

LEGISLATIVE COUNCIL

Thursday, 5 May 2022

The **PRESIDENT (Hon. T.J. Stephens)** took the chair at 14:16 and read prayers.

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

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Primary Industries and Regional Development (Hon. C.M. Scriven)—
Environment and Food Production Areas Review 2021—Outcomes Report

Ministerial Statement

MEMBER FOR BRAGG

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:17): I table a copy of a ministerial statement made in another place by the Minister for Infrastructure and Transport, Minister for Energy and Mining and Leader of Government Business in the House of Assembly.

Question Time

SAFEWORK SA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations regarding SafeWork SA.

Leave granted.

The Hon. N.J. CENTOFANTI: In 2016, Gayle Woodford was murdered providing health care to remote communities in the north-west of the state. Ms Woodford's family feels totally betrayed by the decision of SafeWork SA not to prosecute Gayle's employer, the Nganampa Health Council, for any breaches of the Work Health and Safety Act. SafeWork SA's decision was made in spite of a damning Coroner's report finding major deficiencies with staffing and safety practices leading up to the murder.

An ICAC report has raised questions about SafeWork SA's capacity to investigate and prosecute cases involving worker and public safety and meet its charter of protecting workers and the public. Commissioner Lander said, 'SafeWork SA is lost in a sea of overly convoluted, unnecessary and ineffective policies.' My questions are:

1. Can the minister assure the council and the family of Gayle Woodford that the decision of SafeWork SA not to prosecute the employer in the tragic death of the Gayle Woodford case was not as a result of poor culture, policies or processes within SafeWork SA?
2. Can the minister assure the council and the family of Gayle Woodford that the decision for SafeWork SA not to prosecute the employer in the tragic death of the Gayle Woodford case was not as a result of the resources available to SafeWork SA to mount a prosecution?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:21): I thank the honourable member for her question. It is a very important issue and does raise important issues. It was an absolute tragedy when Gayle

Woodford lost her life serving the community of Fregon, or Kaltjiti as it is called in the Pitjantjatjara language, in 2016. I was in Kaltjiti only weeks after the death of Gayle and know just how hard the community took Gayle's death and just how fondly she was remembered and how appreciative the community of Kaltjiti was for her service in caring for that very remote community.

In the aftermath of the tragic death of Gayle Woodford, this parliament passed laws that have been remembered in her honour, Gayle's Law, to try to ensure that we don't see repeats of these sorts of things, to make sure that there are two people attending medical emergencies for remote nurses in remote communities like Kaltjiti. I think that was a day showing how parliament works well, when Gayle's Law passed this chamber, some years ago.

In relation to the SafeWork investigation and the Coroner's report, I have had the benefit of being provided a briefing and advice from senior counsel who looked at all the evidence. I know SafeWork spent almost 12 months, I understand had 12 officers investigating the circumstances, doing interviews, reviewing the evidence.

Having had the benefit of being provided a briefing and the conclusions of advice from senior counsel, I can say that in this case the advice from outside senior counsel after the investigation led SafeWork to the conclusion, based on what they received, that there was not a reasonable prospect of success of a prosecution. Prosecutorial authorities in South Australia are bound by the DPP's prosecutorial standards, of which that is the threshold standard when launching prosecution if the evidence could possibly support a successful prosecution. In this case that wasn't where the evidence led.

My heart goes out to, and my condolences are with, Gayle Woodford's family. I know every time part of this is revisited, it's not easy on the family that is left behind. I know that the Coroner made some very strong findings and I know it's not always easy to separate a coronial finding and what is said and the conclusions from a coroner's finding with something like prosecutorial discretion.

The threshold for the Coroner to draw conclusions is that of a civil standard: that is on balance of probabilities. The threshold for SafeWork or anyone who launches criminal prosecution is beyond a reasonable doubt. With those different thresholds, with the almost 12 months of investigation, the advice led to the conclusion from SafeWork that there wasn't a reasonable prospect of a conviction in their prosecution.

That is not to say that SafeWork can't and shouldn't improve what they do. It was a commitment we took to the last election that we are enacting, to review the practices and procedures of SafeWork SA. I have no doubt that there are areas of SafeWork that could improve—there are not many areas of government that couldn't improve. Something we will be doing over the coming months is implementing that review of the practices and procedures of SafeWork SA to make sure it is as effective and efficient as it possibly can be in these sorts of cases.

SAFEWORK SA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary question: will the minister be requesting SafeWork SA to review its decision regarding the Gayle Woodford matter?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:25): I thank the honourable member for her supplementary. As I said, it wasn't a decision SafeWork took just based on the evidence and turning their own mind to it. SafeWork have already asked for, and received, outside advice from senior counsel.

SAFEWORK SA

The Hon. C. BONAROS (14:26): Supplementary question: does the Attorney think it's fair or reasonable that the family that he has just referred to not be provided with the same benefit that he has been provided in terms of the legal advice that he has received regarding the decision not to prosecute?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:26): I thank the honourable member for her

supplementary. I don't think it's fair or reasonable that the Woodford family had to go through what they went through. I understand and I expect that SafeWork would communicate in a compassionate and understanding way why the conclusion not to prosecute was drawn. It wouldn't be usual practice to provide extensive legal opinion that that is based on, but I would expect and I understand that that has been communicated.

SAFEWORK SA

The Hon. C. BONAROS (14:26): Further supplementary: Attorney, given the ICAC report that was handed down in 2018 in relation to a number of botched investigations by SafeWork SA, is the minister confident with the investigation undertaken by SafeWork SA leading to the point of whether or not there should be a prosecution?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:27): I thank the honourable member for her question. Certainly in the case of the Woodford investigation the advice I have is, as I have said, my memory is—but I will double-check if it's wrong—something like a dozen officers that conducted many, many interviews, pored over many, many documents. I'm not aware of any deficiency in this case but if there is any identified I will inform the chamber.

SAFEWORK SA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: does the minister think that it is appropriate that the Woodford family was told that a prosecution would not proceed just four days before the time limit to mount a prosecution was up?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:28): I thank the honourable member for her question. It is a good and reasonable question. The advice I have received is SafeWork SA wanted to do as thorough an investigation as possible, receive as much advice as possible, to give it the best possible chance of mounting a prosecution, should there be one. My advice is that took almost the statutory 12 months to do.

SAFEWORK SA

The Hon. C. BONAROS (14:28): Further supplementary: is the Attorney aware of any other cases where it has come to the eleventh hour before the family has received a response as to whether there would be a prosecution, and whether this is a habit of SafeWork SA when it comes to these matters?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:28): I thank the honourable member for her question. I'm not aware of any currently that I have to hand, but I wouldn't be surprised if there were complex cases to investigate that the 12-month statutory limit before laying charges would have been utilised—very close to the whole 12 months—to make sure the investigation was as thorough as possible.

SAFEWORK SA

The Hon. T.A. FRANKS (14:29): Supplementary: is the Attorney aware that the Jorge Castillo-Riffo death was dropped literally the Friday before the trial was meant to start on the Monday? Is he fully aware of his brief?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:29): I thank the honourable member for her question. I'm not sure that if a point of order was called there'd be a supplementary, but I think it is an important question and, sir, if you will permit me the latitude to provide an answer. I wasn't aware of the exact timing in terms of the days before, but I did spend quite some time on Sunday talking to Pam Gurner-Hall, Jorge's surviving partner, who has to deal with that tragic death every day. I know, talking to Pam, she certainly was keen for us to get on with our review of the practices and procedures of SafeWork SA.

SAFEWORK SA

The Hon. C. BONAROS (14:30): Further supplementary arising from the original answer: is the minister aware that in Peter Howard's case the family was notified just two days before the prosecution date lapsed?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:30): I will answer very quickly, sir. As I said in response to a supplementary by the Hon. Connie Bonaros previously, I don't have to hand the timing of when those who are left behind after a tragic accident that SafeWork SA investigates are told in exact number of days beforehand. However, I would expect SafeWork SA to conduct investigations as thoroughly as possible, which I know can take right up to close to that 12-month statutory time limit.

MARINE SCALEFISH FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): My question is to the Minister for Primary Industries and Regional Development regarding the ministerial statement she made yesterday on the additional quota units in the marine scalefish fishery. Could the minister please advise which stakeholders the minister consulted before it was determined that the government would not appeal the SACAT ruling?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I thank the honourable member for her question, but it does really indicate that she is under a misapprehension. The rulings were indeed appealed during the caretaker period. The outcomes of appeals of four cases from SACAT have now been made, and they include statements that indicate that former Minister Basham's decisions had no legal foundation. They also revealed that the pro-rata policy of former Minister Basham was unjust—resulted in unjust and unfair outcomes—and should not have been implemented.

So the mess that we are looking at, which someone has referred to as Basham's bungles, is absolutely outrageous. What it has meant for the industry, particularly those who have been affected by exceptional circumstances, is not only have they had to deal with those exceptional circumstances, such as in some cases severe ill health which means they didn't fish for a period, or perhaps a death of a partner, not only did they need to deal with those they then needed to deal with the way that they were outrageously treated by the former minister in terms of those circumstances being acknowledged, being accepted, but then them not getting their fair amount of quota afterwards.

I hope that the implication of the question is not that indeed we should be upholding an unfair and unjust outcome or that we should be upholding a policy which was found to have no legal foundation. If that, indeed, is the implication and suggestion by the Leader of the Opposition, then I think that is very disappointing.

MARINE SCALEFISH FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): Supplementary: my question was not about the decision made by the former government to appeal. My question to the minister was a question about her government not appealing the SACAT ruling.

The PRESIDENT: The honourable leader, it's not an explanation; you've just got to ask your supplementary question.

The Hon. N.J. CENTOFANTI: I ask my supplementary question again: can the minister please advise which stakeholders she consulted before determining that the government would not appeal the SACAT ruling?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): I've already answered the question. You're under a misapprehension.

