, and I quote:

There are significant issues, but we're working through them as quickly as we possibly can.

Since that time, the hours that South Australia were ramped have increased to the highest in the state's history. My questions to the minister are:

1. Why is ambulance ramping in South Australia now at record levels, 4½ times the levels for the same months in 2017?
2. Does the minister accept responsibility for presiding over the worst six months of ramping in South Australia's history?
3. Does the minister agree with the Ambulance Employees Association that one in every two elderly ambulance patients now gets ramped outside of public hospitals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I thank the honourable member for her question. The honourable member asked me to explain what factors were leading to the increase in ambulance ramping. They are not unrelated to the pandemic that the Hon. Frank Pangallo referred to.

Right across Australia, public hospitals have been experiencing high levels of emergency department demand in recent months. For example, we have been experiencing significant increases in ambulance ramping. We had what has been our peak during this pandemic in May. The Western Australian government had a peak in June—either June or July—which, if we had the same level of ambulance ramping as them, we would have had 10 per cent more ambulance ramping than we do in fact have.

Members interjecting:

The PRESIDENT: Order! The deputy leader will remain silent.

The Hon. S.G. WADE: The concern of health ministers is active right across Australia. In fact, in April it was the focus of a meeting of health ministers, so much so that national cabinet also discussed those issues. Further work is being done by the health ministers, and we will be working with the commonwealth to try to respond to the pressure in our hospitals.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, order! Continue, minister.

Members interjecting:

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

The Hon. S.G. WADE: I think it's important to appreciate what the health ministers around Australia are finding.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. S.G. WADE: What health ministers right around Australia report they are finding is that there is a significant increase in acuity. Over the last few months, South Australian public hospitals have seen higher levels not only of presentations but higher levels of more acute patients. One of the most widely held theories in relation to why we are seeing that phenomenon is the delayed and deferred care during the COVID-19 pandemic.

In other words, people who in the context of the COVID pandemic were concerned about attending at a hospital because of the risk of people going there for tests or for treatment—they were avoiding presenting for care. Then, when they do present, their deferred care involves higher levels of acuity because their conditions have deteriorated in the meantime.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: The Hon. Irene Pnevmatikos asked me for the reasons, and I am highlighting factors.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter might like to put his mask back on. Order!

The Hon. S.G. WADE: Yes, I would ask honourable members to be mindful of the public health directions in place.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: Another factor is that there is a significant—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: There seems to have been a significant variation or development in the referral patterns of GPs. Significantly, GPs are concerned about seeing patients with respiratory conditions, both adults and children, in their GP clinics. I don't criticise them for that. It is a challenge to deal with.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter will cease interjecting.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Also, another factor is that our emergency departments—

The Hon. I.K. Hunter: Your ministerial colleagues are giggling and you have half of elderly patients waiting to be ramped into hospitals.

The PRESIDENT: Order! I think observations about laughter and giggling this week don't reflect kindly on the opposition. The minister will conclude his remarks.

The Hon. S.G. WADE: Thank you, Mr President.

Bills

RETAIL TRADING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 June 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:20): I rise to speak on this bill and the bill that follows, the associated referendum bill. This feels a little bit like *deja vu* all over again. It feels a bit like we have had this debate, the government has run out of things to say, so now we are doing it all over again, again, except that this time it is different. There is one difference. It is not like we are in Pittsburgh with Punxsutawney Phil and it is Groundhog Day, there is a bit of a difference this time.

This time pretty much everyone has abandoned the Treasurer's ideological push—everyone has abandoned him. The latest is Business SA. The Treasurer now finds himself on the wrong side of Business SA in a reform to reform business. It is just remarkable; you could not write this. The state of South Australia has one of the highest rates of independent supermarkets and stores. These stores tend to buy more local products to put on their shelves that create more local jobs.

I remember in my time as manufacturing minister I would have lost count of the number of food manufacturers who talked about getting their start in an IGA or a Foodland. It is not just that the IGA or Foodland would stock their product when the major chains would not, but the IGA and Foodland would actually give that small, new and emerging food manufacturer and producer help with marketing and help with food regulation. The independent retailers have played a remarkable role in promoting small business in South Australia, one that, quite frankly, the national chains do not—and this Treasurer does not care.

I remember a visit a couple of years ago to Millicent, which still has the same shopping hours as Adelaide, with Brian Foster at Foster's Foodland and Bill Schuller at the Millicent IGA both talking about how opposed they and the town of Millicent, as reflected in survey after survey, are to the Treasurer's ideological push for shop trading hours. Even small things like Pops Blackjack's Worcestershire sauce, the woman who started making that in honour of her late grandfather could not have got a start, as she said, without having those independent retailers.

We saw what happened in Naracoorte, near Millicent, when shopping hours were reformed and Naracoorte did not have the protection that Millicent still retains: it drove small independent retailers out of business, and that is what will happen if the Treasurer gets his way with this ideological push. We have seen so many issues that desperately require attention from this government and then the political genius that is the Hon. Rob Lucas thinks shop trading hours is the most important one for us to be spending precious parliamentary time dealing with.

The Treasurer thinks that an ideological push on shop trading hours, that is now out of step with Business SA, is more important than dealing with things like the abject failures in the health system with the worst ramping in the state. That is the political genius that is Rob Lucas. We will miss him when he is not around after this election. At a time when the government should be making sure that anyone who needs it can be seen in an emergency department this government is focusing its attention on shop trading hours.

At a time when this government is pushing a \$700 million basketball stadium on this state, so that maybe the Treasurer can watch his beloved Philadelphia 76ers tour Australia at some future date, the most important thing that this chamber is dealing with, that the Treasurer wants, is shop trading hours. That is the political genius that is the Hon. Rob Lucas. We will miss him after the election.

Who could forget the debate about the absolute debacle that was the Treasurer presiding over land tax reform? To alienate so many in your own parliamentary party and so many in your own constituency is a remarkable feat that only the Treasurer could pull off. That is the political genius of the Hon. Rob Lucas. We will miss him.

The real genius of the Hon. Rob Lucas's ideological push, which is now opposed by Business SA, is that he does not have to worry about how much his stubborn ideology will hurt local businesses, independent South Australian-owned retailers or South Australian families, because he does not have a plan for the future of this state, he has a plan for retirement. He has a plan to spend his twilight years tending to his ponies in the pastures and drinking Muskets at Dawn at the Adelaide Club while practising for three-dimensional chess championships. This is the political genius that is the Hon. Rob Lucas. We will miss him.

The ACTING PRESIDENT (Hon. J.E. Hanson): Thank you, the Hon. Mr Maher. Maybe we will miss the Hon. Rob Lucas. In the meantime, we will hear from the Hon. Ms Bourke.

The Hon. E.S. BOURKE (15:25): I have put on the record countless times my position on this matter, so I am sure it is not going to come as any surprise, but I do want to share a story about someone who thought they were going to be very clever. He came in to Parliament House to share his story with me about why shop trading hours should be deregulated and why the government was on the right path to victory with this great reform.

His name is Bruce. Bruce is well and truly a Liberal voter. He came in to tell me his story about his frustration with going to the local supermarket to buy a barbecue chicken. He got there at 5.05 on a Saturday night. He was angry. He just wanted his barbecue chicken and he could not go into the supermarket to buy it. Good point. Where do you think he went after that? He told me his frustrations, 'I couldn't go into the supermarket. I couldn't go into this big multinational supermarket and get my barbecue chicken, so I had to go up the road to the family-run barbecue chicken shop and buy my chicken.'

I asked him, 'Was it a good chicken?' He said, 'It was actually a really good chicken, one of the best chickens I have had in a really long time.' I said, 'Well, would you have usually gone to that family chicken shop up the road?' He said, 'No, I have never actually been there before. I usually just grab it when I'm in the supermarket and give that money to that multinational company that doesn't keep their money or their jobs here in South Australia. I think they send their money to this big corporate body somewhere else that isn't in South Australia.'

I said to him, 'Do you still think that deregulating shop trading hours is a good idea?' He said, 'I had never really thought it about from that perspective. I never really thought about why you were jumping up and down so much about the need to keep shop trading hours the way that they are at the moment.' He would never have gone to that little family chicken shop up the road if the Hon. Rob Lucas and those opposite got their way.

Do you know what would happen if those opposite get their way? That is why Business SA has come out so strongly against this. If those opposite get their way, the family chicken shop will not be there any longer, nor will the butcher, nor will the florist and nor will any other little family business that surrounds that supermarket. Why? Because when you have a supermarket, a multinational supermarket that can put prices up and down at the flick of a switch, they will push out every small business that surrounds them.

Do you know that one of the biggest products that a supermarket loses money on is a barbecue chicken? Where do they put that barbecue chook? They put it at the back of the supermarket, because when you go into the supermarket you buy everything else along the way back to the checkout, and they will do that for every other product. You have a pizza bar? They will sell pizzas after 5pm on a Saturday night. People will not be going up the road to buy pizza, they will just get it when they are at the supermarket.

You will push out every small business that surrounds one of these large companies on a Saturday night because of your regulations that you want to change. Shutting and giving time to the little guy is important. You are taking away this small handful of time that is meant to be there for the independent, and there is a reason we have 30 per cent more independents in South Australia—it is

of no coincidence. It is because we have given them the regulations that support those very small businesses, so they can stay open while the big guys are shut.

Those opposite keep saying, 'All these businesses have to shut, it's horrible, there's no flexibility in South Australia'. Eighty per cent of businesses in South Australia can open 24/7 if they choose—80 per cent of small businesses that keep their jobs, keep their profits here in South Australia, can open 24/7. The only ones that cannot are the big guys, and they cannot open because we are giving that market space to the little guy, and that is why we keep prices down and we have more choices for our consumers.

The very people you think you are trying to help you will hurt, because prices will go up under your plan, because there will be no competition. You will drive out competition and that is why Business SA has run in the opposite direction from you. That is why Barossa Fine Foods has run the opposite direction. That is why every small business that has been given an opportunity under legislation that is supported by this side and by the crossbenchers is not supporting you. That is why FoodWorks on O'Connell Street in North Adelaide has a sign out the front, 'Support local businesses, vote Labor'. That must hurt, and it must hurt a lot.

The people that you have gone in to say you will be the friends of are running in the opposite direction, and so they should. You say that we are backwards: well, go to London! Guess what they do on Oxford Street on a Sunday. You can only trade for six consecutive hours on a Sunday on Oxford Street. How backwards are we? It is just extraordinary.

Just a few other little facts—a timeline. There is a timeline here. You have come in with an election promise. Small businesses, industry bodies, the unions, have all come out and are on the same page. They have said that you are on the wrong side of the argument. They said, 'This is not a good idea, you shouldn't push ahead with this'. The crossbenchers and Labor come together and sign a pledge to also say that you are also on the wrong side of the argument. You lose the vote in parliament. Life moves on, businesses are happy with some certainty for small businesses.

A worldwide health pandemic comes along. Surely the Liberal government is not going to play politics with a health pandemic. It only took a matter of hours for the Hon. Rob Lucas and the Premier to come out and announce that they would deregulate shopping hours. They use a health pandemic to get their political will out the door. They realise that they may have stepped over the line and start to say, 'Oh, well, this is because of social distancing, we need a little bit of social distancing.' But it only seemed to be that they needed social distancing on Saturday mornings, Saturday nights or Sunday mornings. It did not seem to need social distancing any other time of the week, because the Treasurer would know that you can trade from midnight until 9pm.

I am not that great with maths, but 21 hours is a fair amount of time to be able to social distance during the week. Any store in South Australia can open from midnight until 9pm. That is a reasonable amount of time to head to the supermarket, surely. Surely you would not need to deregulate trading hours if you can already trade for 21 hours in a day. But there seemed to be a problem, because there needed to be social distancing on a Sunday morning in particular.

There was a quick email chain that we discovered through an FOI—I am sure the Treasurer is very well aware of the one I am about to bring up. There never seem to be any emails from the health officials, just between two particular political advisers about what we need to extend trading hours. This particular adviser from the Department of Treasury and Finance states:

The current easing of hours is due to expire on 18 May. Both coles and woollies have indicated they are moving back to more normal hours during the week—

again, you could trade between midnight and 9pm—

and that they are seeing early trends of shopping moving back towards weekends. With increased numbers of shoppers doing their shop on the weekend they are concerned with social distancing and are seeking to trade extended hours, particularly on Sunday [morning]...

