LEGISLATIVE COUNCIL

Thursday, 23 September 2021

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

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

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2020-21—
Distribution Lessor Corporation.
Generation Lessor Corporation.
Section 47 of the Criminal Investigation (Covert Operations) Act 2009—Australian Criminal Intelligence Commission.
Section 47 of the Criminal Investigation (Covert Operations) Act 2009—Independent Commissioner Against Corruption.
Section 47 of the Criminal Investigation (Covert Operations) Act 2009—SA Police.
Transmission Lessor Corporation

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

Board of the Australian Criminal Intelligence Commission—Report, 2019-20
Witness Protection Act 1996—Report, 2020-21

ANSWERS TABLED

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

Parliamentary Committees

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

The Hon. R.I. LUCAS (Treasurer) (14:19): I move:

That the interim report of the committee, tabled in the council yesterday, be printed.

Motion carried; ordered to be published.

The PRESIDENT: Before calling on questions on notice, it gives me great pleasure to indicate that it is the Hon. Ian Hunter's birthday today. Happy birthday.

Question Time

CONFLICT OF INTEREST

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): My question is to the minister for the public sector. As the person responsible for the public sector in cabinet and given that conflict

of interest is a widely discussed concept, can you, as the Leader of the Government and the minister for the public sector, please explain to this place the difference between a perceived and an actual conflict of interest?

The Hon. R.I. LUCAS (Treasurer) (14:20): That is self-evident.

CONFLICT OF INTEREST

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): My question is to the minister for the public sector. As the Leader of the Government in this place, can you assure the council that no government member will vote on changes to ICAC legislation, if it returns to this council, if such a member is currently the subject of an investigation or referral by an integrity agency and who may have a perceived or actual conflict of interest in relation to integrity laws?

The Hon. R.I. LUCAS (Treasurer) (14:20): I addressed this issue publicly this morning and yesterday afternoon, that is, in the debate yesterday or last evening I think it was. There was no vote in the Legislative Council such was the unanimity of views shared by all members in this particular chamber. So the inference from some that the views of one member or two members in a particular chamber are immaterial when there are no votes. There was a unanimity of views and no-one disagreed with the package of amendments that was moved yesterday.

The second point I make is that, of course, I have no knowledge of what the ICAC is or isn't looking at. I have no idea whether there are members of the Labor Party or the crossbench or indeed, in many other cases, even the government backbench, other than those that might have already been made public. So I'm not in a position, nor is anybody, to give guarantees as to whether the ICAC is or isn't looking at the affairs of a particular member.

CONFLICT OF INTEREST

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Supplementary: is it the minister's view that it's appropriate for a member who is under referral or investigation by an integrity agency to vote on amendments to the ICAC bill?

The Hon. R.I. LUCAS (Treasurer) (14:22): We didn't have a vote last evening; there was no division called for. There was a unanimity of views from all members in this chamber who happened to be participating. I represented government members and put the view on behalf of government members, as I assume the Leader of the Opposition put the view of Labor members.

CONFLICT OF INTEREST

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Final supplementary: is the minister saying that every member in this place voted for that bill last night?

The Hon. R.I. LUCAS (Treasurer) (14:22): I indicated last night that there was no division and therefore no formally recorded vote at all. There was a unanimity of views; there was no dissenting voice from anybody.

CONFLICT OF INTEREST

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): My question is to the minister for the public sector. Minister, can you understand why many members of the public see it as at least a perceived conflict of interest for people who are under investigation or referral by an integrity body to vote on legislation governing corruption?

The Hon. R.I. LUCAS (Treasurer) (14:23): I can understand lots of different views that members of the public might hold. I don't always agree with them.

COVID-19 VACCINATION ROLLOUT

The Hon. H.M. GIROLAMO (14:23): 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: South Australia continues to push on with the COVID-19 vaccination program in the state's largest peacetime logistical effort. Will the minister please update

the council on the contribution that community pharmacies are making to the COVID-19 vaccination program?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I thank the honourable member for her question. Pharmacists, pharmacy staff and pharmacy businesses are playing a vital role in responding to the COVID-19 pandemic. The pandemic has presented immense challenges in ensuring accessibility, availability and safety of medication use for many of our most vulnerable and unwell consumers.

I would like to acknowledge the pharmacy profession for the way it has stepped up to play its part in meeting these challenges, staying open to ensure access to critical medicines and health advice, and implementing new initiatives to support patients and protect staff.

With a significant task to deliver the COVID-19 vaccine to all South Australians aged over 12, the role of community pharmacies has never been more important, with pharmacists being a key part of the workforce that is delivering COVID-19 vaccines in the community.

Since joining the vaccine rollout in July, community pharmacies have already provided more than 17½ thousand doses of vaccine. These numbers are set to grow significantly, with community pharmacies leading the distribution of the Moderna COVID-19 vaccine and the Marshall government opening access to this vaccine to anyone aged 12 and over.

It is expected that approximately 300 pharmacies throughout South Australia will offer the Moderna vaccine to their communities, with around 140 pharmacies starting this week as part of the first tranche. As one of the most accessible health professions, community pharmacy offers convenience of location for consumers and with many having extended operating opening hours during the week and on weekends they offer consumers options to arrange for vaccinations at times when other services may not be operating.

Today, it was my privilege to visit the Star Discount Pharmacy at Welland Plaza shopping centre with Deputy Chief Public Health Officer Emily Kirkpatrick and Pharmacy Guild SA Branch President Nick Paniyaris, together with the pharmacist at the Star Discount pharmacy, Harry Nguyen. The Star Discount Pharmacy has already started administering the Moderna vaccine and I was strongly encouraged by the early interest that is being shown. The outbreaks in Victoria and New South Wales are a daily reminder of the importance for all South Australians to roll up and get vaccinated.

In mid-June, South Australia was the first jurisdiction in the nation to authorise all regional, rural and remote community pharmacies endorsed by the commonwealth EOI to be activated to participate in the vaccine rollout. The Marshall government is proud to continue to partner with the sector in this major operation.

This Saturday, 25 September, is World Pharmacists Day. It's an opportunity to recognise the entire profession: pharmacists, technicians, assistants, scientists, educators and the pharmacy team, and raise awareness of the role of pharmacists in health care. I would like to thank the pharmacy profession for their dedication and hard work which, on a daily basis, ensures South Australians receive the best possible health care.

KINDRED LIVING AGED CARE

The Hon. F. PANGALLO (14:27): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the Kindred Living aged-care facility in Whyalla.

Leave granted.

The Hon. F. PANGALLO: In July, the organisation announced it was closing one of its three facilities in Whyalla—the Annie Lockwood Court Hostel—giving its 37 aged-care residents, many of them high-dependency residents, a month to find new accommodation. The following month, it was revealed Kindred was looking to sell its entire operations in the town, with its chief executive, Juanita Walker, claiming Kindred Living was struggling amid an 'increasing regulatory environment, a lack of funding and chronic workforce shortages'. Under the act, Kindred can't actually close the facility until all the residents have been relocated. My question to the minister is:

1. When was the last time the state government or government officials spoke with the federal government about Kindred Living?

2. Has the minister been involved with talks with aged-care minister Senator Richard Colbeck about the future of residents at Annie Lockwood hostel?

3. Can the minister confirm Kindred Living has sold its three facilities in Whyalla?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I thank the honourable member for his question. My recollection was that last week, my office had discussions with the local health network that looks after Whyalla and also with the office of the federal minister. We are very keen to continue to support the commonwealth to respond to the partial closure of the facilities the honourable member refers to.

In particular, we are mindful of supporting their workforce. Obviously, with a facility closing down there have been some staff who have been seeking to move on to other jobs. Of course, the health network is a major employer in the area and so we wanted to make sure that Kindred Living was able to continue to provide safe operations. I certainly am aware of the discussions about the future of the facility, but my understanding is that there have been no public statements made by that potential purchaser. I would certainly welcome continued investment in country aged care, including at Whyalla.

PUBLIC SECTOR BEHAVIOUR STANDARDS

The Hon. C.M. SCRIVEN (14:30): My question is to the minister for the public sector regarding the public sector. As the minister for the public sector, exactly what has the minister done to address allegations of sexual harassment, urinating in offices and indecent exposure by taxpayer funded Liberal staffers and, after yesterday implying that he did not know exactly what kind of behaviour standards apply to people employed in the Premier's office or on contracts with the Premier, can the minister tell us whether they are subject to any kind of standards?

The Hon. R.I. LUCAS (Treasurer) (14:30): The honourable member's explanation is a very inaccurate characterisation of what I said to the house yesterday. I would urge her to check the record, and perhaps she might like to correct the record when she next gets the opportunity. In relation to the first part of the question, there are established processes within Treasury, Electorate Services, which existed and have now been significantly improved and upgraded as per the evidence provided by senior Treasury officers to the joint select committee considering issues that were raised in the equal opportunity commissioner's report.

The member will be aware that a number of the incidents to which she has referred were identified in that particular report, so they have already been identified. The commissioner was aware of them. This house and the other house of parliament have voted to have a committee of the parliament to consider those. I sit on that particular committee with other members of this chamber and the House of Assembly and they are working through various recommendations.

As part of that, various bodies have reported to the committee what actions they have taken as a result of the commissioner's report and those particular allegations, and senior Treasury officers have outlined the work that they have already initiated in terms of responding to that particular report. Any particular allegations that are made by any particular individual in relation to any aspect of the commissioner's report will be pursued by the appropriate officers within Treasury in accordance with the established protocols that were outlined to that particular committee.

PUBLIC SECTOR BEHAVIOUR STANDARDS

The Hon. C.M. SCRIVEN (14:32): Supplementary: the minister indicated that some of those incidents were included in the commissioner's report or those matters being considered by the committee. What about those that were not? Can the minister outline specifically what he has done, other than sit on a committee?

The Hon. R.I. LUCAS (Treasurer) (14:33): As Treasurer and as the person responsible for all the Treasury officers, I have been working with the senior officers of Treasury in terms of responding appropriately to the recommendations of that particular committee. I have ministerial

responsibility for the actions of those officers within the department. The initiatives that have been taken by the department are done after reporting and consultation with me.

PUBLIC SECTOR BEHAVIOUR STANDARDS

The Hon. C.M. SCRIVEN (14:33): Further supplementary: so exactly what actions have been taken?

The Hon. R.I. LUCAS (Treasurer) (14:33): I am not going to go through all of the evidence presented to the joint committee. It is publicly available.

The Hon. C.M. Scriven: Actions. The question was about the actions.

The Hon. R.I. LUCAS: The actions were publicly available. I suggest the honourable member reads the publicly available evidence provided to the joint committee.

CHILD AND FAMILY SUPPORT SERVICES

The Hon. J.S. LEE (14:34): My question is to the Minister for Human Services regarding children and families. Can the minister provide an update to the council about how the Marshall Liberal government is working towards a shared vision that all children are safe and well in family, community and cultural interactions?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I thank the honourable member for her question about this very important area, in which a significant amount of reform has been taking place. We were guided, I think the language should be, in relation to the Early Intervention Research Directorate findings several years ago, having come to office, about what is now known as the Child and Family Support System, that we needed to reform the system in order to make sure that we were able to provide a better suite of services to keep children safe.

I am really pleased that we have now been able to publish a road map for the system, which is part of Safe and well: Supporting families, protecting children. There is a record $52 million worth of funding over four years to target specific intensive family support services across metropolitan Adelaide and the regions.

Over the past two years, the Department of Human Services has been working closely with government and non-government partners to co-design and deliver this new system, which provides families with the right support at the right time to reduce the need for statutory child protection involvement, which I think is a goal that everyone in the community supports.

We want to make sure that vulnerable families can receive support at the right time, and that is in part why we have a newly established website called Adults Supporting Kids (ASK), which has already seen more than 5,000 users gain access to free or low-cost support from close to 1,000 providers across the state. In addition to this, we want to support the workforce of child and family practitioners to improve practice across the sector, so that was something we found in our co-design discussions, that we needed to do more capacity building in the sector and certainly making service more responsive to Aboriginal culture intergenerational trauma, and I have spoken before about how a third of the funding was ringfenced specifically for Aboriginal community controlled organisations.

The reform of the Child and Family Support System is a major part of Safe and well: supporting families, protecting children, and under this strategy agencies are working in partnership to support families at risk of entering the child protection system, to protect children from harm, including when they come into care, and investing in young people in care and leaving care, providing them with opportunities for a bright future.

The road map that has just recently been published is informed by knowledge from lived experience, culture, practice and research. It articulates a vision where the primary response to children and families with complex needs is a service system providing earlier intensive family support. We are well on the way to implementing the reforms that are in the road map, and have already recommissioned intensive family services.

We are also creating new data collection tools for practitioners and new data infrastructure so that we can build a more sophisticated understanding of family complexity, vulnerability, service

needs and outcomes, and we are also, as I have mentioned, building the capacity of the workforce to work with high levels of family complexity in ways that are culturally safe and trauma responsive.

We know from the Early Intervention Research Directorate findings that some of the services we were providing were not as effective as they could be, so the services have been repositioned to provide greater intensity for those most in need.

COVID-19 SUPPORT

The Hon. T.A. FRANKS (14:38): I seek leave to make a brief explanation before addressing a question to the Treasurer on the topic of COVID supports.

Leave granted.

The Hon. T.A. FRANKS: We all know full well that, given the situation of border closures and travel restrictions, and the backlog of exemptions—some 5,900 still in play, and a wait of as long as five weeks for some South Australians stranded at our borders or interstate—these matters are becoming increasingly pressing. What South Australians may not be aware of is that SA Health has approached Treasury for support for these stranded South Australians in recent weeks.

My question to the Treasurer is: what supports have been asked for by SA Health for South Australians stranded across our borders, who are stuck, sometimes for as long as five weeks, living in their cars, increasingly running out of money, increasingly facing health complications and being separated from families, loved ones, job opportunities and education, and what has the Treasurer's response been to them?

The Hon. R.I. LUCAS (Treasurer) (14:39): I am not aware of the detail. I understand there have been discussions between Health officers and Treasury officers about providing the sort of support that has been outlined. In relation to what my personal view is, I have not been supportive of that. I am not sure whether there were precise details in terms of the levels of support that were being suggested by Health officers with Treasury officers. They were discussions between Health officers and Treasury officers. Treasury officers raised the issue with me as a matter of principle. I indicated that I didn't support the payment of subsidies or supports to persons who happen to be located interstate and trying to get back into the state.

COVID-19 SUPPORT

The Hon. T.A. FRANKS (14:40): What was the health advice that the Marshall government took to leave South Australians stranded, living often in their cars or in caravan parks, running out of money and with complicated health and mental health factors starting to come into play? What was the health advice that supported that decision?

The Hon. R.I. LUCAS (Treasurer) (14:41): I suspect the health advice question is best addressed to the Health officers. In relation to the totality of the health advice, the health advice is to try to keep South Australians safe and healthy—that is, prevent persons who may have COVID from entering South Australia. The Premier and other senior officers from Health, public health officers, have made it quite clear why the exemption process is important in terms of keeping South Australians safe from the situation sadly that we see in New South Wales and Victoria, where the numbers are increasing, certainly in Victoria, at an alarming rate. In New South Wales over recent weeks they have been increasing at an alarming rate. Pleasingly, it is at least starting to decline in recent days in New South Wales. The totality of the health advice is certainly governed by trying to keep South Australians safe and healthy.

COVID-19 SUPPORT

The Hon. T.A. FRANKS (14:42): Supplementary: why is Treasury refusing Health requests for support under a pandemic?

The Hon. R.I. LUCAS (Treasurer) (14:42): In relation to the provision of Health support in South Australia, whether it be vaccination clinics, whether it be quarantining facilities, whether it be extra resources for SA Health in terms of our hospitals, I can't think of any resource request that SA Health has made in South Australia that has not been responded to. This one, which requires potentially the expenditure of money in another state, has been one which I have not personally supported.

COVID-19 SUPPORT

The Hon. F. PANGALLO (14:42): Supplementary: can the government provide the exact number of South Australians seeking to return to the state? What efforts have been made to reduce the numbers of South Australians still wanting to come home?