MARINE SCALEFISH FISHERY

The Hon. C. BONAROS (14:34): Further supplementary: did the minister consult before making her decision—when she provided a ministerial statement in here yesterday?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): Thank you. I need to know which decision the member is referring to.

The PRESIDENT: The Hon. Ms Bonaros for clarification.

The Hon. C. BONAROS: Did the minister consult before determining not to appeal the decision and follow the line that she outlined into this chamber yesterday?

The Hon. C.M. SCRIVEN: I have already answered the question. There is a misapprehension that I have not appealed. There were already appeals in place which have been determined.

Members interjecting:

The PRESIDENT: The Hon. Ms Bonaros, do you have a supplementary question?

MARINE SCALEFISH FISHERY

The Hon. C. BONAROS (14:34): Yes, I do. Did you consult with anybody in the fishing industry prior to making the decision that you outlined in here yesterday? Did you consult with anybody?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): The decision that has been made has been made by SACAT.

The Hon. C. Bonaros interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I ask again: is the implication from the chamber, both from the Leader of the Opposition and the Hon. Connie Bonaros, that we should have upheld and continued to have a policy that had no legal foundation, that resulted in unjust and unfair outcomes? Is this what is being suggested: that we had in fact enshrined the disadvantage that those fishers who had exceptional circumstances had had to endure? They are the words—paraphrased only slightly—of SACAT, that the policy of the former government sought to enshrine the disadvantage experienced by those fishers.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: If those two members think in this chamber that we should be supporting something that enshrines disadvantage, then I just simply have to say that is not the view on this side of the chamber.

MARINE SCALEFISH FISHERY

The Hon. C. BONAROS (14:36): Further supplementary: did the minister's agency lodge an appeal to the decision made by SACAT prior to making the decision that was outlined in here yesterday?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): As I have said, appeals were lodged during caretaker period and those appeals in the main have now been heard. SACAT has reported and indicated that the minister—which of course is myself now—should reconsider those. What we have is a situation where we cannot proceed in any conscience whatsoever with an unfair policy that sought to enshrine disadvantage.

The Hon. C. BONAROS: Further supplementary.

The PRESIDENT: Final supplementary question.

MARINE SCALEFISH FISHERY

The Hon. C. BONAROS (14:36): Did the minister's office lodge an appeal to the SACAT decision within the 28-day time frame provided to her agency?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I have now answered this same question four times.

The Hon. C. Bonaros: No, it's a different question.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I have answered this question four times. The answer hasn't changed within the last 30 seconds.

The Hon. C. Bonaros interjecting:

The PRESIDENT: Order! The Hon. Ms Centofanti, your third question.

MARINE SCALEFISH FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): My question is to the Minister for Primary Industries and Regional Development—

Members interjecting:

The PRESIDENT: Order!

The Hon. N.J. CENTOFANTI: —regarding the ministerial statement she made yesterday on additional quota units in the marine scalefish fishery. Did the minister receive advice from her department regarding SACAT's ruling to withdraw these appeals and accept SACAT's ruling?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): The Leader of the Opposition is clearly asking did I receive advice that I should uphold the law. I would hope that everyone in this place would seek to uphold the law. I would hope that no-one in this place—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —would follow the lead of the former minister and institute a policy that had no legal foundation. I would hope that no-one in this place would seek to do that. I would hope that everyone in this place would seek to uphold the law.

MARINE SCALEFISH FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): Further supplementary: did the minister's department advise to accept the SACAT ruling or appeal the decision?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): It is usual to get Crown law advice rather than departmental advice.

MARINE SCALEFISH FISHERY

The Hon. C. BONAROS (14:38): Further supplementary: did that involve indicating the government's intention to appeal the decision of SACAT?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): Did what involve? Sorry, your question doesn't make sense. I'm happy if you want to rephrase it for more clarity.

The PRESIDENT: The Hon. Ms Bonaros, another supplementary.

MARINE SCALEFISH FISHERY

The Hon. C. BONAROS (14:38): Has this government at any point indicated its intent to appeal the decision of SACAT?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): For the fifth time today—the fifth time—the decisions were appealed during caretaker period. SACAT has come back to override that. What I think members are not—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —realising is who actually appeals, and I think they need to take some advice on that before they come back, unless they want to ask me the same question for the sixth, seventh, eighth, ninth or 10th time.

The PRESIDENT: The Hon. Ms Bonaros, you have a supplementary question—you have your final supplementary question.

MARINE SCALEFISH FISHERY

The Hon. C. BONAROS (14:39): Does the minister understand that the SACAT decision could have been subject to an appeal, and did she indicate that the government would be appealing SACAT's decision?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): The honourable member needs to go back and actually look at the facts, so that she can understand—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —because she is clearly misunderstanding the process of who is the appellant.

Members interjecting:

The PRESIDENT: Order! We will all need to listen to the Hon. Mr Wortley's question, please.

REGIONAL SOUTH AUSTRALIA

The Hon. R.P. WORTLEY (14:40): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the actions this government will take in supporting our regions?

Members interjecting:

The PRESIDENT: Order! Order, the Hon. Ms Bourke! Minister, sit down.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke, I think the minister can answer the question.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I thank the member for his question and his ongoing interest in regional areas.

Members interjecting:

The PRESIDENT: Leader of the Government, you are not in opposition now. Sit in silence. Minister, please continue.

The Hon. C.M. SCRIVEN: I am proud to call Port MacDonnell in the South-East home, and coming from a regional area myself it is not lost on me the importance of having a government which is willing to engage with communities in rural and regional South Australia, so that we better understand the needs and opportunities that exist in every part of our state.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The Malinauskas Labor government understands that there is far more involved in improving the lives of regional South Australians than just repeating a one-line slogan.

The Hon. J.E. Hanson: A hashtag.

The Hon. C.M. SCRIVEN: Or indeed, as the Hon. Mr Hanson mentions, #RegionsMatter, which was the slogan, and of course it has been suggested—

The PRESIDENT: The Hon. Mr Hanson knows interjections are out of order.

The Hon. C.M. SCRIVEN: —to me that simply inserting the word 'regional' in four or five or six different portfolios similarly is not what is required. What is required is action. Unlike the former Liberal government, which assumed they knew it all when it came to regions, our government understands that it is about turning up, it is about listening, seeing the issues that are being faced (as decision-makers) for ourselves, and then taking action. That is exactly what we will do.

I am delighted that the Malinauskas Labor government will once again hold country cabinet meetings in our regions, commencing, I am glad to say, in Mount Gambier on 8 and 9 June this year. The perspective that is gained across a range of government portfolios by having the entire cabinet attend is absolutely invaluable. Of course, it is something that the former Marshall Liberal government just didn't want to be bothered with.

My colleagues and I look forward to talking to local government, businesses, sole traders, not-for-profit groups, members of industry, a range of community leaders and many others who are the heart and soul of regional South Australia. We will of course also continue the practice of having public forums where any member of the community can ask questions of any minister, so we can be sure of hearing firsthand about local issues.

Now, I've got to say, on this side of the chamber we found it strange that the former Liberal government chose not to continue with country cabinet meetings. By thinking they knew it all, the former government cost themselves the opportunity to bring government to the people and see the issues that they face firsthand. Nothing highlighted this more than the abject lack of time that former Premier Marshall spent in Mount Gambier, the state's second biggest city, while he was in office.

It also showed in the decision of the former Liberal government, the one they took to the last election, which they lost, to spend \$662 million on a basketball stadium in the Adelaide CBD.

The Hon. K.J. Maher: How much?

The Hon. C.M. SCRIVEN: \$662 million—that was their promise—on an Adelaide CBD basketball stadium. This was how they were so in touch with the regions. The regions were absolutely delighted with the idea of a \$662 million basketball stadium in the Adelaide CBD—absolutely not. They certainly were not. In fact, they said to me, 'How on earth'—

Members interjecting:

The PRESIDENT: Would the two leaders like to go out the back and have your own discussion?

Members interjecting:

The PRESIDENT: Order! Come on, minister.

The Hon. C.M. SCRIVEN: People asked: what on earth would a \$662 million basketball stadium in the city do for them and the issues they were facing such as health care, housing and transport? Of course, it wasn't just Labor Party followers who pointed out these failings. Voters in regional seats turned against the Liberals in a remarkable way. We saw double-digit swings against many former government MPs, and of course some of them are no longer in this place or the other as a result.

The Hon. N.J. CENTOFANTI: Point of order, Mr President.

The PRESIDENT: A point of order, the honourable Leader of the Opposition.

The Hon. N.J. CENTOFANTI: I thought the question was: what was the minister going to do for the regions?

The PRESIDENT: I am sure the minister is about to conclude. I will be interested to look at *Hansard* to see how long this has gone on for. This is smacking a bit of the Hon. Ian Hunter with one of his Dorothy Dixers. Now come on, let's get on with it. You must be nearly ready to conclude, minister.

Members interjecting:

The PRESIDENT: Order! Conclude, please.

The Hon. C.M. SCRIVEN: I thank you, Mr President, for the compliment that is paid to me, but also I would point out—

The PRESIDENT: It wasn't a compliment.

The Hon. C.M. SCRIVEN: —that the constant interjections from the other side are what is taking this answer so much more. Interestingly, of course, one former government MP, the member for MacKillop, avoided the kind of results that I just referred to. The member for MacKillop was at times outspoken against his own government, but we were pleased to see that he supported Labor's commitment to ensure that the—

Members interjecting:

The PRESIDENT: Order!

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN: —Keith hospital has funding certainty going into the future. Funding for the Keith hospital, as the Leader of the Opposition would have heard me refer to had she not been shouting across the chamber—

The PRESIDENT: Enough, the honourable Leader of the Opposition!

The Hon. C.M. SCRIVEN: —is one of the ways we will be supporting the regions.

The PRESIDENT: And, minister, don't react to interjections. Just finish, please.