Here we were in a pandemic, telling people not to be going out to the community, not to be going to the shops, but the only thing we were thinking about was extending trading hours on a Sunday morning. That email chain continues on for quite some months between these two same political advisers into June. They started in May. There does not seem to be any email or any correspondence

in March. When did the government announce that they would deregulate trading hours so that social distancing could happen? In March, but there was no health advice given by anyone in a formal capacity that trading hours should be deregulated for health reasons.

We kept pushing and pushing and pushing until we got an answer. That answer came from Dr Chris McGowan on 2 May 2021. He confirmed that there were 'no files that existed in our scope or our application in regard to the need to deregulate trading hours as part of the pandemic'—none. You have done nothing but use politics during a pandemic to get your way, to follow through with your legacy—one that will never, ever happen. You have failed and you will not succeed.

The other day I had guests in this parliament. They asked me, 'What has been the most significant thing you have achieved whilst being here?' Without hesitation, I said it was about voting against your reforms, because we know that local businesses and small businesses that keep their money here in South Australia are the backbone of our economy. They are the very people you have abandoned.

The ACTING PRESIDENT (Hon. J.E. Hanson): Thank you, the Hon. Ms Bourke. As much as I would love to have a bill on shop trading hours, I just remind members to direct their comments through the Chair.

The Hon. T.A. FRANKS (15:37): I rise as one of two speakers today from the Greens to speak to the Retail Trading Bill 2021, also with a view to the fact that we have a Referendum (Retail Trading) Bill on our *Notice Paper* as well. I think it is no surprise that, 200 days before an election, we are here again in this council debating shop trading hours and Rob Lucas the Treasurer's attempt to deregulate shop trading hours.

The then Liberal opposition promised that a Marshall Liberal government would, in the first 100 days, bring forward to this council a bill to deregulate shop trading hours. Of course, that was one of the promises that they broke pretty early, because they did not get a bill into this council in the first 100 days of this parliament. In fact, when asked why we had no piece of legislation to debate, it was said that parliamentary counsel had not been able to draft the bill because it was far more onerous than the Treasurer had imagined it might be.

Of course, after that failed promise of a bill in the first 100 days, when we finally did receive a bill to debate shop trading hours, it was all or nothing, just as this bill is today. I am not quite sure what was so complicated about that, but what I am cognisant of is that the Treasurer did not put in time before the election to make sure he had a bill ready to go, that nobody was working all hours 24/7, day and night, to get that bill before us in those first 100 days, that we did not require our staff here in the parliament or indeed our MPs to sit additional days of parliament to get that bill debated or at least onto the *Notice Paper* in that first 100 days. But what they do require in this particular bill is to give those who work in these industries affected fewer protections and less quality of life than they currently have and less certainty with what they have to deal with.

I am proud that South Australia has one of the least duopoly driven supermarket landscapes in the country. I am proud that we have the small players who are able to get in and have a chance. I am proud that those small players, in particular, drive the purchase of South Australian foods and products on our supermarket shelves—something that would not happen if the duopoly and the big players got their way.

What we do know is that they would get their way if they were able to, and that is why they want these changes. What we do know is that while we are told that the small players will not be forced to open, and that is technically true, we know the reality of a competitive environment is that the big players will make them open or drive them into the ground.

I actually do not take this bill seriously. I have to say, here we are. It is groundhog day. It is like a Looney Tunes cartoon. We have the sheepdog and the wolf clocking in and clocking off. That is what we are dealing with here. This is not a serious attempt at a piece of legislation. This is, from the Treasurer, an offer of all or nothing full deregulation, take it or leave it, and take it to a referendum.

This is the new added extra to try to give it a little bit of newsworthiness because, quite honestly, this story has grown old and tired in this parliament. We know what the numbers are at this point. We know that the Treasurer has not come and sat down with any of the key stakeholders and

said, 'Perhaps we could look at tweaks around a Sunday or some public holidays or a Saturday going later.' There has been none of those discussions. It is still this idea of all or nothing, deregulation, take it or leave it.

Why does the Treasurer do that? Why does the Treasurer take on a free gift with purchase of a referendum at the next state election? That is to make it new and interesting and somehow campaignable. This is actually just about the election that we have in 200 days. This is just an election stunt. This is nothing more than the Liberal Party and the Marshall government, but driven by their Liberal Party strategists, thinking that this is a great idea to take to the next election. They are not serious about reform here today.

There are no amendments on the table to discuss areas that Business SA and other stakeholders have raised of possible points of compromise which are well known now in the public debate to be areas where compromise could be reached. That is not on the table for us today. What is on the table is yet another stunt bill. It is really ludicrous to expect the Legislative Council to take this piece of legislation seriously when it is presented in such a fashion.

I do echo the Hon. Emily Bourke's concerns and ask the question of the Treasurer: where is the actual public health advice that supported using the COVID pandemic and the declarations under the various acts, including the Emergency Management Act and the Public Health Act, in those early days to extend shop trading hours? Where is that public health advice that was used by the Marshall government? I ask for that advice to be tabled with regard to the second reading response by the government today.

I also note that the elevation of this matter to the terms of its facing a referendum to the South Australian people would be the first such referendum in some 30 years. I think it would be the first such referendum in my entire time of living in this state. I think it is extraordinary to treat the people of South Australia with such contempt that we need a referendum on this matter where it is put as an all or nothing proposition, no compromise entertained—and, indeed, no compromise attempted to be reached within the parliament of the state—before that is taken to a referendum.

What I do reflect on is that the Treasurer will soon have all the time in the world to shop. I wish him well with his shopping. I do not think he is going to get much traction with this in the council today and I certainly do not think that this is the electoral winner that the Liberal Party thinks it is.

When people understand the impact that this could have on small businesses, on those workers who currently have some certainty and some security about not being dragged into work at all times of the day or night—regardless of their caring obligations or their other life, or indeed being able to play sport on the weekends and other parts of our community fabric—once you have those conversations with people, as the Hon. Emily Bourke has noted, it does not take long. It takes a few minutes into a conversation about this issue for people to move from wanting to shop to understanding what it is to work in these industries and what it is to treat those people with fairness and dignity.

While you still have your rights to shop and ability to shop, and I think currently we have the balance pretty well right, there are some areas of compromise on the table and the Greens would consider some of those that have been put out there. I understand the Labor opposition leader has publicly stated that he would be willing to have some conversations about compromise.

The member for Croydon was, of course, part of a compromise deal previously reached with Business SA prior to his election to this parliament, so you would think that he is probably going to be up for having conversations in the future in his now role as a member of this parliament. But the Treasurer is not interested in those conversations. The Treasurer is interested in cynical, political trickery.

I do not propose to revisit the arguments that I have put to this chamber before, and I refer those who are either avid readers of *Hansard* or are following this debate today online to my previous remarks. This has been an issue, and I have noted this before, that does pique public interest. Everyone has an opinion. People are interested in this issue. I will give you 10 out of 10 for political strategy there in terms of the Liberal Marshall government's thinking.

However, once you have those conversations, people shift. Once you actually talk about sitting down and having a compromise then maybe you might get the reform that some, who you purport to represent, seek but right now you are not doing them any service at all by presenting an all or nothing argument. It is few and far between in terms of the lobby that does want full deregulation.

Most lobbyists that come and meet with us actually—they may be in strong support of reform but they are also in strong support of that being reached by compromise and conversations, not presenting the parliament with these all or nothing bills and not taking these issues to a referendum. It is utterly a joke. It is contemptuous really of the time of this parliament and the people's lives who have been put to such levels of anxiety and uncertainty because of this ongoing Looney Tunes debate.

The Hon. R.A. SIMMS (15:48): I welcome the opportunity to also put on the public record my opposition to this push to deregulate shop trading hours in South Australia. As has been stated, this is something that will have a terrible impact on small businesses in our state. It is a free kick for Coles and Woolies and it is a kick in the guts for the small business sector in South Australia. But do not just take my word for it, do not just take the word of the Greens for it, or the word of the Labor Party or the other crossbenchers. What does the peak lobby group representing the business sector in South Australia have to say about it? What do they have to say?

I had a look in today's paper—and it should be noted that Business SA is the go-to group for the Liberal Party when it comes to business policy. That is the group from which they seek their counsel, and the CEO of Business SA is a leading businessperson in his own right, a highly respected South Australian, indeed the former Lord Mayor of the City of Adelaide, with whom I had the pleasure of working many years ago. He is a highly respected person and somebody who has run many successful businesses in his own right. What does he have to say about it on behalf of Business SA, the peak body representing the business sector in this state, from whom the Liberal Party seek political counsel? He has said:

What got the board over the line—

in terms of their new position in opposition to the Liberals' policy—

was the somewhat unsung impact that total deregulation would have on the supply chains of the shopfronts.

There are thousands of businesses that get a start through independent retailers and if they lose the ability to get that start, it's quite a significant impact.

What else does the Business SA charter say in this regard? They have released this today via an article in *The Advertiser*, and I am quoting from that. They said that with further liberalisation in the current environment there would need:

...to be a balance to ensure local independent retailers and their local supply chains can remain viable against national and multinational players which are better placed to absorb the higher costs of weekend and public holiday penalty rates.

In other words, this is going to have a terrible impact on the small players, and it really is a free kick for the big end of town, which we know the Liberal Party are all about.

So why on earth are they putting this forward when Business SA, the peak body from whom the Liberals take all their advice on business policy, has disavowed this toxic policy? I can only assume the last ones standing will be the Property Council and Daniel Gannon; I am sure he will be singing its praises. There is not anyone out there—

The Hon. K.J. Maher: No, he will be turning too.

The Hon. R.A. SIMMS: He is going to dump it.

The Hon. K.J. Maher: He will be the next one to turn.

The Hon. R.A. SIMMS: He will be dumping it next. There is no-one out there in the community who actually supports this. It is opposed by the union movement. It is opposed by the business sector. Maybe the Property Council are the last ones standing, but they will be the next ones to dump it. So why on earth would the Liberals be putting this forward? Could it be that after

just 3½ years they have already run out of ideas? Could it be that after 3½ years they are already running on empty when it comes to a vision for this state?

Back in a previous life, I remember being in the Senate on the days prior to the double dissolution election, that ill-fated double dissolution election that was called by Malcolm Turnbull, one of the many duds that the Liberal Party have sent to The Lodge over the last decade. Well, he had no vision for our country either, and I remember turning up to the Senate each day and looking at the *Notice Paper*, and what did I see? A blank sheet when it came to government business.

I am feeling a groundhog day here, as I look at the threadbare agenda of the Marshall government. After just 3½ years, what have they done? They have gone back to the cupboard and thought, 'What have we got sitting around? What's the frozen pizza we can pull out?' And it is this old chestnut that we have tried time and time again, a policy that has been knocked back by this parliament in the past, a policy that has been opposed by business leaders, union leaders, members of the community. What do we do when we are out of ideas? We go back to that old frozen pizza, we stick it in the microwave and out it comes. That is what we have seen here today with this old chestnut, the deeply unpopular and unsuccessful policy that has been promoted by the Treasurer.

I do want to make a few comments about the Liberal Party's obsession with referendums. They are very fond of referendums. Indeed, the last time the Liberals were pushing one—and, again, I mentioned the great dud that was Malcolm Turnbull; he loved referendums, particularly when it came to the rights of marginal people in our community. Of course, he subjected us to the pointless and highly divisive plebiscite on marriage equality.

Now it seems workers' rights are going to be subject to an opinion poll on behalf of the Liberals, such is the contempt with which they hold working people. It is a disgrace, it is a waste of this council's time, and it is, I think, treating working people with complete contempt. This is the party, supposedly, of small business, yet it is happy to kick small South Australian businesses in the guts in the middle of this pandemic.

This is the party that supposedly stands for families, yet it is happy to support a policy that will make it very difficult for families who are working in small business. Really, this is pure ideology; that is all this is about. This parliament can see through it, the South Australian people can see through it, and really it is time for the Marshall government to go back to the drawing board and to come up with some ideas, because this is a complete joke.

The Hon. F. PANGALLO (15:55): I rise to speak against both the bill to deregulate shopping hours and, of course, the referendum. I would like to commend the speakers we have heard today on their impassioned and spirited defence of the retail sector in South Australia. They clearly have done the research. They have spoken to the sector and of course they have come up with the only conclusion that you can come up with, that we need to protect what we have that is unique here in South Australia.

I am going to have to channel the honourable leader of the opposition here, the Hon. Kyam Maher. I found his comments regarding groundhog day quite colourful and entertaining. I am driving into work today and I am just coming down King William Street, and what song pops up on my music player?

An honourable member interjecting:

The Hon. F. PANGALLO: No, it was not Smokey Robinson, *Shop Around*.