The Hon. R.I. LUCAS (Treasurer) (14:43): I think that question in various forms has already been directed to my very hardworking ministerial colleague the Minister for Health. It is a question best addressed to the Minister for Health in relation to those particular numbers. I have seen publicly reported numbers, but I don't have line of responsibility for managing the exemption process. I am happy to refer the question to my honourable colleague, and he may well consider whether or not he can provide further information.

HOMELESSNESS

The Hon. E.S. BOURKE (14:43): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. E.S. BOURKE: Yesterday, the minister was asked about the desperate circumstance of Kate and Liam, who had their rental home sold out from under them and then moved into a caravan park before being told that they would have to leave before Monday as holidays begin at the park. In response the minister said:

> I don't know whether Kate and Liam have been in contact with my office to get further assistance or indeed with the South Australian Housing Authority to be placed on the waiting list for public housing—if the Labor Party have known about this information I would urge them to provide those details to my office straightaway so that we can follow those up and we would seek to provide services to this family.

To clear up any doubts, Kate and Liam's situation was raised with the shadow minister for human services on Monday. An email was sent to the minister on Tuesday at 12.51pm and then a question was asked of the minister on Wednesday. My questions to the minister are:

1. Why can't Kate and Liam get a case worker after five weeks of contacting the Towards Home Alliance that the minister put in charge of homelessness services, inner city and southern areas?

2. How many people who are living temporarily in caravan parks are going to be evicted and sleeping in their cars or on the streets by Monday because of school holiday demand?

3. Is the failure to provide a case manager after five weeks any kind of failure under the homelessness contracts that the minister personally signed?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:45): I thank the honourable member for her question and indeed I have checked with my officers and we did receive correspondence about this matter, but I might point out for the honourable members who think that—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —it is my job to follow up every piece of correspondence that comes into my office that—

The Hon. K.J. Maher interjecting:

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

The Hon. J.M.A. LENSINK: —we do receive a large number—

The Hon. K.J. Maher interjecting:

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

The PRESIDENT: Order! Minister, resume your seat, please. Now, Leader of the Opposition, your colleague asked a question, the minister is responding to it, but at the moment myself and others in this chamber can't hear the response because you are bellowing.

The Hon. J.M.A. LENSINK: Thank you for your protection, Mr President. I mean, the Leader of the Opposition always acts as if I should perhaps be answering the phone, personally responding to every email. We have a large number of officers in our agencies and they are very diligent and they get on with these things.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Indeed, I receive a lot of compliments about the way my agency deals with these matters.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. J.M.A. LENSINK: I am not actually praising myself; I am actually praising the staff.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will particularly commend the ministerial liaison officers who work in my office and who understand the system very well and follow up these matters immediately. I am sure they have been following up this matter in the same manner that they do with all other matters to ensure that we are providing services to all those people in need.

SINGLE TOUCH PAYROLL

The Hon. D.G.E. HOOD (14:47): My question is to the Treasurer. Will the Treasurer update the chamber on the latest Single Touch Payroll figures?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS (Treasurer) (14:47): I know that all members are excited at the fortnightly release of the Single Touch—as indeed they should. I am very pleased to be able to report—

Members interjecting:

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

The Hon. R.I. LUCAS: —that the most recent interim Single Touch Payroll figures—

Members interjecting:

The PRESIDENT: Order, the leader!

The Hon. R.I. LUCAS: —for the fortnight ending 28 August show that the fortnightly change from the previous fortnight —

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader!

The Hon. R.I. LUCAS: —showed that only two jurisdictions showed a positive increase in the number of jobs: Queensland and South Australia, at 0.3 per cent. Every other state or territory jurisdiction went backwards: Victoria 2.8 per cent, New South Wales, understandably, 1.6 per cent.

Members interjecting:

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

The Hon. R.I. LUCAS: Even jurisdictions like Tasmania, which are enjoying a COVID-free environment, went backwards by 0.7 per cent. South Australia and Queensland were the only two

jurisdictions to actually show growth of 0.3 per cent. The national figure went backwards by 1.3 per cent. Members will also be excited by again the comparison with the low point of the pandemic, which was in the middle of April last year.

South Australia's job growth rate since the low point of the pandemic has been 15.6 per cent. The comparative Australian figure is still a healthy but nevertheless significantly lower 9.2 per cent, so 15.6 per cent in South Australia and 9.2 per cent nationally. South Australia is the third highest of the state and territory jurisdictions. What it shows is the importance of the various cash grant schemes and the various other supports that taxpayers are providing to businesses as they emerge from COVID.

In concluding, I want to clarify an answer I gave to a question yesterday in relation to the non-assessable and non-exempt nature of grants. We have so many grant programs that I may well have misled members. I said the most recent grants have been approved by the federal government as being non-assessable and non-exempt. I should have clarified that. That is the third and fourth round of grants, which were the lockdown grants and the ones soon after that. The business support and the additional business support grants have been assessed by the commonwealth as being non-assessable and non-exempt for income tax purposes.

For the more recent grant rounds, the tourism and hospitality and the hardship grants, we have an application in to the federal Treasurer to seek similar income tax treatment for those particular grants. We are hopeful that the commonwealth will again agree that they will be treated in a similar way to grant rounds three and four.

SINGLE TOUCH PAYROLL

The Hon. C.M. SCRIVEN (14:50): Supplementary: given we have only nine sitting days left, can the Treasurer indicate how many more times he will regale us with details of the Single Touch Payroll system?

The PRESIDENT: I rule that out of order.

SINGLE TOUCH PAYROLL

The Hon. T.A. FRANKS (14:50): Supplementary: in the cited jobs growth rate, what was the difference in hours and what were the total hours?

The Hon. R.I. LUCAS (Treasurer) (14:50): The best indicator of that is the wages comparison, which was not released in the interim figure today but is going to be released next week. If the member is prepared to stay tuned, when we next reconvene, as a special request from the Hon. Ms Franks, I will provide an answer in relation to the total wages, which is a better indicator of total hours worked and which I always point out when those figures are available.

SINGLE TOUCH PAYROLL

The Hon. T.A. FRANKS (14:51): Supplementary: can the Treasurer confirm in the cited jobs growth rate that the hours did in fact increase?

The Hon. R.I. LUCAS (Treasurer) (14:51): In relation to the Single Touch Payroll, what I just indicated is that they have only released today the employee job numbers. They will be releasing next week, we believe, the measure in relation to the total wages, which is a better indication of the number of hours worked.

The point that I have made on many previous occasions is that the total wages paid is a very good indicator, because total jobs employed, as I am sure the honourable member will understand, in the labour force figures can be as little as one hour a week. In terms of being the difference between employed and unemployed, that is the measure the Australian Bureau of Statistics uses.

The Hon. T.A. FRANKS: Point of order: I asked a specific question on whether the Treasurer could actually confirm something or not. He is now working his way around the topic. The simple question deserved a yes or no answer.

The PRESIDENT: I will ask the Treasurer to address that. I think he probably was working his way towards it, but I would ask him to address that.

The Hon. R.I. LUCAS: The Hon. Ms Franks gets to ask a question; she doesn't get to answer it. In relation to the issue, as to whether it's a yes or no, I will answer it in the way that I have just answered it.

RURAL HEALTH WORKFORCE

The Hon. F. PANGALLO (14:52): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the critical shortage of doctors in regional South Australia.

Leave granted.

The Hon. F. PANGALLO: The Rural Doctors Association of South Australia recently released a survey of the state's rural doctors, which painted a disturbing picture of an emerging medical crisis confronting regional South Australia. The survey shows a critical shortage of doctors threatening the future of hospital and GP services.

This included 79 per cent of respondents revealing there are long-term vacancies for doctors in their community or that they are experiencing difficulties in recruiting doctors, 77 per cent reporting the number of doctors is near or already below critical mass in their areas and 59 per cent revealing they have been asked to help out colleagues in other locations or to provide backfill—further proof the SA rural doctor workforce is under significant pressure.

According to the RDASA, that association and the AMA SA have been engaging with the government over several months to develop a long-term reform package to support rural GP visiting medical officers. My question to the minister is:

1. What is the state government doing to improve hospital and GP services in regional South Australia, particularly in the face of the impact caused by the COVID pandemic?

2. How do you address the concerns by the RDASA and its members, the highly trained and skilled doctors who provide a critical service to our regional communities?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): I thank the honourable member for his question. The training, the recruitment, the funding of GP services is fundamentally a responsibility of the commonwealth government, but this government has always worked in partnership with the commonwealth in this area because we appreciate not only are GPs an important part of the country hospital workforce that we rely on so heavily but also are key to comprehensive, integrated services in our rural communities.

So even though it is primarily an area of commonwealth responsibility, the Marshall Liberal team, from opposition, committed to a $20 million four-year program to develop and implement a rural health workforce plan. Because of the challenges the honourable member refers to, key to that plan has been our commitment to develop the rural medical workforce. The Rural Medical Workforce Plan of this government was publicly released in December 2019.

A key strategy from the Rural Medical Workforce Plan is the development of a rural generalist pathway. I might hasten to add that the implementation of a rural generalist pathway has been a key advocacy goal of the Rural Doctors Association of South Australia for many years, so I am delighted that as Minister for Health and Wellbeing I am overseeing the delivery of the rural generalist pathway. There are two training networks designed for rural generalist trainees that have been established: one in the Upper North and one in the Limestone Coast, each with six GPs.

The government is also delighted that we have been able to expand training opportunities, including not only supporting training within the country regions but also giving metropolitan-based students an opportunity to taste rural practice. Not only is that helpful in terms of them perhaps seeing the special attributes of rural service but also, even if they do continue to be metropolitan-based health professionals, they might better understand the needs of country clients and be better able to coordinate the services between country and city.

In this training year, 2021, for example, we have doubled the number of metropolitan interns completing a rural general practice rotation, which is now 40. New for 2020, we have 15 metropolitan interns completing rural emergency rotations, 12 full-time rural postgraduates (PGY2s), which is up

from four in 2020, and specifically in relation to rural GP registrars, we have 13 rural GP registrars completing their advanced skills training, which is up from five in 2020.

We certainly will continue to work with the Rural Doctors Association of South Australia, The Australian Medical Association of South Australia, the Rural Doctors Workforce Agency, GPEx and a whole series of stakeholders because it is only in partnership and with the support of the commonwealth government that we can make sure that the rural communities continue to have the health workforce they need into the future.

RURAL HEALTH WORKFORCE

The Hon. J.E. HANSON (14:58): Supplementary: in relation to the original survey that was asked about, the Australian Medical Association of South Australia and the regional doctors association of South Australia—

The PRESIDENT: Ask the question.

The Hon. J.E. HANSON: —were due to meet with SA Health in mid-August and that meeting was cancelled.

The PRESIDENT: Ask the question, please, or I will sit you down.

The Hon. J.E. HANSON: Have they met? What are the outcomes?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I will certainly ask the department what meetings they have had with the AMA and the RDASA and give the honourable member an answer.

RURAL HEALTH WORKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:59): Supplementary: minister, when will rural doctors have a new agreement giving them the security and certainty they need to continue their important work in our rural hospitals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): Those negotiations are still underway.

RURAL HEALTH WORKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:59): Further supplementary: minister, what action have you directly taken in response to warnings from rural doctors that rural towns will 'wither and die' because of your government's failure to offer them support?

The PRESIDENT: I think there was a pretty tenuous link to the original answer. If the minister wishes—

Members interjecting:

The PRESIDENT: Order! If the minister wishes to respond to that, I am—

The Hon. S.G. Wade: The original question had nothing to do with the industrial agreement.

The PRESIDENT: The next question.

RURAL HEALTH WORKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:59): Supplementary directly in relation to the answer given about rural health: can the minister understand rural doctors' concerns that rural towns will wither and die as a result of this minister's actions?

The PRESIDENT: Here again, this is, as I said yesterday, asking for an opinion and that is out of order. I will allow the minister if he wants to respond to that one, otherwise we will move on to the Hon. Pnevmatikos.

The Hon. S.G. Wade: Fair enough.

The PRESIDENT: The Hon. Ms Pnevmatikos.

Members interjecting:

The PRESIDENT: Order! I remind the Leader of the Opposition that he has a member of his backbench on her feet, ready to ask a question.

HOMELESSNESS

The Hon. I. PNEVMATIKOS (15:00): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. I. PNEVMATIKOS: An email to the Adelaide Zero steering group on Tuesday this week said:

> The July housing placement rate was lower than normal. This was due to a number of factors including Toward Home Alliance services requiring time to engage with clients to understand their individual housing needs after being transferred from outgoing providers.

My questions to the minister are:

1. Will the minister now admit that the transition period between the old and new homeless system was inadequate and has left vulnerable people at risk?

2. Why weren't clients transferred before or, at a minimum, immediately after the new system started?

3. What is the total staffing establishment for the Toward Home Alliance, and how many positions remain unfilled nearly three months after the new system started?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): I thank the honourable member for her question. I hardly think that a single email is some form of evidence that an entire system was not done appropriately. We went through an extensive process. If I take the chamber back to the decision to move towards an alliance model, it was something where the sector came to us and said that this is a model that they believed would work. I think we did a round of consultations with the sector, talking through what an alliance model would look like, what the implications would be for them.

Then we went through an extensive tender process. One alliance model in that process was unsuccessful. There were four particular alliances which were uncontested, so those service providers remained, with the exception of one in the Riverland that decided not to participate. Then we had an implementation plan.

At no point in any of the discussions have I ever hidden the fact that there would be some need for transition in terms of this being a new model and therefore that there may be some things that need to be adjusted through that process. The South Australian housing alliance has been the organisation which throughout the role of AZP in terms of allocations has provided the largest number of properties to that particular program and continues to be so, so is very supportive of that allocations process.

In addition, we have new properties which are coming online, particularly the site at Holbrooks, which has the wraparound services, which is very important for the more complex clients, who are the ones who are most difficult to place and who are the ones who are most likely to experience a failure of the placement. If they are placed into a particular property and they don't have those wraparound services, they may get themselves into trouble and then fall out of that tenancy.

So we want to make sure that people are supported through this process as deeply as possible. With the southern and Adelaide alliance we have a mental health provider, Sonder, which is the first time we have had an organisation like that within this space. We know that mental health is a significant contributor to homelessness, particularly repeat homelessness, so I have every confidence going forward that the alliance model is the right one, and I commend the service providers for their commitment to this important cause.

HEALTH SERVICES, NORTHERN ADELAIDE

The Hon. T.J. STEPHENS (15:04): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.J. STEPHENS: The northern suburbs of Adelaide are experiencing extremely strong growth. Will the minister update the council on what the government is doing to support health services in the north?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): I thank the honourable member for his question.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: The Marshall Liberal government is continuing to deliver on its promises and deliver the $58 million upgrade to the Lyell McEwin Hospital.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. S.G. WADE: Through this development we are delivering quality health care for people in the northern suburbs. I had the pleasure of visiting the hospital last week to see the progress made on the redevelopment.

The Hon. K.J. Maher interjecting:

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

The Hon. S.G. WADE: Once completed, the expansion will provide an additional 1,900 square metres of emergency clinical space which will house a total of 72 treatment spaces, an increase from the original 39. Further to the additional 33 emergency department treatment spaces, we are also delivering a new eight-bed mental health short-stay unit which will provide a more appropriate place for people who present with mental health issues to receive treatment.

We are now approaching the halfway mark in this construction, a strong demonstration of the government's commitment to improve mental health services in the north. In our mission to deliver better health care closer to home we will also provide dedicated paediatric assessment and treatment spaces and ensure resuscitation and triage capabilities are enhanced. To support the growing demand on this hospital we have already delivered a 205 car park extension which was opened in June 2020.

The Lyell McEwin redevelopment is on track to have half the new emergency treatment spaces operational in the first half of next year, with the entirety of the project due to be completed by the end of 2022. The $58 million investment in the Lyell McEwin makes up a part of the Marshall Liberal government's $3 billion hospital infrastructure commitment to South Australia. Residents of Adelaide's north were particularly impacted by Labor's failings with significant service downgrades at Modbury Hospital which put additional pressure on the Lyell McEwin. The redevelopment of the largest hospital in the north, as well as expanded services and upgrades at Modbury Hospital are literally concrete examples of the Marshall Liberal government's commitment to the north.