The Hon. C.M. SCRIVEN: Certainly. The Malinauskas Labor government will invest in regional health, improving ambulance coverage with additional paramedics and ambulance officers. I understand that the Leader of the Opposition obviously doesn't think that regional health is important, but—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: We will upgrade hospitals in Naracoorte, Port Augusta, Kangaroo Island, Port Pirie and Mount Gambier.

The PRESIDENT: There's a point of order. Sit down, minister. What's your point of order?

The Hon. N.J. CENTOFANTI: I never said that I don't think regional health is important. I think the minister needs to—

The PRESIDENT: I am sure the minister would be prepared to withdraw that.

The Hon. N.J. CENTOFANTI: —withdraw that statement, thank you.

The Hon. C.M. SCRIVEN: It was from the Leader of the Opposition throwing up her hands and rolling her eyes when I referred to regional health that I gave that obviously incorrect impression. I withdraw.

The PRESIDENT: Okay, thank you. Moving on. Come on, finish up.

The Hon. C.M. SCRIVEN: The Malinauskas government will increase public housing and build new homes in regional centres across the state. We will increase the focus on regional public transport needs and, of course, we are reversing the shameful decision of the former Liberal government to cut funding to the *Overland* train service. My colleagues and I—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Government!

The Hon. C.M. SCRIVEN: —very much look forward to the reintroduction of country cabinet, firstly in Mount Gambier in June and then in other locations over the term of this government where we will continue to listen and respond to the needs of regional South Australians and take action.

The Hon. K.J. Maher: Come on. Supplementary, someone.

The PRESIDENT: No, I call the Hon. Ms Bonaros, and I will remind the ministers there is a limit to how long we are going to accept Dorothy—

An honourable member interjecting:

The PRESIDENT: I am going to have a look and see how long that was for when I get my *Hansard*.

SAFEWORK SA

The Hon. C. BONAROS (14:48): I seek leave to make a brief explanation before asking the Attorney a question about SafeWork SA and the decision not to prosecute in the Gayle Woodford case.

Leave granted.

The Hon. C. BONAROS: I refer to my earlier comments and those of the Hon. Ms Centofanti and indicate that, far from not wanting to revisit this issue as the Attorney has indicated, the Woodforde family are absolutely devastated by the decision not to prosecute in this matter and are now seeking a review into the operations of SafeWork SA and the investigation into Mrs Woodford's case specifically.

Just this week the Attorney was quoted as saying, 'Every South Australian and their family members should be able to go to work with the expectation and knowledge that they expect to come home safely at night.' Well, Gayle didn't come home. She was brutally murdered; she was abducted, raped and brutally murdered. My question to the minister is: will you give serious consideration to the request of the Woodford family in relation to a review into the SafeWork SA investigation?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for her question. As I outlined in response to a question earlier, it is a commitment of the new Labor government to review the practices and procedures of SafeWork SA generally. If there is any reason to review how this investigation was conducted, I am happy to receive that information to look at it. Certainly, based on the senior counsel's advice that SafeWork SA took into account, there wasn't a reasonable prospect of a successful prosecution based on the evidence.

SAFEWORK SA

The Hon. C. BONAROS (14:50): Supplementary question: is the minister willing to meet with the Woodford family and their legal representation and hear them out in terms of their reason for wanting a review into this decision?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:50): I absolutely am prepared to and more than happy to do that. I've known for quite a long time the Woodford family legal representative and have a great deal of respect for him. I think I was talking to him only a couple of weeks ago. I see that as part of my role, holding these portfolios, to make myself available and I certainly will.

AFRICAN GANG VIOLENCE

The Hon. J.S. LEE (14:50): I seek leave to make a brief explanation before asking a question of the Attorney-General about gang violence.

Leave granted.

The Hon. J.S. LEE: The shocking stabbing murder in Adelaide early morning on ANZAC Day has highlighted the extent to which troubled and violent African gang members are travelling between Adelaide and Melbourne in the apparent pursuit of vendettas.

As reported in 7NEWS, Premier Peter Malinauskas said he was concerned about the escalation in gang violence and his government would support police in any way it could, in terms of legislation or resourcing. As Attorney-General who has the responsibility to protect the rights of all South Australians, improving safety and contributing to an efficient and fairer justice system, my questions to the Attorney-General are:

1. What measures has the Attorney-General undertaken since the stabbing incident?
2. What legislative review will he be conducting and when?
3. What immediate resourcing will the government allocate to address this problem and improve safety for all South Australians?
4. What community consultations has the Attorney-General conducted so far with other ministers, government agencies and stakeholders?
5. Has he personally reached out to the African community leaders and multicultural peak bodies to offer his support?
6. If any of those consultations or meetings have taken place, when was it and what assistance has been offered?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for her question and I can indicate that I have written to the police commissioner to seek his advice on any legislative amendments that he thinks may be required to address the activities of these gangs in South Australia.

AFRICAN GANG VIOLENCE

The Hon. J.S. LEE (14:52): Supplementary question: would the Attorney-General undertake a commitment to brief, perhaps, interested parties and stakeholders and would that public briefing, if forthcoming, include members of parliament as well?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:53): I have outlined the action I've taken as per the question.

BLACKWOOD RECONCILIATION GROUP

The Hon. T.T. NGO (14:53): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the Blackwood Reconciliation Group and the reconciliation meeting that he attended last night?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for his question and his ongoing interest in the area of Aboriginal affairs and reconciliation. As the member indicated, I had the very great fortune to attend the Blackwood Reconciliation Group meeting at the Blackwood Uniting Church in Blackwood.

I would like to particularly thank the new member for Waite, Catherine Hutchesson MP, who also attended the event and was kind enough to organise my visit and attendance on this occasion at the Blackwood Reconciliation Group. She has long been a champion in her community and her attendance there and, even though the other place sat a little bit later than ours last night, she was able to attend about halfway through. I was fortunate enough to attend at the start of the meeting.

The Blackwood Reconciliation Group was established in 1994 and has been continuously active since then as one of the oldest reconciliation groups in this state. The group first formed when some local Blackwood residents got together to hold a study circle on reconciliation for an eight-week course, and when they finished they wanted to continue with reconciliation, forming what we know today as the Blackwood Reconciliation Group.

Some of the upcoming events organised by the group include: reconciliation in the park, a family picnic in the park, with open and respectful conversations during Reconciliation Week; a film night on 13 May, together with Reconciliation South Australia's screening of *Colebrook Reconciliation Park—a place of Healing and Learning*, with a panel discussion with cast and filmmakers; and many other community initiatives to keep the reconciliation conversation alive and open.

In 2019, the group celebrated its 25th anniversary, and as well as being what we think is the longest running reconciliation group in South Australia, it may also be the longest running reconciliation group anywhere in the nation. At the group's regular meeting last night, I was very pleased to be able to speak to some of the work that the Malinauskas Labor government intends to do to further reconciliation on this site, and to take a number of questions about both past actions the government has taken and steps forward at both a state and federal level.

I was very pleased last night to be informed of the upcoming walk that the Blackwood Reconciliation Group regularly do during Reconciliation Week, which is happening on the 29th of this month. It is a fantastic opportunity that members of the group use to catch up with each other and reflect on where we are going in this state and what we want to look like in the future. In particular, I want to thank Uncle Tamaru, who chaired the meeting—I have known him for many years—for his warm and gracious hosting last night and for welcoming me into the group.

RENTER'S RIGHTS

The Hon. R.A. SIMMS (14:56): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Human Services and the minister representing the Minister for Housing, the Hon. Clare Scriven MLC, on the topic of rental rights.

Leave granted.

The Hon. R.A. SIMMS: Today, the *Adelaide Advertiser* featured a full-page spread on the plight of renters here in South Australia. I refer the chamber to the articles, on page 8 of today's paper, by Miles Kemp. Under the headline, 'Rental as anything—desperate would-be tenants offering up to \$100 above asking prices', Mr Kemp reports on the practice of rental bidding, whereby prospective tenants are offering money above the asking price and reports that this is widespread in our state. Mr Kemp also reports, under the headline, 'Rent help plea for battlers', that:

The welfare sector has warned of an extreme power imbalance between existing tenants and property owners because of the rental crisis.

The article goes on to quote from Mr Mark Henley, the manager of Uniting Communities:

Tenants are putting up with very poor housing for fear of being noticed by landlords who will then put up their rent. The power imbalance is extreme between renter and landlord at the moment.

The article features an image of a tenant, Simon Flaherty, who is battling with his real estate agent to have asbestos contamination issues addressed in the home that he rents with his family. My question to the minister therefore is: what advice does the minister have for struggling tenants like Simon, and what action will the government take to strengthen the rights of renters in South Australia by ending no-cause evictions and prohibiting rent bidding?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:58): I thank the honourable member for his question about such a very important issue to so many South Australians. I am happy to refer that question to my colleague in the other place and bring back an answer to the council.

RENTER'S RIGHTS

The Hon. R.A. SIMMS (14:59): Supplementary.

The PRESIDENT: I am interested in your supplementary question, the Hon. Mr Simms.

The Hon. R.A. SIMMS: Noting the minister's reply, can I ask when I can expect to receive a response from the minister in the other house?

The PRESIDENT: I will allow that; it's early in the session.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I am sure the response will be supplied as soon as possible.

PORT AUGUSTA ALCOHOL SALES BAN

The Hon. J.M.A. LENSINK (14:59): My questions are to the Minister for Aboriginal Affairs:

1. Has he met with the Liquor and Gambling Commissioner, Dini Soulio, regarding alcohol restrictions in Port Augusta?
2. Does he share the concerns of Pika Wiya Health Service, which holds serious concerns about long-term alcohol-dependent clients who might go through withdrawal?
3. What discussions has he had with the new member for Stuart, who has expressed concerns about social issues in Port Augusta?
4. Has he met or communicated with any Aboriginal elders about this matter?
5. Similarly, has he met with the city of Port Augusta, and if not, why not?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:59): I thank the honourable member for her questions. I have had discussions and representations from a range of people on this issue.