The Hon. T.A. Franks: Dolly Parton?

The Hon. F. PANGALLO: No.

Members interjecting:

The PRESIDENT: I am sure the Hon. Mr Pangallo does not need any assistance.

The Hon. F. PANGALLO: No, I do not. Of course, we know what song it was: *I got you babe*. Normally when a song like that pops up, you get a vision in your mind of the artist—Sonny and Cher. But no, the first image that popped up in my head was Rob Lucas, and I am going to have to front him today.

The Hon. K.J. Maher: You got him, babe.

The Hon. F. PANGALLO: I got him.

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: So that song is now—I think they call them 'earworms'. Is that what they call them? That is in my mind today, and every time I hear that it is the image of the honourable Treasurer. I appreciate the honourable Treasurer in the light that he takes this debate. I will say to the Hon. Tammy Franks that I did have quite a cordial conversation with the Hon. Rob Lucas about electric vehicles but also we raised the shopping hours debate again and it was quite a cordial discussion with him. We did not sing a song over it.

Again, we proffered the idea that perhaps we could look at some kind of flexibility on weekends. That has been flagged by the honourable Leader of the Opposition in the House of Assembly, Peter Malinauskas, that we look at extending hours on Saturday and Sunday from 9am to 6pm. I am quite open to that, but no, the Treasurer is quite adamant that it is all or nothing for him.

The Hon. Tammy Franks quite rightly nailed it. I will call this for what it is: it is an illusion—a political illusion from a master necromancer. It is not an insult, it is a magician. And I think it is, again, waving the wand.

Members interjecting:

The PRESIDENT: The Hon. Mr Pangallo ought to continue with his speech and ignore the interjections.

The Hon. F. PANGALLO: To go further on the referendum matter, why did the government not do the same thing and call a referendum on gambling, pokies legislation, euthanasia, abortion, or sex worker reform? These are real issues. These are the issues that the public of South Australia really care about. Perhaps they could pose those questions, or this question, when they do their own election polling: would you still support extended, deregulated shopping hours if it resulted in higher prices for your groceries and loss of small businesses? What about asking the punters that question?

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: And then try to explain that to the people who take part in these surveys. This is what happens in surveys—we have all experienced them—you get a loaded question and of course somebody is going to say yes or no to that, but many times people really are not as informed about the subject as they perhaps should be.

As I said, this would be costly to the vibrant, independent sector that we have here. The lowest prices in Australia. Budget Direct reported just last week that Adelaide enjoys the lowest grocery prices in Australia. And why do we have it? It is because we have this vibrant, independent grocery chain that is giving those two giants a run for their money. They make up 30 per cent of the sector and we are proud of them and what they do. They make it a very competitive situation and those two giants, Woolies and Coles—and I think we might chuck Aldi in there, but certainly the two giants—are intent on trying to Hoover up a sector here and then of course consumers will be made to pay for it.

We saw that story last week about two interstate national industry groups putting out a survey saying that 60 per cent were in favour of the deregulation. That is interesting. I am informed that one of those groups does not even have members in South Australia. They are interstate, in the Eastern States, and they think, 'Well, what's good for the Eastern States should be the same for South Australia.' Well, that is not the case.

I do commend the welcome about-face by Business SA today, which does support partial deregulation on weekends, and which, like Labor, we are inclined to support. The Greens have also expressed an interest in that. I am not quite sure about the Hon. John Dawkins—yes, he nods as

well, so there we go. We are quite open to that. If you are really serious about deregulating shopping hours, let's get the ball rolling first up and let's have a look.

We are all happy to do that on weekends and I think weekends are the time when people would appreciate a bit of an extension, particularly on Sunday mornings. Opening up at 11am on Sunday morning—if you opened up at 9am it might prove a bit of a problem for those members of the Liberal party who may be caught up trying to sign up members in Pentecostal churches.

Members interjecting:

The Hon. F. PANGALLO: Anyway, as I have mentioned, we are open to that. We support the small businesses in shopping centres and malls that will be put under enormous pressure by their landlords to open. Many still choose not to open on Sundays or public holidays like Boxing Day because it is not viable.

I remember a couple of years ago, before the pandemic struck, when the Treasurer gleefully announced the Boxing Day shopping in the metropolitan area, I thought I would go out and have a look. I spent the whole day. I went everywhere. I went to the major shopping centres, and of course they were there. The public went there and enjoyed that. But I went to the smaller centres, and the shops were closed. There was nobody in the supermarkets. It was dead as a doornail. We can see who benefits from all this. It is the big players, the big end of town, who of course as we know are strong supporters of the Liberal Party.

We support the other businesses in the supply chain, which would be swallowed up and disappear if these big retailers grabbed more of a market share. The food producers I have met who have had to deal with these giants tell me how they have been monstered to provide their goods at prices that barely make it worthwhile for them. I spoke to a grower of capsicums, for instance, a few weeks ago. I said to him, 'I've noticed the capsicums are pretty cheap in the supermarkets at the moment.' He shook his head and said, 'Do you know what? We are forced to sell them at a price that we can barely break even.'

Before he died, I had a robust conversation—it was an enjoyable one, I must say—with the late Vili Milisits, the great South Australian pieman, as we all know, who sadly passed away in March this year. He was being pressured by On The Run to drop his prices so that they could sell his products, his pastries, pies, pasties and sandwiches, at a highly discounted price. Vili said to me, 'Why would I want to lose money for these companies to profit more on it? I'm not going to do that,' and he stood up for it.

You may also recall that Coles also monstered Vili and even took his products off the shelf because he would not put his price down. Of course, he said to them, 'Go right ahead,' and what happened? There was a consumer backlash. The consumers wanted his products back on the shelf, and what did they do? They put them back on there.

I see the scant regard that some of these big players also show our local producers. I think of companies like Spring Gully. We all know the Spring Gully story from a few years ago when they looked like they were going to shut down and were having problems even getting exposure on supermarket shelves. The community rallied behind them to save that company and they are there today, although I notice now that their position on the supermarket shelves is not as prominent as it was when there was so much controversy surrounding it, but they are there because consumers wanted that.

As I said, I welcome the announcement today by Martin Haese from Business SA and their about-face on that. They can see what the situation is. In fact, the former lord mayor was on ABC radio this morning. Mr Haese is a man who actually knows business.

The Hon. R.A. Simms: He knows business. Exactly.

The Hon. F. PANGALLO: He knows business.

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: He is Martin Haese, and we know of his contributions, not only as lord mayor but before he went into that office, as a person who was a retailer and involved in business, particularly with Rundle Mall. So he knows what it is all about. Here is what he said to Ali Clarke on ABC radio this morning, and this was before Sonny and Cher popped up on my music player, by the way.

Members interjecting:

The Hon. F. PANGALLO: There it is again. He said:

It's a hyper competitive market, it keeps prices in check right now so for consumers the current situation is already a win. If the market rationalises in favour of let's say larger players in the market and that happens at the expense of smaller players in the market, guess who loses? Their suppliers. The thousands of small businesses who are too small to supply a large national or international supermarket, but they can get in the door of a smaller one. They're the ones whose back we are looking after.

'They're the ones whose back we are looking after,' say Business SA. They are the ones whose backs we are looking after as well in this place. Small business is the biggest employer of people in South Australia—small business is the biggest employer—and they are the ones that we are here to protect.

That brings me to another essential group that we at SA-Best support—and I am sure my colleagues do—and that is our retail workers. They have been at the forefront of the challenges posed to our community since the start of the pandemic. They perform their customer service duties in an exemplary manner. They have remained cheerful and helpful, sometimes in the face of abuse from some recalcitrant customers. We should value each of them, from the casuals to the permanent staff. We should also ensure that they get the working conditions and job security they deserve, and not be at the whim of grocery giants maximising their profits at the expense of their workforce.

I am not convinced by the argument that deregulation will create more jobs. It will not. It will not mean more money being spent because all you are doing is circulating the dollar that is already there in people's pockets. As far as the ordinary shopper is concerned, extended shopping hours has not been on the radar for most of them. I really do not believe it is. It is not an issue that they grapple with every day like the Treasurer does or the Premier or others in the Liberal government because they can see that there is a promise that is not going to be fulfilled come 2022.

I do not think the ordinary shopper really cares. It will come up in the media, talkback radio will be abuzz, you will get people talking about it and then it dies down. The interesting thing in the three and a bit years that I have been in parliament—and this issue, as the Hon. Tammy Franks has indicated, it is the issue that keeps coming up and keeps coming up—but my inbox has not been flooded with emails from people saying, 'You must vote for deregulated shopping hours. What are you doing?' It has not. I have not even received one. The only ones I get it from are the self-interest groups, the organisations that are pushing for it. I do not get it.

I have had thousands of emails on other more important issues in our community that we have discussed in this place. They are the issues that matter to South Australians. Shopping hours? No, they do not. All it is, is a matter of convenience for some about when they can go and do their shopping. It is all about convenience. If you had to explain to them the implications they could face, including that that basket of groceries you have just walked out with could see a 20 per cent or 30 per cent increase if we lost or had our independent sector hit, or you could be paying more or you could lose the local butcher or other local small businesses in your centre if we allowed the deregulation, that is what we face here. So I am not convinced at all by those arguments that they keep trotting out.

The other thing people need to be aware of is that stores can actually open from one minute past midnight on Monday to Saturday right now. Stores are doing this or staying open later in the city. They can open later in the city, up until 7 o'clock I think, and the Hon. Robert Simms can confirm that, but how many of them do you actually see stay open until then? They do not because it is not viable for them. If they took the time to be better informed of the actual costs to small business, conditions for workers in the retail sector and the cost of goods they would soon change their minds.

We all know that the current trading hours are working well, and they have been for many years. They are not broken. The minister can still, at the turn of a pen, make a decision to have

trading on ANZAC Day, Black Friday, Boxing Day or whatever. He can still do that if he wishes to. Is what we have at the moment really broken? It is working effectively.

Let's not forget who is going to benefit the most from the Treasurer's obsession. It is the big end of town, the big, commercial shopping precincts. It is the property owners who do not have to pay stamp duty on the purchase of large commercial properties—that is pretty good—or who have had their land tax bill reduced. This is just another sweetener for them, leading up to the 2022 election. We all know that they have given financial support to the Liberals, and we know that the big supermarket chains have provided donations.

I want to make this point, particularly here in South Australia: Woolies are not just the fresh food people that we all think they are. They also happen to be the biggest pokie barons in this state. Why do they not start divesting themselves of their hoard of gaming machines that suck up the money from their own battling shoppers?

We are yet to see the dust settle on the economic fallout from COVID. There are many businesses hanging by their fingernails right now. I have many friends who are in small business and, when they see me, the first thing is that they come up to me and say, 'What are we going to do? What are we going to do when this thing ends?' Some of them are finding it very difficult to continue trading and are locked in talks with their landlords. I also have some sympathy for landlords because they have been suffering as well.

We passed legislation in this place that gave rent relief to many of these people. The whole community is suffering here, and it is going to be difficult for them to find the cash when this thing is all over to try to maintain their business, maintain their staff and continue as they are going. Some of them are even struggling with having to consider now whether to renew their leases. This COVID pandemic is so uncertain and we do not know how long it will continue. Some people have to commit to paying rents of up to \$100,000 a year, and they say, 'We didn't make any money last year. We had to put staff off. We are finding it difficult.'

It is actually an inopportune time to try to shove this legislation down the throats of the community and the business sector, because they cannot afford it. We cannot even contemplate going down this track until we are at the other end of the COVID-19 pandemic, particularly right now with what we see happening in New South Wales, which has become a total basket case because of the inept handling of it by the Premier there. I am hearing stories now also coming out of Victoria that there could well even be food shortages as a result of that. So there are severe consequences from that.

I reiterate that SA-Best stands shoulder to shoulder with Labor, the Greens, Mr Darley, the retail workers in South Australia and the independent grocers in South Australia. We stand shoulder to shoulder with them, because we are there to protect their interests and to ensure that the community, the consumers of South Australia, enjoy the lowest prices in the country and will continue to do so. Thank you very much.

The Hon. R.I. LUCAS (Treasurer) (16:20): I thank members for their contributions at the second reading of the debate, although I do not agree with much of what has been said and I will outline the reasons for that. The arguments that I have heard proffered this afternoon I have heard for all of my career in this parliament.