HEALTH SYSTEM CAPACITY

The Hon. T.A. FRANKS (15:07): I seek leave to make a brief explanation before addressing a question on the topic of health system capacity to the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.A. FRANKS: We know that our health system is under pressure and chronic under-resourcing of our public hospitals is leading to nurses burning out as they feel pressured to take on double and extra shifts to meet the needs that we currently have. Widespread fatigue across healthcare staff is creating unsafe hospital environments for both the workers and, of course, the people in their care. My questions to the minister are:

1. What steps are being taken to address overwork, fatigue and burnout in our nursing and midwifery workforce?

2. What strategies does the government have for growing and supporting the workforce, particularly when it comes to retention but also as we look to the future and see shortages as people retire?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): I thank the honourable member for her question, and it is a very pertinent one. We are clearly seeing a situation where our nursing workforce and, for that matter, all elements of our health workforce have now been working in a pandemic environment for 18 months.

It is really important that our management and our nurse leadership continues to provide care and support, but also to refresh the workforce. Just recently, three of our networks advertised for additional nurses. I think the number was about 340, but it might have been 370. That is part of trying to ensure that we continue to expand the workforce, considering the growing challenges, but also to refresh the workforce. We are certainly looking forward to the completion of the academic year for a whole cadre of nurses, and we are certainly interested to see what capacity there could be to recruit from that cohort as part of the pandemic response.

The pandemic response is obviously very dynamic. In the initial phase, the nurses were the backbone of our medi-hotel and our testing initiatives. As we are now in the vaccination phase, the nurses are again showing their agility and versatility in being strong leaders in the vaccination effort. The challenge of making sure that the workforce continues to be available for the various health challenges is also impacted by, if you like, the cyclical nature. Whereas testing and medi-hotels have been relatively stable over the period, vaccinations are obviously a peak event. We would be expecting significant numbers of nurses to be able to be redeployed as the vaccination program comes to a conclusion. That will give us an opportunity to refresh going forward.

I was talking to nurse leaders, for example at the Wayville clinic. They talked about strategies they have to try to support their nurses in the vaccine environment. For example, they would deploy nurses from the mass vaccination clinic, but then also give them the opportunity to have a different work experience by perhaps being part of a pop-up clinic like the clinic at the Myer Level 3 or any mobile clinic such as the Hutt Street clinic.

I have no doubt that nurses right across the state are continuing to work very hard. We are very grateful for their versatility. Many of them are taking on challenges that, if you like, they weren't trained for. The pandemic is throwing up both challenges and opportunities for nurses and other workforces. Certainly, workforce recruitment has been a major part of this government's effort to support the workforce, and we will continue to recruit both in the pandemic response and also in the business as usual response.

HEALTH SYSTEM CAPACITY

The Hon. K.J. MAHER (Leader of the Opposition) (15:12): Supplementary: can the minister rule out presiding over further nurse redundancies, given his concern about nurse fatigue?

The PRESIDENT: The original answer didn't have anything to do with nurse redundancies. If the minister wants to respond, he can, but that was out of order.

HEALTH SYSTEM CAPACITY

The Hon. E.S. BOURKE (15:12): Supplementary arising from the answer: can the minister advise if it is common practice for nurses at the Women's and Children's to work double shifts?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): There are times when workplaces will ask their staff to undertake extended hours. That's always done in consultation with the staff, and I appreciate nurses and other health professionals stepping up when they are able to do so.

HEALTH SYSTEM CAPACITY

The Hon. K.J. MAHER (Leader of the Opposition) (15:12): Supplementary: can nurse fatigue be caused by understaffing in the nursing workforce?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): Clearly, if a hospital doesn't have enough staff and the other staff are needing to do further additional hours, it may well contribute to workplace fatigue.

HEALTH SYSTEM CAPACITY

The Hon. K.J. MAHER (Leader of the Opposition) (15:13): Final supplementary.

The PRESIDENT: It will be.

The Hon. K.J. MAHER: Minister, is nurse fatigue being exacerbated by our staffing shortages?

Members interjecting:

The PRESIDENT: I will call the minister if he wishes to, but it is up to him. The Hon. Mr Hanson has the call.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson has the call and will be heard in silence.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader! Your member is on his feet.

HOMELESSNESS

The Hon. J.E. HANSON (15:13): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.E. HANSON: The minister has made repeated claims about helping more people and helping vulnerable people in housing and homelessness. In contrast to those claims, the most recent Report on Government Services from the Productivity Commission shows that the SA Housing Authority housed the lowest number of new people in public housing in 2019-20 of any of the past five years.

There was a drop of more 450 people, that is 20 per cent, from the previous year alone. The same report shows that the proportion of people housed who had the greatest needs, including low income, disability and very old age, was the lowest rate for around a decade. For the minister's benefit, these figures are in tables 18A.5 and 18A.15 of the 2021 Report on Government Services. The report is compiled using data that the minister's own agency provides. My questions to the minister are:

1. Is the minister misleading this place or is the minister's agency providing false data to the Productivity Commission?

2. Why exactly has the proportion of people assisted with the greatest need dropped to such worrying lows at which it now sits?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:15): I thank the honourable member for his question. Of course, I don't carry around a copy of the Productivity Commission's report with me to be able to—

Members interjecting:

The PRESIDENT: I would like to listen to the minister, and I would have thought the opposition would too.

The Hon. K.J. Maher interjecting:

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

The Hon. J.M.A. LENSINK: —analyse his argument and refute it.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It is the same honourable member who yesterday clearly had a bit of trouble with basic arithmetic, or at least the person who gave him the question—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson will cease.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. J.E. Hanson interjecting:

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

The Hon. K.J. Maher interjecting:

The PRESIDENT: And the leader is too. The minister will continue in silence.

The Hon. J.M.A. LENSINK: It might be entirely out of order for me to make this comment, but bellowing loudly or speaking aggressively—

The Hon. K.J. MAHER: Point of order: I think you ruled earlier this week that answering or reflecting on interjections is not in order, and that appears to be what is happening again.

The PRESIDENT: It is out of order, but I think there is a saying that people who live in glass houses shouldn't throw stones.

The Hon. J.M.A. LENSINK: Hear, hear, Mr President; I agree with you entirely.

The PRESIDENT: Continue, please, with your answer.

The Hon. J.M.A. LENSINK: I would be delighted. I know it does pain the Labor Party to be told—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It is a cause of great pain.

The Hon. K.J. MAHER: Point of order: there is absolutely no relevance whatsoever to reflecting on the Labor Party in relation to answering this question. It has nothing to do with the question asked whatsoever.

The PRESIDENT: One ought to be careful to dip back into your memory as well. I am sure the minister will continue to address the question from the Hon. Mr Hanson.

The Hon. J.M.A. LENSINK: We could almost play bingo in here, but it does give the Labor Party great pain to be told that, when it comes to public housing, which they like to portray themselves as the party that looks after the vulnerable and cares about people more than the Liberal Party, and then when they are presented with the evidence—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: Order! We haven't got long to go, and I would like to hear the rest of this answer. I can't hear it at the moment, and the birthday boy is being very out of order at the moment.

The Hon. J.M.A. LENSINK: It causes the Labor Party great pain to be advised of the facts.

Members interjecting:

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

The Hon. J.M.A. LENSINK: When they are told of the statistics of how high the category 1 register was, that they were the party that changed—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —that they were ones that changed the definition from category 1—sorry, are you sitting me down?

The PRESIDENT: Order! I am going to move to the Hon. Dr Centofanti.

COVID-19 RECOVERY GRANTS PROGRAM

The Hon. N.J. CENTOFANTI (15:19): My question is to the Minister for Human Services regarding young people. Can the minister update the council on the Marshall Liberal government's youth-led COVID-19 recovery grants program and how that is helping to build up hope in the northern suburbs?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:19): It was a great pleasure to recently attend—

Members interjecting:

The PRESIDENT: Order! Sometimes there are comments about red cordial on Thursdays, but we will finish this question time in silence.

The Hon. J.M.A. LENSINK: It was my great pleasure to go to Davoren Park in the electorate of Taylor, I think it was last week, to help celebrate with the young people there to launch a special place in the City of Playford called Building up HOPE. This was one of the grants that was provided through a youth-led COVID-19 recovery grants program, given that young people were identified as a cohort impacted by the pandemic.

There was total funding of $550,000 to the Local Government Association to provide one-off youth-led recovery grants to assist young people in a range of different areas, which were very, very diverse. The City of Playford, in partnership with CareWorks SA's Hope Street program and Carclew Youth Arts Pom Pom program was allocated $45,000 for Building up HOPE.

One of the particular features of this program was an augmented-reality art mural, which I found quite innovative—not something that I had experienced before—and the installation of nature play spaces in a community garden with outdoor seating. It was well attended by a number of young people from local schools particularly, which I think is an indication of the high regard with which those local services are provided.

I congratulate the young people particularly who were involved in driving this program and look forward to those young people participating.

Personal Explanation

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. T.J. STEPHENS (15:21): I seek leave to make a personal explanation.

Leave granted.

The Hon. T.J. STEPHENS: I make a statement to this place concerning news reporting about me and my claim for the country members' accommodation allowance, published by the ABC earlier this week on television, radio and online. I made a personal explanation to the Legislative Council on 30 June 2020 in which I stated that:

> Since 2011, I have lived in an apartment at Victor Harbor. From 2011 to 2017, I lived in an apartment that I owned and from 2017 to the current day, I live in an apartment I lease in the same complex…

As would be apparent, the apartments have the same street address as they are in the same building.

My nomination form for the 2018 state election provided an option for my address to be disclosed or not. Because my family also lives in and visits our home in that building, I marked the box that my address not be made public. The nomination form I completed contains the correct address, but inadvertently the wrong unit number: number 10, when it should have been number 13.

When the ABC made an application for my nomination form under freedom of information laws for the purposes of publicising the information in the form, the Ombudsman determined that my street address was a personal affair, that it would be unreasonable to disclose it and it was therefore not to be released. The concern that I then raised, given the form contains the correct street address, was that it would be straightforward for anyone interested to locate my family at our home in that building.

On a review of that decision, the South Australian Civil and Administrative Tribunal took a different view. It decided that although my address was a personal affair, it would not be unreasonable to disclose it, in part because I am a politician. I instructed my lawyers to lodge an appeal in support of the decision of the Ombudsman. I have in the meantime been considering the issue and discussing its impact with my family.

The ABC has now published in print, on radio and electronically their claims that my address on the nomination form sat at odds with the address I had used to submit monthly claims for my country members' allowance from May 2017 onwards.

The implication is apparently that, because the address in the view of the ABC is different, I had no entitlement to make a claim for the allowance. That is wrong. All that is different is the apartment number in the same building—the same place—in Victor Harbor. That fact has not been given any prominence by the reporting. The difference is not material.

The reporting accordingly misleads the reader to assume that the nomination form demonstrates that I have acknowledged I was living at an address that gave rise to no entitlement for the country members' accommodation allowance from 2017 to 2020. This is not so. So that this can be clearly seen, I seek leave to table my nomination form.

Leave granted.

The Hon. T.J. STEPHENS: It has also been widely reported by the ABC that while undertaking my parliamentary duties in Adelaide I stay at an address at Norwood. I make it clear that this address is not on the form. The form offers no support for the ABC story. My error does not affect my eligibility to claim the allowance, nor does it constitute a breach of the Electoral Act.

As a result of the reporting which discloses the substance of the matters I sought to keep private and which is being used by the ABC to insinuate that I had no entitlement to the allowance, there is no longer any purpose in continuing with an appeal and I have instructed my solicitors to withdraw it. By the way, I am looking at the form and I cannot believe it but I have actually also made a mistake with my email address as well.

Bills

STATUTES AMENDMENT (CHILD SEX OFFENCES) BILL

Introduction and First Reading

The Hon. R.I. LUCAS (Treasurer) (15:25): Obtained leave and introduced a bill for an act to amend the Child Sex Offenders Registration Act 2006, the Criminal Law Consolidation Act 1935 and the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:26): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Child Sex Offences) Bill 2021. This bill strengthens child sex offence provisions and updates our child sex offender registration laws. The bill will substantially increase the maximum penalties for child exploitation material offences and child

grooming offences. The penalties for this type of offending under the Commonwealth Criminal Code are currently higher than the South Australian equivalents in the Criminal Law Consolidation Act. In the interests of parity and to reflect the seriousness of the conduct, these penalties will be raised to match those of the commonwealth.

The bill also removes the practice of separating these offences into basic and aggravated classes. Whilst many factors can make an offence aggravated, the most common aggravating feature of a child exploitation offence is the age of the victim. Under section 5AA(1)(e)(i) of the Criminal Law Consolidation Act, child exploitation offences will be aggravated if the defendant knew the child groomed or depicted in the material was under 14 years of age.

Under the bill, all aggravated forms of child exploitation material and grooming offences are removed. In their place, these offences will have one significant maximum penalty that applies regardless of the age of the child. This will not soften sanctions for people viewing exploitation material depicting very young children—the new general maximum penalties are higher than the existing aggravated penalties. The bill makes it clear that exploitation of a child of any age is totally unacceptable.

Removing aggravated status for offences against very young victims also assists the mental health of law enforcement personnel, who will not need to spend as long looking at this heinous material in order to classify the charges. It also simplifies the charging process when the exact age of the child depicted in the material is not readily apparent or cannot be approved. The age or apparent age of the child will of course still be relevant, and courts will be able to take it into account when selecting an appropriate penalty.

The bill also ensures that child groomers are not given leniency because they were not really speaking to a child. In many instances, undercover police officers pose online as children and predators attempt to inappropriately and criminally communicate with these fictitious children. Additionally, automated chatbots may be used in the same way. This bill enacts a strict policy that offenders should not be given leniency simply because their belief that they were speaking to a real child turned out to be wrong. Their intention and belief at the time of the offending still makes them a danger to real children in the community.

In particular, the bill will provide clarity in relation to the offences of dishonest communication with children, better known as Carly's Law, and a registerable sex offender failing to inform police of reportable contact of a child. A child for the purposes of these offences will include a person the offender believed was a child or a fictitious person represented to the offender as a child. Whilst the offences are currently open to interpretation, this will put the matter beyond doubt.

The bill will also amend various sentencing provisions that reference the age of the victim to make clear that if the victim was fictitious, their age for the purposes of sentencing can be the age that offenders believe them to be at the time of the offence.

Finally, this bill will update the list of offences in the Child Sex Offenders Registration Act 2006 that automatically result in registerable status. The changes add or remove offences to ensure that the list remains current and meets the aims of the act. In particular, various new offences passed at the commonwealth level are added. I commend the bill to members and I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

4—Amendment of section 4—Interpretation

This amendment is consequential.

5—Insertion of section 4A

This clause inserts a proposed section as follows:

4A—Meaning of reportable contact

Section 13(4), (5) and (6) of the Act currently define what reportable contact with a child constitutes for the purposes of the Act. This section proposes that the definition be enacted in amended form in this new section as it applies in several key sections throughout the Act. The definition is amended to provide that a reference to a child is to include—

- a person who the registrable offender believes, at the time the contact occurs, is under the age of 18 years; and
- a fictitious person represented to the registrable offender at the time the contact occurs as being a real person under the age of 18 years.

6—Amendment of section 13—Initial report by registrable offender of personal details

This clause deletes subsections (4),(5) and (6), the contents of which are proposed to be included in proposed section 4A as enacted by clause 5.

7—Amendment of Schedule 1—Class 1 and 2 offences

This clause updates several references to State and Commonwealth offences in the Schedule.

8—Transitional provisions

This clause contains transitional provisions consequent on the removal of certain offences by amendments in clause 7.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

9—Amendment of section 5AA—Aggravated offences

This clause amends section 5AA so that an aggravated offence may not be committed in respect of an offence against Part 3 Division 11A in circumstances where the person who committed the offence knew that the victim was under the age of 14 years.

10—Amendment of section 63—Production or dissemination of child exploitation material

This amendment deletes the current maximum penalty (imprisonment for 10 years) and the aggravated penalty provision (imprisonment for 12 years) for an offence against the section and substitutes 1 higher maximum penalty for the offence (imprisonment for 15 years).

11—Amendment of section 63AA—Production or dissemination of child-like sex dolls

This amendment increases the maximum penalty of imprisonment applying for an offence against this section from 10 to 15 years.

