# LEGISLATIVE COUNCIL

## Wednesday, 1 December 2021

**The PRESIDENT (Hon. J.S.L. Dawkins)** took the chair at 14:17 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 Committees*

### LEGISLATIVE REVIEW COMMITTEE

**The Hon. N.J. CENTOFANTI (14:18):** I bring up the 50th report of the committee.

Report received.

*Bills*

### SOCIAL WORKERS REGISTRATION BILL

*Final Stages*

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

No. 1. New clauses, page 8, after line 6—Insert:

10A—Delegation

(1) The Board may delegate a function or power under this Act (other than a prescribed function or power)—

(a) to a member of the Board; or

(b) to a committee established by the Board; or

(c) to a specified body or person (including a person for the time being holding or acting in a specified office or position).

(2) A delegation under this section—

(a) must be by instrument in writing; and

(b) may be absolute or conditional; and

(c) does not derogate from the ability of the Board to act in any matter; and

(d) is revocable at will.

(3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

10B—Committees

(1) The Board may establish committees—

(a) to advise the Board; or

(b) to carry out functions on behalf of the Board.

(2) The membership of a committee will be determined by the Board and include at least 1 member of the Board.

(3) The Board will determine who will be the presiding member of a committee.

(4) The procedures to be observed in relation to the conduct of the business of a committee will be—

(a) as determined by the Board; and

(b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

Consideration in committee.

**The Hon. T.A. FRANKS:** I move:

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

I note that the amendment made was one moved by the Minister for Child Protection and is accepted by all parties, and in fact the bill was supported by all parties and Independents.

**The Hon. R.I. LUCAS:** I am just wondering what the amendment is. Is it circulated?

**The Hon. T.A. FRANKS:** I will explain that it was a government amendment moved by the Minister for Child Protection in the other place that sought to change the provisions around the setting up of committees under the board of social workers. The minister in the other place did not actually explain what it was for, although the mover of the piece of legislation, the member for Hurtle Vale, did. That might be because they might need to set up subcommittees and wanted to ensure that those involved who were registered social workers remained members of the subcommittees as well as the board.

I note that I actually said in the whipping instructions to all members this morning that we would be seeking to move that this be taken into consideration forthwith and gave notice to all members, even though it seems to be a surprise to the government.

**The Hon. J.M.A. LENSINK:** I can make some remarks on this, if it benefits the committee. This amendment was reintroduced in the House of Assembly to allow the board to delegate certain functions and establish committees. The goal is to support the board in being able to undertake its work and have access to the supports it needs to do so in a timely manner.

This is a central component of the National Registration and Accreditation Scheme, with all professional boards established under this scheme afforded this power under section 37 of the Health Practitioner Regulation National Law. All of the 15 national boards utilise these provisions for a range of purposes, including responding to matters requiring immediate or urgent action.

It is paramount to the ability of the board to carry out its functions efficiently, and similar provisions are found in state legislation relating to professional regulations, including section 16 of the Teachers Registration and Standards Act 2004.

Motion carried.

## HOLIDAYS (CHRISTMAS DAY) (NO. 2) AMENDMENT BILL

*Conference*

The House of Assembly agreed to grant a conference as requested by the Legislative Council. The House of Assembly named the hour of 4pm on Wednesday 1 December 2021 to receive the managers on behalf of the Legislative Council at the Kingston Room.

**The Hon. R.I. LUCAS (Treasurer) (14:24):** I move:

That a message be sent to the House of Assembly agreeing to the time and place appointed by that house for holding the conference.

Motion carried.

## CHILDREN AND YOUNG PEOPLE (SAFETY) (INQUIRY INTO FOSTER AND KINSHIP CARE) AMENDMENT BILL

*Final Stages*

The House of Assembly agreed to the bill without any amendment.

## COORONG ENVIRONMENTAL TRUST BILL

*Final Stages*

The House of Assembly agreed not to insist on its amendments Nos 1 and 3 to which the Legislative Council had disagreed; and agreed not to insist on its amendment No. 2 and has agreed to the alternative amendments made by the Legislative Council without any amendment.

## FAIR TRADING (MOTOR VEHICLE INSURERS AND REPAIRERS) AMENDMENT BILL

*Final Stages*

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

*Question Time*

## SA HOUSING AUTHORITY

**The Hon. K.J. MAHER (Leader of the Opposition) (14:26):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

**The Hon. K.J. MAHER:** The Auditor-General's Report this year identified that the Housing Authority had been making automatic payments of up to $5,000 instead of the legal threshold of $1,000. The Housing Authority itself admitted that this could have been occurring up to 89,000 times each year.

The transactions are subject to Treasurer's Instruction No. 8 made under section 41 of the Public Finance and Audit Act 1987. Every breach of this section is a criminal offence. In response to questions during the Auditor-General's examination on 28 October on this matter, the minister for Human Services said:

> I think that goes outside the actual findings that are in the Auditor-General's Report. He is asking me a policy question, which he is more than welcome to ask me in question time.

The opposition has now been provided with a copy of an internal email from the SA Housing Authority, dated 26 November, that says:

> …after an instruction by the Auditor-General the Authority is now required to give express approval for any variation to a work order which exceeds $1000 which is a change to the current threshold of $5000.

The email goes on to say, 'The Authority has been instructed to action changes as soon as possible.' My questions to the minister are:

1. When exactly was the minister first made aware of the Housing Authority's illegal conduct in this respect?

2. When exactly was the instruction given by the Auditor-General to change the illegal conduct?

3. Exactly what advice has the minister sought and been provided about the legality of transactions that breach the Public Finance and Audit Act, and what advice has the minister sought and been provided with about her own responsibilities and potential liabilities in this area?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28):** I thank the honourable member for his question.

**The PRESIDENT:** Order! I am sorry, there is too much conversation inside the chamber, and telephone conversations should not be conducted inside the chamber.

**The Hon. J.M.A. LENSINK:** I do recall that the honourable member at the time of the examination of audit reports was very excited about this particular item, which most of us find quite pedestrian, and I commend both the South Australian Housing Authority and the Department of Human Services for having some very pedestrian audit reports this year.

In relation to this particular report, I can update the chamber. I recall at the time that the honourable member referred to what was in the Auditor's report that estimated between 79,000 and

89,000 transactions required approval. My advice is that following an in-depth review of the data the revised estimate is 16,307 variations.

Furthermore, the report noted that the authority is automatically approving MTC variation requests for maintenance orders in excess of $1,000, which is contrary to the Treasurer's approved amendment to T1 8. The Treasurer has approved a variation to T1 8 that enables MTCs—that's multitrade contractors who do the maintenance work—to perform additional work on existing maintenance orders up to $1,000 per order without obtaining preapproval provided certain conditions are met.

The authority's connect system was programmed to facilitate the automatic approval of MTC variation requests up to $5,000. Under the T1 8 variation, the authority must continue to preapprove variations and that has unintentionally resulted in some incidents of noncompliance. The Auditor has provided a time frame of March 2022 by which time the authority needs to have remedied the identified breach.

## SA HOUSING AUTHORITY

**The Hon. K.J. MAHER (Leader of the Opposition) (14:31):** Supplementary: can the minister confirm when she said 'some' instances of noncompliance she is actually referring to 16,307 instances of noncompliance?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31):** That is the advice that I have received.

## SA HOUSING AUTHORITY

**The Hon. K.J. MAHER (Leader of the Opposition) (14:31):** Further supplementary arising from the answer given: minister, why did it take the Auditor-General making the request on 26 November to remedy this and why didn't the minister instruct the Housing Authority to remedy this, rather than being told by the Auditor-General?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31):** The honourable member himself has been a minister and so he would well know that it's not my job to personally audit the accounts of the organisation. That's what we have an Auditor-General for.

## SA HOUSING AUTHORITY

**The Hon. K.J. MAHER (Leader of the Opposition) (14:31):** Further supplementary arising from the original answer given: is the minister aware if any liability attaches to her role as minister for these 16,307 instances of potential illegal activity?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32):** I thank the honourable member for his question, and his characterisation of this, I think he was trying to imply, when we did the examination of audits, that someone might potentially go to gaol for approving something between $1,000 and $5,000 instead of just the $1,000. I am not remotely concerned about this matter.

## COOBER PEDY HOUSING

**The Hon. C.M. SCRIVEN (14:32):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing and poverty.

Leave granted.

**The Hon. C.M. SCRIVEN:** In February 2020, Shelter SA published a report highlighting the poverty and hardship experienced by vulnerable people in Coober Pedy. On 18 May 2020, the ABC published a story under the headline 'Coober Pedy calls on SA government for help to solve housing crisis'. This story highlighted low quality housing, a shortage of public housing, discrimination and massive utility bills linked to poor housing design.

On 5 June 2020, the Coober Pedy council wrote to the Minister for Human Services asking for a range of specific actions to address the crisis. On 8 July, the minister wrote back and just provided a phone number to call while referencing her 10-year housing strategy, which, incidentally, says absolutely nothing—zero—about Coober Pedy.

On 16 November this year, SBS published a further article about extreme hardship and poverty in the town, with residents saying, 'I go and ask family for food, because of how much I'm paying. I don't have breakfast or lunch I just have dinner'. An Aboriginal financial counsellor spoke about whether things have improved in Coober Pedy and said, 'There does not seem to be much change, as yet.' The council administrator spoke about above-ground housing that is most commonly occupied by those on the lowest incomes, and again I quote, 'They're not built for the climate so as a consequence people have quite large bills.' My questions to the minister are:

1. Why hasn't the minister done anything about Coober Pedy's request for changes to the Private Rental Assistance Program?

2. Why hasn't the minister done anything about Coober Pedy's request for a private rental liaison officer?

3. Exactly how many additional public housing properties have been built in Coober Pedy since the town requested help with their housing crisis?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34):** I thank the honourable member for her question. The matter of people on lower incomes and the provision of housing support is something which has been of concern across South Australia, particularly during this pandemic period. I think it's worth recounting the range of measures which have been provided to people throughout this pandemic, not just in the housing portfolio space but also through the Department of Human Services. In terms of meals, we have had additional support to organisations that provide that support. We have also had additional emergency relief payments which have been available statewide.

In the Housing Authority space, any of the additional payments that people received through Centrelink were not included as part of their rental income, so the government has been very mindful, generally speaking, to assist people with all of their cost of income needs. The honourable member has also referred to electricity. Clearly, under this government electricity prices have reduced, and we know that if Labor were to be elected next year they would increase—go back to the bad old days. And the Department of Human Services provides a range of concessions to people who are on lower incomes, which people can avail themselves of as well. So there is a suite of measures which is available statewide to people across the board.

In terms of each of the regions, I often receive calls from various regions for additional housing in those regions, so for that reason the Housing Authority has developed a local housing toolkit. That has been sent, I understand, to all councils, and that helps them to identify what their needs are, because it's not just requests for public or social housing, it's often worker housing as well.

We want to work in partnership with local councils, economic development boards and the like so that everybody understands what the needs are, what the gaps are and, potentially, what land may be held by councils which could contribute to some of those programs. The Local Government Association has been briefed, and I think also the regional network, or whatever the correct title is. Where local regions identify that there is a particular need, we are encouraging them to come up with a local housing plan so that all of those elements are considered.

## COOBER PEDY HOUSING

**The Hon. C.M. SCRIVEN (14:37):** Supplementary: where the minister referred to general housing issues, why hasn't the minister done anything in response to Coober Pedy's request for changes to the Private Rental Assistance Program?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37):** In terms of the Private Rental Assistance Program, that again is a program which is available statewide. Anybody can access that if they wish to if they are accessing the private rental market. That is available either online or people can access that through the SA Housing Authority.

## COOBER PEDY HOUSING

**The Hon. C.M. SCRIVEN (14:38):** Supplementary: is the minister aware of the changes that were requested by the Coober Pedy council and, if so, what changes has she made? If she has not made those changes, why not?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38):** The simple matter is that these services are available statewide.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order, leader! The opposition has asked a supplementary question, and then before the minister has hardly started you are barking at her. Let's listen to the minister. Let the minister continue in silence.

**The Hon. J.M.A. LENSINK:** In terms of what's available, these services are available statewide.

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** A lot of people do like to attend a housing office in person, but they can also access this service online. That is available statewide, including in Coober Pedy.

## COOBER PEDY HOUSING

**The Hon. C.M. SCRIVEN (14:39):** A further supplementary: what changes that were requested by Coober Pedy have been actioned by you, as minister?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39):** I have responded to this question already.

*Members interjecting:*

**The PRESIDENT:** No, I am going to move on.

## COOBER PEDY HOUSING

**The Hon. E.S. BOURKE (14:39):** My question is to the Minister for Human Services regarding poverty. As the minister responsible for assisting vulnerable South Australians, what exactly has the minister done to address extreme poverty and hardship in Coober Pedy where residents report that they can't afford the essentials of housing, utilities and food?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39):** I thank the honourable member for her question, which is quite similar to one which has already been asked. Indeed, we have provided a large amount of support, statewide—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —across South Australia to assist people who may be experiencing all sorts of hardship, and I can go through all of those grants and all of the different programs that we have been running throughout COVID which operate across the state, and I can repeat myself in terms of the remission of people's South Australian Housing Trust rents, if that is the right term. So Centrelink granted extra payments—

**The Hon. C.M. SCRIVEN:** Point of order, Mr President.

**The PRESIDENT:** Point of order, deputy leader. The minister will resume her seat.

**The Hon. C.M. SCRIVEN:** In terms of relevance, the question was specifically about Coober Pedy not about statewide programs.

**The PRESIDENT:** I will remind the minister—the minister has a range of issues to cover, which I am sure she is doing, but the question was in this case quite specifically about Coober Pedy. So I will ask the minister to continue.

**The Hon. J.M.A. LENSINK:** I am sure that there are programs such as Foodbank and a range of programs which operate in various regional areas that have been providing direct support. I can go back and work out which agencies exactly have coverage at Coober Pedy, but there would be several. There would be many in the non-government sector which have received funding through the Department of Human Services.

There is also coverage through the South Australian Housing Authority, so anybody in particular who has been residing in a South Australian Housing Authority property did not have an increase to their rental income from the boost that the commonwealth government provided through COVID. That was quite a deliberate policy on our behalf to ensure that people had extra money in their pockets.

So when members opposite are asking about South Australian Housing Trust tenants who reside in Coober Pedy, they were the direct beneficiaries of this policy which would have directly assisted them to have more income during the COVID period.

## COOBER PEDY HOUSING

**The Hon. K.J. MAHER (Leader of the Opposition) (14:42):** Supplementary arising from the answer: minister, can you name one single thing that you have done as minister for the unique circumstances and challenges faced by people in Coober Pedy at the moment?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:42):** We have a range of programs that operate statewide.

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Order! The leader has asked his question.

**The Hon. J.M.A. LENSINK:** I can go and find out from my agencies which—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —NGOs have coverage of Coober Pedy—

*The Hon. K.J. Maher interjecting:*

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

**The Hon. J.M.A. LENSINK:** —and if he is interested, we can go and get them to estimate exactly how much they might have spent in emergency relief or food programs or the like, or any of the grants that we provided during COVID, just to reassure him that, because Coober Pedy is part of South Australia, they were able to benefit from the same programs that have been running statewide.

## COOBER PEDY HOUSING

**The Hon. K.J. MAHER (Leader of the Opposition) (14:43):** Final supplementary: minister, can you point to one single thing that you have done in response to letters from the Coober Pedy council, reports from Shelter SA, and others, about—

**The PRESIDENT:** You have asked the question.

**The Hon. K.J. MAHER:** —the difficulties and circumstances faced by those specifically in Coober Pedy?

**The PRESIDENT:** You have asked the question.

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43):** Well, the honourable member has just rephrased his previous question and so I can regurgitate my previous answer but that would be a waste of question time.

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Wortley and the leader!

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Hood has the call.

## STATE ECONOMY

**The Hon. D.G.E. HOOD (14:44):** My question is to the Treasurer.

*Members interjecting:*

**The PRESIDENT:** Order!

*The Hon. J.E. Hanson interjecting:*

**The PRESIDENT:** The Hon. Mr Hanson, order!

*Members interjecting:*

**The PRESIDENT:** Order! I have called a member. He is on his feet. Conversations across the chamber, from both sides, are wasting question time. The Hon. Mr Hood has the call.

**The Hon. D.G.E. HOOD:** My question is to the Treasurer. Can the Treasurer outline South Australia's performance with respect to gross state product relative to other jurisdictions within the nation?

**The Hon. R.I. LUCAS (Treasurer) (14:44):** I am very pleased to be able to report to the house. I am sure all members will be very excited that the measures of economic growth, the commonly accepted one, which is gross state product (GSP), released last week—

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Wortley!

**The Hon. R.I. LUCAS:** —showed that South Australia, in terms of its year-on-year increase in economic growth, was 3.9 per cent, which lead the nation comprehensively, and more than twice the national economic growth rate of 1.5 per cent—3.9 per cent compared to 1.5 per cent. Just as importantly, when GSP per capita was measured, again South Australia lead the nation. I think, more importantly, with these sorts of figures it's better to look at the trend line. I have had Treasury pull out for me the trend line in relation to the last 10 years.

Importantly, over the last seven years of the former Labor government, to 2017-18, South Australia's economic growth grew at less than half the rate of the national economy. For the last seven years of the last Labor government the national economic growth was 2.7 per cent; South Australia's economic growth was 1.1 per cent. I have spoken at length in relation to the ambition of this government that there is no earthly reason why economic growth and jobs growth shouldn't grow at in and around about the national average because under Labor it was around, I used to say, half, but this is significantly less than half the national economic growth rate.

I am pleased to be able to report that in the three years of the Marshall Liberal government, since 2018-19—so a three-year period, not just a one-year period—South Australia's economic growth has been above the national economic growth. National economic growth during that period was 1.2 per cent; South Australia's economic growth was 1.3 per cent. In seven years under a Labor government economic growth languished at significantly less than half the national economic growth rate.

In three years of the Marshall Liberal government, with a whole new strategy of economic and jobs growth, the economic growth in this state over a three-year period has grown at above the national economic growth rate. It's not just a one-off figure. It is testimony to a three-year performance compared with a seven-year abysmal performance under the former Labor government.

*Members interjecting:*

**The Hon. R.I. LUCAS:** Mr President, do we have to have a commentary countdown from the Leader of the Opposition in relation to timing? We actually have a clock.

**The PRESIDENT:** It's actually interesting: time keeping is about 30 seconds ahead of reality. I call the Hon. Mr Darley.

## BUSHFIRE RISK REDUCTION REPORTING

**The Hon. J.A. DARLEY (14:47):** I seek leave to make a brief explanation before asking questions of the Minister for Health and Wellbeing, representing the Minister for Emergency Services, on reporting on bushfire fuel and risk reduction.

Leave granted.

**The Hon. J.A. DARLEY:** It was extremely disappointing when the government did not recognise the importance of enhanced reporting on bushfire fuel and risk reduction. The need for the annual burns program, including a fuel and risk reduction strategy, to be conducted and then reported against a plan for conducting prescribed burns and fuel and risk reduction, is obvious. This plan will need to contain principles, criteria and methodologies which will establish the objectives and priorities for the annual program.

Annual reporting should include outlining impediments to the conducting of the annual program, including availability of physical assets and human resources. The first annual report of the State Bushfire Coordination Committee revealed deficiencies and inadequacies in this area. A significant period of time has elapsed since the Keelty review delivered its report to the Minister for Police, Emergency Services and Correctional Services on 25 June 2020.

The State Bushfire Coordination Committee noted 'substantial reform of existing processes will need to occur over a longer period of time'. The reasons offered were not compelling, given that 18 months have passed. This is particularly so, with the following observation made by the State Bushfire Coordination Committee, and I quote:

> At present there is no information management system to support reporting on the implementation of risk reduction treatments contained in the [bush management area plans]. This is a concern that [bushfire management committees] have been raising for many years, and it was a key finding of the Independent Review.

Given elevated risks with climate change and a season of particularly high fuel load, in the absence of government action I will be prosecuting the case over the summer months about the inadequacy of reporting and coordination in this area. My questions to the Minister for Health and Wellbeing, representing the Minister for Emergency Services, are:

1. For the sake of transparency and accountability, why is the government not supporting enhanced reporting of fuel and risk reduction measures?

2. Is the government satisfied, after receiving the first annual report of the State Bushfire Coordination Committee, that everything possible is being done in the period to date, given the inadequacy of the information management system?

3. Is the government satisfied that, before any future royal commission, implementation of priorities in fuel and risk reduction has been based on adequate information reported to make decisions on physical assets and human resource allocation?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50):** I thank the honourable member for his question and I will refer his questions to the Minister for Emergency Services in the other place.

## COVID-19 HOME QUARANTINE APP

**The Hon. I. PNEVMATIKOS (14:50):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

**The Hon. I. PNEVMATIKOS:** InDaily reported today, and I quote:

South Australia's new home quarantine app has received overwhelmingly negative reviews, with users reporting that a vital component of the state's reopening plan is close to unworkable.

Users have been reporting serious issues with the government's HealthCheck app. The average rating from users of the app is 1.5 out of five stars. User comments include, and I quote:

One of the worst apps and service I've had to use...Have been trying to phone SA Health for 5 hours today to get help as meant to do daily symptom check…I am doing the right thing on my end…I'm worried I will get into trouble now because no daily symptom check.

Further:

Login and activation is meant to send an SMS with Unique ID—but doesn't. No doubt people will be given a hard time for not being able to use this as required—but it is the fault of the South Australian Government for not providing the people and resources needed to make this stable and work properly. No doubt it was put together in a rush despite the pandemic going on for 18 months so far.

My questions to the minister are:

1. How many users have been unable to use the app upon their arrival in South Australia?

2. How many people have failed to comply with requirements to enter their health information in the app?

3. What is being done to fix the app that many users have rated with one star due to IT problems?

4. What are the risks that COVID symptoms will not be detected due to problems with the app that could lead to COVID seeding in the state?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53):** I thank the honourable member for her question. The member asks for detailed statistical information about usage and failures within the home quarantine app system. I haven't been made aware of that data, and I will seek the data on notice.

## HOMELESSNESS

**The Hon. N.J. CENTOFANTI (14:53):** My question is to the Minister for Human Services regarding homelessness. Can the minister please update the council on how the Marshall Liberal government continues to ensure South Australians experiencing homelessness are being supported?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53):** I thank the honourable member for her question and for her interest in this important area. Indeed, it was quite recently that the member for Adelaide and myself were able to announce that the Marshall Liberal government is providing additional funding to the Hutt St Centre—due to the benevolence once again of our beloved Treasurer, the Hon. Rob Lucas—to assist another cohort of clients through its leading Aspire Program, which was South Australia's first social impact bond, which commenced in 2017.

We understand that the social impact bond has supported close to 600 homeless people, some of our most complex clients in the system, and clients can receive up to three years of service in that program. Not only are they housed but they get the wraparound services which are important to assist them to successfully maintain their tenancy and live in the community.

This additional funding will assist the Hutt St Centre to continue to have an intake of new clients. It's a collaboration between the state government, the Hutt St Centre, Social Ventures Australia and Housing Choices South Australia. There has been some $7½ million in funding provided to the Aspire Program since it begin in 2017. It helps people who are experiencing chronic homelessness, who mostly live in the metropolitan area and are aged between 18 and 55 years at the time of referral, with medium and long-term case management and assistance.

Not only does it help with housing but also with case management, employment and reconnection in the community. We trust that more South Australians will get some better outcomes and stay out of homelessness for good through this program.

**HOMELESSNESS**

**The Hon. C.M. SCRIVEN (14:55):** Supplementary: what homelessness services have been provided to people in Coober Pedy?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:56):** If people are experiencing homelessness in Coober Pedy they are part of the northern country homelessness alliance. There is a range of services, which would include the Centacares. Uniting Country operates in that region. In fact, from memory, Uniting Country SA is the lead alliance partner for that region, so people can make contact with those services and they will get assistance.

**HOMELESSNESS**

**The Hon. C.M. SCRIVEN (14:56):** Further supplementary: what additional support has been provided since the Shelter SA report of 2020?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:56):** I could go into a long discussion—

**The Hon. C.M. Scriven:** In Coober Pedy.

**The Hon. J.M.A. LENSINK:** —about the alliance model, which the honourable member is tempting me to via her interjections. What the alliance model does is, rather than prescribing for each particular non-government service provider, of which there are quite a number who under the previous model used to receive a particular amount of funding which was directed towards particular programs, what they are able to do through their new model is to respond internally so that they are able to address local needs as they arise. My understanding is that particularly in country areas that model is going well.

**HOMELESSNESS**

**The Hon. C.M. SCRIVEN (14:57):** Final supplementary: exactly what has been the increase in funding for homelessness services in Coober Pedy since February 2020?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57):** We would need to go back to the alliances to figure that out, because they are the ones that are able to direct their money. We don't dictate which town gets how much money. We leave that to the experts on the frontline, who are the ones who are able to direct that money. Quite frankly, the non-government services who are operating on the ground, who have the eyes and ears, are much better at determining these matters than governments.

**AMBULANCE RAMPING**

**The Hon. C. BONAROS (14:58):** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about ambulance ramping.

Leave granted.

**The Hon. C. BONAROS:** History was made for the wrong reasons last week when ambulances were forced to ramp at the Women's and Children's Hospital for the first time in its long distinguished career. It was claimed that seriously ill children were left waiting in parked ambulances, one allegedly for more than an hour, on Tuesday night last week.

Rightly, the Salaried Medical Officers Association and the Ambulance Employees Association were incensed. So alarmed was it that SASMOA sent officials to the hospital, who later reported that 68 patients and 30 children were in the ED waiting room, which has a capacity of just 35 patients. Its frustrated chief industrial officer, Bernadette Mulholland, later commented:

> What the hell is going on and what the hell is being done about it. At some stage hospital administrators and Boards need to step up…

My questions to the minister are:

1. What caused the ramping that I have just referred to?

2. What have you as minister done to ensure ramping at the Women's and Children's Hospital doesn't happen again?

3. What is the government doing to allay fears over the ability of SA Health's system to cope with a spike in COVID cases at the Women's and Children's Hospital?

4. Is SASMOA correct in stating that the Women's and Children's Hospital has the worst medically staffed paediatric ED in the country?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00):** I thank the honourable member for her question. In relation to the last point, the union that she refers to was, I think it was yesterday, in the tribunal discussing this exact issue, so I would suggest that, whilst those discussions are going on, it's best not for me to provide commentary on union claims. The hospital has increased resources to the ED and is committed to increasing the resources to the ED further. The union is in dispute as to what the mix should be. That's a discussion they need to have with management.

The paediatric emergency department was busier than usual on the evening of Tuesday 23 November, with a significant amount of paediatric ambulance presentations received in a short period. There were ambulances on the ramp, but I think it is important to appreciate that the hospital brought in additional staff and much was achieved in terms of facilitating flow. I am advised that, of the presentations to the Women's and Children's on that night, only one patient was seen beyond the clinically appropriate time line. In terms of the average wait times for SAAS patients arriving at the Women's and Children's to ED handover, it was actually less than the benchmark.

The honourable member asks me what am I doing. I presume what she meant was: what is the government doing to address the issues in terms of meeting demand at the Women's and Children's Hospital? I will certainly address that, but I would just make the point that, even in the last week, we have had discussion in the local media about the changed referral patterns of GPs and other health services, and that is having an impact on the Women's and Children's Hospital. People who might otherwise be able to have a consultation at their GP are finding that the best option is to go to the Women's and Children's emergency department.

In terms of what the government is doing, the government is very pleased with the progress on an initiative that was established at the end of August, the Child and Adolescent Virtual Urgent Care Service. That service is available for children and parents in non life-threatening situations and gives them the opportunity to avoid hospital and receive medical advice in their home. This service is staffed by highly skilled paediatric emergency nurses and doctors who will assess the child and provide advice or refer to an appropriate service.

In terms of an update, my advice is that since the service opened on 30 August it has seen around 700 patients. Of these, only 7 per cent needed to be referred on to the ED for review and assessment. We will certainly continue to look at opportunities to improve the care available to South Australians, and I am receiving very positive feedback about the virtual care service. I think it is showing a service that not only is more accessible for families, children and adolescents but also is a more effective way of a hospital dealing with some non life-threatening situations.

## AMBULANCE RAMPING

**The Hon. C. BONAROS (15:03):** Supplementary: what data can you share with this parliament that compares staffing ratios at the Women's and Children's Hospital to other hospitals interstate?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04):** I am more than happy to take that on notice, because when the answer comes back, the industrial matters, I imagine, would have been settled.

## MENTAL HEALTH SERVICES

**The Hon. R.P. WORTLEY (15:04):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding the lack of mental health services.

Leave granted.

**The Hon. R.P. WORTLEY:** The Australian Nursing and Midwifery Association issued a media release today that says, and I quote:

> At a time when the COVID pandemic is seriously impacting mental health, up to 60 per cent of calls to the only state government-run mental health crisis lifeline are going unanswered.

This is up from the 44 per cent that went unanswered last year, and the minister had previously advised the parliament that no additional staff were being budgeted for this year. My questions to the minister are:

1. How can people have confidence in their access to mental health support when almost two-thirds of their cries for help literally go unanswered?

2. After almost half of the calls went unanswered last year, why did the minister fail to ensure that additional resources were available for the crisis that we are undergoing today?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05):** I would like to clarify with the honourable member: is the honourable member referring to the emergency triage and liaison service or the Mental Health Triage Service?