When we first moved to late night shopping on Thursday and Friday nights, it was going to be the end of the independent retail sector. When we moved to Saturday afternoon trading, it was going to be the end of the independent retail sector. When we moved to Sunday trading, it was going to be the end of the independent retail sector. The same arguments have been used for 30 or 40 years. The same arguments get trotted out, sometimes by the same people, sometimes by new people but with the same arguments.

The reality is that this is inevitable. It will not happen today because of the majority in this particular chamber, but this is inevitable. Why? Because history shows it is inevitable. Seventy per cent of people—not the business groups, not the union bosses, not the vested interests, but 70 per cent of the punters out there, households and families, when you ask them over the decades, 'Do you want greater freedom of choice to shop?' they say, 'Yes, please, will you help us?'

The vested interests will always band together in various uneasy coalitions to oppose change. I have seen it myself. As I said, Thursday night trading, Friday night trading, Saturday trading, Sunday trading, were going to be the end of the world as we knew it. The reality is that the world moves on. South Australia edges closer and closer to the rest of Australia in terms of its shop trading hours.

Whilst the numbers might not be there today, it is inevitable in relation to what is going to happen because the people want this. This government will campaign through to the next election and beyond because the people want this. We are not much interested in the vested interests that rail against it, represented by various groups in this debate this afternoon.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order, the Hon. Ms Bourke!

The Hon. R.I. LUCAS: One cautionary note I might make, for the benefit of the Hon. Mr Pangallo, is that I do hope he has checked his research, because I have to say—and I do not have all the detail of the Liberal Party's donations—that I am unaware of Coles and Woolworths having made donations to the Liberal Party in South Australia.

The Hon. Mr Pangallo might have checked and he might be right, so I am not saying he is wrong, but I hope he has checked because he made quite a specific allegation in relation to political donations in his contribution. I am unaware, but certainly I can check the public record after this debate, because everything does have to be disclosed under our disclosure laws to the Electoral Commission.

Putting that issue to the side for the moment, a significant part of this debate swings on the issue of the claim that this will be the end of independent retailing in South Australia. There was the extraordinary claim from the Hon. Ms Bourke that, if you go into a Coles or Woolworths supermarket, you will see the barbecue chickens at the back of the shop for some reason. I do not know how often the Hon. Ms Bourke goes to supermarkets, but I can invite her to go to a number of supermarkets that I certainly go to on weekends and as you walk through the entrance and use your QR code, immediately there on the right-hand side are the hot barbecue chickens.

It may be well be the case in certain of the supermarkets the Hon. Ms Bourke goes to, but to make the generic point that in some way there was some malevolent intent by the supermarket owners to have the barbecue chickens at the end of the shop—I think she needs to get out a little bit more and do a bit more shopping in relation to barbecue chickens. Let me say, one of the reasons why those of us who are very cautious—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —with our dollars buy our barbecue chickens in shops like supermarkets is it is a darn sight cheaper than going to some of the other outlets.

The Hon. E.S. Bourke interjecting:

The Hon. R.I. LUCAS: It is easy for someone who is on \$200,000 a year to say they are prepared to pay \$13, \$14, \$15, \$16 for a barbecue chicken.

The Hon. J.E. Hanson: You are on more.

The Hon. R.I. LUCAS: I am talking about the Hon. Ms Bourke. I invite the Hon. Ms Bourke to talk to the punters out there. If they can get a barbecue chicken for 10 bucks—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order, the Hon. Ms Bourke!

The Hon. R.I. LUCAS: —at a supermarket, and they can save \$2, \$3 or \$4, that means a lot to those punters. That means a lot to those punters. It is alright for—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. R.I. LUCAS: —the well-to-do members of parliament represented by the Hon. Ms. Bourke and others to say, 'Okay, they should just pay the extra price for their barbecue chicken.' Talk to the real people out there. Talk to the people out there who do not mind—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —getting a cheap barbecue chicken, which they can then feed their family with and meet the bills that they have to meet on a weekly basis. It is a struggle for many South Australians out there. It might not be a struggle for members of the Labor Party in the opposition. They might be quite happy to spend an extra \$3 or \$4 or \$5 on their barbecue chicken, but we are prepared to think of—

Members interjecting:

The PRESIDENT: Order, Leader of the Opposition!

The Hon. R.I. LUCAS: —the struggling workers, struggling families, who want to actually be able to go to a supermarket to have the freedom of choice to buy a barbecue chicken at whatever price they want to, and let them compete in the marketplace for their barbecue chicken.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Leader of the Opposition should come to order.

The Hon. R.I. LUCAS: I love my barbecue chicken, and I love a cheap barbecue chicken.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke had her say.

The Hon. K.J. Maher interjecting:

The PRESIDENT: And so did the Leader of the Opposition. The Leader of the Opposition will cease.

The Hon. R.I. LUCAS: Let's talk about this fallacious claim that this is going to be the end of independent retailers. As I said, we have heard this for decades. Independent retailers continue to go from strength to strength in South Australia. One of the pieces of research done by respected market research company Quantum Market Research—

Members interjecting:

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

The Hon. R.I. LUCAS: Respected market research company Quantum Market Research asked the question, in essence: if larger shops—e.g. discount stores, department stores, supermarkets, etc.—could open for longer, would you continue to support smaller local retailers? This is the essential premise that is being asked; that is, if the big stores are open, would you continue or would you not continue to support? Ninety per cent of South Australian punters said yes, they would continue to support local retailers.

They will have the choice. They can do some shopping at their local retailers, they can do some shopping at their supermarkets, but they will continue to provide support to local retailers in addition, I am sure, to going to supermarkets at times of their own convenience. But they would have the option in terms of their shopping choices.

As I said, respected market research company Quantum Market Research did the polling and what it showed was 23 per cent of adults were more likely to shop local and 66 per cent would shop as much. So the vast majority, 66 per cent, would just continue as they were shopping at the moment at the same level, and 23 per cent said they would shop more. It left less than 10 per cent who said that they would shop less in terms of their support for local smaller retailers in the South Australian marketplace. That is research. The facts are, for the last 30 or 40 years, the reality has shown that the independent retailers in South Australia have continued to survive and thrive. Why? Because they provide a niche.

The people like the Hon. Ms Bourke, who are quite happy to pay for select items or local produce or higher price products or more competitive products or whatever it might be, or the retail experience, go to some of these supermarkets and there is someone playing a piano, there are free apples in the corner, there are all sorts of very attractive enticements and some South Australians love it. They continue to love it and they continue to shop there.

My wife is a perfect example of someone who shops at independent retailers. I shop at Coles and Woolies because it is cheaper. I am happy to do so. I want to get my barbecue chickens at the cheapest possible price. My wife loves the experience of the independent retailers.

Members interjecting:

The PRESIDENT: Order! I think the Treasurer should continue.

The Hon. R.I. LUCAS: On some weekends, I will go to the local independent retailer—

Members interjecting:

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

The Hon. R.I. LUCAS: —in our suburban area because it is the only supermarket which is allowed to open, because it is under 400 square metres, so I do support those particular shopping times.

Members interjecting:

The Hon. R.I. LUCAS: Well, because the big ones are closed.

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. R.I. LUCAS: I cannot go to the big supermarkets at various hours.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: If it is before 11 o'clock on a Sunday and I have to do my shopping, I cannot go to a supermarket which is bigger than 400 square metres because your lot will not let me.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Your lot will not let us go to a supermarket above 400 square metres. If it is 395 square metres, you will let me go. So what do the current laws allow? There were stores that had 500 square metres of retail space and, when it was pointed out to them that they were trading unlawfully, what did they do? They actually reduced the size of their store to 395 square metres, in some cases, by moving the fridges in from the wall or whatever it might be so that they got under this magic 400 square metre mark. Magic!

You were talking about magic, Hon. Mr Pangallo. A 500 square metre store all of a sudden became 395 square metres and it was able to trade whenever it wanted to. It was the same sized store but somehow it had magically had its trading area reduced to under 400 square metres. That has been the reality of the independent retailers.

This is where we are at the moment and why this is inevitable and why those who oppose this debate just ignore what is going on in the retail market at the moment. The Hon. Mr Pangallo recounted a story of Vili and On The Run. The legislation that the majority in this chamber are going to support actually gives to the On The Run franchise the biggest free kick in the world. People rail against Coles and Woolworths, but the legislation that the majority in this chamber are going to support gives On The Run the biggest free kick in the world.

Why? Because through the vagaries of the current legislation, they can and do trade 24 hours a day seven days a week. If you go to their websites, they are now increasingly trading as On The Run Supermarkets. If you go down to Aldinga or a number of their bigger recent outlets, there is a big neon sign and their websites say, 'Visit On The Run Supermarkets,' and they are massive establishments. But because of this legislation, which we are seeking to tidy up, the On The Runs of this world, of course, are going to oppose the changes that the government has indicated because they can trade 24 hours a day.

If you talk to some of the retailers on Kensington Road, for example, who have been protesting against the On The Runs coming into that particular area and the other retailers, the On The Runs have their 24 hours a day, seven days a week, 365 days a year trading, and that is total deregulation. That is the real definition of full deregulation. That is the situation that is being supported by the majority in this chamber.

They are going to take an increasing share of the market, and for the poor worker or the punter who cannot get to a supermarket and has to buy something after hours—after 5 o'clock on a Saturday or Sunday night or before 11 o'clock or on a public holiday—if the only outlet that is open is the On The Run, trust me, the equivalent of the barbecue chicken or the two-litre container of milk or the loaf of bread is significantly more expensive in those particular outlets than it is in a supermarket.

Those punters, those workers, those families, those households, struggling for a quid in those particular areas; that is the only outlet they are going to be able to go to: either an On The Run supermarket or a small under 400 square metres supermarket that is allowed to open and trade in their particular area if they happen to have one.

The other fact of life which people just want to ignore is the reality that online shopping is growing like crazy. COVID has assisted that, but it was growing like crazy before COVID. COVID has exacerbated it. It has made it easier for people. They have been forced to do it, and they have found that it is easy, and we will see, as we emerge from COVID, that online retailing will take an increasing share of the market.

Brick and mortar retailers of all persuasions—not just the supermarkets—are increasingly going to have to compete against the online retailers. The reality of this world is that unless retailers and supermarkets can provide the convenience and the attraction in their brick and mortar retailing, then more and more people will move to the online retailing market. That is the reality.

Talk to the young ones. Talk to the young ones, people much younger than anyone in this particular chamber. Talk to the young ones in relation to their preference for online retail purchasing. As we move through the generations, in the future online retailing, which is 24/7, will become more and more of a reality for more and more punters and households that can afford it in the community. There are some who cannot afford it, but for those who can afford it, it will become increasingly a reality for them.

This whole debate so far has been dominated by supermarkets. The reality is that our shop trading laws are such a dog's breakfast that people forget that it is not just supermarkets; it is retailing generally. We have this crazy law which has 200 square metres so that if you are a retail outlet—not a supermarket—that is more than 200 square metres, you have these restrictions. Down at Harbour Town on a public holiday you have outlets that sell furnishings or household goods or sporting goods who happen to be 250 square metres in size who are not allowed to trade—at Harbour Town.

They say, 'This is unfair. Why can everybody else trade, but we can't trade? Why can't we sell sandshoes, footy boots, or whatever it might happen to be, because we are 250 square metres?' Those of you who want to defend these crazy laws; no-one has ever proffered an explanation in this

particular debate as to why that makes any sense at all. There is no sense at all for that sort of restriction.

Some of those outlets down at Harbour Town and elsewhere who want to expand, who want to employ more South Australians in a bigger store—and some of these might be just under 200 square metres; they say, 'Well, it makes no sense for us to do that, because if we do that we can't trade for up to 10 or 11 public holidays in a year. We can't trade at various other times of the day or week, because your crazy laws say there's a 200 square metre rule if you happen to be over that.'

Our whole debate at the moment has been dominated by supermarket versus supermarket. What it misses is that there are a lot of retail outlets and stores which are not supermarkets which are also impacted by the crazy laws that we have here in South Australia.

The final point in relation to this fallacy, this furphy, is in relation to the reality that from Mount Barker to Mount Gambier to Victor Harbour to Port Pirie to Whyalla to Port Lincoln we have 24/7 trading anyway.

The Hon. C.M. Scriven: Not in Millicent, we don't.

The Hon. R.I. LUCAS: Other than Millicent. The Hon. Ms Scriven points out the particular anomaly of Millicent. In every other part of regional South Australia, starting from Mount Barker, with the exception of Millicent, we have what everyone here says is going to be the end of the world, and they have had it for a decade, a very long time anyway. They say that it is going to be the end of the world and there will be no independent retailers left, there will be no fruit and veg shops in Mount Gambier. I invite the Hon. Mr Maher to—well, he has finished speaking, so he cannot speak, but he knows there is a number of very popular fruit and veg outlets trading very successfully in Mount Gambier.