12—Amendment of section 63A—Possession of child exploitation material

This clause deletes the current penalty provisions which vary according to whether an offence is a first or subsequent offence, or a basic or an aggravated offence, with the maximum possible term of imprisonment being 10 years for each offence. The proposed penalty provision provides for a maximum penalty of imprisonment for a first offence of 10 years and for a subsequent offence, 12 years.

13—Amendment of section 63AAB—Possession of child-like sex dolls

This amendment increases the maximum penalty of imprisonment applying for an offence against this section from 10 to 15 years

14—Amendment of section 63B—Procuring child to commit indecent act etc

This clause deletes the current penalty provisions and provides that the maximum penalty for an offence against section 63B(1) or (3) is imprisonment for 15 years.

15—Amendment of section 139A—Dishonest communications with children

The offences in this section currently cover communications between a person of or over the ages of 18 years and a child (defined as a person under the age of 17 years). The amendments proposed to the section substitutes the term *child* with the term *victim*, which is defined as—

- a person under the age of 17 years; or
- a person the offender believes is under the age of 17 years.

Proposed subsection (3) further provides that for the purposes of the section, it does not matter that the victim is a fictitious person represented to the defendant as a real person.

Part 4—Amendment of *Sentencing Act 2017*

16—Amendment of section 52—Interpretation

A serious sexual offence, for the purposes of Part 3 Division 4 of the Act (which deals with custodial sentences for serious repeat adult offenders and recidivist young offenders) is defined to include (among other offences) an offence under section 63B of the *Criminal Law Consolidation Act 1935* where the victim was under the age of 14 years at the time of the offence. This clause makes an amendment to add to the definition in respect of an offence under section 63B(3) of that Act circumstances where the victim was a fictitious person represented to the defendant as a real person whom the defendant believed to be under the age of 14 years at the time of the offence.

17—Amendment of section 71—Home detention

This amendment provides for additional considerations for the court to take into account when considering the victim's age and the age difference between the defendant and the victim in circumstances where the victim of an offence committed under section 63B(3) of the *Criminal Law Consolidation Act 1935* is a fictitious person represented to the defendant as a real person.

18—Amendment of section 96—Suspension of imprisonment on defendant entering into bond

This amendment provides for additional considerations for the court to take into account when considering the victim's age and the age difference between the defendant and the victim in circumstances where the victim of an offence committed under section 63B(3) of the *Criminal Law Consolidation Act 1935* is a fictitious person represented to the defendant as a real person.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO AND OTHER JUSTICE MEASURES) BILL

Introduction and First Reading

The Hon. R.I. LUCAS (Treasurer) (15:31): Obtained leave and introduced a bill for an act to amend various acts within the portfolio of the Attorney-General and to amend certain other acts. Read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:31): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021. The bill makes miscellaneous amendments to various acts committed to the Attorney-General and three justice-related amendments to acts committed to other ministers. It addresses a number of minor or technical issues that have been identified in 22 different acts.

To begin, part 2 amends the Aged and Infirm Persons' Property Act 1940 in relation to the jurisdiction of the South Australian Employment Tribunal and the South Australian Employment Court. The amendments in clauses 4, 5 and 6 enable protection orders to be made by the court and tribunal in the course of exercising their personal injury jurisdiction.

They remove the present requirement in section 8A that, for the District Court (or the South Australian Employment Tribunal or South Australian Employment Court after amendment) to make a protection order, the infirmity or reduced capacity prompting the protection order must arise from the injury that is the subject of the personal injury proceedings. This will allow, for example, a protection order to be made in respect of a second plaintiff spouse in a dust diseases matter where the spouse's incapacity arises from age or other illness rather than the dust disease.

Part 3 of the bill contains amendments to the Bail Act 1985. Clauses 7, 8 and 9 allow the court to prescribe the form for bail agreements, guarantees and applications for release where it is the bail authority.

Clause 10 of the bill clarifies the identity of the relevant bail authority where a person on bail is seeking approval to travel interstate under section 11, which deals with conditions of bail. It confirms the current practice that where the bail authority is a court, a judge or magistrate may

approve interstate travel, and where the bail authority is a police officer, a police officer above a certain rank may approve interstate travel.

Part 4 of the bill amends the Burial and Cremation Act 2013. Section 10(5)(b)(i) of that act currently refers to two certificates of death being required under section 36 of the Births, Deaths and Marriages Registration Act 1996. This is inconsistent with the actual requirements of the Births, Deaths and Marriages Registration Act. This amendment will ensure consistency between the two acts. The effect is that one certificate is required under the Births, Deaths and Marriages Registration Act and the other from a medical practitioner in a form approved by the Registrar for Births, Deaths and Marriages in order for a cremation permit to issue.

Part 5 of the bill amends the Children and Young People (Safety) Act 2017. Section 86 of that act allows the Chief Executive of the Department for Child Protection to give a direction to prevent a person communicating with a child who is in the custody or under the guardianship of the chief executive. I seek leave to continue my remarks.

Leave granted; debate adjourned.

LEGISLATION INTERPRETATION BILL

Final Stages

Consideration in committee of message No. 143 from the House of Assembly.

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

That the House of Assembly's amendment be agreed to.

I am advised there has been one amendment, a government amendment, since we last considered this bill. The amendment updates the bill to be consistent with the current remote meetings provisions of the Acts Interpretation Act 1915, as amended by the Statutes Amendment (COVID-19 Permanent Measures) Act 2021. The amendment allows classes of meetings or transactions to be excluded from the operation of the provision by regulation. This amendment was required so that various classes of meetings, mostly related to local government, could be excluded from the remote meetings provisions.

The Hon. K.J. MAHER: I rise to indicate support for this measure. It has been explained to us as a requirement as a consequence of some of the changes we have made to meetings and transactions during the management of the pandemic.

Motion carried.

SUICIDE PREVENTION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 September 2021.)

The Hon. C. BONAROS (15:39): I rise on behalf of SA-Best to speak in support of the Suicide Prevention Bill 2021. In doing so, Mr President, on behalf of SA-Best I would like to sincerely thank you for your tireless advocacy for suicide prevention and to acknowledge the strong leadership and deep commitment you have shown over many years to ensure this important piece of legislation, the first of its kind in any Australian jurisdiction, is before us today.

The bill is indeed very timely, given that South Australia is to be a party to the new Mental Health and Suicide Prevention Agreement to be signed off in November, I believe. Suicide is one of the most disturbing and difficult public health problems we face. Each year, our stats show us that 250 people die by suicide in South Australia. I have no doubt that number is probably higher than those stats show, but that is according to official figures and it is a horrifying statistic even at that level.

It is, of its nature, a very difficult subject to talk about and we know appropriate reporting in the media can play an important role in preventing suicide, in increasing public understanding and in reducing the stigma around mental illness. Researchers estimate that every suicide has a direct and

profound impact on roughly 60 people. It is a very tragic thing when someone has attempted to take their life or died by suicide.

It is particularly distressing when young people die by suicide with their whole lives before them cut tragically short. It is no less upsetting that many older people also make this choice, often dying alone and in terrible circumstances. That is one of the issues I discussed at the briefing I had on this bill and I was somewhat surprised by the statistics as they apply to our older people (85 and over).

Grieving a suicide can be quite different from other types of bereavement, given that it is often sudden, it is unexpected and it is self-administered. The emotional, physiological and/or social distress that family and friends suffer and the realisation of the suffering the deceased themselves has sometimes silently endured can trigger persistent feelings of grief that can linger for many years after a death by suicide. Survivors of attempts and the families and friends of the deceased can harbour profound feelings of shock, loss, failure, shame, stigmatisation, guilt and anger.

Those left behind are often haunted by agonising questions like: 'Why did they do this to me? Did I do something wrong? Could I have done something to prevent it?' Individually, and as a society, we all want to reduce the incidence of death by suicide and I think it is important that this bill has that as its focus and primary objective.

Academics tell us that suicidal behaviours, including thinking, planning, attempting and committing suicide, are not influenced or caused by one factor, but rather a complex web of interaction between multiple factors and all risk factors. Although there is no evidence yet that COVID-19 has increased suicide rates, we do know the pandemic has amplified pre-existing problems in our mental health system and that demand for counselling services is up 53 per cent nationally, with 60 per cent of all contacts being people aged 15 to 34.

The current Chair of Beyond Blue, former Prime Minister Ms Julia Gillard, noted recently that there is a clear resolve from governments to address these issues, including providing extra funding to improve mental health and suicide prevention, and she noted that the key is bringing it together into one coherent system. I think the bill does precisely that. It takes a whole-of-government, multidisciplinary and multifaceted approach to preventing suicide and I am pleased to see the level of cross-agency collaboration and cooperation the bill fosters.

The Suicide Prevention Council will provide the necessary leadership to drive South Australian suicide prevention responses and initiative; that is its goal. The bill provides a clear framework, I think, to ensure suicide prevention responses are a priority across all levels of government and the community. It is not confined to departmental silos. It requires that every state authority must, in carrying out its functions, give effect to a state suicide prevention plan and report on these annually.

Certain state authorities will also be required to have suicide prevention action plans. To my mind, it is always a good thing to see action plans underpinning strategic plans to make sure there is tangible action to be implemented. I am particularly pleased to see the information gathering and sharing provisions of the bill, because we know we need to have accurate and up-to-date data to inform future innovation, planning, policies, programs and priorities.

This is one of the key areas that I focused on during my briefings with the government, because I think we all have questions around how that data will be collected, how it will be accessible in terms of transparency purposes and what will be done with data that is collected in real time. There are a host of questions that I have asked in relation to this. I am confident they have been taken on board and I am confident they are being worked on as we prepare the plans and the accompanying policies and guidelines that will underpin this legislation.

The establishment of the new register will ensure there is accurate and more comprehensive information, and I am very hopeful it will have up-to-date statistics available in relation to deaths by suicide and suicide attempts but also that that information will be available beyond just the government. Practitioners and researchers need to be aware of and have ready access to data that may point to trends and patterns as well as newly emerging problems in order to develop effective responses.

For example, we know understanding the methods used in a person's attempt or death by suicide can play a very important role in its prevention, with accurate up-to-date data key to this information. Understanding why some methods are prevalent in suicide attempts but others are more prevalent in deaths by suicide can better inform preventative policies, programs and educational activities.

To achieve these objectives of the bill, the bill provides for the creation of a new statutory body, the Suicide Prevention Council. That council takes over the role of the Premier's Council on Suicide Prevention and will provide a sustainable, properly resourced body to lead whole-of-community and whole-of-government planning, strategies, actions, policies, programs, training and education initiatives—that is, a multipronged approach to reducing the incidence of suicide in South Australia.

I think the membership of that council has been carefully thought through, but I do note that the opposition has amendments on file, and I certainly have some questions in relation to those as they relate to the council itself. Ex officio members give the council the necessary whole-of-government representation to ensure it effectively operates across a range of specialties, leveraging the seniority and expertise of 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.

The addition of a member of parliament I think completes what I am sure will be a high-level, influential and effective council. The primary function of that council is to prepare a suicide prevention plan and to make recommendations on policies and programs that are aimed at reducing deaths by suicide. The bill is very prescriptive about what needs to be done in the state suicide prevention plan. It specifically requires the plan to contain a part relating to suicide prevention for Aboriginal and Torres Strait Islander people.

As suicide can be particularly prevalent in young Aboriginal cohorts, this is an extraordinarily important provision. Again, I note the opposition's amendments, and they relate specifically to what I have just outlined in relation to the council and the composition and potentially the requirement for some other body or issues group to sit alongside this, which I am hoping the opposition will be able to clarify further during the committee stage debate.

I note the bill is scheduled to commence on proclamation, and while I understand it will take some time to get the council appointed and administrative supports in place, I sincerely hope this bill is fast-tracked and we see the council commence its important functions next year. With those concluding comments, I indicate our support for the bill on behalf of SA-Best.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO AND OTHER JUSTICE MEASURES) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. R.I. LUCAS (Treasurer) (15:51): Historically, there have been difficulties proving that communication occurred, even where a child is in the company of the person the subject of a direction.

The amendment in clause 12 provides the chief executive with an additional ground for issuing a direction so that a person can now be directed not to be in the company of or otherwise associated with a guardianship child.

New section 86(4a) ensures that a child who is in the company of a person the subject of a direction, who communicates or attempts to communicate with such a person or who is harboured or concealed in contravention of a direction given to a person does not commit an offence.

New section 86(6) provides that a child to whom a direction relates cannot be compelled to give evidence in proceedings in relation to an offence charged under this section.

Part 6 of the bill amends the Civil Liability Act 1936 to remove a redundant reference in section 64(3)(b) to section 105 of the Law of Property Act 1936, which has been repealed. The effect of the section is unchanged.

Part 7 of the bill amends section 66(2)(aba) of the Correctional Services Act 1982, as inserted by the Correctional Services (Accountability and Other Measures) Act 2020, to delete an obsolete reference to part 3, division 4 of the Sentencing Act 2017, and substitute a reference to an offence against part 5, division 2 or 3 of the Controlled Substances Act 1984. This amendment will rectify an anomaly caused by amendments to the Sentencing Act, overtaking the Correctional Services (Accountability and Other Measures) Act in parliament last year.

Part 8 of the bill amends the definition of judicial office in section 27A of the Courts Administration Act 1993. This relates to an amendment to the Judicial Conduct Commissioner Act 2015 in clause 39 of this bill, setting out the hierarchy of judges and other judicial officers. It is necessary to amend this definition to ensure that it is consistent with the clause 39 amendment.

Part 9 of the bill, comprising clauses 16 to 27, contains a series of amendments to the Criminal Law (High Risk Offenders) Act 2015. For the sake of brevity, I will refer to that act as the high risk offenders act. Clause 16 adds commonwealth offences to the definition of 'serious sexual offence' in section 4(1) of the high risk offenders act. It also deletes the definition of 'youth' and adds a subsection (3) to the effect that a reference in the act to a person convicted of an offence includes a person who was, at the time they were convicted of the offence, under the age of 18 years.

Read in conjunction with section 6, as substituted by clause 17 of this bill, the net effect is that, while an application for a supervision order cannot be made in respect of a person under 18 years of age, offences committed by a person under 18 can be taken into account when considering whether they should be the subject of a supervision order as an adult.

Clause 17 of the bill substitutes section 5 of the high risk offenders act, which defines the meaning of 'high risk offender'. The amendments remove certain ambiguities and clarify those offenders covered by the definition and the type of offending. For example, it is made clear that the definition only covers serious violent offenders while they are currently serving a sentence of imprisonment for a serious offence of violence.

Clause 18 of the bill amends section 7 of the high risk offenders act to clarify that an application for an extended supervision order may only be made in the 12 months preceding the expiry of the term of imprisonment. It also clarifies that when deciding whether to make an order under section 7 the court must not take into consideration any intention of the respondent to leave the state, whether permanently or temporarily.

Clause 19 of the bill amends section 9 of the high risk offenders act to clarify that the obligations of a person subject to a supervision order are suspended while they are in custody.

Clause 20 of the bill amends section 10 of the high risk offenders act. That section spells out the conditions that automatically apply to extended supervision orders. The amendment adds a condition that the person subject to the order is prohibited from leaving the state without the permission of the Supreme Court or the Parole Board. Those bodies are only able to give permission if the person provides information about their proposed travel, including the information prescribed by regulation.

Clause 21 of the bill amends section 13 of the high risk offenders act to allow the Supreme Court to transfer an application for variation or revocation of a supervision order to the Parole Board and to make rules in respect of such a transfer. Once applications are transferred, they can proceed as if they had been made to the Parole Board.

Clause 22 of the bill amends section 14 of the high risk offenders act to allow the Parole Board a level of discretion to make consequential or ancillary orders when varying a supervision order.

Clause 23 of the bill inserts new section 14A in the high risk offenders act to allow the Parole Board to vary or revoke the conditions on a supervision order, including conditions imposed by the Supreme Court, where there has been a material change in circumstances and it is in the

interests of justice to do so. When considering an application to vary a supervision order, the Parole Board must give all parties an opportunity to be heard and to make submissions on the matter.

