

LEGISLATIVE COUNCIL**Wednesday, 8 September 2021**

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

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

*Parliamentary Procedure***PAPERS**

The following paper was laid on the table:

By the President—

The Registrar's Statement, Register of Member's Interests, June 2021
[Ordered to be published]

*Parliamentary Committees***LEGISLATIVE REVIEW COMMITTEE**

The Hon. N.J. CENTOFANTI (14:17): I bring up the 43rd report of the committee.
Report received.

*Ministerial Statement***MEMBER FOR WEST TORRENS, PARLIAMENTARY PRIVILEGE**

The Hon. R.I. LUCAS (Treasurer) (14:17): I seek leave to make a ministerial statement.
Leave granted.

The Hon. R.I. LUCAS: The member for West Torrens and former Treasurer, Tom Koutsantonis, made a series of claims yesterday under parliamentary privilege about the activities and behaviour of the member for Gibson, Corey Wingard. These claims include physical intimidation of a staff member and the criminal offence of fraud.

I have been advised by Treasury that during 2017 a performance management process had been commenced by the then member for Mitchell and a staff member in his office. When differences between the member and staff member could not be resolved, the staff member resigned. I am advised that the staff member in the letter of resignation made a series of claims. I am advised that the acting manager of electoral services in a letter of reply accepting the resignation stated as the employer's delegate he refuted these claims 'as they have no basis'. The acting manager went on to say that if these claims were pursued by the staff member 'the Department of Treasury and Finance will defend them vigorously'.

The member for West Torrens, Mr Koutsantonis, was for this period, from 2017 until March 2018, the Treasurer with responsibility for electorate services. I am advised that no action was taken by the former Treasurer or officers reporting to him against the then member for Mitchell about any of these claims.

*Question Time***GIBSON ELECTORATE OFFICE**

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 Treasurer regarding electorate services.

Leave granted.

The Hon. K.J. MAHER: As the Treasurer alluded to in his ministerial statement, there has been an issue with employees at the Gibson electorate office. The opposition has received a copy of a resignation letter from a former member of the member for Gibson's electorate office. The letter is dated 5 January 2018 and in part says:

Since April 2017 I have been subject to bullying, harassment and abuse within the workplace which I am no longer prepared to tolerate. I consider your behaviour during this period to have been inappropriate and inconsistent with community expectations and safe workplace practices...

These patterns of behaviour emerged in April 2017 after I first raised concerns in relation to your decision to make an offer of employment to one of your family members, Mrs Tui Comas. Your behaviour towards me became increasingly intolerable after I subsequently refused to be a party to the dishonest practice of recording her time in a manner that did not accurately reflect the hours that she worked, including occasions when she did not work at all.

The verbal abuse and physical aggression I was subject to on 20th November, witnessed by other staff members, have rendered an office environment in which I no longer feel physically safe and cannot return for fear of physical harm and psychological distress.

My question to the Treasurer is: will the Treasurer commit now to a full investigation of these claims?

The Hon. R.I. LUCAS (Treasurer) (14:21): No. The former Treasurer, Mr Koutsantonis, the member for West Torrens, was the Treasurer at the time these claims were made. He was the minister responsible for managing these particular processes. As my ministerial statement advises, I am advised that no action was taken by the former Treasurer or officers reporting to him against the then member for Mitchell about any of these claims.

I also refer the Leader of the Opposition to the other part of my ministerial statement today, which says that, in response to those claims made in that letter that the Leader of the Opposition is quoting from, the acting manager of electorate services (that is, the manager responsible for managing these things and reporting to the former Treasurer, Mr Koutsantonis) in replying to that particular letter which accepted the resignation, stated as the employer's delegate (that is, on behalf of the employer, the government, the Under Treasurer, the former Treasurer, the former Labor government) that he refuted those claims, and this is a direct quote, 'as they have no basis'.

That's the advice I have been provided with. I wasn't the Treasurer at the time. I wasn't engaged at the time in relation to these particular issues. I further note in the ministerial statement the acting manager went on to say that, if these claims were pursued by the staff member, 'the Department of Treasury and Finance will defend them vigorously'. That is, the advice available to the former government was that the claims had no basis, and if this particular staff member wanted to pursue them, the Department of Treasury and Finance, representing the former Labor government, would defend them vigorously. That is, they refuted the particular claims.

The former Treasurer and officers reporting to him had every power available to them, that if they believed that these claims required independent investigation or indeed any investigation they had the capacity to do so, and my advice is that no action was taken. So the simple answer to this question is, no, I am not going to institute a formal investigation into issues that occurred before I was actually the Treasurer, when the former Treasurer had the capacity, if he wanted to, to take particular action, or advice from officers who reported to him could have recommended such action as well.

In concluding my comments in relation to this particular issue, I have said on a number of occasions that my experience in public life is it is not uncommon for members of parliament, Labor or Liberal or indeed crossbenchers, to on occasion have a difference of opinion or a dispute with an individual staff member. That has occurred with Liberal members, Labor members and crossbenchers. However, when there is a pattern of behaviour and a series of complaints are made against a member, that becomes more serious.

There has been much recent publicity, and if the leader would like me to go into the detail I will, in relation to complaints made against the Labor members for Light, Reynell and Badcoe. If he wants details of those—because those issues have been raised with me during the period that I am now the Treasurer—I am happy to provide further detail and responses on those particular matters to the leader.

GIBSON ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary: how many complaints were made against the member for Gibson in the series of complaints that were made against him?

The Hon. R.I. LUCAS (Treasurer) (14:25): The Leader of the Opposition has a copy of the letter. He can read it himself.

GIBSON ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking a question of the Treasurer regarding electorate services.

Leave granted.

The Hon. K.J. MAHER: The opposition has received a copy of an email from another employee in the member for Gibson's office that contains notes of a telephone conversation with the member for Gibson that indicates the member for Gibson was aware that hours were being recorded incorrectly. I seek leave to table a copy of that email as well as a copy of the letter and the covering email that I referred to previously.

Leave granted.

The Hon. K.J. MAHER: My question to the Treasurer is: Treasurer, is it a breach of the Ministerial Code of Conduct or any other public sector policy to, firstly, employ a member of your family in your electorate office and, secondly, to instruct staff to fraudulently enter timesheets to pay wages for hours not worked?

The Hon. R.I. LUCAS (Treasurer) (14:26): Firstly, I would invite the Leader of the Opposition and indeed the member for West Torrens to make those claims outside of parliamentary privilege and see what happens. It's very easy in this particular forum to allege criminal acts of fraud against a member of parliament—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Wortley!

The Hon. R.I. LUCAS: —when the member is in parliament. I would invite him to have the courage to go outside and make those same claims—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —on the steps of Parliament House and let him be judged as to whether or not he has the guts to go outside—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and make those same claims of criminal acts of fraud against a member of parliament in relation to this.

Members interjecting:

The Hon. R.I. LUCAS: Well, they have been addressed, they have been refuted.

The Hon. I.K. Hunter: No, they haven't.

The Hon. R.I. LUCAS: They have been denied by the member.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I have read the issues—the response from officers who report to the—

The Hon. I.K. Hunter: What about the second email?

The PRESIDENT: The Hon. Mr Hunter!

The Hon. R.I. LUCAS: —former Treasurer. The officers who report to the former Treasurer—

The Hon. I.K. Hunter interjecting:

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

The Hon. R.I. LUCAS: —in relation to these particular issues.

Members interjecting:

The PRESIDENT: The Minister for Human Services is out of order.

The Hon. R.I. LUCAS: The member asked whether this was a breach of the Ministerial Code of Conduct. I remind the member that the member for Mitchell as he was, not the member for Gibson, wasn't a minister. He was actually a member of the opposition. So the silliness of the question that the Leader of the Opposition is asking when he says: was it a breach of the Ministerial Code of Conduct—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter is out of order and the Leader of the Opposition is out of order.

The Hon. R.I. LUCAS: —for a member of the Liberal opposition to actually undertake the alleged activities that he makes.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. R.I. LUCAS: The silliness of that particular question—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —is there is a lack of actual capacity of the Leader of the Opposition to prosecute any sort of attack—

Members interjecting:

The PRESIDENT: Order on both sides!

The Hon. R.I. LUCAS: —against the government or a minister of the Crown. When he gets it wrong in terms of who was in government—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. R.I. LUCAS: —when he gets it wrong in terms of the member's electorate—in fact, he gets most things wrong in this particular chamber.

GIBSON ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary arising from the original answer: I ask the minister responsible for electoral services, is it permissible for any member of parliament to employ a family member in their office?

The Hon. R.I. LUCAS (Treasurer) (14:29): The guidelines are quite clear in relation to—the guidelines make it clear that members of family are not allowed to be employed.

The Hon. K.J. Maher: Oh, dear!

The Hon. R.I. LUCAS: Well, not 'Oh, dear', it makes it quite clear—

The PRESIDENT: The leader might want to listen.

The Hon. R.I. LUCAS: The issue is how far an extended family goes in relation to an employment of a staff member, so how far removed the guidelines issued under the former government just make it clear in relation to—they actually don't even list siblings and uncles and aunts in terms of it. They do say it's not actually an exhaustive list. But what the guidelines at the time, I am advised, said is that family is deemed to be both immediate and extended and includes but is not limited to spouse, de facto, parents of either spouse, grandparents, grandchildren, children, stepchildren or equivalent or same-sex domestic partner.

The Hon. K.J. Maher: Not even siblings, according to your earlier statement.

The Hon. R.I. LUCAS: That's right, and it does include uncles and aunts. But it says it's not exhaustive. So the issue is whether or not the, I assume the correct descriptor would be—I think the individual that was concerned here on a casual basis was the wife of the brother of the member's wife, whatever that correct descriptor is. That's not specifically listed there. There may well be an argument one way or another as to whether or not that's included in the definition of 'family'. The quick legal advice I got from within my office is that it could be argued either way. It's not specifically excluded in relation to employment or not in relation to those circumstances.

GIBSON ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): Final supplementary on this question: just to clarify, minister, are you saying the employment of the individual in Corey Wingard's office, whose relationship to the member you have outlined, could go either way; that is, it might actually be a family member within the definition you have read out?

The Hon. R.I. LUCAS (Treasurer) (14:31): I can't add to the answer I have already given.

GIBSON ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): Does the Treasurer have one bit of evidence whatsoever for his assertions that the former Treasurer knew about the allegations against Mr Wingard, particularly when the Treasurer said on ABC radio this morning, 'Trust me, Tom Koutsantonis would have been advised of it'? Minister, what single bit of evidence have you got that that was the case and will you repeat that in parliament today?

The Hon. R.I. LUCAS (Treasurer) (14:31): I don't know what the former Treasurer knew or didn't know at the time—

The Hon. K.J. MAHER: You just said he would have known about it—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: It's my belief—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: It's my belief—

The PRESIDENT: Resume your seat, Treasurer. This is becoming too frequent that the opposition, and sometimes others, ask questions and then before the minister gets a chance to even start they are drowned out. I ask that that cease. The Treasurer has the call.

The Hon. R.I. LUCAS: It is certainly my belief that most things that go on within a minister's department, either they know about it or they are negligent if they don't know about it in relation to these issues. I do note—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —that there was a—

The Hon. E.S. Bourke: A minister should know about what's going on their department—that's an interesting point!

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

The Hon. R.I. LUCAS: I do note that there was an interesting fly-by hit job done on a Liberal member of parliament prior to the last election in relation to a claim made by a staff member against that particular Liberal member of parliament. It is certainly my belief that that was aided and assisted by persons within the former Treasurer's office by way of briefing. There were statements also made publicly by the now Leader of the Opposition in relation to that particular fly-by hit job that was done on a Liberal member of parliament prior to 2018 relating to similar sorts of complaints of bullying and harassment by a staff member against a member of parliament. It is certainly my belief—I have no evidence because I don't—

The Hon. K.J. Maher: No evidence? No evidence at all?

The Hon. R.I. LUCAS: I don't know. I wasn't there.

The Hon. K.J. Maher: None at all?

The Hon. R.I. LUCAS: I wasn't there.

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: But I know the member for West Torrens and if there is skulduggery and he has any chance of being engaged, then he is certainly not averse to engaging in a touch of chicanery—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and skulduggery in terms of the operations both of his ministerial office and now as a shadow minister.

GIBSON ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (14:34): Final supplementary: can the Treasurer understand why so many see him as a hypocritical grub on these matters?

The PRESIDENT: I am going to rule that out of order. The Hon. Mr Hood has the call.

STATE FINANCES

The Hon. D.G.E. HOOD (14:34): My question is to the Treasurer. Can the Treasurer indicate the government's view on the very healthy budget surplus being reported by the Western Australian government today?

The Hon. R.I. LUCAS (Treasurer) (14:34): I thank the member for the question in relation to the important issues of state and federal financial relations and, in particular, the state of finances not just in Western Australia but indeed in all states and territories. There have been a number of claims made over recent weeks and months that in some way either the Premier or I as Treasurer signed up to the new GST deal arrangements. I want to make it quite clear, as I did in the estimates committees, that there was no deal signed by either the Premier or me as Treasurer in relation to the new position adopted by the commonwealth government in 2018 in terms of GST distribution.

At that time, and since then I have adopted a very public position through the Board of Treasurers but also publicly that we strongly supported the retention of the pre-existing GST distribution arrangements between the states and territories. Put simply, what that meant was that if one state like Western Australia enjoyed the enormous benefit of high iron ore prices and therefore massive increases of royalties into their state Treasury, the GST formula, with a lag over a period of time, reduces their share of the GST. So they have massive increases in royalties, the GST, after a

lag, reduces: it's a self-correcting or compensating mechanism which allows an even distribution of the GST to counterbalance the fortunate circumstances that a state or territory might find itself in.

Our opposition at the time, and still is, was that a state like Western Australia is enjoying the extra billions of dollars of high iron ore prices and therefore through royalties, and at the same time now has this federally-protected or commonwealth-protected GST position which means that at a time of a global pandemic, when the federal government and every other state and territory government is running massive deficits, and massively increasing their debt, Western Australia is in the fortunate position of reporting huge surpluses and having large amounts of money that they are able to spend on government services. Our position has always been that that was unfair. The original position of the GST distribution was a fair principle and policy and should be continued.

As I said, we did not sign any deal changing it. When the commonwealth government indicated that it intended to proceed with legislation to change the deal, all of us on the Board of Treasurers, with the exception of Western Australia—although, frankly, I think Western Australia in the end agreed because it didn't impact them—pursued a position of trying to get a permanent protection, that if the commonwealth government wanted to give extra funding to Western Australia, there should be a no-disadvantage clause for all the other states and territories.

That was the preferred position of South Australia and the other states and territories. Ultimately, the federal government was only prepared to write into the legislation a protection through to 2026-27, which was much, much better than what was originally contemplated—and certainly subsequent events have demonstrated the merit of that particular position—and a Productivity Commission review in 2026-27 as well.

It is still the state government's view that the pre-existing position for GST distribution should be returned to, but the commonwealth government has indicated that it is unprepared to do that. If the commonwealth government is unprepared to do that, it is South Australia's position, and the other states and territories, that there should be a permanent no-disadvantage clause for the states and territories in terms of the GST distribution funded by the commonwealth government and not funded by the other governments.

The final point I make is that at the time I made public statements opposing this position of the commonwealth. I wrote to every Liberal federal MP. What I will say is that this deal was actually voted and supported by the federal Labor Party through the federal parliament. It was not opposed, it was supported by the federal Labor Party, so there was unanimity between the federal Liberal government and the federal Labor opposition. I certainly do not recall the state Labor Party in South Australia doing as I did, and indicating opposition to the position that the federal Labor Party was adopting on this particular position because of the position of disadvantage it would place other states in, such as South Australia.

LAND TAX

The Hon. J.A. DARLEY (14:39): I seek leave to make a brief explanation before asking the Treasurer a question about land tax.

Leave granted.

The Hon. J.A. DARLEY: Section 8A(4)(a), (b) and (c) of the Land Tax Act 1936 requires the Valuer-General to provide advice to the Commissioner of State Taxation as to the average increase in site values each financial year for all properties, excluding those used for the business of primary production. The advice is used to adjust the exemption thresholds for land tax. My question to the Treasurer is: will the Treasurer ask the Valuer-General to provide a comprehensive report which details how she came to an average increase of 7 per cent in site values last financial year, taking into consideration that Core Logic released information about property sales prices within South Australia that showed an increase of 18 per cent in sale prices for last financial year, and 5 per cent for the last quarter?

The Hon. R.I. LUCAS (Treasurer) (14:40): I am happy to take advice on the issue and provide a response to the member.

COVID-19 PUBLICITY

The Hon. E.S. BOURKE (14:40): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

The Hon. E.S. BOURKE: The *Plains Producer* reported today:

Last week news broke that the Port Wakefield OTR [On The Run] truck stop was announced as a COVID-19 exposure site. Disappointingly, the *Plains Producer*—

which I will note to assist the minister is the local newspaper—

had to chase down the facts to share with the community after the news had already made city morning headlines. The *Plains Producer* outsells *The Advertiser* 10 to 1, which shows our community relies on the news, especially for those not connected to the internet.

It also stated:

Vaccines announced for young regional people made the front page of *The Advertiser* in June. The *Plains Producer* received the official word the following day at 11 am. When the minister's advisers were questioned, he unapologetically said 'they could guarantee front page coverage [in metropolitan Adelaide].

Our emailed questions continually go unanswered for more than 24 hours, sometimes a week. When the responses arrive, it is often a short blanket statement, with a string of original questions still unanswered. The part that stings is communities, our regions, miss out on the facts that matter to them. It is poor form, especially as we are requested to accommodate the ministers who visit our regions at the drop of a hat.

My questions to the minister are:

1. After telling this place yesterday that you were not aware of whether anyone in your office was restricted in their duties due to allegations of bullying or misconduct, how do you respond to today's revelations that your staff ignore the safety of people living in our regional areas just so the government gets a metro headline?

2. Why is SA Health and the minister's office ignoring South Australia and treating regional media like fourth-class citizens instead of the fourth estate?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): I thank the honourable member for her question. The challenges in the pandemic in terms of getting the message out are significant and we try to use every avenue possible. I, too, share the honourable member's view on regional media, both printed and online. For example, I was speaking to rural journalists in Naracoorte last week—one is an online service and one is a print journal. Country people continue to rely heavily on the regional media network for news, and I certainly agree with the honourable member that we need to continue to strive to use every available avenue to get the message out.

I would urge for patience in the sense that, in the context of a rapidly evolving situation, not every opportunity is identified as early as we would like it to be, but I assure members that we are very grateful for the support of the partnership we have with regional media, because they are partners in helping us keep rural and regional South Australia safe. As we saw with the recent spate of truck drivers, the reach of truck drivers is extremely broad. We had close contacts from as far afield as Ceduna right down to the South-East—hundreds of contacts.