All of these independent stores are going to disappear, but there has been 24/7 retailing in the regions of South Australia for years and years. The world has not ended for independent retailing, the world has not ended for families and communities and workers within those particular areas. People complained about the work-life balance. Where is the problem in regional South Australia, in Mount Gambier or in any of those other regional areas that we are talking about?

We also have not quite as much, but certainly much more, freedom of choice in the CBD. I still have not heard an explanation from the ex-boss of the shoppies' union, the Hon. Mr Malinauskas, or the current boss of the shoppies' union, my good friend Joshie Peake, as to why work-life balance is not a problem for workers who work in CBD stores but it will be if they happen to work in Marion or Noarlunga.

What is so special about the workers in Marion or Noarlunga as opposed to the thousands who work in the CBD on Boxing Day, on public holidays and for extended hours at other times? There is no argument, as I said, from the ex-boss of the shoppies' union or the current boss of the shoppies' union as to why workers in the regions and workers in the CBD are different to potential workers at Marion or Noarlunga. There is no answer, because the reality is there is no explanation. There is no support for the argument from the shoppies' union and those who support them in relation to shop trading hours.

One other issue that was raised that I do need to address was the claim made by the Hon. Ms Bourke and the Hon. Ms Franks, I think it was, that politics was being played in the pandemic and there was no public health advice. The Hon. Ms Bourke knows that that is wrong. She knows that that is untrue. On 6 August last year, I sent a response to a freedom of information request to the Hon. Ms Bourke, and I will quote from that. She was unwilling to quote the actual emails. We sought advice from the Minister for Health's office as to what the public health advice was in relation to shop trading during the pandemic, and the email that came back from the Minister for Health's office was:

Thanks for the email. I have discussed this with Chris Lease, Deputy Chief Public Health Officer, and he has indicated the public health advice remains supportive of any measures which can assist in physical distancing, including the continued exemption from restrictions to shop trading hours.

Bang, full stop, end of story, no argument. There is the advice. There is the advice, and it is repeated in a number of emails from Chris Lease—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke is out of order!

The Hon. R.I. LUCAS: —the Deputy Chief Public Health Officer, relayed via, as is appropriate, the minister's office. It is appropriate to go through a minister's office to get the advice from his or her department. The Hon. Ms Bourke has worked in a ministerial office before. You do not go as a minister to offices in somebody else's department directly. You go through the minister's office, and Chris Lease, the Deputy Chief Public Health Officer, bang, end of argument. The claims made by the Hon. Ms Bourke and others have no foundation. They have never had any foundation, and they stand exposed for the falsehoods that they are.

Finally, I turn to my very good friend—

Members interjecting:

The PRESIDENT: Order! Members of the opposition might have missed it, but the Treasurer said 'finally'. The Treasurer will continue.

The Hon. R.I. LUCAS: Finally, I turn to my very good friend the current chief executive officer of Business SA, Mr Martin Haese. I was asked earlier by some members of the media and others whether I was surprised. I said, 'No, I'm not surprised, because Martin Haese has been an unabashed campaigner against freedom of choice in trading hours for many years.'

In fact, I have a photograph on the steps of Parliament House, where Mr Martin Haese is standing with Mr Peter Malinauskas, the Hon. Frank Pangallo—yes, you would have been 'Hon.' at that stage—the Hon. Mr Darley, the Hon. Ms Franks, the Hon. Mr Parnell, Colin Shearing from the Independent Retailers, Theo Vlassis I recognise, and one or two other faces I recognise as well. It is a lovely photograph. All of them are there, saying, 'I commit to keeping the balance that backs SA jobs, farms and shops by stopping deregulation of trading hours.' This was three or four years ago, well before he became the chief executive of Business SA.

Was I surprised? Of course not. I have known Martin Haese's position on shop trading hours for a long period of time. He has publicly campaigned against greater freedom of choice in relation to these particular issues for a long period of time. The Hon. Mr Simms nods his head because he probably knows, as I do, that Mr Haese's position on this particular issue has been well known to those of us who have known Martin during the years. It is unremarkable that after a couple of years in the job Business SA has come some way back from its original position of support for the government's position.

As I said at the outset of this speech, the objective for our government is not about pleasing individual groups like the shoppies union. Unlike Mr Malinauskas, we do not have to get permission from the shoppies union as to what our policy should be on shop trading hours. If Josh Peak says, 'Pete, you can't actually do this,' then he is not allowed to do it. That is as simple as that. Business SA does not dictate policy to the Liberal Party.

They came up with their wonderful idea for a swimming pool in the River Torrens. We did not agree with that one either. It ain't going to happen. Possibly, if there is a Labor government, they indicated some interest in the swimming pool in the River Torrens. On this particular view of shop trading hours, we respectfully disagree with the position of Business SA. They do not dictate policy to the South Australian Liberal Party.

We respectfully disagree with them on these and some other issues, but we very happily agree with them on many other issues, and that is as it should be. We respectfully listen. There are some issues that we will agree with, and there will be some issues that we disagree with. This one and the swimming pool in the River Torrens are two examples of policies that we will not be supportive of. We accept the fact that this legislation on the public declarations of position will not pass this afternoon. I will address some briefer comments to the referendum bill when we get to the referendum bill, so it will not make any commentary here.

I indicate again that we will happily campaign on an issue that is supported by 70 per cent of the punters out there right through to March of next year and beyond. Come Boxing Day late this year, just three months prior to the election, should we have trading on Boxing Day, we will be indicating that if the ex-shoppies union boss was to be elected in March that would be the end of Boxing Day trading, or indeed Easter Monday trading, extended hours on Cyber Fridays or trading on Adelaide Cup Day holidays, because the shoppies union just will not allow the ex-shoppies union boss, the current leader of the Labor Party, to do anything like that that 75 per cent of the punters out there want.

The council divided on the second reading:

Ayes 7
Noes 12
Majority 5

AYES

Centofanti, N.J.
Lee, J.S.
Stephens, T.J.

Girolamo, H.M.
Lensink, J.M.A.

Hood, D.G.E.
Lucas, R.I. (teller)

NOES

Bourke, E.S.
Hanson, J.E.
Ngo, T.T.
Scriven, C.M.

Darley, J.A.
Hunter, I.K.
Pangallo, F.
Simms, R.A.

Franks, T.A.
Maher, K.J. (teller)
Pnevmatikos, I.
Wortley, R.P.

PAIRS

Wade, S.G.

Bonaros, C.

Second reading thus negatived.

REFERENDUM (RETAIL TRADING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 June 2021.)

The Hon. F. PANGALLO (16:53): We do not want to go through deja vu again so I will not speak to it, except to say that SA-Best, of course, is opposed to this bill.

The Hon. R.I. LUCAS (Treasurer) (16:53): I will not repeat the debate from the previous bill. I will just add the additional element that the respected market research company Quantum Market Research, when they conducted research in June this year, asked a question about whether or not there would be support for this particular issue to be put to a referendum and 61 per cent of adults agreed that they wanted the chance to have a say in a referendum.

Intriguingly, the households of retail workers demographic showed a much higher support: 74 per cent of retail workers' households actually supported this issue being put to a referendum. Of households that cared for children, 71 per cent supported this issue being put to a referendum.

This was an opportunity—which according to the publicly stated positions is unlikely to succeed—for those who were unprepared to vote in favour of this to say, 'Let the people of South Australia decide.' Again, as I understand it, from at least the publicly declared positions, that is unlikely to occur. However, we will test the water and divide anyway.

The council divided on the second reading:

Ayes 7
 Noes 12
 Majority 5

AYES

Centofanti, N.J.
 Lee, J.S.
 Stephens, T.J.

Girolamo, H.M.
 Lensink, J.M.A.

Hood, D.G.E.
 Lucas, R.I. (teller)

NOES

Bourke, E.S.
 Hanson, J.E.
 Ngo, T.T.
 Scriven, C.M.

Darley, J.A.
 Hunter, I.K.
 Pangallo, F.
 Simms, R.A.

Franks, T.A.
 Maher, K.J. (teller)
 Pnevmatikos, I.
 Wortley, R.P.

PAIRS

Wade, S.G.

Bonaros, C.

Second reading thus negated.

**RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (ALCOHOL AND DRUG OFFENCE)
 AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 24 June 2021.)

The Hon. E.S. BOURKE (16:59): I rise to speak on the Rail Safety National Law (South Australia) (Alcohol and Drug Offence) Amendment Bill 2021. I will be the lead speaker for the opposition on this bill. This rail safety legislation is created with the specific aim of keeping our community safe and connected.

Drug and alcohol testing regimes exist to protect everyone in our community, not only workers but those who use or employ the services of those workers. Testing for substance use is also not an unfamiliar concept in the workplace. It is common practice in other industries such as construction, security, police and civil aviation, as well as many other areas where safety risks need to be minimised.

The Rail Safety National Law (South Australia) Act 2012, in partnership with the Rail Safety National Law (South Australia) (Drug and Alcohol Testing) Regulations 2012, provided a direction in regard to the procedures that an authorised person is required to adhere to when testing a rail safety worker, the time that is required for that test and the inability for a worker to refuse or fail to comply with the requirement or direction of testing.

As I mentioned previously, these types of guidelines are not uncommon in other industries where safety is paramount. The proposed amendments allow for more specific definitions which will aid in increasing the safety of the worker.

Proposed amendments to section 128 insert subsection (1a), which defines when a worker is considered to be 'carrying out, or attempting to carry out' rail safety work. According to the bill, when a worker is signed on and available for duty they are considered to be carrying out rail safety work, regardless of whether the work is actually carried out at a specific moment.

This is because it is not always clear when a worker has begun rail safety work—they could simply be attending another task associated with their role that is not deemed a safety-related role.

These amendments are complementary to other amendments I mentioned before, which refer to the timing of the drug and alcohol tests.

It is been suggested in the other place that the proposed amendments to this legislation resemble similar provisions in the Civil Aviation Regulations. Like this bill, those regulations outline a comparable definition of when a safety sensitive activity is considered to be 'carried out'. And, like in the other industries, these stricter guidelines aid in protecting employees and others connected to the work being done.

Strict guidelines on the use and the effect of alcohol and drugs are essential in keeping workers safe and protected. This amendment bill seeks to clarify some of the terms to strengthen the existing national framework. The opposition is pleased to support this bill. Drug and alcohol testing is integral to workplace safety in this country and the proposed amendments support the national framework already in place.

The Hon. F. PANGALLO (17:02): I rise to speak in support of the Rail Safety National Law (South Australia) (Alcohol and Drug Offence) Amendment Bill. I understand that the bill quite simply clarifies that, for the purposes of alcohol and drug-related testing and thus possible offences, a rail safety worker will be taken to be carrying out rail safety work when they have arrived at their place of work and have signed on and are available or otherwise on duty.

Workers who have only turned up but not signed on—that is, they have not commenced rail safety work—are not regarded as carrying out rail safety work yet. Apparently, until now, there has been ambiguity around the interpretation of when a worker has begun rail safety work. This has made it difficult to prosecute a worker for a breach of the alcohol and drug testing that is part of their safety management system.

South Australia, as the lead legislator for the national law, now needs to pass this legislation to ensure that Rail Safety National Law is consistent in each state and territory. It also brings rail and safety provisions into line with similar provisions in the Civil Aviation Safety Regulations 1998 and ensures that rail laws are nationally consistent.

I understand that alcohol and drug testing in the rail industry is carried out to a very high standard, and that there are very few breaches of these stringent safety requirements by employers and employees. That is a comforting fact, given the numbers of precious passengers and quantities of freight carried by rail each year in our state. I was particularly pleased to learn at the briefing given on the bill that the new private rail operators are equally as vigilant as the public sector in conducting and monitoring alcohol and drug testing to ensure that safety standards are maintained throughout our network.

As members of this place and South Australian constituents know, I am a strong advocate for rail in South Australia, and have been an outspoken critic of successive government's failures to maintain or expand our rail network. For instance, we saw what happened with the *Overland* passenger train between Adelaide and Melbourne, where the Victorian government has had to subsidise this popular service. In terms of freight, the Port Lincoln grain train was abandoned by Viterra because it did not want to spend money on upgrading that rail line.

Of course, we know that there are impacts for having less rail in the state—safety, for instance. It means there are more trucks and cars on our roads, more fatigued drivers, not subject to the same safety standards and safety management systems. You have the situation of roads infrastructure versus rail infrastructure, and the lack of upkeep of both. It also impacts on the cost of freight and on the efficiency of rail.