Clause 24 amends section 17 of the high risk offenders act to allow the Parole Board to direct that a person be detained in custody pending circumstances necessary for the purposes of ensuring their compliance with the condition of a supervision order. These circumstances may include matters such as appropriate accommodation or treatment programs.

Clause 25 amends section 18 of the high risk offenders act to address operational difficulties with the powers of the Supreme Court, where an offender breaches either an extended or an interim supervision order. The amendments will allow the Supreme Court to order that a person be detained in custody via a continuing detention order until the expiration of the breached or a further supervision order, or for such lesser period as may be specified by the court.

In addition, proposed subsections (4a) and (4b) would allow the Supreme Court to vary or revoke conditions on a continuing detention order or to order an offender to be detained in custody pending circumstances necessary for ensuring compliance with the order, similar to the Parole Board amendment to section 17 in clause 24 of the bill, which I have already mentioned.

Clause 26 of the bill inserts new part 3A in the high risk offenders act containing provisions for interagency cooperation. These provisions mandate formal information sharing processes with other jurisdictions modelled on part 4A of the Crimes (High Risk Offenders) Act 2006 New South Wales.

Finally, in terms of the high risk offender amendments, clause 27 of the bill amends section 22 of the high risk offenders act. The amendment will allow for appeals from a refusal by the Supreme Court to make an extended supervision order or a continuing detention order.

Part 10 of the bill contains an amendment to section 103 of the Criminal Procedure Act 1921, clarifying that the power to lay an information in a superior court under this section may only be exercised in the authority and name of the Director of Public Prosecutions.

Part 11 of the bill amends the Environment, Resources and Development Court Act 1993 to provide for the appointment of judicial registrars to the Environment, Resources and Development Court.

Part 12 of the bill amends the Fences Act 1975 to update a reference in section 24 to refer to the Magistrates Court Act 1991 instead of the Local and District Criminal Courts Act 1926.

Part 13 of the bill amends section 61 of the Guardianship and Administration Act to remove an obsolete reference to the Criminal Law Consolidation Act 1935. Section 61 currently provides that the South Australian Civil and Administrative Tribunal is not to consent to a termination of pregnancy unless the carrying out of the termination would not constitute an offence under the Criminal Law Consolidation Act.

As the Termination of Pregnancy Act 2021 has rendered it no longer illegal to terminate a pregnancy, the reference to the Criminal Law Consolidation Act is redundant. Section 61 has been recast so that the other two provisos to termination remain, but the Criminal Law Consolidation Act reference is removed.

Part 14 of the bill amends the Judicial Conduct Commissioner Act 2015. Clause 39 clarifies that judicial registrars hold judicial office and that they can be removed from office, regardless of whether the act appointing them provides for such removal.

In addition, clause 40 inserts a new section 34A in the Judicial Conduct Commissioner Act to allow the Judicial Conduct Commissioner discretion not to give a written notice required under the act in relation to a complaint or the dismissal of a complaint. This must be read in the context of other provisions in the act, including section 13(2), which makes it clear that the rules of procedural fairness apply.

Part 15 of the bill amends the Legal Practitioners Act 1981. Clause 42 extends the application of section 14AB(c) to suspected unsatisfactory conduct or professional misconduct of Australian-registered foreign lawyers. Clause 43 inserts new subsection (4) in section 23 of the act to clarify that the prohibition on legal practitioners sharing profits with non-lawyers does not prevent

a legal practitioner from entering into an agreement to share profits with an Australian-registered foreign lawyer.

Clause 44 amends section 23D of the principal act to require an Australian-registered foreign lawyer establishing an office in South Australia to give notice to the Supreme Court to that effect, in the same way that interstate-registered practitioners must do.

Part 16 of the bill amends section 84(1) of the Mental Health Act 2009 to remove the inference that mandatory initial reviews for short-term treatment orders under section 79 of that act carry an automatic entitlement to legal representation in every case. In practice, the South Australian Civil and Administrative Tribunal conducts the initial reviews under section 79 on the basis of written reports and treatment plans. This means legal representation is not necessary for initial reviews.

Part 17 of the bill amends the Ombudsman Act 1972 to update an obsolete reference in section 5 and to provide for an annual report to be submitted to the minister and both houses of parliament before 31 October each year.

Part 18 of the bill makes minor amendments to the Real Property Act 1886 to update obsolete references.

Part 19 of the bill amends the Residential Tenancies Act 1995 to require a person paying a bond to the Commissioner for Consumer Affairs to provide the information required by the commissioner in order to help address the issue of unclaimed bonds.

Part 20 of the bill amends the Retail and Commercial Leases Act 1995 to enable the Small Business Commissioner to charge a fee for mediation of commercial lease disputes.

Part 21 of the bill amends the Roads (Opening and Closing) Act 1991 to update obsolete references in section 46.

Part 22 of the bill amends the Witness Protection Act 1996. Clause 53 updates obsolete references, while clause 54 amends section 24 of the principal act in light of the fact that there is no longer a crown counsel. The director is defined as including a person acting in the position of the director, the deputy director or a suitable person to whom the director has, by instrument in writing, delegated his powers under this section, with the approval of the Commissioner of Police.

Finally, part 23 of the bill makes a minor amendment to the Youth Court Act 1993 to remove the requirement for principal members of the Youth Court judiciary, including special justices, to be appointed for a set term.

This concludes the matters that are subject of this portfolio bill. While this bill covers many different areas, it deals with important issues to ensure our justice system works efficiently and effectively for our community. I commend the bill to members, and I seek leave to insert the detailed explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Aged and Infirm Persons' Property Act 1940*

4—Amendment of section 3—Interpretation

This clause amends section 3 to insert a definition of *employment court* and make a consequential amendment to the definition of *court*. Employment court is defined as the South Australian Employment Tribunal established under the *South Australian Employment Tribunal Act 2014* constituted of—

- the South Australian Employment Court; or

- a member who is, or at least 1 of whom is, a President or a Deputy President of the Tribunal.

5—Amendment of section 4—Exercise of jurisdiction of court

Subclauses (1) and (2) make consequential amendments. Subclause (3) inserts a new subsection (1b) to provide jurisdiction for an employment court in which an action for damages for personal injury is brought to make a protection order under section 8A of the Act. If the court makes such an order, the provision further provides jurisdiction for the same or any other employment court to hear and determine any consequential or related proceedings under the Act.

6—Amendment of section 8A—Protection order on court's own initiative

Section 8A(1) allows a court to make a protection order in respect of a person in an action for damages for personal injury if that person is by reason of that injury unable to manage their own interests. This amendment removes the need for the inability for the person to manage their interests to be as a result of the injury the subject of the action before the court.

Part 3—Amendment of *Bail Act 1985*

7—Amendment of section 6—Nature of bail agreement

This amendment allows a bail agreement, in circumstances where the bail authority is a court, to be in a form determined by the court. The requirement for all other bail agreements to be in the prescribed form remains.

8—Amendment of section 7—Guarantee of bail

This amendment allows a bail agreement, in circumstances where the bail authority is a court, to be in a form determined by the court. The requirement for all other bail agreements to be in the prescribed form remains.

9—Amendment of section 8—Form of application

This amendment allows a bail agreement, in circumstances where the bail authority is a court, to be in a form determined by the court. The requirement for all other bail agreements to be in the prescribed form remains.

10—Amendment of section 11—Conditions of bail

This clause amends the provisions of section 11(6)(c) to clarify that the conditions of bail in relation to allowing a person to leave the State may only be varied with the permission of a judge or magistrate (if the bail authority is a court) or a police officer of or above the rank of sergeant or the responsible officer for a police station (if the bail authority is a police officer).

Part 4—Amendment of *Burial and Cremation Act 2013*

11—Amendment of section 10—Cremation permits

Section 10 sets out the requirements for the issuing of a cremation permit authorising the disposal of remains by cremation. Section 10(5) provides that the Registrar must not issue a cremation permit unless the application is accompanied by specified certificates set out in the subsection.

This amendment clarifies the requirements for 2 certificates to be provided as set out in section 10(5)(b), the first being a certificate under section 36(3) of the *Births, Deaths and Marriages Registration Act 1996* certifying that the deceased died from natural causes signed by a medical practitioner in accordance with the requirements set out in that subparagraph, and the second a certificate in a form approved by the Registrar signed by another medical practitioner.

Part 5—Amendment of *Children and Young People (Safety) Act 2017*

12—Amendment of section 86—Direction not to communicate with, or be in company of etc, child or young person

This clause inserts a new subsection (1a), (4a) and (6). Proposed subsection (1a) provides that the Chief Executive may, by notice in writing, direct a specified person not to be in the company of, or otherwise associate with, a specified child or young person who is in the custody, or under the guardianship, of the Chief Executive during the period specified in the notice.

Proposed subsection (4a) provides that despite section 267 of the *Criminal Law Consolidation Act 1935* or any other Act or law, a child or young person who undertakes conduct that contravenes a direction under the section commits no offence in relation to that conduct.

Proposed subsection (6) provides that despite a provision of the *Evidence Act 1929* or any other Act or law, a child or young person to whom a direction under the section relates is competent, but is not compellable, to give evidence in proceedings relating to a charge of an offence against the section.

Part 6—Amendment of *Civil Liability Act 1936*

13—Amendment of section 64—Abolition of rule as to unity of spouses

This amendment removes an obsolete reference to an application under a repealed section of the *Law of Property Act 1936*.

Part 7—Amendment of *Correctional Services Act 1982*

14—Amendment of section 66—Automatic release on parole for certain prisoners

These amendments remove a reference to a repealed definition of *serious drug offence* within the *Sentencing Act 2017* and insert the repealed definition into section 66.

Part 8—Amendment of *Courts Administration Act 1993*

15—Amendment of section 27A—Interpretation

This clause amends the definition of *judicial office* to mirror the amendments made to the equivalent definitions in the *Judicial Conduct Commissioner Act 2015* as proposed in clause 39 of the measure.

Part 9—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

16—Amendment of section 4—Interpretation

The definition of *serious sexual offence* is amended to include an offence against a law of the Commonwealth corresponding to an offence referred to in paragraph (a) of the definition. For the purposes of determining whether a Commonwealth offence is a corresponding offence, any element of the Commonwealth offence relating to the location of the offence is to be ignored.

The removal of the definition of *youth* and the addition of section 4(3) are consequential on the substitution of section 6.

17—Substitution of section 5 and 6

Sections 5 and 6 are deleted and substituted as follows:

5—Meaning of high risk offender

The categories of high risk offender in the current section are extended by this proposed section to include—

- a serious sexual offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious sexual offence; and
- a serious violent offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious offence of violence; and
- a person who is serving a sentence of imprisonment during the course of which an extended supervision order applying to the person expires.

6—Application of Act

Section 6 currently provides that the Act does not apply to a youth (within the meaning of the *Young Offenders Act 1993*) but that it may apply to a youth of or above the age of 16 years who is a terror suspect. The proposed section provides that an application for a supervision order under the Act may not be made in respect of a person under the age of 18 years, but may be made in respect of a person who is of or above the age of 16 years and a terror suspect (and the Act will apply to the person with modifications prescribed by the regulations).

18—Amendment of section 7—Proceedings

Subclause (1) amends subsection (2) to provide that an order under the section may only be made within 12 months preceding the relevant expiry date for the offender.

Subclause (2) inserts a new subsection (7) which provides that in determining whether to make a supervision order in respect of a person, the Court must not take into consideration any intention of the person to leave this State (whether permanently or temporarily).

19—Amendment of section 9—Interim supervision orders

The clause inserts a new subsection (3) to provide that the obligations of a person subject to an interim supervision order are suspended during any period that the person is in government custody.

20—Amendment of section 10—Supervision orders—terms and conditions

This clause amends section 10 to provide that a person under a supervision order that is subject to a condition that the person must not leave the State without the permission of the Supreme Court or the Parole Board, may leave

the State if allowed by the Supreme Court or the Parole Board subject to such terms and conditions that the Supreme Court or the Parole Board thinks fit.

21—Amendment of section 13—Variation and revocation of supervision order by Supreme Court

This clause adds subsections (4), (5) and (6) to section 13 to allow the Supreme Court to refer an application for the variation of a condition of an order to the Parole Board, and for the Parole Board to then proceed to determine the matter. The provisions also allow the Supreme Court to make rules in respect of the transfer of specified classes of applications to the Parole Board.

22—Amendment of section 14—Consequential and ancillary orders

The clause inserts subsection (1a) to give power to the Parole Board, on varying a supervision order, to make any consequential or ancillary order it thinks fit in the circumstances of the particular case.

23—Insertion of section 14A

This clause inserts a new section as follows:

14A—Variation or revocation of condition of supervision order by Parole Board

The proposed section allows for the manner and circumstances in which the Parole Board may vary or revoke a condition of a supervision order or impose further conditions on the supervision order.

The proposed section also allows the Parole Board to refer such an application to the Supreme Court for determination, and also for the Supreme Court to order that such an application be determined by the Court instead of the Parole Board.

24—Amendment of section 17—Proceedings before Parole Board under this Part

This clause inserts a new provision to enable the Parole Board, if it considers that a person should be released from custody but subject to a certain condition, to detain the person pending circumstances reasonably necessary for the purposes of ensuring the person's compliance with such a condition being in place.

25—Amendment of section 18—Continuing detention order

This clause amends subsection (2) to allow the Court to order, in the event that an additional supervision order is imposed in respect of a person after a breach of an earlier supervision order, that the person be detained in custody pending the expiration of the additional order.

This clause also inserts new subsections (4a) and (4b). Proposed subsection (4a) provides that if the Court declines to make a continuing detention order in respect of a person under the section, the Court may—

- vary or revoke a condition of the supervision order applying in respect of the person or impose further conditions on the supervision order; and
- order that the person be detained in custody beyond the determination of proceedings either pending circumstances reasonably necessary for the purposes of ensuring the person's compliance with a condition of the supervision order being in place or in exceptional circumstances for a period necessary in the circumstances of the case.

Proposed subsection (4b) provides that if the Court makes a continuing detention order in respect of a person the subject of proceedings under the section and the continuing detention order will expire before the supervision order applying to the person expires, the Court may vary or revoke a condition of the supervision order or impose further conditions on the supervision order.

26—Insertion of Part 3A

This clause inserts a new Part 3A as follows:

Part 3A—Inter-agency cooperation

19AA—Interpretation

This clause defines terms for the purposes of the proposed Part.

19AAB—Exchange of information

The section provides that a relevant agency may enter into an arrangement (a *co-operative protocol*) with 1 or more interstate relevant agencies in respect of the sharing or exchange of information between the relevant agency and the interstate relevant agencies.

A co-operative protocol may relate to information concerning high risk offenders, information concerning a person, or person of a class, subject to an order under a corresponding law and any other information prescribed by the regulations.

For the purposes of a co-operative protocol, a relevant agency is authorised to request and receive information held by an interstate relevant agency that is party to the co-operative protocol and to disclose information to an interstate relevant agency that is party to the co-operative protocol to the extent that the information is reasonably necessary to assist in the exercise of functions under the Act or the functions of the interstate relevant agencies concerned.

27—Amendment of section 22—Appeals

This clause amends section 22 to provide that an appeal lies to the Court of Appeal against not only a decision of the Supreme Court to make an extended supervision order or a continuing detention order, but also an order of the Supreme Court to refuse to make such an order.

Part 10—Amendment of *Criminal Procedure Act 1921*

28—Amendment of section 103—DPP may lay information in superior court

This clause substitutes section 103(1) to clarify that an information may only be presented to the Supreme Court or the District Court in the name and by the authority of the Director of Public Prosecutions, and, despite any other provision of Part 5 of the Act, a person named in that information may, as a result, be tried at any criminal sessions of the Supreme Court or District Court (as the case may be) for any offence on that information.

Part 11—Amendment of *Environment, Resources and Development Court Act 1993*

29—Amendment of section 3—Interpretation

The clause makes amendments consequential on the inclusion of Judicial Registrars in the Act.

30—Insertion of section 11A

This clause inserts a new section allowing for the office of Judicial Registrars to be established as follows:

11A—Judicial Registrars

The proposed section provides that any Judicial Registrar holding office under the *District Court Act 1991* who is designated by the Governor, by instrument in writing, as an officer of the Environment, Resources and Development Court will (while they continue to hold office as a Judicial Registrar) be a Judicial Registrar of the Court.