**The PRESIDENT:** I will give this as a supplementary to the honourable member.

**MENTAL HEALTH SERVICES**

**The Hon. R.P. WORTLEY (15:05):** This is from the Australian Nursing and Midwifery Association, a media release today, and I am sure you have read it, stating that at a time when the COVID pandemic—

**The PRESIDENT:** Perhaps just the specifics of it.

**The Hon. R.P. WORTLEY:** The only state government run mental health crisis lifeline—if there is only one state government run mental health crisis, what is the—I don't understand. The triage service.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06):** My understanding is that there are two. There is the emergency triage and liaison service, and then there is mental health and triage, which has experienced a sustained growth in demand during the COVID period when compared to pre COVID. I am told from a briefing earlier this year that represents a doubling of demand for the service. There certainly have been issues in relation to the mental health—I suspect that the honourable member is, if you like, passing on a comment from a union in relation to the Mental Health Triage Service because that is a service that has experienced pressure both in terms of infrastructure and other issues.

I am advised that in terms of supporting the service, the Central Adelaide Local Health Network, which hosts the Mental Health Triage Service, is in the process of exploring the opportunity to have a second provider to provide additional overnight capacity in the Mental Health Triage Service to respond to additional demand.

I also make the point to honourable members that not only is this government committed to providing a 24-hour emergency telephone service but we are also committed to providing a 24-hour Urgent Mental Health Care Centre. My understanding is that early next year Neami, the provider of that service, hopes to be able to activate the 24-hour operation. There will be some people who will choose to use a telephone service and many will choose to have the lounge-like environment and support of peer workers and clinicians offered by the urgent mental health care service.

I also take the opportunity to highlight that the government is also providing mental health support lines in relation to COVID—COVID-specific mental health support lines—which, again, is another partnership with a non-government provider. My understanding is that Uniting Communities provides that, and it is both inreach and follow-up. We are continuing to invest in our 24-hour emergency responses, and that will be both by telephone and in person.

## COVID-19 VACCINATION ROLLOUT

**The Hon. T.J. STEPHENS (15:08):** My question is to the Minister for Health and Wellbeing. Minister, can you please update the council on the progress of the COVID-19 vaccine rollout in South Australia?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08):** I thank the honourable member for his question. I am pleased to inform the council that as of yesterday, 30 November, more than 2.5 million vaccines have been administered here in South Australia. That also marked another milestone in our progress on the road map. Yesterday, we surpassed the 80 per cent double dose vaccination milestone in South Australia for people aged 12 and over.

I just want to differentiate the milestones. The South Australian road map I think, as far as I know, is a distinctive element compared with other states and territories. Our 80 per cent milestone is based on 16 and above. Our 90 per cent milestone is based on 12 and above. In the period between the release of the national road map and the state road map, the decision was made to make vaccines available for 12 plus. We, of course, want to keep every South Australian safe and so our 90 per cent milestone is based on 12 and above. As we push on to that milestone it was great to pass 80 per cent double dose for 12 and over yesterday.

Despite the positive statewide situation, we continue to have areas where we are keen to deal with a lower uptake, and yesterday the Marshall Liberal government opened South Australia's first drive-through vaccination clinic at the SA Produce Market at Pooraka. This will allow South Australians to access the life-saving COVID-19 vaccine without even leaving their car.

The Pooraka site is located only a few minutes from Main North Road, the major traffic junction that connects Adelaide's north to the CBD. More than 80,000 vehicles travel through the Main North Road/Kings Road/McIntyre Road intersection on an average day, with Port Wakefield Road seeing close to 9,000 vehicles a day. This clearly makes the produce market an excellent location for the state's first drive-through vaccination clinic.

Vaccination drive-through clinics have operated successfully interstate, particularly in New South Wales and Victoria. We hope that in South Australia they will be a convenient and accessible option. I suspect they will be particularly appreciated by families, people with disabilities and people with mobility issues. Members of the council will recall that the government opened Australia's first, and only the world's second, drive-through testing clinic at the Repat in March last year.

The safe and effective rollout of the COVID-19 vaccine program is a key priority for the Marshall Liberal government, in partnership with the commonwealth. The Pooraka drive-through clinic is part of around 50 vaccination clinics being run by SA Health and the hundreds of GPs and pharmacies who are administering the vaccine as part of the national rollout.

In addition, we have the AMI Mobivax vans, which have had some great days recently. One van was at Tea Tree Plaza and administered 144 doses. Another one at the Salisbury Hub marquee had, in its first week of operation, more than 80 doses of the vaccine, on average, per day. Regional mobile and pop-up clinics in the past week have included Brinkworth, Snowtown, Melrose, Narungga Community Health Centre at Maitland, Minlaton, Port Germein, Whyalla, Gladstone and Port Augusta.

On 23 November, South Australia opened its borders to vaccinated travellers as the first milestone on our pathway to open borders and ease restrictions. There has never been a more important time to roll up your sleeve and get vaccinated.

## RENTAL PAYMENT APPS

**The Hon. R.A. SIMMS (15:12):** I seek leave to make a brief explanation before addressing a question without notice to the minister for housing on the topic of rental stress.

Leave granted.

**The Hon. R.A. SIMMS:** Welfare groups are calling for a ban on third-party rental payment apps that some real estate agents are forcing tenants to use, reportedly costing tenants up to $500 a year. While law requires that these apps, which add around $10 a week to rental bills, can only be

used if landlords and tenants agree—and tenants must be provided with a free payment option—many tenants have reported their frustration that this cost burden has simply been added onto their weekly bills without appropriate consultation.

My question to the minister therefore is: given we know that the cost of rent continues to rise in South Australia, and that lower and modest income renters continue to be the hardest hit, is the minister aware of this practice of mandating the use of the app and its impact on the most vulnerable renters in our state, and will the minister commit to taking the issue of strengthening the Residential Tenancies Act to ensure this kind of practice does not occur to the relevant minister, the Attorney-General?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:14):** I thank the honourable member for his question. I probably should correct his direction. I am not the minister for housing, I am the Minister for Human Services. Within the portfolio, I am responsible for public and social housing and some assistance for private renters, but housing generally sits across a number of portfolios and various levels of government.

In relation to the matters that he has raised about using apps, which is an expense that's falling to tenants, I am aware of this through having read media reports. I don't recall whether there was a response from Consumer and Business Services, which is responsible for managing private rents. I will certainly take the matter to the Attorney-General, who is responsible for the Residential Tenancies Act, for a response from that agency.

## HOSPITAL BEDS

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

Leave granted.

**The Hon. J.E. HANSON:** Last night, the opposition was contacted by a mother who was concerned that her daughter was being forced to leave hospital after a caesarean delivery. She said:

> Now I am angry. Daisy was born via c section YESTERDAY & Lyell McEwin Hospital are saying Mum has to go home without Daisy because they have no beds! 24 hours after a caesarean! Mum is bleeding, on heavy pain killers. Supposed to be a happy time but they are both in tears.

Dr David Pope of the Lyell McEwin Hospital and Salaried Medical Officers Association said today:

> Who would separate a mother and her newborn baby like that—it's just inhumane.

My question to the minister is: after repeatedly telling this council and the public about additional beds and how we are ready for increased demand due to COVID-19, how is it possible that a bleeding new mother is kicked out of hospital due to bed shortages?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16):** I am advised that, under the practices of the Lyell McEwin Hospital, patients can be safely discharged 24 hours after an elective caesarean section. The initial advice I have received is that the patient in question was discharged well after 24 hours.

It's not uncommon, however, for a new baby to require additional observation and care, to remain in hospital after their parent has been assessed as fit and safe to be discharged. Family accommodation can be made available in the Lyell McEwin Hospital's Women's Health Unit for mothers of unwell babies in the special care nursery. However, this space is limited and depends on demand. I am advised that last night the family accommodation was not available for the lady in question.

Additional recliners are also available as an alternative for parents in the special care nursery. I regret that she was not able to stay, but we continue to strive to provide the best possible care. The advice that is given to me—I think the honourable member may be under a misapprehension—suggests that the unavailable accommodation was family accommodation, not an inpatient bed.

## DOMESTIC VIOLENCE

**The Hon. J.S. LEE (15:18):** My question is to the Minister for Human Services regarding domestic violence. Can the minister provide an update to the council on how the Marshall Liberal government is supporting Aboriginal women, their children and partners to safely return to their communities?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:18):** I thank the honourable member for her question. Indeed, we have provided a very specific program to assist women and children who want to return safely to their community through Baptist Care, which is called the Safe Journeys program. It's supporting Aboriginal women and children who have experienced or are at risk of domestic and family violence and homelessness to access Aboriginal-specific case management support to return to country or to move into safe accommodation in metropolitan Adelaide.

The program connects Aboriginal women and their children to accommodation and vital support services including family violence counselling, health and mental health services and wellbeing supports for children.

Aboriginal-specific case managers work with women to understand ways to engage and to remove barriers that prevent women returning to live safely in their own communities. The program will also work with women who wish to return to country to Anangu Pitjantjatjara Yankunytjatjara, Northern Territory and Western Australia.

The clients who we have supported so far—my advice as of last week was that from the Northern Territory it was approximately 42 per cent; APY, 33 per cent; Western Australia, 9 per cent; Eyre and Western, 9 per cent; and other regional locations, 8 per cent. There have been some 85 clients, 55 of whom are women, 21 children and nine men; 71 were safely returned to home country. This is in addition to our program which is operating in the Parklands, which has a similar goal to return people to country and to connect them to services where they require them.

## COVID-19 HEALTH ADVICE

**The Hon. F. PANGALLO (15:20):** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about COVID outbreaks.

Leave granted.

**The Hon. F. PANGALLO:** The media is now reporting on the first cases of community transmission since borders opened last week.

1. Can the minister provide an update of the situation; is it of concern?

2. What is the history of those involved in this incident? Were they vaccinated, has Omicron been detected here and will there be a lockdown in this particular LGA?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21):** I thank the honourable member for his question. I can only provide an update that was provided to me immediately before I came into the chamber, and that is today's COVID-19 update issued by the Department for Health and Wellbeing. It says:

> There have been three new cases of COVID-19 reported today. There have been 935 cases reported in South Australia to date.
>
> Today's cases are two men in their 50s who are South Australian residents and attended the same event in South Australia, with interstate travellers also attending the same event. While the cases are currently under investigation, we believe the virus was passed on from an interstate traveller at the event. We expect exposure locations to follow.
>
> The third case is a child who acquired her infection overseas and has been in quarantine since arrival.

On the question that the honourable member asked in relation to the vaccine status of the new cases, I can only extrapolate. The update provides a new case breakdown which says, 'New cases today, 3; New cases vaccinated, 2; New cases unvaccinated, 1.' On the assumption that the child is below the age of 12 and has not been vaccinated, the implication I take from that is that both of the men in their 50s were vaccinated.

I should pause to stress that I am sure that SA Health will put out whatever information South Australians need to respond to these current cases. Members would be aware that late yesterday there were exposure locations indicated in relation to Robe. Again, that information is available on the website and my understanding is that SA Pathology is bolstering the testing services in the Robe area.

In terms of other elements from this update, I think it is encouraging to see the tests carried out yesterday, which was a Tuesday obviously, were more than 10,000—10,728. That is very encouraging. I hope that is enough to be encouraging for Professor Spurrier because she is a lady of high standards. Certainly, we have seen a significant improvement in testing rates recently. That is much to be applauded.

It was also great to be able to have a look at the COVIDSAfe Check-In data from recent days. I was delighted to see that on one day last week we almost got to 2.6 million check-ins in one day. It's certainly the largest check-in activity that we have seen since September at least, if not longer.

I think both people presenting for testing and people using QR check-in codes demonstrates that the people of South Australia appreciate the transition we have made. We have made a transition away from an elimination strategy, whereby the intention was that there would be no COVID cases in our state, to a living with COVID strategy consistent with the national road map. That can only be done safely if we maintain public health measures like testing when we have even the mildest of symptoms, QR code check-ins, public health measures and particularly masks.

I appreciate that at this stage there is a lot of frustration about masks. A lot of people find masks uncomfortable, but this government is continuing to act on health advice. In terms of the mix of measures in place, masks are a necessary measure at this stage.

**The PRESIDENT:** The Hon. Mr Pangallo has a supplementary.

## COVID-19 OMICRON

**The Hon. F. PANGALLO (15:25):** I thank the minister for his response. Has Omicron been detected in South Australia?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:25):** I am sorry, Mr President, I did omit to respond to that particular part of the honourable member's question. As far as I know, Omicron has not been detected in South Australia. In relation to these particular cases, can I indicate whether or not they are Omicron? I can't because we haven't got that information and genomic testing, from my understanding, takes 24 hours or so.

In relation to this case, as I said, the CDCB is operating on the theory that it was transmitted by interstate travellers also attending the same event. I don't want to read too much into that statement, but that implies to me that they were not international travellers, that they were not people who had come back and had been under some sort of quarantine arrangement.

*Bills*

## HOLIDAYS (CHRISTMAS DAY) (NO. 2) AMENDMENT BILL

*Conference*

**The Hon. R.I. LUCAS (Treasurer) (15:27):** I seek leave to move a motion without notice in respect of the conference on the Holidays (Christmas Day) (No. 2) Amendment Bill.

Leave granted.

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

That the sitting of the council be not suspended during the conference on the bill.

Motion carried.

*Matters of Interest*

## SUPERLOOP ADELAIDE 500

**The Hon. J.E. HANSON (15:27):** To put a different spin on a famous quote, I want to kick off today by making the observation that politics does not build character: it reveals it. Decisions like the axing of the Adelaide 500 should be something that, if you make that decision, you take responsibility for. It should not be something you run away from.

We know that the member for Dunstan, Mr Marshall, told South Australia he did not make the decision to axe the Adelaide 500 race. In a cowardly move, he put the cancelling of the popular event 100 per cent at the feet of someone else. He said that the tourism department was to blame.

The fact is that the Premier's office was in discussions about cancelling the race months before it was axed. Freedom of information requests on documents, which the Marshall Liberal government tried to keep secret, reveal that the Premier was intimately involved in the axing of the Adelaide 500.

The documents, which have now been released after months of the Liberals fighting to keep them secret, show that the Premier sought and received high-level briefings about the cancelling of the race in June 2020—months before it was cancelled in October that year. The documents show that the Premier personally pursued those briefings so he could see all the scenarios, risks and cost implications of cancelling the event. They showed that the Premier's office were discussing options to cease the Adelaide 500 in June 2020 and were warned then that such a move could cost the government millions.

It is damning stuff that reveals that Premier Steven Marshall has absolute cowardice when it comes to leading on this issue, but the documents go even further. They reveal that the Premier's office was told by the SATC—the people the Premier actually blamed for cancelling the event—that the overall benefit of the event was $94 million and that cancelling the event would have significant implications from a public pride perspective and there would be a loss of significant economic and marketing return to the state as a result of cancelling it.

So the very people the Premier blamed for cancelling the event actually told the Premier what we all knew at the time and what we know now: the event supported hundreds of jobs, it made millions of dollars and attracted tens of thousands of visitors to our state. Despite all that, he cancelled it anyway and he blamed that decision on someone else. What a sham! What kind of leadership is that? It is the kind of leadership that clearly inspires ministers like the member for Black, Mr Speirs, who as recently as this week was caught out in a serious leadership fail all of his own.

The Minister for Environment—the environment, no less—was caught out encouraging a group of donors at a Liberal Party event to lobby the Premier to promote him to a different portfolio, and why? He said that the problem with his portfolio (the environment portfolio) was, 'The crazy lefty activists, they do wear you down after a while.' He said, 'I think there's a lot of noise and crap around climate change because all the ills of the world are put in the climate change basket by the left of politics.'

This is the environment minister, the environment minister for a state that was subject to the worst bushfires on record and cost us two lives, the environment minister who cancelled 450 gigalitres of environmental flows of water down our river and was found by a royal commission to have acted contrary to the interests of our state. In short, he is an environment minister railing against the environment. It is the same minister who addressed a church telling them that if Christians joined political parties, it would make a difference on bills around social policies.

Politics does not build character, it reveals it. A vote for Minister Speirs in Black is a vote for these kinds of hard right-wing views. It is the kind of vote we have seen on the march in the Southern and Adelaide Hills branches of the Liberal Party. It is not just in the south, where that church was located. A vote for the Liberals in the Hills is a vote for the hard and far right. They have taken over the branches in the Hills and their views are extreme. It is the kind of extremism that belongs in the politics of decades past but seems to be given a safe haven in the Marshall Liberal government.

Mr Marshall could show leadership and do what his minister, Mr Speirs, requests. He should remove him from the environment portfolio that the minister hates so much. More than this, he should

act on the growing extremism in his own party and tell the truth when he chooses to make a decision, like when he axed the Adelaide 500.

## STATE ECONOMY

**The Hon. D.G.E. HOOD (15:32):** I rise today to speak about the Marshall Liberal government's economic performance and job creation over our term in government. South Australia has recorded the highest rise in gross state product, as the Treasurer outlined during question time today, and per capita growth in the nation over 2020-21, rising by 3.9 per cent, an impressive performance I think on any measure. South Australia's unemployment rate remains at a relatively low level at 5.1 per cent, much better than under the previous government when the average rate was 6.8 per cent over their last term, 2014 to 2018. So the data is mounting about the economic performance of this government.

Indeed, South Australia has recorded the highest number of people in full-time work on record over the last two months—on record, that is, ever. Job vacancies are at record highs and we have stopped the brain drain in its tracks with the highest number of people moving to our state in about four decades. We know there is much more work to do, but by keeping South Australia safe and strong we can continue to recover from the COVID pandemic, support businesses and create more jobs, and of course that is our goal.

Latest ABS data shows that South Australia has 18,000 job vacancies at the moment, which is extraordinarily high and provides optimism I think for those who are seeking work. South Australians are feeling increasingly confident in the state's economic recovery with the BankSA State Monitor survey in October showing business confidence is at its third highest level since May 2011, over a decade.

Business confidence also remains at one of the highest levels of confidence in more than a decade. When you combine both of those figures, it is fair to say that there is a sense of optimism within the state, and confidence. The latest business report from Deloitte Access showed that South Australia has enjoyed the second largest relative growth in employment, behind only Western Australia.

The Marshall Liberal government is attracting more people to move to our state. We have stopped the brain drain, as I said, and in fact in the 2021 March quarter South Australia recorded a fourth consecutive quarter of positive net interstate migration, that is some 650 people moving to South Australia not out of South Australia. This is the highest level since 1981, four decades ago.

The government has now paid out over $287 million in grants to nearly 22,000 businesses, which is helping businesses in need cover ongoing operating costs, such as their rent, their power bills, and supplier and raw material costs, of course. The Marshall Liberal government is creating more jobs and supporting businesses through our $4 billion stimulus and our record $17.9 billion investment in infrastructure, specifically roads, education, sporting and health infrastructure, but of course others as well.

Importantly, the government is also lowering the cost of doing business to help South Australian businesses grow and create more jobs, just as we promised we would prior to the last election. We are also continuing to expand our defence industry capabilities, with the release of our defence sector plan, which will deliver more than 4,000 direct shipbuilding jobs and thousands of additional support jobs at places like Osborne and Edinburgh.

The Liberals have secured defence jobs for our state. South Australia will build the new nuclear powered submarines and has secured all ongoing maintenance for the Collins class submarines and the air warfare destroyer upgrade work. Not only that, but South Australia has been cemented as the defence jobs capital of the country, with thousands of jobs secured for our state for decades to come. The future is indeed bright.

The Marshall Liberal government worked hand in glove with the federal Liberal government and our defence industry to take full advantage of these once-in-a-lifetime opportunities that have created employment opportunities and increased optimism in our state. Recent positive announcements include, and there is quite a long list:

- the global tech and services company Accenture to set up an Adelaide hub, with a plan to create some 2,000 jobs;
- BAE to hire 1,000 staff to work on the $45 billion future frigates;
- renewables developer Green Gold Energy creating 600 jobs through two new solar farms in South Australia;
- Australia Post running its biggest recruitment drive in its 210-year history, with another 221 jobs on offer;
- the National Australia Bank has launched a statewide recruitment drive to find 150 new employees;
- more than 150 jobs will be created at a new $45 million hotel in the Murraylands;
- 80 permanent workers will be created in Port Augusta, with our government giving planning approval for the development of a port in the Upper Spencer Gulf city.

Unfortunately, I am running out of time. There is so much more I could say about the great work the government has done in building confidence and employment in our state. I will continue that when I next have the opportunity.

## GREENS ELECTION POLICIES

**The Hon. R.A. SIMMS (15:37):** I rise to speak on the important choice that South Australian voters will face in the new year. Voters, of course, face two choices, not just a decision about who should form government in the House of Assembly but also a decision around the make-up of this chamber and who should hold the balance of power in this place.

The Greens have a bold and ambitious plan to transform South Australia for the better, and if we increase our numbers in the Legislative Council, if we hold the balance of power in our own right, we will be doing what we can to ensure that we deal with the climate crisis and growing inequality in our state.

By making developers, mining corporations and big banks pay their fair share of tax, we can finally tackle the climate crisis and economic inequality in South Australia and create a better life for all South Australians. We know that COVID-19 has exposed growing inequality in South Australia. How can it be that we have people literally sleeping on the streets of our state while big banks, mining corporations and developers continue to make huge profits? Something has to change, and the Greens have announced a fully costed plan to change things for the better.

The first element of that is a range of new revenue measures. We would propose to raise almost $7 billion of new revenue that we could invest in vital public services. We need to start charging fair royalties for mining corporations. South Australia has been robbed of its mineral wealth over the last few years. In fact, over the last four years, mining corporations have made over $25 billion in South Australia alone and paid only 5 per cent in royalties. That is not fair. That is why the Greens want to increase the royalties paid by these corporations. That would raise an extra $3.8 billion over four years.

We also need to take the big banks to task. They are some of the most profitable in the world, and over the last four years the five biggest banks have made $173 billion in pre-tax profits. That is a huge amount of money. It is for that reason that the Greens want to bring back the state-based big bank levy. That is a rate that is set and 0.5 per cent per quarter and would apply to South Australia's share of a bank's total liabilities. It would be passed on to the five big banks.

Finally, we want to propose a 75 per cent developer tax on rezoning. At the moment, when land is rezoned for a higher use, property developers make massive windfall profits, but they do not pay anything for the privilege. This is a massive giveaway of public wealth into private hands. We are concerned that this current system encourages corruption and backroom deals. It makes property speculation worse, and it pushes up prices, so we would bring in a developer tax that would raise $1.7 billion over four years.

What would we do with the money that is raised from these new measures? We would provide free, publicly owned public transport for South Australians at a cost of $433 million over four years and would invest $1 billion to upgrade South Australia's public transport network. We would bring back the Housing Trust, building 40,000 new, quality public homes over four years, or 10,000 homes a year. That would slash the public housing waiting list. In doing so, we would create 10,000 good construction jobs a year.

We would also provide for publicly owned renewable electricity. We would bring back ETSA, and we would invest $8.7 billion over four years for publicly owned renewable energy and storage. This plan would create more than 9,000 jobs a year. We would also set aside $2 billion of the investment to provide free solar and storage for 200,000 renters, social housing and low income households. These are important measures. They are things that we could do if we ensure that the big end of town finally pays their fair share, and the Greens are committed to doing that here in this place.

## ETHIOPIAN COMMUNITY

**The Hon. T.T. NGO (15:42):** This chamber has heard many stories about the violence and brutal actions of military dictatorship in various parts of the world in recent times. I rise today to speak in support of Ethiopia and its community in Australia in this critical time. As we all know, Ethiopia had been devastated by decades of natural disasters, political unrest, war, drought and famine.

While Ethiopian-born people in Australia share a common country of birth, they are a diverse group of people. There are many differences including ethnicity, language and religion within the Ethiopian-born community. The earliest Ethiopian migrants arrived in Australia during the 1960s for the purposes of attaining higher education. During the 1970s when the Derg socialist government assumed power in Ethiopia, over 30,000 people were imprisoned or killed. This resulted in approximately half a million refugees fleeing to neighbouring countries.

The majority of Ethiopians arrived in Australia after 1991, with Victoria becoming home to the largest population. For the past 27 years in Ethiopia, the Tigray People's Liberation Front (TPLF) ruled until it was ousted from government by Dr Abiy Ahmed Ali, who was elected in a democratic election on 2 April 2018.

Dr Abiy Ahmed has maintained strong support from Ethiopians living locally and abroad for the reforms he is trying to implement to improve the country's living standards. However, the TPLF is trying to overthrow the democratically elected Ahmed's government through force by killing and terrorising civilians based on their identity and creating human misery for millions of Ethiopians. After a year of terrorising, it has left thousands dead and forced more than two million people from their homes, pushing parts of the country into famine.

Ethiopia is on the brink of civil war again, and most foreigners have left the country. The Ethiopian community is appealing to all levels of Australian governments to stand with the democratically elected government of Ethiopia and support democracy. International intervention and protection is essential. Unless the world unites to address the uprising of military dictatorship that we are witnessing it is likely to only get worse.

The Ethiopian people need action, very strong action so that the current rising dictatorship can be exposed and stopped. Australia must do what it can. With our voices and increasing pressure from around the world a sense of hope can prevail in Ethiopia. For our South Australia Ethiopian community, it must be hard to think that people in their homeland are on the verge of living through similar atrocities that we have witnessed in Afghanistan and Myanmar.

Ethiopians all over the world, with support from all African nations, are coming together to show global unity in defence of the Ethiopian elected government. I thank the people of the South Australian Ethiopian community for standing up for the people in their homeland. I want to encourage them to keep fighting for peace and democracy. Australia is now home for a vibrant and grateful Ethiopian community. Australians have experienced the benefits of Ethiopian culture and its people, food, dance and music add to the vibrancy of our multicultural society.

This Saturday, 4 December 2021 at 11.30am, on the steps of Parliament House in South Australia, the Ethiopian community and other African nations will come together for peaceful protests

to spread awareness about Ethiopia's current war. This is Adelaide's opportunity to stand up for Ethiopians and their right to have political conflicts resolved peacefully and without violence, which the TPLF has refused to do. The Labor Party stands with our Ethiopian community in their fight for human rights and a peaceful Ethiopia.

## CHILDREN'S WEEK COMPETITION 2021

**The Hon. J.S. LEE (15:47):** I am delighted to rise today to speak about the 2021 Children's Week celebrations in South Australia. It was a great honour to join the Minister for Education, the Hon. John Gardner, on Monday 22 November 2021, for the prize presentation of the Ethnic Schools Association of South Australia's 2021 Children's Week Competition.

I wish to sincerely thank and congratulate Mr Binh Nguyen, chairperson and board members, Darryl Buchanan, executive officer of the Ethnic Schools Association, the Department for Education, the Multicultural Education and Language Committee, and all the staff, volunteers, educators, students and parents for being involved in the celebration and for their ongoing support to strengthen language studies and cultural activities to advance multiculturalism in South Australia.

The Ethnic Schools Association of South Australia is the peak umbrella body for ethnic and community language schools across our state. As the Assistant Minister to the Premier and the ambassador for multicultural affairs for the Liberal Marshall government, I have had the pleasure of working with hundreds of multicultural community organisations and ethnic schools in South Australia over the years.

I have personally seen the great work by these community schools in fostering language studies, arts and cultural activities for children of migrant families, and through dedication and hard work they have helped children to preserve a love of language and a sense of cultural identity among Australians of all cultural backgrounds.

The association provides support to 95 separately incorporated ethnic school authorities, which together teach a total of 47 languages in South Australia. I know that Minister Gardner has spoken passionately about the importance of how learning more than one language improves children's innate understanding of how language works and can help improve their English communication as well as educational achievements in other areas.

As a migrant from a non-English-speaking background myself, I understand that language is intrinsic to the expression of culture. Language is a means of communicating values, beliefs and customs. It has an important social function and fosters feelings of community identity and solidarity. Living in a multicultural state, we all appreciate that there are many children in our community who come from a non-English-speaking background but have grown up with English as their first language. For these children, learning the language of their culture is a wonderful way of connecting with and understanding their ancestry and heritage.

One of the all-time favourite events held by the Ethnic Schools Association each year is a children's day parade and concert to celebrate the annual national Children's Week festival. Children's Week focuses on recognising children's achievements and reminds adults of our responsibility to ensure that our young people are nurtured and encouraged physically, mentally and emotionally.

The ethnic schools children's day parade was first held in 1989 and has a long history in South Australia. It has been held every year since, but sadly due to the COVID pandemic it was not held in 2020 and 2021. This year, the Ethnic Schools Association designed a meaningful competition for students who attend community language schools and provided an opportunity for them to enter into various different categories of competition.

Four hundred and eighty four students from 44 ethnic schools participated in the Children's Week competition and celebrated their diverse heritage through writing, drawing, painting and creative projects. I was delighted to present some of the awards together with the Minister for Education, the Hon. John Gardner, and we were very impressed by the thoughtfulness, artistic talents, language comprehension and creativity in the winning entries.

I thank Minister Gardner for his longstanding commitment to language learning in South Australia and I am proud that the Marshall Liberal government provides key funding through

the Department for Education towards a Children's Week competition and to all ethnic schools in South Australia.

Once again, I would like to convey my appreciation to the Ethnic Schools Association for their fantastic work and to the Adelaide Festival Centre for hosting this year's arts entries, competition and prize presentation. Congratulations to all students, parents and educators who were involved in the competition. You have made our state very proud of your collective achievements—congratulations.