There is a lot of work to be done. Certainly, we will continue to strive to do better and we will continue to strive to do better in terms of communications too.

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

COVID-19 PUBLICITY

The Hon. E.S. BOURKE (14:44): If the Minister sees this as a true partnership between regional papers and his office, why did his office not contact the very newspaper that was being immediately impacted and that community being impacted by a hotspot?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): I suspect the honourable member is not understanding the role of the minister's office in terms of a public health

response. My office does not send out notifications in terms of exposure sites; it is done by SA Health communications.

COVID-19 PUBLICITY

The Hon. E.S. BOURKE (14:45): Can the Minister explain: if there is a true partnership, why does his office see the coverage of metropolitan newspapers as more important than regional newspapers in seeking to get a front page in metropolitan newspapers and not country newspapers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): I don't agree with the premise of the honourable member's question.

YOUTH JUSTICE

The Hon. J.S. LEE (14:45): My question is to the Minister for Human Services about youth justice. Can the minister please inform the council how the Marshall Liberal government is helping victims of youth crime?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46): I thank the honourable member for her question. Indeed, in relation to those people who are victims of crimes committed by young people, the Marshall government has moved on implementing an information register for those victims, to provide them with information. This is consistent with one of our election commitments, which was to help to keep victims of crime informed. This was one of the specific policies that was under the Attorney-General's portfolio.

In relation to those people who are victims of crimes which are committed by young people, those victims can now register online to be kept informed about their offender's sentence, place of detention and release date, as well as an opportunity to have their say to the Training Centre Review Board. These improvements will make it easier for victims to have their voices heard, stay informed and connect to support services.

We believe that all victims of crime, including those which are committed by young people, have the right to feel safe and respected. The Youth Justice Victims Register will connect victims and their families to the justice process and can offer greater peace of mind by keeping people informed of updates to sentencing, detention and imprisonment dates, location—including whether that is home detention—and date of release. We do hope that this is going to build trust and repair the harm that has been done for those victims of crime.

There are some simple changes to the register that are being implemented, including enabling online registration and new plain-English information materials to explain how the system works, which is often very useful for people to demystify the process. The register is managed by the Department of Human Services and all information is kept strictly confidential. Victims on the register can also provide information similar to a victim impact statement, which will be provided to the Training Centre Review Board if the board meets to consider matters about the young person who has offended, such as a change in location or potential release.

We look forward to people accessing this new service to assist them in their journey towards healing, going forward.

HOSPITAL SERVICES

The Hon. F. PANGALLO (14:48): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about food being served to patients at the Royal Adelaide Hospital.

Leave granted.

The Hon. F. PANGALLO: A current patient at the Royal Adelaide Hospital has told a journalist from *The Advertiser* she has resorted to asking visitors to bring food for her after claiming she was served dried-out chicken and mouldy vegetables. The patient said:

On the menu it sounds fine. One dish was called 'chicken with Hokkien noodles and vegetables' that made it sound like a stir-fry. It was dry boiled chicken bits and boiled vegetables with no sauce.

The end came when they served me a lump of cauliflower with mould growing on it.

In response to the claims, SA Health revealed the Royal Adelaide Hospital is subject to regular food safety audits to ensure meals are in line with national standards, the most recent audit completed in March 2021 and accreditation granted for 12 months. My question to the minister is:

1. Is he aware of the patient's complaint, and is SA Health acting on it?
2. How many complaints did the Royal Adelaide Hospital and other hospitals receive over the past 12 months about the quality of meals it serves its patients?
3. Who has the current contract for the delivery of food services at the Royal Adelaide Hospital?
4. Will he release the results of the 2021 audit?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): I thank the honourable member for his question. Certainly, the Royal Adelaide Hospital recognises the important role nutrition plays in a person's health and wellbeing, and we take very seriously the need to maintain the quality and safety of the food, significantly so that patients will, at a time when often their appetite is not as strong as it normally is—it is important that they receive nourishment.

In terms of the detailed questions, I will need to seek further advice from the Central Adelaide Local Health Network. It is my understanding that the food is provided by Spotless. I would also like to make the point that my understanding is that there is active monitoring of feedback from patients between the audits. So we do not rely on accreditation to highlight issues that might be present in our services. I will certainly take the honourable member's questions on notice—the ones that I haven't responded to.

PUBLIC HOUSING

The Hon. I. PNEVMATIKOS (14:51): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. I. PNEVMATIKOS: On 30 July, during estimates hearings, questions were raised regarding ceiling replacements in public housing, including people living in unsafe conditions, who would need to move out for repairs to happen. The minister committed to take further action, but despite correspondence being sent and questions being asked in the media, people are still waiting for help.

The opposition understands that one resident heard yesterday the work will start soon. The resident is now fearful, given the state of the property next door, where residents just moved back after having their ceilings replaced. The residents have advised the opposition that during repair works items were stolen from the home; the property was left open, with no-one present, for extended periods; switches for lights now trigger fans instead; and the Housing Authority approved payment for the work and approved the family to move back in despite plaster not having been sanded back, no paint over repaired areas and the property being filthy with dust and grime from the work.

My question to the minister is:

1. Would the minister approve work of this quality?
2. Why should people be forced to live in circumstances such as this?
3. Would the minister describe these fussy tenants, who should be grateful for a home, even if it's unsafe and left in a filthy condition by paid contractors who allegedly left the property unsecured?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): I thank the honourable member for her question. In the first instance, of course, any situation as she has described on the face of it we would be very concerned about, and I would encourage all honourable members who come across instances where Housing Trust tenants are being left with unsatisfactory or unsafe situations to contact us immediately so that we can rectify it, as has often not been the case, unfortunately, with the Labor Party.

In relation to the ceiling replacement program, I can advise that the South Australian Housing Authority discovered that there had been incorrect materials installed between 2002 and 2009 by a former builder, and the ceiling fault needed immediate remediation in some instances, so those immediate ones took place.

It affected some 267 properties, and 100 properties were identified with ceiling defects. Twenty-eight were identified as requiring immediate work to make safe, which included repair or temporary props. By 12 August this year, all tenants of properties identified at risk had been contacted through correspondence advising that the ceiling boards needed replacement and to contact the authority.

Some of this was impacted by the lockdown. Any tenants who were affected by the lockdown either remained in temporary accommodation or the remediation maintenance works were deferred. For the health and safety of tenants, it's a requirement that the properties are empty while the ceilings are replaced, with works being delivered through multitrade contractors.

As at 12 August, the replacement of ceilings to 17 further properties had been completed. I would urge the honourable member, if she has instances of individuals who have had an unsatisfactory situation, to contact us and we will see what we can do to rectify it.

COVID-19 VACCINATION ROLLOUT

The Hon. T.J. STEPHENS (14:55): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19 vaccinations.

Leave granted.

The Hon. T.J. STEPHENS: In reinforcing public health advice, the Premier has stated that vaccination is our pathway out of the pandemic. Constraints in supply of the vaccine doses have presented a challenge, but with the recent announcement of an additional four million doses of Pfizer being brought from the UK I understand more doses will be available to South Australia and I welcome the efforts of this government to make these doses available through a variety of clinics and locations. Will the minister update the council on the newly established and expanded vaccination clinics as part of the vaccination rollout in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): I would like to thank the honourable member for his question. September marks a significant milestone in the national vaccination program, with much anticipated increases in supply arriving in states and territories. The commonwealth has announced that four million extra Pfizer doses are coming to Australia in the coming days, following an agreement between the Australian and United Kingdom governments.

As supplies of vaccines increase, we are pursuing innovative opportunities for people to get vaccinated conveniently and locally. On Sunday 5 September, I was pleased to launch a new pop-up clinic at level 3 of the Myer Centre in Adelaide's CBD, one of several pop-up community clinics that I expect will be open in the coming weeks. The Myer Centre clinic is conveniently located for eligible city residents and workers.

This morning, I joined the Premier at the SA Produce Market in Pooraka to announce the establishment of a vaccination clinic at that location, which will commence on Tuesday 21 September. The Pooraka clinic is strategically located in the northern suburbs as part of the government's focus on targeting areas with lower uptake of the vaccine in terms of the deployment of pop-up and mobile clinics.

The Myer Centre clinic opens on 14 September, with over 1,000 doses expected to be delivered per week. From 21 September, the Pooraka site is expected to administer 1,500 vaccines per week. At both of these pop-up clinics people can receive a vaccine at the clinic simply by walking in or they can book an appointment in advance.

I would also like to take the opportunity to clarify a statement I made yesterday in relation to second doses. Whilst SA Health does provide a call-back service for limited cohorts, it does not provide a general call-back service to the broader community. Further pop-up clinics and mobile clinics will be opening in coming weeks as the Marshall government continues to provide every opportunity for South Australians to receive the COVID-19 vaccine.

We can all take pride in the fact that appointments have surged in recent weeks. Last week, more than 100,000 doses were administered in a week for the first time. The government is pleased that we are able to provide an additional 35,000 appointments at Wayville between now and mid-October. Yesterday, the expansion of the successful Wayville clinic was announced, taking the existing 42 vaccination stations up to 96. The Wayville clinic recently delivered its 200,000th dose. The doubling of the Wayville clinic's footprint allows for the creation of dedicated spaces, such as a family vaccination area and also an extra care service.

Whilst it is disappointing for many South Australians that the Royal Show was not able to proceed for a second year, the availability of the pavilion space means that we can provide more South Australians with the opportunity to be vaccinated sooner and continue our pathway to a future with fewer restrictions and fewer disruptions to much-loved events such as the Royal Show.

I thank honourable members for the part they are playing in encouraging their constituents to receive the vaccine. As members of parliament, we all have a role in reinforcing the public health messaging and supporting our communities through the pandemic. I am sure members of the council will join me in thanking SA Health staff, both the planning and logistics teams and the frontline health professionals delivering vaccine doses. These dedicated health workers have worked hard to set up these clinics and vaccinate our community.

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (15:00): Supplementary: did the minister consider establishing a similar clinic to the one in Pooraka in the western suburbs, or does the minister think that the Pooraka one is also accessible on transport routes for the people of the western suburbs, as he said the Women's and Children's Hospital was yesterday?

The PRESIDENT: I am reluctant to accept that supplementary. It didn't relate to the original answer, so we will move on, I think.

ADELAIDE FRINGE FESTIVAL

The Hon. T.A. FRANKS (15:01): I seek leave to make a brief explanation before addressing a question to the Treasurer on the topic of the Adelaide Fringe.

Leave granted.

The Hon. T.A. FRANKS: A report that was released by PwC in August this year showed that if the state government increased its funding for the Fringe by \$2 million, from \$2.4 million to \$4.4 million per year it would generate \$160 million per year in gross economic impact. This same report also confirms that the Adelaide Fringe is not only South Australia's most popular major event, it is the state's most productive one, with a return on investment that is unequalled by any other arts, cultural or sporting initiative.

The PwC report also shows that increasing the government's investment in Fringe will help it to bounce back bigger and better following the challenges of keeping the festival going through COVID, with obvious benefits, of course, to local artists and the arts industry, who have done it so tough. Despite this, for every ticket sold at the Fringe, the SA government only invests approximately \$3, compared to other major SA events that receive somewhere between \$10 and \$100 of support per ticket sold.

My questions to the minister are: has he read this PwC report, and will the government provide additional funding to the Adelaide Fringe, given the clear evidence that this funding would provide the state with an enormous return on investment and, indeed, assist an industry that is harder hit by COVID compared to most?

The Hon. R.I. LUCAS (Treasurer) (15:02): I was very interested to read the report that had been produced, I think, for the Fringe. I had Treasury officers seek further information to see what the other arts festivals that they referred to were, but surprisingly they refused to provide that information to me.

The Hon. T.A. Franks: I will get you a briefing.

The Hon. R.I. LUCAS: If The Hon. Tammy Franks is going to get me the answers that's great, because they wouldn't provide them to my Treasury officers. If the Hon. Tammy Franks has got them, that's excellent. I am very happy to collaborate and have a discussion with the Hon. Tammy Franks on the issue.

The Hon. T.A. Franks interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am very happy to have a discussion with the Hon. Tammy Franks on the issue, Mr President. Yes, I was interested in the report. As the member would know—I think all members would know—our Premier is also the responsible minister. He is a passionate lover of all things artistic—or most things artistic, I think—and through the global pandemic last year managed, through his budget, because there were obviously certain things that couldn't continue to be funded, as with the tourism portfolio, for example, and therefore there was able to be funding diverted from things which were not going on to things which could go on.

I know that he and his officers are looking at what capacity they have in relation to artistic endeavours generally, not just the Fringe, but obviously a number of sections of his portfolio have lobbied him for continuing support, the Fringe being one of them.

I am also aware, having had some discussions with my federal colleagues, that the Fringe has previously accessed funding—and I will probably get the name of the federal fund wrong, but I think the acronym is RISE—and they were successful in gaining not only additional funding from the state government last year but additional funding from the federal government. I understand they have also made application for funding from our federal colleagues, and I have had discussions with federal ministers in relation to that.

I have asked Treasury officers as recently as this morning, because this is obviously an area of great passion and interest to me as well, as all my colleagues would know—anything to do with the artistic community. I asked Treasury officers this morning to liaise with arts officers to try to ascertain whether the Fringe was going to be able to access further federal funding from either that fund or indeed any other fund.

There is ongoing interest from, most importantly, the Premier and the Minister for the Arts in relation to this issue. There is no commitment from the government, either from the Premier or the Minister for the Arts or indeed myself, at this particular stage, but it, together with a number of other submissions for support, are being considered by the government.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:05): My question is to the Minister for Human Services regarding housing. After *The Advertiser* reported on Sunday of this week that the public inspection policy for public housing was active, can the minister advise when the policy was actually first approved, when exactly did the policy first come into operation, and how many inspections have actually occurred to the date of today?

The Hon. J.M.A. Lensink: Inspections?

The Hon. J.E. HANSON: Open inspections.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): I thank the honourable member for his interest in this particular area. The change to the policy should come as no secret to anybody, given that it's part of the reforms that we published. I think this document goes back—it is certainly very dog-eared—to 2019, Our Housing Future 2020-2030. The fifth strategy anticipates a range of changes to the social housing system to ensure that we are improving the time frames and doing what we can to make sure we are doing things much more efficiently.

It is also because the South Australian Housing Authority is a statutory body. These matters are approved as policies through the South Australian Housing Trust. So my advice is that we have gone through quite an extensive consultation process with a range of stakeholders, and I may be able to include some of them, if I can find the right piece of paper in a short enough time. People who have an interest in this area were made aware that we were considering this before we did it, as we

are the model consultant. We are very transparent in terms of what we are considering before we undertake implementation. I had been kept briefed throughout the process as to what was taking place. We also were required to train staff, because it's a different approach to what has taken place before.

I think the new housing allocation trial has been welcomed by most stakeholders, apart from the Australian Labor Party, and, as I said earlier this week, we wait with anticipation as to what they intend to do to improve allocations from our public housing to people on the waiting list.

I might actually reflect on some of the comments that were made by Labor members yesterday in question time, where they have tried to imply that there are vulnerable people who are going to miss out as a result of this, without realising that anybody who receives an allocation under this process is somebody who is on the Housing Trust waiting list.

Clearly, they have a dual need in their own minds as to which prospective tenants are more needy than others. As I said yesterday, when we do the interview process, we take into account all of the prospective tenants, or whether they are transferring tenants, etc., all of their personal details, so whether they have mobility limitations, whether they have particular areas that they are more interested in and we therefore try to make this process—

The Hon. I.K. HUNTER: Point of order: I have been listening intently but the minister has not come anywhere close to answering the question: how many open inspections have occurred and when was the policy initiated? How many open inspections have occurred?

The PRESIDENT: I think the minister has been fairly broad in her answer and in fact I am sure she has answered some aspects of the member's question. I will call the minister. The minister's time is concluding soon so I would ask her to be aware of that.

The Hon. J.M.A. LENSINK: Mr President, I am very disappointed to hear you say that you think my time is concluding because I could talk a lot longer on this matter.

The PRESIDENT: I want to get to other people.

The Hon. J.M.A. LENSINK: Indeed, this policy was anticipated quite sometime ago—

The Hon. K.J. Maher: When did it actually start?

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —through Our Housing Future, and—

The Hon. K.J. Maher: You don't know, do you? You don't know when it started.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will look forward to providing more details—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher: Do you even know what's going on?

The PRESIDENT: Order! The Opposition Whip was on his feet on a point of order wanting to get certain information and now he doesn't listen to the minister.

The Hon. I.K. Hunter: There's no information coming.

The PRESIDENT: Order!

The Hon. I.K. Hunter: None!

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will look forward to releasing details of this in the quite near future, which I am sure—

Members interjecting:

The Hon. J.M.A. LENSINK: No, I do know the answers, but we are just confirming some details about some of our early successes. I know the Labor Party is on the edge of their seat and they are really, really keen to find out how it's going—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —and the answer is: really well, but you will just have to wait a little bit longer for some of the detail.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:11): I feel like I am going to ask my question again, but my supplementary is: when exactly was the policy first approved, when exactly did it first come into operation, and how many open inspections have occurred so far? You spoke for seven minutes; you didn't answer those questions.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): Seven minutes?

The PRESIDENT: The minister did not speak for seven minutes, but the minister will answer the supplementary.

The Hon. K.J. Maher: Let's see if she knows the simple details. I don't think she knows.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: If the President was to be really indulgent, I could speak for the last seven minutes of question time about this topic.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will double-check when the policy was approved by the board because that's a formal process and I don't have that particular detail in front of me.

The PRESIDENT: I call the Hon. Ms Girolamo for her first question.

Members interjecting:

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

CHINA TRADE SANCTIONS

The Hon. H.M. GIROLAMO (15:12): My question is to the Treasurer. Can the Treasurer please update the house on the relative impact of China's trade restrictions on the value of overseas exports from South Australia?

The Hon. R.I. LUCAS (Treasurer) (15:12): Excellent question. The issue of China trade sanctions on all states and territories in Australia as a nation is obviously a critical one, but particularly important for South Australia, given the relative importance of wine in terms of our overseas goods exports. I am pleased to be able to report that on the most recent figures from the Australian Bureau of Statistics through to July 2021, South Australia's overseas goods exports were up 19 per cent on the previous 12 months, a moving annual total, and the national comparative figure was up 9 per cent. It is pleasing to see the national figure is up 9 per cent but more pleasing to see that South Australia, in relative terms, was up 19 per cent, a much stronger performance.