31—Amendment of section 15—Constitution of Court

This clause makes amendments consequential on the inclusion of Judicial Registrars in the Act.

32—Amendment of section 16—Conferences

The clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

33—Amendment of section 26—Issue of evidentiary summonses

This clause makes an amendments consequential on the inclusion of Judicial Registrars in the Act.

34—Amendment of section 30—Right of appeal

This clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

35—Amendment of section 36—Immunities

This clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

36—Amendment of section 48—Rules

This amendment is consequential on the inclusion of Judicial Registrars in the Act.

Part 12—Amendment of *Fences Act 1975*

37—Amendment of section 24—Rules of court

This clause removes a reference to the repealed *Local and District Criminal Courts Act 1926* and replaces it with a reference to the *Magistrates Court Act 1991*.

Part 13—Amendment of *Guardianship and Administration Act 1993*

38—Amendment of section 61—Prescribed treatment not to be carried out without Tribunal's consent

This amendment removes a reference to the offence of termination of pregnancy under the *Criminal Law Consolidation Act 1935* consequent on this offence being repealed under the *Termination of Pregnancy Act 2021*.

Part 14—Amendment of *Judicial Conduct Commissioner Act 2015*

39—Amendment of section 4—Interpretation

This clause makes several amendments to the definition of *judicial office* to insert references to judicial registrars.

40—Amendment of section 26—Removal of judicial officer

This clause inserts a new subsection (3) that provides, to avoid doubt, that the power to remove a judicial officer under this section may be exercised despite any other provision for the removal of the judicial officer under the Act under which the judicial officer was appointed.

41—Insertion of section 34A

This clause inserts a new section as follows:

34A—Commissioner may determine not to give notice in a particular case

The proposed section gives the Commissioner power to determine, if the Commissioner thinks fit in a particular case, not to give a written notification required under the Act to a person in relation to a complaint or the dismissal of a complaint.

Part 15—Amendment of *Legal Practitioners Act 1981*

42—Amendment of section 14AB—Certain matters to be reported by Society

This amendment adds a reference to Australian-registered foreign lawyers to subsection (1)(c).

43—Amendment of section 23—Unlawful representation

This clause inserts a new subsection (4) to clarify that the offence in subsection (3) relating to a prohibition on entering into an agreement or arrangement with an unqualified person under which the unqualified person is entitled to share in the profits arising from the practice of the law does not apply to an agreement or arrangement entered into with a Australian-registered foreign lawyer in accordance with Schedule 1A of the Act.

44—Amendment of section 23D—Notification of establishment of office required

This clause makes several amendments to section 23D to extend the notification of establishment of office requirements to Australian-registered foreign lawyers.

Part 16—Amendment of *Mental Health Act 2009*

45—Amendment of section 84—Representation on reviews or appeals

This amendment removes the mandatory entitlement to legal representation for all reviews of treatment orders and other matters under section 79 of the Act, but maintains that a person may still be legally represented in such proceedings.

Part 17—Amendment of *Ombudsman Act 1972*

46—Amendment of section 5—Non-application of Act

This clause updates an obsolete reference.

47—Substitution of section 29

This clause substitutes section 29 as follows:

29—Annual report

The proposed section updates the existing provision requiring the Ombudsman to submit and prepare an annual report. It provides that the report must be prepared before 31 October in each year and submitted to the Minister, the President of the Legislative Council and the Speaker of the House of Assembly. The President and the Speaker must then lay the report before their respective Houses on the first sitting day after receiving the report.

Part 18—Amendment of *Real Property Act 1886*

48—Amendment of section 146—Discharge of mortgage by Minister in certain cases

This clause deletes an obsolete reference to certified mail and replaces it with a reference to registered post, and makes a further amendment to update a gendered language reference.

49—Amendment of section 276—Service of notices

This amendment deletes an obsolete reference to certified mail and replaces it with a reference to registered mail.

Part 19—Amendment of *Residential Tenancies Act 1995*

50—Amendment of section 62—Receipt of bond and transmission to Commissioner

This clause inserts a new subsection (3) that provides that a payment of bond to the Commissioner under the section must be accompanied by a notice, in a form approved by the Commissioner, setting out such particulars as the Commissioner may require in relation to the bond payment. A maximum penalty of $1 250 or an expiation of $210 applies for failure to comply with the proposed subsection.

Part 20—Amendment of *Retail and Commercial Leases Act 1995*

51—Amendment of section 64—Mediation of disputes

This clause inserts a power for a prescribed mediation fee to be payable by each party to a mediation under the section, and for the Small Business Commissioner to waive such a fee if satisfied that it is appropriate to do so in a particular case.

Part 21—Amendment of *Roads (Opening and Closing) Act 1991*

52—Amendment of section 46—Delegation by other authorities

This clause updates a number of obsolete references to matters under the repealed *Development Act 1993*, replacing them with the equivalent references under the *Planning, Development and Infrastructure Act 2016*.

Part 22—Amendment of *Witness Protection Act 1996*

53—Amendment of section 3—Interpretation

These amendments substitute obsolete references to the *Police Act 1952* with references to the *Police Act 1998*.

54—Amendment of section 24—Disclosure of information where participant becomes a witness in criminal proceedings

This amendment substitutes the definition of Director of Public Prosecutions applying for the purposes of this section to include a person to whom the Director has, by instrument in writing and with the approval of the Commissioner of Police, delegated their functions and powers under the section.

Part 23—Amendment of *Youth Court Act 1993*

55—Amendment of section 9—Court's judiciary

This amendment removes subsection (3) which require a proclamation designating a magistrate or special justice as a member of the Court's principal judiciary to state a term for which they are to be a member of the Court's principal judiciary.

Debate adjourned on motion of Hon. I. Pnevmatikos.

SOUTH AUSTRALIAN MULTICULTURAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 September 2021.)

The Hon. R.I. LUCAS (Treasurer) (16:04): I thank all members for their contribution to the second reading debate and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: The Hon. Mr Darley in his contribution raised a general question which might not be addressed by some of the amendments. A number of the other questions that were raised in the second reading will be addressed by various amendments that members will move. The Hon. Mr Darley raised some general questions about consultation with Aboriginal peoples.

I am advised as follows. The government conducted appropriate consultation with Aboriginal leaders; however, in light of the concerns raised by Mr Darley's office, Multicultural Affairs liaised with Aboriginal Affairs and Reconciliation, which was responsible for the South Australian Aboriginal Advisory Council, to seek advice on whether consultation with the advisory council was required.

The senior manager of Aboriginal Affairs and Reconciliation advised as follows. Aboriginal Affairs and Reconciliation acknowledge that the feedback provided by Nerida Saunders and Kirstie Saunders has been respectfully incorporated into the bill. In addition, feedback has been provided by the Commissioner for Aboriginal Engagement.

It is the role of the Commissioner for Aboriginal Engagement to provide advice to government and advocate on behalf of Aboriginal people. As such, Aboriginal Affairs and Reconciliation's view is that the consultation undertaken for this particular bill is adequate and that further consultation with the advisory council is not necessary.

Further, ongoing mandatory consultation with Aboriginal people is addressed satisfactorily at clause 19(4)(a), which provides for the Commissioner for Aboriginal Engagement to be consulted in preparing, varying or substituting the South Australian Multicultural Charter.

The Hon. C.M. SCRIVEN: I have a number of questions at clause 1. Could the Treasurer explain why the assistant minister for multicultural affairs is not taking us through this multiculturalism bill?

The Hon. R.I. LUCAS: It is my view as the Leader of the Government that I am the appropriate person to represent the Premier and the government on this issue and that a government minister should handle government bills.

The Hon. C.M. SCRIVEN: Why was SAMEAC as a body not invited to make a submission on this bill?

The Hon. R.I. LUCAS: I am advised the commission members were actively involved in the consultation process and were invited to attend all the community forums and stakeholder workshops. I am advised that 10 out of the 11 commission members attended at least one of the consultation events, and some attended several.

Further, in recognising the important role of the commission, the Assistant Minister to the Premier in multicultural affairs presented on the bill to the commission members prior to its introduction into parliament. Additionally, the YourSAy survey was open to any member of the public who decided to engage with the process. One commission member did decide to submit feedback through that process. Lastly, it would be unusual for anybody to be solely in charge of deciding matters that directly related to them—for example, such as tenure.

The Hon. C.M. SCRIVEN: Does the Treasurer not think that it would have paid appropriate respect that SAMEAC deserved for them to be involved in the early parts of developing this bill before it went to consultation and invited them to be more involved than simply attending, as I understand it, as observers only to the consultation events?

The Hon. R.I. LUCAS: I know a number of the members of SAMEAC, and I have great respect for them in terms of their contribution not only to SAMEAC but to many other aspects of their public and professional lives. I think the involvement and the availability of the involvement of commission members was appropriate and I certainly support the process that the government has followed.

The Hon. C.M. SCRIVEN: In the second reading contributions, government members made reference to a purported commitment to multiculturalism. Given the Hon. Jing Lee has been so very active in the multicultural community, why was she only fourth on the Liberal ticket at the election last time, had to run her own campaign and use hundreds if not thousands of corflutes, which of course the government has now banned? Does that really show a real commitment to someone who is very active in multiculturalism?

The CHAIR: The relevance of that question to this bill is extraordinarily tenuous but the Treasurer seems keen to respond.

The Hon. R.I. LUCAS: If this is going to be the nature and the tenor of the debate from the deputy leader, I think it is an appalling standard to be set. The claim of 'purported' support for multiculturalism by the government is a disgraceful claim from the deputy leader and one that I think is beneath her.

I have been an elected member of this chamber for 40 years. I am proudly a product of a Japanese mother and an Australian father. There are many members on our side of the chamber, as there are on the Labor side of the chamber, who represent multicultural communities or various groups. If we are going to state the nature and the tenor of the debate in this particular way, it is going to be a sad way to work through what I think is an important process. I would urge the deputy leader to lift her sights a little higher than where she started. Let's debate the issues here, rather than those sorts of silly claims being made.

I do not intend to continue to respond to questions of that nature; however, in relation to that particular question, I place on the record not only my commitment but the assistant minister's commitment, the Premier's commitment and that of all members of the government to multiculturalism. It has been something that both sides of parliament and all sides of politics in South Australia have supported for decades, irrespective of who has been in government and who has been in opposition. It is one of the strengths, I think, of South Australia as compared to some other parts of Australia and certainly other parts of the world. It is something that we should endorse, support and nurture, not try to tear apart through those sorts of disgraceful questions.

The Hon. C.M. SCRIVEN: I have a final question at clause 1, and I agree with the final comment from the Treasurer that we should be endorsing and nurturing multiculturalism within our state. Why were the two people who were previously on SAMEAC and who raised concerns with elected members about this bill then excluded from being appointed to the commission?

The Hon. R.I. LUCAS: The views that individual members may or may not have expressed had nothing to do in relation to the decision the government has taken about the appropriate role and the composition of SAMEAC. I suspect I am aware of the two members the member is referring to, although she has not referred to them by name.

As I said, I have great respect for the contributions from individual members of the commission I know. I do not know all of them, but I do know some of the longer serving members, and one in particular I worked with for many years in the education community, both as a shadow minister and as a minister. I count her as a friend and I have great respect and regard.

People are entitled to the views they might have about the appropriateness or otherwise of government policies and changes, as the government is entitled to maybe have different views. Nevertheless, it does not reduce the respect that I and other members of the government might have for various individuals.

The Hon. F. PANGALLO: Can I ask how a selection process was conducted for the new members?

The Hon. R.I. LUCAS: I am advised broadly that an expression of interest process was adopted, which is quite different from the process that the former government had adopted in relation to nominating members of the commission and probably different from the process the former Liberal government adopted back in the nineties. So it is an evolution and it was an appropriate evolution in terms of people being able to express interest. The government then responded to feedback received from stakeholders during review that they had called for an open and transparent process of selecting future members.

The Department of the Premier and Cabinet engaged a recruitment agency to help manage the process. As I said, there was an expression of interest process. Expressions of interest were sought. There was an overwhelming positive response to the call: 129 submissions received for positions on the commission. The independent consulting firm managed the process by short-listing candidates against selection criteria, conducting due diligence checks, facilitating a selection panel for the process.

It was broadly an endeavour to conduct a more independent, professional process than had been conducted by previous governments of probably, as I said, both persuasions. That is, they tended to be—as many boards are, frankly—nominations by individual ministers or governments and approved by the cabinet of the day. On this particular occasion, this particular process, there was this expression of interest process and facilitated by an independent facilitator, a consulting firm.

The Hon. F. PANGALLO: How long was that window of expression of interest, and when the HR company or selection panel made the selections where were those nominations forwarded to and who made the ultimate selection for those members?

The Hon. R.I. LUCAS: I am advised that, on the advice of the recruitment firm or agency, the expressions of interest process opened on Friday 7 May and closed on Monday 24 May. Ultimately, these decisions, as with all board decisions, are taken by the cabinet based on the recommendation of the appropriate minister, which in this case was the Premier.

The Hon. F. PANGALLO: Why were the previous chairman of the commission or deputy not interviewed or responded to in their application to be appointed to the board?

The Hon. R.I. LUCAS: I am advised that no-one was interviewed in relation to it. The selection panel reached an agreement based on the expression of interest process and made appropriate recommendations, so the advice I have received is that no-one was interviewed.

The Hon. F. PANGALLO: Were the unsuccessful applicants all notified?

The Hon. R.I. LUCAS: I am advised they were advised by email.

The Hon. F. PANGALLO: Is it a requirement that any members of the board must respond to emails that are sent to them by the government or the assistant minister?

The Hon. R.I. LUCAS: I am not sure what that question infers, but I do not think anyone can require anyone to reply to an email. If you get sent an email, you can choose to respond or not respond. I think the member would have to be a little more specific in relation to the nature of the specific question, but I think he would understand that if you are sent an email you can choose to respond or not respond. It is entirely your decision.

The Hon. F. PANGALLO: If they do not respond, is there a tally kept of lack of responses to emails?

The Hon. R.I. LUCAS: I have no knowledge of tallies being kept or not kept in relation to response to emails. I think the member is going to have to be a little more specific in relation to emails. Some emails do not need a response. They may be simply advice and do not require a response. The notion that you would have a tally of emails that do not require a response or need a response would not make much sense to me. Unless the member could be a bit more specific about the questions, I do not know that I am going to be able to satisfy his thirst for knowledge.

The Hon. F. PANGALLO: Has the assistant minister sent emails to previous board members and then expected to receive a receipt of that email as to whether it had been read?

The Hon. R.I. LUCAS: Whether or not an assistant minister, a minister or a member has sent an email and expected it to be read or responded to really has nothing to do with this particular piece of legislation. It might be of great interest to the Hon. Mr Pangallo and it might be of great interest to somebody else—I am not sure why—but it is of no interest to me, frankly.

The Hon. F. PANGALLO: It goes back to my original question: is there an expectation that, if there are emails sent from the department or the assistant minister or the Premier to these board members, there is a requirement for a response?

The Hon. R.I. LUCAS: I can only repeat the answer I gave earlier; that is, whether someone responds or not is entirely up to them. If, for example, someone is invited to a meeting, then there is probably an expectation to respond either yes or no. If there is just an advice that something is available, then no response is probably required at all or expected. It depends on the nature of the email. Again, there is nothing in this particular bill under any of the clauses that provides any comfort for the member in relation to this particular line of questions. I cannot provide much information on the email flow between individuals over recent years. Frankly, it is not an important part of the legislation.

The Hon. F. PANGALLO: Can I just get clarification that the recruiting body did not interview any of the candidates; is that correct?

The Hon. R.I. LUCAS: I have said that twice.

The Hon. F. PANGALLO: Why would a recruitment agency not interview candidates or even those who perhaps could be considered to be passed on as potential members of the commission? Why would you have a recruitment agency go through the selection process, look at applications and then not invite the ones you have higher expectation for for an interview? That is what usually happens when you have an HR company, I think, Treasurer. If you apply for a job, you are usually interviewed and then, from there, another assessment is made as to your suitability for that job and a recommendation is made.