## POKER MACHINES

**The Hon. C. BONAROS (15:52):** If ever you needed convincing of the need for tougher gambling laws and political donation laws, you need look no further than Sunday night's *60 Minutes* dirty money exposé. Producer Joel Tozer exposed what we all know about the underbelly of the poker machine industry. Hours of footage showed how the poker machine industry is used to launder dirty money. As reporter Nick McKenzie said in the introduction of that program:

> Give or take a few billion, Australians spend a quarter of a trillion dollars a year gambling. It's such a staggering amount it is no surprise the gaming industry is targeted by organised crime. The big casino firms—Crown Resorts and The Star—long denied there was a serious problem until we exposed their links to some of the biggest crooks in the country.
>
> Tonight though, we are turning our attention to the neighbourhood pubs and clubs filled with money-making poker machines. They might seem like the little guys when it comes to gambling, but it turns out size doesn't matter for the criminals running massive money-laundering operations. It's so blatant it takes your breath away.
>
> Seemingly, without a care of being discovered, this criminal gang is turning its ill-gotten gains into clean cash. In a single afternoon, tens of thousands of dollars are being washed through the poker machines in this brazen money-laundering scam.

The program goes on to show how those groups take control of an entire poker machine room. The laws of averages dictate that one person in that room will eventually win the jackpot that is on offer. A general walks around with a piece of paper collecting tickets and controlling the players and, ultimately, they walk out with the jackpot—a jackpot made by money that was dirty and has been cleaned via those poker machines.

We are not just talking about money laundering: there is human trafficking involved, there is drug dealing involved, there is an underbelly of crime involved. A ClubsNSW whistleblower leaked documents which clearly showed it did not want scrutiny on players. Of course, none of this is news because in 2010, when Andrew Wilkie secured then PM Julia Gillard's support to rein in that poker machine industry, that lobby, led by the AHA and ClubsNSW, declared war. By 2012, the pressure had become so much that a backflip was done by the Gillard government and ultimately those reforms did not see the light of day.

New South Wales is second to Las Vegas in terms of poker machine numbers. Australia has the highest rates of gambling and poker machines per capita in the world. Aside from the hundreds of millions of dollars lost by problem gamblers, conservative estimates are that hundreds of millions of dollars are laundered using these very same poker machines as washing machines in New South Wales alone.

It is foolish and ignorant to think this is not happening in SA. We have already had reports of bikies using the Casino next door to do precisely the same thing. We have a casino that is currently under investigation by AUSTRAC for customers identified as high risk and potentially exposed persons, so if you think this is limited to New South Wales, or Queensland for that matter, then you are more stupid than you look.

If you think turning a blind eye to this issue makes it okay, then shame on you. We passed laws in this place two years ago that undid the single most effective harm minimisations that we ever had. Why? Because the poker machine industry asked for them—the same lobby that makes political donations to both major parties. Make no mistake, both major parties help run a protection racket for money laundering by accepting donations from the lobby and turning a blind eye to the dirty underbelly of that industry.

According to media reports, the AHA and ClubsNSW alone disclosed roughly $16 million in political contributions in a two-year period. Over a 22-year period, it reported there has been over $80 million in political donations. It is little wonder that when the poker machine lobby industry calls, they know they will get a return call. When they want an audience, they know they will get one. They know that, despite the responsible gambling rhetoric, the majors will not bite the hand that feeds them, and in so doing both major parties are complicit not only in the gambling harm caused by poker machines but the dirty money laundering underbelly of that industry.

## REGIONAL SOUTH AUSTRALIA

**The Hon. C.M. SCRIVEN (15:57):** I rise today to talk about a number of exciting initiatives that a future Malinauskas Labor government has to offer regional South Australia, if we are so fortunate as to be successful at the 2022 state election.

In contrast to those opposite, the Leader of the Opposition has led regular community shadow cabinet meetings across regional South Australia, from the Riverland to Whyalla, Port Augusta, Port Pirie and, of course, my home town of Mount Gambier. Labor's shadow cabinet have turned up and listened to countless regional residents over the last four years. However, by refusing to continue country cabinet meetings in government, the Marshall Liberal government has turned its back on valuable opportunities to engage directly with regional residents on a regular basis.

I was delighted to be joined in Mount Gambier recently by the Leader of the Opposition and the rest of our shadow cabinet. One of the announcements made was that a Malinauskas Labor government will appoint a cross-border commissioner, to be based in Mount Gambier. Labor would provide $2 million over four years to create the position that has long been advocated for by residents of the Limestone Coast.

This announcement means there would be a streamlined process for border communities and reduced red tape for residents and businesses. The commissioner would advocate for South Australian residents while also establishing a close working relationship with the Victorian Cross Border Commissioner.

While difficulties for cross-border communities have been highlighted during COVID, the case for a cross-border commissioner emerged well before that. Timber transportation matters, dual licensing requirements across different states for businesses that work in both, patients' access to medical treatment, children's education and transport to school are just some of the issues that could benefit from advocacy from a cross-border commissioner.

One of the reasons that regional residents are so supportive of this proposal is because of the lack of a direct line with the Adelaide city-centric government that we have at the moment. One example that we had recently was the addition to the Transition Committee to supposedly represent the regions on the committee; and where was that person based? Adelaide. Absolutely—Adelaide.

Our Labor candidate for Mount Gambier, Katherine Davies, joined the recent country shadow cabinet meeting in Mount Gambier when we announced that an elected Labor government would establish a technical college in Mount Gambier. It is important to note that this would be a separate entity from the other high schools that already exist and would directly address the severe regional skill shortages that the state is currently experiencing. There are excellent opportunities for well-paid careers in trades and there is high demand. By providing technical colleges for students with an interest and aptitude for these careers, we will be increasing the skills available in the regions.

I was also pleased to meet with LITA, the Logging Industry Training Association, whose scope goes beyond simply logging and training at the moment. They were also able to provide valuable insights into the needs of local industry and we discussed future potential opportunities in that space.

I know my colleague in the other place, the member for Elizabeth, spent some time when he was in the South-East speaking to residents about the ongoing saga of the Kalangadoo Police Station and when it will be reopened, as had been previously promised by the current government when they were in opposition. However, it is still closed 3½ years later. What did the Minister for Police say about it just today in parliament? I quote, 'It is one of the challenges of a global pandemic.' I have been to Kalangadoo many times and I really do not think they are going to be buying that sort of spin.

Just two weeks ago, I joined my Labor shadow colleagues in Port Augusta and Port Pirie to once again listen to residents about concerns that they had in their local communities. We were delighted to be joined by Andrew Wright, the extremely hardworking Labor candidate in Stuart when we announced that an elected Malinauskas Labor government will establish another of the five planned technical colleges in Port Augusta. We know there is a real skills shortage in our state, in particular in regional South Australia. Many of the roles needed require a vocational trade qualification and that is why we are proposing to invest so much into this area.

I also want to place on the record my thanks to Viterra for their time in providing me with a tour of their Port Pirie site, and also RDA Mid North for their time in providing me with a briefing on the key issues occurring in the region from their perspective. It is vital that there is a direct line between government and regional residents and businesses on a regular basis, which is why, if Labor is so fortunate as to be elected in March next year, country cabinets will resume. Regional residents should not be taken for granted. Regional residents deserve to be listened to.

*Parliamentary Committees*

## LEGISLATIVE REVIEW COMMITTEE: CORRECTIONAL SERVICES (MISCELLANEOUS) VARIATION REGULATIONS 2021

**The Hon. N.J. CENTOFANTI (16:02):** I move:

That the report of the committee, on the Correctional Services ( Miscellaneous) Variation Regulations 2021, be noted.

The Correctional Services (Miscellaneous) Variation Regulations 2021 were made on 3 June 2021 and tabled in the parliament on 8 June 2021. The variation regulations inserted, amongst other matters, paragraph (ca) into regulation 8(1) of the Correctional Services Regulations 2016.

The effect of the new paragraph made 'tobacco and any product associated with smoking tobacco (including a cigarette paper, lighter or filter)' a prohibited item for the purposes of sections of the Correctional Services Act 1982, including section 51(1)(b) of that act. Section 51(1)(b) of the Correctional Services Act 1982 sets a maximum penalty of imprisonment for five years for delivering or introducing into a correctional institution or possessing in a correctional institution any items prescribed by the regulations for the purposes of that section without the permission of the chief executive.

The variation regulations also ensure the maximum penalty of five years' imprisonment extends to a person in possession of tobacco, or a tobacco associated product, in a correctional institution buffer zone without the permission of the chief executive or without lawful excuse. The committee raised concern that the maximum penalty applied to the prohibited item was excessive and disproportionate to offences under the act for the possession of prescription or controlled drugs.

The committee noted the potential for a prisoner, who is found in possession of tobacco or tobacco-related product, to be sentenced to a higher penalty than that for which they have been imprisoned. Likewise, a visitor who brings tobacco or a tobacco-related product into a correctional institution or within the correctional institution buffer zone may receive a longer term of imprisonment than the sentence of the person they are visiting.

Concerns about the maximum penalty were echoed in comments from the CEO of the South Australian Council of Social Service, Mr Ross Womersley, including concern that the variation regulations could exacerbate the already high incarceration rate, especially the Aboriginal incarceration rate. Mr Womersley suggested an emphasis on non-punitive responses would be more appropriate.

The committee received correspondence from the minister, which noted that the variation regulations support an election commitment of the Marshall Liberal government to make all department sites smoke-free. The minister informed the committee that the same penalty applies to all items in regulation 8 that are prescribed for the purposes of 49A(b) and 51(1)(b) of the act and that most of the items currently prescribed would be considered legal items in the community; for example, alcohol, mobile phones, cameras and data storage devices.

Whilst these items would usually create no cause for concern in the community, the minister argued that if introduced to a correctional environment the items pose a significant risk to the potential disruption to the security and good order of our prisons. Whilst the committee acknowledges the regulations prescribed other legal items, its concern with the application of the same maximum penalty rate to tobacco and tobacco-associated products as prescribed items that are illegal in the community, including illicit drugs such as heroin or methamphetamine.

The committee also raised concern with the consultation that occurred in relation to the variation regulation. The Department for Correctional Services advised the committee that consultation on the variation regulations occurred with South Australia Police and, regarding regulation 5 of the variation regulations, with the presiding member of the Parole Board. In the committee's view, consultation ought to have been extended to groups that represent prisoners.

The CEO of OARS Community Transitions, Mr Leigh Garrett, advised the committee that OARS were virtually never consulted about changes to the Correctional Services Act or regulations, stating, and I quote, 'Perhaps once or twice' in his 'nearly 28 years at OARS'. The committee tabled its report into the variation regulations to provide an opportunity for the parliament to consider the matters raised within it and for the minister to review the proportionality of maximum sentences applied to prohibited items set out in the regulations made in connection with sections 49A and 51 of the Correctional Services Act 1982.

I would like to thank the other members of the Legislative Review Committee for their work on this report: in the House of Assembly, Mr Peter Treloar MP, Mr Nick McBride MP and the Hon. Zoe Bettison MP and, in this place, the Hon. Connie Bonaros MLC and the Hon. Irene Pnevmatikos MLC. In addition, I would like to thank the committee secretary, Mr Matt Balfour, and the committee's research officer, Ms Maureen Affleck, for their assistance with the report.

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

## LEGISLATIVE REVIEW COMMITTEE: PLANNING REFORM PETITION

**The Hon. N.J. CENTOFANTI (16:08):** I move:

That the report of the committee, on the Legislative Council's petition No. 2 of 2020, Planning Reform, be noted.

On 30 April 2020, the Hon. Mark Parnell MLC presented petition No. 2 of 2020, Planning Reform, to the Legislative Council. The petition, signed by 13,928 residents of South Australia, expressed concern that the state's precious natural and built heritage is being put at risk by laws, policies and practices that allow for destruction degradation of heritage and environmental values in contravention of the public interest. The petitioners prayed that the Legislative Council:

1. Undertake an independent review of the operation of the Planning, Development and Infrastructure Act to determine its impact on community rights, sustainability, heritage and environment protection;

2. Undertake an independent review of the governance and operation of the State Planning Commission and the State Commission Assessment Panel;

3. Urge the government to defer the further implementation of the Planning and Design Code until—

   (a) a genuine process of public participation has been undertaken; and

   (b) a thorough and independent modelling and risk assessment process is undertaken.

4. Legislate to ban donations to political parties from developers, similar to laws in Queensland and New South Wales.

The Planning, Development and Infrastructure Act 2016, which I will refer to as the PDI Act, was the first step in bringing about the most significant planning reforms in South Australia for a generation. These planning reforms included the establishment of the State Planning Commission, the State Commission Assessment Panel and new assessment bodies. The ePlanning portal was developed and activated, providing the public with digital access to the planning system.

The 72 individual council development plans were replaced with a single Planning and Design Code, which now applies throughout South Australia. During the process of consultation and the gradual implementation of the Planning and Design Code, there was growing discontent in the community regarding:

- the consultation process for the code;
- the governance of the State Planning Commission and the State Commission Assessment Panel;
- the potential for improper influence from the development industry; and
- the impacts of the PDI Act and the code on property development within the state and, in particular, on community rights, heritage, sustainability and the environment.

That discontent led to this petition. The committee heard evidence that the PDI Act generally succeeded in setting out objectives and guiding principles that should form the foundation for informed, effective, ecologically sustainable planning reforms. However, the committee also heard that the code and other documents drafted under the PDI Act failed to achieve these ideals.

The petitioners requested that implementation of the code be deferred until a genuine consultation and independent modelling and risk assessment were undertaken. The committee notes that, after the petition was referred to the committee, the Attorney-General's Department and the State Planning Commission provided a further round of consultation on a revised version of the code and further delayed its implementation.

The committee heard evidence that, even with this additional consultation, the submitters were not satisfied with the consultation process. Submissions suggested that the engagement requirements set out in the instruments prepared under the PDI Act were not met. The witnesses indicated that they did not find the engagement to be genuine, informed or transparent and that the materials were not fit for purpose.

Although the code was fully implemented prior to this report being tabled in the parliament, the committee recommends that a further 12-week period of consultation occur on the current version of the code. The submitters indicated that any independent modelling and risk assessment undertaken for the code and other planning documents was not sufficient nor independent. The committee therefore recommends that an independent risk assessment be undertaken annually and reviewed by the Environment, Resources and Development Committee.

The petitioners also sought an independent review of the PDI Act and in particular its impacts on community rights, heritage, the environment and sustainability. A number of submissions expressed a view that community rights had been diminished by the planning reforms. The committee heard complaints that local councils now play a smaller role in the planning process. The committee also heard that fewer developments will be required to notify neighbouring property owners and third parties will have fewer rights to appeal planning decisions.

The committee also heard that submitters hoped the reforms would go further to support and encourage sustainable and energy-efficient building practices, protect and increase the tree canopy and incentivise renovation and repurposing of heritage buildings rather than demolishing them. The committee heard that the planning system is an important vehicle to mitigate against and adapt to climate change and yet submissions suggested the code may have fallen short of achieving these vital ambitions.

The committee therefore recommends that the Minister for Planning and Local Government establish an independent review of the PDI Act and the code by the Expert Panel on Planning Reform. This review should determine the impacts of those instruments on community rights, sustainability and protection of the environment.

The most frequently raised issue in the submissions received by the committee related to the protection of heritage. In 2019, the Environment, Resources and Development Committee completed an inquiry into heritage and reported to parliament with a number of recommendations. The Legislative Review Committee recommends that the Minister for Planning and Local

Government implement each of the recommendations made by the Environment, Resources and Development Committee as a matter of priority.

Submissions expressed concerns that the Planning and Development Fund, which was intended to be used to create public open green spaces, was diverted to cover the cost overruns of the development and implementation of the planning reforms.

The Legislative Review Committee recommends that the Economic and Finance Committee undertake an inquiry into the cost overruns, financing and use of funds of the Planning and Development Fund for the new planning system. In addition, the committee recommends that the PDI Act be amended to restrict the use of this fund, as well as the recently established urban tree canopy offset fund, to creating and developing open and green space.

To avoid regulations being remade immediately after being disallowed by parliament, as occurring here with the Planning Development and Infrastructure (General) Regulations 2017, the committee also recommends that the Attorney-General introduce amendments to the Subordinate Legislation Act 1978. These amendments will prohibit the reintroduction of a regulation that is the same in substance as one that has been disallowed by the parliament. Such a regulation will not be able to be reintroduced for six months from the date of disallowance. A similar provision currently exists in the COVID-19 Emergency Response Act 2020 and in other jurisdictions within Australia.

Submissions received by the committee expressed a view that the State Planning Commission and the State Commission Assessment Panel are dominated by property development interests and do not adequately represent the views of the community. Public trust in the planning system requires that these bodies act, and be seen to act, with integrity, objectivity and transparency.

The committee therefore recommends that the Statutory Authorities Review Committee conduct a review into the operations of the State Planning Commission and the State Commission Assessment Panel. This review would include inquiring into their governance, structures, membership and procedures.

In conclusion, this petition constituted a substantial undertaking for the Legislative Review Committee. The committee received 103 submissions and heard from 27 witnesses. In addition, at the time the committee received the petition, amendments to the draft Planning and Design Code and related documents were ongoing. Therefore, the submissions received and the majority of evidence heard by the committee were based on earlier versions of the code and not the version that was eventually implemented across South Australia on 19 March this year.

The committee appreciates that since the petition was presented to parliament substantial amendments have been made to the code, stemming from the consultations that occurred. As a result, many of the complaints raised have been rectified in the code as now implemented. Nonetheless, the committee heard that some of the concerns raised were not addressed by further consultation and amendments.

The committee concluded that one of the primary factors driving the community's dissatisfaction with the planning reforms, which in turn led to this petition, was the approach to community consultation prior to the reforms being implemented. The community had expectations of appropriate modelling and risk assessment of the impacts of the new legislation taking place prior to changes of this magnitude.

On behalf of the committee, I would like to commend the petitioners for pursuing this petition, one of the fundamental vehicles of democracy, to bring their concerns before the parliament. The petitioners sought to protect the amenity, history, environment and livability of South Australia. The committee is optimistic that the recommendations contained in this report will help achieve these aspirations and will result in an efficient, effective and streamlined planning system envisaged at the inception of these once-in-a-generation planning reforms.

In addition, the committee would like to thank all those who made submissions and provided evidence in relation to the matters raised in the petition for the assistance their experiences, knowledge and expertise have provided in this inquiry.

I would like to thank the other members of the Legislative Review Committee for their contributions to this inquiry: in the House of Assembly, the member for Flinders, the member for

MacKillop and the member for Ramsay; and in this place, the Hon. Connie Bonaros MLC and the Hon. Irene Pnevmatikos MLC. I would also like to thank previous members who served on this committee during the duration of this inquiry. Finally, I would like to thank the committee secretary, Mr Matt Balfour, and the research officer, Ms Maureen Affleck, for their assistance with the report and the inquiry.

Debate adjourned on motion of Hon. I. Pnevmatikos.

*Bills*

## HERITAGE PLACES (ADELAIDE PARK LANDS) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. R.A. SIMMS (16:19):** Obtained leave and introduced a bill for an act to amend the Heritage Places Act 1993 and to make a related amendment to the Planning, Development and Infrastructure Act 2016. Read a first time.

*Second Reading*

**The Hon. R.A. SIMMS (16:20):** I move:

That this bill be now read a second time.

The bill that I rise to speak on today seeks to include the Adelaide Parklands on the state's heritage list. The Adelaide Parklands, established in 1837, were the world's first public park, and Adelaide remains the only city in the world that is garlanded by parks. It is a reminder of just how fortunate we are, particularly during this time of climate emergency.

In 2008, the Parklands received national heritage listing by the then minister for environment, the Hon. Peter Garrett. In 2009, the process formally began to ask the state Heritage Council to consider whether SA should follow the federal government's lead and declare that the Parklands are worthy of state heritage recognition. Well, 12 years later we are still waiting.

A process of public consultation began in 2017 and featured a record number of public submissions in support of the state heritage listing. In 2018, the state government announced its intention to include the Parklands on the state heritage list, following a recommendation of the state Heritage Council, and yet here we are coming to the end of 2021 and we still have no action from the Marshall government.

Indeed, the former Labor government were silent on this too. At a time when South Australians expect to see our beautiful and rare city green spaces included on the state heritage list, both of our major parties have failed to take action. That is why the Greens have taken the step of introducing this private member's bill today.

The bill is a simple one. All it seeks to do is include the Parklands on the state's heritage list. Once we do this, it would certainly strengthen the case for any world heritage consideration, something that the Adelaide Park Lands Association and others have been campaigning for for some time.

This bill is very timely because we know that the Parklands are under threat like never before. Just the last period of sitting we saw the Labor and Liberal parties vote in unison to defeat my private member's bill that would have ensured this parliament had oversight over any rezoning of the Parklands. Sadly, that has opened the way not only to the sports arena on the Helen Mayo Park but also the other things that the government has in its sights in terms of rezoning—cafes, apartment towers, restaurants and the like. All of these things have been included in the government's rezoning plans. Sadly, the government is now able to press ahead with those without parliamentary oversight.

Unfortunately, this bill will not correct that. That horse has bolted. What it would do is ensure that, if there is going to be any development of the Parklands in future, there is consideration of what this means for the state heritage values of the site. I think that is a really vitally important safeguard of our city's iconic green space.

In order to be considered for state heritage listing, an area must include early or important settlements, other significant towns or suburbs of heritage value or natural landscapes. It seems

completely at odds that the government is still assessing the worth of the Parklands when it met its national heritage standards more than 12 years ago. It really is time for this parliament to act.

To give you a sense of other areas that are state heritage listed, we have 17 state heritage areas that reflect heritage of importance to all South Australians. These are: Arckaringa Hills, Belair National Park, Beltana, Burra, Colonel Light Gardens, Gawler Church Hill, Goolwa, Hahndorf, Cooper Creek, Mintaro, Moonta Mines, Mount Gambier Cave Gardens, Mount Gambier Volcanic Complex, Mount Shank, Mount Torrens, Penola and Port Adelaide

Looking at this list, it is clear that the Parklands would be a worthy inclusion. South Australians know how precious our Parklands are. They are the envy of cities all around the world. They are the lungs of our city, and it is time that we took all steps necessary to protect their cultural, historic, Indigenous and environmental heritage. This private member's bill, which would provide state heritage listing, is an important step in that regard.

I do not know what the future holds. If we find that we are in this place in the new year, I would like to bring this bill to a head and to a vote. If I have an opportunity to do that, I will do so, but if not, I will certainly—should I be fortunate enough to be re-elected—reintroduce a similar bill after the next state election and give this place an opportunity to vote on it.

I think it is important for this parliament to take this important step of recognising the value of our iconic green space, and that is precisely what this bill does. With that, I commend the bill.

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

*Parliamentary Committees*

## SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

**The Hon. I. PNEVMATIKOS (16:26):** I move:

That the final report of the select committee be noted.

When I was elected to this parliament almost four years ago the term 'wage theft' had only just been coined. From its beginning as a colloquial phrase the term wage theft has grown, being referenced frequently by the media and within our judiciary through court decisions. The term wage theft refers to the dishonest, deliberate and systemic underpayment of wages.

Over the past three years, the committee has investigated the impact of wage theft on South Australia. During the committee's deliberations on the initial terms of reference it became clear that the COVID-19 economic measures and slavery and slavery-like practices in relation to wage theft should also be investigated. The evidence in the committee's final report presented today builds on and reinforces the findings of the interim report.

Our findings were shocking but, unfortunately, not surprising. The effect of COVID-19 economic measures put in place to counterbalance the impact of lockdowns and health measures did result in further abuse of some workers. With reduced job opportunities and the increased difficulty getting a job, workers were placed in a position where they were forced to keep their job even if they knew they were being underpaid and exploited. Over this period, there were fewer reports of wage theft or mistreatment for fear of repercussions in the workplace; for example, being removed from rosters, allocated more difficult work or even being dismissed.

Although the JobKeeper scheme did provide a greater outcome for workers and employers than no scheme at all, evidence revealed that the JobKeeper program was easily manipulated to advantage employers. The intricacies of the JobKeeper scheme, being a three-way structure between the Australian Taxation Office, the federal government and business, workers lacked information and were subject to employers' directives and misuse of the scheme.

During the height of the pandemic, media covered common potentially unlawful employment practices including:

- employers forcing employees to take all leave entitlements while the employer was eligible for and receiving JobKeeper;

- employers introducing leave specific to COVID-19, but requiring that all standard leave entitlements be used before it could be accessed;
- employers forcing workers to take all leave balances using JobKeeper to pay them. When the leave balances were exhausted the workers were made redundant and the employers were exempt from paying out leave;
- employers using the pandemic as an excuse to stand workers down without valid reason, but claiming it was simply a precaution;
- workers being required to work additional hours to earn the JobKeeper amount, even if they were unable or unwilling to do so;
- workers being paid only for the hours they worked despite the employers claiming the full JobKeeper amount; and
- workers performing higher duties, but not being paid at a higher level.

But there are also sneakier, more egregious actions taken by employers, including:

- workers being asked to sacrifice 10 per cent of their salary to 'help the business stay afloat';
- employers asking workers to sign additional documents related to the ATO, which effectively entitled the employer to retain some of the JobKeeper payment, or make other unlawful changes. In one case, the employer was taking 60 per cent of the JobKeeper amount;
- workers being unlawfully directed to forgo full-time or part-time employment to become casual, using COVID-19 to permanently change a worker's status of employment;
- workers being directed to clean their employer's house to make up the difference between their normal wage and the $750 JobKeeper payment;
- hospitality workers being tasked with renovating premises—not cleaning, painting or minor maintenance, but using power tools, undertaking carpentry work, commercial cleaning with commercial chemicals—with no safety training provided;
- a childcare company terminating their cleaners and directing educators to carry out the additional cleaning.

Unfortunately, workers who were in particularly vulnerable positions of work such as migrant workers, or workers who were already experiencing wage theft often meant their conditions became worse by the economic measures for COVID-19. Employers who were doing the right thing prior to COVID generally continued good employment practices, but those who were not found new ways to exploit their workers through the JobKeeper system.

Hearing these examples it became obvious that wage theft heavily intersects with slavery and slavery-like practices when reviewing the evidence that the interim committee heard. The committee recognised that modern slavery is a multidimensional problem that includes wage theft but also threats and violence, racism, sexism and gender abuse, silencing and isolation. Some of the starkest evidence that was given to the committee includes:

- women being required to work in bikinis, with their employer stating, 'You are mine for three months. If I say you are going to work like that, you are going to work like that';
- workers repaying their employer for being sponsored into South Australia;
- workers threatened for reporting an underpayment to the Fair Work Ombudsman;
- workers' passports being taken by cash contractors, who demand the workers pay as much as $3,000 for the return; and
- workers confined to a location, labouring for extremely long hours in pack houses for 12 to 14 hours a day with incorrect awards and incorrect classifications by the employer.

The assumption that workers are subject to these conditions because of their lack of knowledge, or they are somehow less conscious of these injustices because they are deemed more vulnerable, whether this is because they are migrant or in a regional area, is completely abhorrent. Our report dispels this line of thinking.

The reality is that, even when workers have knowledge of substandard conditions and the layers of unfairness, most have been unable to walk away. A combination of migration status, unfair working conditions, threats, deception and/or coercion often places people in a situation where they cannot walk away, creating conditions that are more akin to slavery than wage theft.

The stories written in this report, those who came into the report, they want justice, remedy and redress. They also never want their experience to happen to someone else. The recommendations provided in the report clearly outline a way forward to solving the issue of wage theft in South Australia, or at least going a long way towards that. The suite of recommendations includes:

- expanding the Fair Work Ombudsman through funding and infrastructure to ensure it can operate in its intended capacity to resolve workplace disputes;
- making amendments to the Fair Work Act, both federal and state, most importantly making it a criminal offence for an employer to dishonestly, deliberately and systematically underpay an employee;
- amending the Modern Slavery Act to ensure mandatory reporting;
- introducing measures to improve international students' and migrant workers' knowledge of Australian industrial practices and avenues and ability to seek redress;
- greater transparency to ensuring superannuation is paid and is recoverable if it is not paid;
- creating a state wage theft act to create an inspectorate that would act as a regulator with the functions and powers of inspectors as well as the ability to streamline court services for victims of wage theft;
- expanding the Labour Hire Licensing Act to include all industry sectors; and
- increasing funding and recourses to SafeWork SA.

Overall, there were 37 recommendations detailed in the report. The sheer number of recommendations shows just how widespread and entrenched the practice of wage theft is. It is not a one-solution problem. It will require serious legislative change and policy enforcement from government and community members to ensure wage theft is eliminated.

I am under no illusion that wage theft is not on the top of this government's agenda. In fact, the response to the report's findings and recommendations—the Hon. Heidi Girolamo submitted a dissenting report. I continue to be amazed at the Liberal government's opposition to wage theft. Since the inception of the parliamentary wage theft committee, this government has stood in its way. Each time, it has voted against the investigation.

In fact, reflecting back on the Treasurer's original contribution to this debate, he referred to the term wage theft as a 'weasel word'. Contrary to public opinion, agency and the media, the Treasurer continues to question the validity of the term. This rhetoric was evident in the Hon. Heidi Girolamo's dissenting report. She has continued the Treasurer's rhetoric to discredit the term wage theft. She argues that wage theft is used as a blanket term to describe the underpayment or non-payment of wages and entitlements that are due to employees.

When considering wage theft, we are not thinking about honest mistakes, an incorrect payment or underpayment. To put it bluntly, the term wage theft refers to the deliberate, dishonest and systemic underpayment of wages and entitlements.

Mistakes happen all the time. If honest mistakes are made by an employer, then these issues are addressed and resolved. There are good employers who have made genuine mistakes who work to remedy that in an open way. This report does not focus or target those employers. It targets

employers who made their workers clean their house to receive JobKeeper payments. It targets those who made their workers go out in bikinis to pick fruit. It targets those who underpay their workers at $10 an hour and subject them to violence in the workplace. It targets those employers who are not playing by the rules.