As the honourable member's question alludes to, however, there are significant differential impacts. For example, in relation to our major export markets, China was down 7.3 per cent as an indicator of the potential impact of some of their transactions on our trade markets. But, importantly, our trade exports in that same period to the Philippines were up 285 per cent, India up 54 per cent, Indonesia up 86 per cent, Thailand up 55 per cent and Saudi Arabia up 369 per cent in terms of diversifying our state's export markets.

When one looks at the export commodities, the impact—in particular on wine, for example, and others—is indicative for all of us. Wine exports for that same period were down 14 per cent,

clearly an indicator of the initial impact of trade sanctions from China. But, importantly, wheat was up 77 per cent, iron ore was up 80 per cent, barley was up 207 per cent, copper was up 19 per cent and lead was up 35 per cent. Our agricultural products and our resources and mining products are long-term staples of our state economy: resources is obviously growing and agriculture remains a critical part of our state's export future and they are all indicative of important areas of growth.

The final point I would like to make—and I congratulate the Premier, Minister Ridgway and now Minister Patterson, because I think one of the least publicised but most damaging policy decisions taken by the former government was the mass closure of overseas trade offices all over the world. There was a narrow focus on all things China; everything else almost was closed down, and the focus remained solely on China.

Premier (then opposition leader) Marshall identified this problem. As someone with a business background and who had been involved in export, this just wasn't the way for a small state like South Australia to set itself up for growth, so one of the very earliest decisions—again, probably least publicised but one of the most valuable—was to reverse that policy decision of the former government and to open up new trade offices all over the world, and actually to appoint people who were going to add value to those trade offices in terms of trying to generate export markets and export contracts for us.

We can no longer rely, given the decision of a global giant like China, to be the sole saviour in terms of overseas trade for South Australia. We have to diversify and the fact that in many of those other jurisdictions, and in some of the newer areas where we are continuing to work and work hard—the United States, for example, with trade offices there, and Japan. We have seen some pleasing publicity from Japan in relation to fish product and also the ambassador, I think, when he visited Adelaide said that if China doesn't want to drink quality South Australian wine there are plenty of Japanese who are looking forward to the prospect. These are the sorts of markets we have to look forward to if we are going to grow our overseas trade exports.

COVID-19 VACCINATION ROLLOUT

The Hon. F. PANGALLO (15:17): My question is to the Minister for Health and Wellbeing. On current vaccination figures, can the minister give an indication of when South Australia will be able to declare an 80 per cent vaccination rate, and will it be in line with federal government estimates for the nation?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:18): I don't have a formal estimated timing for 80 per cent. I have certainly seen estimates, both internal and external. They vary greatly because of the basis of the assumption. For example, I saw one in the media that was using the average number of doses delivered in the previous seven days and projecting that out two months ahead what that would mean for the completion date.

As I have already indicated in a previous answer, in South Australia's case that would be completely fallacious for last week. We ramped up and had a record hundred thousand doses last week. Doing an estimate that week you would be relying on the previous week and the projection would be poorly founded.

Also, I was surprised to see them in recent weeks because everyone knew that the additional supplies would come through strongly in September and onwards, and so the planning has been very much to increase our clinic capacity as the supply increases. Certainly, there will be both internal and external estimates of this date but in many ways I think many of the projections are not reliable.

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (15:19): Supplementary: can the minister let the chamber know if South Australia has received more or less than our per head of population share of the national Pfizer doses?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): The Premier has made clear in public comments that the commonwealth reallocated some of the vaccine doses to outbreak states to support them with their outbreak response, but the advice from the commonwealth was that it was bringing forward future supplies.

*Matters of Interest***NATIONAL SCIENCE WEEK**

The Hon. N.J. CENTOFANTI (15:20): I rise to speak in relation to National Science Week: 14 to 22 August was National Science Week. Established in 1997, it is a week that aims to encourage an interest in scientific pursuits among the general public, and to encourage younger people to be fascinated by the world we live in.

National Science Week is a program of Inspiring Australia, a national strategy for getting Australians engaged with the sciences. Each state and territory has an Inspiring Australia manager to help build local networks and provide year-round science engagement opportunities. Nearly 1.2 million people each year take part in the events and activities, which is an outstanding record of the program.

Nationally, Science Week is proudly supported by the Australian government in a variety of ways, including the provision of up to \$500,000 for the National Science Week grants program. Other partners include the CSIRO, the ABC and the Australian Science Teachers Association.

In South Australia, Inspiring SA works in partnership with the South Australian government, the South Australian Museum, the University of South Australia, the University of Adelaide and Flinders University. Its activities are guided by principles such as personal engagement with the process of science, building capacity through collaboration by optimising our state's strengths and resources, and undertaking approaches and activities that are innovative, imaginative and explore new opportunities.

In 2020, we saw the launch of the first ever Virtual Science Week Festival, where the majority of events and activities took place online. This innovative concept of delivering science to the South Australian community from a distance must be acknowledged and congratulated. Inspiring SA, like many more of our community and government organisations, showed how adaptable South Australians can be. This year, they planned a mix of in-person and virtual events, along with the development of the alternate reality game Deep Blue Treasure Hunt, which saw families explore our local coastlines as part of a fun and educational activity.

Science, technology, engineering, mathematics and medicine are increasingly visible in our everyday lives. The last year has been a test of our collective skills and efforts in this area, and our experienced and capable frontline workers and health professionals have made South Australia one of the safest places in the world. We must also thank the meteorologists, bushfire propagation mathematicians and others involved in helping our firefighters battle the bushfires we experienced in the summer before the pandemic. Many of us owe our safety to these people.

But it does not take a crisis to step back and appreciate our STEM professionals—those scientists and researchers working on treatments for cancers and neurological disorders, the engineers working on our roads and infrastructure, and the mathematicians working in our schools and institutions. These are the everyday efforts that National Science Week highlights, and it focuses on STEM in schools to open young South Australians' eyes to the emerging opportunities in science-related industries in this state.

Our government has an exciting agenda, encouraging the growth of science-based industries aimed at creating jobs for South Australians. This agenda is materialising with the local defence industry. Ship and submarine building continue to be a significant source of jobs, with Naval Group opening its \$25 million headquarters in Port Adelaide last year. Earlier this year, Prime Minister Scott Morrison officially opened the Raytheon Centre for Joint Integration in Mawson Lakes.

Outside of defence, the state Liberal government delivered, in conjunction with the federal Liberal government, the historic announcement of the Australian Space Agency right here on Lot Fourteen. The Australian space industry will not only directly employ South Australians in science-related jobs but will drive investment in our state and indirectly create many more opportunities in South Australia.

Opportunity and excitement in all the sciences is all around us, particularly here in South Australia. There has never been a better time to pursue STEM education and jobs, whether

they be in the defence industry, space industry or emerging industries such as cybersecurity. I am excited by the role science will play in South Australia's growth, but I am equally as excited by what South Australia can contribute to science.

As I reflect over the past 18 months of the global crisis, I am reminded of a saying spruiked by my old science teacher whenever we were getting a bit ratty in the classroom. He would say, 'Class, think like a proton and stay positive.' There is much in the future of this state to be positive about and I thank the people behind National Science Week and Inspiring SA for showcasing our bright future. Thank you.

HIS EXCELLENCY HIEU VAN LE, AC

The Hon. T.T. NGO (15:25): I rise to thank our recently retired 35th Governor, His Excellency the Hon. Hieu Van Le, AC, and his wife, Mrs Lan Le, for their dedicated service to the people and communities of South Australia. They were two Vietnamese refugees who, in 1977, arrived in Darwin in one of the first few boats to reach Australia after the fall of Saigon.

I stand here today proud to be a member of the Labor Party, the party that made Mr Le's historic appointment. I say historic, as Mr Le was regarded as the first Vietnamese-born person in the world who had been appointed to a vice-regal position. So 1 September 2014 was a significant day, a day that showed the world that South Australia was truly a multicultural society. On the day of Mr Le's appointment, Labor Premier Jay Weatherill said and I quote:

Mr Le has a story of great significance to South Australia—from arriving as a boat person in 1977, advancing his education, establishing a family, rising through the ranks of business and community leadership...He has already demonstrated an outstanding level of service to the community, and I have no doubt that he will serve the role with great distinction.

I know the majority of South Australians will agree that Mr Le served our state with great distinction during his seven years as Governor and seven years in his role as Lieutenant-Governor. I would like to share some of what Mr Le said on that day he became South Australia's 35th Governor. His words at the time of his appointment reflect some of his finest attributes as a person: his humility, integrity and his passion for his new home in Australia. I quote:

This appointment, however, says much more about our society than about me—it sends a powerful message affirming our inclusive and egalitarian society. At the same time, this appointment represents a powerful symbolic acknowledgement of the contributions that all migrants and refugees have made and are continuing to make to our State. I strongly believe that this appointment also sends a positive message to people in many countries in the world, and in particular, our neighbouring countries in Asia Pacific region, of the inclusive and vibrant multicultural society of South Australia.

During his time as Governor, Mr Le travel to the regions and more remote parts of South Australia, allowing him to experience local Aboriginal culture. A great strength of Mr Le was that he never lost sight of the big picture that connected to his work, looking out for the disadvantaged people in our communities and his tireless and passionate support for South Australia's diverse multicultural community.

Mr Le used his position to serve all South Australians as best as he could. He never overlooked his humble beginnings and the personal challenges that he and his wife faced as refugees in the country they now fondly call home. They opened their home at Government House, warmly welcoming people from all walks of life. Mr Le travelled to all corners of this state visiting many organisations and communities, such as charitable organisations, schools, hospitals and many arts, cultural and historical places.

His Excellency's term as our Governor may have come to an end, but I do know he will continue working with and supporting the people of South Australia. Thank you to the Governor on behalf of my family, the Vietnamese community not only in Australia but around the world, many diverse communities, everyone in this chamber and the other house. We appreciate the contribution you have made to the state.

GOTOTOWN CAMPAIGN

The Hon. R.A. SIMMS (15:30): I rise to speak on the government's #GoToTown campaign, which was announced last week. In the Premier's own words:

South Australians are being invited to get behind the many businesses which help make Adelaide the most liveable city in Australia. Whether it's date night, mate's night, a lazy morning or a family weekend, your city needs you to #GoToTown.

As part of this initiative there is a series of events and activities that are being organised as part of a FOMO program, and the City of Adelaide is also offering free car parking at selected UParks and discounted parking at Wilson Parking for FOMO Fridays.

Of course, we in the Greens welcome any initiatives that are going to encourage more people to come into the city and that will support local businesses, particularly during this economic crisis, but what is really, profoundly disappointing is the focus once again from the City of Adelaide—the city council—and the state government on car travel as the only form of travel that is being incentivised and encouraged. Why on earth has the state government not considered putting on free public transport to bring more people into the city, to encourage more people to attend these events?

It makes sense for the government to say, 'Let's put the resources in to provide free bus services,' for instance, 'so that people are more likely to stay in town, have a few drinks at local restaurants and pubs and can get home safely.' Instead, we have seen a continuation of the car-centric vision that has really defined this government. We know, of course, that they have failed to roll out any more bikeways or indeed invest in cycling infrastructure at all.

It is not just me or the Greens who are making these comments. I think it is instructive to hear from the experts here. I quote from an article in CityMag and a lecturer from Flinders University in urban geography and urban and regional planning, Gerti Szili, who told CityMag that although the CBD suffered immensely in the wake of COVID-19 and recent restrictions:

'I'm not really convinced that offering free parking is the way to [bring people back].'

'They've tried this in other cities in Australia and certainly overseas, and I don't think it's actually proven to bring revenue that's been lost back to the city.'

She also says the move flouts the City of Adelaide's own ambitious plan to become one of the world's first carbon neutral cities.

'We know that emissions from transport are one of the biggest contributors to GHG (greenhouse gas) emissions,' Szili says.

'So to meet the targets that the council had set for themselves, I don't think it's a particularly smart idea to encourage people to drive to the city and then take up that free parking offer.'

It is not just Dr Szili who says this. The urban and regional planning senior lecturer at the University of Adelaide, Andrew Allan, also expressed cynicism about the plan. He says he is surprised that the council thinks that it will work:

'I don't know if it's going to make a huge difference. Doubling of patronage is not likely,' he says.

I can only agree with those sentiments. This initiative is costing the council around \$300,000 in lost revenue, according to those media reports. Imagine what the city council could have done, or the state government for that matter, if they had put that money into pop-up bikeways during the pandemic in terms of trying to encourage more visitation to the city. You have Berlin, you have Paris, you have Sydney and Melbourne—so many cities around the world and in our own nation that have invested in pop-up cycling infrastructure as a way of encouraging healthy communities and as a way of encouraging clean and green transport.

What has the City of Adelaide done? It has knocked back money from the state government to roll out a separated bikeway, the east-west bikeway. Why has it done so? I can only assume that has been at the behest of the factional leader Alex Hyde, who works for Nicolle Flint and is a senior figure in the Liberal Party's right-wing faction. I can only assume that the climate scepticism of Nicolle Flint and the hard right of the Liberal Party has poisoned the well in Town Hall and also led them down the folly of rejecting sensible policy.

This GoToTown campaign is a missed opportunity. I do not mean to go to town on the idea, but it is a missed opportunity and more money could have been put into alternatives.

Time expired.

TOKYO OLYMPIC AND PARALYMPIC GAMES

The Hon. T.J. STEPHENS (15:35): I rise today to speak and recognise the athletes who recently competed in the Tokyo 2020 Olympic and Paralympic Games representing Australia, and in particular those from South Australia. Australia continues to punch above its weight on the medal tally in both the Olympic and Paralympic Games. In the Olympics, Australia finished sixth overall, securing 46 medals, including 17 gold. In the Paralympics, Australia finished eighth overall, securing an amazing 80 medals, including 21 gold medals.

South Australia proudly had 34 athletes participating at the Olympics and 10 at the Paralympics, securing nine medals at each. At the Olympics, South Australian athletes won one gold, three silver and five bronze medals, while in the Paralympics there were two gold, three silver and four bronze medals. These outcomes are a real tribute to the South Australian Sports Institute and the commitment to developing our athletes, our sporting facilities and sport at grassroots levels.

Arguably South Australia's highest profile athletes, Kyle Chalmers and Joe Ingles provided great entertainment with their performances. Defending his 100-metre freestyle gold medal from Rio, Kyle came within the smallest of margins of doing so with a powerful finish to fall just short and claim the silver medal. Kyle also anchored the 4 x 100-metre and 4 x 200-metre relay teams to claim bronze medals in each.

Joe was a member of the Boomers team, which endured an arduous campaign but nonetheless became the most successful Australian men's basketball team at an Olympic Games by winning the bronze medal after just missing out on winning through to the gold medal game. This was the first Olympic medal ever for the Boomers and Joe was an integral member of the starting five, as he has been for over a decade.

In men's hockey, South Australia was represented by Tom Wickham. The gold medal game was one of the most exciting and tense events in Tokyo with Australia and Belgium level at full time and with Australia just going down in a penalty shootout. Tom returned with a silver medal. Jane-Anne Claxton also represented Australia in women's hockey.

Cycling had strong participation by Rohan Dennis, Annette Edmondson, Matthew Glaetzer, Alexander Porter, Tiffany Cromwell and Anthony Dean. Rowan achieved a bronze medal in the individual road time trial while Alex achieved a bronze medal in the track team pursuit. Four South Australians competed in rowing, with Alexander Hill having an amazing games being part of the gold medal winning men's fours. He was accompanied at the games by fellow rowers Angus Dawson, Molly Goodman and Olympia Aldersley. Beach volleyball provided a highlight for Mariafe Artacho del Solar, who claimed a silver medal. Chris McHugh also competed in the men's beach volleyball.

Other competitors at Tokyo, whilst not stepping on the podium, can all be very proud of their performances, as all South Australians are of them. These include David Barnes, archery; Isobel Batt-Doyle, Henry Frayne and Kurtis Marschall, athletics; Cayla George and Tess Magden, basketball; Josephine Bulmer and Bernadette Wallace, canoe sprint; Nikita Hains, diving; Charlotte Grant and Riley McGree, football; Emily Abbot, rhythmic gymnastics; Katrina Kowplos, Alex Hoberg and Jack Rossiter, shooting; Belinda White, softball; Luke Saville, tennis; and Kiana Elliott, weightlifting.

Following the Olympic Games, the Paralympics commenced and these athletes presented great stories of courage and commitment. After an horrific motor vehicle accident in 2014, Darren Hicks amazed with his gold medal in the cycling C2 road time trial and silver medal in the C2 pursuit. Paige Greco and Meg Lemon also recorded wonderful results in cycling, with Paige winning gold in the C1-3 pursuit and bronze in the C1-3 road time trial and C1-3 road race. Meg secured a bronze medal in the C4 road time trial. Also joining the cycling team was Grant Allen.

Isabella Vincent had a superb games in swimming events, winning a silver medal in the four by 100-metre freestyle relay and a bronze medal in the four by 100-metre medley relay. Sam von Einem won a silver medal in the C11 singles table tennis. Also participating in the Paralympics from South Australia were Jocelyn Neumueller, canoe; Sam White, wheelchair basketball; and Simon Albury, rowing.

I make special comment on Michael Roeger, who was competing in his fourth consecutive Paralympics in the marathon at Tokyo. Whilst finishing just outside the medals, Michael was quite emotional post race, believing he had failed his country, but if anything his performance was as remarkable as any, having suffered stress fractures in the shins just weeks out from that marathon. Just to start that event, let alone complete the race, was simply incredible.

In conclusion, it is these inspirational and enthusiastic Paralympians who epitomise belief in themselves, accepting and overcoming challenges. To quote one athlete, 'There really are no excuses in life.' I would like to make special mention of Steph Talbot from the Yorke Peninsula in the basketball, who sadly suffered an injury and was sadly missed by the women's basketball team.

AFGHAN COMMUNITY

The Hon. J.A. DARLEY (15:40): Prospect Road at Kilburn and Blair Athol these days is a very different community from only a decade ago. Shopfronts were boarded up and graffiti and other forms of vandalism and petty crime were evident, but now a thriving business district exists, full of life and smells of restaurant food, with people going about their daily lives with security and hope.

The area is affectionately known as 'Little Kabul'. This transformation has happened through the hard work and enterprise of our Afghan community and other migrant groups. In recent days, the Afghan community would have been reminded of their past hardships and trauma in their homeland. They are all heartbroken and worried for their family members caught up in the terror of the Taliban.

My office provided support to the South Australian Afghan community by offering letters of support, general advice about the visa application process and much-needed emotional support. This kind of support offers hope at this dark time. More can be done in support to make a substantial and lasting difference. In the days after Tiananmen Square, Prime Minister Bob Hawke gave his passionate speech and made the great human gesture of offering more than 42,000 visas to Chinese students studying in Australia. The same leadership should be shown today, granting permanent resident status to some 4,200 Afghan temporary visa holders.