The Hon. R.I. LUCAS: This is not a job; this is actually a position on a board. Having been in government almost 100 years ago in the 1990s, and been in government again this time, and having observed another government for the last 16 years, I can assure you that board members are not selected through such a process. More often than not, a minister, he or she, selects someone or nominates someone, it is discussed at cabinet and they agree or disagree on a particular person. There is no expression of interest process. There is no open advertisement. It is just the minister of the day and then the government of the day deciding on a particular person.

It is how Kevin Foley ended up as the chairman of Funds SA. It is how Annette Hurley, the former deputy leader of the Labor Party, ended up as chairwoman of Super SA. There was no expression of interest process. There was no advertisement. It was a decision of a minister in a Labor government, endorsed by a cabinet, as they are entitled to do.

The criticism in this area seems to be that the government and the agency sought to open it up to expressions of interest rather than a minister nominating a particular person. I think in one particular iteration this body was chaired by Grace Portolesi, a former Labor minister. There was no expression of interest process or open advertisement or interviews when that occurred.

The process was a genuine endeavour to open it up to expressions of interest, and there are 129 of them. Hender Consulting, obviously, given the criteria that was outlined, made some recommendations or short-listed and the selection panel then made their particular decision, which was a recommendation, as I understand it, to the minister, which is the Premier. Then, ultimately, cabinet had to sign off on the particular decisions.

As I said, as someone who knows some of the people who have served that board well for many years, I do not believe it should be viewed as a slight in relation to their performance or what they have done for the community and for the commission over many years. I have great regard for the contribution they have made both professionally and in this particular area over a period of time. But inevitably there is a need for renewal. Nothing is ever permanent. I am about to sail off into the political sunset because I recognise it is time for renewal. We all have a use-by date and there is a process and a need on boards in governments for renewal, in terms of what occurs.

This was a genuine endeavour to engage in the process. There are some people who perhaps have not liked the process. I understand that. It does not lessen my regard for some of the individuals in terms of the contributions they have made to the community and to the commission over a long period of time. They will remain friends of mine; they have been and they will remain friends of mine into the future.

The CHAIR: The Hon. Mr Pangallo, are we going to keep to the bill in front of us?

The Hon. F. PANGALLO: The Treasurer went around the block 10 times to actually get to the point—

The CHAIR: Yes, I will remind him of that as well.

The Hon. F. PANGALLO: —that it was rejuvenation. Was that explained in the criteria? Have you got a copy of the criteria, perhaps, Treasurer, that you might be able to read out to us?

The Hon. R.I. LUCAS: Decisions in relation to renewal are decisions that ultimately the cabinet takes. There is a process that I have explained. Recommendations come through, the minister takes it to cabinet and cabinet makes a decision. I am certainly not going to go into the processes of what the minister recommended and what the cabinet ultimately decided. That is, obviously, part of cabinet confidentiality.

That is the process and it is perfectly acceptable for the ultimate decision-makers, which is the government, the cabinet and the minister, in their consideration to take recommendations but also to take into account issues, some of which I have referred to and some others that I have not referred to.

The Hon. F. PANGALLO: This is the last one, Mr Chair. What I have been asking the Treasurer is not in fact to cast any aspersions on the new panel of members, which I warmly endorse.

The Hon. C.M. SCRIVEN: Four people who have been appointed to the commission are known to be aspiring candidates for the Liberal Party. Does such a significant number of those obviously associated with a political party risk politicising the commission, which should be nonpartisan and non-political?

The Hon. R.I. LUCAS: Can I firstly say that I have already referred to the fact that the former chair of the commission was actually a former Labor minister and a Labor candidate. I am not sure that the deputy leader would believe that that was politicising, in her view, the work of the commission. I am not aware that four of the persons there are known to the deputy leader as potential candidates from the Liberal Party. She obviously knows much more about the operations of the Liberal Party than I do. It has nothing to do, frankly, with the selection process and it certainly has nothing to do with the bill.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Amendment No 1 [Scriven–1]—

Page 4, after line 30—Insert:

and

(k) the contribution that migration, temporary migration and refugee resettlement has made to multiculturalism and interculturalism in South Australia.

This amendment seeks to include in the parliamentary declaration, at the beginning of the bill, that we recognise the contribution that migration, temporary migration and refugee resettlement has made to multiculturalism and interculturalism in South Australia. I think this is a particularly important addition.

The parliamentary declaration includes a number of very important principles, and I think recognising the contribution of migration, temporary migration and refugee resettlement should be included in those important principles. For example, temporary migration includes international students who might come to South Australia for a period of time while studying, and members would be aware that that is one of the major industries of our state.

It includes agricultural workers who have been so very key to ensuring that our agricultural, horticultural and other industries have been able to continue. Indeed, we have had workers from the Pacific Islands particularly brought in—because of the shortage of backpackers—under a program that seeks to assist both their home country and also our own. They are just a couple of the temporary migration examples, and of course the huge contribution that refugees or former refugees have made to our state should not be underestimated and deserves to be noted in particular in the declaration.

The Hon. R.I. LUCAS: The government is opposing this particular amendment, and I am advised as follows. The government is opposing it because it does not need to be added to the parliamentary declaration. It may be the intention of this amendment that we reflect the diversity of the communities we have in South Australia, but they are covered in other aspects of the parliamentary declaration. It is not clear why we would only acknowledge temporary or permanent migrants and not others who are in our community who make a contribution towards multiculturalism and interculturalism.

For example, we have a lot of people who come and live here and they are legally entitled to do so and they do not ever sign up to be an Australian citizen. Are they not going to be included

here, or do we have them as informal migrants? We do not want people to feel excluded by us saying that it is only the migrants who make a contribution.

The Hon. T.A. FRANKS: I indicated in my second reading speech that the Greens are supporting all of the opposition amendments.

The Hon. C.M. SCRIVEN: I would like to respond to the Treasurer. First of all, I think including reference to some certainly does not exclude others. I draw the Treasurer's attention to, for example, paragraph (j), 'the valuable contribution of South Australians from diverse backgrounds to South Australia,' which I would imagine encompasses those he is referring to. I think simply highlighting the huge contribution made by temporary migration and refugee resettlement is a worthy thing that should be included and certainly does not exclude anyone by doing so.

The committee divided on the amendment:

Ayes.....10
Noes 11
Majority 1

AYES

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

NOES

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

Amendment thus negatived; clause passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–2]—

Page 5, after line 16—Insert:

(1a) A person must not be appointed as a member of the Multicultural Commission unless the person is an Australian citizen or a permanent resident of Australia.

This essentially is that a person must not be appointed as a member of the Multicultural Commission unless the person is an Australian citizen or a permanent resident of Australia. The reason I have done that is I think, firstly, it is important that members of any government board be of Australian citizenship or permanent residency, have been here a long time, but I also think in relation to this, the Multicultural Bill, it is an aspirational target that many new arrivals in this country would want to be and become Australian citizens.

Those who are actually on the board now—and of course previous members—are all Australian citizens, perhaps coming from backgrounds from foreign countries and then working their way through and have become role models in the community. So, essentially, it is an aspirational thing.

The Hon. R.I. LUCAS: The government is supporting this amendment. This amendment ensures that members appointed to the Multicultural Commission have experience and an understanding of multiculturalism within the Australian context, which is considered as critical to their

effective contribution on the commission. This requirement was already part of the recent expression of interest process, which the current commission were appointed under.

The Hon. C.M. SCRIVEN: I indicate that the opposition will not be supporting this amendment. In the recent contributions we have had in this state parliament, in particular in regard to the situation of Afghan refugees, for example, we have heard that people have been here on Temporary Protection visas and other visas for seven, eight and nine years, extended periods such as this. They would like to become Australian citizens, they would like to be permanent residents, but they are prevented from doing so by the federal government's policies.

I think many of those people, potentially, have a great contribution to make and should not be specifically excluded simply because they have been unable to attain, despite wanting to do so, permanent residency or citizenship.

The Hon. T.A. FRANKS: I indicate that the Greens will also be opposing this amendment, for similar reasons just expressed by the Deputy Leader of the Opposition. Indeed, it has become harder and harder for some, in this introduction of things such as Temporary Protection visas, to fulfil the requirements that would be required in this amendment.

We think that those people are deserving not only of our protection but indeed our inclusion while they are here, and hopefully we will make it easier for them and quicker for them to become permanent residents or citizens in the future, rather than punish them for being put in this predicament by what are actually cruel government policies.

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

Amendment carried.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–2]—

Page 5, lines 29 and 30 [clause 7(4)]—Delete 'Commission, at least half (rounded down to the nearest whole number) must be women.' and substitute 'Commission—'

(a) at least half (rounded down to the nearest whole number) must be women; and

(b) at least 1 must be a resident in regional South Australia at the time of their appointment; and

(c) at least 1 must be less than 25 years of age at the time of their appointment.

I am asking the chamber to change the make-up of the commission so that at least half, rounded down to the nearest whole number, must be women on the commission, at least one must be a resident in regional South Australia at the time of their appointment and at least one must be less than 25 years of age at the time of their appointment—in order to be inclusive, with equality in there, and to encourage more women to take part in this process, with at least one resident coming from regional South Australia. I am surprised that this aspect has been overlooked, because there are so many people of various backgrounds who have come to this country and now reside in some of our biggest regional areas: in the South-East, in the Riverland, on the West Coast, and in other parts.

There are many new arrivals from countries like Africa, the Middle East and Afghanistan who have made their homes in those areas and, as we all know if we have been in those areas and regions in Renmark and in the South-East and even on the West Coast, there are strong pockets of people who have come from various backgrounds. Port Pirie, for instance, is a very strong area and has been a strong focal point for decades for people migrating there. It is important that people who live in the regions also have a voice on this commission.

The other one that is extremely important is to have youth representation on this, youth giving their voice on what they would like to see within their communities and also to meet the needs of youth who have come to this country and perhaps are finding their way and need some representation. As we all know, young people tend to perhaps communicate more with kids their age rather than adults, and I think it is important that we have youth representation here.

A great organisation is situated only across the road, Multicultural Youth, and they do tremendous work in the community—fantastic work. It is only fair that this commission also has a

member from that age group represented there. I strongly ask members to support this. It is important that we have regional representation, that we have strong or equal female representation and that we have youth representation on it.

The Hon. R.I. LUCAS: The government supports this amendment. Although clause 7(3) in the bill already provides the membership of the commission to reflect an appropriate diversity of age and geographic location, among other personal attributes and characteristics, I am happy for this amendment to be implemented after the commencement of the act. Diversity is already an important part of the commission. We have previously had representatives from regional communities, and the new commission includes more women than men for the first time.

The Hon. C.M. SCRIVEN: I would like to indicate that the opposition is supporting this amendment from the Hon. Mr Pangallo, and we are very pleased to do so. We are glad that there are currently more than 50 per cent of women on the commission. That is certainly a positive. In the past, there has often been very good representation on the commission. The benefit of this amendment is that it guarantees those things: it guarantees at least 50 per cent are women and it guarantees there is regional representation.

As a regional member myself, I am well aware of how a number in our migrant communities experience very different challenges in country areas compared perhaps to the metropolitan area. Often there is not the critical mass, if you like, that ensures that services are provided, or even necessarily that those in charge of services are aware of the needs of multicultural communities in regional areas. It would certainly be of benefit to guarantee that there will be someone from regional South Australia.

Similarly, I echo the points made by the Hon. Mr Pangallo in regard to youth. Again, the issues facing young migrants can be quite different from those facing an older generation, notwithstanding they may have all arrived in relatively recent times or not. I certainly do support, and the opposition supports, this amendment and is glad that the Hon. Mr Pangallo has moved it.

The Hon. R.P. WORTLEY: I have a question to the Hon. Mr Lucas. Clause 7(4) states 'at least half (rounded down to the nearest whole number) must be women'. One would naturally think that the other half must be men, but there is no indication. In theory, they could all be women and there could be no men. Is that the intention?

The Hon. R.I. LUCAS: The intention of the government, as with most boards and committees, is to see equality of representation, so there is certainly no intention from the government to have all female members and no male members. The current composition reflects that. I am sure, should there be a change of government and this was the law, it would not be the position of the alternative government either.

The Hon. T.A. FRANKS: I rise to support the Hon. Frank Pangallo's motion and note that he possibly has a parliamentary bingo for the second time in 24 hours.

Amendment carried; clause as amended passed.

New clause 7A.

The Hon. F. PANGALLO: I move:

Amendment No 3 [Pangallo–2]—

Page 6, after line 19—Insert:

7A—Declaration of affiliations and register of interests

(1) A member of the Multicultural Commission must, as soon as is reasonably practicable after the member is appointed and in accordance with the requirements set out in the regulations—

(a) make a declaration of the member's membership of, or affiliation with, any political party or union, or any other body whose activities may affect, or be affected by, the performance of the official functions and duties of the member; and

(b) make a declaration of any prescribed interests of the member in the register of interests established under the regulations.

(2) A failure to comply with subsection (1) will be taken to be grounds for removal of the member of the Multicultural Commission under section 7.

This is a declaration of affiliations and a register of interests. A member of the commission should make a declaration of the member's membership of, and affiliation with, any political party or union or association or anybody whose activities may affect or be affected by the performance of the functions and duties of the commission. The member should also make a declaration in a register of interests of any prescribed interests they may have. Again, I think it is important that you have openness and transparency in relation to these appointments.

As I said in my second reading speech, it is important that these appointees should not merely be considered as shopfront tokenism. They actually are representative of their communities. I think it is also important that we know what their backgrounds are as well as their affiliations. It is an avoidance of doubt, really. There is no reason why people should not be able to declare their political affiliations on a register of interests.

The Hon. J.M.A. LENSINK: I thank the honourable member for moving this amendment; however, I think the honourable member needs to be made aware—obviously a lot of the things that he has spoken about we would agree with in principle—that the declaration of interests by South Australian government board and committee members is already covered by the Public Sector (Honesty and Accountability) Act 1995.

Under this legislation, a member is required to declare an interest when it is relevant to a matter decided or under consideration by the board or committee and they have a conflict of interest. The duties of members are explained in the paper 'Honesty and accountability for members of government boards', which is provided to board members upon their appointment.

There is no need for a separate arrangement for Multicultural Commission members; in fact, the amendment raises the question of why commission members would be subject to scrutiny about their membership of or affiliation with political parties or unions where this does not apply to other boards and committees. Such a requirement could be perceived as discriminatory and potentially racist; therefore, the government is opposed to this amendment.

The Hon. C.M. SCRIVEN: The opposition is not supporting this amendment either, simply because the opposition has not been apprised of any compelling reason why members of this board should have a higher level of accountability compared with members of other boards, roughly similar to what the Minister for Human Services has just outlined.

New clause negatived.

Clause 8 passed.

Clause 9.

The Hon. F. PANGALLO: I move:

Amendment No 4 [Pangallo–2]—

Page 6, line 28 [clause 9(2)]—Delete '4' and substitute '6'

Essentially, this amendment requires that there be more than just four meetings in a year of the commission. I am suggesting that number be six.

The Hon. R.I. LUCAS: I am advised the government supports this amendment. The South Australian Multicultural and Ethnic Affairs Commission has for many years met at least eight times a year. I understand that the newly appointed commission meets monthly to carry out its important role and functions. The government supports the increase in the minimum number of commission meetings held each year from four to six.

The Hon. C.M. SCRIVEN: The opposition is also supporting this amendment.

Amendment carried; clause as amended passed.

Clause 10.

The Hon. F. PANGALLO: I will not be moving my amendment on this clause. I am informed that there is already adequate reimbursement given for reasonable expenses for members of the commission.

Clause passed.

Clause 11.

The CHAIR: I indicate to the committee that one part of the Hon. Mr Pangallo's amendment is exactly the same as the honourable deputy leader's amendment, but the Hon. Mr Pangallo filed his first, along with the second part that is not included with the honourable deputy leader's amendment. My proposition is that I would put the question in the two separate parts, if that is acceptable to the committee. I call the Hon. Mr Pangallo.