Tourism opportunities for rail seem to be very limited in South Australia compared with interstate—the Northern Territory, Western Australia and Victoria. We have no internal rail passenger tourism infrastructure to places like the Flinders and the Barossa, where plans to establish a tourist wine train by Chateau Tanunda's John Geber were derailed by the previous transport minister, when a section of the line was inexplicably ripped up. Transport minister Corey Wingard has ruled out a major spur line connecting Mount Barker to the existing line running through the Hills and then on into Adelaide because of costs.

This is an expanding region with thousands of new homes on the drawing board, yet there is no effective transport strategy for future generations. It puts enormous pressure on the South Eastern Freeway—a lottery to travel upon at the best of times and on any given day. Mount Barker is expanding at a great rate, it is virtually a satellite city, but the only way into town is down that freeway, and we have seen the problems and congestion, almost on a daily basis, caused by cars and that endless line of trucks.

If there is a government bold enough to build a bypass for freight, I am sure it can work. People in the Hills want a new line, and it may well be an election issue next year. This opposition by Minister Wingard and his rail-hating bureaucrats in his department is very short sighted; hence their privatisation of the metropolitan network—they just do not want to know it.

Rail is the backbone of efficient freight and passenger transport in just about every developed country around the world, and in other countries not as well developed, and, of course, in other mainland states of the federation. But why not in South Australia—one of the largest states in the country. It really makes no sense at all.

We have a government more concerned about winning metropolitan seats and spending more money on intersections that save a fraction of minutes for commuters in cars. We can see how useful rail is in the Eastern States, and there are major infrastructure projects, like the \$15 billion inland rail that will connect Melbourne to Brisbane. It is underway and it represents a great nation-building exercise. The Victorian government has committed billions to expanding and revitalising its magnificent network of rail throughout their tiny state, but here there is no vision at all. They just want to patch up our crumbling roads that are being pulverised by incessant road trains.

It is obligatory for governments to provide transport services, including rail, not jettison them off to the private sector. Regional South Australia will never reach its true potential if the state government continues to abandon rail as an efficient and reliable mode of transport. A rail advocate, Michael Kohler, wrote to me recently and here is a portion of what he had to say:

I know Frank is aware of the Marshall Government's hardnosed decision to not support a Bill to protect the Barossa Valley rail corridor. [The Department for Infrastructure and Transport] wants to cover over the rail line at a location called Altona which is about 2 km's out of Lyndoch on the way to Tanunda.

The road passes over a railway cutting at Altona and once it has been filled in and a realigned road put over it then that spells doom for the line and no chance of any future use as a commuter service to Gawler from the ever-increasing major Barossa Valley towns.

If we are serious about road safety, want to reduce cars on the road and global warming then this pro road attitude is not the way to go.

My second point is that a new housing estate called St Ives is being built on prime rural land just south of Roseworthy. This in itself is a disgrace but just west of this development is the ex Burra railway line which still has a connection into Gawler.

The existing line must be kept so that in time a new commuter railway station and car park can be built so residents from St Ives, Roseworthy and even out towards Freeling can utilise a commuter train service into Gawler where they could then transfer into an electric train.

With the Gawler line being electrified, more new electric trains will be introduced which means there will be a surplus of diesel/electric 3000/3100 class rail cars which could be used to both Nuriootpa and Roseworthy. This would not happen in the immediate future obviously but the thrust of this email to you is that those railway lines must be retained for future use and not ripped up or covered over.

I have written to Transport Minister Corey Wingard who is my local MP about these two matters and he is not interested.

Surprise, surprise! Mr Kohler goes on to say:

I have many friends who work in the rail industry and share my passion about the value of rail and they all agree with me that there is no rail culture in South Australia from either Liberal or Labor.

At least Labor does have a slightly better attitude when it comes to light rail (trams).

To me the Liberals ideology encourages roads, cars and road transport and people like Corey Wingard won't listen to common sense.

One of the Premier's pet quangos is Infrastructure SA. We supported it at the time because we believe they might provide visionary solutions, not just for infrastructure but also transport in our

regions. Their much vaunted 20-year blueprint for the state failed to include one regional railway project. In fact, Infrastructure SA has been shown to be a rather underwhelming yawn and appears to have provided little inspiration for future infrastructure projects to be developed by the government. In closing, we support and look forward to the passage of the bill.

The PRESIDENT: Thank you, the Hon. Mr Pangallo. I will observe that you drew a very long bow with some of your remarks to the specifics of this bill. I just want you and others to observe those matters in the future. The Treasurer to conclude the debate.

The Hon. R.I. LUCAS (Treasurer) (17:14): I thank honourable members for their wideranging contribution to the substance of this bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:16): I move:

This bill be now read a third time.

Bill read a third time and passed.

**HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA)
(TELEPHARMACY) AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 3 December 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:17): I rise to speak on this bill on behalf of the opposition. This bill serves to make permanent some of the temporary COVID measures enabling the delivery of telepharmacy, or remote pharmacy in South Australia. Today, telepharmacy has been limited to specific rural and remote areas.

I note that this bill has sat with this council since October last year. As it turns out, the government had not yet properly or appropriately consulted with stakeholders and required another six months' negotiation with key interest groups, including the Pharmacy Guild of Australia (SA) and the Pharmaceutical Society of South Australia.

It is a common theme of this government to introduce legislation without working out its effect and the nature of its effect, or consulting with major stakeholders, and then having to try to fix it later. The government then filed amendments to the legislation in June, seeking to strengthen the regulatory model underpinning these reforms.

Now the opposition notes that much of the details surrounding this reform will be left to regulations governed by the Pharmacy Regulation Authority SA. Matters that are left to regulation under this bill include the minimum time requirements for telepharmacists to return to a physical pharmacy after practising remotely, that schedule 8 drugs of dependence and compound medicines are excluded from telepharmacy, what level of pharmacy technicians can perform which roles, mandatory specifications surrounding the telepharmacy consult itself and that prescribed areas will likely be Monash level V and above.

These aspects to the reforms are no small detail. How drugs of dependence are regulated, and how community pharmacies might be adversely impacted should the legislation not strike the right balance, are of vital importance. The opposition, in contrast to the government, went out to broad consultation on this bill back in October 2020 but engaged in further direct consultation with both the Pharmacy Guild of Australia South Australian Branch and the Pharmaceutical Society of Australia SA/NT Office, regarding these government amendments.

While both were largely in support of the legislation and the decision to refer much to regulation, the guild was careful to note that they are expecting the government to engage in detailed

consultation on the development of these regulations. They seek assurances from the government that they will be heavily engaged and the opposition will be sure to hold the government to account as this legislation and the further development of the regulations under this legislation progress.

With that, I indicate the opposition is supportive of the bill. I can further indicate that we will support the one amendment I think the government has filed and, to aid the passage of this bill, I indicate we will have no questions at the committee stage.

The Hon. J.A. DARLEY (17:20): I rise to support this bill which makes permanent the legal provisions for the authorising of telepharmacy in South Australia. I have received correspondence from the Pharmacy Guild concerned about the development of regulations to facilitate telepharmacy and the guild's desire to be involved in the development of these draft regulations.

The guild has indicated their readiness to assist in the development of workable conditions. The guild believes that they have established collaborative arrangements to date with government but would expect that conditions under which authorisation is granted for access to medicines would be contained in regulation and therefore subject to the normal disallowance process. Can the Minister for Health and Wellbeing advise on the time line for gazettal of regulations and assure the house that the conditions under which authorisation is granted for access will be adequately addressed in regulations?

The Hon. F. PANGALLO (17:21): I am not going to speak on the bill as such, but I rise to say that SA-Best is supportive of the bill. I would like to endorse the comments just made by the Hon. John Darley. In our discussions with the Pharmacy Guild of Australia, with Mr Nick Panayiaris, they also requested that the guild be given an undertaking on the record by the minister that they will be consulted in the development of regulations.

The Hon. R.I. LUCAS (Treasurer) (17:22): I thank honourable members for their contribution to the debate. I have just had a quick word to the Hon. Mr Darley. As the Minister for Health is at another engagement and cannot handle the passage of the bill through the house, I am prepared on his behalf to give an undertaking to have the minister respond to the particular questions the Hon. Mr Darley has raised in his second reading contribution and to put that commitment on the public record. Given the shortness of time, I do not think I will have an appropriate adviser here available during the committee stage, so I thank the honourable member for his contribution.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. R.I. LUCAS: On behalf of the government, I move:

Amendment No 1 [HealthWell-1]—

Page 3, lines 1 to 15 [clause 4, inserted subsections (1b) and (1c)]—Delete subsections (1b) and (1c) and substitute:

- (1b) The Authority may only grant an authorisation under subsection (1a)(a) in respect of a pharmacy if—
 - (a) the pharmacy is located within a prescribed area; and
 - (b) the authorisation is reasonably necessary to ensure that pharmacy services are available to persons who would not otherwise have direct and timely access to such services; and
 - (c) the Authority is satisfied that a pharmacy services provider, who is proposed to provide pharmacy services as part of the operation of the pharmacy business without a pharmacist being physically in attendance at the pharmacy, has taken all reasonable steps to ensure that the provider will comply with a code of conduct applying to the provider under this Act in respect of such operation.

- (1c) An authorisation granted under subsection (1a)(a) will be subject to the following conditions:
- (a) any conditions prescribed by the regulations;
 - (b) any conditions imposed by the Authority.
- (1d) A condition of an authorisation under subsection (1c) may, without limitation—
- (a) specify a pharmacy service, or pharmacy services of a class, which may not be provided while a pharmacist is not physically in attendance at the pharmacy pursuant to the authorisation; or
 - (b) require the physical attendance of a pharmacist at the pharmacy at specified intervals; or
 - (c) specify staffing requirements (including staff qualifications) for a pharmacy while a pharmacist is not physically in attendance at the pharmacy pursuant to the authorisation; or
 - (d) otherwise limit or restrict the circumstances or manner in which pharmacy services may be provided while a pharmacist is not physically in attendance at the pharmacy pursuant to the authorisation.
- (1e) The Authority may, by notice in writing to a person holding an authorisation under subsection (1a)(a)—
- (a) vary or revoke a condition imposed under subsection (1c)(b); or
 - (b) impose a new condition in relation to the authorisation; or
 - (c) revoke the authorisation.
- (1f) A person must not contravene or fail to comply with a condition applying in relation to an authorisation granted under subsection (1a)(a).
- Maximum penalty: \$50,000.
- (1g) Subsection (1b)(a) does not apply in circumstances determined by the Authority to be circumstances of an emergency.

Amendment carried.

The Hon. R.I. LUCAS: On behalf of the government, I move:

Amendment No 2 [HealthWell-1]—

Page 3, after line 15—After line 15 insert:

- (2) Section 43(4)—before the definition of *pharmacy* insert:
- emergency* includes an event (whether occurring in the State, outside the State or in and outside the State) that causes, or threatens to cause—
- (a) the death of, or injury or other damage to the health of, any person; or
 - (b) the destruction of, or damage to, any property; or
 - (c) a disruption to essential services or to services usually enjoyed by the community; or
 - (d) harm to the environment, or to flora or fauna;

Note—

This is not limited to naturally occurring events (such as earthquakes, floods or storms) but would, for example, include fires, explosions, accidents, epidemics, pandemics, emissions of poisons, radiation or other hazardous agents, hijacks, sieges, riots, acts of terrorism and hostilities directed by an enemy against Australia.

Amendment carried; clause as amended passed.

Remaining clause (5) and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:25): I move:

That this bill be now read a third time.

Bill read a third time and passed.

OATHS (MISCELLANEOUS) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 24 June 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:26): I rise to speak on this bill on behalf of the opposition. The bill seeks to amend the Oaths Act 1936 and repeal the Evidence (Affidavits) Act 1928 with the effect of expanding those who can take statutory declarations while limiting those who can take affidavits; allowing a code of practice for declarants, deponents and witnesses when making or taking statutory declarations and affidavits; and aligning those who can take statutory declarations with the commonwealth Statutory Declarations Act.

It is important to note that the Law Society provided extensive commentary, including 23 suggested amendments, on an earlier draft of this bill. However, only portions of the Law Society's views have been incorporated in this final bill. Key Law Society recommendations that are not included in the bill include the inclusion of sections 6, 7, 66, 66A and 67 of the Evidence Act in the Oaths Act. If section 7 of the Evidence Act 1929 is included in the Oaths Act the Law Society submits that the act should also reference its application to all tribunals established under the law of the state.

