LEGISLATIVE COUNCIL

Tuesday, 21 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.

Bills

APPROPRIATION BILL 2021

Assent

Her Excellency the Administrator assented to the bill.

CRIMINAL LAW CONSOLIDATION (BUSHFIRES) AMENDMENT BILL

Assent

Her Excellency the Administrator assented to the bill.

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

Assent

Her Excellency the Administrator assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Minutes of Proceedings of the Joint Sitting of the two Houses held on Tuesday, 21 September 2021. [Ordered to be published]
District Council of Peterborough, 2019-20

By the Treasurer (Hon. R.I. Lucas)—

Fee Notices under Acts—
Local Government Act 1999—Application for Review Fee
Regulations under Acts—
City of Adelaide Act 1998—
Elections and Polls—Local Government Review
Members Allowances and Benefits—Local Government Review
Controlled Substances Act 1984-Controlled Drugs, Precursors and Plants—Miscellaneous
Local Government Act 1999
General—Review
Members Allowances and Benefits—Review
Procedures at Meetings—Review
Local Government (Elections) Act 1999—Elections—Review
Rules of Court—
Magistrates Court Act 1991—Criminal—Amendment 91
South Australian Government Boards and Committees Information—Report, 2020-21

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

Child Development Council—Report, 2020-21

Parliamentary Committees

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. T.J. STEPHENS (14:19): I bring up the report of the committee, Commissioner for Kangaroo Island Act 2014, under section 20.

Report received.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. K.J. MAHER: The opposition has been contacted by a person in public housing who lives with a disability and has a carer who assists them with many aspects of daily life, including food preparation. This person recently had their entire kitchen replaced, which would normally be good news; however, in this case there was no oven, or no stove, when the work was allegedly completed.

It has now been five weeks through some of the coldest parts of the year, with almost no way to have a hot meal without spending money on takeaway food. The matter has now been reported to the South Australian Housing Authority and the contractor on multiple occasions, we are informed.

We are told the excuses have piled up and range from ordering a wrong part to the effects of COVID. There have been no offers of compensation, alternative accommodation or even food vouchers. My questions to the minister are:

1. What does the minister have to say to public housing tenants like this, ones whose homes probably would not be approved for habitation if they were put on the private market today?

2. Does the minister understand that people living with a disability on pensions, who already spend large amounts of money to manage their daily life, can't afford to eat out all the time because of no cooking facilities in their kitchen?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): Can I say at the outset, I do hope that the opposition has, when they received this information, forwarded it promptly to our office—

The Hon. I.K. Hunter: You already have it. The agency already knows about it.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —in order to take some action to have—

The Hon. I.K. Hunter: The agency already knows about it. Why don't you?

The PRESIDENT: The Hon. Mr Hunter!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The leader asked a question. Listen to the answer.

The Hon. J.M.A. LENSINK: —the matter rectified. We have in the order—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: SAHA has in the order of some 200,000 taskings a year in its maintenance contract program, so it clearly uses a large—

Members interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. J.M.A. LENSINK: —number of items that it has in its system and therefore that is quite a logistical exercise for it. I do always caution people—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —when there are claims made by the opposition, whether it's in this place or in media outlets or the like, that we always need to go and check the facts when it comes to what Labor say and what has actually taken place.

The Hon. I.K. Hunter: Why don't you know about it already? Your agency has been told multiple times—multiple times.

The PRESIDENT: The Hon. Mr Hunter will cease!

The Hon. J.M.A. LENSINK: If the Labor Party and the honourable member is sincere in what he is doing, he will provide me with the details—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I am quite happy—

The Hon. K.J. Maher: If your agency chooses to keep you in the dark, that's a problem with how you manage your agency.

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

The Hon. J.M.A. LENSINK: I am quite happy to walk across the aisle, or he can walk across the aisle, give me a name, give me an address and we will follow it up immediately, as we do—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —with all of these things, rather than playing chicken or some sort of childish guess game about, 'Well, you know, if it's in your system why don't you know about it?'

Members interjecting:

The PRESIDENT: Order! The deputy leader is out of order.

The Hon. J.M.A. LENSINK: There are media outlets such as FIVEaa; Mr Leon Byner frequently gets members of the public—

The Hon. I.K. Hunter: You don't even know what your agency gets up to. Kitchens without stoves, Michelle?

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —public tenants who call in to his program who need assistance. He refers them directly to the chief executive, or to my office, and we resolve them, and he has been quite complimentary—

The Hon. I.K. Hunter: Now you're outsourcing to the radio station. That's your job, you're the minister. It is your job.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —that these matters are resolved very quickly, but I think it speaks—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —to the integrity of the Labor Party, or the lack thereof, that they will sit there—

The Hon. I.K. Hunter: What about the integrity of a minister who issues kitchens without stoves? Kitchens without stoves, Michelle?

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —like a bunch of schoolkids—

Members interjecting:

The PRESIDENT: Order! It is very early in the day, but the opposition is risking the next question.

The Hon. J.M.A. LENSINK: —and not actually be interested in resolving the issue. The easiest way to ensure—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —that I, or my agency, are aware of it is to provide the details to myself. I will walk across the aisle as soon as I am not on my feet and ask the honourable member—

The Hon. I.K. Hunter: Why don't you pick up the phone to your agency? Ask the questions.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —for the name or the address, either one. We can have this matter resolved.

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary: minister, would you be satisfied if you had a new kitchen installed and they forgot a stove?

The PRESIDENT: That is asking the minister for an opinion and it is really out of order. I will listen to another supplementary, if you have one.

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Minister, are you aware if your department designs kitchen rebuilds that include no facilities for actually cooking food?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:29): Look, that's just complete nonsense. Of course they wouldn't design a process like that. I mean, that's just—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: That's just ridiculous. I can just repeat again: if the honourable member is fair dinkum, he will provide me with the details. I can even supply him with a post-it note or a piece of notepaper—one of these. I can provide him with a pen and he can write the details discreetly.

The PRESIDENT: You are getting close to using props.

The Hon. J.M.A. LENSINK: I'm sorry, Mr President. He can discreetly write the details down for me. I will text my chief executive straightaway.

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Further supplementary: minister, do you have a threshold as to what sort of problems from public housing your department actually tell you about, or have you asked not to be told about any of them?

The PRESIDENT: I will allow the minister to respond. It was pretty tenuous to the original answer.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): As I said, we have some 200,000 taskings a year. If the honourable member thinks I should be briefed on all of those, then I don't know what he thinks we have a system for.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: There are various matters that people will raise with me from time to time, and we get them resolved very quickly.

KURLANA TAPA YOUTH TRAINING CENTRE

The Hon. C.M. SCRIVEN (14:30): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding youth justice.

Leave granted.

The Hon. C.M. SCRIVEN: A concerned stakeholder has contacted the opposition with allegations that dozens of workers attached to the Adelaide Youth Training Centre are off work due to assaults, bullying and stress, some of which is allegedly caused by management. It has been alleged the centre is only managing by getting the small number of remaining staff to work significant overtime. It has been further alleged that the lack of staff is resulting in young people being confined to their rooms for extended periods and not being able to attend education. My questions to the minister are:

1. What assurances can the minister provide that there are sufficient staff to run the training centre safely for both staff and young people?

2. Can the minister assure the council that all young people are receiving the education and training that they are supposed to be receiving?

3. How many staff attached to the youth training centre are currently on leave or receiving workers compensation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I thank the honourable member for her question. As honourable members would appreciate, the Kurlana Tapa training centre is a very dynamic environment, and we are very grateful to all of the people who work in that environment, one which we have been making improvements to. I am very pleased that the benevolent Treasurer of blessed living memory—although I might not be able to say that until he is retired—has provided us with capital funding to improve that site and consolidate Goldsborough Road to ensure that it is an even more therapeutic environment than it has been in the past and that it comes more into line with contemporary practices.

The advice that I have from my agency is that at Kurlana Tapa the staffing ratio is one staff member to four residents, which is one of the best ratios in Australia for youth custodial facilities. The Department of Human Services has been working collaboratively with the Public Service Association and has a positive working relationship with them. They have a continuous recruitment process and are currently finalising two recruitment processes for youth workers.

KURLANA TAPA YOUTH TRAINING CENTRE

The Hon. C.M. SCRIVEN (14:33): Supplementary: is that 1:4 ratio currently being met?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): My understanding is that it is. If that is not correct, I will come back with a further response.

The PRESIDENT: Deputy leader, a supplementary.

KURLANA TAPA YOUTH TRAINING CENTRE

The Hon. C.M. SCRIVEN (14:33): Can the minister assure the council that all young people are receiving the education and training that they are supposed to be receiving?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): I thank the honourable member for her question. My understanding is that the staffing for education is actually provided by DECD. DHS provides the support for young people when they are in their residential areas and recreation and the like. I am not aware that there have been issues with staffing in the education section, but I will check with the relevant minister and bring back a response.

KURLANA TAPA YOUTH TRAINING CENTRE

The Hon. C.M. SCRIVEN (14:34): Further supplementary: can the minister assure the chamber that young people have not been confined to their rooms and therefore unable to access that education and training?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): It is a pretty serious allegation about confinement. We take any of those seclusion issues very seriously. The safety of young people in the centre is always of utmost concern for the government, to make sure that young people are receiving appropriate services while they are in the centre.

KURLANA TAPA YOUTH TRAINING CENTRE

The Hon. C.M. SCRIVEN (14:35): Final supplementary: how many staff attached to the youth training centre are currently on leave or receiving workers compensation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): I don't have the details of how many staff are on leave at the moment, but I will bring that back with further details.

COVID-19 TRAVEL EXEMPTIONS

The Hon. E.S. BOURKE (14:35): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding border exemptions.

Leave granted.

The Hon. E.S. BOURKE: This morning, the minister's office sent an email to opposition offices that says:

> Please find below a response to your question in the Legislative Council on Tuesday 7 September 2021 regarding the number of applications for travel exemptions back to SA.
>
> How many applications for an exemption are there currently to allow travel into South Australia?

That was the question:

> At this point in time, the Minister for Health and Wellbeing is unable to disclose the exact number of exemption applications. The numbers are quite rubbery.

My questions to the minister are:

1. Exactly, or even approximately, how many applications have been received?

2. Has the minister ever made any representations on behalf of a person or an organisation in relation to border exemptions?

3. How does the minister think people who are stuck on the border will feel when the best the minister's office can say is that they are working off rubbery figures?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:36): The advice I have received is that since the new portal was established on 9 August we have received about 11,000 applications, and my understanding is that the current number of outstanding applications is around 5,900. In terms of representations, the minister's office often raises cases with SA Health for that matter, from government members, from opposition members and from crossbenchers.

COVID-19 HOME QUARANTINE

The Hon. H.M. GIROLAMO (14:37): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing.

Leave granted.

The Hon. H.M. GIROLAMO: The COVID-19 pandemic has created the need for quarantine for both international and domestic travellers. Will the minister please update the house on what is being done to expand quarantine?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:37): I thank the honourable member for her question. The Marshall Liberal government is committed to ensuring that a flow of travellers is maintained and that quarantine facilities are available to meet their needs. It is crucial that the South Australian community remains safe from the importation of COVID-19, and quarantine is crucial to that effort.

The Marshall Liberal government is working in partnership with the commonwealth government in the trial of a home quarantine app, with a carefully selected group of travellers from interstate. Following a successful first phase, we have also expanded the program to include both ADF and Department of Foreign Affairs and Trade personnel. As of yesterday, Monday 20 September, there were 147 people enrolled in the home quarantine solution program and 42 people have completed their quarantine under the trial.

The home quarantine program is now expanding to accommodate 500 travellers quarantining. That is an intake of 250 each week. That will significantly expand the capacity that can be provided through the medi-hotel system. The app involves the combination of geolocation and facial recognition software. In particular, candidates will receive live facial verification requests, as I understand it, three to five times a day, and also that will be supplemented by SAPOL checks.

I think it is important to stress that the app is not just about monitoring compliance, it also provides essential support and resources to its users. It includes daily symptom checking and provides access to support and resources, and reminds them of the user testing schedule as well. The home quarantine trial, once proven effective, will assist in the repatriation of many more Australian residents from both interstate and overseas.

It is important to note that these need to be strict measures to ensure that the risk of the transmission from the trial is reduced. We look forward to continuing to improve the app. We look forward to bringing more South Australians home to the state and to the nation.

COVID-19 HOME QUARANTINE

The Hon. C.M. SCRIVEN (14:40): Supplementary question: the minister indicated, essentially, that people currently are invited into that system, including defence personnel. When will people be able to apply to be part of that system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): My recollection is that domestic travellers are offered that opportunity and that international travellers at this stage are only by invite. This is a trial and once the trial phase is concluded, if it progresses in the international space, then those arrangements will be put in place.

COVID-19 HOME QUARANTINE

The Hon. C.M. SCRIVEN (14:41): Supplementary: can the minister indicate when that is likely to be? What date will people be able to take advantage of that?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I am not aware of a formal conclusion date to the trial. It has already been an evolving trial. Originally it started with domestic travellers only; it now involves ADF personnel from low-risk countries. I am sure it will continue to evolve before the trial phase is concluded and, if the trial phase is successful, move into ongoing operation.

PUBLIC HEALTH SYSTEM

The Hon. C. BONAROS (14:41): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the state's public health system.

Leave granted.

The Hon. C. BONAROS: The Australian Institute of Health and Welfare recently released a national report card on the health of the country's public health system, and SA was bottom of the class. In damning statistics, the report entitled 'Hospital Resources 2019-20' showed that SA had lost 262 hospital beds in the four years to 2020, from 4,794 beds in 2016-17 to 4,532 beds in 2019-20, the worst of any state, with the national average actually showing an increase of 0.07 per cent over the same period.

Adding to the state government's public health crisis, the problem is further exacerbated by another report, which shows that emergency department presentations have increased by more than 53,500 from 481,889 to 525,453 in the four years to 2019-20. My questions to the minister are:

1. Does he acknowledge these cuts to hospital beds and increasing ED presentations are major contributors to the enormous pressure on SA public hospitals and health services?

2. Does he believe the hospital bed cuts and ED presentation increases are major contributors to what some are claiming is the worst hospital ramping in the state's history, as well as Code Whites and Code Yellows in our public hospitals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): I thank the honourable member for her question. The time period she refers to—the four years up to 2019-20—covers part of the term of the former government. In fact, that period includes November 2017, when the Leader of the Opposition in the other place as then health minister closed the Repat. My recollection is that there was a net loss to the system of about 100 beds, and that is why it was a point of celebration last Sunday to be with the Premier at the Repat site and see former wards that had been closed by the former government reopened to provide care for people, particularly people who are transitioning from acute care to community care.

I think it is also important to appreciate that the Marshall Liberal government, in undoing the damage of Transforming Health, is not, shall we say, just replicating what was there. In that regard, the Marshall Liberal government is very proud of the My Home Hospital program, which in this last week reached a major milestone. Since the service started earlier this year—it began in January—this week we celebrated admitting 1,000 patients. Amongst those thousand patients, that actually represents more than 5,000 hospital bed days. That is freeing up beds in the hospitals for patients who need—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: The Hon. Ian Hunter, of course—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

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

The PRESIDENT: Point of order. The Minister will resume his seat. I would like to hear the point of order.

The Hon. K.J. MAHER: Sir, if you can give some direction about whether referring to interjections is in order or parliamentary.

The PRESIDENT: It is out of order and I will remind the minister of that. The minister is addressing the question and will continue.

The Hon. S.G. WADE: I will continue. Thank you, Mr President. The government is certainly committed to making sure that we develop the acute services that people need, both in—

The Hon. I.K. Hunter: Why have you got the worst results in the country then?

The PRESIDENT: The Hon. Mr Hunter will remain silent.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bonaros asked this question. I think she would like to hear the answer and the opposition will remain silent.

The Hon. S.G. WADE: The My Home Hospital program has already provided the equivalent of 5,000 hospital bed days and with a very high level of satisfaction. Particularly in a COVID environment—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: —patients appreciate the opportunity to get the care they need in their own home environment.

Members interjecting:

The PRESIDENT: Order! The Opposition will remain silent.

The Hon. S.G. WADE: It significantly reduces the risk of infection. There is always the risk of hospital-based infections with a hospital admission and obviously that—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, you are on very thin ground.

The Hon. S.G. WADE: —concern is increased in the context of COVID. The honourable member also mentioned the challenges at emergency departments. In that regard, again, it was great to be at the Repat—I think two weeks earlier—for the launch of the CARE program (Complex and RestorativE program), which will actually provide a dedicated pathway for older patients and patients with complex needs. They may well have an outreach nurse to their home in response to an urgent call. They might be brought there by the ambulance services so that they can get better access to geriatric expertise—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —and it is readily accessible to them, as well as radiology. The Marshall Liberal government is very committed to meeting the healthcare needs of the people of South Australia. We continue to do so in a creative way to make sure that we target the care to the people who need it.