The dissenting report goes on to detail the government's opinion that wage theft laws are more appropriately addressed by a national scheme. Agreed. We should have a federal scheme, but the reality is that the federal government failed to pass this some months ago. Following her federal colleagues, the Hon. Heidi Girolamo states in the report that it was Labor and the crossbench who voted down the proposed wage theft laws. Unlike her party, we were not prepared to compromise on any workers entitlements or rights being sold off for wage theft laws, so I believe a review of the *Hansard* would serve her well, to learn that it was actually the Liberal government who removed the wage theft provisions of that federal bill.

This dissenting report contradicts the overwhelming evidence that the committee heard. Perhaps this is because the Hon. Heidi Girolamo was privy to this evidence having only recently joined the committee, but I think the more likely reason is because this Liberal government simply cannot grapple with penalties for deliberate, dishonest and systemic underpayments of wages and entitlements. I am so glad the government has taken the time to write this dissenting report, so it is there for all to see.

I would like to thank the members of the committee past and present: the Hon. Terry Stephens, the Hon. David Ridgway, the Hon. Jing Lee, the Hon. Tammy Franks, the Hon. Emily Bourke, the Hon. Heidi Girolamo, the Hon. Rob Simms, the Hon. Russell Wortley, and the Hon. Connie Bonaros. I would also like to extend a big thank you to the committee secretary, Leslie Guy, and research officer, Dr Robinson, for their tireless work in supporting the committee and assisting with the report.

If we do not enact these recommendations, instances of wage theft will only become more prevalent. People will look back at this report and see that the Marshall Liberal government stood idle while contemplating the term 'wage theft' rather than taking action to better working people's lives.

**The Hon. H.M. GIROLAMO (16:42):** Today, I rise to speak on the report submitted by the Legislative Council's Select Committee on Wage Theft in South Australia. I would like to thank the witnesses who appeared before the committee and gave evidence. I would also like to thank the Chair, Irene Pnevmatikos, for her hard work and passion for workers' rights, and the other honourable members of the committee, as well as our secretary, Ms Leslie Guy and research officer, Dr Robinson.

Firstly, it is un-Australian, unfair and unlawful for an employer not to comply with the law by refusing to pay employees with their industrial entitlements for wages and conditions. It is also unlawful to threaten or blackmail an employee who speaks up about alleged underpayment. The Marshall Liberal government and I strongly condemn any employer who conducts any of this behaviour. However, as a member of the Legislative Council's Select Committee on Wage Theft, I would like it noted for the record that I do not agree with all aspects of the final report provided by the committee.

The term 'wage theft' includes all underpayment or non-payment of wages and entitlements in accordance with provisions, legislation, awards, contracts and enterprise agreements. However, this term is also often used to describe accidental errors and miscalculations that unintentionally result in underpayment for hardworking small businesses. Because of this, the South Australian government prefers to use the term, 'deliberate underpayment of wages and entitlement' as this does not capture those hardworking businesses who have made an honest mistake, especially given the complicated nature of many award rate structures.

The government is strongly opposed to creating a criminal offence for the underpayment of wages. Businesses that may have unintentionally underpaid employees due to genuine mistakes or misinterpretation of very complex awards and enterprise agreements will face harsh criminal offences, with similar punishments equal to dangerous criminals. This is why the South Australian

government believes wage and entitlement law reform should be led by the commonwealth parliament.

An employee can also seek assistance from the Fair Work Ombudsman in relation to the underpayment of wage entitlements and superannuation. An employee can make their report to the Australian Taxation Office to investigate the matter further. I agree with the committee's recommendations encouraging increased public awareness regarding the role of these organisations by providing options and information to people who may be vulnerable to exploitation.

For the reasons mentioned above, I do not support the creation of a wage theft act in South Australia. I strongly believe it is appropriate that changes that will affect the federal industrial relations system be made within federal parliament. I do however support all efforts by the committee to encourage transparency as well as training and support for workers.

**The Hon. R.P. WORTLEY (16:45):** Before coming into this parliament I was a trade union official for 22 years. In that time, I came across varying degrees of and extents to which employees had their wages reduced. Much of it was through honest mistakes. It was always acknowledged, and it did not take long to prove that an employer had made a genuinely honest mistake. At that stage, it was because of the complexities of the award system.

I have been subjected to investigations—not of myself but of some employers—and I was surprised by the systemic nature of wage theft in this state. Some of the testimonies we had from people could almost bring you to tears because of how desperate they were and how they came to understand that they had been denied rightful and legitimate wages, long service leave, holidays and superannuation on the basis that it was part of the business model of the employer they worked for.

To say that we should not make wage theft a crime because innocent employers will be subjected to very significant charges is an astonishing claim. It is very difficult to prove or to get to the stage where an employer is found guilty of wage theft. There are a hundred reasons why this will not occur. Very often, employees do not understand their own rights. It is only when it is done on a huge scale that they actually realise that there is a crime being committed against them.

If an employee was to steal $5 from an employer, out of a till or wherever, that is a crime. That is a crime payable by fines or a gaoling offence, yet an employer can have a business model where they deny workers and deliberately take from workers their wages, hours of work, long service leave and superannuation on an ongoing basis, and very often this could amount to many thousands of dollars, but it is not a crime. It is just astounding. To a normal thinking person, it is wrong.

The recommendation in our report is long overdue. When Labor takes the government benches in March next year, I hope that one of the first things they do is to act on the recommendation of wage theft, creating it as a crime. Honest employers have nothing to fear. Honest employers who make a mistake—not a problem. I know a lot of employers who would be quite happy to do this because it puts these dishonest employers at an advantage to those people who are honestly paying their workers. That is just not right.

All honest employers would be quite happy to have wage theft as a crime. There will be employers who make mistakes. I know how complex a lot of this is. They do have employer associations who can tell them exactly what their rightful entitlements are. I was also astounded that a number of employer associations just refused to accept that wage theft was a problem in their industries, despite the fact that inquiries have shown otherwise.

There were 37 recommendations. Some of them have up to six or seven parts to them, but what really worried me was the exploitation of migrant workers. These are people who have come over here on visas, either student visas or temporary visas, and they are at the mercy, more often than not, of people of their own ethnic background.

They are at the absolute mercy of these people who, as the Hon. Irene Pnevmatikos said, very often take their passports. They have to pay back the sponsorship to these people. They are totally vulnerable, and if they make any sort of noise that they have been exploited or are being underpaid, there is a possibility that their sponsorship will be withdrawn and they can be sent back to their home country. This is one reason why there is so much wage theft within our multicultural society.

We all heard recently what happened in Fun Tea where a worker was quite viciously assaulted because they complained about being underpaid. There was also an inquiry into Chinatown, which found that wage theft is rampant in Chinatown. That is despite a witness coming to our committee and basically saying that this is only a very rare occurrence in Chinatown.

I would like to acknowledge the committee. I will also say that, even though the Hon. Ms Girolamo has put out a minority report, I accept the fact that there are many members on the other side who do not support wage theft. They do not support it at all but are probably not really aware of how systemic it is. It is systemic out there. It is a problem that spreads right throughout the workforce. This is done by some unscrupulous employers. The vast majority of employers are honest and are good employers, but there are certainly employers out there who can see that their bank accounts can be swollen by quite a significant amount of money by taking away from workers who work for them.

I would like to acknowledge the great work of the Hon. Ms Pnevmatikos. It was her commitment and her drive to actually bring this to a head that has led to this report. It is a great credit to her. Once wage theft is legislated as a crime, it will be largely due to the great work of the Hon. Ms Irene Pnevmatikos. I recommend this report. I thank all the committee. I thank the secretariat and look forward to next May, or whenever we come back, to start to put the recommendations into effect.

**The Hon. F. PANGALLO (16:53):** I am not on the list to speak but on behalf of SA-Best I want to commend the Hon. Irene Pnevmatikos for this inquiry. I think the timing of that inquiry was appropriate because, once that inquiry began, not only were they hearing these stories of wage theft that was going on here from witnesses, but at the same time we were starting to see stories emerge in other states, in other jurisdictions, of just how widespread and rampant this practice really is.

What is concerning, and what should be concerning, is that once we emerge from the COVID pandemic, whenever we get to the other side, there could well be a fear that, unless something is done to clamp down on this, this practice will continue where employers will begin to take advantage of employees who really have little option available to them in finding appropriate employment.

I will cite for a moment workers in the music industry. I was at a recent forum where there were thousands of those who are associated with that industry, from performers through to backstage people, stage managers, entrepreneurs and the like. They have all been hit hard by the pandemic. They have lost work, they have lost jobs and they will virtually take anything that they can get in order to make a living. As a consequence, we can expect to see those workers also exploited.

I also have other concerns. One of my favourite hobbyhorses is rideshare, and I suspect that even in that industry we are seeing workers who are being exploited, particularly those who are involved in the delivery of food. We have seen instances in New South Wales, in Sydney, where people in that industry have had horrendous conditions. Some have been killed and not been able to get compensation as a result of that type of employment.

I congratulate the Hon. Irene Pnevmatikos for bringing this to the attention of the council. She did so right at the beginning of this matter being brought to national attention, and I am sure that the recommendations of the committee will be welcomed, certainly in the next parliament.

**The Hon. C. BONAROS (16:56):** I rise very briefly to echo the sentiments of my colleagues, in particular the Hon. Irene Pnevmatikos, who, as my colleague the Hon. Mr Frank Pangallo has just outlined, brought this issue to the fore in this parliament in the wake, if you like, of the wage theft issue becoming a national issue and one that needs attention, and also of the Hon. Mr Wortley in relation to his contribution.

I have spoken on this issue previously. We have addressed those issues that do not equate to wage theft in terms of those small businesses that the opposition insists ought not to fall within the banner of this debate. We know that, put simply, those businesses would not be captured under any definition of wage theft unless of course they are doing the wrong thing and they are blatantly ripping off workers and their entitlements.

I did serve on the committee that has been referred to. SA-Best, and I on behalf of SA-Best, have fully endorsed the recommendations and the findings of that committee, and continue to do so.

It is a pity, in my view, that the Liberal Party could not see fit to see beyond its own political agenda on this issue and acknowledge the very real issues that were brought to bear as part of that inquiry process and have continued to be borne out on the national landscape as well.

With those words, I just want, for the record, to not only indicate again our full support for this report but also to thank and acknowledge the hard work of the Hon. Irene Pnevmatikos in bringing this issue to the attention of this parliament and ensuring that the recommendations and the findings of that report reflect the true nature of wage theft that is occurring in our community and the need to address it.

Debate adjourned on motion of Hon. J.S. Lee.

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

**The Hon. F. PANGALLO (16:59):** I move:

That the report of the select committee be noted.

On 2 December 2020, the Legislative Council resolved on a motion I moved to conduct this inquiry following submissions and representations received from several individuals subjected to investigations by ICAC, OPI or SAPOL, who were later found to either not have a case to answer or had charges withdrawn or were found not guilty or claim that they had been disadvantaged and denied due process by these integrity agencies.

The terms of reference excluded the committee from inquiring into current investigations, prosecutions or referrals for consideration in respect of a potential prosecution. The committee intended not to interfere with any matters before the courts. The committee heard evidence from 36 witnesses involving the following ICAC, SAPOL investigations into alleged abuse of public office by public officers: Operation Bandicoot, Bio Innovation SA, Renewal SA, the Department of Planning, Transport and Infrastructure, and SAPOL Recruit 313.

Their complaints and submissions received centred on the procedure of the investigations, the prosecutions and the subsequent significant irreparable damage caused to their reputations by their treatment by ICAC and ensuing salacious publicity and media scrutiny. They also felt that, as mud sticks, there was no recourse available to them to restore their standing in the community and professional status. Some were also severely financially disadvantaged in defending themselves and are seeking reimbursement of their costs. All had reported strain on personal relationships and to their mental health and general wellbeing.

While the current and previous ICAC commissioners have argued that these types of consequences also do inevitably occur in non-ICAC matters that find their way to the courts, the often prolonged experience and stain of an ICAC investigation is far more potent and is next to impossible to remove, whether it eventuates in a prosecution or a conviction. As the playwright Shelley succinctly put it in *The Cenci*, 'The breath of accusation kills an innocent name, and leaves for lame acquittal the poor life, which is a mask without it.'

That said, I am not for a minute suggesting integrity bodies with broad powers like an ICAC are not needed. Its primary function is to keep public officers acting within the accepted standards of the code of conduct within which they operate and to stamp out serious and systemic corruption in public administration. To do this, ICAC has been entrusted with significant coercive powers to carry out its functions. It also has a role in raising public awareness and education about corruption and, to that end, it continues to have some tangible effect.

However, the extraordinary powers bestowed on it should not also be an almighty battering ram for crushing ordinary misdemeanours, nor should those powers be abused in the overzealous and costly pursuit of individuals to achieve an outcome. While we should acknowledge some reputational damage is perhaps inevitable, the challenge is to find the balance between the right to reputational protection without diverting from the intended purpose of the legislation.

Why was this inquiry necessary at all? The answer to that is quite simple. Now was the time to review ICAC's operations, its performance, its failures and to hear from those who had a story to tell of their shocking experiences. This would not have been possible or even contemplated

previously because ICAC was shielded from this type of scrutiny due to the secrecy provisions that had been enacted in its legislation, drawn up nearly 10 years ago. At the time, it is doubtful that politicians in this place would have been able to foresee the unintended consequences which have since surfaced.

My interest in reputational damage arising from ICAC or other integrity agencies was initially sparked by an article I read in *The Advertiser* by Andrew Dowdell on 28 September 2018. It concerned the SA Museum's former chief Aboriginal archaeologist, Dr Keryn Walsh. She was subjected to a terrible ordeal after being wrongly accused of misconduct by some colleagues. During a period of suspension, Dr Walsh was exiled. She could not do any research or attend conferences or public presentations. She was banned from any state government building. She was deemed guilty before any finding was made. Despite being cleared, she lost the job she loved. She lost her fine reputation, and it damaged her mentally. And the crime she was accused of committing for all this punishment? A policy breach that was found to be baseless.

The matter which caused me the most concern and was the catalyst for this inquiry was Operation Bandicoot, ICAC's first major investigation undertaken in concert with SAPOL's Anti-Corruption Branch in 2014. Eight police officers from Sturt Mantle, a specialist unit dealing with major drug crime, and thus collected and recorded property seized from crime scenes, were charged with criminal conduct—theft and abuse of public office. Public statements made on the day of their arrest by the then police commissioner, Gary Burns, and the former ICAC, Mr Bruce Lander QC, could only lead a reasonable person to believe that this was an organised gang of Fagins in uniform.

The presumption of innocence, a cornerstone of our justice system, was lost in the fanfare and media coverage of those public statements over the next days, and continued for more than five years. Their careers were effectively over from that moment, regardless of any future outcome. For a police officer their integrity is paramount. To lose it is devastating to all facets of their life. Once broken, integrity, like trust, is like a dropped glass ball: unable to be glued back together.

After more than 5½ torturous years being dragged through the system, they were all found not guilty of stealing anything because the evidence either did not exist or simply did not stack up. As it transpired, the allegations were nothing more than the accurate and timely recording of property items at Sturt Mantle.

The committee heard from the current police commissioner, Grant Stevens, and others from the Anti-Corruption Branch and ICAC, that the justification for the investigation was based on suspicions aroused from whistleblowers, and that there was an intent to steal items still housed at the police station, based on covert audio recordings of some of the officers making colourful remarks—mind-readers perhaps.

The President of the Police Association of South Australia Mark Carroll described the comments as the typical black humour you would often hear in workplaces—and haven't we all been guilty of that at some point in our working lives; a sarcastic crack or two of banter to break the monotony? But does it constitute committing a crime or amount to intending to commit a crime? What is arguable is that SAPOL may have been right in at least having a look. The real question was whether it was sinister enough to warrant the huge and costly criminal exercise that was rolled out, or was it something more suited to an internal disciplinary action?

The committee heard evidence that both the criminal investigation and subsequent prosecution were strewn with errors, some quite comical. Respected criminal barrister Michael Abbott QC, who represented one of the Mantle officers, gave the investigation a score of zero out of 10.

Witnesses also raised concerns about the proper and timely disclosure of vital documents and video evidence, along with the validity of an ad hoc audit, or search, of the Mantle office in support of the criminal investigation without the appropriate general search warrant required, and failure by the ACB to follow proper procedures in conducting two targeted integrity tests at fake crime scenes used to attempt to gather incriminating evidence on the Mantle officers who attended. One of those charged had not even attended the two integrity tests.

The committee heard from Sergeant Steve Hammond, of the Audit and Risk Management Section (ARMS), about his audit on the Sturt LSA in which his team found worse breaches of drug and property management in other sections of the police station. It seems it was also a common occurrence and problem elsewhere. Sergeant Hammond said his audit was triggered as part of the ACB criminal investigation, although this was later rejected by Commissioner Stevens who had authorised the audit days after the arrests.

Sergeant Hammond was particularly concerned he had been asked by the ACB to search for particular items when it was known that ARMS did not have officers with general search warrant authority. ARMS had rifled through the desks, personal belongings and lockers of officers. The ACB only executed a general search warrant after the search had been completed. One major concern raised with the committee was that general search warrants can be and have been abused by SAPOL and ICAC.

South Australia is the only state to have general search warrants and one of the few places in the world to have these arbitrary powers, considered by many law reform groups as a violation of common law rights to individuals' privacy. South Australia was singled out by the High Court in News Corps' appeal on the raid by Federal Police on the home of journalist Annika Smethurst in 2019, emphasising any abuse of this power ignores the common law principle that an individual's home is inviolable.

There continues to be much debate surrounding these warrants and whether they should be abolished in line with other jurisdictions. Therefore, one of the recommendations by the committee is that the Crime and Public Integrity Policy Committee review section 67 of the Summary Offences Act and section 31 of the ICAC Act to consider reforms to the application and issuing of general search warrants and to also consider introduction of contestable search warrants. The Crime and Public Integrity Policy Committee will also be asked to review the Criminal Investigation (Covert Operations) Act to consider strengthening the approval process for undercover operations and reduce the risk of breaches of the act.

Witnesses from Sturt Mantle gave harrowing and tearful accounts of the impact that the lengthy ordeal has had and continues to have on their lives, their relationships, their health and, importantly, their tarnished careers and believe they could not now win positions or promotions based on merit. The head of Mantle at the time, Senior Sergeant Ian Mott, has now retired from SAPOL after a long and distinguished career in which he investigated many major crimes. Understandably, after being found not guilty and acquitted of the charges levelled against him, he remains embittered.

He was courageous enough to allow his in-camera evidence to be made public when the ICAC Amendment Bill was going through parliament recently because he felt urgent reform was necessary to avoid similar miscarriages of justice. Sergeant Mott displayed admirable leadership qualities to his young team throughout the process and he continues to do so, offering his support when needed—and that is often. He vows to continue to fight to get the truth out about what happened to them. Physically, Ian Mott has an imposing physical appearance, yet behind that facade lies a broken spirit. He is also suffering. He could not hold back tears as he told the committee he has PTSD and needs to see a psychiatrist regularly.

He said SAPOL destroyed his life and he believes it was instrumental in the death of his mother. He was particularly scathing of the ACB officers involved in the investigation and the methods in the investigation itself. He defended his team, describing them as the best he had ever worked with at Mantle and said that he emphatically trusted their integrity.

We heard similar stories of distress from his colleagues in camera, some of whom said they would not recommend a career in SAPOL and their passion for policing had been all but extinguished. One of the Mantle officers paid their own legal bills. It amounts to close to a million dollars. Their matter still has not been finalised because SAPOL is intent on getting its pound of flesh through internal disciplinary action—and for what?

On 24 September 2021, Commissioner Stevens attended the committee for the first time and publicly read a selection of conversations from the listening device transcripts and outlined the details of the complaint made by the whistleblower that had not previously been made public. He also listed the items that were conveyed from the integrity test sites and later located around the Sturt Mantle

office and in one of the police officer's vehicles. He did not mention the ones the ACB had overlooked that were still at the locations of the integrity tests, or items in their possession that were not even booked on time.

The committee was concerned that, in his prepared statement, the commissioner did not also take the opportunity to publicly acknowledge that all the prosecutions failed and they were found not guilty. The committee notes that after the commissioner's public evidence, he sent an email to all SAPOL members, alerting them to his evidence and reiterating his support for the Operation Bandicoot investigators and the investigation itself—but no mention of the welfare of the innocent Mantle officers.

The committee received communication that this caused several of the Sturt Mantle members to experience further psychological damage. The commissioner told the committee he sent the email in consideration of the safety and wellbeing of the Operation Bandicoot investigators who have suffered reputational damage because of the criticism arising from the failed prosecution and the scope of the committee.

Mr Carroll told the committee the commissioner's noting of his appearance before the committee to all SAPOL members served to magnify the psychological and reputational damage of the Sturt Mantle officers who are trying to rebuild their lives and reputations after the failed prosecutions.

Judge Adam Kimber told the committee that the acquitted Mantle officers now have the right to be considered innocent of those charges—something Commissioner Stevens and his cohort still find difficulty in acknowledging publicly. The Police Association is still seeking more than $2 million reimbursement in legal costs it expended defending some of the Mantle officers, and is yet to get a response from a request made to the Attorney-General through the Crown Solicitor's Office two years ago.

Despite the spin Commissioner Stevens tried to put on it, Operation Bandicoot is one of SAPOL's and ICAC's lowest points. The committee recommends that the office of the independent inspector investigates and considers making recommendations to the Attorney-General that the parties, the subject of adverse outcomes outlined in this report, be paid compensation and reimbursement of their legal costs and other expenses.

Further, the committee recommends that parliament consider amendments to the ICAC Act that prevent joint operations and investigations between SAPOL and ICAC when members of SAPOL are the subject of the investigations. Additionally, the committee recommends that parliament consider the appropriateness of SAPOL investigating its own members for misconduct, maladministration and disciplinary matters.

One of the most disturbing submissions the committee heard came from Mr Ian Lawton and his associate, retired barrister Mr Michael Fuller, about a fraud matter given a police incident report, only for it to be inexplicably dropped by a detective in SAPOL's Commercial and Electronic Crime Branch on the grounds that the Office of the DPP did not believe there was a reasonable prospect of a conviction and that the matter belonged in the civil jurisdiction.

This account was disputed by Mr Lawton through his lawyer at the time, now District Court Judge Joana Fuller, who had spent a considerable amount of time analysing the case before coming to her determination that it certainly was a prima facie criminal matter in a report given to another SAPOL detective in the CECB, who had shown it to the DPP's top fraud investigator, Mr Gary Phillips.

This then led to a series of formal complaints alleging corrupt conduct. These were lodged with the Anti-Corruption Branch, the Commissioner of Police, OPI, ICAC and the ICAC reviewer, and in desperation to the then police minister, the Hon. Corey Wingard, in which both Mr Lawton and Mr Fuller alleged that the misconduct in handling their complaints was in breach of the Police Complaints and Discipline Act and other related acts like the Public Sector (Honesty and Accountability) Act. If proven, breaches carry significant penalties.

Here was a case where police were investigating senior police, if they did indeed do the required investigation. Mr Fuller states that they were brushed off, there was no case to answer, 'Go away.' Something about all this just does not ring true. Truth may well be the biggest casualty here.

Mr Lawton says he did not get due process from all those integrity agencies and that he continues to suffer significant financial loss because of the alleged fraud. If proven it runs into the millions of dollars. That is not chicken feed.

Just think about it for a moment: there are ratbags who will get collared quickly for robbing a few bucks from a servo or a pub, but a clever crook using a pen to steal gets away with it. White-collar crime is treated differently by law enforcement, probably because of a lack of expertise in that area and resourcing. No comfort for Mr Lawton however, he is now on an age pension dealing with prostate cancer and is impecunious. He has no resources to even contemplate a civil suit but that is unnecessary because this should be a criminal action based on a credible learned opinion.

Mr Lawton's dilemma and frustration has attracted some media attention, albeit only interstate in Broken Hill where his family hails. I seek leave to table an article written by investigative journalist, Jack Marx, and published in the *Barrier Daily Truth* on 17 November 2021.

Leave granted.

**The Hon. F. PANGALLO:** Mr Lawton and Mr Fuller provided the committee with a sizeable volume of compelling supporting documents including all their communications with SAPOL, OPI, ICAC, the ICAC reviewer and Mr Wingard in backing up their complaints and suspicions of lies and cover up. I have read it all and, as the old saying goes, where there is a billowing smoke, there must be a raging fire hidden somewhere. The problem or obstacle for the committee was trying to get there, as I will explain shortly.

The committee summonsed Judge Fuller, SAPOL's Inspector Tim Curtis, Chief Inspector Tom Osborn, Detective Brevet Sergeant Roberto Della Sala and Mr Gary Phillips from the Office of the Director of Public Prosecutions. This inquiry was frustrated by most of the SAPOL witnesses involved, including Commissioner Stevens, in their refusal to answer the committee's questions, based on the legal advice that it was outside of the scope of the committee's terms of reference.

The committee's concern was further piqued when a witness from the DPP provided an email dated 28 June 2018 that may serve to substantiate the concerns of Mr Lawton and Mr Fuller. In his evidence, Detective Brevet Sergeant Della Sala told the committee he provided an entire brief to the DPP and received an informal advice there was no reasonable prospect of conviction, whereas Mr Phillips told the committee he did not receive a full brief, only the cover letter setting out the evidence prepared by Judge Joana Fuller, at the time a barrister. He provided the committee with a copy of his informal advice back to the initial SAPOL detective who approached him, Detective Bolingbroke, which stated, and I quote:

> I will work on the assumption the summary provided by Joana is an accurate reflection of the documents. Assuming it is, there would be a prima facie case of deception by omission—the failure to disclose the oral agreement compounded by the amending agreement with no notice. It will be a difficult matter due to the commercial structures but that should never be a bar to further looking at it in my opinion. Keep me in the loop. It might be that I ask to take it on as a file, alongside my trial commitments.

As the committee understood it, this contradiction was the basis for the original complaint, and we sought to inquire into the considerations of that complaint process. Unfortunately, the committee was unable to obtain a further balanced view on this discovery because of the refusal to answer questions by SAPOL witnesses.

Judge Fuller, an extremely credible witness, told the committee she was of the view police did not investigate the case despite a police incident report being raised. The committee was also quite concerned to hear, in her evidence, that Judge Fuller was of the view that SAPOL's detective Della Sala had misled her and had been untruthful in responses to the matters she had raised after she had again consulted with Mr Phillips from the Office of the DPP. Judge Fuller explained that she is still of the view that there is a prima facie case for fraud, that there was a case to answer based on the evidence she had reviewed, and was satisfied, based on the high bar she had set herself in assessing the merits, that it would produce, in the mind of a reasonable person, a conclusion of guilt beyond reasonable doubt.

Several requests made by the committee to SAPOL to produce relevant documents and entries in the internal investigation section's complaint management system, which are also accessible by OPI and ICAC, were refused. These would have greatly assisted in shining a very

bright light on Mr Lawton's and Mr Fuller's claims but have been flatly rejected on the grounds they fell outside the committee's terms of reference. Furthermore, the matter was covered extensively when the Legislative Council voted for the select committee in 2020, so SAPOL had ample advance notice the matter would be included in this inquiry.

On 12 November, Commissioner Stevens appeared as a hostile witness on his second attendance before the committee, where he was invited to provide testimony on his involvement in this matter. Mr Stevens refused to answer any questions; he refused to take any on notice. He cited taking legal advice from legal counsel, Frances Nelson QC, that the matter was outside of the committee's terms of reference. Curiously, Ms Nelson has been the head of the statutory office of the Parole Board since 1983 and, as such, has interaction in granting or denying parole to prisoners who have been prosecuted by her client, SAPOL, and the Office of the DPP.

She also recently represented the Attorney-General, the Hon. Vickie Chapman, at the parliamentary inquiry into the proposed Smith Bay deepwater port on Kangaroo Island while being on the government payroll as the head of the Parole Board and barrister to SAPOL. I will note that in October the Remuneration Tribunal awarded the position as presiding member a 45 per cent pay rise, going from $80,000 per annum to a whopping $210,609. Mr Stevens appeared infuriated when I questioned whether this was appropriate considering the circumstances and that there may be a perception of a conflict of interest.

I do hold Ms Nelson in the highest regard and I do not suggest she does not carry out her duties as the Parole Board chief with integrity and independence, as she has done for so many years. However, the question is relevant if SAPOL continues to use Ms Nelson as its go-to silk. Furthermore, when SAPOL has a phalanx of lawyers in its legal department, why is it not relying on their advice or perhaps going to the Crown Solicitor for advice instead of expending taxpayers' dollars on a QC? Why not brief a barrister without these potential conflicts?

As Chair, I still felt it was judicious to provide Mr Stevens with a list of more than 40 questions to consider. No responses have been received to date. Mr Stevens did reiterate that SAPOL adheres to the highest of standards. One of the more relevant questions I wanted to put to him was how he could sign off on a section 16 determination for a management resolution of Mr Lawton's complaint when Mr Lawton had emphatically insisted he had not been contacted or engaged in the process by the appointed resolution officer, ostensibly appointed by the commissioner himself. This is a mandated requirement of the PCDA and the PCDR.

In his submission to the committee, the former deputy ICAC and director of OPI, Mr Michael Riches, indicated Mr Lawton's complaint was assessed by police as raising potential misconduct and maladministration and was dealt with by management resolution. He said the assessment was reviewed and accepted by OPI and attempts to conciliate the complaint with Mr Lawton were unsuccessful. How could Mr Riches possibly come to that conclusion if he was not able to access those complaint management system entries? Easy answers, of course, would be found in that complaint management system that they just do not want to reveal. This lack of transparency does not engender trust.