With regard to proposed section 38, inserted by clause 11 of the bill, the Law Society submits that if a code of practice is required then it should be prescribed by regulation subject to parliamentary oversight. The final submission was a proposed subsection to be inserted in section 27A(2), giving courts the ability to designate other people to take affidavits in their courts either generally or in a particular case.

The opposition has listened carefully to the government's reasons for adopting or not adopting recommendations in the other place. We are concerned that some of them seem to be summarily dismissed, but on balance the opposition will be supporting this bill and has not filed amendments.

The opposition will be holding the government to account to ensure that the additional work that has been promised to go along with this bill does in fact happen. With those words, I indicate that the opposition will be supporting the bill and that on this occasion we will not have any questions in the committee stage.

The Hon. F. PANGALLO (17:28): SA-Best does support the bill, but with some trepidation, I must say. It follows a meeting I had recently with a number of justices of the peace, who had a look at the legislation.

I think what they pointed out to me is that they felt they play quite a crucial role in the preparation and the sighting of documents and ensuring that everything is done appropriately. They conduct their own training courses for JPs—it is done at their expense—to ensure that proper procedures are followed. A different model operates in Queensland, from what I understand, and funding is made available to train JPs, for instance, in ensuring that they follow the proper requirements when it comes to sighting and signing off, and also looking at various important documents.

This bill expands the range of people who can have a look at these documents. I think it is important and incumbent upon the government to make sure that there is proper training for these particular people and to ensure that proper training is put in place for justices of the peace, so that everything is done accordingly and there are no problems that come up afterwards, some sort of legal technicality or something that has not been done because people were not up to speed with what the laws actually entailed or what was required of them in witnessing documents or placing their stamp on them.

In short, we will be supporting it but, as I said, with some trepidation. I hope that we do not see some kind of an unexpected circumstance arising as a result somewhere down the track.

The Hon. R.I. LUCAS (Treasurer) (17:31): I thank honourable members for their contributions to the second reading and for their indications of support for the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MUTUAL RECOGNITION (SOUTH AUSTRALIA) (FURTHER ADOPTION) AMENDMENT BILL

Introduction and First Reading

The Hon. R.I. LUCAS (Treasurer) (17:34): Obtained leave and introduced a bill for an act to amend the Mutual Recognition (South Australia) Act 1993. Read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:35): I move:

That this bill be now read a second time.

The Mutual Recognition (South Australia) (Further Adoption) Amendment Bill 2021 introduces the legislative amendments required to support a uniform national scheme for the automatic mutual recognition of occupational licences consistent with the government's obligations under the Intergovernmental Agreement on Automatic Mutual Recognition of Occupational Registration.

On 24 June 2021, the commonwealth parliament passed amendments to the Mutual Recognition Amendment Act 1992 (Cth) introducing a uniform scheme of automatic mutual recognition to enable an individual registered for an occupation in their home state to be taken to be registered to carry on, in a second state, the activities covered by their home state registration.

Automatic mutual recognition will increase the strength and resilience of the Australian economy by reducing the time and cost for Australians to take up jobs wherever they arise. A more mobile labour force will respond to new opportunities with more skilled workers crossing jurisdictional borders to work and more businesses bidding for work in other states. Improved access to skilled workers will drive productivity and competition, lowering prices and improving service quality for consumers and businesses. Communities will also be better placed to respond to national emergencies and disasters with skilled workers better able to relocate quickly.

The Australian government, in collaboration with state and territory governments, developed the uniform automatic mutual recognition scheme through extensive consultation and engagement with industry, trade unions and regulators through a formal public consultation process. Mutual recognition under the existing national scheme already operates in South Australia under the Mutual Recognition (South Australia) Act 1993.

Mutual recognition under the existing national scheme provides an entitlement for a registered worker to be registered for an equivalent occupation in another jurisdiction on the basis of their existing registration, without further assessment of their qualifications. To gain mutual recognition, a worker must notify the Local Registration Authority (LRA) in the state in which they are seeking registration for the equivalent occupation, apply and pay for an additional state licence.

Since its introduction in 1992, the existing arrangements for mutual recognition of occupational licences have helped to reduce barriers to occupational mobility across jurisdictions across a broad range of occupations. In its most recent report on mutual recognition in 2015, the Productivity Commission found that the current mutual recognition arrangements generally work well

but there would be cost savings from automating these processes. The commission recommended governments expand the use of automatic mutual recognition to improve the efficiency of mutual recognition arrangements.

Safeguards are embedded in the new national scheme to ensure the community, the environment, animals and workers are protected. Workers coming to South Australia will be required to comply with the laws of South Australia—including public protection requirements regarding insurance and the like and satisfying a working with vulnerable people character test. Any conditions a person has on their home state registration will also apply, unless waived by the local registration authority.

Workers will be subject to any applicable disciplinary actions in South Australia and, for some registrations, may need to notify the regulator that they intend to work in South Australia. Those subject to disciplinary actions or who have conditions on their licence as a result of disciplinary, civil or criminal action will be excluded from AMR. Information on cancelled or suspended registrations and disciplinary actions for people in the new scheme will be available to regulators and recorded on registers.

The uniform scheme enables a state minister to exempt a registration in their state from being subject to automatic mutual recognition for a renewable period of up to five years because of a significant risk to consumer protection, the environment, animal welfare, or worker or public health and safety. A state minister may exempt a registration in their state up to 30 June 2022 where time is needed to ensure implementation requirements are in place.

This bill creates the capacity for regulators to seek the necessary place of residence and place of work information to ensure the effective operation of the national scheme. Under the uniform national scheme, interstate licence holders coming to South Australia will no longer be required to apply for and pay for a South Australian licence, and South Australian licence holders seeking to work interstate will not be required to apply for and pay for interstate licences.

This bill provides for the adoption of a uniform scheme of automatic mutual recognition that will enable an individual registered for an occupation in their home state to be taken to be registered to carry on in a second state the activities covered by their home state registration.

Automatic mutual recognition will increase the strength and resilience of the Australian economy by reducing the time and cost for Australians to take up jobs wherever they arise. Automatic mutual recognition will provide advantages to South Australians with a range of occupation licences working interstate or who wish to work interstate by removing costs and red tape. It makes it easier and cheaper for licensed individuals from interstate to work in South Australia. I commend this bill to the council, and I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal

Part 2—Amendment of *Mutual Recognition (South Australia) Act 1993*

4—Amendment of section 4—Adoption of Commonwealth Act

This clause provides for adoption of the provisions of the Commonwealth Act, as inserted, substituted or amended by the *Mutual Recognition Amendment Act 2021* of the Commonwealth.

5—Insertion of sections 4A and 4B

This clause inserts new sections as follows:

4A—Termination of adoption

This provides for termination of the adoption under section 4 by proclamation.

4B—Power to require evidence for purposes of Mutual Recognition laws

This clause is consequential and allows local registration authorities to get information from people registered in this jurisdiction (ie people whose home jurisdiction is SA) for the purposes of the measure.

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

GENE TECHNOLOGY (ADOPTION OF COMMONWEALTH AMENDMENTS) AMENDMENT BILL

Introduction and First Reading

The Hon. R.I. LUCAS (Treasurer) (17:41): On behalf of the Minister for Health and Wellbeing, obtained leave and introduced a bill for an act to amend the Gene Technology Act 2001. Read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:41): I move:

That this bill be now read a second time.

The bill before the house today will allow the South Australian Gene Technology Act 2001 to adopt future amendments to the commonwealth gene technology legislation by regulation. The purpose of this amendment is to prevent any future periods where South Australian legislation is inconsistent with the National Gene Technology Scheme.

The National Gene Technology Scheme is administered in each Australian jurisdiction through their respective laws, with each state and territory mirroring the commonwealth gene technology legislation. Each jurisdiction takes a different approach to adopting the commonwealth legislation, with several using automatic adoption processes. South Australia undertakes a full legislative process each time there are amendments to commonwealth gene technology law which can lead to inconsistencies between state and national regulatory requirements while this process is being undertaken.

Applying an adoption by regulation process to the South Australian gene technology legislation would mean that future changes to the commonwealth legislation would be considered by the South Australian government as amendment of act regulations with options to adopt, not adopt, or adopt with modification, any changes to the commonwealth gene technology laws. Parliament would retain the right to review and disallow the regulations.

Changes can only be made to the commonwealth legislation after consideration by the Gene Technology Forum, of which the Minister for Health and Wellbeing is the South Australian member, and full public consultation.

The Gene Technology (Adoption of Commonwealth Amendments) Amendment Bill 2021 will ensure regulatory requirements are consistent, reducing confusion and minimising the risk of noncompliance for clinicians, researchers, industry, transport companies and farmers who deal with gene technology. Aligning state and national gene technology provisions more efficiently will reduce inequity and prevent the hindrance of innovation. I commend the bill to members and I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

These clauses are formal.

2—Amendment provisions

Part 2—Amendment of Gene Technology Act 2001

3—Insertion of section 5A

This clause inserts new section 5A which provides that the Governor may, by regulation, amend the *Gene Technology Act 2001* to give effect to an amendment to the *Gene Technology Act 2000* of the Commonwealth made by the Commonwealth Parliament. The Governor must be satisfied that an amendment that corresponds, or substantially corresponds, to the Commonwealth amendment should be made to the *Gene Technology Act 2001*.

In making a regulation under proposed new section 5A, the Governor may make any additional provision considered by the Governor to be necessary to ensure that the Commonwealth amendment has proper effect under the law of South Australia.

A regulation made under proposed new section 5A may take effect from the day of the commencement of the Commonwealth amendment, including a day that is earlier than the day of the regulation's publication in the Gazette.

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

SOUTH AUSTRALIAN MULTICULTURAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 June 2021.)

The Hon. J.A. DARLEY (17:44): I rise to speak on the South Australian Multicultural Bill 2020; however, I have several concerns with the bill. Clause 4(a) under 'Parliamentary declaration' and clause 19(2)(b) in the South Australian Multicultural Charter refer to Aboriginal peoples. My office has sought clarification on the extent to which the diverse Aboriginal communities in South Australia have been asked about these inclusions, particularly given the clause 3(4) definition of 'interculturalism' in the preliminary section.

Whilst the celebration of Australia Day is a national holiday, the ongoing celebration of 26 January in South Australia raises the question of how it is consistent with an act that refers to interculturalism. How does this support by government accord with the principle of interculturalism, namely to:

recognise and promote in the community—

- (a) a deep understanding of, and respect for, all cultures; and
- (b) a dynamic, inclusive interaction between diverse groups within the community.

The well-meaning, significant and powerful inclusion of an acknowledgement of Aboriginal peoples as First Australians and their role in the diversity of the people of South Australia does not accord with the reality that must be met in the definition of 'interculturalism' and raises real questions of hypocrisy. It is relevant to note comments from Craig Foster, who is an Australia Day Ambassador and became a recipient of the Member of the Order of Australia (AM) on 26 January last:

A national day is special in so many ways. It would be incalculably more powerful on a date that truly brings us all together. Let's make it happen...It is no good talking about a multicultural, inclusive Australia if we are not prepared to live it.

It is noted that Noel Pearson warns against symbolic gestures, urging against any sort of reform without extensive consultation with Indigenous communities. In a speech on 17 March this year, Mr Pearson stated:

Australia doesn't make sense without [constitutional] recognition. Australia is incomplete without recognition. How could there be an Australia without its Aboriginal and Torres Strait Island indigenous peoples? As long as its indigenous peoples remain unrecognised then Australia is an absurdity.

...This absurdity becomes apparent with each passing January. The old idea of an Australia that started on 26 January 1788 and that's that, is fraying and our political leaders don't know what to do. The standard mode has been to ignore these fractures of national identity and all of the consequences that flow from the failure of recognition, for 11 months of the year, and then to panic in January about how we are going to deal with Australia Day.

Politicians offer thought bubbles so the nation's national day might return to untrammelled celebration and joy. No serious thinking or leadership is forthcoming from the political parties or the parliament. There are far too many Australians determined to stand with indigenous peoples in rejecting the old idea of Australia.

Mr Pearson refers to three stories of Australia:

...the Ancient Indigenous Heritage which is Australia's foundation, the British Institutions built upon it, and the adorning Gift of Multicultural Migration...The third story is the Gift of Multicultural Migration and recognises that peoples from the earth over brought their multitude of cultural gifts to Australia. That we celebrate diversity in unity makes us a beacon to the world. When we renounced the White Australia policy, we made a better Commonwealth,

...These three stories will make us one: Australians.