PUBLIC HEALTH SYSTEM

The Hon. C. BONAROS (14:48): Supplementary: can the minister just clarify, does he accept the statistics that have just been outlined to him and that South Australia has ranked as the worst in that period that I have outlined?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): If the honourable member is offering comment and is then asking me to comment on the comment, that would be very disorderly.

MID-AUTUMN FESTIVAL

The Hon. R.P. WORTLEY (14:48): I seek leave to make a brief explanation before asking a question of the Assistant Minister to the Premier regarding multicultural affairs, that classic song *You Can't Stop the Music*, or in this case you can stop the music if you complain and spit the dummy long enough.

Leave granted.

The Hon. R.P. WORTLEY: On Saturday night, the China Business Network of South Australia held its Mid-Autumn Festival. The run sheet shows a speech from the assistant minister and then another from the leader of the Labor Party before dinner. Attendees have informed us that there was an overwhelmingly positive response to the Labor leader, including spontaneous applause during his speech, and then being taken around tables to meet guests afterwards.

The run sheet shows a band playing after dinner; however, the band was stopped after the assistant minister apparently demanded another opportunity to speak on stage, having expressed concern about the positive response to the Labor leader. My questions to the assistant minister are:

1. Why did the assistant minister demand that the musicians at the event stop the music so that she could make an additional speech after the Leader of the Opposition?

2. Will the assistant minister now apologise to the organisers and attendees, many of whom have spoken to the opposition about their frustration?

3. Does the minister understand the difference between a community event where people from all major parties speak, and a Liberal Party fundraiser where she can do whatever she likes, including not telling people that it is a Liberal Party fundraiser?

The PRESIDENT: Order! The assistant minister will ignore the last part of that question, but the Assistant Minister to the Premier has the call.

The Hon. J.S. LEE (14:50): I thank the honourable member for his question but I will ignore some of the opinions that he expressed. The CBNSA event was held to mark the Mid-Autumn Festival. I acknowledged the Leader of the Opposition as a special guest. There is no particular request that I would actually impose on any organising committee or the president or committee to stop anything. It is really ridiculous—

Members interjecting:

The PRESIDENT: Order, the opposition! I want to hear the assistant minister, and I am sure most of the chamber does.

The Hon. J.S. LEE: The Hon. Russell Wortley was not there. He is just listening to all the hearsay information and trying to ridicule me, as he often does in this chamber. He doesn't have all the facts. He was not there so he was just making up things to create a question. By bringing up this matter it looks like the opposition has run out of questions. Coming back to the question: I went around to the tables as the Labor opposition leader was led by the president. I have no issues with that. Suddenly, I was called to the front again and I had no intention at all—I did not know—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S. LEE: To get the facts right—

Members interjecting:

The PRESIDENT: Order! The assistant minister has the call.

The Hon. J.S. LEE: I call upon the Hon. Russell Wortley to perhaps make a phone call to the president of CBNSA, Councillor Simon Hou, and ask him personally and directly whether he stopped the music and then made a speech.

The PRESIDENT: The assistant minister will not point or wave her arms in a similar manner.

The Hon. J.S. LEE: My apologies, Mr President. Therefore, I encourage the honourable member, if he doesn't know all the facts, to put those questions to the organising committee rather than making up things and expressing opinions in this chamber.

MID-AUTUMN FESTIVAL

The Hon. R.P. WORTLEY (14:53): Supplementary question to the assistant minister: is it normal for a minister or assistant minister to speak before the Labor opposition and then speak after the Labor opposition? I have never seen that. Is that a normal course of events?

The Hon. J.S. LEE (14:53): I was not attending the event as assistant minister, I was representing the Premier of South Australia, as the—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher: Did you say the Premier wanted you to speak twice and stop the music?

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

The Hon. J.S. LEE: You are not listening.

The PRESIDENT: No, the assistant minister will speak—

Members interjecting:

The PRESIDENT: Order! The Minister for Human Services is not helping.

The Hon. J.S. LEE: I was invited to speak, representing the Premier of South Australia, the Hon. Steven Marshall. In the order of protocols, they invited me to speak first, before the Leader of the Opposition. I was not invited to speak again, and I didn't speak again for the second time. It was Councillor Simon Hou wanting to introduce the Lord Mayor and many councillors attending that day, and in his remarks he just wanted to pay a tribute to me. That was it. I didn't even speak at all the second time.

Members interjecting:

The PRESIDENT: Order! The next question goes to the Hon. Jing Lee.

PUBLIC HOUSING

The Hon. J.S. LEE (14:55): My question is to the Minister for Human Services—

The Hon. R.P. Wortley: Are you going to have two speeches?

The PRESIDENT: Order, the Hon. Mr Wortley!

The Hon. K.J. Maher interjecting:

The PRESIDENT: And the leader!

The Hon. J.S. LEE: Are you finished?

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

The Hon. J.S. LEE: My question is to the Minister for Human Services regarding housing. Can the minister provide an update to the council about how the Marshall Liberal government is exploring new ways of allocating people to public housing properties?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:55): I thank the honourable member for her question. Indeed, I note that the Labor Party was fascinated by this new policy quite recently so I thought I might provide them with a bit of an update because I know that this is a topic that they were deeply interested in.

Indeed, in relation to allocations generally, the number of people on the category 1 waiting list has gone down under the Liberal government—gone down significantly. The total waiting list for category 1, 2 and 3 was I think over 20,000 when Labor took office. It's now down to 16,600, in that order. The people in most urgent need—category 1 people—has gone down from something like 4,200 to a bit over 3,000, so we are looking after vulnerable people who are at risk of homelessness far better than Labor ever did and they need to be reminded of that.

Indeed, in relation to the new allocation trial policy, it aims to help people who are on the waiting list for public housing to get into a property much sooner. This is the trial, you would remember, Mr President, where rather than the extended and convoluted process that we have at the moment where one house is offered to one household at a time, it can then be rejected and go

through this multiple times before somebody accepts the property—we also have properties, particularly walk-up flats and cottage flats, which are less popular with people.

Within days of announcing the trial, we successfully housed four people. We had four separate households looking at various properties. Two accepted the properties. I understand that some acceptances were withdrawn, but ultimately the four households accepted properties, which means that people who have now come off the waiting list are in public housing and getting on with their lives. So we welcome this policy. It's been broadly welcomed by a lot of people in the community, by many people, except the Labor Party.

PUBLIC HOUSING

The Hon. I.K. HUNTER (14:58): Supplementary: does the minister accept that the decrease in the public housing waiting list is solely due to the fact that the minister has moved the goalposts and changed the eligibility?

The PRESIDENT: That doesn't come out of the original answer, but if the minister wants to respond I will allow her to.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): The Labor Party don't like having the facts pointed out to them. I have answered this several times in this place, in the public domain, because they say that we changed the criteria for category 1. That is not the case. The Labor Party changed the category 1 criteria in December 2017—so memo. We might need to—

Members interjecting:

The PRESIDENT: Order on both sides!

The Hon. J.M.A. LENSINK: We might need to do one of those tiles.

The Hon. I.K. Hunter interjecting:

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

The Hon. J.M.A. LENSINK: If the Hon. Mr Hunter is living losing sleep over this issue, I will see whether we can get the board papers where this would have been endorsed so that it's in black and white. Otherwise, I might help him via Twitter or social media. We will do a tile.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, I can't hear the minister.

The Hon. J.M.A. LENSINK: We will do one of those tiles. We are getting quite good at them. We have to, because it happens so often. It's check the facts—check the Labor Party facts. This is what they say on one side—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter will remain silent and so will the Hon. Mr Wortley.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: On the other side this is what the facts are: December 2017, I think Labor were in office then. Correct me if I am wrong.

Members interjecting:

The PRESIDENT: Order! Conversations across the chamber will not be tolerated. The Hon. Ms Franks has the call.

COVID-19 DAVENPORT COMMUNITY

The Hon. T.A. FRANKS (15:00): My question without notice after a brief explanation, for which I seek leave, is to the Treasurer representing the Premier on the topic of stockpiling of COVID-related toilet paper in the Davenport community.

Leave granted.

The Hon. T.A. FRANKS: The Davenport community is among a number of Aboriginal communities in South Australia that were under quite strict restrictions to help slow the spread of COVID-19. Under the commonwealth Biosecurity Act, travel into the community was restricted, and people had to undergo 14 days isolation before entry or re-entry was allowed, with penalties including up to five years' imprisonment or a $63,000 fine from the first week of April in 2020 at the start of the pandemic.

This is a situation that went on for some six weeks or so before those restrictions were lifted. It was a decision made by the Davenport Community Council CEO, Lavene Ngatokorua, who was quick to release a statement that addressed the concerns of the local residents, who woke up to find that they had been placed under the Biosecurity Act and were effectively locked down. She acknowledged the history, the pain of the permit system, the restrictive movement, the issuing of permits and the social isolation from family and friends that this would entail.

Of course, the Premier and his department, Aboriginal Affairs and Reconciliation, was quick to provide supports in the form of 56 400 millilitre bottles of hand sanitiser, 30 one-litre bottles of hand sanitiser, 20 litres of disinfectant and some 120 sixpacks of toilet paper. That is a total of 720 rolls for the community of over 150 people effectively locked down and unable to get to the shops in Port Augusta some four kilometres away.

Of course, the supermarket shelves at this time were bare of toilet paper. Indeed, those much-needed supplies were delivered to the Davenport community by the Aboriginal Lands Trust, and that is exactly where they stayed—in a shed, locked up until they were discovered in June this year by the Aboriginal Lands Trust—because the CEO and no-one on the Davenport Community Council had thought to distribute those much-needed supplies to those very in-need residents of this community.

The CEO received a Premier's award late last year for her service under the COVID restrictions as one of those 13 Aboriginal communities that were locked down. My questions to the Premier are:

1. Does he think it's appropriate that not a single one of the supplies that were given to the Davenport Aboriginal community under COVID by his department were distributed to those in need, particularly hand sanitiser and toilet rolls, when people couldn't get to the shops to even buy food or get to schools or places of work because of the extreme lockdown that community was placed into?

2. Will he withdraw the Premier's award given to the CEO of that community?

The Hon. R.I. LUCAS (Treasurer) (15:03): I am happy to refer the honourable member's question to the Premier and bring back a reply, but I am sure the Premier would share a view of all members that if there was toilet paper purchased and there to be distributed it should have been distributed. Nevertheless, I will refer the question to the Premier and bring back a reply.

ABORIGINAL ACCOMMODATION

The Hon. I. PNEVMATIKOS (15:04): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding Aboriginal accommodation.

Leave granted.

The Hon. I. PNEVMATIKOS: The early stages of the pandemic included lockdowns of remote Aboriginal communities under federal biosecurity laws, and the state government used the Baptist camp site in Mylor to house Aboriginal people who couldn't return to their homes. Over the last few months, the opposition has received feedback about the program. My questions to the minister are:

1. Has there been any review of the effectiveness of the program at the Mylor site?

2. What did the review reveal and will it be made public?

3. Does the minister have any views about the effectiveness of the Mylor program?

The PRESIDENT: The minister will probably ignore that last question because it is seeking an opinion, but the rest of the questions are in order, so I invite the minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): Thank you for your guidance, Mr President. In relation to the height of restrictions last year, indeed, as the honourable member has outlined, we did have a range of programs for a number of people in terms of making sure they were safe. As with all the public directions, it was about minimising the potential transmission between people and also trying to keep people safe. As I think I have outlined previously in this chamber, the Mylor camp was one such part of the response that we had that was specifically targeting women and children.

I have not received a detailed briefing in terms of an evaluation about the efficacy of the Mylor camp. I certainly don't think I have received any formal complaints about it, but I will see what other information I can obtain from the South Australian Housing Authority, who contracted Baptist Care to run that particular camp, and see what I can provide to the chamber.

COVID-19, TOURISM AND HOSPITALITY BUSINESSES

The Hon. D.G.E. HOOD (15:06): My question is to the Treasurer. Can the Treasurer update the council on the progress with respect to distributing financial assistance to tourism and hospitality businesses struggling due to the impact of COVID-19 in South Australia?

The Hon. R.I. LUCAS (Treasurer) (15:06): As members will be aware, there are particular industry sectors that have been much more significantly impacted by the impacts of COVID-19 over a longer period of time. Clearly, businesses in the tourism and hospitality sectors are commonly referred to as an example, but there are also many others in terms of the travel industry, aviation industry, international education industry and others that are also similarly significantly impacted as a result of either ongoing international travel restrictions or interstate travel restrictions as well.

I am pleased to be able to report to the house that, in the latest round of financial assistance grants, which are particularly targeted to the tourism and hospitality sector, within four days RevenueSA officers within Treasury processed just under $5 million in grants to almost 2,000 eligible South Australian businesses, with grants at either the $1,000 or $3,000 level as an automatic payment. This follows a recent series of rounds with $3,000 per grant and, in one of those grant rounds, an extra $1,000 for those businesses in particular that are impacted in the CBD area because of the particular impacts of businesses operating in the central business district as well.

In response to earlier criticisms of earlier grant rounds that the maximum grant generally was around about $3,000, in the most recent grant round the taxpayers of South Australia through the government have funded grants of up to $20,000 per grant and they were for medium-sized businesses. So for a business with a turnover greater than $5 million, they were eligible for grants up to $20,000, and for businesses with turnovers greater than $2 million, they were eligible for grants of up to $10,000.

The process for the distribution of those grants was that most of those grants were automatically processed for $3,000. For those businesses that might be eligible for the bigger grant, there was the Treasury website and other advice provided that indicated they might need to provide greater information in relation to their turnover and the impact of COVID on their business for them to be eligible for the bigger grant. We are hopeful that we will process those applications as quickly as we can when they are distributed.

Broadly, I am advised by Treasury that around about $85 million in cash grants has now been paid to almost 30,000 small and medium-sized businesses in South Australia to provide some level of assistance as a result of the impacts of COVID. I hasten to say that as we said right from the very first grant round in the middle of last year, almost 12 months ago now, the taxpayers of South Australia cannot afford to compensate every business in the state for every level of loss that they might have incurred as a result of the impacts of COVID. It is beyond the capacity of taxpayers to be able to afford that sort of assistance.

What the taxpayers will seek to do is to save as many jobs as we can and to save as many businesses as we can, together, of course, with saving as many lives as we can through the

tremendous work of the Minister for Health and the hardworking team within SA Health and associated health-related providers.

Finally, in relation to providing further rounds of assistance, there is a major events category in the latest round of assistance which will provide grants of up to $100,000 for a small number of events which had to be cancelled during the eligibility period as a result of the lockdown and the restrictions that followed it immediately.

Finally, congratulations to the Adelaide City Council but also to various government departments and agencies and the government and the Property Council and other stakeholders in the various promotions that are going on in recent days in relation to #GoToTown but also FOMO Fridays and a variety of other initiatives that stakeholders, the council and state government are taking to try and activate the city, in particular on Fridays, for those increasing numbers of—

The PRESIDENT: The Treasurer will bring his answer to a conclusion.

The Hon. R.I. LUCAS: —CBD workers, who are working from home and not working in their CBD offices anymore.

ELECTRIC VEHICLE ROAD USER CHARGE

The Hon. J.A. DARLEY (15:12): I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Energy and Mining, questions concerning electric vehicles.

Leave granted.

The Hon. J.A. DARLEY: A bill has been introduced in the other place to establish a road user charge for electric vehicles, to commence from 1 July 2027 or when sales reach 30 per cent, at 2.5¢ per kilometre, CPI indexed, from 2022-23, with the charge being applied at the time of motor registration. I understand that following passage of this proposed legislation $18 million will be allocated, comprising a $3,000 subsidy for the first 6,000 electric vehicles purchased below a price cap. In respect of goals, modelling and anticipated outcomes, my questions to the minister are as follows:

1. Has the government undertaken modelling of the car market transitioning to electric vehicles, or is the government thinking that it will happen automatically as other key global markets convert to electric vehicles?

2. Does the government consider it necessary to ensure there is a clear price signal via incentives and disincentives to (a) encourage consideration of electric vehicle purchase and (b) encourage deferral of purchase of new petrol vehicles, allowing ageing and declining value of the petrol vehicles to safeguard against South Australians being caught with a large stock of relatively new petrol vehicles when Europe and other countries have transitioned to electric vehicles?

3. Has the government considered equity principles in the present arrangements, including (a) the wealthy being subsidised up-front and (b) those less able to afford transition to electric vehicles being hit with escalating costs of petrol vehicles over time?