PORT AUGUSTA ALCOHOL SALES BAN

The Hon. J.M.A. LENSINK (15:00): Supplementary: noting the disdain which the minister has put on the importance of this matter, would the minister be prepared to at least elaborate and give us some sort of outline to address the questions I asked, otherwise I am happy to ask them all again.

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

The Hon. J.M.A. Lensink: Being protected by the whip. Here we go again.

The PRESIDENT: Order!

The Hon. I.K. HUNTER: No, I am just being offended by you lying in this chamber. Mr President, the honourable member on her feet alleges that the Leader of the Government has shown notable disdain. He has done no such thing, and I ask that you ask her to withdraw.

Members interjecting:

The PRESIDENT: Order! I haven't ruled yet. I think you should pull it back, the Hon. Ms Lensink. The minister gave an answer. You are entitled to ask a question. He is entitled to answer how he sees fit. You have had the courtesy of being allowed to ask a supplementary question, but it is always arising from the original answer. It was very difficult to ask a supplementary out of that original answer.

The Hon. R.P. Wortley: Withdraw.

The PRESIDENT: No, it's not a matter of withdrawing. You may wish to frame another question when it's the opposition's turn, but I certainly understand the point of order that the Hon. Mr Hunter is making.

The Hon. J.M.A. LENSINK: Mr President, I am happy to abide by your ruling and withdraw. Clearly, we would like some answer to this, so would the minister be prepared to elaborate in response to any of the questions that I asked, and any of those stakeholders at all, or is this the new standard for this government?

The PRESIDENT: That supplementary is arising from the original answer.

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:01): I have had discussions with some of the stakeholders mentioned.

PORT AUGUSTA ALCOHOL SALES BAN

The Hon. D.G.E. HOOD (15:01): Supplementary question: who are they?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:02): I have had private discussions with some of the stakeholders mentioned, as I answered the last question.

RURAL WOMEN'S AWARDS

The Hon. J.E. HANSON (15:02): My question is to the Minister for Primary Industries and Regional Development. My question is: will the minister inform the house about the recent AgriFutures Rural Women's Awards?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I thank the honourable member for his question. I was very proud to be able to take part in the recent AgriFutures Rural Women's Award ceremony that celebrated the achievements of three of our state's brilliant rural woman. The award has been in operation for 21 years and is highly regarded across rural communities and business. Winners from each state receive a \$15,000 bursary to assist with progressing their project or business, and they also go on to compete for the national title in Canberra.

But it is far more than just an award. It is also a program that empowers rural woman to connect, to network, to seek advice, to collaborate and to achieve great things for their individual businesses or projects as well as for their rural communities. Each finalist from South Australia can use this national network of alumni to take their own ideas to the next level. The South Australian finalists were Stephanie Lunn of Jamestown, Lukina Lukin of Port Lincoln and Robyn Verrall of McCallum.

Ms Lukin is managing director of the Lukina Group of Companies and has dedicated herself to growing export markets for the southern bluefin tuna industry, having recognised opportunities to compete globally and to diversify the export markets that the industry traditionally relies on, to capture more of the potential in the Middle East, US and Asian markets.

Ms Lunn is an agricultural professional working in research and development and is also a director for not-for-profit venture, Trialsafe. Ms Lunn has dedicated herself to improving safety outcomes for workplaces in agricultural industries by providing a platform for industry participants through safety seminars and podcasts, sharing stories and experiences that provide learning opportunities across the agricultural sectors.

I was very pleased to be able to speak with Ms Verrall. She, of course, is from the Upper Limestone Coast, so I am going to claim her as one of my own in terms of location. Her goal is to reduce food insecurity and to assist with food affordability in First Nations communities. Those communities, of course, are in rural and regional areas. She is achieving her goals through work for Kere to Country, as a director, as a founder and as a business adviser. The organisation is an Aboriginal-owned and operated food supply company that provides quality and affordable meat into communities that have limited access in South Australia and in the Northern Territory.

All three women were extremely worthy of the award, but there could be only one winner. It was my great honour to announce at that ceremony that Robyn Verrall was the winner of the AgriFutures Rural Women's Award for 2022. Ms Verrall's story really is quite amazing and the work that she does in helping some of the most vulnerable people in our state overcome food insecurity is absolutely to be commended. Her passion for her project is truly admirable and I can't wait to see

the progress that she makes and she continues to make in reducing food insecurity, an issue that is so important to so many people within our community.

I also look forward to seeing Ms Verrall do well—I certainly hope she does extremely well—on the national stage in representing South Australia. I wish all the finalists the very best for the future and I know that they will continue to achieve great things in the regional communities that they represent.

The PRESIDENT: Before I call the Hon. Mr Pangallo: minister, you have a notice of motion—I think it is No. 11—that, without pre-empting, I suspect most things you have just covered will be part of that notice of motion. When we are asking questions in the future, can you just be mindful of what's coming up on the *Notice Paper* like that.

OMBUDSMAN INVESTIGATION, MEMBER FOR BRAGG

The Hon. F. PANGALLO (15:06): I seek leave to make a brief explanation before asking a question of the Attorney-General about conflicts of interest.

Leave granted.

The Hon. F. PANGALLO: Contrary to the findings of a parliamentary committee led by one of the state's most eminent jurists, the Ombudsman found there was no conflict of interest when the former Attorney-General scrapped a port development on Kangaroo Island, the place of her birth, where she has significant property interests, is a close friend of the mayor, who vehemently opposed the proposal next to his property, and where she told *The Islander* newspaper in 2018 that she intended to retire, although Mr Lines reported that she had no concrete plans to live there.

Today, I received an email from one of South Australia's most respected former attorneys-general, the Hon. Chris Sumner, who said the Ombudsman's findings has set a 'terrible precedent', in effect raising the bar for government officials when it came to declaring private interests. Mr Sumner also went on to say that it has neutered the Ministerial Code of Conduct. Mr Sumner believed Ms Chapman did have a possible conflict. The Leader of the Opposition made a similar admission today.

In fact, myself and the Hon. Russell Wortley felt the need to disclose our own trifling conflict of interest on Kangaroo Island when we raised the possibility of the minister's personal interests and perceived conflict during a timber industry inquiry 12 months ago. Mr Sumner has called for an independent review of the Ombudsman's decision. My question to the Attorney-General is: apart from seeking Crown law advice, what other options are open to the government to review the Ombudsman's decision and its implication for integrity in government?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:08): I thank the honourable member for his very important question and his well-known interest in integrity and openness and transparency in government. The honourable member is right: it has been reported and it was I think on ABC radio this morning when the Leader of the Opposition in the lower house said, in relation to whether he thought there may have been a perception of a conflict of interest, 'At the time, yes.' The Leader of the Opposition in the other place, at the time, thought there may have been a perception of a conflict of interest in the decision that the former Attorney-General—I was going to say member for Bragg, but that's also in dispute at the moment—that Vickie Chapman made in relation to a planning decision on Kangaroo Island.

The PRESIDENT: Minister, she is the member for Bragg. She has been sworn in as the member for Bragg, so move on past that, thanks.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I think, as the Hon. Frank Pangallo correctly points out, it is quite a remarkable thing, an admission from the member for Black, David Speirs, the Leader of the Opposition in the other place, to say at the time he thought there was a possible perception of a conflict of interest. It's remarkable that the opposition in this place and in the other chamber and

outside the parliament are asking for all sorts of people to apologise for thinking that the former Attorney may have had a conflict of interest, when in fact that is exactly what the member for Black thought at the time. I'm wondering if the member for Black will be asked by his own side to apologise for his view at the time that there may have been a conflict of interest. It is quite remarkable.

The PRESIDENT: I know, minister, you are getting towards answering the question. I know you are.

The Hon. K.J. MAHER: Thank you for your guidance, sir. As has been outlined by the Hon. Frank Pangallo, a parliamentary inquiry was held. That parliamentary inquiry had a minority of Labor members on it. The majority was Liberal and formal Liberal members. The inquiry did receive help from counsel assisting, an eminent QC in South Australia, and it made certain findings that were presented to parliament. Of course, this week tabled in parliament, the Ombudsman put his views forward in a report, and on a set of facts has come to a different conclusion.

The Hon. J.M.A. Lensink: A very different conclusion.

The Hon. K.J. MAHER: The Ombudsman, as the Hon. Michelle Lensink interjects, came to a very different conclusion than the member for Black. The member for Black, the Leader of the Opposition, who thought at the time, yes, there was a conflict of interest.

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

The Hon. K.J. MAHER: I thank the Hon. Michelle Lensink for reminding us all—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —that her leader in the lower house thought opposite at the time of what the Ombudsman has concluded. The member for Black, the Leader of the Opposition, when asked whether there may have been a perception of conflict of interest, said at the time, yes. So yes, the member for Black at the time disagreed with what the Ombudsman has found now. That's a simple fact and matter of the record at the moment.

Notwithstanding the difference of views between the Leader of the Opposition, the member for Black, and the Ombudsman's report now, there have been important questions raised. Many of the questions raised by former Attorney-General Chris Sumner have been not just emailed to some members of parliament but also well ventilated in an article in InDaily today. Some of these raised concerns are about these two different conclusions that have been reached—on one side the views and conclusion reached by the parliamentary committee, and the member for Black, and on the other side the views of the Ombudsman.

Having those different views, I think there is a need for further guidance. Premier Malinauskas has asked that I have some work done by my department to provide some clarity and some view and a process going forward, because clearly the issue of the opposing views between the member for Black and the Ombudsman does need some sort of clarity. That is the work that I have already asked my department to undertake.

OMBUDSMAN INVESTIGATION, MEMBER FOR BRAGG

The Hon. J.M.A. LENSINK (15:13): Supplementary: does the Attorney-General have confidence in the Ombudsman?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:13): I think the Ombudsman, over many years, has done a fine job discharging his statutory obligations. I firmly believe that. The member for Black, who took the opposite view of the Ombudsman on this issue—I assume he would also express confidence in the Ombudsman discharging his statutory obligations and have confidence in the way he goes about it, notwithstanding the member for Black taking the opposite view on the conflict of interest question about the former Attorney-General.