Our Afghan South Australians understand their only hope to bring their loved ones to safety is to apply for a visa. This is a long, complicated and emotionally taxing process for those already distressed. Mr Mohammed Zahir, Afghan community member, leader and former Australian Defence Force interpreter of six years, has encouraged South Australians to do all that they can to support the Afghan community. In Mr Zahir's words:

We have dedicated our lives for the Australian people, left behind our families, our parents, our brothers, our sisters, our homes. We now need the support of the government and the Australian people to bring all of our family members here safely. Our community needs help with the visa application process and we need emotional support during this time.

NGOs have played a key role in assisting individuals with the visa application process and must be commended for their hard work on behalf of all of us. The Afghan United Association of South Australia was pleased that the government had an early meeting with them. However, I was disappointed that funding for the Afghan community services hub was provided late last week, some three weeks after Taliban forces took control of Kabul. It should have been offered earlier when the need was evident.

Through this hub funding, the Australian Migrant Resource Centre received late funding for their important work, but other NGOs have worked tirelessly, assisting hundreds of visa applicants, and not received additional funding. The Australian Refugee Association has offered free information sessions to the Afghan community, taking considerable time and resources. This wonderful support by the ARA recognises the importance of supporting the community's collective mental wellbeing.

Many have contacted my office and have had sleepless nights and days off work, sick with worry, and gone days without eating or drinking. Many have experienced great feelings of guilt, grief, sorrow and despair for the terror their family members are facing. Many just need someone to listen, understand and acknowledge the pain they are experiencing. The government has depended on the NGOs but should ask what more it should do to support our Afghan community at this time.

WAGE THEFT

The Hon. R.P. WORTLEY (15:44): I rise today to talk about wage theft. It is a massive problem in Australia, the product of unscrupulous bosses who have been getting away with stealing from their workers for years. It has become so prevalent that we needed to establish a Select Committee on Wage Theft in South Australia to investigate it, and the findings are alarming.

The select committee was initiated and is chaired by the relentless Irene Pnevmatikos, who has made it part of her life's work to ensure that workers receive their fair wages, conditions and hours. Consider that for a moment: if a worker, an employee, stole money from their workplace, they would most likely be charged, fine, gaoled and definitely would be sacked and face court. If the employer does it, for far too long it has been business as usual. It is either a mistake or an administrative error.

The select committee's interim report provides evidence of wage theft presented by exploited workers, trade unions, researchers, community legal services and support centres, multicultural organisations and youth groups. That is a broad cross-section of the community, producing data, case studies and detailed examples emphasising underpayment of wages, unpaid superannuation, allowance penalties and leave entitlements.

The list goes on and on to include the manipulation of hours, time sheets and contractual arrangements. The report found that for some businesses wage theft was the rule rather than the exception. In some cases it was even identified as the basis for a company's business model. In other words, stealing money and entitlements from workers actually allowed the business to be more profitable.

The problem with this abhorrent criminal behaviour for many workers is that for too long it has been up to the workers themselves to identify the anomaly. The anomaly? No, let's call it what it is: the crime. How difficult is it for some workers to complain about having wages stolen by the very person to whom they are complaining? It is a very stressful exercise just bringing the matter up with the boss for a raft reasons. Normal nerves aside, there is the fear of retribution, fear of having their hours cut, even fear of losing their job altogether.

The select committee examined the effectiveness of the current regulatory framework at a state and federal level in dealing with wage theft. Supporting affected workers is central to its terms of reference. The committee found evidence supporting the concern that wage theft occurs across Australia and across industries.

More alarming perhaps is that the data collected from a nationally focused audit by the Fair Work Ombudsman since 2009 shows the general trend of wage theft is worsening over time. While the role of the Fair Work Ombudsman was acknowledged, it was generally accepted that the office was under-resourced and lacked frontline staff to police existing legislation. As a result, there was little chance the majority of businesses would ever be audited.

The McKell Institute provided evidence that between 165,000 and 170,000 South Australian workers were impacted by wage theft in various forms. That is just over 20 per cent of the South Australian workforce that have been ripped off by their employers. On top of that, the report also shows that 29 per cent of South Australian workers have been subject to non-payment or underpayment of superannuation. This superannuation theft, it found, deprived almost three million Australian workers around \$5.9 billion of their entitlements. That is stealing from a worker's future earnings and in many cases it may not even be known until years later.

The Fair Work Ombudsman advised that in 2017-18 they completed 28,275 requests for assistance with workplace disputes. This resulted in the recovery of \$29.6 million for more than 13,000 employees across Australia. More than 1,300 of those workers were in South Australia.

Submissions to the select committee highlighted a well-disguised lack of information on wage theft. SA Unions noted there was a lack of a comprehensive database because wage theft was carefully hidden by employers deliberately exploiting their workers. This has been done through a range of methods, including confidentiality agreements.

At greatest risk were migrant workers on temporary visas, women on low incomes, young people from refugee backgrounds, international students with limited proficiency in English, labour

hire workers, backpackers, gig workers who are contractors rather than employees and refugees on temporary visas.

SA Unions provided data from the National Temporary Migrant Workers Survey to support the claims that showed wage theft is endemic among international students, backpackers and other temporary migrants. Approximately 30 per cent of those surveyed reported that they earned less than half the minimum wage.

Anecdotal evidence suggests that these workers have their passports and visas copied when starting, with the threat of losing their visa should they complain about their pay and conditions.

Time expired.

COVID-19 ECONOMIC RECOVERY

The Hon. H.M. GIROLAMO (15:50): I rise today to speak about small businesses in South Australia. With 143,000 small businesses up and running across South Australia, they form the backbone of our economy and are the key drivers to ensuring the state's economic growth and employment opportunities.

We have initiatives like the #BookThemOut campaign as a response to the 2020 bushfire recovery and the #WelcomeBack campaign from the South Australian Tourism Commission. More recently, the government has introduced the #GoToTown campaign to boost economic activity, particularly in the CBD where an increased percentage of people working from home has left the CBD businesses struggling.

The #GoToTown campaign includes \$800,000 of CBD-focused measures, including the FOMO Friday program presented by the South Australian Tourism Commission, encouraging activation of the CBD's economy by going into partnership with local building owners and traders to deliver live music, street parties and advertisement to our local bars and restaurants.

We have already started seeing increased customers coming back into the CBD as a result of the new #GoToTown campaign. I thank our local community for supporting our CBD businesses, demonstrating they are always ready to stand behind our local small businesses and support them during hard times.

Until recently working at Deloitte right here in the CBD, I know the return of employees to the CBD has been slow and employees have been understandably enjoying the work from home work-life balance and flexibility that the COVID era has provided. I do, however, feel sympathy for the CBD business community, who have been through a challenging time over the past 18 months.

I recognise the joint efforts of the Marshall Liberal government and the Adelaide City Council on working together to encourage more activation and engagement within our CBD to ensure our residents return and support our small business community. I would like to thank our business community for everything they have done to help keep our state safe during these challenging times, including adapting to changing COVID restrictions and taking risks to run their businesses and serve the people of South Australia.

With a strong plan to support businesses during the COVID-19 pandemic, the Marshall Liberal government has delivered on:

- land tax relief for residential and non-residential landlords impacted by COVID-19;
- payroll tax relief with a 15-month waiver on payroll between April 2020 and June 2021;
- a waiver on 2020 and 2021 liquor licensing fees for small venues, restaurants and catering businesses; and
- SME business advisory services to help small and medium-sized businesses access professional services to grow and transform.

The Marshall Liberal government announced the COVID-19 Business Support Grant program to support thousands of South Australian small and medium-sized businesses that suffered a significant loss of income or were forced to close as a result of the 20 July 2021 restrictions. Eligible businesses can receive \$3,000 for an employing business and \$1,000 for a non-employing business which

experienced a decline of more than 30 per cent over the two-week period as a result of the COVID-19 trading restrictions introduced from 28 July 2021.

The government recognises that ongoing density requirements and other trading restrictions are impacting businesses, which is why it is delivering on new jointly funded packages with the commonwealth that will give small and medium businesses financial support. The South Australian COVID-19 Additional Business Support Grant will deliver an extra \$40 million in support to an estimated 19,000 local businesses in eligible industries.

The package includes the mentioned \$3,000 cash grant, as well as an additional CBD grant of \$1,000 available for eligible businesses, both employing and non-employing, with commercial premises right here in the CBD of Adelaide in recognition of the increased impact on city businesses as a result of people working from home.

I would also like to acknowledge small businesses in our rural and regional areas of South Australia, which have been working twice as hard to keep their businesses alive, particularly during lockdowns. The Marshall Liberal government is focused on saving South Australian jobs, safeguarding our state's economy and, most importantly, supporting our business community.

Time expired.

Parliamentary Committees

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

The Hon. T.A. FRANKS (15:55): I move:

That it be an instruction to the Select Committee on Statutes Amendment (Repeal of Sex Work Offences) Bill that the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members.

This comes about with the departure of the Hon. David Ridgway, now happily ensconced in London. The composition of this committee was one originally that reflected the conscience vote nature of this matter, rather than the party line vote of this matter. My understanding is that the Hon. John Darley would be a worthy addition to reflect both the will of the council and indeed bring much-needed gender balance and perspective to this committee. With those few words, I commend the motion.

Motion carried.

The Hon. T.A. FRANKS (15:57): I move:

That the Hon. John Darley be appointed to the select committee.

Motion carried.

Motions

MEMBER FOR WAITE

The Hon. T.A. FRANKS (15:58): I move:

That this council notes that the Speaker's inquiry into the end of year corridor events on and around 13 December 2019 have now been suspended for well over a year.

I move this motion standing in my name and I do so wishing it had not come to this. We now know in fact that the Speaker's inquiry into those events has not just been suspended but indeed ended. I note that yesterday in the other place the Speaker made a statement, and unfortunately this motion became far more pressing. I gave notice of it in the last sitting week and yet it has come to be that the Speaker's inquiry into the events of and around 13 December 2019 have now been permanently suspended.

I participated in the process of that inquiry in good faith and I commence my remarks by thanking the private investigator, Paul Hocking, for ensuring that I have had my memory refreshed in the last 24 hours by receiving my 29-page record of interview with Mr Hocking of Quark and Associates that I undertook on 4 February 2020.

At the end of that interview, which lasted just under an hour, I clearly remember the last words he said to me after he had turned off the recording. He lent back in his chair and sighed and said the words, 'In any other job it would be "Don't come back Monday".' But, of course, the member for Waite, Sam Duluk, did get to come back on Monday, and he has come back every Monday ever since. He gets to come back for some 90-plus or so Mondays since this event and, at this stage, he will work another many Mondays, some 30 or so at least, as a representative of the people of Waite.

And yet, this workplace has also gone through all of those Mondays and Tuesdays and Wednesdays and Thursdays and Fridays in this building and, indeed, for those of us who work weekends—those functions and other events. The member for Waite represents good, decent people. In fact, some of those people are my friends, my acquaintances and even my usually Liberal-voting family, as well as the Hon. Frank Pangallo.

While sexual harassment under any circumstances can wreak havoc on a victim's health, workplace sexual harassment is a special kind of ugly. It is an ugly that Nannina Angioni, who is a labour and law employment attorney, has called, 'A slithering snake that ripples its way through a work environment causing disastrous results.'

I note in recent weeks that the ABC building in Collinswood has had a rogue snake in the building. There has been much mirth and people are fearful of entering the ABC building. It only lasted about two days. Imagine the 20 months that workers in this place have had to endure with this slithering snake in our workplace. For the last 20 months that metaphorical slithering snake has been here in this building in North Terrace.

In this workplace, an experience of sexual harassment, which we know from the literature and many of us from our own experiences, can trigger symptoms of depression or anxiety, they can exacerbate a previous condition and they can cause trauma. One of the many things that I had hoped might come from this Speaker's inquiry was the ability for that trauma, that anxiety and those impacts to be addressed. Of course, I also hoped that the member for Waite, Sam Duluk MP, might reflect on the impact of his actions given the evidence that would be presented to him by the private investigator for a response.

On the night of the Liberal and crossbench end of year functions and beyond those events in the following weeks and then months, I had hoped that the Speaker's inquiry might see that reflection. Indeed, I know that the member for Waite is fond of a quote. He often misattributes many of Winston Churchill's finer words, but I will start with a different one from Emma Goldman: 'Before we can forgive one another we have to understand one another.' That is what this Speaker's inquiry would have done.

So let us put on record some of what I understand are the actions which the Speaker's inquiry will no longer hear. Let us in this chamber, in this parliament in this state now understand each other. The Speaker's inquiry will now not hear from two young women staffers, both in their early twenties, who participated in what should have been a harmless game of charades set up by an SA-Best staff member, where they sat in chairs and had to guess the answer to an acted out charade character—in this case, Donald Trump.

The member for Waite, Sam Duluk MP, stood up as these two young women were seated near him and mimicked gestures that, when challenged, he claimed were him doffing his trucker's cap to make America great again. To the other people in that party, and to the young women, these gestures clearly were his hand moving towards his groin, standing right near their heads, and reflecting the 'grab 'em by the pussy' gesture that we know to be associated with the former President of the United States.

The young women talked amongst themselves later—at the time they were a little shocked and left the party soon after. It was only in the following days, in a break from work at lunch time, that one of them stated to me—she was doing some casual work in my office—'That was so gross that he was right near my head doing that.' I had to reassure her that that was not typical workplace behaviour and not accepted in any other workplace in this state.

The Speaker's inquiry will now also not hear of the homophobic treatment of a male worker in this place—not a political staffer of any sort, he simply was attempting to enjoy conversation and

Christmas cheer in his workplace of a Friday afternoon, when he had his jacket repeatedly seized and repeatedly attempted to be pulled off him during the same game of charades. The attempts were politely repelled and clearly unwanted, but the member for Waite persisted regardless.

That worker, our colleague, was then subjected to further homophobia after deciding to leave the corridor drinks, adding to the bullying, rudeness and indignity he had already faced, when the member for Waite, walking several paces behind him with a Liberal staffer, mused loudly enough so that those behind the member for Waite in the corridor could hear, 'Best not walk too fast and get ahead of him or we might get fucked up the arse.'

The PRESIDENT: The honourable member will be cautious with language that is unparliamentary, and I deem that to be unparliamentary. I am sure there are other ways—

The Hon. T.A. FRANKS: Mr President, that was the quote.

The PRESIDENT: Order!

The Hon. T.A. FRANKS: That was the quote, Mr President.

The PRESIDENT: Order! I will be very tolerant, but I think there are ways in which the honourable member can describe that without using—

The Hon. T.A. FRANKS: Those ways have been shut down to us, Mr President.

The PRESIDENT: Order! I am speaking—without using words that are unparliamentary, quite clearly, and have ruled to be so over many occasions throughout the Westminster system. I am not getting in the way of the honourable member's presentation—

The Hon. T.A. FRANKS: Mr President, can you cite the ruling, please, where a quote—

The PRESIDENT: Order! The honourable member will not argue with me. The honourable member can continue, but please do not use unparliamentary language. If you wish to use the word, how it starts—

The Hon. T.A. FRANKS: Because there will be quite a few to come.

The PRESIDENT: Then I ask you to make sure that that is the way in which you handle those words. Continue, please.

The Hon. T.A. FRANKS: I agree, Mr President, that these things should be unparliamentary. Unfortunately, this member of parliament did not see it that way and chose to use those words. They are his direct quotes.

The PRESIDENT: They may well have been, and I understand the member's concern that these were offensive words in the parliamentary corridors, and if they were offensive there they are offensive here. So I ask the member, she can describe them pretty well without actually using them in full, and that is what I ask the member to do. That is consistent with parliamentary practice, and that is what I ask you to do as you proceed.

The Hon. T.A. FRANKS: The inquiry will now not hear from the staffer who was stood over and threatened until she removed a photo that she had taken of the member for Waite, Sam Duluk MP, of him drinking spirits straight from the bottle, an act he had done several times that night, an act he had the good sense to know was a damaging photo taken at the time.

The inquiry will not hear about the member for Waite, Sam Duluk MP, sliding down the bannister of the marble staircase, waxing lyrical with racist remarks about another MP in this chamber—remarks he made more than once that evening. The inquiry will not now hear from the staff who have had to come into this place each and every work day, knowing that they may walk into this man, see him in the corridors or the shared areas, knowing that this is a man who caused them humiliation and harm.

Back then I had hope in the Speaker's inquiry—others did not. All of us were resigned to the fact that only the voters of Waite can remove the member for Waite from his seat, and that day is still to come.

What I do know now is that the events of the crossbench Christmas function were not solely our burden to bear. That bad behaviour also happened at the Liberal Christmas party event. That these have not yet surfaced in the media and that attempts have been made to urge party processes to address what I would describe as unlawful and unacceptable behaviour is, indeed, deeply distressing.

Much, of course, has been made of the incident with the member for Waite slapping the Hon. Connie Bonaros on the bottom. It was the subject of a court case that has now concluded, but the reality of this incident and the connection of that member's hand on the honourable member's bottom was actually at the end of a string of indignity that reflected very badly on the member for Waite and caused great distress and damage to those who work with him and around him. We have all had to come into this place for the last 90-plus weeks having been humiliated and harangued over a sustained period of time on that evening and, indeed, let down by the parliamentary and political processes since.

The Liberal Party function is now the focus of my speech. There were, of course, not one but two Christmas parties in this building that night, one in the Balcony Room—the Liberal Party function—a large function room on the north-west corner of level one and another on the lower ground floor, along the eastern corridor, where many of the crossbench work. I note also some Liberals have their offices downstairs on the lower ground floor.

The member for Waite made his disruptive entrance into the lower ground floor corridor function of the crossbenchers from that first floor level function in the Balcony Room as a Liberal female staff member appeared to be in some haste to reach her office and escape him. When she got to that corner office she slammed the door behind her. It caught members of the crossbench drinks event's attention and concern. To the bystanders it now appears that she was seeking to escape his attentions and, indeed, did so successfully for that moment.

Unfortunately for the crossbench attendees he stopped in his tracks, realising he had just crashed our function. I will return to that Liberal function—that other event of that night—later. The crossbench Christmas drinks are a longstanding tradition. They are hardly a raucous event. The invitation was dubbed the 'Nightmare before Christmas'. If only we had known how portentous that would be. It simply said:

All cross-bench Members and staff invited.

Just bring your own drinks and a plate of food to share.