4. Has the government considered (a) raising extra revenue or a disincentive on petrol vehicles to offset costs of providing incentives for electric vehicle take-up, such as an electric vehicle conversion levy on petrol vehicles equivalent to the $305 road user charge to be applied to the electric vehicle after 2027, with Centrelink concessions; (b) low-interest loans for those on low incomes to be able to purchase new low-end price electric vehicles; and (c) dual use of electric vehicles for battery storage for the home, with regulation of vehicle type and impacts factored on the grid to further encourage take-up?

The PRESIDENT: Before I call the Treasurer to respond, I advise the Hon. Mr Darley that some of those might have been better listed as questions on notice. I call the Treasurer.

The Hon. R.I. LUCAS (Treasurer) (15:15): I am happy to take most of those questions on notice and bring back a reply for the honourable member. He has made inquiries of my office in relation to some of those issues, and we are endeavouring to provide some responses. If I could offer a general comment firstly, the answer to the first series of questions is yes, the government does believe in a price signal in relation to trying to assist purchasers of electric vehicles. That is the

reason for the $3,000 subsidy, and that is consistent with the policy of the Victorian government and in part consistent with the policy of the New South Wales government in terms of providing incentives.

In terms of penalty incentives, if I can put it that way, in relation to internal combustion engine vehicles, neither the government or either of the other governments has contemplated, to my knowledge, heading down that particular path. It has been more providing incentives to the purchasers of electric vehicles.

Secondly, in terms of the modelling, the government has basically looked at the modelling that has been provided both nationally and internationally in relation to the electric vehicle market. In summary, the advice to the government is that sooner rather than later we will see increased price competitiveness between electric vehicles and internal combustion engine vehicles. There are varying estimates. The earliest that we perceive there would be price competitiveness is around about 2025-26. The more pessimistic guesstimates are close to 2029-30.

That is, inevitably we are already seeing the price of electric vehicles declining relatively quickly, and sooner rather than later they will become price competitive with internal combustion engine vehicles and therefore there will be a big incentive for people to purchase an electric vehicle anyway, because the cost of operating it, even with a road user charge, will be significantly less than for an internal combustion engine vehicle. As I said, I am happy to take the detailed questions on notice and bring back a reply whenever I can.

HOMELESSNESS

The Hon. J.E. HANSON (15:17): My question is to the Minister for Human Services regarding homelessness. After previously telling this place that an increase in homelessness numbers was the result of better counting and not actually more homelessness, will the minister update the council on the latest Adelaide Zero data, which was approved yesterday? Secondly, after telling this place that the minister knew the answer to a question but the opposition would have to wait for that answer, how does the minister respond to claims that the latest numbers include the highest number ever of Aboriginal homeless people?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:18): I thank the honourable member for his question. I think I just need to correct part of the start of his question, which is I was referring to the category 1 waiting list. Those numbers have certainly come down during our time in office. In relation to the overall numbers of homelessness, I also need to send a memo to the Labor Party that, overall, homelessness has not increased in South Australia.

Any of the data that you choose to use overall shows that the trend is in fact going down, whether that is using the Australian Institute of Health and Welfare data or our own internal data, which is collected from the frontline homelessness service providers and which is obviously the number of clients that they have.

I haven't seen the latest AZP numbers, which specifically refer to people who are homeless in and around the CBD. Those numbers do go up and down from time to time. They certainly went up last year, but they came down again—

The Hon. J.E. Hanson: You said they don't go up. You said they never go up.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —because we managed to very successfully provide people—

The Hon. J.E. Hanson: You said they only go down.

The PRESIDENT: The Hon. Mr Hanson has the opportunity to ask a supplementary. He will remain silent.

The Hon. J.M.A. LENSINK: —with emergency accommodation. We were able to house a record number of those people who would otherwise have been rough sleeping or couch surfing and the like, mostly into South Australian Housing Authority properties.

In terms of some of the data from the Zero Project, we actually did a release quite recently, which I'm not sure whether the honourable member has availed himself of. Because the transition from the old homelessness contracts took place on 1 July, there were a number of clients who hadn't

actually been recorded in the system, which accounted for one of the jumps—an apparent jump which wasn't an actual jump because they hadn't been recorded in the system—but it is—

The Hon. J.E. Hanson interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —quite a dynamic situation where what we do with the Adelaide Zero clients is they are given a particular priority. It's the VI-SPDAT.

The Hon. J.E. Hanson: It's a broken record, Michelle. You're saying the same answer again.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Mr President, it's a bit offensive I think to the frontline services who are working diligently around the clock to provide services to people who are experiencing homelessness and are diligently assisting them to exit, that one of these Labor members can sit on the red benches in the Legislative Council and just mock the entire process as if it's some exercise in—

The Hon. J.E. Hanson: Don't pivot to the services.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —whether the graph goes up or down.

The Hon. J.E. Hanson: You're responsible.

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

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: And at the same time—

The Hon. J.E. Hanson: Don't blame me for your performance. You need to be better.

The PRESIDENT: Order, the Hon. Mr Hanson! The minister, I am sure, is coming towards the conclusion of her answer.

The Hon. J.M.A. LENSINK: I am sorry, Mr President, I could take the rest of question time if you would indulge me. In terms of the population, we are working through providing people with accommodation. It is a housing-first model, which is something that the sector had come to us and spoken very clearly about, that the way that we seek to assist people who are experiencing homelessness is to do that intake assessment, determine what supports they need, rapidly exit them from the system and, if required, provide wraparound support.

We've got a service which has just opened up recently in the western suburbs called Holbrooks, which has had capital upgrades to provide additional security for some of those clients. Some of those clients are quite vulnerable. I think we have done an announcement in terms of the partners who are providing assistance to people who we have accommodated through that service. Some of those are some of the most complex clients, some of the ones who struggled during the first COVID round because they were still experiencing drug and alcohol problems. This is providing them with that onsite support to help them to stabilise.

In relation to Aboriginal people who are experiencing homelessness—or rough sleeping, I should say, because some people aren't homeless, they have just dislocated from their community or are in Adelaide for particular reasons—we do have the cross-government committee, which is working to support those people.

Some of the Aboriginal people in that situation have some fairly complex needs, and indeed I note that in previous sitting weeks the Labor Party have focused entirely on some fairly ridiculous allegations about people who have been trying to assist that particular cohort. The government has a cross-agency group that is working to try to provide support so that people are kept safe.

Bills

SUICIDE PREVENTION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2021.)

The Hon. T.A. FRANKS (15:24): I rise to support this bill, which seeks to reduce the incidence of suicide in our state and promote best practice suicide prevention in our policies across this state. It is a momentous bill, and I congratulate you, Mr President, for your role in the important work in this area.

This bill will ensure that there will be a suicide prevention council, consisting of an MP who is not a minister, 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, the Commissioner for Aboriginal Children and Young People, and a mental health commissioner appointed by the minister, as well as up to 13 members with knowledge, skills and lived experience.

Suicide touches far too many families and individuals in our state, and this is a wonderful way forward—a proactive measure that we can take to increase and support those who are either at risk or have been harmed and bereaved. Mr President, you have done much work in this area and you know that in my personal life I, like many in this state and across this nation, have been touched by suicide. It is a scourge, it is something that is not inevitable and it is certainly something that is quite preventable.

The first step of course is to talk about suicide. Only decades ago people covered up suicide deaths, they were not reported on, they were not talked about, they were discussed as a source of shame. They should not be seen in that way, and certainly I hope that measures such as this piece of legislation that we have, which is quite groundbreaking, will go to not just removing that stigma and shame but to ending the number of suicides we see.

The bill honours that lived experience, and I very much welcome the thoughtful choice of the involvement of those with that lived experience, including multicultural persons, veterans and Aboriginal and Torres Straight Islanders, as well as the LGBTIQ+ community. We know that some in our community are more likely to die by suicide than others. We know there are supports out there, but we also know that people do not realise that when they are in those dark places and when they have those particular mental health pressures and needs.

Given this pandemic, I have often said that the earthquake and the tsunami to come is that of mental health issues, and that was certainly the evidence of those working in SA Health to the COVID oversight committee just last week. We have a tsunami of mental health crises ahead of us beyond this pandemic. This pandemic has been hard enough, and these measures, I commend the government and you, Mr President, for this essential work. It is work that is cross-party and bipartisan supported, it is work that is well overdue and it is work that is much welcomed by the Greens. We look forward to the passage of this legislation.

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

STATUTES AMENDMENT (CHILD SEXUAL ABUSE) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 August 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:29): I rise to speak on this bill and indicate I will be the lead speaker for the opposition in this chamber. The bill addresses recommendations from the 2017 criminal justice report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The bill's proposals include introducing a new offence of 'failure to report' that applies to a prescribed person who knows, suspects or should have suspected sexual abuse by or against a person in an institution or out-of-home care. The proposed maximum penalty is three years in prison. It introduces a new statutory offence of 'failure to report' that applies to a prescribed person who 'knows that there is substantial risk' of abuse by or against a person in an institution or out-of-home care. The maximum proposed penalty is 15 years in prison. The 'prescribed person' in two new offences is defined in the bill as:

(a) is an employee of an institution, including a person who—

(i) is a self-employed person who constitutes, or who carries out work for, an institution; or

(ii) carries out work for an institution under a contract for services; or

(iii) carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or

(iv) undertakes practical training with an institution…; or

(v) carries out work as a volunteer…; or

(vi) is of a class prescribed by the regulations…

'Prescribed person' also encapsulates someone who provides out-of-home care.

The bill also in its provisions allows the Director of Public Prosecutions to appeal interlocutory judgements that may lead to the abandonment of a prosecution. It proposes to expand existing provisions under which child victims can pre-record evidence to avoid confronting their accuser during cross-examination and it also requires the recording of all police interviews of child victims, regardless of their age at trial, and allows applications for these recordings to be used at trial.

It seeks to expand the current arrangements for pre-trial special hearings to include all victims of child sexual abuse or domestic violence. It is similarly allowed for people with a disability under 14 years of age. With court approval, these could also be used for vulnerable witnesses in child sex offence matters.

With regard to juvenile offenders, the bill amends Youth Court arrangements for preliminary examinations and committal hearings so that pre-recorded evidence from another court may be admitted and victims are not required to give oral evidence. In relation to expert evidence on children, the bill allows expert evidence in relation to the development and behaviour of children generally and those children who have been victims of child sexual abuse to be admissible. This is similar to recent changes in domestic violence laws.

With regard to evidence, the bill relaxes the admissibility test for tendency and coincidence evidence by removing the word 'substantially' from section 34P of the Evidence Act 1929. I note that the Law Society's Criminal Law Committee has concerns about this measure. I thank the Law Society, as often happens, for their views and for letting us know about the different views of the Law Society in relation to legislation. I note that in relation to this legislation the Law Society's Criminal Law Committee and the Law Society's Children and the Law Committee have expressed different views on some elements of this bill.

The bill also provides that information gained during religious confessions is not prevented from being given or disclosed in criminal or civil proceedings. The bill also makes changes to sentencing arrangements for multiple offences. It requires that the indicative sentence for each separate offence is stated when a single headline sentence is given for multiple offences. However, as occasionally occurs with important pieces of legislation, the government has waited too long to act. The royal commission provided its recommendations some four years ago. Had the provisions of this bill been in place months or years ago there is every chance that more offenders may have been apprehended and victims may have had more options.

Labor has taken a strong stance on cracking down on child sex offenders and supporting victims of these hideous crimes and we will be supporting this bill.

The Hon. T.A. FRANKS (15:33): The Greens support the Statutes Amendment (Child Sexual Abuse) Bill 2021. This bill introduces a number of important reforms as they were proposed

by the Royal Commission into Institutional Responses to Child Sexual Abuse. As well as implementing recommendations from the report, the bill makes additional amendments aimed at assisting domestic abuse victims in our criminal justice system. This bill will amend the Criminal Law Consolidation Act in line with recommendation 29 to provide for a similar age or reasonable belief defence for the offences of unlawful sexual intercourse, indecent assault, where the victim is under 17 and consents, and procuring a child to commit indecent assault.

The similar age defence applies where the victim was 17 or over and the defendant was under the age of 18 at the time of the offence, or believed on reasonable grounds that the victim was of or above the age of 18. The defence is of course limited to defendants who are in a position of authority by virtue of providing religious, sporting, musical or other instructions to the victim. The wide definition of the position of authority under the Criminal Law Consolidation Act does mean that there may be young people who provide this kind of instruction who should have a similar age consent defence available to them.

Clause 7 of this bill will create new offences of failing to report and failing to protect a child from sexual abuse, in line with recommendations 36 and 33. New section 64A provides that it will be an offence if a prescribed person knows, suspects or should have suspected that another person had previously engaged in the sexual abuse of a child and the child is under 18, or the alleged abuser is still employed by the institution or another institution, or the sexual abuse occurred in the preceding 10 years and the prescribed person refuses or fails to report that abuse to the police.

The offence also applies when the prescribed person is engaging or likely to engage in the sexual abuse of a child. This bill also provides definitions of a prescribed person, including an employee of an institution, including medical and religious institutions, and providers of out-of-home care such as foster carers. These provisions will actually operate retrospectively in certain circumstances.

Under new section 64A(5), it is a reasonable excuse not to make a report where a report has already been made under section 31 of the Children and Young People (Safety) Act 2017, and no criminal or civil liability lies for reporting a matter in good faith under new section 64A. That prescribed person cannot be liable for professional misconduct. The identity of the reporter is protected if she or he has made the report under the Children and Young People (Safety) Act 2017, and he or she has the same protection from victimisation.

Importantly, this bill inserts new section 65 to create a criminal offence of failing to protect a child from sexual abuse, in line with recommendation 36. New section 65 will provide an offence if a prescribed person knows that there is a substantial risk that another person will engage in the sexual abuse of a child who is under the age of 17, or in relation to whom the abuser is in a position of authority and the employee has the power or responsibility to reduce or remove that risk but negligently fails to do so. This legislation is of course a companion piece to another child abuse bill. I indicate that my comments on this bill should be taken in support of the other bill. I understand we will be debating both of those today so I will not be repeating myself.

Importantly, I think some changes have been made that will certainly affect the SAPOL general orders to ensure we are protecting victims much better than we have in the past. Indeed, currently under the Evidence Act recordings are only required for vulnerable witnesses, which is limited to a child under the age of 16 who is a victim of a sexual offence, and such recordings may be relied upon in any subsequent trial or retrial. Here we are expanding the ability to use those audiovisual recordings of evidence for all child sexual abuse victims given in court, and SAPOL's practices will change accordingly. This is much welcomed.

Child sexual abuse and institutional sexual abuse is a scourge that for too long was silenced and victims went unsupported. Here we continue to do the important but very much unfinished business of supporting victims, of ensuring that they have protections and preventions and, should the worst happen, that they get justice. We support the bill.

The Hon. C. BONAROS (15:39): I rise on behalf of SA-Best to speak in support of the Statutes Amendment (Child Sexual Abuse) Bill 2021. The bill, as we have heard, specifically addresses important legislative reforms recommended by the Royal Commission into Institutional

Responses to Child Sexual Abuse in 2017. Many are already in place and this bill will go a long way in terms of addressing some of those issues that remain outstanding.

I do not propose to repeat everything the Treasurer has said in relation to every aspect of this bill but I might mention some key amendments which I think are particularly important. One is the introduction of a similar age defence to certain sex-related offences where the defendant was in a position of authority over the child. This will apply to instances where, for example, the victim was 17 or over at the time of the offence and the defendant was under 18 or when the defendant reasonably believed the victim was over 18.

The removal of the ridiculous presumption that a boy under the age of 14 is not capable of having sexual intercourse—which has previously provided protection to perpetrators charged with child sex offences against young boys—enables the DPP to appeal interlocutory judgements in cases where the Full Court is satisfied it destroys or substantially weakens the prosecution case. Historically, unfavourable pre-trial decisions have led to matters being abandoned and we welcome those and a host of other amendments to the Evidence Act as well aimed at protecting vulnerable witnesses.

They include the expansion of the classes of witnesses able to give evidence at special pre-trial hearings without the defendant being present. They are to include all child sexual abuse victims no matter what their age at trial and other vulnerable and/or child witnesses, and specific provisions for the admission of expert evidence about child development and behaviour. This will assist the judge and/or jury to understand complex behaviour and the requirement for police interviews of child sexual abuse victims to be recorded in order to preserve evidence for admission at trial in lieu of a witness giving evidence in person should an application be made at a later date.

The bill also seeks to amend the Sentencing Act to require the court to give an indication what sentence would have been opposed for each offence when sentencing for multiple episodes of offending or in cases where there are multiple victims. Penalties are to be based on those enforced at the time of sentencing, not at the time of offending. These were all royal commission recommendations. Overall, this is a very thorough bill and it is a very welcome bill; however, there is still room for improvement.