OMBUDSMAN INVESTIGATION, MEMBER FOR BRAGG

The Hon. J.M.A. LENSINK (15:14): Supplementary arising out of the answer: does the Attorney-General have confidence in the Ombudsman on this decision?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:14): I have answered the question. I have confidence in the Ombudsman discharging his statutory obligations, which he was asked to do by the referral from the parliamentary committee. As I've said, that is the reason that the Attorney-General's Department has been asked to do some work to look at the conclusions that were reached. Yes, I have confidence in the Ombudsman, in the way he goes about things, but on this occasion a QC and the member for Black have come to one conclusion and the Ombudsman has come to another conclusion. I think it is worthy of further work and further clarification.

OMBUDSMAN INVESTIGATION, MEMBER FOR BRAGG

The Hon. J.M.A. LENSINK (15:15): Supplementary arising out of the original answer: is the Attorney-General aware that the Hon. Chris Sumner, as a former Attorney-General in this place, has also had divergent views on opinions expressed by those of another former Attorney-General, those of the Hon. Michael Atkinson?

The Hon. I.K. HUNTER: Point of order: I cannot in any way see how that could come from the original answer.

The PRESIDENT: I note your point of order. I also have concerns as to where the Hon. Mr Atkinson fits into this. The Attorney-General can answer it, if he wishes.

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:15): I don't think many of us understood the question, but to the extent that: am I aware that sometimes people have different views from each other? I am sure they do.

The PRESIDENT: The Hon. Mr Pangallo, you have a supplementary question?

OMBUDSMAN INVESTIGATION, MEMBER FOR BRAGG

The Hon. F. PANGALLO (15:16): Yes, I do, actually, and I thank the honourable Attorney-General for his response. The question that I asked, apart from the Attorney seeking Crown law advice: are there any other options available to the government to review the Ombudsman's report?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:16): I thank the honourable member for his supplementary question. It's not something that we are considering—and I will check, but I am not sure of the mechanism for a challenge to another judicial body from a report from the Ombudsman, but that's not what we are looking to do. I do appreciate the position the honourable member has put forward from former Attorney-General Chris Sumner and others, but we are seeking the Attorney-General's Department to do a body of work that looks at both the views that have been expressed.

MEMBER FOR BRAGG, SPEAKER'S STATEMENT

The Hon. H.M. GIROLAMO (15:17): I seek leave to make a brief explanation before asking the Attorney-General a question regarding section 30 of the constitution.

Leave granted.

The Hon. H.M. GIROLAMO: On Tuesday, in the other place, documents were tabled in relation to a dispute between the Speaker of the house and the member for Bragg on the interpretation of section 30 of the constitution. I note that the minute containing advice from the Crown Solicitor's office is addressed to the Attorney-General with transmission to the Clerk of the House of Assembly. My questions to the Attorney-General are:

1. When did the Attorney-General first advise of the Speaker's consideration of the letter dated 26 April 2022 from the Hon. Vickie Chapman to the Speaker?

2. Did the Speaker consult with the Attorney-General in respect of the consideration of the member's 26 April letter?

3. Did the Attorney-General authorise the provision of the Speaker of the Crown for the purposes of his consideration of that letter?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:18): I thank the honourable member for her question. As I understand the convention, a Speaker or a President can seek legal advice and, as I understand the convention, it is the Clerk of the chamber who seeks that advice and seeks it from the Crown. The advice is provided through the Attorney-General back to the Clerk of the relevant chamber to the Presiding Officer. I understand the advice that would have come through my office would have been provided almost instantaneously back to the Clerk of the lower house.

MEMBER FOR BRAGG, SPEAKER'S STATEMENT

The Hon. H.M. GIROLAMO (15:18): Supplementary: the question was relating to whether you as Attorney-General were aware of the letter before or during the same time as the Speaker received the letter?

Members interjecting:

The Hon. H.M. GIROLAMO: When were you aware of the letter?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:19): If I can just ask so I can respond sensibly, which letter are you referring to my knowledge of?

The Hon. H.M. GIROLAMO: The letter that was dated 26 April 2022 from the Hon. Vickie Chapman to the Speaker: when were you made aware of that letter?

The Hon. K.J. MAHER: I certainly wasn't aware of that letter until after the advice had been sought.

KUNMANARA MUN GKURI OAM

The Hon. I.K. HUNTER (15:19): I direct my question to the Minister for Aboriginal Affairs. Will the minister inform the council about the significant contribution of Kunmanara Mungkuri OAM to the South Australian community?

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:20): I thank the honourable member for his question. I know particularly but not limited to being a former Minister for Aboriginal Affairs, his interest in these areas. I am grateful to answer that and for a brief opportunity to pay tribute to the significant contribution of Kunmanara Mungkuri OAM to this state, to his people and to our broader community.

I was fortunate to attend the funeral service of Kunmanara Mungkuri with then opposition leader, the member for Dunstan, Steven Marshall, and we both had an opportunity at Indulkana community on the APY lands to say a few words in honour of the memory of Kunmanara. Kunmanara was born in the bush in 1946 near what is now the Fregon community, growing up living a traditional Anangu existence with his family and siblings. When cattle stations were established nearby at Everard Park—which is now the community of Mimili—and Granite Downs, Kunmanara like many other Anangu men became involved with station work.

He was a skilled rider with an affinity for horses. Kunmanara became a highly regarded stockman working alongside his friends and future Iwantja Arts painting colleagues Alec Baker, Kunmanara Whiskey and others, and covered vast areas of country, droving and mustering cattle. Kunmanara was integral in the APY land rights movement in the early eighties and attended demonstrations and meetings in Adelaide to push for the rights of Anangu ownership of their land.

During the past decade, Kunmanara became a dedicated artist, working daily at Iwantja Arts and the Indulkana community. Kunmanara's paintings detailed his extensive knowledge of country and Anangu culture and reflected his experience as a stockman. Kunmanara's paintings and work on paper have been acquired by cultural institutions and significant collections in Australia and over

the world. Kunmanara was the inaugural winner of the Hadley's Art Prize in 2017 for his work Ngura Wiru (meaning 'good country'). He said at the time:

This is my story about that creek at Fregon. I was born there. Back when we lived in the bush, slept in the warm sand and we lived on the bush tucker. That was the place where it all started, that was my home.

In 2018, Kunmanara won the Telstra National Aboriginal and Torres Strait Islander Art Award for his work in Ngura (country). The Telstra prizes are recognised generally as the highest prizes for Indigenous art awarded yearly. He said:

This is my drawing about my country. This land is my home, it's where it all started. I've got good knowledge of horses, stockmen and the country. These things, everything, is my memory—my knowledge. I like painting my country, I like to paint the memories of my country.

I have had the very good fortune of spending many hours sitting on the floor with Kunmanara at Iwantja Arts as he has painted his story and helped his culture be passed on to the next generation. In 2021 (last year), Kunmanara was South Australia's nominee for Senior Australian of the Year and received the Medal of the Order of Australia. I was fortunate to attend that ceremony with Kunmanara at Government House last year.

Kunmanara passed away at his home in Indulkana on 1 December 2021. I know Kunmanara's family will miss him dearly: his wife, Maisie King, and his daughter, Ngila Mungkuri. I offer my sincere condolences and respectfully acknowledge Kunmanara's two sons, who predeceased him.

I would like to finish with a quote from Kunmanara. He often spoke to young people about the future and the importance of Ngura (country) and Tjukurpa (culture). Kunmanara was fond of saying, 'Nyangatja culture nyuntu ngula inkama, miri tjutaku culture nyangatja,' (This is our culture, make sure you keep on singing in the future because this here is your ancestors' culture.) I pay tribute to and farewell naguku pumpulpa-ku, Kunmanara Mungkuri.

Bills

CRIMINAL LAW CONSOLIDATION (HUMAN REMAINS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:24): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:26): I move:

That this bill be now read a second time.

The Criminal Law Consolidation (Human Remains) Amendment Bill 2022 introduces four new offences into the Criminal Law Consolidation Act. The offences introduced by the bill are as follows: an offence of concealing, mutilating or otherwise interfering with human remains where the intended or actual outcome is that the remains are more difficult to find or to conceal the commission of an offence.

Where the offence under the section is committed by the person who caused the death of a victim the penalty of this offence will be served cumulatively on top of any other sentence the offender has received for causing the death of the victim, aside from where they have already received a sentence of life imprisonment. The cumulative nature of the penalty for this offence, which was introduced into a private member's bill during the last term of sitting, is retained in this bill following that amendment.

It should be noted that, in accordance with the Sentencing Act 2017, a cumulative sentence cannot be imposed on a person who has received a sentence of life imprisonment. Instead, the additional offending would be taken into account by the court in setting an appropriate non-parole period that must be served by the offender. For example, if a person was serving a life sentence for murder and the concealed body was discovered later, and the offender was subsequently charged

with the section 177 offence, section 47 of the Sentencing Act provides that the existing non-parole period can be extended as the court thinks fit.

A more general offence of concealing, mutilating or otherwise interfering with human remains with a maximum penalty of 15 years is provided for in the bill, and it is now an offence if a person finds human remains, or what they suspect to be human remains, and fails to report this to the authorities. There is a maximum penalty of five years' imprisonment.

Lastly, an offence of finding human remains and then acting to conceal those remains has been introduced with a maximum of five years' imprisonment. These new offences will ensure that offenders who deliberately add to the pain and suffering of families by taking steps to conceal the body of their victim will be able to be charged with a specific offence which will go some way to acknowledging the additional suffering of victims' families.

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Insertion of Part 6D

This clause inserts new Part 6D into the principal Act as follows:

Part 6D—Offences relating to human remains

175—Interpretation

This section defines terms used in the new Part.

176—Application of Part

This section sets out the relationship between the new Part and other Acts and laws.