Indeed, there was a wonderful lasagne. It continues:

The theme this year is:

The Nightmare before Christmas (as it's Friday 13th)

The party starts from 3.00pm—

although it didn't get started until just before 4—

games will start after 4.00pm.

There is no need to dress up but there is a prize for best dressed.

There are more games, prizes, food and fun this year!

Hope to see you all there.

It was Pat Casbarra's last day on the job, so it was a double celebration to farewell her. We had invited the Premier, the Leader of the Opposition and, as is tradition, members of the library and Hansard, the Clerks and other parliamentary staff, and many of them attended.

Mark Parnell—the Hon. Mark Parnell then—attended for the first part, but I note that the Hon. John Darley and the Hon. Frank Pangallo did not. Indeed, it was an event cohosted by myself and the Hon. Connie Bonaros.

Our anticipated late afternoon-early evening of a few drinks, some lasagne, some party food, some lovely dips and a few games was not to be. While the first part of it ran as expected, it was, indeed, derailed by the member for Waite. From the agreed court documents alone:

The accused was an unmistakable presence at the Cross-Bench Christmas party. He was loud, high-spirited, and obviously drunk throughout the party. (Tellingly, the accused counsel did not challenge any witness on the issue of his intoxication—

goes the agreed finding of facts from the court ruling. I go on:

Some of the accused's conduct showed a clear focus on the alleged victim. He was particularly attentive towards her. (While some of the precise details of these episodes was not agreed, there was broadly no dispute about the accused's behaviour.)

I am satisfied beyond reasonable doubt of the following events which took place during the party...

I will not go into all of them, Mr President, you will be glad to hear. I certainly invite members of all parties to make themselves familiar with the document. It is available and indeed makes very interesting reading. But they do agree that:

- The accused grabbed a bottle of spirits and held it up to the alleged victim's mouth, asking her to drink from the bottle. She declined;
- The accused said he had alcohol in his office and asked the alleged victim to accompany him to his office. She again declined the invitation...
- The accused approached the alleged victim when she was sitting in a tub chair. He grabbed the chair by the sides and, facing her, lifted the chair a short distance up off the floor, enough to lift her feet off the ground. This was uninvited and unwelcome. The alleged victim told the accused to put her down. She was concerned that other people would be able to see up her dress if he lifted her chair into the air;
- On more than one occasion, the accused put his arm around the alleged victim's shoulder. He also stood near her, 'leaning over' her. The alleged victim accepted that she did not specifically tell him not to do this, but she added, 'I think I made it clear that I was trying to move away from this situation';
- The accused was throwing ice around during the party. At one point, he tried to put ice down the front of the alleged victim's dress.

The judge found:

There is no doubt the accused treated [the Honourable Connie] Bonaros poorly. He was insensitive to her discomfort. He was entitled, uncouth and disrespectful. He behaved like a drunken pest.

The Hon. Connie Bonaros was not the only person the member for Waite treated poorly in this workplace on that night. She was not the only one to whom he was insensitive to their discomfort and entitled, uncouth and disrespectful. As I stated to the private investigator, and in my observations to him made in that interview that I have now received back via the Speaker:

You can see when people are comfortable and when they're not and I could see people were uncomfortable and particularly the women I could see at that point and my feelings, because it was more feelings than you know, paying attention thinking that I was going to have to give evidence about this, at some stage, was I was just feeling like this is a bit gross, a bit sleazy; [well, yeah] he's clearly annoying people and making them feel uncomfortable, which he delights in doing. That's something that he quite likes making people feel uncomfortable.

I now know more than I would ever care to know about some of the statements and actions made by the member for Waite, Sam Duluk MP, that evening. He made those statements to people in this workplace that made them incredibly uncomfortable. He said to a woman in this workplace, our workplace, her workplace, 'You've got big [a cuss word for breasts].' Then he said, 'I'd like to [a word starting with f, with four letters] them.' He said to a woman in this workplace, our workplace and her workplace, 'I know you're effing him so you can eff me too.'

He said to a fellow member of parliament, about a member of this chamber, 'He is not a real Aboriginal. My grandmother was raped in Mildura so maybe I am part Aboriginal.' He asked a woman in this workplace, her workplace, if she was having sex with me—meaning me. He further asked that worker if myself and this woman were lesbians. He threatened a woman in this workplace who took a photo of him until she deleted that photo.

And when his advances were declined, he said to a woman in this workplace, our workplace and her workplace, 'I might not eff you tonight but I will eff you,' as he departed. Many, many times over the course of this evening the member for Waite, Sam Duluk MP, stated to his victims, 'I know I am being inappropriate.' Let's not let the drunk's defence have any resonance here. Let's reflect on those words. 'I know I am being inappropriate,' he said time and time again.

To reinforce that, I note that spirit bottle that he was swigging from that he did not want the photo taken of, that he aggressively insisted be deleted from that person's phone. I dare say he was cognisant at the time that his actions were actually not acceptable should they have been made public. His actions were calculated to offend and provoke, to make people uncomfortable and, my goodness, it worked. That discomfort continues to this day.

To be very clear, none of those remarks I just noted and put on the record of this *Hansard* were made to the Hon. Connie Bonaros. She has borne the brunt and taken the public action, where the parliamentary processes and party processes have failed this workplace. We know he was described as a 'drunken pest' by the court in his harassment of her, but we also know that that was the tip of the iceberg.

Indeed, there was a sustained barrage of completely inappropriate actions and words that night by the member for Waite. Quite a few other Liberal staff members were also down on the lower ground floor at this time, so they know this too. They looked on. They knew. They were asked by us, as staff, to perhaps advise him to leave, to calm down, to settle down. There were four or five who were asked and the response from all of them was to shirk that responsibility. As one of them put it, 'He's not in my faction. I hope he's dead in the toilet.' They perhaps knew better than we did at this point that his behaviour was being tolerated typically.

We crossbenchers and others were not the only ones impacted by that bad and harassing behaviour that night. I will return to the start of the speech, where the Liberal staffer went hurriedly through our gathering, slamming the office door behind her. He, of course, seemed in pursuit but then was alerted to his potential new prey.

Since the suspension of the Speaker's inquiry and in the weeks leading up post the court hearings, I have heard various accounts of just what went on at the Liberal Party party that night. I believe there is a video of the member for Waite calling a female staff member a 'frigid bitch'. I believe that a staffer who was accompanying and with the member for Waite at the time urinated in a corner of an MP's office before turning around with his penis still exposed, waving his appendage into the breeze with his arms in the air, calling out, 'Touch it, touch it.'

I have heard many rumours, and I know others have in this place as well, of an incident of upskirting, which if true is a criminal offence. Others have approached me too, and one I want to reflect on right now is the events of that Liberal Party party drinks that night, where the complainant did indeed take the matter up with the EO commissioner's review of this workplace.

I draw members' attention to pages 121 and 122 of that report. That complaint originated from this evening and the member for Waite's behaviour. In that sexual harassment complaint case study, the review was told by a victim about multiple alleged matters involving sexual harassment and assault. The alleged incidents occurred at a work social function. One matter involved alleged low-level sexual harassment by two members of parliament—not one, but two. That then escalated to alleged sexual assault by one member of parliament.

Separately, another incident of alleged sexual harassment occurred that was conducted by a staff member towards the victim and others. The alleged incidents were reported by the victim to several sources. This included immediately or soon after the incident. The review was told that the victim reported the matter to her colleagues, then over the following weeks and months to senior leadership of her political party, the relevant presiding officer and two leadership positions in the Public Service. The review was told that the response to the victim from colleagues was, 'You will be a rat if you say anything,' and, 'You don't report MPs.' This was interpreted by the victim to mean, 'Put up with it and don't stir up trouble.'

The response from her party was to present the option of reporting to police and offer strategies to avoid contact with the harasser. Indeed, originally one of the only tools in the Speaker's arsenal was to ensure that the member for Waite perhaps might be banned from the catering department of this building and perhaps not be allowed in the members' bar or the dining room or the Blue Room, as we call our cafeteria. As we know, everyone goes to the Blue Room but not if you have been sexually harassed at a party function in this building. You stop going to the Blue Room at that point.

The victim felt the party otherwise sought to manage it within a closed circle, with minimal information shared with her. This was perceived by the victim as a focus on managing the matter to prevent fallout or minimise disruption to the party and political process. The response from the Department of Treasury and Finance was to provide advice about the victim keeping separated from the harasser and, if the complaint was to be made formal, then they would refer the matter back to the presiding officer. This was interpreted by the victim to mean that the department had no authority to take action.

The victim considered all these responses as inappropriate and absent of any process. Through these discussions, the victim reported that it was six months before she was alerted to external reporting options other than reporting to the police. The victim described long-term impacts of the alleged harassment and assault. It is those aforementioned aspects I hope members are reflecting on.

The review was told that this resulted from feeling that the matter was left to fester, that there was no credible investigation of the alleged incidents and that she felt compelled to independently seek corroborating evidence of the incidents and that there was injustice in there being no repercussions for the harassers, whereas she continued to experience ongoing impacts. The victim stated, 'I had very high anxiety levels. I wasn't functioning very well.' The victim described that the distress of dealing with the experience was exacerbated by the concern about the impact on her career.

Fear about the matter becoming public and then having to cope with the pressure of public scrutiny, including explaining to her family and friends the position she had found herself in, was identified as a major pressure and factor in her decision-making. In raising the incidents, the victim wanted an internal investigation process that acknowledged what had occurred and the impacts on her, as well as management investigation with a level of independence and protection of her integrity, career and privacy, and that appropriate consequences be applied to the harassers—harassers, multiple.

The victim reported to the review that none of these outcomes were achieved, not a single one. Now she has no inquiry, and the EO option offered by the Speaker yesterday is a false one. The clock has run out for those of us who would wish to take this matter up with the EO commissioner. I think of those trainees, I think of that male, those women—where do they go now? Quite a few of them have come to me, which is utterly inadequate in terms of our processes.

The silent suffering of these victims must not be underestimated. It is important to note that when one employee is being abused, their colleagues are also afflicted. It is stressful to keep a secret, especially secrets that are so clearly damaging. When employees are questioned about the effect of harassment on their colleagues, you can often hear some physical manifestation of that stress. They cannot sleep. They have to keep going to the bathroom. It is like you watch people in your team suffer or even wither away just as they try to get through their day, and yet a perpetrator asks for forgiveness. A perpetrator asks for redemption. A perpetrator asks us to move on.

I well understand that it must be humiliating. It must be hard and hurtful and humiliating for those who offend, harass and perpetrate this harm. We will understand that deep sense of humiliation in the workplace. It is embarrassing. It does create deeply debilitating feelings of anxiety and shame, but that shame rightfully belongs with the perpetrator, the one who set these events in play. The actions which triggered past events, which made wounds fresh again, which picked the scabs of past abuse or harassment, of harm not yet healed, those wounds pervade the victims, not the perpetrator.

I note that with the ending of the Speaker's inquiry, this matter and those victims now have nowhere to go. The EO option is a false one. The parliamentary processes have failed them. The party processes are all they have left but, to my mind so far, they have also failed.

Indeed, if people have seen this as a decision of the Liberal Party of whether or not to let the member for Waite back into the parliamentary party, to whether or not to endorse the member for Waite to represent the people of Waite into the future, I don't actually see that that is the decision that the Liberal Party faces here. I think this is not a decision that the Liberal Party decides whether or not the member for Waite comes back to the Liberal fold; I think that this is a decision where the Liberal Party will show us who the Liberal Party really are.

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

Bills

FIRE AND EMERGENCY SERVICES (BUSHFIRES) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (16:31): Obtained leave and introduced a bill for an act to amend the Fire and Emergency Services Act 2005 and to make related amendments to the Emergency Management Act 2004. Read a first time.

Second Reading

The Hon. J.A. DARLEY (16:32): I move:

That this bill be now read a second time.

This bill provides for the reporting of the planning and execution of prescribed burns and the placement and use of bushfire monitoring and detection cameras. The bill establishes a statewide plan for conducting prescribed burns in the State Bushfire Management Plan. The State Bushfire Coordination Committee will be reporting to parliament on an annual basis on the completion of planned prescribed burns on public and private land to meet community safety needs and environmental objectives. There is an emphasis on the human resources and physical assets required to carry out the prescribed burns.

The second item of this bill adds bushfire monitoring and detection cameras to the strategies contained in, and part of, the State Bushfire Management Plan. Smoke and heat detectors may form part of or be ancillary to the cameras. The State Bushfire Coordination Committee will declare specified areas at high bushfire risk for the location of bushfire monitoring and detection cameras. The State Bushfire Management Plan will set out each camera location, how each location area was determined, and how the cameras will be used including images and other data collected. The Sixth Assessment Report of the IPCC notes that, and I quote:

[The] Frequency of extreme fire weather days has increased, and the fire season has become longer...The intensity, frequency and duration of fire weather events are projected to increase throughout Australia (high confidence)...

The prescience of this projection is reflected in the first bushfire incident for the upcoming 2021-22 bushfire season. On Thursday 2 September, with a temperature of 31°C and strong northerly winds, 220 hectares burnt near Waitpinga Conservation Park on Southern Fleurieu Peninsula. In the Independent Review into South Australia's 2019-2020 Bushfire Season, reporting on 16 June 2020, it was noted that it has been, and I quote, 'the worst conditions on record' and that the 'loss of life and property could have been far more severe'.

Three lives were lost, 196 houses destroyed and a further 104 damaged. In addition, 892 non-residential buildings, 660 vehicles, and 68,000 livestock were lost. In all, 280,000 hectares were burnt, including 90,000 hectares of national parks, with 17 parks and the habitats of threatened species impacted. Some \$200 million was lost from agricultural production. There were significant fires in many parts of the state including Duck Ponds, Port Lincoln, Yorketown, Yorke Peninsula, Cudlee Creek in the Adelaide Hills, Kangaroo Island, Miltalie in the Eastern Eyre Peninsula, and Keilira in the Lower South-East.

The first element of this bill is the use of prescribed burning, namely, 'the planned application of fire under prescribed environmental conditions and within defined boundaries to reduce fuel hazard immediately adjacent to assets and to strategically reduce fuel loads in zones across the landscape to impede the spread of large bushfires.'

The discussion around prescribed burns has always been complex. The planning and execution of a successful prescribed burning program requires a commitment of human resources, physical assets and associated expertise, which is costly. Of course, the alternative of uncontrolled widespread hot fires, in a more challenging climate future, is even more costly in lives, property, economic loss and environmental destruction. The review pointed to three limitations of prescribed burns:

1. Fuel reduction strategies, such as prescribed burns, tend to be short term and are incorrectly viewed as the panacea for reducing bushfire risks.
2. ...reducing hazards is highly dependent on the location of the burn, the fuel type, the intensity of the burn, and the time since it was last burnt.
3. The effectiveness of most prescribed burning on stopping runs of large fires will be minimal on extreme days because medium and long-range spotting will see these large areas overrun.

However, the review noted that the areas burnt in the 2019-20 bushfires will be easier to manage and pointed to two advantages of prescribed burns:

1. ...prescribed burning near houses is effective in reducing the intensity of the fire, thereby reducing house losses...
2. Strategically reducing fuel across the landscape...has an important role to play in minimising the spread of fire and helping to suppress it, particularly on days of lower fire danger...Low fuel areas created by prescribed burning are particularly important for campaign fires, fought over many days or weeks, where there may be opportunities to suppress the fire before the weather escalates.

The successful planning and execution of prescribed burns requires the proper allocation of human resources and physical assets to address the challenges identified in the review:

It can be difficult and risky for land management agencies to undertake prescribed burning in a controlled, effective and cost-efficient manner. Burns need to be undertaken in autumn and spring to reduce fuel hazards, and sometimes in early or late summer to meet ecological objectives. It is well documented that the changing climate is leaving a narrow window for safely conducting prescribed burning.

Prescribed burning becomes even more challenging in remote areas with minimal or no access to large continuous areas of vegetation...unbounded burning is required...requires lighting fire in elevated weather conditions and then relying on the ensuring weather to extinguish the fire or moderate its behaviour sufficiently to allow mop up...These operations are high risk.

The review supported fuel hazard reduction on private land, including prescribed burning for ecological management, noting that 39 per cent of the subject land in the Mount Lofty Ranges is privately owned. Prescribed burns are needed on both public and private land to reduce risk. The review noted that private landholders who want to undertake prescribed burning on their own properties are often unaware that the option for burning on private land exists under existing regulations; however, private landholders often lack understanding and capacity. The application process is unclear, patchy and confusing, with applicants required to develop an operational burn plan involving some level of skills.

The resources of local government, diminished in recent years, need to be rebuilt with the Department for Environment and Water and the CFS needing to expand their operations into rural areas by building operational capability of CFS volunteers and landholders. The CFS also needs greater capacity to support native vegetation management.

The South Australian state government in 2016 commenced the Burning on Private Land Project to enable the Department for Environment and Water, in partnership with the CFS, to extend its prescribed burning to include strategic locations on privately owned lands. This program has been well received. The review noted that without professional support landowners are unlikely to conduct strategic burns and opt for mechanical land clearance, compromising environmental assets, or undertake no hazard reduction activities.

The report by the Australian government in March 2015, the National Burning Project, concludes that:

...it needs to be appreciated that fire regimes that can fully optimise outcomes for the community, its safety and for the environment will be uncommon. If prescribed burning is to be effective in helping to manage the bushfire threat, then compromises will need to be made based on the best available science and the likelihood that prescribed burning in appropriate ecosystems and under cooler conditions—even if less than fully scientifically-informed—is less damaging to the environment than the alternative of allowing heavy fuel accumulations to build and inevitably burn in severe summer bushfires.

In the aftermath of the 2019-20 bushfire season and the subsequent review, the State Bushfire Management Plan, prepared by the State Bushfire Coordination Committee, was finally completed in accordance with the requirements of the Fire and Emergency Services Act 2005. Governance in

this act was also changed so that the SBCC reported annually through the minister to parliament on its activities.

Whilst it is accepted that prescribed burning is not a panacea for bushfires, it is still a very valuable tool for bushfire management. A final word from the government report 'Prescribed burning in South Australia: review of operational prescriptions':

...although prescribed burning can be enhanced through the strategic placement of prescribed burning blocks, under catastrophic bushfire conditions the maximum reduction in the level of impact that is possible is about 70%...if fuel reduction is not performed immediately adjacent to social and economic assets and/or ignition sources, at best only moderate levels of fire protection can be achieved through prescribed burning.

The second item in the bill is the use of bushfire monitoring and detection cameras. The purpose of the cameras is twofold. Firstly, they add to the certainty of detection of bushfire arsonists, acting as a powerful deterrent. Research has revealed that certainty in detection acts as a powerful disincentive to deter undesirable behaviours, hence speed cameras, RBT, road blitzes and cameras to detect mobile phone use are all used to moderate poor performance or poor behaviour on our roads.