Interestingly, in May 2019, around the same time Mr Lawton's complaints were under assessment, the then ICAC, Mr Bruce Lander QC, in his 12-month review of the PCDA, wanted the police commissioner stripped of his powers to dismiss complaints against officers by repealing or amending section 15 of the PCDA, saying, if exercised, these powers would frustrate both a IIS assessment and any OPI substituted assessment, even if it had been assessed by IIS as raising a potential issue of corruption, misconduct or maladministration. The OPI is also required to review every assessment undertaken by IIS. Here is what Mr Lander had to say about this:

> The documenting of the assessment process is crucial. Item 3 in Schedule 2 of the PCDR provides the information that should be included in the Complaint Management System by IIS for the assessment of complaints and reports. Its purpose is to assist the OPI to review the assessment by having access to the information relied upon and the reasons for the decision and the recommended action. The Regulations also provide for the officer in charge of IIS to record if the officer in charge is in agreement with the determination. IIS assessments do not comply with the Regulations. In other words, SA Police does not comply with the Regulations.

Mr Lander says the issue has been raised several times, but the practice of noncompliance continues. His view was that SAPOL should simply comply with the regulations. Management

resolutions are used by SAPOL to address most complaints received about poor behaviour, poor service delivery or other minor management issues. Remember that Mr Lawton's and Mr Fuller's complaints were not about minor issues but of corruption, misconduct and maladministration. Here is Mr Lander again:

> SA Police are sometimes using Management Resolution in circumstances where conduct has been assessed as not raising a potential issue of corruption, misconduct, or maladministration. The OPI has observed in such instances where the Resolution Officer will speak to the complainant but not the designated officer, presumably as there is no conduct to raise with him or her. This approach does not comply with Section 18 of the PCDA and supports my view that the purpose of Management resolution is to address disciplinary issues under the PCDA.

In Mr Lawton's case, we will never know who the resolution officer—that was Chief Superintendent Osborn—spoke with, but certainly it was not with Mr Lawton. Mr Lander goes on to say:

> The OPI has observed that Management resolution during or following an investigation does not appear to be conducted to the same standard as Management Resolution following assessment. Issues identified have included Resolution Officers determining to take no further action in the Management resolution process despite the allegations being substantiated during the investigation.

He adds:

> The OPI has identified many instances where Resolution Officers at various stages of Management resolution process inappropriately conclude matters by way of no action.

Interestingly, in 2015 Mr Lander released his 'Review of legislative schemes: the oversight of management of complaints about police', which led to the creation of the PCDA. One of the 29 recommendations was that the OPI should assess complaints and reports where the conduct involved a member of the internal investigation section and the conduct involved an officer above the rank of superintendent.

This recommendation was never included in that act and it may be that it now needs to be reconsidered. Mr Lander suggested amending sections of the PCDA. A review of the act by the Crime and Public Integrity Policy Committee is supported by this committee and is contained as part of our recommendations.

As for Mr Lawton and Mr Fuller, the committee recommends a judicial inquiry is established, appointing an interstate retired judicial officer or similar, with interstate counsel assisting, to inquire into the handling of the PIR18/E1725 complaint and the handling of police complaints and compliance with the PCDA in general. The appointments would be designed to avoid any perceived or actual conflicts of interest.

In regard to Mr Fuller, the father of Judge Joana Fuller, at the age of 81 he is a wily and still proficient and astute lawyer, who does not suffer fools gladly. He has assisted Mr Lawton's cause and as such has proven to be a real thorn in the side of SAPOL and ICAC in continuing to pursue this matter. However, things took a disturbing twist in October, when Mr Fuller received an unexpected visit from two Anti-Corruption Branch detectives, who said they were investigating a possible breach of the ICAC Act over a letter he had written almost two years earlier to Minister Wingard.

Police later informed him they had dropped the matter. But it concerned him enough to request another appearance before the committee. He told the committee he interpreted the visit as an attempt by SAPOL to intimidate him. Had he been charged, it was conceivable that this committee could no longer consider all the submissions received, as it would have fallen outside one of the terms of reference relating to current matters before ICAC. The committee is unable to establish who sanctioned the visit, as Commissioner Stevens refused to answer questions.

The committee experienced hostile behaviour from several SAPOL witnesses, including personal attacks on my integrity as presiding member by the Commissioner of Police, Mr Stevens, and the former ICAC, Mr Bruce Lander QC. It was vehemently put by both Mr Lander and Mr Stevens that I had demonstrated a perception of apprehended bias and that I should recuse myself. I make no apology for probing uncooperative and reluctant witnesses with robust questions. If I have ticked off some sacred cows, well so be it. As a journalist, I reported without fear or favour, and I shall apply that credo while I am here. We were just seeking truthful answers.

The committee highlights that a parliamentary inquiry is an integral feature of representative government, and the committee's purpose is to rigorously inquire into the damage, harm or adverse outcomes experienced by persons who have been the subject of investigations by the ICAC or prosecutions which follow. Further, any apprehension of bias within the committee is a moot point because, as Mr Lander helpfully pointed out to the committee at length, apprehended bias is problematic when it is attached to a decision-maker. This committee notes there are no decisions that can emanate from this committee's deliberation, only the making of a list of recommendations.

As already outlined, the committee was constantly frustrated in its requests for the production of documents and reports and to get answers to questions. Two police officers from SAPOL's Anti-Corruption Branch who were summonsed to give evidence withdrew at the last minute citing sickness. The committee chair requested production of sickness certificates from SAPOL. However, these have not been submitted.

This type of conduct where oaths are not taken or required is not isolated to this committee or to this parliament. Other parliamentary committees in South Australia, and elsewhere, have experienced uncooperative public servants, citizens and elected state and local government officials refusing to appear, refusing to answer questions, walking out on committees because they objected to difficult questions posed, making personal attacks on members and refusing to provide requested documents. Parliaments do have delegated powers to compel witnesses to attend hearings, compel evidence to be given and/or compel the production of relevant material.

There is a need for these matters to be addressed by the South Australian parliament as a priority. In South Australia, committees possess only authority and powers that are derived from the appointing house. Powers are delegated to committees via the Parliamentary Committees Act 1991. This act explicitly specifies that the powers of either house attach to committees and include the power to send for persons, papers and records. This power also exists under the Legislative Council standing order 429.

The South Australian Constitution Act 1934, section 9—Privileges of Parliament, states:

> The Parliament may, by any Act, define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and House of Assembly, and by the members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those held, enjoyed, and exercised on the twenty-fourth day of October, 1856, by the House of Commons, or the members thereof.

From my nearly four years in this Fifty-Fourth Parliament, I have observed a hesitancy from select and joint committees I have sat on to enforce powers of compliance that are bestowed on them. The British House of Commons usually applies the practices outlined by Erskine May when confronted with non-cooperative or recalcitrant witnesses. Again, I quote:

> Any disorderly contumacious or disrespectful conduct in the presence of either House or a committee will constitute a contempt, which may be committed by strangers, parties or witnesses…any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of their duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent of the offence. (Erskine May 2004, p128)

In March 2009, Senator Mathias Cormann, in expressing the frustration of belligerence and noncompliance by public servants appearing before Senate committees, successfully moved a motion which ordered public officers to comply with any requests for information or a document from a commonwealth department or agency. It worked, and it should be the same here because we are vested with exactly the same powers of a Westminster parliament.

It is my view that various SAPOL officers were disrespectful of the committee, and therefore to this parliament, in their refusal to answer questions when they knew the answers; take questions on notice only to not provide answers; and failure to disclose many requested documents. The committee recommends that a report be made to the Legislative Council to consider including but limited to parliamentary privilege and ICAC, and its views that the actions or inaction of any witnesses were unsatisfactory in terms of the committee discharging the functions of the Legislative Council.

The committee also heard the heartbreaking evidence from the widow and son of Chief Superintendent Doug Barr—Debbie and Christopher. Mr Barr took his life in 2019 because of

the mental distress, anguish and uncertainty over his long and distinguished career because of an ICAC investigation into Recruit 313, a SAPOL program he ran to enlist hundreds of recruits. The investigation was initiated on the back of claims of nepotism involving the children of some senior officers who were given preference for positions. No findings of corruption, misconduct or maladministration were ever made against Chief Superintendent Barr and the report was not made public.

Mrs Barr recounted the torment, anxiety and fear the family endured in not knowing what was happening, and that she constantly feared that her husband could attempt suicide. Particularly disturbing, Mrs Barr revealed the violation she and her sons had experienced on the day that Chief Superintendent Barr took the distressing action to end his life. Unannounced, and without her knowledge, SAPOL entered and conducted a search of her empty house, seizing many personal items and stripping Chief Superintendent Barr's uniform of the decorations he had received for his years of service to SAPOL. This all took place while she was on the way to hospital in an ambulance with her dying husband. She only discovered it because they viewed security footage that SAPOL was unaware of.

Commissioner Stevens could not explain why it happened or who authorised it, but in a later appearance suggested that it may have been an operational decision to gather evidence, except the chief superintendent was still alive. Mr Lander emphatically denied that ICAC officers were involved. In response to a question on notice to Mr Stevens on when he first became aware of the ICAC investigation into Recruit 313, he simply replied:

> SAPOL received a written report from the ICAC in December 2020 in relation to the Recruit 313 program, including information relative to Chief Superintendent Barr.

This was Mr Lander's final report on his investigations. However, on the same day, the former ICAC commissioner, Mr Lander, provided evidence to the committee and tabled a letter, dated 15 August 2018, addressed to police commissioner Stevens. The letter from Commissioner Lander advised Commissioner Stevens that the corruption investigation in regard to Chief Superintendent Barr was concluded, but that he was opening a wider maladministration and misconduct investigation in regard to the Recruit 313 program.

It is inexplicable to the committee why the police commissioner would evade answering this question candidly, creating further concern that the committee's mandate to conduct this inquiry was frustrated by many of the SAPOL witnesses. The committee recommends that the Office for Public Integrity investigate the circumstances surrounding the search of Chief Superintendent Barr's home and the powers exercised by SAPOL in the seizure of his personal belongings on the day of his attempted suicide in October 2019.

The common thread to this inquiry was the shame and stigma still attached to individuals even after ICAC investigations had fallen over. Ms Georgina Vasilevski lost the job she loved at Renewal SA after an ICAC investigation into her travel fell to pieces on the opening day of a trial when the DPP conceded it had no case against her. She had to sell her home to cover legal costs she is still chasing and she says she is unable to find employment of the same stature she once enjoyed and doubts if she ever will.

Dr Jurgen Michaelis, once the head of Bio Innovation SA, which stood to attract hundreds of millions of dollars in investment to the state, finds himself in a similar situation even though there was no credible evidence to support the charge that was levelled against him. He was never able to recover his full legal costs or have his impeccable reputation restored.

Then, there is a DPTI senior manager investigated but never formally interviewed by ICAC, whose charges were dropped despite his name and image being splashed across a newspaper and in the media. It is still there for all to see even though he was innocent.

The committee considered what types of remedies and exoneration protocols could be implemented, like public apologies and compensation, to try to remove the indelible stain on reputations. Individuals will soon be able to make complaints, seek reviews of their situation and be considered for reparation and other remedies by the new office of the independent investigator. This has been created because of the work of this parliament in amending the ICAC Act a few weeks ago.

The committee recommends that parliament consider amendments to the ICAC Act that contemplate a publication protocol and exoneration protocol whereby at the conclusion of an investigation and/or prosecution that makes no adverse findings against a person or persons their names are published in a prominent publication, in annual reports and on the ICAC website attesting to the fact.

During this committee, parliament unanimously passed significant amendments I had proposed to reform the ICAC Act. There has been a considerable body of misinformation about the bill and what it does and does not do. Some of this is clearly deliberate on the part of parties who have published misleading commentary on the effect of the changes.

The act does not change the definition or application of legal professional privilege or parliamentary privilege but, for an abundance of clarity, it articulates that the act does not impede or change these in any way. It is demonstrably false to suggest that the bill provides new or additional parliamentary privilege protections—that it protects MPs. The amendments to the act do not weaken the role of integrity agencies, or protect those who have committed maladministration, misconduct or corruption in public administration and public office, and that includes MPs. The reforms were passed to improve the performance and standing of the integrity agencies in the community and give the public confidence and trust in them. They will also help address the issues garnered by this committee.

Firstly, I would like to now thank all the committee members for their invaluable contributions, guidance and advice: the Hon. Russell Wortley—this will be one of his final committee duties and I thank him—the Hon. Tammy Franks, the Hon. Nicola Centofanti, the Hon. Justin Hanson, the Hon. Heidi Girolamo, and previous member the Hon. David Ridgway.

The hard work, time and organisational skills put in by the committee's secretary, Ms Leslie Guy, was exceptional. I would also like to acknowledge the committee's previous secretary, Mr Ben Cranwell. A special thanks to our researcher, Dr Kylie Doyle, who despite coming on board late into the inquiry has produced an extremely astute and comprehensive report.

I would also like to thank the Hansard staff, and acknowledge the assistance we received from the parliamentary library and from my own staff members: Adrienne Gillam, Sean Whittington, Jody Fitzgerald and Tina Woghiren, and special mention to our two trainees, Claire Zollo—who has since left our office and found work in a government department—and Mariam Owrang.

And finally, to those who came to parliament seeking restorative justice: I hope you can find it.

Debate adjourned on motion of Hon. T.A. Franks.

*Motions*

## MYANMAR MILITARY COUP

**The Hon. C.M. SCRIVEN (17:57):** I move:

That this council—

(a) acknowledges the grief and emotional stress our Myanmar community is experiencing witnessing the violence since the coup against the National League for Democracy and Aung San Suu Kyi;

(b) condemns the use of military force in Myanmar to kill its own people;

(c) supports calls from Myanmar's Ambassador to the United Nations, Mr Kyaw Moe Tun, for all countries to strongly condemn this coup and help restore order and democracy;

(d) calls upon Australia to provide the 3,300 people from Myanmar living in Australia on temporary visas with additional certainty; and

(e) urges Australia to impose tougher sanctions on the military regime in response to the February coup.

I would also like to acknowledge members of the Myanmar community who are present in the gallery with us today, and extend our condolences to those who are experiencing loss and great heartache at this very difficult time for all of your community.

In many ways, this motion speaks for itself. We know the long struggle for democracy in Myanmar. We know the history of military control from 1962 until 2011 and the toil of leader Aung San Suu Kyi, both before and since. We know that last November 2020, Myanmar had a general election in which Ms Suu Kyi and the National League for Democracy party won in a landslide victory, but the military claimed the elections were fraudulent and staged a coup on 1 February, just as the new parliament was getting ready to hold its first session.

The deaths and disappearances since then are truly terrible. As of today, according to the Assistance Association for Political Prisoners, the situation is that there are 7,640 people who have been arrested, charged or sentenced. There are 1,954 people charged with a warrant and evading arrest, 1,299 people have been killed by this junta and 343 people have been sentenced. It is those tragic stories and many others that have resulted from military rule in Myanmar that deserve to be told. One community member said to me:

> Myanmar has tried so hard for almost 5-6 decades to achieve democracy through non-violence and peaceful demonstrations, however, it is very sad to see that people now have no choice but to fight back in response to the military coup in February. A few of my friends are on the run in Myanmar, as they are the public figures standing against the military coup. The situation in Myanmar has declined dramatically since February.

At a rally on the steps of Parliament House on 5 November we heard about that decline, with one attendee telling me that his village had its schools, its hospital and its church totally destroyed. There are a number of other stories which I will continue with after the dinner break.

*Sitting suspended from 18:00 to 19:45.*

**The Hon. C.M. SCRIVEN:** I am pleased to be able to resume my remarks on this important motion in regard to Myanmar. We have some Karen and many Karenni families in Mount Gambier. I would like to share the stories of two residents of Mount Gambier who are refugees from Myanmar and I thank them for sharing their stories. They shared their stories of how they were mistreated by the Myanmar military (Tatmadaw) while they were in Myanmar, and I share them today in their own words. The first is from Ehthabla Paw, who has consented to disclose her name. She says:

> I am Karen and I was brought up in Kayar State. When I was five days old, my mother was arrested by the Myanmar military as they couldn't get my father to serve as a porter. My father ran away as he knew Myanmar soldiers were coming into our village. My maternal father was a pastor and he volunteered to serve as a porter so that my mother was freed. My mother told me that she gave birth to 11 children but only six grew up. The rest of them passed away as my mother was always running away from the Myanmar soldiers. As a result, she wasn't able to look after them.
>
> My eldest brother (named Saw) was 13 and he was abducted by the Myanmar military. My younger brother was also abducted when he turned 16 (named Kyaw Ko). We never saw them again since. When I was around six or seven, I remember I saw with my own eyes my uncle and aunty were shot dead by the Myanmar soldiers. I have heard that my mother's friends in my village were raped and subsequently killed by them. I had no education until I moved to the Refugee camp in Thailand where I completed Grade 4. I arrived to Mount Gambier in 2010 as a refugee. What I have been through in my country was so traumatic and sometimes I think I could have gone insane.

The second story is from Samuel, who is Karen. He says:

> In 1996, I visited my parents in Hpa-pu town in Karen state. After spending a month with them, on my way back to Pathein where I was residing, I stopped by a night in my cousin's village called Day-Baw-Khaw. The Myanmar soldiers from Kha-La-Ya 19 troop knew there was a visitor in the village and they looked for me. They suspected I was a spy from the Karen National Union. They arrested me and asked me all the questions. I was hung up [to] the bars attached to the ceiling of a school with my legs tied and hands tied to my back then to the bars (I was hanging horizontal overnight). The next day, they transferred me to a pit with my legs and hands tied and my neck tied to a bamboo slab where I couldn't move my head. I was kept in that pit for 5 days and I was fed for four times during that period. I was blindfolded, and they put paper like material into my ears…As a result of my hands tied on my back while I was being hung up the ceiling, I couldn't use my shoulders for a while. As soon as the wounds on my limbs started to improve, I managed to run away. I knew I shouldn't be running back to Pathein as they have all the information of my residence in Pathein.
>
> So I ran to the refugee camp in Thailand. I realised that I made the right decision as I heard later they returned to the village in search of me. To my knowledge, my aunt's husband and her son were both killed by the Myanmar military. My maternal uncle was taken away to serve as a porter and he was tortured. I settled in Mount Gambier in 2012.

These are just a sample of many horrific accounts of mistreatment in Myanmar, and we note many more are occurring right now. We must continue to raise awareness. We cannot let the people of Myanmar be forgotten. Bringing this motion to parliament is part of that.

The federal government has allowed more than 3,300 temporary Myanmar passport holders to extend their visa, which is welcome. However, they do not have certainty. They have been told that they can apply to extend their stay in Australia while violence is in their home country, but they have no certainty on how that will be determined and assessed. That is not certainty for people who fear for their lives if they are forced to return to Myanmar, and it does not enable them to plan for the future.

We also urge the federal government to impose tougher sanctions on the military regime in response to the February coup, and ensure that they are not in relationships with countries or organisations that are providing military or other aid to the military junta in Myanmar. Australia must condemn the use of military force in Myanmar to kill its own people, and exert pressure to ensure that order and democracy is restored. In the words of Ambassador Kyaw Moe Tun at the UN General Assembly:

A yae taw pone, aung ya mye (The revolution must succeed)

**The Hon. T.T. NGO (19:51):** I rise to support this motion by the Hon. Clare Scriven MLC. First, I want to congratulate our Australian Myanmar community for their ongoing campaign to expose the dictatorship of the Myanmar military during the past nine months. I would also like to welcome members of the United Myanmar Community of South Australia, who are here in this chamber with us. They have been here for three hours, which just shows how passionate their community is about this issue.

The Hon. Clare Scriven MLC, Mr Chad Buchanan, Deputy Mayor of the City of Salisbury, and I have attended and spoken at many fundraising events and rallies organised by the Myanmar community in South Australia. Last Sunday, I was with the Myanmar community at the Adelaide Chin Christian Church, praying for the National Unity Government and for peace and democracy to return to the people of Myanmar. I thank the Hon. Clare Scriven for responding to the community voices and for taking on the campaign to end this devastating violence in Myanmar, hence this motion in South Australia's parliament.

The Myanmar community and wider communities are calling for help from the South Australian parliament. On 5 May 2021, I spoke out in this chamber against the violent and brutal actions of the military dictatorship in Myanmar, calling on international countries such as the US, Australia and Canada to help restore democracy to the people of Myanmar. I was the lone voice then; however, this is no longer one member's voice in this house speaking out against this brutal regime. Now other honourable members are also speaking out.

If this motion passes—which, from all indications, I believe it will—it will be the whole Legislative Council of the South Australian parliament speaking out against the brutal acts of the Tatmadaw. It is a first in Australia's state and territory parliaments. I thank all political parties and all honourable members as we unite as one to support this motion and condemn the Myanmar military's brutal actions against its people.

Finally, I want to encourage the Myanmar community not just in Australia but around the world to continue to be a strong voice for the Myanmar people and to continue your fight to free your homeland from the military dictatorship. It will not be easy restoring peace and order in Myanmar. Therefore, your voices, along with the world uniting in opposing this violent dictatorship, is essential.

As a result of international pressure we saw General Min Aung Hlaing, the army general who seized power in the February 2021 coup, excluded from the annual summit meeting of the Association of South-East Asian Nations because he has refused to take steps to end the deadly violence. Myanmar's Ambassador to the United Nations, Mr Kway Moe Tun, who spoke out against the military regime, was invited instead. This outcome was likely facilitated by Myanmar's people and the international community consistently voicing their opposition to the military council. International campaigning and pressure does work.

Without any international intervention or protection this uprising is likely to only get worse. With our voices and increasing pressure from around the world a sense of hope can prevail in Myanmar. These people need action—very strong action—so that the brutal acts of the Tatmadaw can be stopped. This motion is about fighting for democracy and human rights, and I fully support it.

Ayay taw pone—Aung ya mye

Ayay taw pone—Aung ya mye

Ayay taw pone—Aung ya mye

Meaning, 'uprising, we shall win'.

**The Hon. J.S. LEE (19:57):** I rise on behalf of the government to speak on this important motion and express our deep concerns and sympathies to the Myanmar community. I join the mover, the Hon. Clare Scriven, and other honourable members to acknowledge the grief, devastation and enormous emotional stress and anguish our Myanmar community is experiencing from the reports of attacks and violence by Myanmar security forces in Chin State and north-west Myanmar.

The Australian government has made clear its condemnation of the situation in Myanmar, including the shocking violence and rising death toll. Over 1,200 fatalities have been reported since 1 February. Our hearts go out to the Myanmar community, who are going through despair, pain and suffering. Australia has repeatedly called on the Myanmar security forces to exercise restraint and refrain from violence and also called for the immediate release of all those unjustified detainees since the coup, including Aung San Suu Kyi and President Win Myint.

The state government has been advised by the Australian government that the federal Minister for Foreign Affairs has strongly condemned the situation in Myanmar and continues to call on the military regime to engage in dialogue and return the country towards the path of democracy as soon as possible. With our international partners and in public statements, Australia has continued to raise deep concerns and make our strong views known directly to the regime, including at ASEAN and United Nations meetings.

Australia's autonomous sanctions regime already includes a longstanding arms embargo against Myanmar. The Hon. Marise Payne, Minister for Foreign Affairs, has stated that Australia will continue to keep our sanctions regime under active consideration and that further sanctions have not been ruled out. Furthermore, the Australian government is supporting Myanmar citizens currently in Australia on temporary visas who wish to extend their stay.

On 5 May, the Australian government announced that Myanmar nationals in Australia on temporary visas can apply to extend their stay. I have been reassured by the advice that the Department of Home Affairs has written to Myanmar citizens holding temporary visas, inviting them to submit a new visa application if their visa is approaching expiry.

Other important information and advice I received also confirmed that the Australian government is very concerned about the COVID-19 crisis in Myanmar, including the targeting of health workers. The Australian government continues to offer humanitarian and development programs that focus on COVID-19 prevention and mitigation, including through the provision of oxygen-related equipment to Myanmar.

Australia has redirected our assistance away from working with the government ministries and government-related entities and, instead, the Australian government is delivering it through United Nations agencies, multilateral and regional partners and international non-government organisations.

Through both development and humanitarian programs, the Australian government funds a number of activities involving local NGOs and civil society in Chin State. This assistance includes support and services to the poor and vulnerable households, safe and beneficial labour migration, health services and COVID response to displaced populations, access to water and sanitation, and food assistance.

Our thoughts and sympathies are with those affected by the devastating situation in Myanmar and we extend our prayers to all those in the Myanmar and Chin community in South Australia during this very difficult time.

The Department of the Premier and Cabinet, through Multicultural Affairs, is working closely with the Department of Home Affairs and the Department of Foreign Affairs to show our support. We will work with community leaders and NGOs to support the Myanmar/Chin community in South Australia. I thank the honourable member for moving this important motion.

**The Hon. C.M. SCRIVEN (20:02):** I would like to thank the Hon. Tung Ngo and the Hon. Jing Lee for their contributions today and also in anticipation of the support that we are going to receive, I believe, from every member of this chamber. I think it is very important for the Myanmar community here and it is also very important that they can communicate to those who are still in Myanmar the support of this parliament. I look forward to receiving the support for this motion across the chamber.

Motion carried.

*Parliamentary Committees*

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

**The Hon. K.J. MAHER (Leader of the Opposition) (20:03):** I move:

That the interim report of the committee be noted.

**The Hon. T.A. FRANKS (20:03):** I rise to make a brief contribution. During the debate, when we first established this committee, I said at the time that this parliament and the public deserve to know just why a government would capitulate, why other states act the way they do, and that all of our interests are being served or, as has been claimed, that the best interests of this state, for our river and for our communities that are crying out for help, are being served.

That is as true now as it was then. But what we still do not have, as far as I am concerned, is any proper reasoning from this government and from the relevant minister, the Minister for Environment and Water, that would explain or make up for this gross capitulation. We have not even had tangible results from that decision.

The Greens have been saying this for a while, but while many in the community—stakeholders, experts, farmers and environmentalists; a quite diverse list—know that the government is not doing enough, or not doing the right things, to deliver that vital water for our state, this committee saw quite clearly during our hearings that this was the case. Many submissions and witnesses raised concerns about the plan not delivering the outcomes required, particularly for the state of South Australia.

I wish to look back on the Minister for Environment and Water's comments made in 2019, when he was quite chuffed with himself about the deal he had struck with the other states on the socio-economic criteria. I quote the minister for the anti-woke brigade:

> In December, a historic agreement was struck between the Murray-Darling Basin states and the Commonwealth. In a significant moment for our state, Victoria and New South Wales finally agreed to participate in the full range of water-saving projects that could deliver 450 gigalitres. We did this by bringing all the states to the table and led to the development of a package that will lead to actual water being delivered back to the river—

Well, there is not much actual water so far. I continue the quote—

> while ensuring regional communities are not ripped apart—just as the original plan from 2012 demands.

I have said it all before and will say it again: what rips regional communities apart is not even having an environment that is healthy to sustain that community regardless of the socio-economic factors. Indeed, in particular this minister of this Marshall government capitulated to the other states on the socio-economic criteria that are contributing to the failure to return that goal of 450 gigalitres of water to the system.

We have a minister who continues to stand firm behind these efficiency measures and who continues to stand against using buybacks, despite the fact that we have been told repeatedly by the federal government's own research agency, the previous Murray-Darling Basin Royal Commission, experts and the community that water buybacks are a more effective and less costly option for recovering that required 450 gigalitres of water.

We cannot here tonight in this parliament on behalf of our state stand by while we get barely a trickle of water coming down the river. Minister Speirs has sold our state down the river for, of that 450, just over two gigalitres—two; single figures, one, two. The evidence that this committee heard was incredibly sobering and made that quite clear. It is now 2021. The deadline for the Murray-Darling Basin Plan is 2024. I have very little confidence that the current approach, and this current government, is necessarily going to deliver that water, that necessary water, those 450 gigalitres of water, in that short time.

I wholeheartedly concur with the recommendations of this report, but in particular that, as recommended by the Murray-Darling Royal Commission, in 2019 the SA government revoked its endorsement of the socio-economic criteria agreed to in December 2018 relating to the water efficiency projects designed to deliver the 450 gigalitres of environmental water.

My thanks go, of course, to all who provided evidence to this committee and indeed to my colleagues on the committee as well. It is shameful, however, that our so-called Minister for Water agreed to such a dud deal. What we have now is the clear evidence and the opportunity to change that decision and ensure that this life-giving and life-saving water is finally delivered for South Australia.

**The Hon. N.J. CENTOFANTI (20:08):** I rise to speak to the dissenting statement that the Hon. Heidi Girolamo and I tabled in this chamber yesterday. Firstly, I would like to place on the record that I come from the Riverland, have grown up on a horticultural property and continue to live on a horticultural property with my family.

As members of the Legislative Council Select Committee on Findings of the Murray-Darling Basin Royal Commission and Productivity Commission as they relate to the Decisions of the South Australian Government, the Hon. Heidi Girolamo and I would firstly like to thank the witnesses who appeared before the committee and gave evidence. We also thank the Chairperson, the Hon. Kyam Maher MLC, and the other honourable members of the committee, and committee secretary, Mr Anthony Beasley, and research officer, Ms Leslie Guy.

We have prepared this dissenting report, as we do not agree with all aspects of the interim report of the Legislative Council Select Committee on Findings of the Murray-Darling Basin Royal Commission and Productivity Commission as they relate to the Decisions of the South Australia Government.

In our view, the interim report is unbalanced in its use of the information that was available to the committee in the way of submissions. There is clearly more evidence that is available that should be included to make this report more balanced, particularly to show where the basin plan is working well for South Australia.