177—Offence to destroy etc human remains to pervert course of justice

This section creates an offence for a person to knowingly take the actions referred to in subsection (1)(a) and (b) for a purpose referred to in the remainder of the subsection, with those purposes essentially amounting to perverting the course of justice. The maximum penalty for an offence is 15 years imprisonment. The proposed section also makes procedural provisions in relation to the new offence.

178—Offence to defile etc human remains

This section creates an offence for a person to take specified actions amounting to unlawful interference with human remains, including destroying, removing or engaging in sexual activity with the remains. The maximum penalty for an offence is 15 years imprisonment.

179—Offence to fail to report find of or conceal human remains

This section creates an offence for a person who finds human remains, or remains that the person suspects are human remains, to fail to report that fact to police. The maximum penalty for an offence is 5 years imprisonment. Proposed subsection (2) sets out circumstances in which such a report is not necessary. The clause also requires police to notify the State Coroner on receipt of such a report.

180—Alternative verdicts

This section sets out a scheme for alternative verdicts where a charge of a particular offence under the proposed Part is not made out, but a lesser offence is.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL*Introduction and First Reading*

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:29): Obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Burial and Cremation Act 2013 and the Correctional Services Act 1982. Read a first time.

Second Reading

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:31): I move:

That this bill be now read a second time.

I rise to introduce the Statutes Amendment (Attorney-General's Portfolio) Bill 2022. To ensure that the government and related legislation continue to operate, the Attorney-General's portfolio bill is required to rectify minor errors, omissions and other deficiencies identified in the legislation committed to the Attorney-General.

As is typical of these portfolio bills, this bill makes various amendments to a small number of acts within the Attorney-General's portfolio, as well as further justice-related amendments to give effect to certain reforms that were previously contained in the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021. That bill was introduced to parliament last year but unfortunately did not pass under the former government before the end of sittings.

This bill seeks to implement a number of those priority amendments contained in the former bill. These amendments are minor or technical changes which are intended to address anomalies or other issues that have the potential to cause confusion or inefficiency. The government agrees that it is appropriate to progress these amendments without further delay to ensure the proper and efficient functioning of the justice system. Further consideration will be given to the need to progress any other amendments from the previous bill in due course.

Turning to the substance of the bill, part 2 of the bill amends the Bail Act 1985 to allow for the court to prescribe the wording and form of certain documents used in bail proceedings where the court is the relevant bail authority. These amendments replace existing requirements for those documents to be in a prescribed form.

The courts have indicated that they would prefer to have the flexibility to prescribe the form of these documents. This would allow for greater harmonisation with the broader rollout of the Electronic Courts Management System to the criminal and protection jurisdictions of the court. These amendments will support the operation of the Electronic Courts Management System ahead of its intended commencement in July 2022. The requirement for all other bail agreements to be in a prescribed form remains the same.

Part 3 of the bill amends the Burial and Cremation Act 2013 to remedy an inconsistency between the Burial and Cremation Act and the Births, Deaths and Marriages Registration Act 1996 in relation to the certificate requirements for the issue of a cremation permit.

Section 10(5)(b)(i) of the Burial and Cremation Act currently provides that the Registrar of Births, Deaths and Marriages must not issue a cremation permit unless the application is accompanied by two death certificates issued under section 36 of the Births, Deaths and Marriages Registration Act, being:

- one certificate signed by a medical practitioner who was responsible for the deceased's medical care immediately before death, or who examined the body of the deceased after death; and
- a second certificate signed by another medical practitioner.

This is inconsistent with the existing requirements of section 36 of the Births, Deaths and Marriages Registration Act, which only contemplates the provision of one death certificate, being a certificate

from a doctor who was responsible for the deceased person's medical care immediately before the death or who examined the body after death.

To avoid confusion, the bill amends the Burial and Cremations Act to clarify that, while two death certificates are still required to issue a cremation permit, only one death certificate needs to be provided under section 36 of the Births, Deaths and Marriages Registration Act, with the second death certificate to be in a form determined by the registrar.

Part 4 of the bill amends section 66 of the Correctional Services Act 1982 to remove obsolete references to a repealed definition of 'serious drug offence' within the Sentencing Act and reinserts the repealed definition into the Correctional Services Act 1982. This amendment will rectify a procedural anomaly caused by amendments to the Sentencing Act 2017 overtaking the Correctional Services (Accountability and Other Measures) Amendment Act in parliament last year.

The practical effect of these amendments is to ensure prisoners who have been sentenced to imprisonment for less than five years in respect of a serious drug offence are not entitled to automatic release on parole at the end of their non-parole period. Instead, parole in these cases will be at the discretion of the Parole Board.

While the bill contains a relatively small number of amendments, it addresses important issues to ensure that our justice system continues to work efficiently and effectively for our community. I commend the bill to members and I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

3—Amendment of section 6—Nature of bail agreement

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

4—Amendment of section 7—Guarantee of bail

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

5—Amendment of section 8—Form of application

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

Part 3—Amendment of *Burial and Cremation Act 2013*

6—Amendment of section 10—Cremation permits

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

Part 4—Amendment of *Correctional Services Act 1982*

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

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

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

STATUTES AMENDMENT (CHILD SEX OFFENCES) BILL*Introduction and First Reading*

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:36): Obtained leave and introduced a bill for an act to amend the Child Sex Offenders Registration Act 2006, the Criminal Law Consolidation Act 1935 and the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:37): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Child Sex Offences) Bill 2022. This significant and much-needed reform aims to protect the community from child sex offenders by increasing penalties on a range of child sex offences and ensuring that predators are not entitled to leniency because they were mistaken in their belief that their victim was a child. In doing so, this bill progresses two important election commitments made by the government to:

- increase penalties on a range of child sex offences; and
- strengthen Carly's Law so police can hunt online predators with confidence.

This bill enacts crucial Labor policies and goes even further to protect the children of South Australia with the inclusion of additional complementary reforms. This bill will substantially increase the maximum penalties for many child sex offences in the Criminal Consolidation Act 1935, including offences involving direct sexual contact as well as child exploitation material offences, child grooming offences and offences of using children in commercial sexual services.

For example, the maximum penalty for having sexual intercourse with a child aged under 17 is currently only 10 years. This is low compared to equivalent penalties in other Australian jurisdictions and is also low compared to the maximum imprisonment imposed for sexual intercourse with a child under 14. Overall, the 10-year maximum does not reflect the seriousness of the conduct. The bill lifts the penalty to 15 years.

Similarly, indecent assault currently has a maximum eight-year penalty, or 10 years for an aggravated indecent assault, which includes indecent assaults on persons under 14. This bill creates a specific high penalty for indecent assaults against children: 10 years for children under 17 and 15 years for children under 14. As well as raising the penalties on child exploitation offences, the bill also removes the practice of classifying them into basic and aggravated classes.

Typically, the child exploitation material offences will be aggravated and have higher offences if the defendant knew the child depicted in the material was under the age of 14 years. This bill removes the distinction. Instead, these offences will have one significant maximum penalty that applies regardless of the age of the child. The new maximum penalties are set at a higher level than the existing aggravated penalties. Removing aged-based offence distinctions for this type of offending has benefits for law enforcement and prosecuting authorities.

Often it can be difficult to prove the age of the children depicted in child exploitation material, which can make classifying the charges complex and require authorities to spend more time looking at the material, which has a negative impact on their mental wellbeing. The age or apparent age of the child and the defendant's belief and knowledge of their age will of course still be relevant and of course will be able to be taken into account when selecting the appropriate penalty within the range allowed.

The bill also contains an important set of amendments in relation to policing using fictitious children. These amendments have been included to strengthen existing laws around charging online predators where barriers have been experienced by police investigators. In a fictitious child scenario, an offender believes they are speaking to a real child, but in fact they are speaking to an undercover police officer or an artificial intelligence program. In many cases, a person can already be liable for

criminal communications with a fictitious child. However, there are various gaps in the current legislation that create the potential for leniency in this scenario, and the bill will address this.

The bill applies the principle that these offenders should not be entitled to any leniency. If they believe they were speaking to a real child, they should be treated as if they had been. They are still a danger to the community. In particular, the bill will make it clear that the following offences can include communications with fictitious children:

- grooming offences under section 63B(3) of the Criminal Law Consolidation Act 1935 that are aggravated, based on the knowledge that the victim was aged under 14 years old;
- a registerable child sex offender failing to inform police of reportable contact with a child; and
- dishonest communication with children, better known as Carly's Law, which is pursuant to this Labor government's election commitment to strengthen Carly's Law so that police can hunt predators online with confidence.

The bill will also amend various sentencing provisions that reference the age of the victim to make clear that, if the victim was fictitious, their age, for the purposes of sentencing, can be considered as the age that the defendant believed them to be at the time of the offence. The fictitious child amendments, and some of the raised penalties, were contained in a previous bill, the Statutes Amendment (Child Sex Offenders) Bill 2021, which passed the Legislative Council with unanimous support. However, like many other bills that passed the Legislative Council, this one did not pass the House of Assembly before sitting ended prior to the 2022 election.

It is a shame that these absolutely necessary legislative reforms to protect South Australia's young people against some of society's most dangerous could not have been enacted sooner. We are getting on with the job as a priority in our first week of sitting as a government. I look forward to this bill progressing through this chamber and being enacted as soon as possible, to ensure the children of our state are adequately protected from harm. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

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

3—Amendment of section 4—Interpretation

This amendment is consequential.

4—Insertion of section 4A

This clause inserts a proposed section as follows:

4A—Meaning of *reportable contact*

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

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

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

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

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

6—Amendment of section 5AA—Aggravated offences

This amendment substitutes subsection (1)(e) to—

- delete a reference to offences in Part 3 Division 11A consequential on the substitution of several existing penalties for aggravated child sex offences in that Division with a single higher penalty; and
- insert, in addition to the existing provisions in subsection (1)(e) regarding aggravated offences in respect of child sex offences where the victim is under the age of 12 years, a reference to an aggravated offence against section 63B(3) where the child is under the age of 14 years.