Secondly, response time in responding to bushfires is crucial. The State Bushfire Management Plan notes that:

The impact of bushfires can be reduced by minimising the chance that they occur, lessening the potential for fire spread, reducing the size of fires by early detection and responding rapidly to suppressed fires when they are small.

Additional to the aerial surveillance and fire spotting from towers, research examining the use of cameras to provide early detection and warning has been undertaken. In late 2016, New South Wales installed cameras in remote fire-prone areas to pinpoint bushfires for a rapid response. The Minderoo Foundation has been working with the ACT Rural Fire Service, Optus and ANU to trial ground-sensing cameras to improve detection and monitoring of bushfires.

Also, in the forestry region of the South-East in late 2020, there was trialling of fire detection systems to cover a reduction of surveillance from state government fire spotting towers. Evaluation of various technologies and their utility, vis-a-vis more traditional spotting, is still open. However, the value of the technologies at night to warn residents of smoke and approaching fire does have merit in the peri-urban areas of the Adelaide Hills and other vulnerable urban settlements around the state.

During an identified major incident, major emergency, disaster or recovery operations, cameras may be used to assist the SEMC in reaching decisions specified in their act. Provisions of the bill cover appropriate locations for cameras, their installation, maintenance and use, and will be contained in the annual report to the minister by the SBCC and forwarded to parliament. The SEMC will also report on such matters.

Unfortunately, the certainty of another bad bushfire season and the outlook from the IPCC, require all possible measures to be pursued to protect the citizens of South Australia in high bushfire risk areas. Accordingly, I commend the bill to the house and welcome any amendments that will improve the bill.

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

Motions

CLIMATE CHANGE CONFERENCE

The Hon. R.A. SIMMS (16:47): I move:

That this council—

1. Notes the significance of the 'Conference of the Parties' (COP26) UN Conference on Climate Change taking place in November in Glasgow;
2. Recognises the latest IPCC report confirmed that the world is on track for 1.5°C of warming; and
3. Calls on the state government to leverage South Australia's global renewable energy leadership, and Adelaide's ranking as the third most livable city in the world, to petition to host a UN Conference of Parties on climate change, as proposed by Business SA.

The motion I move today deals with a proposal by Business SA for Adelaide to host the Conference of the Parties (COP) climate conference at some time in the future, and that is happening in November in Glasgow.

To give members a little bit of information about this conference, it has only been held in the Southern Hemisphere four times, and the hosting state must be the COP president in order to host, and it would bring approximately 20,000 to 30,000 people to the city of Adelaide. I submit that our state is well positioned to host such a conference, given our natural environment, our commitment to renewables and of course also the impact that climate change will have on South Australia.

We know from the IPCC report that SA will be hard hit by climate change. We are going to see a projected decrease in rainfall, we are going to see an increase in agricultural and ecological droughts, we are going to see an increase in aridity and we are going to see projected increases in marine heatwaves and ocean acidity. These consequences alone mean that we really need to take an interest in the international response to climate change.

There would be an economic benefit for our state and in particular the city of Adelaide in hosting such a conference as well. Indeed, I suspect it is for these reasons that Business SA have been advocating this as part of their charter. I know, of course, that the Liberal Party are very attuned to the feedback of Business SA and that Business SA provides them with significant economic advice. My hope is that they will support this proposal as a sensible way forward and one that will enable our state to strengthen our climate credentials.

Let us consider some of those economic benefits that would flow for South Australia. The conference is estimated to translate into a \$135 million boost for the hospitality industry—that is a pre-COVID estimate—and it would inject \$200 million into the South Australian economy. That is certainly a significant boost at a time when we know that our state is struggling to deal with the pandemic and the economic consequences that flow from that.

In terms of some of the other reasons South Australia is well placed to host such an event, we know that there has been a lot of work done in terms of boosting renewables, and I recognise that there have been efforts made by all sides of politics in that regard. I acknowledge the work of our colleague in this place the Hon. Ian Hunter as environment minister and that of many others as well who have done a significant amount of work in terms of boosting our capability for renewables.

So we are well placed to host such a conference, but also it would, I think, put pressure on all of us collectively—this parliament—and on the government to do better and to ensure that we are really world leaders in this space. With that, I commend the motion, and I hope that all sides of politics will get behind this and recognise that this is something that could be a major boost to our economy and something that really gives us a chance to cement our reputation as a clean, green state.

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

Bills

RETURN TO WORK (IMPAIRMENT ASSESSMENT GUIDELINES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 August 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:52): I rise today to speak on this bill and thank the Hon. Irene Pnevmatikos for bringing this bill before this chamber. Earlier this year, many members of the community were disturbed at the proposal of the government, the member for Norwood, Steven Marshall, and the Treasurer in this place, the Hon. Rob Lucas, to drastically change the Impairment Assessment Guidelines that affect some of the most vulnerable injured workers in South Australia.

The consultation process was so badly done that even the minister's own expert advisory group demanded more time to respond to the proposals. What the Treasurer and the Premier set out to do was that flawed that even their own advisory group insisted it be changed. The Law Society, lawyers and doctors have all raised very significant concerns. Those representing workers in the

union movement have raised very significant concerns. Most importantly, the proposals from the Premier and the Treasurer struck fear into the hearts of injured workers, who were guilty of nothing more than being in the wrong place at the wrong time when they were injured and having the wrong government in at the time.

After a major backlash, the consultation period was reluctantly extended by the Treasurer. At that time the Hon. Irene Pnevmatikos and Labor drafted and gave notice of the bill we are voting on today that has been introduced into both chambers. The bill simply allows for the parliament to disallow changes to the guidelines rather than the current arrangements where the Treasurer can make changes with the stroke of a pen.

Extraordinarily, on the day before this bill was first spoken on in this place, the Treasurer decided to have the new guidelines come into force. The Treasurer knew full well that the parliament was seeking to limit that power, yet the Treasurer chose to have the guidelines come in the very day before this bill was due to be spoken on for the first time. It is a disgrace to use parliament in this way to avoid scrutiny and avoid members having a say.

The changes to the guidelines affect those who could be assessed with a 5 per cent whole body person impairment, a WPI threshold for workers to receive a lump sum compensation for many genuine injuries. It will make it impossible for many workers to receive lump sum compensation for common and debilitating injuries, including injuries to the knee, arms, hips, ankles and wrists.

Another group of workers could be drastically affected: those classed as seriously injured at the 30 per cent threshold. This may exclude many who would currently be classed as seriously injured. Without this classification, an injured worker may not get the ongoing help with medical treatment or ongoing costs and income support. Further changes also remove the ability for some injured workers to choose who assesses their injury by limiting their time to do so.

Many injured workers will have a limited choice of specialists, who may live interstate, no longer practice clinically, or have no experience in assessing WPI assessments. These changes risk triggering major bottlenecks for qualified and suitable assessors. It may also diminish the worker's confidence in lodging a claim through an unfamiliar and potentially incompatible practitioner.

Many unions, many medical practitioners, many with great experience in practice in this area, and lawyers have expressed significant concerns about the impacts of these changes, but many of these key groups were not even consulted. If there is nothing to hide in these changes, as the Treasurer initially pretended, the government needs to explain why these stakeholder groups were not even initially informed.

This is not an academic or theoretical exercise. Labor is acting on genuine concerns that have been genuinely expressed. You need look no further than a recent South Australian Employment Tribunal judgement highlighting how volatile this area of law can be, both for injured workers and medical practitioners. Recently, SA Health was found to have been pressuring doctors to change their opinion on an injured nurse's WPI assessment. The state's central health agency was pressuring health professionals to change professional health advice. Tribunal Deputy President Judge Tony Rossi, who made the order, commented, 'This case is yet another illustration of how the integrity of the process may be compromised by permitting subsequent communications with assessors once a report has been provided.'

After 18 months of listening to this government tell us daily about the importance of following expert health advice, we now find that parts of the government actively seek to undermine and try to change expert health advice. This shows that even medical assessments are open to manipulation by large organisations. It is shameful conduct and compensation was awarded in that case in the order of hundreds of thousands of dollars: a large compensation settlement, but nothing for the mental anguish that that injured worker and many injured workers suffer when government agencies or large companies act beyond their power or unethically to deny them basic protections.

As the Hon. Irene Pnevmatikos has outlined, this bill will ensure that changes to the guidelines cannot be made now or in the future without parliament having a say. We have heard on this matter a number of times the Hon. Rob Lucas, the Treasurer, on behalf of Premier Steven

Marshall and his government, say, 'We are only doing what the law allowed at the time.' It does not make it right.

We have seen that recently with the shop trading hours debate. The Treasurer is not acting within the spirit of the law and is constantly issuing exemptions. Just because you can do it, does not mean you should do it. The Treasurer should not have made the guidelines he made. We think it is only right that parliament have a say when you have a Treasurer who will use ideology in the way that the Treasurer chooses to do, to be able to deny the Treasurer his ideological wishes that hurt injured workers.

The Hon. T.A. FRANKS (16:59): I rise to speak in firm support of this bill before us today. I have previously raised in this chamber how disgusting it was that the government were seeking to sneak through these quite significant changes to the Impairment Assessment Guidelines. These are guidelines that are used under the act to assess compensation entitlements for injured workers. I would like to reiterate that it is already extremely difficult and often traumatic for injured workers to pursue, let alone receive, fair compensation under our current system as it stands.

I think every member in this place has received the deeply concerned emails from a whole range of workers, lawyers and advocates, outlining just how flawed these changes are to the Impairment Assessment Guidelines and the many ways in which they will let down workers. It is appalling that such changes were even considered let alone allowed to happen under our legislation. The Return to Work Act is supposed to determine the rights of workers to fair compensation and help ensure that they have access to that compensation, yet what we are seeing with these new changes to the Impairment Assessment Guidelines in particular are of course, yet again, workers' rights being stripped away.

Let me be clear: as far as the Greens are concerned, the Return to Work Act has never been fit for purpose. From the beginning, we raised concerns that workers would be forced to fight a difficult and traumatic fight to have the seriousness of their workplace injuries recognised let alone fairly compensated. It is heartbreaking to see that of course our concerns have come to pass and that so many workers have been unable to access fair and adequate compensation and support for those workplace injuries that they have incurred.

But these latest changes to the Impairment Assessment Guidelines are beyond the pale. They will make it even harder for workers to be able to prove a level of impairment high enough to qualify for compensation, and they demonstrate just how badly this act and our workers compensation system needs to be reformed. These sneaky changes offer no benefit to the community and they only add insult to a worker's injury. It is cold comfort that the Treasurer has come to this place in recent weeks, having been caught out with his sneaky behaviour, to say that apparently it is not going to be as bad as they had originally, possibly hoped.

I am glad we have this bill before us today so that we do not see that situation repeated. It will ensure that at least there is the opportunity for proper parliamentary scrutiny for any future changes to the Impairment Assessment Guidelines. What the Greens also welcome as part of this bill is it includes a retrospectivity clause that would reverse any drastic and terrible changes gazetted by this government or any government for that matter. Changes that hurt people have no place in our compensation scheme for injured workers and I will be glad to be rid of these new punitive guidelines.

The Hon. C. BONAROS (17:02): I rise on behalf of SA-Best to speak on the Return to Work (Impairment Assessment Guidelines) Amendment Bill 2021, and indeed in support of that bill. As we have heard, the bill seeks to undo the recent changes to the Impairment Assessment Guidelines that were gazetted on 24 August and are currently in force. Put simply, those guidelines are used by accredited doctors to determine the nature and extent of a worker's injury for the purpose of compensation.

I have met with and spoken to countless doctors, lawyers and experts in the field who have expressed concerns that many injured workers will ultimately be worse off as a result of these changes, concerns that are consistent with the comments we have heard from other honourable members today. As I said, these are the experts in this field. They are at the coalface and have seen

firsthand the full impacts of injuries suffered by people in the workplace, and so SA-Best gives their concerns great weight.

I understand some of the changes proposed by ReturnToWorkSA were abandoned. I may be corrected on that, but limits on which medical professionals would be able to undertake the assessments and whole person impairment were omitted from the final draft. However, significant changes, problematic changes, did and indeed have slipped through. They affect any worker who seeks to claim a lump sum compensation due to a work injury that occurred from 24 August this year.

They specifically relate to impairments to the lower extremity, upper extremity, spine, digestive system and skin, including scarring. As it stands, the responsible minister may alter the guidelines from time to time, as he in this instance has, thereby avoiding parliamentary scrutiny. I think that is one of the interesting subjects that is yet to be fully played out in this area. We do not know whether there are going to be any challenges, but I know certainly one of the legal challenges that was mounted, while I was consulting on this bill and while I was contacted by legal experts, was whether this gazettal was indeed beyond the scope of what was envisaged and allowed under the enabling legislation and regulations.

I think that is a very real concern that we all need to pay particular attention to, because I do not think when these changes went through initially it was foreseen that these sorts of changes would be implemented by the stroke of a pen, basically. I think that is something that, if it is indeed challenged, is yet to be played out, and something that we will have to wait and see what happens in relation to that.

As we know, the bill, as other members have highlighted, seeks to amend section 22 of the Return to Work Act to ensure the guidelines receive proper parliamentary scrutiny as subordinate legislation. As a member of the Legislative Review Committee, I can tell you that one of our key concerns—at least one of my key concerns—when an instrument is on our radar is whether proper consultation has occurred and whether enough time has been given for consideration. Whether or not proper consultation has occurred is usually up in the air, because we are not privy to those consultation processes, because it has become ordinary practice for this government to claim that those practices are subject to cabinet in confidence and therefore not provide all the material that they ought to to the only scrutiny committee that exists in this place.

These changes that we are talking about and which this bill addresses were done and dusted in less than three months—changes that have huge impacts on injured workers done and dusted in three months. As the Law Society pointed out in its submission on 25 June, consultation appears to have missed key stakeholder groups in this instance, stakeholders like the unions, Business SA and other industry groups. I stand to be corrected on that, but that is certainly my understanding. They are stakeholders who almost certainly would have had some strong empathetic input into the changes that were being proposed. As the Law Society submission highlighted, 'The process by which RTWSA has presented proposed changes without forewarning and with a four-week turnaround to the society and others has been made exceedingly difficult.'

I understand that the Treasurer may have extended the consultation process that was initially proposed, but notwithstanding that the outcome has been precisely what those experts have feared the most for their clients and for their patients. It identified a number of factors that made the process even more difficult, including the absence of a discussion paper identifying problems with the current guidelines, ReturnToWorkSA not being prepared to identify medical practitioners—it says provide medical advice on the changes—and significant textual changes with no reference to why they were actually being proposed.

Given the size and complexity of the document—I think it is currently 164 pages—tracking and interpreting changes appears to have been an almost impossible task in such a short time frame even for the experts who are, as I said, at the coalface of these changes. It is clear, to me at least and to SA-Best, that that process needs to start again. I commend my parliamentary colleague the Hon. Irene Pnevmatikos for bringing this to the attention of the parliament and for all the work that she has done behind the scenes with these stakeholder groups in order to address this issue. Further consultation is certainly required.

I am one of those who questions the government's ability to do what it has done and what the outcome of that would be if it were challenged in our courts. I am certainly keen to hear from the Treasurer and from this government about any evidence they have as to why these changes were proposed in the first place, other than of course for the obvious reasons, which do absolutely nothing to help injured workers. With those words, I indicate the support of SA-Best for this bill.

The Hon. R.I. LUCAS (Treasurer) (17:10): The government obviously opposes the legislation that is before the parliament today. I seek to place on the public record and reject some of the claims that have been made during the parliamentary debate on this particular issue and also some of the public commentary in relation to this particular issue.

The first point I make, and I have made it before, is it is true to say that the Greens opposed the legislation, and I think one or two of the crossbenchers did at the time, but it was actually a creation of the former Labor government, which the then Liberal opposition supported in a bipartisan fashion. The provisions we are debating today are creations of the former Labor government, wholeheartedly endorsed by all members of the caucus and supported by then ministers, some who are now senior shadow ministers within the current Labor opposition.

The fact that the former government decided that the minister responsible for the act should have the power to enact these Impairment Assessment Guidelines by themselves—himself or herself—as opposed to putting it before the parliament was a deliberate decision of the former Labor government. We supported it, but it was a deliberate decision of the former Labor government, endorsed by the caucus. No-one spoke up against it in this chamber or indeed in another chamber.

The suggestion that in some way I, as the minister who is now responsible for it, in doing exactly the same thing as former minister John Rau did when he brought down the first Impairment Assessment Guidelines under the legislation in 2015, am in some way adopting some clandestine, secretive process, which no-one ever contemplated, is so fanciful. I think even the Labor members accept the fact that it is fanciful, but they are now trying to play to a different audience and saying, 'This is not a problem of our creation. It's this terrible Liberal minister who is doing exactly the same thing as the Labor minister did.' But there was no criticism of the Labor minister John Rau when he brought down the Impairment Assessment Guidelines, so that is the first point to make.

Some members have highlighted, in their view, some of the problems with the current system. The Leader of the Opposition highlighted a particular case that was recently before the employment tribunal, as I understand it. These were all occasions or occurrences occurring under the guidelines that the former Labor government brought down or the former Labor minister brought down. Whatever problems that lawyers or doctors or other worker advocates might see in relation to the current operations of the guidelines, they are as a result of decisions of the former Labor government, former Labor ministers, in relation to those guidelines.

ReturnToWorkSA, it is correct to say, after limited internal consultation, came to me as the responsible minister and said, 'Hey, we propose these particular changes. There are requirements in terms of consultation under the act that the Labor government stipulated. There is a set number of groups that have to be consulted.' Their recommendation was that the former Labor government's limited groups to be consulted should be extended much more broadly, and I accepted that particular advice. That is, there should be a much broader group of people who should be consulted in relation to it.

In addition to consulting with the 13 medical associations, we invited more than 120 individual accredited impairment assessors, the Law Society and the Self Insurers of South Australia to provide submissions. The act did not require consultation with the Law Society or the Self Insurers or, indeed, all of the individual impairment assessors in relation to the proposed changes.

In relation to the issue that I think the Hon. Ms Bonaros and someone else raised about SA Unions, the ministerial advisory committee comprises nine persons, three of whom are nominated by employee associations, three nominated by medical associations, and three nominated by employer associations. The employee associations are actually nominated by SA Unions and the SA Unions, as is their right, nominated I think two of their three representatives on the ministerial advisory committee who were lawyers with considerable experience in the field of workers

compensation. The unions believed that they would best represent their views on the ministerial advisory committee.