The Hon. F. PANGALLO: I move:

Amendment No 6 [Pangallo–2]—

Page 7, after line 39—Insert:

(ga) to raise awareness of the harm that racism and other forms of discriminatory behaviour can do to multiculturalism and interculturalism in South Australia;

(gb) to advise and consult with the Office of the Commissioner for Equal Opportunity and other appropriate persons and bodies on matters relating to discrimination and racial vilification, and to refer such matters to be dealt with by such persons or bodies in circumstances where the Multicultural Commission considers it appropriate to do so;

This is to insert further that the aims of the commission will also be to raise awareness of the harm that racism and other forms of discriminatory behaviour can do to multiculturalism and interculturalism in South Australia, and to advise and consult with the Office of the Commissioner for Equal Opportunity and other appropriate persons and bodies on matters relating to discrimination and racial vilification, and to refer such matters to be dealt with.

Essentially, what I am saying is they should be encouraged and be able to raise awareness in our community when they come across matters of racism and discrimination. That is the aim of it. I think it is important that when you have a multicultural commission this should be one of the tasks, and I would say that they would welcome doing that themselves.

The Hon. R.I. LUCAS: The government's advice is that this is not entirely necessary but in the interests of peace, harmony and Kumbaya and all of us being together and seeing a successful passage of the legislation through both houses of parliament, the government is delighted to be able to support this particular amendment from the member.

The Hon. C.M. SCRIVEN: As you have alluded to, Mr Chair, the first part of the amendment being moved by the Hon. Mr Pangallo is identical to an amendment that had been filed in my name, particularly in regard to raising awareness of the harm of racism and other forms of discriminatory behaviour. I want to place on the record that the opposition's view is that the commission has absolutely the expertise to have a very strong educational role, and that educational role should be a part of their remit.

They often have lived experience themselves, the organisations they are involved with have lived experience of racism and discriminatory behaviour—sadly, far too often—but more importantly they are able to be very much involved in explaining the sorts of behaviours that can be termed in that way and educating on how both individuals and organisations can potentially overcome some of those issues, particularly the unconscious racism that, sadly, is often experienced in our state and country.

The CHAIR: The question I am going to put is that paragraph (ga), as proposed to be inserted by the Hon. Mr Pangallo, be so inserted.

Question agreed to.

The CHAIR: I will now put the question that paragraph (gb), as proposed to be inserted by the Hon. Mr Pangallo, be so inserted.

Question agreed to; clause as amended passed.

Clauses 12 to 20 passed.

New clauses 20A and 20B.

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

Amendment No 3 [Scriven–1]—

Page 11, after line 14—Insert:

20A—State authorities to report performance

Each State authority must, on or before 31 October in each year, report to the Minister on the performance of the State authority in giving effect to the Charter during the preceding financial year.

20B—Minister to report performance of State authorities

(1) The Minister must, on or before 31 December in each year, prepare a report summarising the reports received under section 20A in respect of the preceding financial year.

(2) The Minister must, within 6 sitting days after completing the report, have copies of the report laid before both Houses of Parliament.

This amendment will insert a clause that will require state authorities to report performance against the charter, which will be coming into effect, during the preceding financial year and to provide that report to the minister, and then require the minister to provide that information, or a summary thereof, to the parliament within six sitting days.

We have seen that there are a number of very important principles that are now enshrined, or will be once this bill passes, under the parliamentary declaration. We have seen reference to the charter, which is an important step forward in terms of the operations of the commission and, indeed, multiculturalism and interculturalism in our state. We need to make sure, however, that those two items are not simply lip service. We need to make sure that we give life to the charter, and ensuring that the state Public Service actually reports on their performance against the charter is an important way of giving effect to the charter and ensuring it is meaningful.

The sort of performance will reflect various parts of the parliamentary declaration; for example, ensuring there is a whole-of-government approach and also that state authorities are responsible for giving effect to the principles of multiculturalism, and that is just a paraphrasing of two sections of the parliamentary declaration. Essentially, it ensures that these are implemented and it ensures also—hopefully we would all agree that the Public Service should be a model employer. So when we are talking about multiculturalism and interculturalism, the Public Service should certainly be leading the way.

Other jurisdictions do collect this information. We here in South Australia, I am advised, capture some data, but we do not report on it. It is important that that data is in fact reported, that it is made available firstly to the minister and then to the parliament so that can in itself serve as an accountability to ensure that we are not just paying lip service to the principles and to the items that will be in the charter but that we are actually ensuring they are implemented and reported against.

I am sure most members would be familiar with the expression that what gets measured gets done. If it is not measured, there is a risk that it may not get done.

The Hon. R.I. LUCAS: The government is opposing this amendment. In the government's view this material is already collected, available and reported on. What this amendment is suggesting is that it now be an obligation in relation to the state authorities specifically that they make that data available. This amendment puts a statutory obligation on each of the chief executives of departments and/or the minister responsible for those agencies to report on it.

We have an annual report process, which of course all happens as part of government accountability or public sector accountability. They are audited by the Auditor-General. They have statutory obligations as to when they are to be done, when they are to be presented to a minister and the time frames within which they are, in most instances, to be tabled in parliament. We say that the government's view is that the provisions are unnecessary because existing reporting

requirements, regardless of what goes on in the charter, will provide a nexus between the bill and the government departments.

The government also says that the bill requires state authorities to have regard to and seek to give effect to the charter in carrying out their functions and exercising their powers, which is under clause 19(1). The charter incorporates multicultural principles, will offer guidance to government departments on providing accessible and responsive services to multicultural communities and will support a consistent across-government approach. The commission will have a central role in developing the charter and the principles included within it, and this process will commence upon the enabling of the legislation.

It is important to note that South Australian government agencies already report on their diversity and inclusion service delivery through the Commissioner for Public Sector Employment's diversity and inclusion strategy 2019-21. This provides another umbrella of obligation for government agencies to report on these matters.

As to the annual reporting, government authorities also report annually to the responsible minister on their activities through the Premier and Cabinet Circular PC013, 'Annual reporting requirements'. This is a mandatory report that must contain information, including relevant statistics, about all aspects of the agency's operations and initiatives, strategic plans and the relationship of the plans to government objectives, the legislation administered by the agency, the functions and objectives of the agency, the service delivery, the financial performance and other elements, all of which is audited by the Auditor-General.

Clearly, there is an Auditor-General function. There is also a parliamentary oversight function, where either in question time, in an estimates committee or in various other fora that are provided through the parliamentary process members of parliament are able to interrogate either ministers or—for example, through the Budget and Finance Committee process in the Legislative Council or the estimates committee process in the House of Assembly—chief executives and senior executives in relation to their performance over a whole range of functions, including this particular function. For those reasons, the government is opposing the amendment.

The Hon. F. PANGALLO: I advise that we will not be supporting the amendment.

The Hon. T.A. FRANKS: To clarify, the Greens will be supporting this amendment, as we have indicated previously. I do not think it is too much to ask for an annual reporting from the various departments and their chief executive officers of information that they largely already hold. While we do not know exactly what the charter will look like, I would hope that we should see reporting to the charter, and in fact giving life to this reform that we are debating today and giving respect to those communities which it will serve.

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

The Hon. C.M. SCRIVEN: Just for the record, I would like to respond to some of the Treasurer's comments. Given that this information, he has said, is already collected, which was also our understanding, it should not be particularly burdensome for it to be collected and put into one place, similar in some ways to the way we report against targets for people with disability, for example. It is important that there is a focus on it, and by ensuring that there is a whole-of-public-sector report on it that would ensure that it actually is given the status and priority that it deserves.

The committee divided on the amendment:

Ayes.....9
Noes 10
Majority 1

AYES

Franks, T.A.	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Scriven, C.M. (teller)	Simms, R.A.	Wortley, R.P.

NOES

Bonaros, C.	Centofanti, N.J.	Darley, J.A.
Girolamo, H.M.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Pangallo, F.
Wade, S.G.		

PAIRS

Bourke, E.S.	Stephens, T.J.

New clauses thus negatived.

Remaining clause (21), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:15): I move:

That this bill be now read a third time.

The Hon. C. BONAROS (17:16): I did not speak to the second reading of this bill, but I do have something that I would like to say in support of the third reading and it relates to the debate that just took place here this evening. I do not know, and frankly I do not care to know, the multicultural make-up of the Hon. Clare Scriven, but I will say, because I think it needs to be said, that her comments today were worse than dog whistling, they were blatant and they were completely inappropriate.

They undermined and went against every grain of the bill that we are debating. Despite any political differences that we may have in this place on this bill or anything else, it is my firm view—and I am sure that of others—that the honourable member should reflect on her comments and apologise not just to the Hon. Jing Lee but to every other person in here who was offended by her line of questioning. Despite the smugness with which the questions were asked, the Hon. Ms Scriven achieved absolutely nothing positive for herself today, and I hope she reflects on that.

I sincerely hope that the questions that were asked, and that line of questioning, was not endorsed by the opposition. It was offensive and it has no place in here and in this debate. If I look angry, I am. Through you, Mr President: the moral high ground is not yours to take, Ms Scriven.

The Hon. C.M. SCRIVEN (17:18): I was not intending to make a third reading speech but obviously I will do so, given those comments. My intention was simply to indicate that the Hon. Jing Lee has done some excellent work in the multicultural space, and I think that is well acknowledged. It certainly was not intended in any way to reflect upon her and if that is how it was interpreted by the Hon. Ms Lee, then I—

The Hon. C. Bonaros: That's exactly how it was interpreted by everyone.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —would unreservedly apologise because that certainly was not my intention. I do think on a personal level that the Hon. Ms Lee deserved greater consideration by the Liberal Party, but that is a personal view. Certainly, if there was any offence taken by Ms Lee, who I think has done excellent work and is well acknowledged as having done so, then I have no hesitation whatsoever in apologising to her and indicating that that was not my intention.

Bill read a third time and passed.

The Hon. R.I. LUCAS (Treasurer) (17:19): I move:

That the sitting of the council be suspended until the ringing of the bells.

Motion carried.

Sitting suspended from 17:20 to 18:26.

ELECTORAL (REGULATION OF CORFLUTES) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:28): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, I am pleased to introduce the Electoral (Regulation of Corflutes) Amendment Bill 2021.

This Bill amends the *Electoral Act 1985* and makes a related amendment to the *Local Government Act 1999* to regulate the use of corflutes on public roads.

As Members are aware, corflute is the name given to corrugated polypropylene, a fluted plastic which is lightweight yet rigid. Through election periods across the State we see corflutes posted on stobie poles advertising election candidates, and being used as A-frames at shopping centres.

Mr President, I won't go into too much detail, as this has been raised in this House previously, but corflutes are detrimental to the environment as there are limited recycling options for them. Polypropylene is not widely recycled, with only two main recycling methods: either mechanical recycling which is complicated due to concerns around food contact and in separating types of plastic, and recycling through chemical methods to break the corflute down. While all political parties encourage their candidates to reuse and recycle corflutes, or repurpose or donate, this is often difficult and sees a continual cycle of new corflutes being printed each election.

Not only is the corflute detrimental to the environment, but to attach corflutes to stobie poles they require cable ties and other fixings which often get cut and left for local wildlife to consume.

Earlier this year South Australia's most significant environment policy came into effect, the Government introduced a single use plastic ban. With the huge success of this policy, I would hope that this Bill will receive the full support of the Parliament.

Mr President, many of these corflutes quite often remain on stobie poles much longer than anticipated, with candidates and their volunteers not removing them in the required timeframe. Local councils have then had to follow up to have them taken down. Councils also further raised concerns about diminished roadside safety, distracting drivers and the preservation of roadside public amenity.

Corflutes are costly to parties and do little to educate voters about a candidate, their policy or their platform beyond name identification. With modern campaigning methods, corflutes are quickly becoming redundant.

The Government appreciates that not all voters will have access to the internet, or particularly social media, where much political communication occurs about candidates and policies of the political parties of the day.

The Government also appreciates that people may need to be reminded of election day and of polling place locations. The Bill permits a limited number of four corflutes to be exhibited by candidates or groups within 50 metres of an open polling booth. The clause also provides for an exception to the ban of putting corflutes on roads when those roads are within the 50 metre zone.

Regulations will be made to set out requirements that must be followed in displaying these corflutes.

If a candidate authorising the display of corflutes breaches the legislation they commit an offence and any person displaying unauthorised corflutes also commits an offence. The presiding officer of a polling booth has broad powers to direct or undertake removal of corflutes which are exhibited in contravention of the legislation.

The Bill also provides that other exceptions to the ban of corflutes on roads are permitted by regulation.

Mr President, it's a shame that we are here once again debating the removal of corflutes. It is clear to me that this Labor opposition doesn't care for the impact and damages corflutes have on our environment.

Kangaroo Island is already ahead of us, in the 1980's the community and the candidates agreed to not have corflutes at all. Banners continued to be displayed only at polling booths.

I note that the Member for Waite has also attempted to introduce his own Bill to remove corflutes, however this has not progressed.

The community dislike them, the volunteers get caught up in the midnight rush of getting the perfect stobie pole and plastering faces all over the main roads, and it's intimidating for voters on polling day.

Mr President, I commend the Bill to Members and I seek leave to insert the Explanation of Clauses in Hansard without my reading it. I hope to see this Bill progress through Parliament as a priority.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

4—Amendment of section 115—Limitations on display of electoral advertisements

An offence of exhibiting an electoral advertising poster on a public road (including any structure, fixture or vegetation on a public road) during an election period, except in circumstances prescribed by the regulations, is provided for. A definition of *electoral advertising poster* is inserted—being a poster displaying electoral advertising made of corflute or plastic. The limitations under the section would also apply to posters made of other materials or kinds of materials prescribed by regulation (if any).

5—Amendment of section 125—Prohibition of canvassing near polling booths

Limitations on the number of electoral advertising posters that may be exhibited within 50 metres of an entrance to a polling booth open for polling are provided for. The presiding officer at a polling booth is authorised to remove posters that are not exhibited in accordance with the limitations.

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

1—Amendment of section 226—Moveable signs

Currently, a sign related to a State election may be placed and maintained on a road during an election period without an authorisation or permit under Chapter 11 Part 2 of the *Local Government Act 1999*. That general exemption in relation to State elections is deleted as a consequence of the insertion of the offence into section 115 of the *Electoral Act 1985* by the measure.

An exemption is provided for in relation to a sign that relates to a State election and is an electoral advertising poster that is authorised to be exhibited under section 115(2a) of the *Electoral Act 1985* or section 125(1a) and (1b) of that Act (during an election period under that Act) (so that such a sign may be placed and maintained on a road during an election period without an authorisation or permit under Chapter 11 Part 2).

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

ELECTORAL (ELECTRONIC DOCUMENTS AND OTHER MATTERS) AMENDMENT BILL

Introduction and First Reading

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

Sitting extended beyond 18:30 on motion of Hon. R.I. Lucas.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (CPIPC RECOMMENDATIONS) AMENDMENT BILL

Final Stages

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

Amendment No 1 [AG–1]—

Page 74, lines 32 to 34 [Schedule 1 clause 59(1)]—Delete 'as if it had been issued for the purposes of the investigation of a matter by the Commission'

Amendment No 2 [AG–1]—

Page 76 after line 13—Insert:

65A—Judicial Conduct Commissioner continues in office

Despite section 12(3) and clause 16 of this Schedule, the Judicial Conduct Commissioner holding office under the *Judicial Conduct Commissioner Act 2015* as in force before the commencement of this Act continues to hold that office on the commencement of this Act.

Consideration in committee.

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

That the House of Assembly's amendments be agreed to.

The amendments are two relatively simple amendments which are essentially transitional amendments. One ensures the continuation of the position of the Judicial Conduct Commissioner and the second one, out of an excess of caution, ensures that any existing surveillance device authorities that the commissioner might have in operation for a current investigation are able to be continued. They are viewed by the government and the House of Assembly as transitional amendments and we therefore support the amendments.

The Hon. F. PANGALLO: I want to briefly say that of course I support the amendments. I would like to thank the government and the Attorney-General for guiding this piece of legislation through.

Motion carried.

At 18:33 the council adjourned until Tuesday 12 October 2021 at 14:15.

Answers to Questions

KANGAROO ISLAND WHARF FACILITY

In reply to **the Hon. F. PANGALLO** (9 September 2021).

The Hon. R.I. LUCAS (Treasurer): The Minister for Planning has advised:

Mr Pangallo should have regard to my previous statements in the house.