Members will note that in 2019 I introduced a private member's bill in this place which specifically addressed confessional privilege. I have reinserted those provisions into this bill because they are just as relevant and warranted today as when they were introduced in this place for the first time.

The first amendment seeks to close a loophole in the Children and Young People (Safety) Act 2017. As it stands—and I really want to make this clear for members—the act leaves open the possibility for future regulations to provide an exemption around the confession privilege. It is a simple fix: it shuts that door. Recommendation 7.4 of the final report states, and I quote:

> Laws concerning mandatory reporting to child protection authorities should not exempt persons in religious ministry from being required to report knowledge or suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.

We would be naive to think that child offences, including child sexual abuse, is purely a historical phenomenon. In fact, the royal commission heard from more than 200 survivors who said that they had been abused in a religious institution since 1990. We would be stupid and blind to think that that does not continue to occur today. There still remains a special level of responsibility, in my view, for priests and for ministers of religion to prevent current and future abuse.

I have also filed an amendment, again from my private member's bill dated 2019, requiring a priest or minister of religion to notify the police as soon as practicable if they form a suspicion that a prescribed child offence has been committed. I understand the government has circulated an email saying that it is opposed to this amendment for fear of singling out priests and other ministers of religion more than other prescribed persons. I would have thought history has shown us very clearly that this cohort should be singled out.

On 29 November 2018, almost three years ago, the Council of Attorneys-General met in Adelaide, and that meeting was chaired by our own Attorney. The summary of decisions from that

meeting does just that: it singles out priests and ministers of religion. Entitled 'Response to Royal Commission recommendations concerning confessional privilege', it summarised:

> Participants agreed to consider the application of the following principles in their respective legislation:
>
> - Confessional privilege cannot be relied upon to avoid a child protection or criminal obligation to report beliefs, suspicions or knowledge of child abuse;
> - Confessional privilege cannot be relied upon by a person, in civil or criminal proceedings, to excuse a failure to comply with any child protection or criminal obligation to report beliefs, suspicions or knowledge of child abuse; and
> - Confessional privilege cannot be relied upon by a person who had an obligation to report beliefs, suspicions or knowledge of child abuse, to avoid giving evidence in civil or criminal proceedings against a third person for child abuse offences.

As I said, those responses were given almost three years ago, yet still nothing has happened in this space to close the loophole that would clearly enable ministers of religion and priests to be exempted from those regulatory requirements in the future.

We should all be deeply disturbed by the fact that priests have knowingly and wilfully failed to report crimes against children—little kids—and they have used the sanctity of the confessional, of all things, as the basis for that failure. It sickens me and it should sicken all of us that priests, persons of the cloth, have used religion, something that many of us in this place and elsewhere hold dear, to cover up crimes against our most vulnerable community members. These are kids we are talking about after all.

History absolutely demonstrates that priests above everyone else should be held to a higher standard, because they have absolutely failed time and time again, historically, those vulnerable children. It is not just because they have failed those vulnerable children but because they have also fought tooth and nail to maintain the sanctity of the confessional when it comes to these sorts of crimes. We are not talking about petty crimes; we are talking about child sexual abuse. We are talking about rape, we are talking about murder, we are talking about the most heinous crimes that you can commit against a child. Ministers of religion and priests have fought tooth and nail against the measures to lift the privilege that applies to the confessional.

I would ask the Attorney and I would ask members of this place to put yourselves in the shoes of those kids and the shoes of those parents. Imagine their grief, their disappointment and their pain and the lifelong impacts that this has had on them and their families, especially when these are people of faith and this is where they have gone to, like many of us, when they were at their most vulnerable, and those priests and those ministers of religion have failed to disclose those heinous acts to the authorities.

They do not deserve to have that privilege, but they certainly, in my view, deserve to be held to a higher standard. For that reason, I will be pressing ahead with those amendments today, and I urge honourable members not to be persuaded by what I consider the very weak view of the Attorney, which goes against the grain of everything that she agreed to and this government agreed to in this place some years ago. With those words, I support the bill. I indicate that I will be moving the amendments and I will speak to them further when we get to them.

The Hon. R.I. LUCAS (Treasurer) (15:49): I rise briefly to thank honourable members for their contribution to the second reading of the bill and support for the second reading.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

New clause 3A.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–2]—

Page 3, after line 8—Insert:

Part 1A—Amendment of *Children and Young People (Safety) Act 2017*

3A—Amendment of section 31—Reporting of suspicion that child or young person may be at risk

Section 31—after subsection (2) insert:

(2a) Regulations made for the purposes of subsection (2)(c) must not extend to circumstances in which a priest or other minister of religion forms a suspicion based on information communicated in the course of a confession made in accordance with the rules and usages of the relevant religion.

I have just outlined the reason for this, but for the purposes of being crystal clear: the purpose of this amendment is to close a legislative loophole that exists via regulation when it comes to priests and ministers of religion in terms of the confessional privilege and to bring those provisions fairly and squarely into the legislation.

I note that in 2019, following the agreement that I spoke of during my second reading, Victoria was the first jurisdiction to move to introduce legislation that dealt with this issue. They did not choose to do this by regulation. They certainly did not choose to allow a loophole that would enable priests or ministers of religion from being exempted in the future, and that is precisely the situation we find ourselves in now.

You can exclude circumstances from the obligation that applies by regulation. This government may have no intention of doing that. God knows what will happen in the March election. The next government may have no intention of doing that, but the simple fact remains that we do not know.

The Attorney will say that we have already dealt with this issue. It is clear that this loophole continues to exist, that there is absolutely nothing stopping the exclusion of priests and ministers of religion at any point in the future from being covered by these requirements. That is a woefully inadequate outcome and that is what this amendment seeks to address. It is a very simple amendment that would place the substantive elements of this into the legislation, as opposed to dealing with it by regulations that allow, potentially, for ministers of religion and priests to be excluded, and I urge honourable members to support it.

The Hon. R.I. LUCAS: I am advised that the Attorney-General and the government indicate their opposition to the amendment for the following reasons. A minister of religion is a person to whom section 31 of the Children and Young People (Safety) Act applies; therefore, a minister of religion who forms a relevant suspicion in the course of their employment is required to make a report subject to section 31(2).

Presumably a suspicion formed as a result of information communicated in the course of a confession would be formed in the course of the person's employment. Currently, under section 31(2)(c), a person need not report in circumstances prescribed by the regulations. This includes regulation 10—occasions when a person reasonably believes the department is already aware of the information forming the basis of the suspicion.

The amendment singles out priests and religious ministers as the only category of persons to whom this regulation would not apply. Firstly, it is not the intention of this bill to place harsh obligations on certain classes of prescribed persons. Secondly, the reason for opposing this amendment is to reduce the number of superfluous reports. The intention of regulation 10 is to remove the need to make a report in circumstances where it is superfluous to do so. To limit it in the manner which has been proposed is unnecessary in light of the fact that section 31 already places an obligation on ministers of religion.

A person must demonstrate reasonable grounds for believing the department is already aware that a child is at risk. For example, the process for making a mandatory report is set out in section 31(4) of the Children and Young People (Safety) Act 2017. Under this section, a telephone call can be made to a number determined by the minister. This is the Child Abuse Report Line (CARL). If you are aware that this has already occurred, there should be no penalty for not making a subsequent report.

The Hon. K.J. MAHER: We have had discussions and communications, both with the Hon. Connie Bonaros and from the Attorney's office, about the clauses put forward. We are

concerned about the prospect of regulations being used that could—and I accept that this is not a current stated ambition or intention of the government—carve out ministers of religion by use of regulatory power.

We are keen to see that any future government not be able to do that. We are attracted to the amendments that would provide for that not happening. I think the amendments, as we understand it, do not provide any sort of increased penalty for a minister of religion than anyone else would be liable or subject to.

We have only received some further information from the Attorney's office this afternoon. As I say, we were attracted to the amendments that would not allow things to be cut out by regulation that the Hon. Connie Bonaros has put forward. On that basis, we are keen to keep the issue alive and will vote today for the amendments put forward by the Hon. Connie Bonaros but are keen to continue this discussion between the houses.

I want to be clear: we are not closed and in fact remain quite open to the possibility that between the houses there might be some further discussions that may modify the amendments or might even see our position being, when it comes to the lower house, one of not supporting the amendments, but we do not want to close that possibility off on the basis that the amendments do not prescribe any further potential liability for ministers of religion but, as described, provide that they cannot be excluded by regulation.

So on that basis, we will support the amendments but certainly reserve our right and our position between the houses as to how we vote in the lower house.

The Hon. J.A. DARLEY: For the record, I will be opposing this amendment.

The Hon. T.A. FRANKS: For the record, the Greens will not be supporting the SA-Best amendments. We understand that these are important issues and we actually have taken the advice from the Attorney at face value. I think that was a reasonable case that was put today.

New clause negatived.

Clauses 4 to 8 passed.

New clause 8A.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–2]—

Page 8, after line 19—Insert:

8A—Insertion of section 241A

After section 241 insert:

241AA—Priests to report certain offences involving children

(1) If a priest or other minister of religion forms a suspicion, in the course of carrying out their duties (including in the course of a confession made in accordance with the rules and usages of the relevant religion) that a person has committed a prescribed child offence, the priest or minister must notify a police officer of that suspicion as soon as practicable after forming the suspicion.

Maximum penalty: Imprisonment for 3 years.

(2) In this section—

prescribed child offence means—

(a) an offence against a following provision of the Act where the victim of the offence is a child:

(i) section 11 (murder);

(ii) a provision of Part 3 Division 11 (rape and other sexual offences) other than an offence against section 51(2), 58 or 61;

(iii) section 68 (use of children in commercial sexual services);

(iv) section 72 (incest); or

(b) an offence against Part 3 Division 11A (child exploitation material and related offences).

I might just clarify that the only difference between this amendment and the previous amendment was there were some questions that were asked of me in relation to why murder was included in the list of child sex offences. The answer that I would provide to members on the record for that is Carly's law and Carly Ryan. We know that the most heinous instances of this sort of offending do not just involve child sex offending and rape but they can ultimately lead to the murder of the minor involved.

That is precisely what happened in Carly Ryan's case, and that is precisely why this amendment was initially drafted in my bill the way it was, but to provide some clarity we sought to file a new amendment which made it clear that we were talking about a prescribed child offence, which would include the child sex offending, the rape and the murder of a child.

The other change that was made was to bring the penalty that applies in line with the penalties that apply in the government's bill, so I reduce the maximum prison term from five years to three, in line with offending that is outlined in the government's bill.

I am going to place on the record again that we have had a history of priests and ministers of religion failing, wilfully, to disclose crimes that they have been notified of in the sanctity of the confessional because they have been able to hide behind the guise of the confessional. The only people who have suffered as a result are those children who were abused and, of course, their families. This amendment seeks to make it a criminal offence with a maximum penalty of three years' imprisonment for a priest or minister of religion to do what I have just outlined.

The proposed offences where the abuse has already happened would be subject to a term of imprisonment of three years if a priest or a minister of religion fails to disclose crimes that have been reported to them in the confessional to the authorities. I, for the life of me, cannot understand how anyone could consider it feasible for a priest, in the past or in the future, to choose to not disclose that information and not be subject to this level of criminal penalty.

I think I have outlined already on the record my reasons as to why I think that priests should be held to a higher standard, because they have failed vulnerable children historically time and time again, so much so that we have had a royal commission into this issue, which has highlighted the extent of the issue.

We have seen the criminal trials that have taken place publicly. We have heard all the detail that we need to hear about why and how priests have chosen to maintain the sanctity of the confessional at the expense of children who have been sexually abused. I find that absolutely appalling. I am sure all of us find it absolutely appalling, but we should be doing everything to ensure that it does not occur. I make no apology for applying a higher standard to priests, because they have demonstrated in the past that they deserve to be held to a higher standard.

I find it particularly worrying that, even when the communiqué that I referred to of 2019 was agreed to, even when the justice report recommendations of 2017 were handed down, religions—and I think its fair to say the Catholic religion led the pack—fought tooth and nail to make sure those reforms never saw the light of day. They did not want the sanctity of the confessional lifted for crimes committed against anyone, but particularly against children, and I find that really disappointing. Priests deserve to be held to a higher level of account, and that is precisely what this amendment proposes to do.

The Hon. R.I. LUCAS: Again, on behalf of the Attorney-General I indicate opposition to this amendment, for the following reasons. This amendment imposes a greater obligation on priests and ministers of religion than that proposed by the government. The proposed section 64A—Failure to report suspected child sexual abuse, clause 7 of the Statutes Amendment (Child Sex Abuse) Bill 2021, creates an obligation to report offending which takes place in an institution.

This proposed amendment captures suspicion of the commission of a proscribed child sex offence, regardless of whether the offending is alleged to have taken place in the course of a person's employment in an institution. It is not the intention of this bill to place greater obligations on priests and religious ministers than other prescribed persons. It is for those reasons that the amendment is not supported.

The Hon. K.J. MAHER: We adopt the same attitude as with the last amendment.

The Hon. T.A. FRANKS: I do have a question: does this provision apply to pastors or reverends?

The Hon. C. BONAROS: Yes, the definition is priests and ministers of religion, so it would apply to a priest or minister of religion, which I assume would cover pastors or reverends, but I would have to seek some clarity if that is not the case.

The Hon. T.A. FRANKS: By limiting the field to a particular thing you have possibly moved an amendment that makes this weaker than it should be. The fact that it should apply to all equally is a stronger protection for children than trying to define what you have done. We will not be supporting this amendment, as I have indicated already, but that was an original observation. If you are not applying this to reverends and pastors, then what is going on with the wording of this amendment? It is not necessarily doing what you, through goodwill and good intention, would like it to do. My concern here is that actually you may in fact be limiting the provisions and protections that we are providing with this legislation.

The Hon. C. BONAROS: I do not think that is the case. The advice I had when I drafted this was that priests and ministers of religion would cover the cohort we were looking at. But, in any event, if pastors or reverends were for some reason not included in that, then they would continue to be included in the other provisions that apply in the bill, so this would still relate to priests or ministers of religion.

The Hon. J.A. DARLEY: I indicate that I will not be supporting this amendment.

The committee divided on the new clause:

Ayes 10
Noes 11
Majority 1

AYES

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

NOES

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

New clause thus negatived.

Remaining clauses (9 to 23) and titled passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CIVIL LIABILITY (INSTITUTIONAL CHILD ABUSE LIABILITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 August 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:14): This bill addresses unactioned recommendations, in particular numbers 89, 91, 92, 93 and 94, from the 2015 Redress and Civil Litigation Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

While based on these recommendations, the bill goes beyond child sexual abuse to include serious physical abuse and psychological abuse in institutional contexts. The key prospective elements of this bill are a reverse onus of proof and vicarious liability. Under current law, an action for negligence requires the complainant to prove every element.

The royal commission recommended, and the bill proposes, that the onus of proof be reversed with regard to proving negligence. This has been proposed, noting that organisations are better placed to show whether or not they had proper systems in place. This reverse onus of proof does not apply in proving whether the actual abuse occurred, but applies in whether negligence was present with regard to the abuse that occurred regarding that person and with regard to associated persons.

Associated persons are defined in new section 50C to include people with institutional responsibilities, like employees and volunteers, but not recipients of services or visitors. With regard to vicarious liability, the bill codifies the common law test of vicarious liability and, similar to associated persons above, it expects liability to include people akin to employees.

The key retrospective elements of the bill relate to identifying the proper defendant in setting aside previous settlements. The later of these two is not linked to a royal commission recommendation. Where historic abuse has occurred under an institution whose structure prevents being sued, like an unincorporated association with complex trust structures, the bill allows action against subsequent office holders or successor institutions. It also allows for any liability to be met from assets held in an associated account.

The proposal regarding setting aside previous settlements arises from a 2019 reform that removed the time limit for commencing civil claims. Where a person has entered into a previous settlement, they may apply to the court to have it set aside for reasons including power imbalance, lack of legal representation and unfair or oppressive conduct.

As noted in relation to other bills, we are disappointed that the government has not acted with the urgency that this matter would dictate. This belated bill comes after cuts to other victim support. In the 2018-19 budget, its first after being elected, the government applied a cut to the Legal Services Commission of $1.2 million a year.

Since being elected, this government has cut $780,000 from the Women's Domestic Violence Court Assistance Service and $2.3 million per year from victim support services. So while Labor supports the bill, we do note that the government needs to and should do more for those who need protection: victims of crimes in this state.

The Hon. T.A. FRANKS (16:18): I indicate that my remarks in support of the previous bill that I noted in that speech are echoed in this, and we certainly look forward to the passage of this legislation as well.