In rising to speak, I acknowledge some of the words that the Hon. Tammy Franks has said on the report, not many of them, but some of them, and certainly those words about the importance of the Murray-Darling Basin Plan and the need for it to succeed. It is also critical that we understand and appreciate, as the Murray-Darling Basin Authority stated, 'To get a system-wide improvement, you have to make system-wide change' and the basin plan was designed to achieve just that.

I find it ironic that, for the first 15 months of being in this chamber, I was hardly aware that this committee existed because we did not meet during this time. In fact, when we did finally meet on 3 August this year, we accepted minutes from the previous meeting held on 20 November 2019—minutes from almost two years ago. So, I find it utterly disingenuous when the opposition and some of the crossbench want to sit and lecture the government about South Australia's involvement in the Murray-Darling Basin Plan.

Let's look at Labor's track record in this area. In December 2018, the Productivity Commission reported that zero gigalitres of efficiency measure water had been delivered for South Australia, 1.9 gigalitres was under contract and 448.1 gigalitres remained to be recovered—zero gigalitres returned to the environment and only 1.9 gigalitres under contract under the former Labor government's reign and the relationship between basin states was sour.

As of 30 December 2021, the Australian government's Department of Agriculture, Water and the Environment reported that 1.9 gigalitres of water had been delivered, 16.6 gigalitres was under

contract and 431.5 gigalitres remained to be recovered. What is more, we are now seeing non-South Australian basin states contributing to the 450-gigalitre efficiency measure water for the first time ever, with 15.9 gigalitres of water contracted with Victoria and New South Wales currently consulting on a 6.2-gigalitre water efficiency project.

The government is getting on with the job. We understand that there is much more to do, and we are continuing to work with the federal government and the New South Wales and Victorian state governments productively. The state and federal governments are committed to delivering practical projects for farmers to improve water efficiencies on their properties, as well as investing in off-farm projects, such as lock and weir maintenance projects and improvements to irrigation channels to reduce water losses in the Murray-Darling Basin.

On-farm projects have been and continue to be delivered, such as investment in netting. Crop netting results in using less water due to less evaporation, while drip irrigation is also easier under netting but consistently results in a higher yield whilst using up to 40 per cent less water. Netting also has the added benefit of reducing wind damage, protecting crops from harsh weather conditions, reducing sunburn on crops and improving pest and disease management, resulting in higher-quality fruit and greater pack outs for growers.

Other projects that both the state and federal governments are implementing include the on-farm emergency water infrastructure rebate scheme, which assists with the purchasing and installation of new on-farm water infrastructure for livestock and permanent horticulture that addresses animal welfare needs during drought and assists primary producers to be more resilient for future droughts by protecting high-value horticultural assets.

These projects highlight practical measures that can be taken by farmers to become more efficient in their water use, whilst creating business and job opportunities for other industries within their communities. Liberal governments have always been about and will always be about delivering practical outcomes and ensuring taxpayers' money is spent efficiently and wisely. The Marshall Liberal government is also continuing to investigate opportunities to more effectively utilise Adelaide's recycling water, stormwater capture and reuse networks with the support of the federal government.

Water is a finite resource. Those of us whose homes are on the Murray River and whose families and communities are reliant on this resource know all too well the importance of the health of the Murray-Darling Basin. This plan is not perfect—far from it—but there are a number of success stories across the basin that we should acknowledge and build on. For example, recent environmental flood plain watering events have resulted in three flood plains in the South Australian Riverland region—that is, my home; the Chowilla, Pike and Katarapko flood plains—all operating concurrently for the first time ever, signalling a boost in the health of the state's River Murray system.

Furthermore, there are many individual success stories across the basin about environmental water supporting environmental outcomes. For example, the number of baby black bream in the Coorong estuary has recently increased due to an environmental water delivery of 500 gigalitres to the Lower Lakes and Coorong.

Now is not the time to abandon our approach. As Mr Humphrey Howie, chairman of the Renmark Irrigation Trust put to the committee, 'We recognise the faults and the flaws, but the idea of having a plan is so much better than having no plan at all.'

**The Hon. K.J. MAHER (Leader of the Opposition) (20:16):** I thank the members of this committee for the work that has been undertaken. I note, as the Hon. Tammy Franks has, the recommendations of the majority of the committee have passed. I note the contributions made by honourable members tonight, and I do express sympathy with the Hon. Nicola Centofanti for having to put up the defence from the Liberal Party, for having to read out what her colleagues have given her in defence of what the Liberal government, state and federal, have not done for the river.

I will try to mount a defence for the Liberal Minister for Environment, who we found out just this week does not want the job. He hates the job of the Minister for Environment. On Monday night, he was at a Liberal Party function, where he said he does not want to do this job. He was asked by Liberal supporters at the function, and he asked them to lobby the Premier for another portfolio. This

is the defence that is forced upon members of this chamber from the other side to mount for a person who does not want the job and does not stand up for the environment.

If we look at the comments that gave rise to this parliamentary committee in relation to a royal commission, Bret Walker SC, one of Australia's most respected barristers, commented in relation to decisions that the minister, the minister who does not want to be the environment minister, made at the time. The royal commissioner said about decisions that were taken in relation to the Murray by the Hon. David Speirs, the minister who does not want the job:

> It is nothing short of a capitulation to the interests of the current Commonwealth Government, and those of Victoria and New South Wales.

The royal commissioner went on to say:

> It is so contrary to the interests of South Australians that the decision by the Minister responsible is almost certainly a breach of at least [clause] 2.5 of the South Australian Ministerial Code of Conduct.

As an aside, we know how this government treats ministerial codes of conduct, so it is not surprising that the minister who does not want to be environment minister kept his job. The royal commissioner went on to say:

> No minister acting reasonably could consider these changes to the criteria to be anything but totally antipathetic to the interests of South Australia, and the South Australian environment.

These were the comments of the royal commission, and we heard nothing as a committee, not a single thing as a committee, that was persuasive that changed the view from that of the royal commission. South Australia has been sold down the river by a minister who does not even want the job.

Motion carried.

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

Adjourned debate on motion of Hon. F. Pangallo (resumed on motion).

**The Hon. T.A. FRANKS (20:20):** I rise to speak to the report of the Select Committee on Damage, Harm or Adverse Outcomes Resulting From ICAC Investigations and, in doing so, I draw the attention of members of the council and members of the public to recommendation 8.6:

> The Committee recommends that a report be made to the Legislative Council to consider, including but not limited to, Parliamentary Privilege and ICAC, and its view that the actions, or inaction, of any witnesses were unsatisfactory in terms of the Committee discharging the functions assigned by the Legislative Council. The Committee also recommends that the Legislative Council consider appropriate resourcing to assist Committees when inquiring into complex matters.

I will not go through all the inquiries undertaken by ICAC that led to harm and adverse outcomes, as I think the Hon. Frank Pangallo certainly has covered the field, and the report, which is far more extensive, will make interesting reading for all members of this parliament. But I do wish to start by noting my concern about the evidence we heard about the Recruit 313 investigation.

In early 2017, a complaint was made to the OPI alleging corrupt processes undertaken by a number of senior police officers as part of a SAPOL recruitment project that aimed to recruit upwards of 313 sworn police officers in 2016; indeed, it was under the Weatherill government. One of the officers investigated, Chief Superintendent Doug Barr, was not officially made aware of the corruption investigation but had become aware of 'rumours'. A brief was referred to the DPP in regard to the allegations of corruption, and the DPP did not recommend prosecuting charges of corruption. Further investigation was undertaken in 2018 regarding whether the same facts satisfied the criteria of misconduct and maladministration.

Chief Superintendent Barr was one of the 27 witnesses examined by the ICAC, giving evidence in June and July 2019 in regard to the allegations of maladministration or misconduct in regard to that Recruit 313 program. After giving evidence, Chief Superintendent Barr was told by Commissioner Lander, then commissioner of ICAC, that he would receive draft findings in two to three weeks. More than three months later, without having received the completed draft findings, Chief Superintendent Barr took his own life.

The committee found that ultimately no formal findings of maladministration against Chief Superintendent Barr were made. The committee heard from some witnesses involved in that investigation or privy to information about that investigation, including Mrs Debbie Barr; Mr Christopher Barr; the former ICAC commissioner, the Hon. Bruce Lander QC; the current police commissioner, Grant Stevens; and the President of the Police Association of South Australia, Mark Carroll.

The committee's concern was quite piqued by this investigation that went beyond disregard for principled investigations to the point of callous. The committee heard from Mrs Barr, the widow of Chief Superintendent Doug Barr, who had taken his life, that she attended the hospital after her husband undertook the acts that ultimately ended his life and, when she returned from the hospital, she discovered that their house was a mess, all the drawers had been opened, and she told our committee that she thought she had been robbed. She would have continued to think this but for two SAPOL field receipts that were left on the bench, itemising what had been seized.

After the family had left with the ambulance, she discovered that their home had been searched by SAPOL for almost three hours. As the Hon. Frank Pangallo noted, that was revealed through the internal CCTV cameras that they had for security in their home. She told the committee that SAPOL had executed a general search warrant and seized the transcript of his ICAC examination, the drafts of his defence material, his work laptop and mobile phone, his personal laptop and mobile phone, several personal USB memory sticks, and several notebooks.

They had also taken all of the badges from his police hats and the decorative gorget patches from his SAPOL shirts, and much of his work equipment and uniform. Understandably, she told our committee that she felt quite violated and that this was happening to them made it even worse on what was the worst day of their lives.

Commissioner Stevens told our committee that when he was advised of the removal of Chief Inspector Barr's uniform and accoutrements being seized, he took steps to ensure that they were returned, and told the committee that he was unsure why they had been seized. He was attending the hospital and was known as a family friend, and that is what he told Mrs Barr at that time. According to Mrs Barr, some items seized have never been returned.

In terms of the committee's understanding of what happened that night, we heard from Mrs Barr that after her husband attended the examination by ICAC he returned in shock and was despondent. He told her that multiple allegations were put to him that were unexpected and he was unable to prepare for. It was the first time he had told her—in her evidence to us—that he was aware of the full extent of the investigation. She told our committee that at the end of the examination he was told by Commissioner Lander that the draft findings would be given to him in that quoted two to three weeks. It took 13 weeks for the draft findings to be finalised, and then they did not arrive before Chief Superintendent Barr took his own life.

He died, we believe, terrified that his reputation would be forever tarnished by the publication of a report about findings that for several years he could not disclose to anyone. Former Commissioner Lander told the committee that Chief Superintendent Barr was never notified of the start of the corruption investigation and therefore was not able to be notified of it being closed. Former Commissioner Lander put to the committee that Chief Superintendent Barr was only ever formally notified of the maladministration and misconduct investigation into Recruit 313. Mr Lander further told the committee that he was unaware that Chief Superintendent Barr knew about the earlier closed investigation until after his death.

Commissioner Lander told the committee that he should not have known about the earlier investigation and that other officers in the investigation must have advised him of the earlier investigation. The committee was incredibly concerned about the impact that the secrecy provisions have had on witnesses before our committee, but particularly the Barr family who lost their husband and father as a result of those very provisions.

The family told the committee that they had formally written to Commissioner Vanstone, the new ICAC commissioner, to seek permission to speak to a member of parliament about the harm that had been caused to them during that ICAC investigation. The committee was quite concerned, and I think most members of the public would be horrified to learn that the family received a response

in writing from the current ICAC commissioner saying that permission was not granted, even though it was acknowledged that the investigation had actually concluded.

The committee welcomed the view of the current police commissioner, who told the committee that it would have been advantageous from a health, safety and wellbeing perspective if SAPOL members the subject of ICAC investigations were able to disclose to their supervisor or manager and the employee assistance service to assist in welfare management.

The committee notes, of course, that the recent changes to the ICAC Act now address some of those very concerns. They do enable people to take a matter to their member of parliament. They do provide some protections for people adversely impacted, and they do indeed now allow people to seek and get the supports they need to stay alive.

When it came to current Commissioner Grant Stevens' evidence on this matter, I raise with the council tonight, as the report does, some concerns with regard to a question that I posed on 24 September in one of two appearances by the current police commissioner:

> ...at what point, if ever, were you informed that Mr Barr had been the subject of an ICAC investigation of some length and indeed that that may well have caused his death, in terms of death by suicide and the mental health stresses that that no doubt had? Also, we have heard in the media reports that there were rumours, and one imagines that those rumours were in the workplace. How do you manage that as the police commissioner, if we are in a situation where these issues [these secret ICAC investigations] can't be discussed?

The Hon. Frank Pangallo also asked the current police commissioner, with regard to Recruit 313 and Doug Barr, 'Were you aware of the ongoing investigation at the time?' To both of those questions, which were taken on notice by Grant Stevens, the current police commissioner, he replied:

> SAPOL received a written report from the ICAC in December 2020 in relation to the Recruit 313 program, including information relative to Chief Superintendent Barr.

However, on the very same day, our committee received evidence from former Commissioner Lander and a tabled letter that was dated 15 August 2018 addressed to Commissioner Stevens. That letter from Commissioner Lander advised Commissioner Stevens that the corruption investigation in regard to Chief Superintendent Barr was concluded and that he was opening a wider maladministration and misconduct investigation in regard to the Recruit 313 program.

It is inexplicable to the committee why the current police commissioner would evade answering this question candidly, creating further concerns. Indeed, it was the committee's mandate to conduct this inquiry, but it was frustrated not just by Commissioner Stevens but by many SAPOL witnesses, as the Hon. Frank Pangallo touched upon earlier this evening.

The Legislative Council, of course, has given our committee the power to send for persons, papers and records. Standing order 429 of this place, of this parliament, of this council, provides for witnesses to be summonsed to attend under the hand of the Clerk. However, pursuant to standing order 436, witnesses cannot be examined under oath. If a witness having been summonsed refuses to give evidence or gives false or misleading evidence—or gives false or misleading evidence—the committee can report such a matter to the council.

This stands in contrast to the questioning powers of other bodies, including ICAC, whose act makes failure to attend to give evidence and the giving of false or misleading information a criminal offence. Importantly, parliamentary privilege, reflected in our standing order 437, protects witnesses who give evidence to select committees. That evidence can be given in camera.

I note that when Commissioner Stevens appeared before our committee and was asked questions on the first of the two occasions, on 24 September this year, he noted that he had not been privy to any information about the Barr case. I note that he goes on further in response to questions to say on the record in that particular hearing:

> The barriers within the ICAC legislation prevented people involved in that investigation from communicating to other people, so it is a reality that there could be police officers under the current framework who are the subject of these types of processes who aren't able to disclose to me as their employer or other members of SAPOL.

He went on to say that he needed to take questions on notice, with regard to how much he knew and what supports were given to Chief Superintendent Doug Barr. The commissioner at that point was asked whether or not SAPOL—and at this point this is two years after the death of former Chief

Superintendent Barr. Two years after the death, the committee asked the current Commissioner of Police whether or not the Coroner's office had been provided with the SAPOL brief on this matter.

On 24 September, Commissioner Stevens said he believed that that was the case. However, he was happy to take it on notice because the Chair challenged this because we had heard from the family that this was not the case. Indeed, he did duly bring back some answers for us. I note that when current Commissioner Stevens was asked by the Hon. Frank Pangallo on 24 September the question: 'The day that Chief Superintendent Barr took his life—or attempted to take his life because he died five days later—why did the police raid his home?' Commissioner Stevens responded:

> I will have to take that question on notice. There is a current open matter in relation to the Coroner's investigation, and I am not clear of the status of the ICAC proceedings either.

When the committee finally received that response, signed on 10 November, the answer was this:

> On the day Chief Superintendent Barr attempted to take his life police were notified and attended to provide assistance to the family and to South Australia Ambulance Service. There was no 'raid' by police but it is a standard response that police are tasked to an incident where a person has attempted to take their own life. When the attending police officers were advised that Chief Superintendent Barr was gravely ill and that he was unlikely to survive, the officers commenced an investigation into the circumstances.
>
> As Chief Superintendent Barr's death was anticipated—

I note this is five days before he actually died—

> the officers in attendance commenced an investigation under Section 28 of the Coroners Act—

last time I looked, the Coroners Act comes in when you are actually dead—

> which requires police officers upon being notified of a reportable death, to notify the Coroner of any information the police have or are given in relation to that death.

Not to that attempt to take one's life, not to that gravely ill person lying in a hospital bed for five days and his family, but indeed it is a reportable incident upon somebody actually dying by suicide. This answer continues:

> Such investigations typically include the seizing of material from the scene relevant to the cause and circumstances of the death. Items were seized in that process…

Tell me how his police uniform caused his death? Tell me how those USBs, or indeed his notebooks, caused his death? Indeed, tell me how that part of the act was employed with that raid on the Barr family's home when the man was not even dead yet? Indeed, this was five days before his death. The police commissioner's answer of 10 November goes on to say 'which were later identified as not relevant and subsequently returned'.

What a cheery resolution that is. So when Commissioner Stevens told us, as he had been by the bedside in the hospital, that he had arranged for the items to be returned and that he would look into the circumstances of this matter, he then gave us an answer that is unlawful. This was not a reportable death at this point; it was five days before Chief Superintendent Barr actually died. I do not see how that raid and seizure was lawful, but I do look forward to further answers in the future from the current police commissioner.

Further questions were asked by the Chairperson on 24 September of Commissioner Stevens, returning to Chief Superintendent Barr. The Hon. Frank Pangallo states to the current police commissioner, Grant Stevens:

> I imagine he was a close colleague of yours and you would have been shocked at what happened.

Commissioner Stevens says:

> I had known Doug for a long time and he was a professional friend. We didn't have a relationship outside of work, and I was shocked and disappointed to hear about what happened to him.

The Chairperson of course said, as I have noted before:

> Were you aware of the ongoing investigation at the time?

Commissioner Stevens replied to our committee at that point:

> I have to take that question on notice. I'm not sure I am able to answer that.

Again, I will note that SAPOL—the statement on 8 November from the Commissioner of Police to our committee—then says:

> SAPOL received a written report from the ICAC in December 2020 in relation to the Recruit 313 program, including information relative to Chief Superintendent Barr.

2020, and yet the committee received, on that very same day that we asked the question of Grant Stevens, Commissioner of Police, 24 September, a letter provided to our committee by the former commissioner for ICAC, the Hon. Bruce Lander QC, dated 15 August 2018.

That was sent directly to Commissioner Stevens with regard to ICAC investigation 2017/000076 and it explicitly—and it is in the committee's documents—advises with regard to the alleged conduct of Chief Superintendent Barr that the corruption investigation has now concluded and no person would be the subject of a prosecution arising from the matters identified in that investigation.

But it goes on further, where the Hon. Bruce Lander QC as Independent Commissioner Against Corruption goes on to say:

> I have decided to exercise the powers of an inquiry agency to investigate potential issues of maladministration and misconduct in public administration which arise from or relate to the matters which were the subject of the corruption investigation. I am now conducting this investigation and will advise you of its outcome in due course.

It goes on to mention another investigation that is ongoing. So the police commissioner had known about these issues since 2018—one imagines some time prior to August 2018—and yet no supports were offered to Chief Superintendent Barr in his workplace. No-one was looking out for him, rumours were circulating and he went through years of that particular pain and mental stress.

On 24 September this year, the Commissioner of Police was asked by myself whether or not he was aware of these rumours circulating in the SAPOL workplace and he replied on 10 November that he was not aware of any such rumours referred to by the committee. Goodness, he would not need the rumours really, because he actually had firsthand letters from the former ICAC commissioner. So he did not have to rely on the rumours, although one would imagine it would not have taken too much scratching of the surface to realise the rumours were there.

Further evidence from 24 September where the Chairperson asks the current Commissioner Grant Stevens where the process of the SAPOL brief to the Coroner is up to. Now, this is on 24 September. The Chairperson had heard from the family that they had been ringing the Coroner, they were waiting for the SAPOL brief to be provided. Two years on from their beloved husband and father's death, they are still waiting for SAPOL to provide a brief—a brief that they seemed very keen five days before his death to start preparing, in anticipation of his death. Commissioner Stevens informed our committee on 24 September:

> My advice is that the report is complete. As recently as two days ago, I was advised that the report was complete. I don't know the specific time—

Then we pressed, the Chairperson pressed:

> Has it been submitted to the Coroner?

Commissioner Stevens said:

> I can't answer that, but my understanding is—

and then the Chair offered for him to take it on notice to get a clearer answer and, indeed, the clearer answer was that it had not been provided to the Coroner at that point. Yet, that was not the impression given to the committee on that day and had we not put that question on notice for a formal answer, we would not have been provided with that report.

Indeed, the report was finally provided to the State Coroner on 29 September 2021, some five days after our committee hearing when we asked what was taking so long and why that brief to the Coroner's office had already taken two years. Imagine how much longer it may have taken had we not asked those questions.

Then we come to the second appearance of the current police commissioner of this state before this committee. It was a very different presentation. The commissioner turned up with senior

counsel sat at the table and, indeed, legal advice that he had sought through SAPOL from Frances Nelson QC that said he really did not have to answer many of the questions that we were asking because they were beyond the committee's terms of reference, therefore he as the police commissioner did not have to comply with the questions raised by the committee.

Indeed, we had asked the police commissioner on that day, 12 November, to appear before us and answer many of the questions that had been concerning us about many of these matters, but I am only dealing with one right here, for two hours. The commissioner gave us one hour, little less than one hour in the end, and turned up with senior counsel and legal advice that said he did not have to answer most of our questions. Indeed, it was a very difficult and testing time.

I note that the Hon. Frank Pangallo has already touched on the previous presentation by Commissioner Grant Stevens where he provided evidence with regard to Operation Bandicoot which caused significant stresses, indeed medical treatment being required by current serving SAPOL officers as Grant Stevens, the current police commissioner, savaged them in our committee with a pre-prepared statement that assumed they were guilty, no matter what the courts had found, putting some of them in hospital, giving our committee a lecture about work health and safety—which, believe me, I will take with a large grain of salt and perhaps a report to SafeWorkSA—giving us a lecture but also giving the Police Association of South Australia a lecture.

I note Commissioner Stevens, who sent not one but actually two emails out to the full SAPOL force about his appearance and with his transcript and links to it at this committee, not satisfied with that, not satisfied with seeing an officer needing medical treatment, not satisfied with the stresses that he had already seen these Operation Bandicoot people put through, has also attacked the Police Association of South Australia. I note in the transcript at page 514, in the committee, Commissioner Stevens stated:

> The committee has recently heard evidence downplaying the behaviour that was investigated by Operation Bandicoot simply as 'expressions of black humour'. Mr Mark Carroll's most recent evidence to the committee implied that comments of this nature are acceptable and widespread within the South Australia Police and should not raise any eyebrows.
>
> I would not want this committee to think that his evidence represents the views of the entire membership of the Police Association of South Australia. I have been approached by many police officers, since my last appearance at the committee—

which is unsurprising, given he sent out two emails highlighting his last appearance at the committee—

> who have expressed their opinion regarding the statements made and the behaviour of the Operation Mantle members and voiced their disappointment and view that it was totally unacceptable.

However, this was not the opinion of Mark Carroll, President of PASA. It was a portrayal of the evidence of Hayden, Abbott and Detective Paul Hunt—expert evidence. Indeed, I refer members of the council and members of the public reading this to transcript 492. The commissioner's statement, despite his claims to the contrary, also assumed the guilt of these members. After repeating some of the evidence that related to off-colour comments, the commissioner said:

> The end does not justify the means. It would be very unfortunate if the committee were to make a finding which in some way condoned the practice of retaining seized property in this way.

If that is not an assumption of guilt, then I do not know what is. He has failed to grapple with the fact that these members were acquitted or the charges were withdrawn. He has also made the same mistake as the investigators and assumed that the off-colour comments, which evidence at one of the trials was shown to be samples of black humour, amounted to proof that the items were taken for personal use. This was not the case at all and it was the whole point of the trials.

Significantly, I note that this accusation about PASA's submission does take a very selective approach. I think it goes to the character of the current police commissioner's attitude to these cases and, indeed, to many in his workforce, and these poor people have definitely been put through the wringer.

The commissioner, when he came back on 12 November, as I say, lawyered up with senior counsel by his side, taking the legal advice of Frances Nelson QC that he did not have to answer

most of our questions. Attacking the committee certainly did provide a bit of colour and spice for the nightly news. He did not like being corrected that he had actually sent two emails and not one, as he attempted to portray in his very well crafted and no doubt highly edited opening statement.

I note that he had no compassion and had not communicated with his officers, who had had such a terrible reaction to his emails condemning them in their workplace—opening that up after well over five years of being cast as criminals, not being found guilty by the courts but considered not worthy of support by their own commissioner.

I note that the commissioner did say that he would take some questions on notice and, as the Hon. Frank Pangallo noted, we are still waiting for some of those. But of those that he did, he continued to reply that he needed to get legal advice. He certainly seemed to be more anxious to support some of his workers than others, and he certainly did not disclose his own personal interest in the Recruit 313 matter. For those of you who want a bit more information about Recruit 313, you will remember that the Weatherill government had this program, and it is a worthy program that gets cadets and new officers into the force.

I draw your attention to *The Advertiser* article that used some of the quotes from widow Mrs Debbie Barr, and I alert members of this council and the public to that article regarding an SA Police employee who altered cadet applications to help the relative of a 'very senior officer'. The employee altered the spelling in the literacy and numeracy test of a family member of a 'very senior' member of SAPOL.

At no time in his evidence to our committee did Commissioner Grant Stevens ever say that he had a conflict of interest in the Recruit 313 process. He certainly lawyered up and he certainly took legal advice, and he certainly did not avail himself of the ability to move in camera to let the committee know that maybe he had a conflict of interest here.

It was quite clear to me, as a member of this committee, that the commissioner had a distinct conflict of interest, that the Recruit 313 investigation involved his family member, that his family member had misspelt some of the words and had had another police officer look out for his family member by attempting to correct the spelling. That process of Recruit 313 required an ATAR of 70, and that is why the literacy and numeracy test was so vital.

That process also was done through TAFE. TAFE SA provided the provisions for this testing. There was a fee attached to the testing that was waived for members' children and for boyfriends of children of senior brass of SAPOL. Those conflicts of interest were never disclosed to our committee—when you go to the point of having the fees waived for the kids of top brass when, goodness knows, they can afford to pay the $140 or so that it costs for the literacy and numeracy test, while countless South Australian young adults will struggle to scrape together that amount to do this test to get into the force.

Not only were these children of the top brass given special treatment but they were given a special day on which to do the test. Current commissioner Grant Stevens had a family member who had their spelling corrected—albeit, I think unsuccessfully because I think the officer who attempted to correct the spelling still did not get the words right, but that is simply hearsay—yet never once did he disclose that conflict of interest to our committee. Never once, to our committee, did he say why he needed not just senior counsel of SAPOL but Frances Nelson QC to give him legal advice to present to our committee.

Not once did he indicate that he had known of this for years, and it would be unsurprising, given it involved one of his family members. Of course he knew about this, yet on that second appearance he had the ability and clarity of parliamentary privilege. He did not avail himself of the changes in the new ICAC Act to provide that information to our committee. He did not honestly present to our committee. Indeed, I draw members' attention back to that recommendation about those witnesses who did not comply with the work of this committee and the standards we expect of our statutory officers in this state.

I could actually go on and on. I know the Hon. Frank Pangallo did an hour. Members might think that was a long time, but you only just scraped the surface of it, the Hon. Frank Pangallo. I want to simply concentrate on that particular case because to me it sums up every reason why the work of this committee was so important, why this parliament should be calling to account the police

commissioner of this state and asking him why he did not provide honest and truthful evidence and declare his conflict of interest to our committee as we undertook this inquiry.

There is a recommendation that we follow some parliamentary processes as a result of this report. I urge members of this council to take this seriously. If we turn away, turn a blind eye to something that should be taken very seriously that is clearly a conflict of interest, that was clearly not declared, and if we in this parliament do not take this matter seriously the standards that we set are not high enough, to paraphrase the current commissioner, Grant Stevens, in his evidence to our committee.

I also note a few things. In some other jurisdictions, memorandums of understanding exist around parliamentary privilege and what can and cannot be done both with the execution of search warrants and outlining the rules of engagement. There has been a lot made of parliamentary privilege and the accusation that it is perhaps a shield for parliamentarians to hide behind. I know that all members of this council saw the clarification of the role of parliamentary privilege as a protection to our constituents and a furtherance of free debate and the rule of law.

I seek leave to table the Memorandum of Understanding on the Execution of Search Warrants in the Premises of Members of the New South Wales Parliament between the Commissioner of Police, the President of the Legislative Council and the Speaker of the Legislative Assembly. As a tabled document, I think this will be a reference for that work that I hope will continue beyond this report.

Leave granted.

**The Hon. T.A. FRANKS:** As I say, I could go on and on. The other thing that I want members of this council and the public to understand—which I was absolutely gobsmacked by—is that when we spoke to the previous reviewer, John Sulan, we discovered that he had no power to compel in his reviews of the work of ICAC. He had little power to ensure anything other than perhaps a request for an apology. The only time he actually requested an apology, that we are aware of, it was refused.

The man works one day a week with a secretary and does not want the job of inspector, which we have now agreed to as a parliament. In the recommendations of this report, an inspector will take on the burden, in an independent way, of some of the recommendations in this report to ensure that the ICAC that we have is not the ICAC that South Australia really needs, that it is an ICAC that does not harm people, that does not perpetuate the purported guilt of innocent people and is able to be scrutinised to the standard that we would expect of all of our institutions.

Certainly, he is a reviewer one day a week, with a secretary, who has retired. He was a lovely man and he wished us well with our work, but he said that he would not be interested in the job because he is now retired. I look forward to an inspector taking on many of the recommendations in this report, but some of the work is for this parliament and this council. To hold to account our statutory officers, no matter who they are, to deliver and perform at the highest standards and within the lawful requirements of the roles should be a priority of this council going forward.