7—Amendment of section 49—Unlawful sexual intercourse

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

8—Amendment of section 56—Indecent assault

Subclause (1) amends the penalty provision for the offence of indecent assault to provide for a penalty of imprisonment for 10 years if the victim of the offence was at the time of the offence under the age of 17 years and if the victim of the offence was at the time of the offence under the age of 14 years, 15 years. Subclause (2) deletes subsection 56(2) which is consequential on the amendment in subsection (1) to increase the penalty from that which would apply for an aggravated offence in accordance with section 5AA (which could still be charged under that section, see section 176 of the *Criminal Procedure Act 1921*).

9—Amendment of section 58—Acts of gross indecency

This clause increases the current penalty provision for the offence of gross indecency in subsection (1) (being imprisonment for a maximum of 3 years for a first offence and a maximum of 5 years for a subsequent offence) to a single maximum penalty of imprisonment for 15 years.

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

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

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

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

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

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

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

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

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

The amendments in subclauses (1) to (4) delete the current maximum penalties applying for a basic offence against subsections (1) and (3) (imprisonment for 10 years) and the current maximum penalties for an aggravated offence against those provisions (imprisonment for 12 years) with a higher maximum penalty of imprisonment for 12 years for a basic offence and imprisonment for 15 years for an aggravated offence.

The amendment in subclause (5) provides that for the purposes of the offence in subsection (3), it does not matter if the victim is a fictitious person represented to the defendant as a real person.

15—Amendment of section 68—Use of children in commercial sexual services

Subclause (1) increases the penalty for employing, engaging, causing or permitting a child to provide, or to continue to provide, commercial sexual services for a child over the age of 14 years from a maximum term of imprisonment of 9 years to 15 years.

Subclause (2) substitutes the existing lower penalties that apply in subsection (2) for the offence of asking a child to provide commercial sexual services with a single maximum penalty of imprisonment for 15 years.

Subclause (3) substitutes the existing lower penalties that apply in subsection (3) for the offences relating to receiving money or proceeds from children who provide commercial sexual services with a maximum penalty of imprisonment for 10 years if the child is under the age of 14 years and a maximum penalty of 4 years in any other case.

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

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

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

Part 4—Amendment of *Sentencing Act 2017*

17—Amendment of section 52—Interpretation

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

18—Amendment of section 71—Home detention orders

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

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

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

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

CROSS BORDER COMMISSIONER BILL

Introduction and First Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:44): Obtained leave and introduced a bill for an act to establish a Cross Border Commissioner charged with facilitating improved outcomes for people and businesses in cross border communities, and for other purposes. Read a first time.

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:45): I move:

That this bill be now read a second time.

I am very pleased to introduce the Cross Border Commissioner Bill 2022. This bill fulfils one of the government's commitments to support South Australia's regions to grow and continue to be wonderful places to live, work and visit. I was asked during question time yesterday by the opposition if we would be honouring our election commitments. I was delighted to inform members that we are a government that will keep our promises, and this bill is further evidence of us doing so.

I want to particularly commend the member for Mount Gambier in the other place for his advocacy on this issue, dating back to at least 2018, when he first called for a cross-border commissioner. The introduction of this bill is a result of this government's commitment to the regions and evidence of our listening and responding to the needs and concerns of regional residents.

The goal of establishing a cross-border commissioner is to make the lives of regional residents easier by simplifying the often complicated red-tape issues that occur through different regulations on both sides of the border. It is an issue that predates COVID-19, but certainly during

COVID many regional MPs who represent border communities were crying out for support from the city-centric Marshall Liberal government, which was failing to listen to concerns of regional members, such as the member for Mount Gambier. It was not until last year that the Marshall Liberal government even agreed to add a regional representative to the COVID emergency management committee to advocate for regional communities.

Many residents and businesses in regional South Australia travel across our borders, sometimes on a daily basis. Back in 2018, the member for Mount Gambier tabled a motion calling for the then state government to establish a South Australian-based cross-border commissioner. Of course, as we know, the city-centric Marshall Liberal government ignored these calls to even consider this request, and the issue has not progressed until now.

There are many complicated issues that residents living in cross-border communities have to deal with that many people who do not live in those communities may not realise. For example, tradies who work in the South-East and operate on both sides of the border are often forced to deal with almost a doubling up of red tape due to the vicinity of where they work.

I have spoken with David Tye, who is a Mount Gambier resident who has worked as a plumber for the last 23 years. For 23 years, I am advised, he has had to pay two annual licence fees for his business and comply with two different sets of operating regulations. He says that the expense and process of obtaining dual licences means only select contractors choose to operate across the border. This, of course, impacts customers, who have reduced options of obtaining trades.

When it comes to getting trades and services, for this very reason you do not want to be living in Nelson. Nelson is only 36 kilometres from Mount Gambier, and Mount Gambier is its closest major centre, but a tradie from Mount Gambier must not service Nelson unless he or she is licensed in both states. I have heard anecdotally that some small businesses are tempted to just pop across the border to places such as Nelson to help out people who cannot get Victorian tradespeople to travel.

For example, a plumber might install a vanity unit. This might be a small job of around \$400 or \$500, but if there is an adverse event, even as a result of a product failure, they then risk that their public liability insurance will not honour any claims. That tradie could be liable for tens of thousands of dollars in damage claims because they have traversed that invisible line.

Mr Tye further says that not all qualifications transfer across borders, which is another area that could be examined by a cross-border commissioner. He asks if perhaps a buffer zone could be established to enable people to work within a certain radius, where they typically service both sides of the border. This may or may not be the solution, but it is the type of issue that can be examined by a cross-border commissioner in conjunction with Victoria to explore different options that might be available.

Similarly, firefighters experience difficulty when fighting fires along the border. When firefighters cross the border, they often need to switch radios or switch the channels on which they operate. Many farmers in regional South Australia have property on both sides of the border. Many residents who live in one state have children who go to school in the other state, and all of these come with different complexities and different challenges. In fact, when I was a teenager, I was living just over the border in Strathdownie, which is about 15 kilometres into Victoria. I went to school in Mount Gambier, my father worked in Mount Gambier, our shopping and our activities were all in Mount Gambier, but our address was in Victoria, so I have some firsthand knowledge of the challenges.

But with the onset of COVID-19, it has only highlighted the challenges that cross-border communities face and the need to address them. These issues predate COVID-19 border closures, with differing policies, regulations and practices producing broad-ranging issues, including navigating access to post secondary school education, licensing, accreditation, training requirements for workers and businesses, access to health information, sharing of information across government departments, and more.

The cross-border commissioner established by the bill will provide a new mechanism to address these issues, facilitating collaboration and engagement with residents, businesses and

community organisations, as well as all tiers of government. The commissioner will work with all stakeholders to identify issues, broker solutions and provide advice on matters impacting border communities, making it easy to do business across our borders while addressing barriers to education, health and other services. The commissioner will also work with other jurisdictions, in particular the Victorian and New South Wales cross-border commissioners.

With the commissioner dedicated to these matters in South Australia, it is expected collaboration with these jurisdictions will improve not only on an individual basis but also, potentially, in national arenas where the common voice of cross-border communities will be strengthened. The functions of the commissioner are included in the bill to reflect the intent of the position. An annual plan, in consultation with the minister, will be required and an annual report will be tabled in parliament to ensure that the outcomes being achieved are clear to all stakeholders.

To futureproof the act, a provision for the minister to give direction to the commissioner has been included. The intent of this clause is to enable the commissioner to consider emerging issues for cross-border communities that may not be apparent at the time of drafting this bill. Standard probity, confidentiality and delegation powers have also been included in the bill to ensure the commissioner operates within the appropriate public sector parameters modelled on the Small Business Commissioner legislation.

To provide the appropriate skills and credibility to the commissioner, the bill requires appointment by the Governor of a person with detailed understanding of the issues affecting cross-border communities and experience living within a cross-border community. A maximum three-year term has been provided, in line with all executive appointments for public sector employees, with clear specification for termination modelled on similar commissioners already in place, such as the Small Business Commissioner.

This bill demonstrates the government's clear commitment to supporting our regional communities and finding practical ways to create better economic and wellbeing outcomes. I commend the bill to the council and look forward to further debate. I seek leave to table the explanation of clauses and insert it in *Hansard* without reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms and phrases used in the measure.

Part 2—Cross Border Commissioner

4—Appointment of Commissioner

This clause requires the appointment of a Cross Border Commissioner by the Governor on the recommendation of the Minister.

5—Terms and conditions of appointment

This clause sets out the terms and conditions of appointment of the Commissioner.

6—Functions of Commissioner

This clause specifies the functions of the Commissioner.

7—Ministerial direction

This clause provides that the Minister may, after consulting with the Commissioner, give directions to the Commissioner in writing.

8—Appointment of acting Commissioner

This clause allows the Minister to appoint an acting Commissioner in certain circumstances.

9—Honesty and accountability

This clause provides that the Commissioner and any acting Commissioner are subject to the duties imposed on senior officials under the *Public Sector (Honesty and Accountability) Act 1995*.

10—Staff

This clause provides for staff to be assigned to or employed by the Commissioner.

11—Delegation

This clause is a standard power of delegation for the Commissioner and the Minister.

Part 3—Miscellaneous

12—Confidentiality

This clause provides for confidentiality of personal information, information relating to trade secrets or business processes or financial information received under the measure (except in certain specified circumstances).

13—Annual report

This clause requires the Commissioner to report annually to the Minister, who must lay the report before the Parliament.

14—Regulations

This clause is a standard regulation making power.

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

Address in Reply

ADDRESS IN REPLY

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:53): I bring up the report of the committee appointed to prepare a draft Address in Reply:

To her Excellency the Hon. Frances Jennifer Adamson, Companion of the Order of Australia, Governor in and over the State of South Australia in the Commonwealth of Australia:

May it please Your Excellency—

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's desire for our deliberations to serve the advancement of the welfare of South Australia and of its people.