There is a clear two-third majority on that particular committee comprising, broadly, groups that were opposing significant elements of the legislation; that is, the medical fraternity and the employee associations, with significant representation within that of the legal fraternity as well. It was quite clear that I was going to get free and frank advice from both the medical groups because I was also consulting with 13 separate medical associations and 120 individual accredited impairment assessors, but also SA Unions were going to be able to put their views freely and frankly through the ministerial advisory committee as well.

When we went out for the original consultation, the very early feedback was that the period that ReturnToWorkSA had anticipated was far too short. I quickly agreed with that and extended the consultation period by a further two months before a final decision was taken. The total consultation period that I was engaged in was three months. As I said, prior to that, ReturnToWorkSA internally had obviously done some internal consultation and discussion in terms of formulating the proposed changes that they had wished.

In relation to another process issue, which the Hon. Ms Bonaros has raised—and this is an issue she has raised with me and with the government on a range of other issues, not just this one—I have, right from the word go, indicated that I will release all of the submissions in their entirety, subject to the agreement of the individual people or groups that make the submissions. ReturnToWorkSA, I am advised, is trying to get the approval of all of those groups or individuals who have made submissions and, as soon as that has occurred, the submissions will be released publicly in relation to the nature of the advice that those individuals or groups gave.

If a small number of groups are for whatever reason not responding, then what I might do is just release the ones that have already agreed and continue to work on the ones who have not responded to the request as to whether or not they are prepared to have their submission released publicly as well. I do not think there can be any genuine or fair criticism of the government in relation to not being prepared to release the submissions that we have received in relation to, generally, what might have been criticisms of the proposals.

To be fair, there are a small number of submissions that actually support major elements and it may well be that some people who are supporting the changes may or may not wish to have their position exposed publicly in relation to their particular view. I do not know whether that is the case or not, but one should not assume that 100 per cent of the submissions were opposing what the government was doing; the majority were, but there were a small number of submissions that supported, in part at least, significant elements of what the government was doing. That may not be apparent to some of their work colleagues that that might have been the view that they had expressed.

I have also indicated my preparedness to release the submission of the ministerial advisory committee, which I have broadly summarised anyway, and that is that they continue to express concern about significant elements of the government's proposals and were seeking even further delays in terms of further consultation.

The other aspect of the criticism, which was encapsulated, I think, in the Hon. Ms Pnevmatikos' original contribution, is that in some way the proposals that went out were not a genuine attempt at consultation, that I had already, as Treasurer—contrary to the act—made my mind up and these were the proposals that were going to be implemented, and we were just going through a facade of consultation.

I think the reality, even for those who oppose the guidelines still, is that I have listened to the significant concerns. I have not agreed with all of them, but I have certainly met with every individual or group that sought a meeting with me in relation to the issue, so the consultation was much broader than just the ones that have been publicly listed. Individual lawyers either telephoned me or met with me, a number of groups of lawyers came and met with me, some individual medical assessors met with me or spoke to me by way of telephone, so there was a range of further discussions that I had reflecting a range of different views.

As I said, as a result of that, very significant changes have been made to the original draft of the assessment guidelines. More than 30 of the over 70 proposed substantive changes were ultimately amended as a result of the submissions made during that three-month consultation period. Certainly far from the fact that this was just a fait accompli and the government was just implementing holus-bolus whatever ReturnToWorkSA had originally recommended, that has not been the case, it was never going to be the case and I was prepared to take my own counsel advice and ultimately determine, after consultation, what should be outlined in the new Impairment Assessment Guidelines.

In particular, some of the major ones are: there was significant criticism in relation to the one-tenth deduction issue, so I determined not to pursue changes that had been proposed by ReturnToWorkSA which for asymptomatic and pre-existing impairments would have resulted in a compulsory one-tenth deduction from a worker's WPI rating. That was one of the most common criticisms that was made of the proposed assessments. Having listened to the consultation, I decided not to proceed with it.

The second most common criticism—in my judgement, that is—I heard or read was another proposed change which would have meant only surgeons could act as an assessor following surgeries rather than other specialists such as occupational physicians. I also rejected that particular proposed change from ReturnToWorkSA. In terms of a range of other issues, some of which have been canvassed by members, some of the more significant changes on protections I have written into the Impairment Assessment Guidelines which were not there originally. There are many but I will just list six in particular. These have been introduced into the guidelines as a result of the consultation.

There will be a new guideline which ensures that ReturnToWorkSA cannot direct a worker to choose a particular assessor to conduct the assessment unless the worker is unable or unwilling to do so. There were claims being made during the consultation process that ReturnToWorkSA would be able to direct a worker, and the guidelines now make it explicit that they cannot direct a worker in those circumstances which I have just outlined.

The second protection is to ensure that ReturnToWorkSA cannot direct an assessor to alter their clinical opinion when reviewing the assessor's report for compliance with the guidelines. This comes to the sort of case that the honourable Leader of the Opposition raised—and it was common criticism—that there was a view that ReturnToWorkSA was directing assessors to alter their clinical opinions.

I have now specifically written a protection into the guidelines that says that ReturnToWorkSA cannot direct an assessor to alter their clinical opinions. That is a very significant protection as a result of consultation I undertook with a wide range of individuals. The third protection is to ensure that workers and their representatives are promptly provided with copies of correspondence between ReturnToWorkSA and the assessor when reviewing the assessor's report for compliance with the guidelines. The fourth one, which is sort of related in some aspects, is ensuring that ReturnToWorkSA commenced arrangements for the payment of an assessor's report fee as soon as the assessor's initial report is received.

I received criticisms from a number of lawyers and others in relation to protection 4, that ReturnToWorkSA deliberately or otherwise was withholding payments of the initial fee for the assessor's report in some way, in essence, to direct or enforce a change in the assessor's report, and that is by withholding payment. I have now written in a specific protection that did not exist before under the guidelines that the former Labor government introduced. None of these protections existed in the existing guidelines. They have now been written in there to make sure that those payments need to be made.

The other related one was that there was a view that accessing copies of correspondence between ReturnToWorkSA and the assessor were not being provided. I have again written in there a further protection in relation to those processes to ensure greater access to any correspondence between ReturnToWorkSA and the assessor.

The fifth protection I have written in is ensuring that a worker's appointment with an assessor is not delayed due to long waiting lists, and the sixth one is making clear that ReturnToWorkSA

cannot delay the booking of a worker's appointment with an assessor, unless agreed with the worker within the six-week time frame requirement. In the latter days for consultation a claim was being made to me that the reason for the extensive delays in some workers being able to be assessed by impairment assessors was because ReturnToWorkSA was deliberately asking for appointments to be delayed.

I was not provided with any specific evidence of that, but nevertheless they were the claims being made by advocates that in some way ReturnToWorkSA was manufacturing these false lengthy delays in assessments being conducted, that it was ReturnToWorkSA's doing because they were directing them to occur. I certainly do not believe that to be the case; I have not been provided with any evidence that that is the case. Nevertheless, given that these claims were being made by advocates, we will rule a line in the sand and make it quite clear that ReturnToWorkSA cannot delay the booking in the terms I have just outlined in that area.

All those protections are now written into the guidelines, none of which existed under the Labor government's guidelines. Those protections did not exist. The criticisms that have been made of ReturnToWorkSA—that is, that they were directing assessors' opinions, that they were withholding fee payments, that they were making those other directions—were all occurring under the Impairment Assessment Guidelines of the former Labor government. They had nothing to do with the parliament, nothing to do with the new Liberal government. They were Impairment Assessment Guidelines brought in by a former Labor minister responsible for the operation of the scheme.

So all the criticisms we are hearing from advocates, unions, lawyers and doctors in relation to what is going on are all permissible under the current guidelines or act, which the former Labor government introduced. What we were confronted with in relation to the current assessment guidelines was again lack of clarity, and a lot of that will now be cleared up by these new assessment guidelines.

Also, up until 25 May—so for 11 months of the last financial year—there were 1,939 WPI assessments completed, yet only 12 assessors out of the total (only 9 per cent of all our 129 accredited processors) completed 56 per cent of the assessments. So 12 assessors are doing 56 per cent of the assessments, and 40 per cent of the assessors did not get to perform a single assessment during that financial year. So 40 per cent of them did not get an assessment at all and 12 of them got 56 per cent per cent of all of the assessments. As a consequence, we were seeing delays of up to about 12 weeks for assessments to be done, because these 12 assessors had full books. They could not fit them all in.

There is no doubting there has been forum shopping in relation to the operations of the impairment assessment process. When you have 12 out of 129 assessors doing the overwhelming majority of the work and we had delays of up to 12 weeks in assessments being done, it is not indicative of a productive system, and it is certainly not fair to the individual workers in terms of trying to get an early assessment and an early resolution of their WPI in relation to access seeing whatever their entitlements might be under the Return to Work scheme.

So I certainly reject absolutely any criticism that the government has not engaged in a thorough consultation process—the government being myself. As a result of that process, very significant changes have been introduced. As a result of that consultation, very significant protections have been written into the guidelines which did not exist under the former Labor government, and, as a result of that, we have, I believe, a much more transparent, much more accountable set of assessment guidelines.

The final point I would make in relation to this—and I understand from the statements made in the house that this bill is at least likely to pass this particular house—is that with great respect I do not believe members understand what the legislation actually does and, if it was to be passed in both houses of parliament, the significant problems it would create for workers and for their advocates.

What the legislation actually does, not what people think it does, is that if at the next election, in March next year, there is a change of government and if the new Labor minister seeks to introduce new Impairment Assessment Guidelines—and let us assume, if the criticism is that three months' consultation is not long enough, that there is a six-month or nine-month consultation period for any

new Impairment Assessment Guidelines—then sometime late next year the new Impairment Assessment Guidelines from a Labor minister would be brought down.

They would then go through the regulatory process and the potential disallowance process that is envisaged. If that was then validly passed—that is, not disallowed by either house of parliament—what this legislation actually does is that it retrospectively operates those new guidelines from the date of assent to this particular bill. So let us just say if this bill was to pass in October of this year, and in December of next year there are new guidelines, what it basically says is that these new guidelines would retrospectively operate from October of 2021.

The reality is that for the next 12 months—let us say from 21 October through to 22 December—ReturnToWorkSA will continue to have to operate under the current guidelines. They will be making decisions in relation to worker entitlements under the existing guidelines. If the situation arrives 15 months later that retrospectively those guidelines are not valid—that they are retrospectively changed—the situation is then left for individual workers and for ReturnToWorkSA as to what on earth happens to all the decisions for the thousands of workers who have been processed through this system under the current guidelines from September of this year to November of next year.

The Hon. Irene Pnevmatikos I assume is saying, well, too bad, ReturnToWorkSA would have to, in essence, go back and rework all of the settlements and the entitlements and payouts under the new guidelines because it would be made retrospective. So you would have workers who have settled and received—or had rejected—a range of arrangements under the existing guidelines but the Hon. Irene Pnevmatikos would be saying in 15 months' time that all of that has to now be undone and reworked.

Now how that operates for any—clearly, there are significant issues for workers, their advocates and the businesses but there are very significant issues then for the financial solvency of ReturnToWorkSA. They would have been, in essence, setting premiums on the basis of guidelines for 12 months or 15 months or an 18-month period only to find, potentially, that with the stroke of a pen the Impairment Assessment Guidelines are retrospectively changed. They would have been writing insurance on the basis of premium levels which are potentially drastically changed.

Good luck to those members who are supporting the bill. I can only hope that it does not pass the House of Assembly and, if it does pass the House of Assembly, we can only hope there is not a change of government where this sort of horrendous set of circumstances for the financial solvency, potentially, of the corporation but also the individual entitlements of individual workers may or may not be impacted. Well, it will be impacted, depending on the extent of any changes to the Impairment Assessment Guidelines. With all of that, the government is strongly opposed to the legislation for the reasons that we have outlined and will remain so.

The Hon. I. PNEVMATIKOS (17:37): I would like to thank the Hon. Connie Bonaros, the Hon. Tammy Franks, the Hon. Kyam Maher and the Treasurer, the Hon. Rob Lucas, for their contributions to this bill. Many times I have heard the Treasurer say that he is not a lawyer and I understand why.

It is important that we look at why the opposition has brought this bill to the parliament. As I said in my second reading speech, I was approached by lawyers, workers, unions and impairment assessment physicians when changes were initially proposed and when they heard about them. Although each group came to the table with different concerns to do with their own discipline, the message from each group was clear. These changes deliberately make it hard for workers to receive compensation from injuries that happen at work.

There was hope that the Treasurer and Return To Work Corporation would heed the calls of the groups consulted. Unfortunately, most of the changes proposed in the consultation proposals remain in the impairment guidelines as gazetted. I thank the honourable members for their contributions to the second reading and note the support of the crossbench on this bill.

I note a number of the reasons raised by different speakers which reinforce the concerns that have been repeated in this chamber time and time again: the lack of proper consultation—in fact the quality of the consultation in the first instance—the need for parliament to have input and a say in changes that are so drastic; that the changes are beyond the pale, adding insult to injury; that

injured workers will be worse off; and that changes may well be beyond the scope of the legislation and subject to potential challenge.

I mentioned some of these in my second reading speech, as have some of the other members, but I want to again highlight specific concerns stakeholders raised with me about the now gazetted changes, which show the full impact of these changes. Under the Return to Work Act, in section 22(8)(b), unrelated injuries or causes are to be disregarded in making an assessment. Yet, in the new Impairment Assessment Guidelines deduction with no limits is allowed for asymptomatic and unrelated injuries. Section 1.27 of the new guidelines states:

Regardless of whether the unrelated injury or condition was asymptomatic, where there is objective evidence for an assessment of an unrelated injury/condition it must be assessed and deducted.

This runs completely contrary to the act. It also runs contrary to the case law, including the Full Court's ruling in *Onody v Return to Work Corporation*. Section 22(10) of the act stipulates that only one assessment may be made in respect of the degree of permanent impairment of a worker from one or more injuries that arise from the same trauma.

We note that there have been reports to the Treasurer, Return to Work Corporation and within the media where Return to Work Corporation or other self-insured employers have weaselled their way around this provision by requiring the impairment assessor to amend their report. In practice, Return to Work have created a fiction in relation to review and compliance as a means of exercising control in the assessment process. This practice has now been enshrined in the Impairment Assessment Guidelines.

This has been an issue of extensive litigation within the Employment Tribunal. The Employment Tribunal has ruled on numerous occasions that the act does not provide for a compliance-type process as contended by the corporation, nor does it permit unilateral communication after an assessment. What the Return to Work Corporation is now doing with these guidelines is seeking to enshrine a practice that is contrary to the law and the act. We see how far this can go just looking at the recent case in the matter of *Graham v Southern Adelaide Local Health Network*. It was reported on InDaily a few days ago. Deputy President Judge Rossi ruled that:

It was inappropriate to assert that the assessor was required to change his report in order for it to be compliant, and by reference to powers conferred to [the Southern Adelaide Local Health Network].

Further, he explains:

The case is yet another illustration of how the integrity of the...process may be compromised by permitting subsequent communications with assessors once a report has been provided.

Stakeholders also raised concerns over how impairment assessors would be selected. In his statement to the house the Treasurer said that he saw 'it was sensible to amend the guidelines to ensure that injured workers would not need to wait any longer than six weeks for an appointment with an assessor'. The amendment to the guidelines at 17.3(4) reads 'if an appropriately accredited assessor has [availability] they must be selected over an alternative assessor with a waiting time in excess of 6 weeks'.

These additional provisions in the new guidelines in essence take away choices for workers. It is so obvious that the Return to Work Corporation do not like the legislation and do not like how it is being interpreted by the courts. So they have set about changing the guidelines, making new law without debate and parliamentary scrutiny. If this law has deficits then change the law, but do it through proper processes; this is the role of parliament. These changes still target workers no matter what their level of disability may be.

In my second reading explanation I referred to three cases. I want to revisit them to demonstrate what these changes to the guidelines mean to workers. A 30-year-old tradesperson working full time falls from a ladder fracturing a knee resulting in joint trauma and restriction in movement with risk of degeneration problems in the future. His work capacity is permanently affected there is no doubt. On the original guidelines this worker would receive a lump sum compensation of around \$40,000. On the new guidelines the worker will not qualify for impairment assessment and will get nothing.

A 25-year-old full-time aged-care worker has a serious back injury requiring surgery, which only partially helps, and the worker is left with debilitating nerve pain down the leg. On the original guidelines, the worker would receive a lump sum compensation equivalent to \$160,000. On the new guidelines, the worker would receive only about \$70,000 for a lifetime of disability and significantly reduced earning capacity.

A 45-year-old full-time nurse injures her neck badly, requiring fusion surgery, which does not fix the injury. She cannot work, needs a lot of follow-up medical treatment and has crippling pain down her arm. On the original guidelines, she would be classified as seriously injured and covered for her wages to retirement age and medical expenses for the rest of her life. With the new guidelines, this worker would receive a lump sum equal to about four or five years of wages and then be booted off the system after years, even though she can never work in her profession again.

These are typical cases of workplace injury that lawyers and doctors see every single day. These changes will hurt workers. They will hurt families and they will push more people into poverty. I am not exactly sure what the Treasurer means when he says these changes are to make a fairer scheme. Does he mean a fairer scheme for his business mates and the Return to Work scheme, because they certainly do not seem fair to injured workers? It is for these reasons that this bill has been introduced.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

There being a disturbance in the gallery:

The PRESIDENT: I remind members in the gallery that photographs are not permitted unless permission has been sought and, if it has been sought, only of people on their feet.

Third Reading

The Hon. I. PNEVMATIKOS (17:48): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 11
Noes 8
Majority 3

AYES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maier, K.J.
Ngo, T.T.	Pangallo, F.	Pnevmatikos, I. (teller)
Simms, R.A.	Wortley, R.P.	

NOES

Centofanti, N.J.	Darley, J.A.	Girolamo, H.M.
Hood, D.G.E.	Lee, J.S.	Lucas, R.I. (teller)
Stephens, T.J.	Wade, S.G.	

PAIRS

Scriven, C.M.	Lensink, J.M.A.
---------------	-----------------

Third reading thus carried; bill passed.

*Motions***AFGHANISTAN**

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

That this council—

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

(Continued from 25 August 2021.)

The Hon. R.A. SIMMS (17:53): I want to take the opportunity to speak on this motion put by my colleague the Hon. Tammy Franks MLC regarding the ongoing tragedy that is unfolding in Afghanistan. We know that this year is 20 years since the war on terror began, of which Australia was a participant, joining the United States and other allies as part of the so-called 'coalition of the willing'.

During that time, as a result of this 20-year conflict, Brown University has conducted a report on the cost of the war on terror. It has found that this has cost the United States \$8 trillion, but it has also resulted in the deaths of over 900,000 people. Those are direct deaths, not the other deaths that have been associated with this conflict, such as those from disease and so on that accompanies war.