The Hon. C. BONAROS (16:18): I rise on behalf of SA-Best to speak in support of the Civil Liability (Institutional Child Abuse Liability) Amendment Bill. I am pleased that the Attorney and the government have again sought to implement changes that were included in a private member's bill that I introduced into this place.

The Royal Commission into Institutional Responses to Child Sexual Abuse released its Redress and Civil Litigation Report in December 2017. During the five-year inquiry, more than 8,000 survivors or people directly impacted by institutional child sexual abuse shared their stories in private sessions with commissioners, following the receipt of almost 26,000 letters and emails and 42,000 calls. Tragically, some of those stories came from family members and loved ones of victims who had ended their own lives. I would like to place on the record the data that emerged from those private sessions, which paints a harrowing picture:

- the majority of survivors were male;

- 93.8 per cent said they were abused by a male;
- 83.8 per cent said they were abused by an adult;
- 36.3 per cent were abused by multiple perpetrators;
- the average abuse lasted 2.2 years;
- over half were first sexually abused between the ages of 10 and 14. That is the cohort we are dealing with when we talk about young vulnerable victims; and
- 10.4 per cent made their submissions from prison.

In labelling it a national tragedy, the commission found:

> The sexual abuse of children has occurred in almost every type of institution where children reside or attend for educational, recreational, sporting, religious or cultural activities. Some institutions have had multiple abusers who sexually abused multiple children. It is not a case—

as I have said before, over and over—

> of a 'few rotten apples'. Society's major institutions have seriously failed. In many cases those failings have been exacerbated by a manifestly inadequate response to the abused person. The problems have been so widespread, and the nature of the abuse so heinous, that it is difficult to comprehend.

The report made 99 recommendations relating to sexual abuse. I am very pleased to see that this bill takes the recommendations of the royal commission one step further by broadening the type of abuse suffered to include physical and psychological abuse. It addresses four areas of reform which will go a long way in removing significant hurdles which remain for victims.

The first reverses the onus of proof in negligence cases. Shifting the burden to the defendant to prove they took reasonable care to prevent harm recognises the significant power imbalance between institutions and victims. This is the type of approach rightly applied in dust diseases cases, which is a very different topic but one that applies fairly and equitably nonetheless. In keeping with the royal commission's recommendation, the amendment is prospective.

The second reform seeks to complement the common law doctrine of vicarious liability, imposing a non-delegable duty on particular institutions for the deliberate criminal act of a person associated with that institution. The High Court recently settled the common law test in Prince Alfred College Inc v ADC [2016] HCA 37. That case involved the sexual abuse of a 12-year-old boarder at PAC, just down the road on Dequetteville Terrace at Kent Town, by a housemaster of the college in the 1960s. The High Court found consideration should be given to:

> …any special role that the employer has assigned to the employee and the position in which the employee is thereby placed vis-à-vis the victim. In determining whether the apparent performance of such a role may be said to give the 'occasion' for the wrongful act, particular features may be taken into account. They include authority, power, trust, control and the ability to achieve intimacy with the victim. The latter feature may be especially important. Where, in such circumstances, if the employee takes advantage of his or her position with respect to the victim, that may suffice to determine that the wrongful act should be regarded as committed in the course or scope of employment and as such render the employer vicariously liable.

This amendment is consistent with that test. It would extend to a priest not technically employed by a church but under its control, for example.

The third reform will enable victims to initiate proceedings against defendants they have previously been prevented from pursuing due to a legal technicality. Historically, unincorporated associations could not be sued despite holding significant assets in an associated trust such as a foster care home. It opens up claims against an office holder where the person in the role may have been charged, such as the archbishop of a church. This amendment is retrospective and will open the door for many historical abuse victims to seek justice. Hear, hear to that!

Finally—and I say finally because I have been waiting for this, and SA-Best has been waiting for this for some time now—the bill provides for the setting aside of previous child abuse settlements, should the court consider it just and reasonable to do so. Members may recall that I introduced a private member's bill which sought to lift the lid on unjust settlements more than two years ago. There did not appear to be any appetite at the time for those reforms, but I am glad to see that common sense has finally prevailed and that this issue has made its way onto the government agenda.

It seeks to level the playing field and give survivors their power back. I think that is an extraordinarily positive step that we should all be exceptionally proud of in this bill. It is one that I am extraordinarily grateful that the government has finally seen sense to agree to. A victim may have entered into an agreement on unfair terms at a time when there was no proper defendant or a limitation of actions applied. As the royal commission report noted:

> …the difficulties many survivors have faced in dealing directly with representatives of the institution in which they were abused, being presented with deeds of release under time pressure and in some cases without the opportunity to obtain independent advice, and with little or no knowledge of what others in comparable positions had been offered or paid.

It has not been uncommon for settlements to sit under the $20,000 mark for offending and abuse which has destroyed the lives of vulnerable people and, of course, their families. The court will need to consider the extent any barriers may have contributed to the applicant's decision to enter into such an agreement, as well as any other relevant matters, because, as we know, one size simply does not fit all. This reform that the government has proposed seeks to deal with that issue.

Consideration will be given to both parties in determining what is just and reasonable in the circumstances. My private member's bill, which I have already referred to, specifically dealt with the issue of costs for previously settled actions. I understand that the bill before us provides the discretion to the court.

We have been provided with an extensive list of stakeholders who were consulted on the bill. I am advised that they are satisfied it has been a very thorough process. Again, I commend the government for finally coming around on that particular issue and agreeing to measures that will ensure that agreements which may have been entered into for myriad reasons but may have been very unfair in the circumstances can be addressed via this bill. We look forward to the next stage of its passage.

The Hon. R.I. LUCAS (Treasurer) (16:29): I thank honourable members for their contribution to the second reading of the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:31): I move:

> That this bill be now read a third time.

Bill read a third time and passed.

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

Second Reading

Adjourned debate on second reading.

(Continued from 26 August 2021.)

The Hon. C. BONAROS (16:35): I rise on behalf of SA-Best to speak in support of the Children and Young People (Oversight and Advocacy Bodies) (Commissioner for Aboriginal Children and Young People) Amendment Bill 2020. I think we are all very pleased, finally, to be here now some three years after the appointment of the Commissioner for Aboriginal Children and Young People, that the office will be given the functions and powers to undertake this extremely important role.

I would like to thank the Commissioner for Aboriginal Children and Young People, Ms April Lawrie, the Commissioner for Children and Young People, Ms Helen Connolly, and the Guardian for Children and Young People, Ms Penny Wright, for sharing their views, their expertise, their knowledge, their understanding and experiences with me in relation to this bill.

Those discussions confirmed my strongly held views that we need the Commissioner for Aboriginal Children and Young People and it also confirmed my views that the commissioner should have the same powers and functions as her colleague the Commissioner for Children and Young People. I think it is critically important the commissioner is empowered to provide high level and independent oversight and advocacy for Aboriginal children and young people in South Australia.

At long last, the Commissioner for Aboriginal Children and Young People will be able to conduct her own motion, independent inquiries and formal investigations into issues that are brought to her attention. She will be able to advise and make recommendations to government ministers and to their departments. I am sure that Commissioner Lawrie is very eager to do just this, particularly given the long wait that she has had in terms of this bill actually passing this place. I am grateful to the commissioner for the work that has been done to date without the powers that we all, I think, agree she has so desperately needed.

I see both commissioner roles and that of the guardian as critical to ensuring the safety, development and wellbeing of Aboriginal children in this state. My discussions with the commissioners, the guardian and members of the Aboriginal community across the state have also highlighted to me the need for the amendments that I have filed to make the lines of communication and collaboration between the commissioners and the guardian very clear and unambiguous. Those amendments also provide for a regular review of the role, which is always, in my view, a good thing.

As members in this place know, and as many other members in this place are, I am very passionate about the advocacy of the rights of children—and especially Aboriginal children—and I have spoken many times in this place about how appalled we should all be at the statistics reported across a range of key indicators of Aboriginal children and young people's health, at their education, and at their social and economic wellbeing in South Australia.

I think we should all be particularly alarmed about the obscenely large number of Aboriginal children in out-of-home care. It is completely unacceptable that some 36.7 per cent of all children in care are Aboriginal. That is one in 11 Aboriginal children. And of those, only 31 per cent are in Aboriginal families and kinship groups.

These numbers are shocking, but what is even worse is that the number of Aboriginal children in out-of-home care is growing exponentially every year. I, along with others, have spoken in this place previously about the systemic failures of the child protection system in this state and, I think it is fair to say, will continue to do so until there is real, measurable and sustainable improvement in this area.

The only certainty is that if we continue to do nothing we are at serious risk of a second stolen generation and the associated generational trauma and loss that this causes. They are not my words, Mr President, they are the words of countless families that I have spoken to, particularly over the last six months but previous to that also. They are the words of families who have sat down and shared traumatic stories with me that have rocked me to my core. I think we all owe it to those families to make sure that we do better.

I am equally concerned about the number of Aboriginal children and young people in the juvenile justice system—they are 22.7 times more likely to be in detention than non-Aboriginal children—particularly since the data shows that this is also getting worse and not better. I am particularly concerned that the Guardian for Children and Young People, Ms Penny Wright, has chosen to resign from the role that she has in terms of the oversight of our Youth Training Centre, not because she does not have the genuine will to see that through but because this government has failed to appropriately resource that role to enable her to undertake the work she needs to do.

That is a failure of this government and of this parliament. We knew when we implemented that role the importance it had. We know that we continue to implement OPCAT legislation in this place, and the last thing we want is the realisation that we are doing that in name and name only and are not backing it up with the resources and funds that are required to actually undertake that role and create the difference that is intended. I think that is something that will be the subject of much wider discussion in this place very soon.

We know the interaction with juvenile justice often leads to longer term incarceration and has a huge impact on the trajectory of all children but especially Aboriginal children and young people

whose lives are caught up in that system. We know that we are not doing enough to divert young people or to implement strategies that we know are capable of changing that downward trajectory that that interaction with the juvenile justice system leads to.

We also know that outcomes across a broader range of health and education indicators are worse than ever. They are not improving, as Commissioner Lawrie, Dr Roger Thomas and the guardian, Ms Penny Wright, have all reported. We really need to be paying much more attention to those reports. There is no point in preparing report after report and tabling them in this place if they are not going to result in any real action.

So it is my firm view that we need to be doing everything we can to ensure that Aboriginal children and young people achieve their full potential while maintaining their connection to culture, community and family. I do not accept that this bill has been delayed for three years due to COVID or the Dennis review, but at least, finally, now the bill is before us, and I hope that it is passed so that the important work of the Commissioner for Aboriginal Children and Young People can proceed with the legislative framework that is required to give it full effect.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:44): I thank all members who have contributed to the second reading debate on this bill and particularly for their support in establishing the important role of Commissioner for Aboriginal Children and Young People in legislation. The bill will establish a strong advocate for the rights and interests of Aboriginal children and young people in South Australia.

I thank members who have proposed amendments to the bill. I will briefly set out the government's position in relation to them. We acknowledge the intent behind the amendments, but it is the government's view that these matters are best dealt with through policy and a business as usual approach, not through legislation. The government is not inclined to support the amendments at this time, and we encourage the council to pass the bill this week.

The Hon. John Darley has filed two amendments to the bill that in each case change the word 'should' to 'will' to clarify that the commissioner will consult and engage with Aboriginal children and their families and communities in the performance of the commissioner's functions. The nature of the role of the commissioner is such that the commissioner consults and engages with Aboriginal children, young people and their families, and the bill provides for this to continue. The amendments are unnecessary and the government will not be supporting them.

The Hon. Frank Pangallo has filed a number of amendments. Amendments Nos 1, 2 and 4 seek to require communication and collaboration between the Commissioner for Aboriginal Children and Young People, the Commissioner for Children and Young People and the Guardian for Children and Young People on matters of common interest, inquiries and other significant work. Although we understand the general intent of these amendments, the government considers that communication between these bodies is a matter best dealt with administratively.

I further note that the scope of the required communication in the amendments is too broad and in some cases may not be appropriate, particularly as it relates to the guardian. In addition, the government believes there should be some discretion with respect to collaboration between the independent roles of the Commissioner for Aboriginal Children and Young People, the Commissioner for Children and Young People and the guardian. Therefore, the government will not be supporting these amendments.

Amendment No. 3 requires a review of the functions and operations of the commissioner to be conducted within six months of the third anniversary of the commencement of the section, with subsequent reviews to be conducted every three years. The government is of the view that this requirement is unnecessary and overly onerous and therefore it will not be supporting this amendment. Again, I thank honourable members for their contributions and commend the bill to the council.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 17 passed.

Clause 18.

The Hon. C. BONAROS: On behalf of the Hon. Mr Pangallo, I move:

Amendment No 1 [Pangallo–1]—

Page 7, lines 7 to 10 [clause 18, inserted section 14A]—Delete inserted section 14A and substitute:

14A—Communication and collaboration with CACYP and Guardian

(1) The CCYP must communicate with the CACYP and the Guardian about matters of common interest, inquiries under section 15 and other significant work the CCYP is undertaking.

(2) The CCYP must, in the performance of their functions, collaborate on matters of common interest with the CACYP and the Guardian to such extent as is reasonably practicable.

I have just outlined the reason for this amendment. I think it is fair to say that there is a general theme in the bill that would suggest that there is this open line of communication between the two commissioners and the guardian about matters that pertain to common interests about matters that they may be considering.

The intent of these first two amendments is to ensure that it is not just something that they might do but rather something that they do, because we do know absolutely that there is a lot of overlap in terms of the roles of the commissioners. Certainly, there may come a time where they are operating in silos, and we do not want that to occur, we want an open line of communication where there is a common interest and common goals and lines of inquiry.

All this amendment seeks to do (and I have discussed it with the commissioners in question) is ensure that there is an open line of communication between them so that everybody knows what the other is doing, when appropriate. That is the extent of amendments Nos 1 and 2, in essence.

The Hon. S.G. WADE: I reiterate what I indicated in the summing-up at the second reading stage: first, that amendments Nos 1, 2 and 4, filed in the name of Mr Pangallo but moved by the Hon. Connie Bonaros, are related. The government does not support amendment No. 1 or the related amendments at clauses 25 and 25A, they being amendments Nos 2 and 4.

The amendments require that the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People and the Guardian for Children and Young People must communicate with each other about matters of common interest, Commissioner for Children and Young People inquiries under section 15, Commissioner for Aboriginal Children and Young People inquiries under new section 20M, guardian investigations and inquiries, and other significant work the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People and the guardian are undertaking.

The amendments would also provide that the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People and the guardian must, rather than should, in the performance of their functions collaborate with each other on matters of common interest to such extent as is reasonably practicable. The bill as introduced provides for collaboration between the commissioners; however, the amendments add a new requirement for communication and extend the provisions to include the guardian.

The government feels that communication between the three statutory officers is a matter best dealt with administratively. It is concerned that the scope of the requirement in the amendments that the three officers must communicate and collaborate with each other with respect to the particular matters may be so broad as to be unworkable or inappropriate, particularly as the provisions would now apply to the guardian.

The functions of the Commissioner for Children and Young People and the Commissioner for Aboriginal Children and Young People are focused on systemic issues and all children or groups of children, rather than individual advocacy, whereas the guardian has functions that may encompass advocacy for or oversight of individual children under the guardianship or in the custody of the Chief Executive of the Department for Child Protection.

In addition, requiring three independent officers to collaborate in all cases may give rise to unintended consequences, particularly where officers may have diverging views on a particular matter, and therefore some discretion should be retained to deal with circumstances in which collaboration may not be appropriate.

The Hon. E.S. BOURKE: I rise to echo the words of the minister that the opposition will not support this amendment standing in the Hon. Frank Pangallo's name but moved by the Hon. Connie Bonaros, or the following amendments in his name. Whilst we appreciate the intent and principles behind these amendments being moved, we will not support them today as we are looking forward to this bill passing the parliament.

Amendment negatived; clause passed.

Clauses 19 to 24 passed.

Clause 25.

The Hon. J.A. DARLEY: I move:

Amendment No 1 [Darley–1]—

Page 13, line 8 [clause 25, inserted section 20I(3)]—Delete ‘should’ and substitute ‘will’

Amendment No 2 [Darley–1]—

Page 13, line 11 [clause 25, inserted section 20I(3)]—Delete ‘should’ and substitute ‘will’

The minister advised in the second reading explanation that the commissioner is required to consult with and engage Aboriginal children and young people and their families and communities. The amendment to section 20I(3), changing the word 'should' to 'will', reflects the minister's statement and intent in his second reading explanation. It is a key principle of communication for the commissioner and is clearly the intent of the legislation.