Constitutional recognition of Indigenous Australians is not a project of woke identity politics, it is Australia's longest standing and unresolved project for justice and inclusion.

I need to know that proper consultation has occurred with the diverse Aboriginal communities in South Australia. I also need to know that there is not rank hypocrisy when considering in the bill the definition of 'interculturalism' that talks about a deep understanding of and respect for all cultures and inclusive interaction between diverse groups and other actions of government.

I particularly refer the government to the insightful comments made by Mr Pearson. The government has raised these elements in the bill and taken us down a rabbit hole, and it is for the government to reconcile these contradictions and not place the responsibility elsewhere. It is the responsibility of government to take whatever actions it can to ensure the intentions of the bill can be met, and that is what I require. I wait to hear how the government answers these matters in the course of the debate.

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

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) (COMMISSIONER FOR ABORIGINAL CHILDREN AND YOUNG PEOPLE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 August 2021.)

The Hon. J.A. DARLEY (17:50): I rise to speak in support of the bill establishing a commissioner for Aboriginal children and young people under the proposed amendments to the legislation. Clearly, the disproportionate representation of Aboriginal children and young people in areas of disadvantage requires determined action and advocacy to support their rights. The government is to be commended for establishing the position of commissioner in this legislation to advocate for the inclusion and rights of Aboriginal children and young people.

Specifically, the minister advised that the commissioner is required to consult with and engage with Aboriginal children and young people and their families and communities. I foreshadow an amendment to section 20I(3), changing the word 'should' to 'will' to reflect the minister's statement in his second reading speech, to which I concur. Any further actions of government to enhance the voice of Aboriginal people in the decision-making process is to be commended.

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

APPROPRIATION BILL 2021

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:52): I move:

That the bill be now read a second time.

As I have done previously, I take the opportunity to note that the budget speech was tabled in both houses on budget day; therefore, I seek leave to have the explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2020. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

8—Overdraft limit

This sets a limit of \$150 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2021

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

COVID-19 EMERGENCY RESPONSE (EXPIRY) (NO 3) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:53): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Mr President, I am pleased to introduce the COVID-19 Emergency Response (Expiry) (No 3) Amendment Bill 2021.

Laws aimed at ensuring the State can take all necessary measures to protect South Australians have been fundamental to this State's ongoing successful response to the COVID-19 pandemic.

The Declaration of Major Emergency, in place since 22 March 2020 last year, provides the authorising context for the important social distancing and public health measures issued by the State Coordinator through Directions.

The *COVID-19 Emergency Response Act 2020* amended South Australian legislation to temporarily adjust some legislative requirements that are difficult to satisfy during a pandemic.

The COVID Act came into effect in April 2020 last year and will expire on 17 September.

This Bill proposes to extend the operation of the COVID Act to 28 days after the day on which all relevant declarations relating to the outbreak of COVID-19 within South Australia have ceased or 30 April 2022, whichever is the earlier.

While it is essential that the COVID Act be extended, there were a number of measures that were implemented in the early days of the pandemic that are no longer necessary. These provisions have either been expired or will be expired.

Some of the provisions of the COVID Act have also been made permanent by the *Statutes Amendment (COVID-19 Permanent Measures) Act 2021* which will come into operation on 9 September. Upon commencement, the respective provisions of the COVID Act will be expired.

Once the provisions that are no longer necessary are expired, the only provisions that will be left in the COVID Act are those amendments to the *Emergency Management Act 2004* that clarify the scope of powers given to the State Co-ordinator and authorised officers to issue directions under section 25, such as for quarantine, contact tracing, and border closures.

Mr President, extending these provisions is necessary for the ongoing management of the risk of COVID-19 in South Australia. By extending these provisions we will ensure that the State Co-ordinator has the powers he needs to issue the directions required to keep South Australians safe.

In addition to extending the COVID Act, the Bill also includes an amendment to remove section 302B(8) of the *Local Government Act 1999*.

Section 302B was inserted into the Local Government Act in March 2020 through the *Local Government (Public Health Emergency) Act 2020*.

This section enables the Minister, by notice in the Gazette, to vary or suspend the operation of specified provisions of the Local Government Act, in circumstances where a public health emergency exists, and the Minister is satisfied that the variation or suspension is reasonably necessary as a result of the public health emergency.

The Minister has made four notices under section 302B, all of which relate to critical aspects of councils' operations—council meetings, public consultation, public access and public information, and adoption of annual business plans and budgets. The notices have enabled these functions to continue effectively within any requirements that may need to be in place to protect public health.

Section 302B(8) states that the section will expire on 31 December 2021.

It is now clear that there is a high probability of a need to continue the operation of the existing notices, and have continuing capacity to make future notices, given the ongoing nature of the COVID-19 pandemic.

This amendment therefore proposes the removal of section 302B(8).

Given the importance of the notices to the continuing operation of councils in a public health emergency, the Local Government Association (LGA) has expressed support for the removal of section 302B(8), subject to the retention within the Local Government Act of the limitations to the Minister's powers to make notices under the section. These include an 'automatic expiration' of notices 28 days after the cessation of the relevant emergency and the application of section 10 of the *Acts Interpretation Act 1915* to make the notices disallowable. The Minister must also consult with the LGA before making a notice; and may not make a notice that imposes restrictions or limitations on the power of a council to impose rates and charges in its area.

There is no proposal to remove or amend these safeguards.

The amendment also makes a consequential amendment to section 302B(9). This section requires the Minister to cause a review of the operation of section 302B to be commenced at least 6 months before the day specified in subsection (8), and completed by 31 December 2021. The consequential amendment will require the Minister to table a report on this review in both Houses of Parliament by 31 December 2021 to ensure that the intent of Parliament to have this section reviewed within this timeframe remains.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *COVID-19 Emergency Response Act 2020*

3—Amendment of section 6—Expiry of Act

This clause extends the expiry date in section 6(2)(b) to 1 December 2021.

4—Amendment of Schedule 2—Temporary modification of particular State laws

This clause inserts a new temporary modification of the *Emergency Management Act 2004*—

- to require a regional representative on the State Transition Committee;
- to require cross border exemptions and permissions to be dealt with expeditiously; and

- to ensure members of Parliament are briefed on the effect of Statewide emergency directions within 7 days.

Schedule 1—Related amendment of *Local Government Act 1999*

1—Amendment of section 302B—Public health emergency

This clause removes the current sunset provision (of 31 December 2021) but still requires the report on the operation of the section to be tabled in Parliament before 31 December 2021.

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

EMERGENCY MANAGEMENT (ELECTRICITY SUPPLY EMERGENCIES) AMENDMENT BILL

Introduction and First Reading

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

CRIMINAL LAW CONSOLIDATION (BUSHFIRES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 June 2021.)

The Hon. E.S. BOURKE (17:55): I rise to speak on this bill and indicate that I will be the lead speaker for the opposition, who are in support of the proposed amendments. This bill seeks to amend the Criminal Law Consolidation Act 1935 section 85B, regarding the special provisions for causing a bushfire. Such changes are proposed in the wake of the most recent devastating Cherry Gardens blaze earlier this year.

The Cherry Gardens fire was started by arson on Sunday 24 January and destroyed two homes, damaged more than 19 buildings and burned through more than 2,500 hectares of land. Three hundred firefighters and 50 fire trucks fought the blaze on the steep terrain. The CFS maintained a presence on the fireground for 13 days before finally declaring the fire controlled on 3 February.

As the South Australian legislation currently stands, bushfire arson is penalised at a maximum of 20 years' imprisonment, which seems out of step with other forms of arson such as property damage, which can see maximum penalties reaching life imprisonment. I do not need to remind members of the devastation caused by the bushfires of last summer. The economic impact alone of the 2019-20 season is estimated to exceed \$4.4 billion. The damage was so extensive it is still being quantified.

Between September 2019 and January 2020, a shocking 10 people were reported or arrested for arson causing a bushfire. It is baffling that the potential widespread devastation to individuals, families, communities, wildlife and landscape caused by these acts of arson is penalised less harshly than setting a single vehicle on fire. Penalties should consider the risk of the loss of human life, whether it be the lives lost of residents desperately trying to save their homes, attempting to escape the unpredictable changes in the fire path, or those lives of our brave volunteer firefighters stepping in to save whole communities.

There are also the long-term impacts that last far longer than the fire itself. Ongoing mental health impacts are experienced by communities who have to flee a terrifying fire front approaching their loved ones, not knowing whether or not they will lose their homes, pets or risk their life and personal safety. Hearing the stories of those impacted by the Cudlee Creek fire, we feel the emotional and psychological toll that bushfires take on the community.

Jessica Jones described her two young sons taking refuge in their cellar with their favourite chooks and their beloved border collie. She and her adult daughter defended their home with a fire hose while her husband set off, away from the house, to attempt to protect the border of their property as the fire approached. She describes the utter relief she felt at seeing his silhouette emerging from the fire as he returned to the home. There is also 90-year-old John, whose property was untouched by Ash Wednesday fires but saw the Cudlee Creek fire climb up the hill towards his house, which was protected by a sprinkler system and a team of brave CFS volunteers putting their lives at risk to save his property.

The first amendment in this bill increases the penalties for causing a bushfire from 20 years to life imprisonment. Such changes will reflect the penalties for general arson as introduced by the former Rann government.

The second amendment mandates that a guilty defendant must pay compensation for injury, loss or damage resulting from the offence under section 124 of the Sentencing Act 2017. This requirement will act as a further deterrent to arsonists as well as assisting with the tremendous cost that comes with such devastation, a cost which is often carried by the rest of the state.

Both of these amendments are made following on the back of Labor's significant changes to fire and emergency management in South Australia, particularly between 2002 and 2014. In 2002 the Statutes Amendment (Bushfires) Bill was introduced into the House of Assembly by the Attorney-General of the time, the Labor member for Croydon, Michael Atkinson. The sentiments raised two decades ago by Labor still apply today. The then Attorney-General said:

Bushfires in an Australian environment require special treatment because of the peculiarly strong possibility of indiscriminate harm being done to people, property and the environment.

While these sentiments remain true to Labor's current position, the severity of fires in South Australia has increased in recent years due to the effects of climate change in causing extreme weather patterns and, simultaneously, the rates of arson are not diminishing.

When undercontrolled, fires can cause as much devastation to wildlife and human life as we have seen in recent South Australian seasons. Why would we not do all we can do in order to deter people from starting them? As the weather begins to turn and we look forward to longer, sunnier days and the approach of summer, we must remember those residents in the Adelaide Hills and in our regions. The approach of summer, especially following the wet winter and all the new undergrowth that has come with it, brings a familiar sense of worry.

Across Adelaide and across the Adelaide Hills regions the warmer weather signals the time to cut back vegetation, to empty gutters, to renew the bushfire plans. But these people need us in this place to put the appropriate penalties in place to deter or stop those who are going out of their way to put lives and the livelihoods of people at risk. This is a timely bill and one that should be supported. Bushfire arson needs to be considered as the significant and deplorable act that it is, and this bill helps to do just that. The opposition will support this bill at the second reading.

The Hon. R.I. LUCAS (Treasurer) (18:02): I rise on behalf of the government to indicate that the government will be opposing the bill. In South Australia there are numerous offences that apply to arson: the act of deliberately causing a bushfire, property damage by fire or explosives, causing a bushfire and risk to human life offences. The South Australia-specific offence of starting a bushfire is broadly consistent with other jurisdictions, although not every jurisdiction expressly references starting a bushfire. The offences currently available in the Criminal Law Consolidation Act already have a maximum penalty of life imprisonment and are applicable in all circumstances where property damage is caused by fire or fire has posed a risk to human life, resulting in the death of a person.

The bill passed the other place on 5 May, as there was a majority in that house that supported it. It was opposed by the government. It is the government's view that the bill is futile. For those reasons, we oppose the bill. However, I am aware that a majority of members in this chamber are supporting the bill, so, whilst we will be opposing it, we will not call for a division.

The Hon. J.A. DARLEY (18:03): I would like to thank the Leader of the Opposition and the Leader of the Government for their contributions. The bill raises the penalty for bushfire arson to be aligned with the general arson provisions. It is a small but important measure to address the social threat that firebugs pose to us all. It is a relief to know of the work of SA Police in checking people who have been identified as a risk under Operation Nomad, as well as the work of SES volunteers who patrol fire-prone areas on catastrophic bushfire days. I urge all members to support this bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. J.A. DARLEY (18:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:06 the council adjourned until Tuesday 7 September 2021 at 14:15.