It is inconceivable that the current police commissioner did not know that Doug Barr was before the ICAC. He had been written to about it. It is inexplicable that he did not provide supports to Chief Superintendent Doug Barr for his mental health, as he went through this, which may well have prevented his death by suicide. It is extraordinary that it took two years to finally prepare a file for the Coroners Court for this grieving family to know that that process may well give them some closure and answers. They will never get their father and husband back. They probably will not even get an apology under the current situation.

Certainly, for them to be told that they need permission to talk to their member of parliament, to ask them to represent them, which was one of the imperatives for this committee's work, is just beyond belief when their husband has died at the hands of ICAC and they are wondering where the report to the Coroner is.

The issues go far broader than this one case, but for me I think that case sums up the importance of this committee's work and also that we have far more work to do and the role that that inspector, that will be appointed by parliament, will need to take. There is some heavy lifting to do in this state if we are to have things like a memorandum of understanding around parliamentary

privilege and things like an ICAC that does not unduly harm people and cause their death. I commend the report.

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

*Bills*

## NATIONAL PARKS AND WILDLIFE (WOMBAT BURROWS) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. T.A. FRANKS (21:06):** Obtained leave and introduced a bill for an act to amend the National Parks and Wildlife Act 1972. Read a first time.

*Second Reading*

**The Hon. T.A. FRANKS (21:07):** I move:

That this bill be now read a second time.

I rise today to introduce this piece of legislation that really should not be necessary. Regrettably, however, some people feel that they have the right to be cruel to animals, and so here we are. The bill that I present to this council today would make it explicitly illegal to bury wombats alive. I think most people would be shocked that such legislation would be necessary, but it is. Once again, in the past week, wombats in the Murraylands area are being treated with the most horrendous cruelty and it looks like, once again, those responsible are unlikely to face any real consequences.

Wombats are supposed to be a protected species in South Australia and technically can only be killed under certain circumstances and with the permit. However, often during farming or construction work they can be seen as a nuisance, and in particular because of their burrows. So those burrows are filled in, sometimes quite deliberately, with the wombats still inside. Those wombats are doomed then to die a slow and horrible death, and I note that this is despite current provisions under the National Parks and Wildlife Act 1972, which allows a penalty for killing a hairy-nosed wombat without a permit of some $2,500 or six months' imprisonment.

I want it to be clear, even with a permit, it is still never lawful or permissible to kill a wombat by burying it alive. Despite this, day in day out in our state, wombats are being buried alive as a form of eradication. Wombats cannot dig themselves out of bulldozed burrows as they have nowhere to put the soil. They become entombed and they suffocate. If the wombats are not helped, and they can live for up to 21 days I am advised, but if they are not helped once their burrows have been filled in it is a truly horrible, slow, painful death.

This form of eradication can be stopped by protecting wombat burrows by law. Wombat burrows house many other species of wildlife, such as echidnas, small native mammals, reptiles and birds. They are ecosystems within their own right. So many of our beautiful, endangered wildlife rely on wombat burrows for habitat and they too are buried alive with those wombats.

Wombat burrows have been seen as a nuisance to some landowners, but this is in no way, shape or form an appropriate response to such a perceived nuisance. Wombats are iconic native animals and such cruelty is both unwarranted and unacceptable. At present, it is the responsibility of the Department for Environment and Water to ensure that wombats are not being killed in this way. The experience over the years has been that reports of wombats being buried have been met with indifference at best.

Indeed, I am reminded of an incident in 2017 when reports of wombats being buried alive were raised with the department. That department, then DEWNR, issued a statement that said, 'Investigators do not believe that any wombats are trapped underground,' but then seven dead wombats were collected from the property. The day after that press release was released, we were further informed by DEWNR that the advice they now had from some unidentified 'wombat experts' was that it was okay because 'any buried wombats would be able to dig themselves out', and they had removed nine dead wombats at this point.

The inconsistency and the unwillingness to take action to rescue buried wombats was disappointing then, and it continues to be disappointing and beyond being able to be accepted today. Just last week, we received more reports and, in fact, video evidence of wombats being buried alive,

just outside Mannum in this case. Once again, no action seemed to be taken to help these wombats, even with the video evidence and forwarding that of the person who buried them alive admitting to it on camera.

The reports to the RSPCA went unacted upon. As the caller was told, the RSPCA was unable to assist with wildlife matters and it was the department's jurisdiction now. It was, of course, reported to the department, which has now indicated that they are 'investigating'. It was also reported to SAPOL, who at first were going to attend the scene but then, even though the footage existed, because it did not show the wombats actually being maimed or injured they refused to act. What an utterly ridiculous situation.

This is not the first time I have raised in this place the issue of wombats being buried alive. Despite repeatedly being told that wombats are protected and that it is technically illegal under the act, these wombats are still being buried alive in our state, and no-one is being held responsible, even with all the evidence that would be required.

With this bill, I act on the calls of those in the community, and I note the tens of thousands of people who have signed a petition calling for this legislation and supporting the work of the Wombat Awareness Organisation. It is time to make burying wombats alive and destroying their burrows in this way explicitly illegal. I commend the bill.

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

*Motions*

## WORLD AIDS DAY

**The Hon. T.A. FRANKS (21:13):** I seek leave to move Notice of Motion, Private Business, No. 8 in an amended form.

Leave granted.

**The Hon. T.A. FRANKS:** I move:

That this council—

1. Recognises that each year on 1 December we commemorate World AIDS Day; and

2. Recommits to end AIDS by 2030.

I rise because today marks the 34th occurrence of World AIDS Day and this year marks 40 years since AIDS was first diagnosed as a disease. World AIDS Day was an initiative started by the World Health Organization and later taken over by the Joint United Nations Programme on HIV/AIDS (UNAIDS) with the intention of driving action to reduce the level of transmissions and deaths and to combat the stigma against HIV and ensure that people living with it are afforded their best life.

This year, the theme of World AIDS Day is 'End inequalities. End AIDS. End pandemics'. We are currently living in a time when the AIDS pandemic is intersecting with COVID-19 and, much like with COVID-19, it is only through leaders and communities coming together and working as a collective focused on the needs of the people that this AIDS pandemic can be overcome, as it must.

The world has made some truly great strides in combating HIV over the years and ensuring that HIV is now no longer a death sentence; however, as well as celebrating that progress made, World AIDS Day also offers us an opportunity to reflect upon and highlight how far we still have to go. According to the World Health Organization, as of 2020 there were approximately 37.7 million people living with HIV, 1.5 million of whom were newly infected that year, and over half a million deaths.

Currently, approximately 73 per cent of people living with HIV are receiving long-term antiretroviral therapy to assist with the strengthening of HIV patients' immune systems and helping them live a long and healthy life. The past few years have seen countries across the world adopt a treat-all strategy for providing lifelong antiretroviral therapy to all with HIV. This is a great step forward and one that is helping millions, but there is such a long way to go when it comes to expanding that treatment, particularly amongst children and adolescents. This is made more dire by COVID-19, of

course, as these essential treatments have in some areas faltered or become more difficult to consistently maintain during the other pandemic.

It is integral that we recommit to tackling this health crisis and to ending the AIDS epidemic by 2030, as laid out in the UN Sustainable Development Goals. We must tackle both COVID-19 and HIV in tandem and account for the issues COVID-19 presents for those living with HIV. We must ensure that all people living with HIV are given equal access to the necessary treatment and care and we must commit to ensure no-one is left behind.

But one of the sad truths is, of course, that HIV is heavily stigmatised and continues to be. In preparation for this year's World AIDS Day, a survey conducted by the UK revealed that public understanding around HIV is truly abysmal. This survey showed that one in five people thought you could contract HIV through kissing and only 16 per cent of people knew that someone with HIV on effective treatment could not pass the virus on and could live a happy and healthy life.

Most shockingly, the survey showed that two-thirds of the people who were surveyed claimed to feel no sympathy for people living with HIV, regardless of how they contracted it. A study conducted in Australia earlier this year confirms that this similar stigma exists here in Australia. It is particularly targeted towards people from ethnically diverse backgrounds and that stigma has been connected to real impacts—tangible impacts—on their health and wellbeing.

The level of education and awareness surrounding HIV is severely lacking. Indeed, in my generation the education was enormous, but we have lost our way on that. If we are to achieve that goal of eradicating new HIV transmissions and HIV-related deaths by 2030, we have to do our part to improve. I commend all sides of this parliament for their previous efforts and note in particular the work of the current Minister for Health and Wellbeing in ensuring access to medications, which I lobbied for some years ago under the Weatherill government.

We must all work towards eliminating the persisting stigma and realise that this virus can be contracted in so many ways but dispel the myths that still pervade about ways that it cannot be contracted. World AIDS Day is an important day on which to celebrate the milestones we have already reached and to reflect on those we have yet to. I always find this issue quite personal. I lost a dear friend who contracted HIV when he was young due to a blood transfusion and who died as a result of complications. He was a musician. His name was Baterz. He was a bit of a folk music icon of both Canberra and Adelaide.

In his memory, I often think of all the great talent that he had and the contribution that he could have made. Perhaps if the stigma, the awareness and indeed the treatments had been a little quicker in coming, he would have lived to be in his fifties, as he would now be, but we lost him some two decades ago. With that, I commend the motion.

**The Hon. R.A. SIMMS (21:19):** I rise in support of the motion moved by my colleague the Hon. Tammy Franks. This year's World AIDS Day marks 40 years since the beginning of the AIDS crisis and 30 years since the red ribbon came to represent the international symbol of AIDS awareness. Despite the significant strides that have been made, as my colleague the Hon. Tammy Franks has stated, HIV continues to be a global health issue—36.3 million lives have been lost over the last four decades.

The World Health Organization estimates that 37.7 million people were living with HIV at the end of 2020, over two-thirds of whom (25.4 million) are in the World Health Organization's African region. In 2020, 680,000 people died from HIV-related causes and 1.5 million people acquired HIV. The COVID-19 pandemic has provided an insight into the fear and anxiety that must have been experienced 40 years ago.

The US government website HIV.gov provides a time line of these events, and I think it is appropriate to revisit these today. On 5 June 1981, the US Center for Disease Control published an article in its *Morbidity and Mortality Weekly Report* in Los Angeles. The article documented a rare lung infection that had affected five gay men and reported that these men had other health conditions as well. These seemed to indicate that their immune systems were not working. All of these men subsequently died of what we now to be the Acquired Immunodeficiency Syndrome (AIDS).

In the months that followed, there were more reports of rare health conditions, cancers among gay men in New York and California. By 2 July, the gay press in San Francisco was reporting the emergence of what they referred to as 'gay men's pneumonia'. The following day, the *New York Times* published a story under the headline 'Rare cancer seen in 41 homosexuals', and so it was that this concept of gay cancer found its way into mainstream reporting.

In August of that year, the writer and activist Larry Kramer held a meeting of gay men in New York to discuss the response to the crisis. There was no access to rapid funding for research and so the group raised money, a little over $6,000. That was the only money that was raised in that year to fight the epidemic. In December, a paediatric immunologist, Dr Arye Rubinstein, reported the birth of five infants who were born with severe immune deficiencies. They showed very similar symptoms to the conditions that had been reported months earlier among gay men, but the diagnosis was dismissed by his colleagues.

On 10 December 40 years ago, Bobbi Campbell, a nurse from San Francisco, became the first person to reveal their diagnosis of what was then referred to as Kaposi's sarcoma. Campbell died at age 32 in 1984 of what we now know to have been AIDS. By the end of 1981, there were 337 reports of people with the new disease, 321 adults and 16 children under the age of 13—this was just in the United States—and 130 of those people had died by the end of that year. Yet the US Congress would not pass a bill for funding targeted at HIV or AIDS research until May 1983. US President Ronald Reagan did not even mention the virus in any public speeches until September 1985. By December of that year, the United Nations was reporting that HIV was prevalent in every region of the world. By 1992, AIDS was the number one cause of death for men in the United States aged between 25 and 45.

As a gay man, I am in awe of the strength and resilience of people in my community who saw the deaths of friends and loved ones at that time and who fought so hard for HIV and AIDS to get the focus that we know that it needs. I also want to reflect on the lives that were lost, in particular the many young gay men. Many were separated from family and friends and forced to die alone facing terrible stigma. It must have been a very frightening time. The amazing strides that have been made in research and treatment would not have happened if not for the work and the leadership of gay activists and their allies. These were brave, courageous people and they deserve to be honoured today.

There have been some remarkable innovations in the treatment and the diagnosis of HIV in recent years: rapid testing, the availability of prep, improved antiviral treatments. These are all great things, and I know that they are really improving people's lives. As a result of these innovations, people living with HIV can now live long and healthy lives but only if they get access to treatment. Despite these innovations, we have lots of work still to do to end this virus. Targets for combating HIV last year were sadly not met.

The theme for this year's World AIDS Day is 'End inequalities. End AIDS'. This is very timely because there is a terrible inequality in terms of access to HIV treatment. COVID-19 is only making access to health services more challenging. There are more than 25 million people in Africa living with HIV, and the World Health Organization fears that we could see a worst-case scenario of 7.7 million deaths from HIV over the next 10 years if we do not move to meet our targets. That is because of the impact of access to HIV services and treatment of COVID-19.

We have a moral responsibility in Australia to do what we can to support the global efforts to combat HIV, and to ensure that more people get access to these life-changing and life-saving treatments. The COVID-19 pandemic has demonstrated that governments around the world can work together to take action. We need this same vision and unity of purpose when it comes to dealing with HIV. I commend the motion.

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

*Parliamentary Committees*

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

**The Hon. E.S. BOURKE (21:27):** On behalf of the Hon. J.E. Hanson, I move:

That the report be noted.

I rise today to bring up the report of the Select Committee on Matters Relating to SA Pathology and SA Medical Imaging. Two years ago, if you were to ask the everyday busy South Australian what SA Pathology was, few would have anything to say other than, 'I think they take blood samples.' SA Pathology was not a household name. SA Pathology was not known for being the state's frontline public health service, the service that literally unlocks the code to enable health professionals to treat their patients.

If you have a heart attack, experience a serious car accident, deliver a baby, have an allergic reaction or experience food poisoning, it is more than likely that it will be SA Pathology who will be running the test that provides the medical answer to how to best treat you. It was also this lack of awareness that perhaps was SA Pathology's weakness. We saw this when those opposite used their very first state budget in 16 years to lay down the threat of privatising SA Pathology.

Few everyday South Australians were jumping up and down about it. Yes, medical professionals were, because they knew that this would mean the safety of patients would be put at risk. Yes, Labor and the crossbenchers were jumping up and down and saying it was not a good idea to privatise an organisation that puts the health and wellbeing of people before profits. Yes, interstate government bodies jumped up and warned the state government not to follow their steps and privatise pathology, steps they are now trying to wind back so that they can take control of this public service.

But the general public did not perhaps realise the true significance of the role SA Pathology and SA Medical Imaging played in protecting the community until March last year when COVID hit. Perhaps the government also did not realise the true significance of SA Pathology until COVID hit. Imagine just for a second if SA Pathology had been privatised and we did not have a public pathology service to undertake the thousands, if not millions—I am sure the minister will be able to confirm how many—of COVID tests this state has undertaken. Imagine any private company taking the risk that SA Pathology undertook to establish mass testing processes during a time of statewide lockdowns and widespread uncertainty, not for profit but for the health and safety of South Australians.

I would like to thank the many members who jumped up and down and made noise to help shine a light on this essential public service, members who wholeheartedly supported the establishment of the joint Select Committee on Matters Relating to SA Pathology and SA Medical Imaging: the Hon. Justin Hanson, the Hon. Connie Bonaros and the Hon. Tammy Franks. I would also like to thank the government members of this committee, of which there were many: the Hon. Dr Nicholas Centofanti and the Hon. Dennis Hood, who saw through the finalisation of this report. I would also like thank you, Mr President (the Hon. John Dawkins), the Hon. David Ridgway (who is no longer here) and the Hon. Terry Stephens.

I would also like to thank the many witnesses who gave us their time and expertise, of whom there were more than 50, over 17 committee hearings. When asking the chamber to support the creation of this committee back in 2018, I said these words:

I feel this is a timely matter as it has the potential to impact the health and wellbeing of South Australians, and that is why I seek the chamber's support to vote on this motion to establish a select committee.

Back in 2018, none of us could have predicted that less than 18 months later the world would be relying on services like SA Pathology to help us track and trace transmission of a virus at the centre of the most deadly global pandemic in 100 years. However, it did not take a pandemic for our side of the chamber or my colleagues on the crossbench to see the value of both SA Pathology and SA Medical Imaging and the importance of retaining these services in public hands.

The Marshall Liberal government's first state budget cut $105 million from SA Pathology with plans to privatise their vital health services and SA Medical Imaging. There was little to no consultation with SA Pathology staff about any changes, and the Premier himself had promised before the last state election that the Liberal Party did not have a privatisation agenda.

This committee was established back then to thoroughly scrutinise the government's decisions to potentially privatise these vital public services and ensure that government would not put profits before patients. We were already concerned, way back then, that destroying the connection between SA Pathology, public hospitals and GPs through the privatisation of

SA Pathology could result in tests being centralised or, worse, sent interstate. We knew back then that SA Pathology undertakes the most complex pathology work in South Australia and we were unsure if private labs would be able to compete with or meet the same standards. We were concerned because we knew that even then private labs would, and continue to, send their samples to SA Pathology.

Over the last nearly three years, this committee has heard evidence from numerous stakeholders about the vital role that SA Pathology and SA Medical Imaging play in our health system, not just the phenomenal work that they have done and continue to do during the pandemic but also before. The committee heard that accurate and reliable pathology and medical imaging services are essential to the provisions of appropriate medical care. We heard from Associate Professor Hartley-Jones that seven out of 10 decisions made by clinicians are made after they review diagnostic test results or see advice from radiologists, pathologists or medical scientists.

Sarah Andrews, the director of Professionals Australia, informed the committee that pathology is used in 70 per cent of medical treatment plans and nearly 50 per cent of GP visits in a pathology test. The committee heard that SA Pathology's role is not limited to diagnosis. SA Pathology not only provides information for vital management of public health, such as for the transmission of mapping diseases and illnesses, but commercial food, drink and pharmaceutical manufacturers also use SA Pathology to test the safety of their products. Regarding SA Medical Imaging's role, the committee heard that:

> …medical imaging services are integral to the care of patients by providing accurate diagnoses and monitoring treatments in addition to performing imaging treatments and advising on the use of radiology for patients.

The South Australian Salaried Medical Officers Association (SASMOA) submitted to the committee that SA Medical Imaging was integral to the South Australian healthcare system, and I quote:

> …the service provides 24/7 response which is critical for referring practitioners…to maintain the flow and pathways for patient care…

Further, Dr Christopher McGowan, the Chief Executive of the Department for Health and Wellbeing, informed the committee that minimal training is provided in the private sector in South Australia in relation to medical imaging and stated:

> The medical imaging private sector in South Australia is essentially completely reliant on SA Medical Imaging for the provision of its medical specialists workforce.

Further, the Executive Director of SA Medical Imaging shared with the committee that:

> SAMI trains nearly all of the medical imaging specialists working in both the public and private sectors in South Australia.

Similarly, SA Pathology provides not just the training for the majority of the state's pathologists but also conducts all pathology research in South Australia. No research is conducted by a private pathology lab. This is significant. Not only that but the committee also heard from Dr Thomas Dodd, acting clinical services director at the time, that SA Pathology is the sole training institute for pathology trainees in South Australia and said 'without that we would potentially face a significant workforce crisis in the future'.

Additionally, the committee heard evidence that SA Pathology has a strong research link to universities that cannot be replicated by the private sector. It was stated:

> Those ties to education and training of our next generation of doctors and scientists do not exist in the private sector.

In terms of staff and workforce training, research and clinical development that SA Pathology and SA Medical Imaging provide is vital at every tier of the healthcare system in South Australia. This was true before the COVID-19 pandemic, this was true before the establishment of this committee, this was true before the $105 million was cut from SA Pathology by the Marshall Liberal government, and this was true before threats of privatisation were made without consultation with SA Pathology and SA Medical Imaging in the 2018 state budget.

These cuts and threats of privatisation by the Marshall Liberal government never made sense, not just because of the evidence I have just outlined, but even before the COVID-19 pandemic

SA Pathology and SA Medical Imaging were under immense pressure to deliver more with less. The committee heard how stress, overwork and fatigue were commonplace in SA Pathology. We heard how morale was low and that staff had concerns for their future and the future of their colleagues.

Evidence was heard that staff within both organisations were working under stress due to a lack of resources and extreme workloads and that the threat of privatisation made them feel undervalued by the state government. It is remarkable that this government thought the best way to get more out of these vital public services was to cut funding and assume that privatisation would yield better results.

It is remarkable not just because of the evidence we heard regarding research partnerships and training but also because we know that when services are privatised a major consideration of those commercial providers is profit. The committee heard evidence that underlines why privatisation cannot improve pathology or imaging services outcomes and is more likely in fact to weaken outcomes for South Australian doctors, patients and researchers who rely on these services.

The report is thorough in its description of the evidence heard and I will share one particular quote that I believe clearly outlines the risks, especially to patients, as a result of privatisation:

> …when private providers take over they often close hospital-based services and set up in areas that are more profitable. This means that regional areas no longer have the same access. It leads to long delays—for example if you are sending a sample from a regional hospital or from a regional health service, long roads of transport to a central testing laboratory degrades the sample and often they get poorer test results.

I have chosen this quote because it echoes the feedback from many of the witnesses over the three years of this committee. Privatisation could risk patient outcomes for profits. Let me repeat the last line of this evidence: 'and often they get poorer test results'. That should be enough of an argument against privatisation of these services. No government should make a decision that results in the risk to patients due to poorer test results.

But it is not just the patient outcomes. Future workforce concerns, research partnerships and development of new diagnostic tests should be reason enough to keep these services in public hands. We should also hear the evidence that not only is SA Pathology a bulk-billing service but SA Pathology is the only service which is 100 per cent South Australian owned, with all profits staying here in this state. If all, or part, of SA Pathology is privatised there will no longer be an incentive for private providers to bulk bill and South Australians will start having to pay out-of-pocket expenses for pathology tests.

Witnesses were clear that pathology and medical imaging are essential medical services for all South Australians, irrespective of where they live, or their income. Public pathology and imaging services play a vital role in ensuring everyone has equal access. Evidence to the committee highlighted the importance of having high-quality testing and services that are bulk billed.

At this point, I would like to thank the incredible staff at SA Pathology and all pathology clinics and labs in our great state for the superhuman effort that they have made in keeping us all safe by managing the tests required for the tracing and containment of this formidable virus. You have all contributed to an incredible undertaking and we owe you a great debt of gratitude.

It is unfortunate that it took the state government a one-in-100-year pandemic to realise the full value of publicly owned pathology and medical imaging. In his media release back in April 2020 announcing the decision to keep SA Pathology in public hands, the Premier and the Minister for Health and Wellbeing stated:

> SA Pathology has developed a world-leading response to the COVID-19 pandemic.

I quote further:

> SA Pathology has embraced innovation, introducing rapid COVID-19 testing which provides a diagnosis in less than 60 minutes.

Of course they did. Of course they could, because the committee heard—as the Marshall Liberal government would have known if they had consulted with SA Pathology—research and innovation are at the heart of SA Pathology. The Premier and the Minister for Health also said, 'SA Pathology has a central role in public health care.' Of course they do. They always have.

This report should be an important report that all ministers and governments reflect upon. We should always put people before profits. I would like to thank the secretary, Emma Johnston, for her incredible work and a special thank you to Leslie Guy, who had to step in and be the research officer for this committee. She did a fantastic job pulling the report together. So thank you, Leslie, and all members involved.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (21:44):** On behalf of the government, I rise to provide a response to the select committee report. Before I do so, I pause in awe to acknowledge the extraordinary hard work and professional skill of the staff and management of SA Pathology in their response to the COVID-19 pandemic. From the very beginning, SA Pathology has demonstrated its innovative spirit and clinical excellence.

SA Pathology added tests for COVID-19 to the set of tests performed on respiratory samples beginning in February 2020—the very month that we had the first cases here in South Australia. SA Pathology introduced only the second drive-through COVID testing clinic in the world in early 2020.

The Hon. Emily Bourke asked me some pop quiz questions about how many tests SA Pathology has done. I am pleased to advise that, as of yesterday, since the start of this pandemic SA Pathology has delivered 2,790,994 samples. Amazingly, what the data shows is that 50.37 per cent of the South Australian population has been tested for COVID-19 by SA Pathology.

Key to the strength of the SA Pathology response to the pandemic has been the outstanding work of leaders like Associate Professor Dr Tom Dodd and Mr Mark McNamara. Under their leadership, SA Pathology was being stabilised and renewed even before the pandemic started.

Labor left SA Pathology a demoralised organisation. They had put it under the shadow of hundreds of job cuts since late 2014. They further harmed the organisation with the botched rollout of EPLIS, which saw millions of dollars wasted, staff working significant overtime and patient risk. Labor's report into SA Pathology in 2014 put forward the proposal that the regional pathology services should be closed, and this lay on the table for months before they were finally pressured into ruling out such closures.

Labor's record on SA Pathology shows their hypocrisy, as does their record on SA Medical Imaging. They were happy to outsource imaging services at locations across the state for 16 years under their rule. So, to use the words of the Hon. Emily Bourke: why did Labor risk poorer quality results by outsourcing imaging services in their term?

Let's be clear: the 2018-19 budget did not announce that SA Pathology or SA Medical Imaging would be privatised. It called for efficiencies and improved services to South Australians and that resources be used efficiently—and improved services is exactly what this government has delivered. Before the pandemic, on-time delivery for time-critical diagnostics rose from 66 per cent to 90 per cent, while turnaround times for non-critical diagnostics improved by 18 per cent. At the same time, SA Pathology delivered efficiencies of around $15 million—money which was then available for the COVID response.

While the government broadly agrees with most of the recommendations of the committee, some are not supported and others have been made redundant by the reforms we have already undertaken in partnership with the expert staff and clinicians of the organisations.

**The PRESIDENT:** Order! The Hon. Mr Pangallo, I wonder whether you might like to take that conversation outside. Particularly, it is against standing orders to turn your back on the President and the speaker.

**The Hon. S.G. WADE:** In closing, I thank members of the committee for their work and all the individuals and organisations that gave submissions or presented evidence to the committee. Thanks to the reforms implemented by the Marshall Liberal government in the 2018-19 budget and since, SA Pathology and SA Medical Imaging are stronger organisations that provide safe, quality services to South Australia in a sustainable and contemporary fashion. I thank them and congratulate them on their work and again commend all the hardworking staff of both SA Pathology and SA Medical Imaging.

**The Hon. E.S. BOURKE (21:48):** I would like to thank the Hon. Stephen Wade for his comments, and again I would like to thank the members who helped on this committee. The evidence was provided in a short time frame, but we did think it was important to bring back witnesses to ask questions, particularly in relation to how the COVID pandemic was being handled by SA Pathology, who have played an incredible role in keeping our community safe.

Motion carried.

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

Adjourned debate on motion of Hon. J.A. Darley:

That the report of the select committee be noted.

(Continued from 17 November 2021.)

**The Hon. R.I. LUCAS (Treasurer) (21:50):** I rise to speak very briefly to this particular motion. I acknowledge the report and the work of the members of the committee but I also acknowledge the active participation of the Hon. Mr Darley in all matters that relate to the operation of the Office of the Valuer-General.

Speaking on behalf of the government, we note the recommendations. There are a couple of the recommendations that a member of the committee has basically referred to the government in terms of what the impacts might be, and certainly that would be my view as well. They are quite technical issues. I am sure the Hon. Mr Darley understands the details of the recommendations in terms of the amendments to the legislation. From the government's viewpoint, we would be keen to seek advice as to what the implications, if any, might be of those particular changes. Certainly, from the government's viewpoint, we would undertake to do so.

With those brief words, I thank the Hon. Mr Darley and the other members of the committee for their report and advice. The government will give the recommendations close consideration.

**The Hon. J.A. DARLEY (21:52):** First of all, I would like to thank the Hon. Rob Lucas and the Hon. Frank Pangallo for their contributions. Once again, I would like to thank the members who participated in that committee—the Hon. Ian Hunter, the Hon. Terry Stephens and the Hon. Frank Pangallo—and the staff, Peter Dimopoulos and Dr Kylie Doyle. I commend the noting of the report.

Motion carried.

*Bills*

## FREEDOM OF INFORMATION (MINISTERIAL DIARIES) AMENDMENT BILL

*Second Reading*

**The Hon. R.A. SIMMS (21:53):** I move:

That this bill be now read a second time.

I rise to speak in relation to the bill requiring the disclosure of ministerial diaries. This bill is a basic transparency measure to allow the proactive disclosure of ministerial diaries. Similar legislation already exists in the ACT, while mechanisms in Queensland and New South Wales require ministers to make copies of their diaries publicly available. This practice of disclosure will help to illuminate lobbying influence, as it did in Queensland last year during their state election.

The function of this bill is straightforward. Every month, a minister would make publicly available all meetings, events and functions which relate to their professional responsibilities. These would be published on the internet.

The bill does not require disclosure of personal meetings and would permit the emission of information deemed by the minister to be contrary to the public interest. I want to assure the ministers in this place that I have no intention of wanting to read their personal diaries or to pry into their personal affairs or personal meetings. Rather, this relates simply to the meetings that relate to their professional responsibilities. The minister would have the power to deem disclosure of a meeting to

be contrary to the public interest. This decision would then be subject to review by the Ombudsman or by the SACAT should a member of the public wish to contest that.