Australia has been part of this conflict, and I think we do have a moral responsibility to help. Like many Australians, I have been really horrified by the scenes that we have seen unfolding in Afghanistan. There has been an outpouring of concern in South Australia. Along with the Hon. Tammy Franks, I attended a fundraising dinner on Sunday night, the Parwana fundraiser for Afghanistan. There was a strong community presence there, and there were several other members of parliament in attendance. It is testament, I would argue, to the concern that is felt by many in the community regarding this conflict.

I will not talk for a long period of time, but I do just want to put on the record some of the atrocities of the Taliban regime. They are seeking to reposition themselves and arguing that they are a new Taliban. Sadly, we know for the people of Afghanistan that this is a murderous terrorist regime. I refer to a report that has been released by Human Rights Watch looking at the impact of this regime on women, which is already being felt.

They have told women that they have no place in this new order. Women are saying, 'We told them that we want to continue working, but they [the Taliban] say only female nurses and teachers are allowed to work. We are engineers and lawyers and we want to work in our professions, but they say we cannot and should stay at home instead.' Taliban security forces have reacted violently to these protests. There have been protests from women against the changes that they are seeing in terms of their rights being stripped away. In Kabul, the Taliban have stopped these women and beaten at least 10 of them.

We are also seeing LGBTI people being targeted by this murderous regime. I refer to a report of the ABC from just last week, referring to a young gay man who discovered that his boyfriend had been dragged from his house, beaten and beheaded in the street. This is the brutality of this regime. It is, I think, appalling and despicable to see the way in which Western nations, which have been part of this conflict in Afghanistan over so many years, have shirked their responsibility to help these desperate people.

What can we do here in Australia? The Greens are calling to offer and expedite bridging visas to Afghans who have made substantive visa applications. We have also been calling to offer and expedite bridging visas to Afghan people who have worked for Australian armed forces or

consulates, partners of Australian permanent residents and citizens, and people who have applied for humanitarian visas.

We need to see Australia take on board 20,000 additional humanitarian visas. We have a responsibility to help these people. The federal government's response, as on so many issues, has been poor and lacking compassion and lacking leadership. We really need to see Prime Minister Morrison step up. I hope that Premier Marshall does everything he can within his power to urge the federal government to show some leadership on this important issue.

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

Bills

MINING (ENVIRONMENTAL IMPACT OF PRIVATE MINES) AMENDMENT BILL

Second Reading

The Hon. R.A. SIMMS (17:59): I move:

That this bill be now read a second time.

This bill relates to the regulation of private mines and seeks to impose a similar regulation for private mines to other mines. By way of background, in 1971 private mines were exempt from the Mining Act, which means, unlike other tenements under the Mining Act, a private mine cannot be fortified, relinquished, suspended or cancelled and it does not expire. Private mines are antiquated; they are an old-fashioned scheme and they have very different legal protections to other mines in South Australia. I think most residents would be alarmed by the idea that you can have a private mine pushing up into your landscape, devouring that landscape and destroying your amenity.

The Mining (Environmental Impact of Private Mines) Amendment Bill seeks to amend the Mining Act of 1971 to improve community consultation and ensure consideration of the environmental and health factors associated with private mines. I think this is something the community really expects. Under the current act, private mines are exempt from the broader definitions of 'environment' that the commercial mineral operations are required to adhere to; that is, the impact on, and I quote directly from the act:

- (a) land, air, water (including both surface and underground water and sea water), organisms, ecosystems, native fauna and other features or elements of the natural environment; and
- (b) buildings, structures and other forms of infrastructure, and cultural artefacts; and
- (c) existing or permissible land use; and
- (d) public health, safety or amenity; and
- (e) the geological heritage values of an area; and
- (f) the aesthetic or cultural values of an area.

This bill simply removes the limited definition of 'environment' that exists specifically for private mines within that act and instead ensures the broader definition that exists for other mining operations in South Australia, which, importantly, includes cultural heritage, is applied. I do not think this is controversial. My view is private mines should not exist in 21st century Australia; it is an antiquated concept. But this bill does not abolish those private mines. It is a simple amendment that ensures that these mines are no longer considered a protected species when it comes to their environmental footprint.

Currently, there are approximately 222 private mines across South Australia, 186 of those are understood to be actively mined and 86 are inactive, as determined from the royalty returns. An example of the challenges the community face when they are facing off against private mines wanting to expand their operations is the White Rock Quarry in the Adelaide Hills. Despite being a bit of a tongue twister, it is also a huge dilemma for the people of that area because it has impacted on their capacity to enjoy their neighbourhood and we know that it poses significant health consequences.

While Hanson were recently informed that they would be required to revise their mining operation plan and resubmit to the Department for Environment and Water within six months, we in the Greens remain very concerned that the environmental objectives that they are currently assessed

against as private mines will not take into consideration the cultural value of the site. I think that is really appalling.

This bill will not only ensure that the impact of cultural heritage is part of any approved plan, but also that the impact of the mining operations on the health and safety of the population in the vicinity of the private mine is taken into consideration. It is high time that this parliament took a strong stance against vested interests, stood up to these large corporations that are devouring our landscape and said, 'Enough is enough. Back off. Move away from private residences and put the community's health and wellbeing first and put our environment first at this time of climate crisis.'

I think all members of our community would be rightly concerned about these private mines that are devouring our landscape and they want to ensure that there are appropriate controls put in place and that is precisely what this bill does. I commend it.

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

Motions

SHOPPING TROLLEY AMENITY (COMMENCEMENT)

Orders of the Day, Private Business, No. 42: Hon N.J. Centofanti to move:

That by-law No 9 of the City of Marion concerning Shopping Trolley Amenity (Commencement), made under the Local Government Act 1999 on 27 October 2020 and laid on the table of this council on 11 November 2020, be disallowed.

The Hon. N.J. CENTOFANTI (18:05): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

SHOPPING TROLLEY AMENITY (EXEMPTIONS) VARIATION

Orders of the Day, Private Business, No. 43: Hon N.J. Centofanti to move:

That by-law No 10 of the City of Marion concerning Shopping Trolley Amenity (Exemptions) Variation, made under the Local Government Act 1999 on 4 February 2021 and laid on the table of this council on 16 February 2021, be disallowed.

The Hon. N.J. CENTOFANTI (18:05): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

Bills

STATUTES AMENDMENT (INTERVENTION ORDERS AND PENALTIES) BILL

Second Reading

The Hon. E.S. BOURKE (18:06): I move:

That this bill be now read a second time.

I congratulate the member for Reynell, the Hon. Katrine Hildyard, for the work that she has been doing in this space, and for bringing this bill into the parliament, and for her ongoing advocacy to not only call out but put a stop to domestic violence.

This is a bill that is focused on preventing the tragic outcomes of domestic violence caused by offenders with a history of escalating behaviour. This bill is about prevention and keeping women and children safe from harm. When we hear horrifying stories of women and children who have been murdered at the hands of partners or former partners, as a community we find ourselves asking, 'What could we have done to prevent this?'

Almost a quarter of men who kill a partner or former partner were named as respondents on intervention orders at the time of the killing. I understand from the Women's Legal Service that police have issued more than 2,000 interim intervention orders relating to domestic violence this year and as many as 85 per cent of those orders have been breached. This bill will change and significantly

toughen sentencing options for offenders who breach domestic violence intervention orders by moving away from fines to custodial sentences.

The data shows that fines are simply not deterring some violent repeat offenders who pose a real risk to the safety of women and children. Fines, as a punishment for contravention of intervention orders, have a higher rate of not being paid than other court-imposed fines, with offenders escaping consequences, accountability and punishment for their offending behaviour. In so many cases offenders are repeatedly breaching orders as their violent and controlling behaviours escalate. We know that those who contravene intervention orders are more likely to violently offend. We must step in to do what we can to stop this behaviour in its tracks. Fines do not provide protection for those who experience domestic violence, nor do they provide for rehabilitation and monitoring opportunities for offenders.

I would also like to acknowledge the work done by those working in domestic violence services, doing whatever they can to advocate for and support victims and survivors of domestic and family violence in a system where intervention orders are often breached without consequences, making their work harder than it needs to be. By moving to sentences, even if they are suspended, we will be better able to monitor serious repeat offenders and ensure that they are engaging with rehabilitation programs and complying with orders. This bill will remove fines for order breaches, increase maximum sentences and introduce measures to protect children by aggravating offences that involve children or threatening to restrict access to them.

The long-term harm experienced by children who witness or are themselves victims of family violence is often not considered when intervention orders are breached. This bill will ensure, by aggravating charges involving a child, that the physical and mental wellbeing of the child is protected. Specifically, the bill will increase penalties for initial breach of an intervention order from a \$10,000 fine or a maximum two years' imprisonment to five years' imprisonment, and seven years if aggravated. Subsequent breaches, which currently attract a fine of four years' imprisonment, will increase from four to 10 years' imprisonment, and 12 if aggravated. These charges for sentences are in step with the community attitude towards repeat offenders.

It is incumbent on elected representatives as community leaders to do whatever we can to prevent and end domestic violence. This bill is a step in the right direction, and I urge all members of this chamber to support this bill. If successful, these reforms will make South Australia's laws and governing intervention laws amongst the toughest in the country.

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

SUICIDE PREVENTION BILL

Introduction and First Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:11): Obtained leave and introduced a bill for an act to reduce the incidence of deaths by suicide in this state, to establish the Suicide Prevention Council, to provide for the preparation and implementation of suicide prevention plans, to encourage the training of persons and organisations in suicide prevention and postvention, and for other purposes. Read a first time.

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:12): I move:

That this bill be now read a second time.

I note, Mr President, how apt it is that you should be the person to give me the call on this bill, acknowledging your strong interest in this area and your involvement in the preparation of the bill.

I am pleased to introduce the Suicide Prevention Bill. It is significant that we introduce this bill to the parliament this week. This Friday 10 September, is World Suicide Prevention Day. Recognised by the World Health Organization, this day is about raising awareness of suicide in our communities, and working together towards reducing suicide and eventually a world without suicide.

Closer to home, Suicide Prevention Australia notes that almost 10 million Australians know someone who has been impacted by suicide. The Marshall Liberal government has a strong

commitment to suicide prevention. From opposition we committed to, and in government we delivered, the Premier's Council on Suicide Prevention, and the Premier appointed the Premier's Advocate for Suicide Prevention. Mr President held that role, and I acknowledge his strong leadership in this area.

A priority of the mental health services plan 2020-25 is towards zero suicide. This is a long-term, evidence-informed investment approach across all South Australia's local health networks and primary health networks over a four-year period. The bill seeks to establish a sustained approach to suicide prevention through whole-of-community and whole-of-government action to reduce the rate of suicide in South Australia. The bill is the first of its kind for any jurisdiction in Australia, and will set a precedent for how suicide prevention is addressed in Australia. The objects of the bill are:

- to reduce the incidence of suicide in the state;
- to promote best practice suicide prevention policies across the state;
- to articulate the role of the state in implementing suicide prevention strategies;
- to provide for training and education in relation to suicide prevention;
- to provide for the identification of priority population groups and implementing suitable initiatives to prevent suicide within such groups; and
- to provide a framework to ensure that suicide prevention response is a priority across all levels of government and community.

These objects establish the whole-of-community and whole-of-government framework for suicide prevention and set out the focus of action through the components of the bill. The bill provides for a Suicide Prevention Council. This will be a statutory body that will take over the role and responsibility of the Premier's Council on Suicide Prevention, which was primarily established as a ministerial committee.

The proposed statutory based Suicide Prevention Council will have 13 members, who collectively have the knowledge, skills and lived experience to enable the council to carry out its functions and a requirement to ensure at least one member who, firstly, has experience of leadership in suicide prevention initiatives or services in a non-government organisation, has experience in a leadership position in the Aboriginal and Torres Strait Islander and the multicultural community, is a veteran with lived experience of suicide or experience in supporting veterans with this lived experience, is a member of the LGBTIQ+ community with lived experience of suicide or has leadership experience in this community, has lived experience of suicidal behaviour, is a clinical professional with experience in providing care to people with lived experience of suicide or who may be at risk of suicide, is a person with experience in suicide prevention commissioning from primary health networks or is a researcher with expertise in suicidology or suicide prevention or mental health.

This membership is complemented by a member of parliament, not being a minister of the Crown, appointed by the minister on the nomination of the Premier and ex officio members, including the Chief Public Health Officer, the Chief Psychiatrist, the Chief Executive of Wellbeing SA, the Commissioner for Aboriginal Engagement, the Commissioner for Children and Young People and the Commissioner for Aboriginal Children and Young People and a Mental Health Commissioner. This membership provides an opportunity to significantly reflect the interests of priority groups disproportionately affected by suicide or attempted suicide.

This bill sets out the functions and powers of the Suicide Prevention Council, which are primarily to prepare and maintain the State Suicide Prevention Plan and to make recommendations on policies and programs intended to reduce deaths by suicide and attempted suicides and enhance postvention responses. There are further functions and powers described, including to receive reports from prescribed state authorities in relation to their suicide prevention plans and to promote and support the work of suicide prevention networks. The Suicide Prevention Council may establish committees to advise it or carry out functions on its behalf and will have the power to delegate a function or power to specified persons or a committee.

The bill establishes the State Suicide Prevention Plan, what it must include and the consultation requirements. The State Suicide Prevention Plan is also required to contain a part relating to suicide prevention for Aboriginal and Torres Strait Islander people to reflect the need to address and reduce the rates of suicide and suicide attempts in these communities. The bill establishes a duty on state authorities, as defined, to have regard to and give effect to the State Suicide Prevention Plan and for state authorities to have suicide prevention action plans and what must be included in these plans to particularly give effect to the State Suicide Prevention Plan.

Annual reporting is required by the Suicide Prevention Council, state authorities and on the operation of the State Suicide Prevention Plan, establishing a high level of accountability, including across government, for reporting on the effectiveness of suicide prevention efforts of the council and state authorities.

The bill also establishes a significant suicide prevention public health measure which enables the minister to make recommendations relating to suicide prevention, requiring either specific action or action of a specified kind to be taken or stopped to reduce the risk of suicide occurring at a particular place or places of a particular kind, or amongst particular groups of people and that certain voluntary steps be taken in relation to the packaging, manufacturing or sale of controlled lethal means of a particular kind in the state. Certain consultation requirements apply before declaring something to be a controlled lethal means or make recommendations.

While the minister may publish noncompliance with recommendations, there is also a requirement for ensuring procedural fairness and review by the tribunal. The minister, the Chief Public Health Officer or the Chief Psychiatrist may require a state authority to provide a report or specified persons or bodies to provide information or documents reasonably required for the performance of functions under the act. A penalty may apply where a person refuses or fails to comply with a notice.

The bill also establishes a requirement to share information between certain persons and bodies for the purpose of the act and establishes the South Australian suicide register. In so doing, there are strong confidentiality provisions that ensure the protection of personal information and indicate how information will be made available.

This bill has been subject to extensive consultation. Letters inviting submissions reached 576 individuals and organisations, including the Hon. David Coleman, Assistant Minister to the Prime Minister for Mental Health and Suicide Prevention; all members of the South Australian parliament; relevant unions; professional associations; government agencies; members of the Premier's Council on Suicide Prevention; the Government Issues Group; suicide prevention networks; members of the Lived Experience Register; chief executives and clinical mental health leads of local health networks and the South Australian Ambulance Service; primary health networks; chief executives and chairs of national mental health organisations, including, amongst others, Suicide Prevention Australia, Beyond Blue, the National Mental Health Commission, Lifeline Australia, the Black Dog Institute; priority population group community organisations; and South Australian non-government organisations involved in providing mental health services or advocacy.

Publicity was provided through SA Health media such as Facebook, and the bill was available for feedback on the state government's YourSAY website from 22 December 2020 to 17 February 2021 with 218 respondents through the website. There were also 30 participants through webinars and 42 written submissions received from a range of national and state non-government organisations, state government agencies, community organisations, professional bodies and community members, especially three people with experience of suicide.

Most of the feedback was supportive of the bill, with around 88 per cent of YourSAY respondents and 90.5 per cent of submissions supporting the introduction of legislation. As a result of the consultation and further advice from others, including the Premier's Council on Suicide Prevention, several changes were made to the bill in response to feedback. They included, among others:

- adding the Commissioner for Children and Young People and the Commissioner for Aboriginal Children and Young People to the membership of the Suicide Prevention Council;

- further detail on the experience collectively required by members of the council;
- clarification that the bill does not apply to voluntary assisted dying;
- strengthening and adding to the functions of the council; and
- restructuring the wording on making recommendations relating to suicide prevention, particularly in relation to controlled lethal means.

There was feedback that did not relate to the proposed bill but raised issues such as strategic planning for suicide prevention, service responses when a suicide occurred and availability of services. This information has been made available for inclusion as part of the consultation on the State Suicide Prevention Plan.

Whilst suicide prevention has traditionally occurred without a law, this legislation supports a sustained and effective focus on suicide prevention that is not vulnerable to changes in government priorities. The intent of this bill is to keep this focus so that individuals, families and communities see transparent and accountable action that leads to change in the rate of suicide and suicide attempts. I would like to take this opportunity to read a statement made by the members of the Premier's Council on Suicide Prevention on this bill. I quote:

The Suicide Prevention Bill provides a solid foundation for a high level of efficacy by a consultative group of community members from varying expertise, priority population groups at higher risk of suicide and lived experience. It provides a mechanism for driving change in planning, policy and programs within a political and governance structure.

This Bill demonstrates a commitment by the Government in further advocating for the mental health and wellbeing of all South Australians, that we all have a role to play and a duty to prevent loss of lives by suicide.

The Bill represents a ground-breaking approach to tackling one of our community's most challenging social and health issues. Committing to legislative structures, processes and mechanisms for the ongoing pursuit of reducing suicide is a visionary ambition. It is not only to be welcomed by advocates and those with a personal experience of dealing with suicide but by the wider South Australian community. It demonstrates a leadership in public policy that is unrivalled across Australia and will show that the South Australian community is at the forefront of taking a progressive stance on suicide prevention that is unrivalled.

It has been a privilege to serve on the Premier's Council on Suicide Prevention making recommendations and providing advice in the drafting of this Bill. It is our hope that all South Australians will be supported by having a consistent approach and legislative structure which explicitly aims to reduce the incidence of suicide in South Australia.

I commend the bill.

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

STATUTES AMENDMENT (BUDGET MEASURES 2021) BILL

Introduction and First Reading

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

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

Final Stages

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

At 18:27 the council adjourned until Thursday 9 September 2021 at 14:15.