The Hon. S.G. WADE: As indicated in my earlier comments at the close of the second reading, the government does not support the two amendments the Hon. John Darley has filed in relation to clause 25, inserted section 20I(3). In each case the amendments change the word 'should' to 'will' to clarify that the Commissioner for Aboriginal Children and Young People will consult with and engage Aboriginal children and young people and their families and communities in the performance of the commissioner's functions under the act and, in particular, will seek to engage those groups of Aboriginal children and young people and their families and communities whose ability to make their views known is limited for any reason.

The very nature of the role of the commissioner is such that the commissioner consults and engages with Aboriginal children and young people and their families, and the bill provides for this to continue. Respectfully, it is the government's view that the proposed amendment is unnecessary.

The Hon. E.S. BOURKE: On behalf of the opposition, I rise to support both amendments in the Hon. John Darley's name. As the general functions and powers of this part of the bill highlight, it is to promote and advocate for the rights and interests of all Aboriginal children and young people, or a particular group of Aboriginal children and young people in South Australia. We feel that the simple change of one word, from 'should' to 'will', will further strengthen these powers and these functions provided to the commissioner.

The Hon. T.A. FRANKS: For the record, the Greens are not supporting this amendment.

The Hon. C. BONAROS: I rise to indicate, on behalf of SA-Best, that we will be supporting the amendments for the reasons that other honourable members have just outlined. In essence, they are not different to what we were trying to achieve, albeit with different—we were talking about children and families as opposed to the commissioners themselves. It might very well be the case that they should consult, but I think this amendment goes some way towards strengthening those provisions to ensure that this actually does occur, and therefore we support it.

Amendments carried.

The CHAIR: Still on clause 25, I go to amendment No. 2 [Pangallo-1] and I call the Hon. Ms Bonaros.

The Hon. C. BONAROS: It is a standalone amendment but I think we know the outcome based on the previous vote.

The CHAIR: Do you wish to proceed or not?

The Hon. C. BONAROS: I might actually, on the basis that there is one point that I think may have been lost on the minister and I would like to make it. I move:

Amendment No 2 [Pangallo–1]—

Page 13, lines 25 to 28 [clause 25, inserted section 20J]—Delete inserted section 20J and substitute:

20J—Communication and collaboration with CCYP and Guardian

(1) The CACYP must communicate with the CCYP and the Guardian about matters of common interest, inquiries under section 20M and other significant work the CACYP is undertaking.

(2) The CACYP must, in the performance of their functions, collaborate on matters of common interest with the CCYP and the Guardian to such extent as is reasonably practicable.

I do not expect the outcome to be any different but I think it is worth noting that these amendments talk about collaborating on matters of common interest. We are not talking about all matters, we are talking about matters of common interest to such extent as is reasonably practicable. So I think the problems that the minister, on behalf of the government, has outlined are a bit of a furphy. I think it is clear here that where there is a common interest and it is reasonable for the commissioners to do so, then that level of collaboration and communication is being sought.

The Hon. S.G. WADE: With all due respect, I think a matter could be of common interest but they could still—

The Hon. C. Bonaros: As is reasonably practicable.

The Hon. S.G. WADE: My view is the matter could be of common interest, but they could still have diametrically opposed views, so to require them to collaborate on matters where they do not have a shared perspective would undermine the independence of each of the statutory officers. I also stress that proposed section 20J(1) does not just limit itself to matters of common interest. It talks about inquiries under section 20M and significant work the commissioner is undertaking.

Again, as the honourable member, I acknowledge, has indicated, it is of the essence of the bill that there be collaboration, but to make it a statutory requirement, we believe, may well have unintended consequences, including undermining the independence of statutory officers.

Amendment negatived.

The Hon. C. BONAROS: I move:

Amendment No 3 [Pangallo–1]—

Page 17, after line 25—After inserted section 20R insert:

Division 4—Review

20S—Review

(1) The Minister must cause a review of the functions and operations of the CACYP to be conducted and a report on the review to be prepared and submitted to the Minister.

(2) The first review must be conducted within the period of 6 months after the third anniversary of the commencement of this section and subsequent reviews must be conducted every 3 years.

(3) The Minister must, within 6 sitting days after receiving a report of a review under this section, cause copies of the report to be laid before both Houses of Parliament.

This is the provision that relates to a review. I understand that the minister has already placed on the record the reasons why this will not be supported. I have to say I think it is the first time I have ever seen a review provision not supported in this place. I do not know how this is any different from any other review provision, which has become quite standard in new pieces of legislation. We see it incorporated into bills all the time.

The review we are seeking is the standard review provision that we normally see. The first review must be conducted within the period of six months after the third anniversary of the commencement of the section, and subsequent reviews must be conducted every three years. Three to five years is the general rule of thumb in terms of when we as a parliament think a review should take place, because three years is enough time to get over the initial stages of implementing legislation and to have something to actually review, by which point we should be able to identify whether there are any issues that need to be addressed in the legislation.

The next provision is also one of those standard provisions that requires the minister, within six sitting days after the receipt of the report, to ensure that a copy of that report is laid before both houses of parliament. I do not need to explain that. I think everyone accepts that that is an accountability and transparency measure and enables us to analyse the outcomes of those reviews.

I will just say for the record that I think we all know the benefit that these reviews provide, particularly when we are dealing with new legislation. They give us some insight into any issues that the commissioner, or whoever may be in charge of a piece of legislation, has identified. Whether there are any holes in the legislation, whether there are any loopholes that need to be fixed, whether there are any gaps—whatever the case may be—those things usually come to light as a result of a review process. So I am again urging honourable members to support this. It is not any different from review provisions that we see in other pieces of legislation. With those words, I commend the amendment to the chamber.

The Hon. S.G. WADE: As the honourable member indicated, I have indicated earlier that the government does not support this amendment. The amendment requires a review of the functions and operations of the Commissioner for Aboriginal Children and Young People to be conducted within six months of the third anniversary of the commencement of the section, with subsequent reviews to be conducted every three years.

With all due respect to the honourable member, I do see this as novel. It is not unusual for this chamber to put in statutory reviews, but what is unusual is for it to have a recurring review every three years, whether there is an identified need in the next term or not. It is not unusual to have a statutory review at the three-year mark or the five-year mark of the first edition of the act, for want of a better word, to sort out any teething issues and correct them if necessary, but a rolling review, I would put to the council, is novel.

I would also make the point that this review, according to the amendment, relates to the review of the functions and operations of the Commissioner for Aboriginal Children and Young People. This is not a review and a rolling review of all of the statutory entities under this legislation. It does not apply to the Commissioner for Children and Young People, the guardian, the child death and serious injury review committee or the child development council. I hope I have the names close enough for you to recognise them.

I make the point: why would we review the role of this commissioner and not of the whole regime? The government considers the requirement of the review and the way that it is structured is unnecessary and overly onerous.

Amendment negatived; clause as amended passed.

Remaining clauses (26 to 41), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:08): I move:

That the bill be now read a third time.

Bill read a third time and passed.

SOUTH AUSTRALIAN MULTICULTURAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 September 2021.)

The Hon. C.M. SCRIVEN (17:08): I rise to speak on the South Australian Multicultural Bill 2020 and indicate I am the lead speaker for the opposition. This bill is for an act to advance multiculturalism and interculturalism in South Australia. It will also establish the South Australian Multicultural Commission and will provide for the South Australian Multicultural Charter, while repealing the South Australian Multicultural and Ethnic Affairs Commission Act 1980.

In South Australia, we have some 200 different, diverse backgrounds of people who call South Australia home. It has been 40 years since the act of the South Australian and Multicultural and Ethnic Affairs Commission was assented to. The work towards updating the bill began under the previous Labor government and has now progressed, with the bill passing the House of Assembly in May this year.

The opposition is very proud of the key multicultural achievements under the former Labor government, including tripling the budget of multicultural affairs; adding an additional $5 million infrastructure fund for replacement, upgrading and supporting new facilities; supporting major festivals with three-year sponsorship agreements and more than 30 festivals with agreements for multi-year funding; and introducing the Stronger Family Stronger Community grant, as well as simplifying the grants application process and making it bimonthly.

The consultation on this bill was commenced by this government in 2019, with a legislative review of the current act. This was followed by a consultation phase of community forums, a stakeholder workshop, written submissions and a survey. The government utilised the YourSAy engagement platform before a final consultation report.

There are a number of key topics that were presented: modernising the concept of multiculturalism, including removing the word 'ethnic' and incorporating the concept of interculturalism; more transparency on the functions and appointment of the commission members; how to update the language and make it more contemporary; the inclusion of multicultural principles, with a charter to be prepared reflecting what multiculturalism means to South Australia; and also recognising the First Nations people of South Australia.

In addition to the consultation that I have just outlined that the government undertook, the opposition held eight Zoom forums and more than 20 meetings with community leaders to understand the key themes and suggestions by our diverse community. There was a considerable concern about a perceived weakening of the functions of the commission, and this was raised by both current and former members of the South Australian Multicultural and Ethnic Affairs Commission (SAMEAC).

Concerns were shared about retaining the role of the commission, not only to brief and report to the relevant minister but to engage with other public sector agencies. The continued independence of the commission was also considered a high priority in order for the commission to provide leadership in addressing the needs and issues of South Australia's multicultural community. The issue of funding and resources was also raised.

One of the most concerning aspects was the perceived diminished role of the members of SAMEAC during the consultation period. Many commission members reported to the opposition that they were not consulted with as a body, they were merely invited to attend the forums and, as I understand it, to attend the forums mainly as observers.

The government made many amendments to their own bill in the other place before the committee stage commenced. The opposition was very pleased that several of our own amendments were agreed to, including the make-up of the representation of the commission, inserting an expression of interest process for commission members, the acknowledgement of our First Nations South Australians in the parliamentary declaration, and the provision of resources for the multicultural commission.

However, three areas of amendment remain which were not agreed to. First, recognising the contribution that temporary migration has made to multiculturalism and interculturalism in South Australia. Second, raising awareness of the harm that racism can do, making that a function of the commission. This was raised during the consultation period but did not make it into the bill.

Third, state authorities to report performance of the charter to the minister and for the report to be tabled in parliament, giving real measurement outcomes of the activation of the charter, because we want the public sector to be a model employer reflecting our diversity.

Several other states and the commonwealth measure and report on the diversity of language and birthplaces other than Australia. It is only through reporting the data that we can identify potential remedies so that we can better reflect our population. I understand amendments from SA-Best have been filed also, and we look forward to considering where we might find mutual agreement. The opposition has filed amendments reflecting those three outstanding matters which we consider to be very important to our South Australian community.

We all know what a great contribution migrants have made to South Australia, migrants coming for a variety of reasons. Many of us in this place are either migrants ourselves or the descendants of migrants in the first or second generations. The contribution that is made is huge. That is why it is so important that we get this bill right. It is so important that, after 30 years without a significant review, we incorporate those aspects that are so crucial in reflecting both our existing community and also where we might like to see South Australia going in the future. I will talk more about each of those aspects in the committee stage.

We welcome this bill and we support the positive intentions to modernise, but there are still further opportunities to make significant gains in diversity and inclusion, and we hope that this chamber will support those amendments when we get to the committee stage.

The Hon. T.T. NGO (17:15): I rise to speak in support and acknowledge the multiparty support of this important bill. The initial bill presented to the other place (the House of Assembly) some months ago was not good. The government practically gutted the heart of the original bill and provided a totally inadequate replacement where all responsibilities were outsourced to the department and public servants.

This multicultural bill is about community. It has always been about the community and not handing all responsibilities back to the departments. The amendments passed in the current form are much better than when it was first presented to the other place. I would like to acknowledge the hard work of the member for Ramsay and the member for Cheltenham in the other place in bringing forward these important amendments. These amendments certainly provide us with a much improved version of this bill.

I would like to also thank the government for acknowledging that the previous multicultural bill was not adequate. I appreciate them supporting these amendments and taking on the feedback from the community.

The multiparty support of this bill speaks strongly for the change in attitude on the other side of the house, and I am pleased that as a state we are making progress in supporting our multicultural communities. However, one important aspect of this bill that was defeated in the other place stands out to me: as leaders, we need to not only conduct strong consultation with our communities but we must listen and act without losing sight of the voices in the local communities we represent.

One aspect that was left out at the amendment stage in the other place was the inclusion of monitoring and reporting of the government's progress in this space. Those of us in the opposition sought to include an amendment that would require state authorities to report directly to the minister every 12 months about their performance. We also proposed that the minister then summarise these reports and present to both houses of parliament.

Unfortunately, this amendment was knocked back by the government. The government demonstrated that their genuine support for multiculturalism in this matter is very disappointing when they claimed that this monitoring and reporting on our state progress in multiculturalism was not necessary.

In the government's own SAMEAC public consultation in relation to this legislative review, there was strong support from ethnic communities. Participants specifically requested that:

> Government agencies should be held to account for their implementation of the principles and be required to report regularly on compliance with them.

That request was strongly supported, as I said, by participants. It is clearly stated in the government's own consultation report, and I was very surprised that the government now does not want that request of reporting and transparency to be included in this bill, and I am very surprised because I do not really know the reason why.

Throughout the public sector we observe examples of measuring and reporting that benefit different groups in our society. Within the public sector we report on how many First Nations people are in the Public Service, as is the case for people with a disability and women. Reporting helps the South Australian public sector to be a lead employer, supporting diversity in employment. Reporting helps us understand how far we have come and how far we have to go. Reporting encourages us to think differently and improve our practice, which can only have positive impacts for the lives and opportunities of people in the multicultural community.

We already capture data related to multiculturalism through employee surveys in the public sector. It makes no sense that the government collects this information but does not wish to report on it. What is striking about the government knocking back tracking and reporting in the other place is that they have directly knocked back the input from their own community. Their own community specifically asked that government agencies should be held to greater account, yet they have chosen to ignore this very matter.

To me it is a slap in the face for those multicultural communities that participated in this survey. They have voiced what they believe is important to include in this bill, and the government has rejected it. It seems foolish to conduct a public consultation and then ignore the direct requests of those who were consulted. If the government is serious about improving this multicultural bill, and I think this is really an important opportunity, something as practical and simple as this as this should be included.

As I said previously, I do not understand why the government is rejecting this request. I have not had a briefing, so I am just wondering whether it is because of budgetary implications in the future or if it may be competing with other agency interests if it were to be included in this bill. I look forward to hearing the government's response regarding this matter, and I do hope they change their mind and accept these as good amendments. It is something the multicultural community wants, as is stated in their report.

The Hon. T.A. FRANKS (17:23): I rise on behalf of the Greens to support the South Australian Multicultural Bill 2020. The bill has four main objectives. That is, to introduce a parliamentary declaration that would recognise and acknowledge Australian Aboriginal people as South Australia's first peoples, as well as cultural, linguistic, racial and religious diversity in our state; that all people have a right to express this diversity and that this diversity should be reflected in the government's approach to development, implementation and evaluation of policies; that all those in South Australia should be able to participate in the cultural, economic, political and social life of our state and that all people are entitled to mutual respect; that diversity is an asset and a valuable resource and that diversity brings richness and the valuable contribution to our state of those who have diverse backgrounds.

It is a very welcome aspect to this legislation. I note that the Labor Party wants to amplify that and also include the recognition of all migrants and their contribution with an amendment, and I indicate that the Greens will be supporting that amendment.

The bill also establishes the South Australian Multicultural Commission, which of course already exists. This is a bill that came about via a review that was well overdue, and while it was overdue I think it is still important work to be doing. I note that in large part this is very much bipartisan, cross-party, universal work in multiculturalism.

The South Australian Multicultural Commission is to be a body corporate that consists of 15 people appointed by the minister and it should, as far as reasonably practicable, ensure membership reflects an appropriate diversity of cultural backgrounds and gender and have regard to the knowledge, sensitivity, enthusiasm, personal commitment, experience and involvement with culturally diverse groups, and at least half must be women—most welcome. The functions of the commission are:

- to advise the minister regarding the act;

- to advise and consult with state authorities to ensure a coordinated approach;
- to advise the minister regarding the needs, the aspirations and the contributions of South Australians from diverse backgrounds;
- to advise state authorities through the minister regarding which services and facilities are available to meet the needs of diverse communities;
- to increase the awareness and understanding of the diversity of our state and the implications of that;
- to promote unity, understanding and harmony;
- to raise awareness and promote understanding of multiculturalism and interculturalism;
- to promote the charter and the advantages of a multicultural and intercultural society;
- to undertake consultation;
- to review and report to extend the government-funded services in terms of what they are achieving and to further the purpose of this act; and
- any other functions that are assigned to this by the minister.