In 2019, research from the ANU revealed that the Australian public's trust in politicians has been on a downward trajectory since 2007. A report from Griffith University and Transparency International Australia revealed the number of Australians who view corruption as a big problem as being 66 per cent; so 66 per cent of Australians view corruption as being a big problem. That is two-thirds of the Australian population.

Encouraging greater levels of transparency is an important step in restoring trust. Raising the bar of political transparency has been a long-term project of the Greens. We have been at the forefront of campaigns and advocacy for anticorruption commissions, lobbying reform, caps on political donations and accountability federally, and at a state level. Nobody should be above scrutiny in our democracy. Sunlight is the best disinfectant. We should let the sunlight in.

This measure when used in combination with a lobbyist register, which we have in place in South Australia, will help South Australians see very clearly who is lobbying members of parliament, who is seeking to exert influence over government ministers, and what interest groups do they represent. The public has a right to know who has the ear of those in power and this bill would ensure that that information is freely available to them.

This is not some sort of test dummy that I am proposing. This is an approach that has already been taken in the ACT, and in Queensland and in New South Wales they also have mandated disclosure regimes of this nature. This would really bring South Australia into line. My hope is that, no matter which party is in government from March next year, they will support this sensible reform. If we have the opportunity to sit again in the new year, and if the Liberals do not succeed in their plan to shut down our parliament as they attempted to do during the last sitting period—

*The Hon. T.J. Stephens interjecting:*

**The Hon. R.A. SIMMS:** I hear the Hon. Terry Stephens laughing. He knows it is true.

**The PRESIDENT:** The Hon. Terry Stephens is out of order!

**The Hon. R.A. SIMMS:** We all saw what they tried to do to avoid scrutiny in this place. If they fail in that effort and if we return in the new year, then I do plan to bring this bill to a vote, because it is an important transparency measure and it is one that I think the people of South Australia will support. If I do not have the opportunity to deal with this matter before the election, should I have the honour of being returned to this place, I will certainly move on this again in the new parliament. With that, I conclude my remarks.

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

*Parliamentary Committees*

## COVID-19 RESPONSE COMMITTEE

**The Hon. R.A. SIMMS (21:59):** On behalf of the Hon. Ms Franks, I move:

That the time for bringing up the report of the COVID-19 Response Committee be extended until Wednesday 4 May 2022.

Motion carried.

## SELECT COMMITTEE ON HEALTH SERVICES IN SOUTH AUSTRALIA

**The Hon. C. BONAROS (21:59):** I move:

That the time for bringing up the report of the committee be extended until Wednesday 4 May 2022.

Motion carried.

## SELECT COMMITTEE ON REDEVELOPMENT OF ADELAIDE OVAL

**The Hon. K.J. MAHER (Leader of the Opposition) (22:00):** On behalf of the honourable member concerned, I move:

That the time for bringing up the report of the committee be extended until Wednesday 4 May 2022.

Motion carried.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (22:00):** I move:

That the time for bringing up the report of the committee be extended until Wednesday 4 May 2022.

Motion carried.

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

**The Hon. C.M. SCRIVEN (22:01):** I move:

That the time for bringing up the report of the committee be extended until Wednesday 4 May 2022.

Motion carried.

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

**The Hon. R.A. SIMMS (22:01):** On behalf of the honourable member concerned, I move:

That the time for bringing up the report of the committee be extended until Wednesday 4 May 2022.

Motion carried.

*Bills*

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GAS INFRASTRUCTURE) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 9 June 2021.)

**The Hon. C.M. SCRIVEN (22:02):** I rise today in relation to the Planning, Development and Infrastructure (Gas Infrastructure) Amendment Bill and indicate that I am the lead speaker on behalf of the opposition.

Gas still plays a role in the energy market in South Australia as a transitional form of energy as we continue to work towards developing an energy system based on renewables. However, we also understand the concerns raised by South Australian families who are concerned about being locked into contracts with a lack of choice for the consumer when dealing with their household power needs.

I am advised that, while there are currently no laws that mandate gas connection to newly developed properties in South Australia, connections are nevertheless being mandated by property developers in new developments. I understand the original decisions in regard to ensuring that gas supply was offered in new developments were made with the best of intentions. I am advised it was to ensure there was a choice not only between electricity and electricity but between electricity and gas; however, while that may have been the intention at the time, things have moved on. Situations in terms of our energy market have moved on, and opportunities and options have moved on.

We note the Hon. Mr Simms' point that the bill is not seeking to stop people using gas; rather, the aim is to provide the market with more options and give consumers choice. It is, of course, important that the rights of consumers to choose are respected and that they are allowed to determine what type of energy source they would like to be connected to. The Hon. Mr Simms, in his second reading explanation, used the example of the Lightsview development, where the use of gas is a requirement of purchase of a new property from that development, and his case that there are no options available for the consumer to choose from, and that is an example of why the matter needs to be addressed.

The opposition understands this practice may be creating unnecessary costs for home owners who are building, and believe this bill will assist in giving attention to this issue and ensuring that in the future it can be addressed in a way suitable for our energy needs, our environmental needs and consumer needs. The opposition will therefore be supporting this bill.

**The Hon. R.I. LUCAS (Treasurer) (22:04):** The government will not be supporting this particular bill for the following reasons. The bill seeks to void any contractual arrangements requiring that a property be connected to gas, with the provision to take effect from 1 January 2022. As identified in his second reading speech, the Hon. Mr Simms notes that there are currently no laws in place in South Australia that mandate gas connection to newly developed properties. However, he identifies that some developers of new housing estates require a gas connection be provided to the house as part of the purchase contract.

In doing so, some developers have private encumbrance matters that they are seeking to enforce through the sale contract to recuperate costs. The bill seeks to avoid such contractual arrangements. While the sentiment of the bill is understandable, purchasers should not be locked into using a particular energy source or paying for an energy source they choose not to use. This type of legislative change is not a matter that should be dealt with under the Planning, Development and Infrastructure Act 2016.

In considering the government's position on this bill, advice has been sought from the Surveyor General, who agrees that this act is not the appropriate legislation to address the concerns raised by the honourable member. While the bill seeks to effectively override contractual purchase arrangements, these are private property dealings and should not necessarily be subject to legislative intervention.

The planning system has a very limited role in the provision of gas or other utilities to consumers. This limited role includes a state planning policy on climate change, which promotes green technologies and industries, and provisions in the Planning and Design Code that ensure strict controls on the development within close proximity to major gas pipelines and facilities.

The Climate Council's Kicking the Gas Habit report from May this year is the subject of the report referred to by the honourable member in his second reading speech. Their recommendation that governments remove any planning rules that require new residential developments to be connected to gas is already achieved in South Australia, as we have no rules which mandate this to occur. Additionally, the Australian Energy Regulator is already considering how future consumer choice will impact investment into domestic gas infrastructure through their recent paper, 'Regulating gas pipelines under uncertainty'.

The government has also committed to developing a hydrogen industry. This paves the way for the possibility of replacing natural gas with hydrogen in specific applications, including reticulated gas, but this is a consideration for the future. As drafted, the bill is opposed, as this act is not considered the appropriate legislative tool to address what are private contractual arrangements.

**The Hon. R.A. SIMMS (22:07):** I thank the members who have contributed to the debate. In particular, I thank the Hon. Clare Scriven for her contribution and for the support of the Labor Party for this bill and I thank the Hon. Rob Lucas for his contribution on behalf of the government.

I am disappointed to hear that the Liberal Party will not be supporting the bill. I am disappointed and surprised that the party of choice would deny homeowners the opportunity to choose the energy provider that they would prefer in their home, that the party, supposedly of choice, would say that that decision should reside with developers rather than consumers. That is a curious position for the Liberal Party to take and one that I would have liked to interrogate further, if I had more time.

In the interests of time, I will conclude my remarks. As has been stated by the Hon. Clare Scriven, this is a pretty simple reform that is being advocated here. It is not mandating gas connection. What it is doing is giving members of the community the right to choose the energy that they would prefer. When given the choice, we know that most consumers would prefer to take the clean green options, those that reduce their emissions and also reduce their energy costs. With that, I commend the bill.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. R.A. SIMMS (22:11):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Motions*

## SEXUAL CONSENT EDUCATION

**The Hon. I. PNEVMATIKOS (22:12):** I move:

That this council—

1. Notes the importance sexual education has on the development of children and young people;
2. Recognises that sexual consent education is an imperative component to education for South Australian students;
3. Recognises the 39,085 signatures and 3,779 testimonies on the Petition for Consent to be Included in Australian Schools' Sex Education Earlier created by Chanel Contos; and
4. Calls on the government to ensure all children and young people have access to sexual consent education throughout their schooling.

The women's movement in Australia is back in true fighting form. Women across the country have stood up against their rapists, abusers and misogynists. Women have confronted those elements of the system that oppress, and women and allies have filled the streets in protest, saying enough is enough. Women have looked at decision-makers square in the face and demanded more to be done.

Young people and students also joined in the groundswell, making it known that they are also not immune to these issues. Not only did they call out the abhorrent behaviour within their schools and the experiences they had but they created a massive campaign and movement for greater sex education with focus on sexual consent.

Chanel Contos, originally a Sydneysider now living in London, began her campaign to bring awareness to sexual assault within schools by sharing content on her Instagram. From sharing her story, Chanel received countless replies from women and young people who had similar experiences.

This compelled her to launch a petition, gathering signatures and testimonies. When I put this motion to the council, the petition had reached 39,085 signatures. Today, there are over 44,500, and with it nearly 7,000 testimonies of sexual assault, coercive control, consent, slut-shaming and misogyny that have occurred within schools across Australia.

I want to share two testimonies with the chamber. Many shared their personal stories with assault and unwanted sexual advances, such as this woman, who said:

> I was assaulted many times by a boy I know who went to Catholic boys' schools in Perth for his entire high school career. These assaults started when I was about 11 years old. I did not realise what happened was a sexual assault until years later because the sex education I got at my Catholic all girls high school was minimal and we were never taught what an assault could look like. We were only told that sex was for after marriage with our husbands. The trauma from that time was long reaching and impacted my ability to have trusting relationships for decades. I believe it contributed towards my anxiety disorder.

Others shared their experiences with the education system, many similar to this account:

> We never received any teaching on consent education or on positive and pleasurable sex education. I would have really benefited from any form of education in that form.

These are just two of thousands shared online. The Commissioner for Children and Young People released a report this year, titled Sex Education in South Australia. The testimonies given on the petition and the data collected by the commissioner are strikingly similar. Almost half of girls aged 16

to 17 years and almost a third of boys said they had experienced some form of unwanted sexual behaviour, and 28 per cent of young people reported having had unwanted sex. Within this figure, female students were twice as likely as male students to experience this.

From the data collected, the commissioner made several recommendations, including that children and young people want relationships and sexual health education in schools to include years 11 and 12, and that relationship and sexual health education must be embedded into education and the ability for parents to withdraw their child or children from these lessons removed.

Children and young people are worried that strategies around sexual health are overtly focused on protecting children from adults who might do harm rather than keeping them safe in their interactions with each other. We must ensure that all children have access to sexual health education. This means young people who are vulnerable to missing out on school-based relationship and sexual health education are supported through community-based programs.

Sexual health education should be consistently applied across sectors and schools, ensuring direct conflicts with moral, cultural or religious values are removed from sex education to ensure children are receiving meaningful education and not just classes revolving around the biology of sexual organs. We must ensure that those who are sexually or gender diverse do not continue to be invisible in the classroom and, lastly, include students in the design of sexual health education.

These findings are not unusual, nor are they inconsistent with other studies done in the area of sex education within South Australia. 'It is not all about sex', a report done by Bruce Johnson, Lyn Harrison, Deb Ollis, Jane Flentje, Peter Arnold and Clare Bartholomaeus in 2016, foreshadowed the findings in the Commissioner for Children and Young People's report.

The study surveyed over 860 South Australian students about their views on the school-based sexuality and relationship education and asked in what way the program could be improved. Overall, students felt their needs were not being met by sexual education they were offered. Students expressed their desire for less repetition of the biological aspects of human sexuality and more explicit and accurate information about gender diversity, violence in relationships, intimacy, sexual pleasure and love.

Other specific recommendations were made around teaching and learning activities, student outcomes and understanding of the content presented to students, very similar to the Commissioner for Children and Young People's report. However, the inconsistency of teaching and the application of sexual health and education classes was noted as one of the biggest barriers to young people receiving adequate sexual education. This is consistent with SHINE SA's findings. Through its own review of their relationship and sexual health education program, not all schools are participating fully in the program, even though they are enrolled to do so.

SHINE SA designs the state's relationship and sexual health curriculum. It aligns the Australian curriculum and the South Australian Department for Education's Keeping Safe: Child Protection Curriculum. The program provides training for educators to deliver the lessons, classroom resources, annual updates and ongoing support for educators from SHINE SA teachers with support from clinicians.

The program is non-mandatory and funded to be offered in government high schools in full. Around 80 per cent of government schools participate in the program by committing to delivering all lessons prescribed within the program; however, SHINE SA's evaluations suggest that, of the 80 per cent of the schools enrolled, not all of them are carrying this out fully.

The pressure on schools to focus on numeracy and literacy outcomes, as well as the lack of funding and resources given to this area of education, has compounded to mean that students are not able to receive the full SHINE SA program. Although funding is provided for the program, it does not extend to allow teachers to take time away from classes to receive training. There also seems to be a lack of support from the Department for Education, as there is no policy encouraging schools to participate in the program or the number of lessons delivered to students each year.

From the wealth of evidence, there can be no doubt that the current approach to sex education is not working. We have known this for years now and nothing has been done about it.

Ignoring recommendations for change, the state and federal governments have been confronted with protests both here and interstate.

This has been evidenced by Adelaide High School students, who have been campaigning to dismantle the rape culture, misogyny, sexism and sexual assault at Adelaide High School. Over social media, many shared their experiences within the school and their movement began to grow, leading to a student walkout at Adelaide High School. The call for action group soon became known statewide, with more and more school students from across South Australia joining their cause.

On 24 June, they held a march where thousands of students protested against sexual violence and called for better education that informs young people and prevents the current rate of sexual violence and assault from occurring. These young people did not want to step away from their education. They did not want to leave school, but they were forced to for the minister to notice and, along with most of the state, he did, responding with weak statements of things that may change.

Nearly five months on, we are still waiting for the minister to do something effective in this area. There has been little to no acknowledgement from the government on this issue and certainly no meaningful change implemented. The government must heed the calls of academics, the Commissioner for Children and Young People, the community and most importantly students. It is time our state recognises the importance of sexual education for students because school is not just about literacy and numeracy outcomes; it is also about the wellbeing of future generations.

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

*Bills*

## YOUNG OFFENDERS (AGE OF CRIMINAL RESPONSIBILITY) AMENDMENT BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 22 July 2021.)

**The Hon. R.A. SIMMS (22:24):** The Young Offenders (Age of Criminal Responsibility) Amendment Bill was introduced by my predecessor, the Hon. Mark Parnell, early last year. The bill raises the age of criminal responsibility to 14 and requires that children in prison under that age be released from custody within a month of the commencement of the legislation. Since that introduction of the bill last year, South Australian children between the ages of 10 and 13 were incarcerated over 133 times in 2020—133 times.

At the Kurlana Tapa youth justice centre at Cavan, 21 per cent of detainees were aged 10 to 14. Those children returned to the centre an average of four times the same year—that is, 21 per cent of the detainees aged 10 to 14. These are children. Most 10 to 13 year olds in that group had disabilities, identified as First Nations people and/or were under the guardianship of the child protection department. An inspection of the facility revealed more than 60 per cent of young people in the facility were First Nations people.

A study from the Australian Institute of Health and Welfare revealed that South Australia detains children at a higher rate than the national average. As it is with almost every stage of contact within the criminal justice system, First Nations people are over-represented. These facts clearly demonstrate the conclusions that many legal, medical, scientific and social justice organisations have come to, not only in South Australia but around the world; that is, holding children as young as 10 criminally responsible for their actions not only is medically unsound but is inhumane and a violation of the basic human rights of children.

That it disproportionally affects children from disadvantaged backgrounds, racial and ethnic minorities and those with disabilities is also appalling. And it increases the risk of reoffending into the future, locking children into a cycle of repeated contact with the criminal justice system, which they may struggle their whole lives to break away from.

The Royal Australasian College of Physicians is of the view that children under the age of 14 may not have the required capacity to be criminally responsible for their actions. This is based on

a vast body of neurological evidence, which has shown that the brain of a child between the ages of 10 and 14 is not fully developed.

The Australian Medical Association has confirmed the effects of incarceration and isolation at such an early age to be severe. The impacts include worse health, lowered education and employment outcomes, even the likelihood of premature death. These are the consequences that endure far beyond any time a child may spend behind bars. We do lifelong damage to these children by allowing their incarceration. Prison is no place for a child.

The damages that flow from this practice disproportionally affect First Nations children in South Australia, who make up 65 per cent of the young children behind bars nationwide. In SA, youth diversion by police in relation to Indigenous youth is at its lowest rate since records began, with only 23 per cent of First Nations offenders being diverted away from court. This is a travesty.

It is no secret that there is a serious problem with the incarceration rates of First Nations people in Australia, particularly with young people, who we are allowing to fall into the quicksand of our criminal justice system, a criminal justice system that is failing these children. These children do not need incarceration and isolation. Our efforts need to be directed towards keeping them safe and supported within their communities through a focus on rehabilitation, in line with recommendations from First Nations groups, social justice organisations and the Aboriginal and Torres Strait Islander youth justice principle.

Raising the age is a meaningful step towards stopping the acceleration of First Nations incarceration rates and presents a pathway to reverse the growth in prison populations in our state. This is particularly pressing, given we have reached the 30th anniversary of the Royal Commission into Aboriginal Deaths in Custody this year.

Australia has faced international condemnation for its records on juvenile detention, and rightly so. Thirty-one countries of the United Nations called on Australia to raise the age of criminal responsibility to the global average of 14. This is encouraged by the Convention on the Rights of the Child committee, a convention to which Australia is a party. Sadly, Australia is failing to meet its obligations under this convention—and that is a national shame.

The attorneys-general at a national level recently announced their support of the development of a proposal to raise the age to 12. This is inadequate. It is insufficient. If the age were lifted to 12, as suggested, over 81 per cent of children aged under 14 in detention would still remain there. A national campaign to raise the age of criminal responsibility has been supported by over 90 organisations, including the Law Council of Australia and the Australian Medical Association, and First Nations-led groups have revealed not only the urgency of this issue but the incredible consensus that exists around it. Raising the criminal age to 14 is simply the right thing to do. It is the moral thing to do.

We have seen the Greens in New South Wales, Victoria and Queensland table bills to raise the age of criminal responsibility. WA, Victoria and Queensland all have successful programs in place which could serve as alternatives to incarceration for children, and they could be a model implemented here in South Australia. These programs have a focus on therapeutic responses to offending behaviour, and many have a strong element of First Nations control and directorship. These programs are suggested as more appropriate solutions for children who need intervention and guidance, and are at risk of involvement with the criminal justice system.

The Greens in the ACT secured a commitment from the government last year to raise the age to 14 and, following the 2020 election, ACT Labor and the Greens have set a reform agenda which places it as a priority. The ACT Attorney-General, Shane Rattenbury, hopes to have legislation before the assembly by early next year. The discussion paper released this year expresses their intention to pursue responses outside the traditional justice system and to develop an alternative model. I quote from the report, which states:

> Raising the age provides the opportunity to redesign the approach we take to understanding and responding to the harmful behaviour of children and young people. Decriminalising responses to this behaviour will shift the focus of the response from the deeds of the child to what the child needs to have a safe, stable and supportive environment.

Surely that should be our primary responsibility when we are dealing with children. Surely we should be looking at what we can do to help and support them and ensure that they can reach their full potential, rather than condemning them to a life of interaction with our criminal justice system.

Our age of criminal responsibility is an international disgrace, it is an international shame and it should be one that causes great humiliation for the Australian government and the government of this state. We are out of step on this issue by practically every measure. We are out of step internationally, we are out of step with medical and mental health experts and we are out of step with what is the ethical consensus with what we know to be the right thing to do. We cannot allow ourselves to come out of step with what other jurisdictions are doing in our own country as well.

Next year, when parliament resumes, the Greens will be reintroducing this bill. I am hopeful that we will be able to work with whoever is in government to resolve this urgent issue and to do the right thing by the children of South Australia. I urge the Liberal Party to commit to supporting this reform if they are in government, and I urge the Labor Party to make a similar commitment that, if they are in government, they will take action on this because it is simply an injustice that has been allowed to continue for far too long. It is a national disgrace, it is an international disgrace, and it is incumbent on this parliament and all sides of politics to come to the table to deal with this reform and to stop the cruel treatment of vulnerable children—children who do not belong in our prison system.

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

## STATUTES AMENDMENT (STRATA SCHEMES) BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from17 November 2021.)

**The Hon. E.S. BOURKE (22:35):** I rise to speak to the Statutes Amendment (Strata Schemes) Bill and will be the lead speaker for the opposition on the bill. The bill seeks to amend both the Strata Titles Act and the Community Titles Act. It seeks to address an issue which affects only a small number of strata or community title properties. While it is not unusual to come across strata or community title properties that comprise five, 10 or 30 units or apartments, there is a small subset which comprise just two properties.

These are somewhat unusual situations, where the strata or community corporation has little to interact over other than for insurance purposes. However, difficulties can occur when the owner of one of the two properties wishes to undertake a building work for the purpose of the relevant act's prescribed work. The two acts define prescribed work as:

(a) the erection, alteration demolition or removal of a building or structure; (b) the alteration of the external appearance of a building or structure.

I believe this bill came about initially through a conversation with a constituent in Waite with their local member. This constituent had obtained all the relevant approvals through the council for an addition to be built at the rear of a strata unit. However, as the property was part of a two-property body corporate, the owner also needed to obtain permission from the owner of the other strata property associated with the strata corporation. Unfortunately, this approval was not forthcoming. It is issues like this that the bill is seeking to address.

However, we must also consider the unintended consequences of this legislation. The constituent was seeking to make an addition to the rear of the property which may not have changed the property from the street front perspective. My colleague in the other place the member for Enfield, the shadow minister for planning (Andrea Michaels), regularly speaks with people right across South Australia about the new planning system and how it is negatively impacting our local streetscapes.

These strata and community title properties are usually designed so that they look very similar and are designed to remain that way to maintain their streetscape appeal. The passing of this legislation has the potential for significant changes to be made to those two properties involved in a strata or community title. The bill will permit the complete demolition of a building, not just allowing for a minor addition to be built on the rear of one of the two properties.

As I mentioned earlier, prescribed work includes altering the external appearance of a building. There is potential for a purchaser to enter into a contract to purchase one property of a two-unit corporate body, which may be one of two lovely little courtyard villas. However, on moving day, what was once two lovely little courtyard villas may now be one nice villa and a second brand-new bright pink eyesore, as permission will not be required from the other owner to alter the external appearance of the property.

While I appreciate the constituent's issue, the minor changes to these acts could have wideranging implications which may not be best for the South Australian community. This is why my colleague in the other place passed an amendment which removes the veto power of a unit holder for a prescribed work that requires building and planning approvals, while it leaves in place a veto for prescribed work that does not require planning approval.

I would like to thank my colleague in the other place, the member for Enfield, for her amendment to this bill and her commitment to ensuring a balance between the frustrations experienced by a two-property body corporate strata and the community's expectations in keeping in line with planning and design for our streetscapes.

**The Hon. R.I. LUCAS (Treasurer) (22:39):** The government opposes the bill. The bill would remove the requirement for the second owner of a two-lot strata or community strata scheme to agree to structural building work on the first owner's unit. Amendments made in the other place do not address the government's concerns about the bill. They improve the bill somewhat in that any work that has not been the subject of planning assessment approval will still require the approval of the owner of the second unit.

Essentially, as amended, it is only work that is an approved development under the Planning, Development and Infrastructure Act 2016 that can proceed in the absence of consent from the second-unit owner. The issue is that under the Strata Titles Act 1988, unless a particular strata plan indicates otherwise, the boundary of a unit is the internal surface of the walls, floors and ceilings. In most strata corporations, the roof guttering, external walls and foundations are common property jointly owned by the strata corporation. Internal walls are the owner's responsibility.

Accordingly, it is the strata corporation of all the unit owners, including where there are only two units, that owns the structure. Under section 29 of the Strata Titles Act, a unit building may not be altered without a special resolution of the unit owners. The special resolution requires that not more than 25 per cent of owners voted against it at a properly convened meeting of the corporation.

For a two-unit group, both owners must agree to achieve a special resolution. That is what the second reading speech is describing as effectively a veto power by the second owner. However, the outcome is not so different with the three-unit or greater group. Ultimately, the owner of one unit can be prevented from making structural changes to their unit if the majority of owners disagree, noting that is the strata corporation of all the owners that owns the actual walls, roof and so on.

Because of this long-established position, a person who has bought into a strata group of units, even where there are only two, has an expectation that the exterior appearance and structure of what is essentially a jointly owned building will not be altered without their agreement. Notwithstanding the usual planning controls on such work, it would be a significant change to their rights to suddenly take away their joint decision-making power over this jointly owned property.

Further, the default position could be that the opposing owner as part of the strata corporation becomes jointly liable financially for the second improved unit, including for maintenance, increased insurance premiums and so on. In strata groups, often service infrastructure is shared, such as shared water, sewerage and electricity lines and meters. This jointly owned infrastructure and supporting easements for right of access, etc., are likely to need to be interfered with if building work is undertaken on one side of the building comprising the two units.

Questions then arise about potential liabilities arising from that and impact on the enjoyment of the other unit. The Strata Titles Act and Community Titles Act do sensibly exempt two-lot schemes from several of the requirements in the legislation relating to operating sinking funds and other financial management requirements because financial management is more straightforward for

two-lot schemes. However, this is a different matter and the government is not aware of any precedent for this measure in other jurisdictions.

There is provision in the Strata Titles Act for the owner to apply to the Magistrates Court for relief if an owner claims that a decision of the corporation—effectively, the other owner in this scenario—is unreasonable or where a dispute arises between the two owners. Although court action can be costly, this is a preferable way to deal with this kind of dispute so that the rights of the dissenting owner can be properly accounted for.

The bill would make the same change in relation to a strata lot under the Community Titles Act. Strata lots relate to multilevel buildings. As distinct from community lots where the unit lot owners own the walls and ceiling, etc., of their unit lot, strata lots under the Community Titles Act are similar to strata titled units in that the owner owns the interior space of the building.

Therefore, the same issues arise with this amendment as arise with respect to the amendments to the Strata Titles Act in the bill, with the likely compounding factor that this could be structural change to one unit in a multilevel building—that is, the bottom floor of a two-storey building comprising two units or vice versa. Additional impacts may therefore arise in relation to interference with easements of support provided by one unit in favour of the other.

These are the issues that the government considers would need to be carefully considered and worked through with consultation if this measure is to proceed. Without the benefit of consultation, however, it is not clear that the measure is workable in practice in light of the joint ownership of strata properties. It is for those reasons that the government continues to oppose the bill.

**The Hon. J.A. DARLEY (22:44):** First of all, I would like to thank the Hon. Emily Bourke and the Hon. Rob Lucas for their contribution and I commend the bill to the council.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. J.A. DARLEY (22:46):** I move:

That this bill be now read a third time.

**The Hon. R.I. LUCAS (Treasurer) (22:46):** I indicate that the government is opposing the bill, but my understanding from discussions with crossbenchers is that the Greens and the Hon. Mr Darley are supporting the bill, so therefore there are sufficient numbers to see the passage of the bill and, given the lateness of the hour, I do not propose to divide at the third reading.

Bill read a third time and passed.

*Parliamentary Procedure*

## STANDING ORDERS SUSPENSION

**The Hon. K.J. MAHER (Leader of the Opposition) (22:47):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice.

Motion carried.

*Parliamentary Committees*

## COMMITTEE REPORTS

**The Hon. K.J. MAHER (Leader of the Opposition) (22:48):** I move:

That upon presentation to the President during the adjournment of the council of any reports, or interim reports, from the following committees:

- Budget and Finance Committee;
- COVID-19 Response Committee;

- Select Committee on Health Services in South Australia;
- Select Committee on Redevelopment of Adelaide Oval;
- Select Committee on Findings of the Murray-Darling Basin Commission and Productivity Commission as they relate to Decisions of the South Australian Government;
- Select Committee on Matters Relating to the Timber Industry in the Limestone Coast;
- Select Committee on Statutes Amendment (Repeal of Sex Workers Offences) Bill

the report or interim report be deemed to be laid upon the table of the Legislative Council, and the President is hereby authorised forthwith to publish and distribute such reports.

Motion carried.

*Bills*

**HOLIDAYS (CHRISTMAS DAY) AMENDMENT BILL**

*Conference*

**The Hon. R.I. LUCAS (Treasurer) (22:49):** I have to report that the managers have been to the conference on the Holidays (Christmas Day) Amendment Bill which was managed on behalf of the House of Assembly by the Minister for Planning and Local Government (the Hon. J.B. Teague) and Messrs Bell, Brown, Murray and Szakacs, and the council managers there delivered the bill, together with the resolution adopted by this house, and thereupon the managers for the two houses conferred together, but no agreement was reached.

*Parliamentary Committees*

**STATUTORY OFFICERS COMMITTEE**

The House of Assembly informed the Legislative Council that it had appointed Dr Harvey to the committee in place of the Hon. J.B. Teague (resigned).

*Bills*

**SUICIDE PREVENTION BILL**

*Final Stages*

The House of Assembly agreed to the bill without any amendment.

At 22:51 the council adjourned until Thursday 2 December 2021 at 14:15.