I note also that the Labor Party has an amendment to include a function to raise awareness about the harms of racism. The Greens strongly support that amendment and welcome that particular element to the debate. I remember the controversy when I worked for Amnesty International, when the International Day for the Elimination of Racial Discrimination became Harmony Day. In many ways, to talk about unity and harmony without recognising racism is to not really encourage unity and harmony. We must recognise that scourge and empower this commission to tackle that most important issue when we know the rise of racism is a pressing concern in our state at the moment. This is something commended by the Greens, and we will be supporting the Labor Party amendments there.

Further, this bill provides for the South Australian Multicultural Charter and ensures that the minister, in consultation with the Multicultural Commission, must prepare and maintain the South Australian Multicultural Charter. That charter should contain the following provisions: principles of multiculturalism in relation to our state, and provisions recognising Aboriginal peoples of South Australia and their role in the diversity of the people of South Australia, such as other provisions that will be required by regulations will also fall under that.

The minister may vary or substitute the charter from time to time, but they must review it every five years. Every state authority must have regard and seek to give effect to the charter, but they will be in breach if the state authority is acting in accordance with a requirement in this or any other act or in circumstances prescribed by those regulations. A failure to comply with the above will not amount to any civil liability.

I note that Labor has amendments to include two additional sections here and that will require state authorities to report to the minister every 12 months regarding giving effect to the charter and also require the minister to summarise these reports and present them to both houses of this parliament. Again, the Greens will be supporting that amendment.

The bill also repeals the South Australian Multicultural and Ethnic Affairs Commission Act 1980. As has been discussed, this not just modernises the language but modernises our understanding and support for this important work. The Greens welcome the important work done, perhaps a little overdue but we stand with all sides and all colours in this place in supporting our rich and diverse state, in recognising First Nations and their particular place, and valuing the multicultural society we all enjoy and that gives us so much richness and diversity in our state, that brings value to all lives regardless of our cultural background and regardless of our political parties.

With that, we welcome the debate. We will be supporting the bill, but we will also be supporting the amendments that the Labor Party has put up.

The Hon. J.S. LEE (17:30): It is my privilege to rise today to support the South Australian Multicultural Bill and endorse the speech and contributions made by the Treasurer, the Leader of the Government in the Legislative Council. I am also very grateful that the Hon. Rob Lucas, as the leader of the government, has the carriage of this bill in the Legislative Council because not only does he have a great passion and understanding of multicultural affairs but he comes from a multicultural background himself. He also has the historical context of SAMEAC and has observed the changes of our South Australian multicultural landscape since 1982. He is one of the longest serving members of the Legislative Council in this place.

The Hon. C.M. Scriven: Only one of the longest?

The Hon. J.S. LEE: Probably currently the longest. I am delighted to speak on this bill as Assistant Minister to the Premier, working directly with the Premier in the portfolio of multicultural affairs. The South Australian Multicultural Bill is a significant piece of legislation introduced by the Marshall Liberal government to modernise the South Australian Multicultural Ethnic Affairs Commission Act 1980, commonly known as the SAMEAC Act.

South Australia has an impressive history of multicultural development for more than 40 years. SAMEAC is the sole piece of state legislation on multicultural affairs and this bill will strengthen this legacy. I sincerely thank the Premier of South Australia, the Hon. Steven Marshall, member for Dunstan, for his vision and leadership in multicultural affairs in introducing the bill and take this opportunity to also acknowledge the significant contributions by Deputy Premier and Attorney-General the Hon. Vickie Chapman for her articulation of the functions and operations of the commission for the 21st century.

Indeed, I am very pleased that the bill has passed the House of Assembly incorporating amendments moved by our government as well as by the Labor opposition. I thank the opposition and Independent members for showing bipartisan and cross-party support for this important legislation with a shared interest to support multicultural communities in South Australia. I hope—and I have heard the contribution by other members today—that the same cross-party support will be forthcoming in the upper house.

In speaking to this bill, it will be very appropriate to bring some historical context about the development of multiculturalism in this country. Australia, as we know, is widely known as a proud multicultural country but it certainly was not always the case. Many members may recall that our country once upon a time had an unwelcoming policy called the White Australia policy, a term encapsulating a set of historical racial policies that aimed to forbid people of non-European ethnic origin—especially Asians and Pacific Islanders—from immigrating to Australia, starting in 1901.

From migrant communities that are living harmoniously now in Australia we ought to reflect and acknowledge the work by successive governments in their efforts to progressively dismantle the White Australia policy in stages after the conclusion of World War II. The encouragement of the first non-British, non-white immigration allowed for a large multicultural postwar program of immigration. Major policy reforms happened between 1949 and 1973. The Menzies and the Holt governments (1949 to 1967) effectively dismantled the policies between 1949 and 1966, and then in 1973 the Whitlam government passed laws to ensure race would be totally disregarded as a component for immigration to Australia.

In 1975, the Racial Discrimination Act was passed in the federal government, which made racially-based selection criteria unlawful. In the decades since, Australia has maintained large-scale multicultural immigration, which allows people from any country to apply to migrate to Australia, regardless of their nationality, ethnicity, culture, religion or language, provided they meet the criteria set out in the Australian law.

My family and I migrated to Australia at the end of 1979 from Malaysia, and we are forever thankful to successive Australian and state governments for their commitment of open and welcoming multicultural policies. Many cultural communities I work with, and many members you have worked with, I am sure feel the same way. Looking at the important timeline back in 1980, a few years after the abolition of the White Australia policy, it was the Tonkin Liberal government that took a reformist approach and had the vision to establish a South Australian Multicultural Ethnic Affairs Commission, and in doing so set out the commission's functions and operations.

In 1989, amendments to the act defined multiculturalism in legislation for the first time in Australia, and with the South Australian Multicultural Bill 2020 presented here in parliament it is a piece of legislation that will make our state the first jurisdiction to not only recognise multiculturalism but to recognise interculturalism for the first time in Australia.

Since SAMEAC was established in 1980, honourable members will observe that our population base and demographics have changed significantly. The cultural, linguistic and religious make-up of South Australia has changed. Everywhere we look, whether at shopping malls, schools, university campuses, government departments, community events or sports events, we all witness the vast diversity of our South Australian community. These changes create many new opportunities, as well as challenges, for many of our communities.

No doubt many of us are keen to see what the latest Census data 2021 will inform us as to further changes in our population data in the last five years. With second and third generations of migrant families living, working and enriching our society, the nature of our diversity has changed over the last 40 years since SAMEAC was established; furthermore, the way in which we perceive and value multiculturalism and, more importantly, how our multicultural communities are interacting with one another, how they are developing intercultural relationships and deeper connections with one another and how our diverse communities are helping to shape the future of South Australia.

In the immediate postwar years almost all migrants to South Australia were European born. Today, while European migrants still comprise about half our migrant population, there has been a substantial increase in the share of migrants from other parts of the world. South Australia is blessed to be home to people of more than 200 culturally, linguistically and religiously-diverse backgrounds, and many of these new and emerging communities may not be fully aware of how SAMEAC was first established, and many would like to understand what SAMEAC is about and what it can do to assist multicultural communities.

The legislative review consultation listened to what multicultural community members are telling us, and informs us that a modernised legislation for handling matters about multicultural affairs will reflect and accommodate our established migrant communities as well as the newer and emerging communities that reflect the 21st century. The language we use to describe multiculturalism diversity and linguistically diverse communities has shifted in the last 40 years. The very concept of cultural identity has evolved beyond simplistic links to one's country of origin, race or primary language. Despite these changes, the SAMEAC Act has not undergone a major review in 30 years, hence our government conducting the review of the legislation and subsequently the introduction of this bill.

Early government initiatives under the SAMEAC Act aim to assist individual groups to integrate into our state and address barriers to their participation. Of course, this focus is still very important and I acknowledge the SAMEAC Act served our state well; however, now that we are in the 21st century it is time to produce updated legislation that reflects the needs of our more diverse multicultural state today, and sets the broad foundation for modern policy directions.

In light of this, in 2019 the Marshall Liberal government conducted a legislative review to shape this new legislation. The review of the act provided the opportunity to set a foundation for the development of new multicultural policy and provide the development of culturally responsive government services. The consultation phase of the review was extensive and featured six community forums, stakeholder workshops, written submissions were invited, online forums were held and also an online survey via YourSAy.

The review is being led by multicultural affairs within the Department of the Premier and Cabinet with support from the SAMEAC chair and members of the commission. On behalf of the state government I would like to thank SAMEAC members who have served from 2018 to 2021, for their wonderful contributions and service throughout their term. I would like to acknowledge these members: Mr Norman Schueler OAM, the chair, and Mrs Antonietta Cocchiaro OAM, deputy chair, both of whom are in the chamber today.

The other members also in the chamber today who served on the former commission are Ms Adriana Christopoulos, Cavaliere Maria Maglieri, Mrs Laura Adzandu, Mr Muhuma Yotham, Dr Sridhar Nannapaneni, Ms Thuy Phan, Dr Valdis Tomanis, Mr Ahmed Zreika, Mr George Ching,

and Dr Ning Zhang. The SAMEAC legislative review consultation consisted of six onsite forums, which I mentioned, and involved stakeholders from multicultural communities not just in Adelaide but also regional South Australia, including the Riverland, Mount Gambier, Murray Bridge and Port Pirie.

I wish to express my sincere thanks to the former SAMEAC chair, deputy chair and members, community leaders, key multicultural agencies and everyone who participated in the SAMEAC review and forums. I would like to acknowledge the independent facilitator who was appointed to conduct the community forums, and thank Barbara Chappell for her hard work and contribution to the SAMEAC review, working closely with SAMEAC and the office of multicultural affairs at the DPC.

It has been my honour to work with so many dedicated community leaders, SAMEAC members and senior officers of the Department of the Premier and Cabinet. In particular I would like to acknowledge Steven Woolhouse, Executive Director, Communities and Corporates; Justine Kennedy, Director, Multicultural Affairs; and Marisa La Falce, Senior Policy Adviser, for their extensive research across different jurisdictions, working tirelessly to organise forums, collecting feedback from online surveys, working with parliamentary counsel and the Attorney-General's office in drafting the bill, and working with many of my team members to organise briefings for opposition and crossbench MPs.

I would like to highlight some of the key themes from the legislative review consultation that drove the creation of this bill. From the consultation there was strong support for updating the language in the legislation to reflect changes in how South Australians view multiculturalism. Feedback received informed us that there is majority support for the removal of the word 'ethnic' from the name of both the commission and the legislation more broadly. More of the participants considered the term 'ethnic' to be outdated and divisive. The use of clear, concise, active or strength-based language in the principles and legislation was strongly endorsed in the recommendation.

There was also strong endorsement of the proposal for reconsideration of the language in the legislation and whether the term 'multiculturalism' is still relevant, based on the significant changes in our society. The terms 'interculturalism', 'interculturality' and 'intersectionality' resonated with many of the foreign participants and respondents as being more active, contemporary and inclusive rather than just multiculturalism in the way people intersect or interconnect in our culturally diverse communities.

Many members of the community have asked: what is the difference between multicultural, intercultural and cross-cultural concepts? As a member of parliament with a multicultural background who has been passionately involved in studying cultural elements of our society, I am often asked this question.

Defining culture is not always straightforward, as we know. When we talk about a person's cultural background it can be quite complex. Culture in this context means a set of learned values, internalised practices, and shared beliefs among people perhaps from the same region or same cultural background. We often think it is simultaneously something internal and external, locked inside us, shaping us and at times overshadowing us but also guiding us. Culture is hard to define and can be something that changes over time as we grow up, as we learn from different experiences.

When we talk about multiculturalism we all recognise that South Australia is a proud multicultural state because we have people from different backgrounds coexisting and living harmoniously. Bear in mind, though, coexistence and acceptance alone is being located together in one place but without really interacting deeply. Living in a multicultural country implies that there is a presence of multiple cultures, but there may not necessarily be much crossover or integration between different groups, which may remain largely separate from each other, with a dominant culture over these multicultural communities.

As members of parliament we are certainly more privileged than most in terms of getting to know many communities from different cultures, but this is not necessarily the case for a large section of the Australian community. Some multicultural groups will know their own community really well but not necessarily be exposed to many other different cultures on a regular basis.

I want to touch on the word 'cross-cultural'. It is often confused with 'intercultural'. The key definition of cross-cultural is a comparison between two or more cultures. For example, how two

groups handle a situation like a board meeting or managing an event differently is cross-cultural. It is encouraging to know that many organisations and government agencies have undertaken many cross-cultural training programs. This kind of perspective is most useful for people who are planning to understand a specific community group to help develop culturally appropriate resources to avoid culture shock or misunderstanding.

Let me now turn to interculturalism. For the first time in Australia, this bill will incorporate the concept of interculturalism within a piece of legislation. While interculturalism is not a new concept, it is important that we get a deeper appreciation of it. Like multiculturalism, interculturalism also acknowledges the coexistence of multiple cultures, but instead of holding them in separate places, interculturalism speaks about being in or within a single space, not in separate spaces. That is really the key difference.

In addition, interculturalism goes one step further by focusing on the productive encounters that are constantly taking place between cultures. If individuals can embrace multiple cultures simultaneously, then any interaction between two people can potentially be an intercultural experience. People may or may not share a common language or be from the same country of origin or the same religion or cultural background, but an intercultural moment or exchange is perhaps most apparent when everyone comes together and embraces each other naturally without feeling awkward or uncomfortable.

Interculturalism seeks to call on someone living in a multicultural society to be more self-aware and aware of other cultures, thinking of yourself as an active participant in multiple cultures. Interculturalism aims to increase the opportunities for shared experience with people from culturally and linguistically diverse backgrounds and for them to make contributions and enrich our state in every aspect—economically, socially and culturally—of our multicultural society.

The South Australian Multicultural Bill 2020 was introduced to parliament not only for the government of the day to make an ongoing commitment to build stronger and vibrant multicultural communities but to call on the whole of parliament to set a foundation for new multicultural policy directions. The key features, some of which I have already spoken about, update the language and also update the commission's name to the South Australian Multicultural Commission.

It also introduces the concept of interculturalism, which I have covered, and retains the commission as an independent statutory body for up to 15 members. Two new functions for the commission were introduced in this bill: raising awareness and promoting understanding of interculturalism, and promoting the South Australian Multicultural Charter.

As you know, the SAMEAC Act has not had any review in 30 years, and it has been established for 40 years. We need something in between. We need something in between to engage multicultural communities of our state so that we can constantly look at practices and government responses to services to multicultural communities.

The charter is the centrepiece of this particular piece of legislation. The charter will be a set of clear, fundamental principles defining what multiculturalism and interculturalism mean to all South Australians not just for the multicultural community of South Australia. They will be expressed in inclusive and positive language, be aspirational in nature and lay the foundation for development of future government-funded policies and services in this area.

If the bill passes both houses, a major task for the government will be to provide the vehicle for commission members with the task to develop the South Australian Multicultural Charter. The themes and other feedback of the consultation processes are captured in the final consultation report. If you have not read that report, I would encourage all members to do so.

I have been incredibly honoured to be appointed and allocated the portfolio of responsibility to serve our wonderfully diverse multicultural community since I was elected in 2010. With the support and blessings of former leader Isobel Redmond and the current leader, Premier Marshall, and my Liberal colleagues, together with the solid support of our multicultural communities, it has been a privilege to be the current longest serving member of parliament in this portfolio. It is a true honour to work with hundreds of organisations, serving thousands of migrants and refugees of our multicultural communities for 11 consecutive years in parliament.

From 2010 to 2018, we have seen the Labor Party change their multicultural affairs ministers four times. There was the Hon. Michael Atkinson, followed by Grace Portolesi, Jennifer Rankine and then the Hon. Zoe Bettison, member for Ramsay. Three of those members have since retired. I thank them for their service. I wish them well in their retirement.

Since the Liberal Party formed government in 2018, our government has remained committed to serving our multicultural community. The Premier of South Australia, the Hon. Steven Marshall, took on the portfolio as the Minister for Multicultural Affairs and entrusted me to continue to assist him in multicultural affairs.

The Labor opposition, on the other hand, changed their shadow minister appointment three times in the last three years, from the member for Reynell, Ms Katrine Hildyard, to the member for Badcoe, Ms Jayne Stinson, and then back to the member for Ramsay again. But I commend them because people think multicultural affairs is just full of lots of celebratory events, but there are many challenges. You have to be fully committed to serve in this portfolio.

I would like to take this opportunity to highlight the work of the Marshall Liberal government and the service that we deliver to multicultural affairs.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S. LEE: Since we came into government in 2018, we have restructured grant lines significantly and introduced four different grant lines. We recognise that many multicultural community groups are run by volunteers and they require a degree of help in terms of governance, so we introduced a grants program called Advance Together to help multicultural organisations ensure that they understand financial management, governance, how to conduct AGMs and how to have a proper constitution. We allow multicultural organisations to apply for Advance Together grants to get capacity building within their own organisation.

We have introduced Celebrate Together, which is about helping multicultural organisations run successful events with funding support. The Deputy Leader of the Opposition mentioned their success. I also want to say that, while the three years of funding by the former government was useful, the amount of grants funding would not have been matched by the up to $30,000 maximum grant for major festivals for multicultural organisations under the Marshall Liberal government.

There is another grant called the Expand Together grant, which helps organisations buy equipment for the purpose of delivering services. The Expand Together grant also allows organisations to refurbish their community centres, halls and infrastructure. The Stronger Together grants are grants that allow service delivery for organisations to embark on projects that are significantly able to address vulnerabilities and any service gaps in multicultural communities. They have all been found to be really useful.

During the COVID period, the Marshall Liberal government introduced a new grant called Connect Together to help multicultural organisations rebuild confidence in their communities, to obtain marketing support and support to build their websites, and support for them to have confidence and recover practices in terms of getting translated materials, etc., to help them address COVID.

The government is pleased to introduce the South Australian Multicultural Bill. It reflects the consultation that has been received through our review. The consultation called for us to expand our thinking on multiculturalism, as I explained before, and to help to foster policies and practices that provide inclusive interaction between different sections of our community.

I know that members have been talking about introducing amendments, and I know that the amendments of the Deputy Leader of the Opposition have only just reached us—they have been tabled today—and those amendments will be taken and duly considered by the Hon. Rob Lucas in preparation for the committee stage of the debate, but I just want to touch on something.

Directly in response to feedback during the review there is to be a clause, 7(2), which provides for the minister to call for expressions of interest before appointing a member to the Multicultural Commission. I want to touch on that to say that I am pleased that the government

implemented a public call for expressions of interest for recruitment of the new commission members, who had commenced their terms on 1 July 2021.

Members may or may not be aware that prior to 2021 this year all SAMEAC members, whether from the former government or the previous governments, have always been appointed directly by the minister—by the former Labor minister and previous to that. Labor had been in government for 16 years. In those 16 years there had never been a call for expressions of interest. It is the first time. If we want to talk about transparency, this is the first time a government in South Australia has introduced expressions of interest.

The Hon. R.P. Wortley: It was a rort, a total rort.

The PRESIDENT: Order!

The Hon. J.S. LEE: You can say what you like, but in terms of transparency, we have been the first.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee will continue.

The Hon. J.S. LEE: I would just like to acknowledge the current SAMEAC members who have joined the commission. I would like to acknowledge the new chair, Ms Adriana Christopoulos, who is with us today. As the new chair of SAMEAC, Adriana brings with her extensive experience in working with diverse communities. This includes her previous term on the South Australian Multicultural and Ethnic Affairs Commission from July 2018, together with her leadership skills and board experience on the Australia Day Council. Adriana served on the Australia Day Council from 2008 to 2015 and chaired the council from 2013 to 2015.

Adriana is a proud and active member of the South Australian Greek community. She understands community needs, issues and challenges faced by culturally and linguistically diverse communities. In her professional life Adriana has undertaken management roles within the state and local governments, predominantly in the areas of policy development, advice, governance and economic development. These valuable qualities will assist the board in its work. Her ability to work with all levels of government and business demonstrates the coordinated approach she will use to ensure the advancement of multiculturalism and interculturalism within the South Australian community.

Adriana is joined by other SAMEAC members. We have 15 members in total, including the current chair. We have Ms Anna Cheung, who arrived in Australia in 1999 and was born in Beijing and grew up in Hong Kong. She enjoys promoting cross-cultural understanding between Chinese diasporas of different regions. She is the president of the Tong De Association and ambassador of the OzAsia Festival.

Mr George Chin has been a part of the South Australian multicultural community since 1992. He has been a business owner and operator in the Chinatown precinct for more than 25 years. He also displays strong leadership as the former president of Chinatown Adelaide of South Australia and also sat on the StudyAdelaide board between 2010 and 2017.

Bruce Djite has had a long career in professional sports, and was recently appointed as the Chief Executive Officer of the Committee for Adelaide. He was the former director of football at the Adelaide United Football Club. Bruce is also a native French speaker and a former professional footballer whose career spans over five countries across three continents. It is great to have somebody of his calibre join SAMEAC.

Ms Carmen Garcia is a social entrepreneur with extensive government and community board experience. She is a proud Filipino South Australian and a long-term advocate for refugees and social entrepreneurship in South Australia and nationally. She is the joint winner of the 2019 Governor's Multicultural Award for Individual Outstanding Achievement and her company has won the National Social Enterprise of the Year at the Australian Small Business Champions Awards in this year, 2021. She was also recognised in the InDaily 40 Under 40 Business Leaders Awards, so definitely a very active young leader in our community.

Ms Manju Khadka has lived in Adelaide since 2014. A relatively new migrant, she calls herself. She works very closely with the Nepalese migrant community. She is currently the State Women's Coordinator of the Non-Resident Nepalese Association of South Australia. She is a founding principal of the Nepalese Ethnic School and continues to serve as a volunteer teacher. She also undertakes volunteer work with the Women's and Children's Hospital, advocating for culturally diverse members. She is a quiet achiever in many senses. In 2020, she was a recipient of an International Women's Day Community Quiet Achiever Award through the Multicultural Communities Council of South Australia.

Cavaliere Maria Maglieri, who many people in this chamber will know, was born into a passionate Italian family with extended community communications throughout South Australia. Maria brings enthusiasm and vitality to SAMEAC. She likes to get things done. She does not really like to put herself up for president or on that level, but she always works behind the scenes and ensures that all the communities are supported through her own company as well as through her role with the Molise Association Adelaide South Australia. Maria was named in the 2012 Molisana Business Woman of the World in Italy and she was awarded the title 'Cavaliere' Order of Merit of the Repubblica Italiana, in 2018. The next SAMEAC member, Rajendra Pandey, was named Citizen of the Year by the City of Unley on Australia Day and was acknowledged for his extensive contribution to the community. He was also humbled to be nominated by St John Ambulance and the World Hindu Council of Australia, where he served as the president.

He holds the position of Lieutenant in the Army Reserves with the Royal Australian Ordnance Corps, 9th Brigade, South Australia. Raj is very proud to be a State President of the World Hindu Council of SA and he has served in that role since 2015. He is also a member of the Community Advisory Council for the Public Health Network and a member of the board of directors of the Multicultural Communities Council of South Australia. Shaza Ravaji has been the President of the Persian Cultural Association of South Australia since 2019 and also a committee member of the Middle Eastern Communities Council of South Australia. Her background means that she is very helpful in interacting with many Middle Eastern communities, and she hosts a regular program for the Persian radio program 5EBI.

Hussain Razaiat many of you know very well. Hussain's story is one of resilience and hard work. Hussain arrived by boat as an asylum seeker from Afghanistan, spending time in immigration detention before securing a temporary protection visa. We know that there is a lot of sadness and crisis and humanitarian tragedy happening right now in Afghanistan. Hussain Razaiat sits on a national panel for Afghanistan, helping our foreign affairs minister and the Minister for Immigration to resolve some of the issues about visas, etc., for Afghan communities in crisis, so I want to really thank Hussain for continuously being a role model and, particularly now, playing a very important role on SAMEAC. Reinhard Struve, many of you will know, has been the group leader of a German cultural group, Bund der Bayern, since 2011. He is very active in fostering relationships with many other culturally and linguistically diverse groups, including African communities, Indian communities and European groups.

The Hon. J.E. Hanson: What about Ms Tran?

The Hon. J.S. LEE: Ms Tran is someone you know well; is that right?

The Hon. J.E. Hanson: I am reading off the website.

The Hon. J.S. LEE: Ms Khuyen Tran arrived in South Australia at the age of three with her family as a refugee fleeing the Vietnam War. For more than 20 years, she has volunteered as a maths and language teacher at two Vietnamese community schools in South Australia. In 2018, she was the recipient of the Ethnic Schools Primary Teacher of the Year Award, presented by the Minister for Education. She has 25 years of combined industry experience in financial services and academia, and she is currently undertaking postgraduate studies in education. For over 10 years, she has been a full-time lecturer at the University of South Australia and UniSA Online. Khuyen—

The Hon. J.E. Hanson: 'She is passionate about applying her skills, knowledge and experience to support diverse communities.'

The PRESIDENT: The Hon. Mr Hanson!

The Hon. J.E. Hanson: Sorry, I am just reading it off the website.

The Hon. J.S. LEE: Khuyen is not only active in the Vietnamese community, she brings freshness and kindness to many things. Last weekend, she worked with the Vietnamese Buddhist temple and organised a fundraiser. That fundraiser helped to raise money so that they can send PPE and masks back to Vietnam to vulnerable communities that do not have COVID protection. This is the type of high calibre, quality people we are attracting on SAMEAC. As I said before, this expression of interest is core for all community members who have shown a great interest. They do not just show a great interest in multicultural matters but they demonstrate there is a track record of them doing significantly well and continuing to embark on humanitarian policy development for serving our refugees as well as multicultural communities. The next SAMEAC member I want to touch—

The PRESIDENT: Just before the honourable member continues, I recognise that this information is valuable towards the community. However, this bill is about establishing a new commission and the members that you are highlighting are members of the commission under the existing act. A second reading is quite broad and I have been tolerant, but I just bring that to your attention. Continue.

The Hon. J.S. LEE: Thank you, Mr President. Because we are talking about SAMEAC and some of the members have raised issues about the composition of SAMEAC, whether we are bringing diversity, it is important—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S. LEE: —that we talk about these SAMEAC members in real form. These members are representing our multicultural communities and ought to be acknowledged, Mr President.

The PRESIDENT: I hope you are not challenging my remarks. The reality is that you can well describe the sorts of people who could well be elected to the commission under this bill if it becomes the act. I have been very happy to let you continue, but I think you need to recognise the fact that you are talking about members of the existing commission under the existing act, and we are here to discuss the bill which is proposed to be the new act with a new commission. So I ask you to continue.

The Hon. J.S. LEE: Thank you, Mr President. Because I have spoken about other SAMEAC members, I would like to continue, sir, with your permission, because I think it is important that I continue to highlight members without omitting anyone.

Eugenia Tsoulis OAM is one of the most outstanding and recognisable multicultural leaders and advocates in South Australia. As many of you know, because of her work with Hussain Razaiat, and with the Afghan communities in general, with all the leaders, they have come up with a proposal to instigate the Afghan Community Service Hub, and that is based in the Australian Migrant Resource Centre. Members in this council should probably refer to the MRC any constituents from Afghan communities who have been impacted. Eugenia was awarded the Medal of the Order of Australia in 1994 for Services to Multiculturalism in the Arts. In 2012, she won the Governor's Multicultural Award for Individual Achiever of the Year. She has many, many accolades as well.

Mr Denis Yengi is the President and a board member of the African Communities Council of South Australia and the Board Treasurer of the Australian Migrant Resource Centre. He has also contributed extensively to the African Communities Council. He was born in South Sudan, and at the age of seven, Denis and his family fled the civil war in South Sudan and crossed the border to come to Australia, some 20 years ago. He is another very young, dynamic leader. Mr Ahmed Zreika is a respected leader of the Muslim community in South Australia. He has been involved with the Islamic Society of South Australia for over a decade, and he is a founder of the Al-Salam Festival as well as Al-Salam television. He continues to play a very significant role. I particularly want to touch on the Ramadan Carnival, and the involvement in the intercultural Port Power football program has been one of the key achievements of Ahmed.

I note that the Hon. Frank Pangallo has filed six amendments. I want to very briefly talk about it in the next five minutes, longer if time permits. The Hon. Frank Pangallo talks about introducing amendments to provide that members of SAMEAC must not be appointed unless they are an Australian citizen or permanent resident. Just to offer some remarks relating to that, this particular clause would probably align with our thinking anyway because the last expression of interest had those elements or criteria in it, in terms of there being no-one currently appointed to the commission who is not either an Australian citizen or a permanent resident.

But I do want to say that we have to be very careful sometimes in what we actually prescribe inside a particular piece of legislation, because there may be some very worthy non-citizens or non-Australians appointed to government boards. For example, there is Tay Joo Soon from Singapore who is actually appointed on the advisory board of SA Health. We have Horst Domdey from Germany. We have Nigel Brooksby from the United Kingdom. They are appointed on government boards.

There is Sir William Castell, from the United Kingdom, appointed on a government board. There is Professor Goran Roos, from Sweden, who is a former member of the Economic Development Board and the Invest in SA Advisory Board and a former chair of the Advanced Manufacturing Council. When you think about appointments, a former Labor government appointed people who are non-Australian citizens and non-permanent residents as well. I am just offering those remarks.

In terms of amendment No. 2 by the Hon. Frank Pangallo, it talks about rounding up to the nearest whole number to be women. Gender equality we already broadly cover in our clause about gender diversity. We are talking about many other skill sets to call on. Clause 7(3) of the bill talks about the fact that the commission should reflect appropriate diversity of cultural backgrounds, gender, lived experience, age and geographic location. We believe that this clause broadly covers everything, but the Hon. Frank Pangallo wanted to really prescribe and make the point that it must be more than 50 per cent women. To be honest, currently our commission—even when we first formed government, it was 50 per cent women—is more than 50 per cent women.

In terms of the residents in regional South Australia, he seeks to introduce their being less than 25 years of age at the time of their appointment. I need to caution members that, if things are so prescribed under a piece of legislation, should the criteria of recruitment not fulfil one or the other, it means that you have to call for additional expressions of interest, and you have to push for maybe a longer time for recruitment. I am just putting it out there. I understand the Hon. Frank Pangallo withdrew the Aboriginal person clause, which is probably a wise decision, because in consultation with the Aboriginal affairs and reconciliation commission they feel that this is a multicultural bill, not an Aboriginal affairs bill. Therefore, to prescribe having an Aboriginal person within a multicultural board may be offensive to the First Nations people. It is important for the multicultural commission to consult with the Aboriginal affairs commission, etc., but it is not ideal to put them within the composition of the board.

Mr Frank Pangallo had an amendment as well in terms of declaration of affiliations and register of interests. We sought different advice, and the declaration of interests by board and committee members is already covered by the Public Sector (Honesty and Accountability) Act 1995. It sits under another piece of legislation and the duties of the members are explained in the paper, 'Honesty and accountability for members of government boards', which is provided to board members. Given that we already have this framework, there is no need for a separate arrangement for commission members. In fact, by creating different disclosure requirements for members of multicultural boards, it could be perceived by the multicultural community as discriminatory, which is something for the honourable member to consider.

In terms of amendment No. 4, to increase the required meetings per year from four to six, currently the commission is already meeting 10 times a year, so to increase that minimum requirement from four to six meetings is reasonable. In terms of touching on the amendment regarding remuneration, allowance and expenses, the Attorney-General already covered that broadly in her debate at the committee stage, so I ask the honourable member to refer to those comments. I also point out to the honourable member that there is a Department of the Premier and Cabinet circular, remuneration for government appointed boards and committees, set out in a cabinet

approved policy for remuneration of expenses. Because that governs consistently for all boards of government, to introduce something and prescribe it within a piece of legislation may be inconsistent practice, so I ask honourable members to reconsider that.

In terms of raising awareness of harm of racism and other forms of discriminatory behaviour and to consult with the office of the Commissioner for Equal Opportunity, I think the Attorney-General rightly and articulately has already outlined the fact that there is a role for the Equal Opportunity Commission to undertake that work. I also want to inform you that whether the clause is in there or not, the commission itself is already conducting raising awareness. It is a part of the broader functions of the commission. In recent times, the office of the Race Discrimination Commissioner has had consultation with SAMEAC. I will now conclude my remarks.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S. LEE: As a state with a proud and justified reputation in multicultural affairs and fostering a harmonious and inclusive state, it is vital that we continue to underpin policies, programs and activities for contemporary legislation, and the bill is an important reaffirmation of the importance of a shared commitment of multiculturalism and interculturalism to South Australia. I urge all members from all political persuasions to support the bill. I believe this legislation will strengthen not only our government's commitment but the parliament's commitment to continue to serve and deliver contemporary South Australian multicultural legislation going forward. I wholeheartedly commend the bill to members.

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

LEGISLATION INTERPRETATION BILL

Final Stages

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

No. 1. Clause 39, page 23, after line 38—Insert:

(2a) Subsection (1) does not apply to a meeting or transaction, or meeting or transaction of a class, prescribed by the regulations.

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

Final Stages

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

At 18:29 the council adjourned until Wednesday 22 September 2021 at 14:15.

Answers to Questions

LEGAL PROFESSION CONDUCT COMMISSIONER

In reply to **the Hon. F. PANGALLO** (25 August 2021).

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has advised:

The Attorney-General refers Mr Pangallo to her response tabled in parliament on 24 August 2021. She considers the remaining questions to be commentary.