The Hon. E.S. BOURKE (15:55): I move:

That the Address in Reply as read be adopted.

In doing so, I rise to speak in reply to Her Excellency's speech in opening this session of the Fifty-Fifth Parliament of the South Australian parliament. I congratulate her on her position and thank her for opening this historic session of the parliament in Kaurana, I believe for the first time in the history of this parliament.

I would also like to acknowledge that the land we meet on today is the land of the Kaurana people and pay our respects to elders past, present and emerging. I am proud to be part of a Malinauskas Labor government that will deliver a state-based Voice, Treaty, Truth for Aboriginal people led by our Attorney-General, the first initiated Aboriginal man to hold the role, the Hon. Kyam Maher.

I would also like to thank the outgoing members of this place, the Hon. Rob Lucas, the Hon. John Dawkins and the Hon. John Darley, for their service to their communities and their party members. I would also like to congratulate re-elected members to this place, in particular the Hon. Dr Nicola Centofanti. I congratulate her on her new role as Leader of the Opposition, and I believe she is the first woman to hold this position for the Liberal Party. I would also like to congratulate the Hon. Michelle Lensink and the Hon. Dennis Hood, and the Hon. Robert Simms.

On this side of the chamber, I would like to congratulate our chamber leader, the Hon. Kyam Maher, and the Hon. Tung Ngo and the Hon. Ian Hunter. Obviously, we have mentioned this previously, but there is also the great return: for the first time in 32 years, five Labor members were elected to this place and as a result we have seen the return of the Hon. Russell Wortley. This result was possible thanks to the work of the formidable Labor campaign team leader, the Hon. Reggie Martin, who joins us in this chamber now and is also a dear friend.

The Hon. Reggie Martin, who I cannot believe I have to say nice things about, is one of the most loyal people I know. His ability to develop and stick to a plan against all pressures—and there were many during the campaign—resulted in one of Labor's biggest election victories, and in an Australian first we saw the end of an incumbent government not returned during COVID. This was no fluke.

The Hon. Reggie Martin was the longest serving Labor Secretary in Australia, and for good reason. He led the state Labor branch through many successful campaigns and negotiated lasting reforms to funding and disclosure to ensure a more open and transparent election process was undertaken during the 2018 and 2022 election periods. The Hon. Reggie Martin changed the Labor Party for the better and I know he will do the same in this place. Reggie, I wish you all the success in changing our state for the better.

I would also like to welcome the Hon. Laura Curran and the Hon. Sarah Game. It is one of the greatest privileges to serve the people of South Australia, and while I am sure we will not always agree, I look forward to working with you in this place to ensure we leave the state better than we found it.

This is a historic session of parliament for a number of reasons and one that I feel incredibly humbled to be part of, for it is the session that has come to be through its number of firsts and was built on the belief of Labor values. At the recent state election, South Australians made their voice loud and very clear. They wanted change. They wanted positive, bold policy ideas. They wanted to continue our great state's pioneering legacy. They wanted a plan not just for the here and the now, but a plan for the future. South Australians also voted for a strong and united team.

Indeed, while the Labor Party is a broad church where we all have different views, different beliefs and different ways of going about creating change, as members we are all held together by one binding belief: that South Australians are better off under a Labor government, that is, Labor will provide an equaliser in our communities. From the state's leafy streets to those living on our streets, it is Labor that will fight for what is best for South Australians.

Ron Wilson was one of the many South Australians looking for that equaliser, looking for the dignity of good government and what they can bring to an individual, a family and a home. But he did not find that under the former government. When I met Ron I think his exact words were—and I will quote, because they were pretty unparliamentary, 'I've had enough of this crap government, so I decided to get off my arse and do something about it.' Ron did do something about it. It would be fair to say Ron had not always been a Labor supporter. However, his recent life experiences made him realise the need for a government willing to listen and put people, put South Australians, first.

Ron's wife experienced several complications during a recent hip replacement, resulting in 17 operations. While Ron could not fault the nursing staff at the RAH, he had few kind words to share about the system that should be protecting the very people who are there to protect us. Seeing exhausted nurses day after day being forced to do repeated double shifts was heartbreaking for Ron.

Not only did Ron worry for the safety of his wife but he worried for the safety of the nurses. What was worse was when these exhausted nurses never returned for their next shift; they just simply gave up. Ron told me he felt let down by the former government. He felt the former government had failed not only his family and the RAH nurses; most importantly, he felt that they had failed his grandkids.

Ron loves South Australia, but he was concerned about the future. He felt the former Marshall government was not the government thinking about the needs of his grandkids and was not a government thinking about the future. This was particularly important to Ron. He repeated this to me multiple times while sharing his story with me. He repeated the need for governments to put kids

first. Ron was persistent about this. He was persistent because, as much as he would like to, he will not be here to fight for his grandkids.

Unfortunately, time is not on Ron's side. But he wanted to put what time he had left into fighting for what was best for his grandkids. I met Ron at an event I was hosting for new Labor members. I mention this because Ron's recent life experiences, his recent experience in seeing the impact of a bad government, resulted in him picking up a pen and joining a political party for the very first time. This is a significant point, because Ron was aged 70. He decided for the very first time to join a political party at age 70 to stand with change and not against it. And he joined the Labor Party.

Throughout the campaign the now Premier, Peter Malinauskas, made it loud and clear that his government would be committed to delivering the best outcomes for our kids and our next generation; that is, his government would be thinking not just about the next four years or the next election cycle but the next generation. Ron's story is certainly a story worth remembering, a story that shows people can and will change how they vote at any age to protect their family. They will give what time they have left to fight for their kids and their grandkids.

Ron's story joins a chorus of other hardworking South Australians who shared their stories with us over the campaign. Time and again we heard from working families, students, single parents, grandkids and grandparents who shared with us their stories about why they were fighting for change. For the last four years we, the South Australian Labor Party, made it our mission to go out in our communities and listen to the voices and the stories of those who matter most: the people who are our boss, that is, ordinary South Australians, the quiet and in some cases not-so-quiet voices in our communities.

We held forums, street corner meetings, coffee catch-ups, politics in the pub, knocked on doors and, when COVID prevented us from gathering together, we hit the phones. We made thousands of calls to some of the most vulnerable South Australians in our community, many of whom were just simply thankful for a chat, for a voice and compassionate ear on the other end of the line. They were thankful for the opportunity to share their experience, and we were honoured to listen. It is those conversations on the phones, at the doors and at the street corners where we were able to inform and create our policy agenda, because you cannot create meaningful change for the community without working with the community.

It is local residents who know their neighbourhoods the best. It is industry professionals who know what support is required to help them recover from the COVID turmoil. It is our doctors, our nurses and hospital staff who know what steps are needed to take to address our state's hospital and ramping crisis. So we, members of the Labor Party, listened. These conversations helped us form our policies and our commitments. They were formed from the ground up. We listened to local residents, we listened to industry professionals and we listened, most importantly, to our doctors and nurses.

They did not want a \$662 million basketball stadium as an election centrepiece commitment in the middle of a health pandemic. They did not want an African oasis on the Riverbank and they did not want to take their tackle box to the banks of the Torrens for a fishing trip—all commitments made under the former out-of-touch government. They wanted every dollar and every cent of the \$662 million basketball stadium invested in health, and they wanted that from their future government. They wanted their future government to talk about how they would fix the ramping crisis, not how they would let giraffes roam on the banks of the River Torrens.

To Ron, and to every South Australian who put their trust in Peter Malinauskas' government, many for the first time, we will continue to listen and we will continue to put the needs of South Australians first, not just for today's generation but for the next. Ron, we will fight for your kids' and your grandkids' future by establishing a royal commission into early childhood education and care, lifting the quality of teaching across our schools and establishing five technical colleges for students who want to go into trades straight from school. We will invest \$50 million to support young people with learning challenges or struggling with mental health. We will invest \$50 million to find 100 additional speech pathologists, occupational therapists, psychologists and counsellors to access in our public system.

Ron, we will provide support to the overworked nurses in our hospitals so that other families do not experience what you and your wife witnessed, by investing in 350 extra ambulances, 300 more nurses, 100 additional doctors, 300 extra hospital beds, including 98 more mental health beds, 50 more beds at the Women's and Children's Hospital, 10 major hospital upgrades, five new ambulance stations, an extra \$100 million for country health, and so much more, to rebuild our broken health system after the former government.

Ron, we will build a clean future for your grandchildren by building on Labor's green economic policies like the Tesla battery and by unlocking billions of dollars in renewable energy projects through a hydrogen export industry. We are investing in the tools that provide dignity to all South Australians by investing in education, health and a secure workforce.

As I said earlier, this is a historic session of parliament and this last election was historic not only for the Labor Party or the parliament but for many members of our community. For many there have been a lot of firsts, and I want to say thank you to them: Ron, who decided at age 70 to join a political party for the very first time; and to the many who voted Labor for the very first time, like Peter from North Adelaide who told us that he had voted Liberal his whole life but was changing his vote because he felt he could no longer support a party that no longer represents him.

Sam from Prospect, like Peter, had been a Liberal voter her whole life. After meeting the local candidate and hearing about our plans for the future, she decided that the Labor Party would be the best party to look after her son William's future. For Ron, Peter and Sam, know that we listened to your stories, know that our policies are your voices.

There were also firsts for some electorate districts. For the people of Waite they now have, for the very first time in history, a Labor member of parliament in Catherine Hutchesson, who I know will serve her community well. There are firsts for our parliament also. Of Labor's 27 seats in the other place, 14 are held by women. More than 50 per cent of the Labor members in the other place are women. I am so proud of each and every new Labor member, but I am particularly proud of the most compassionate person that I know, the new member for Adelaide, Lucy Hood. I know she will do not only her family and her friends proud but the community proud as well.

Hanging in our hallway on level 2 for many years was a caucus photo taken in 1965 where a young woman was surrounded by a sea of men and she was wearing a white suit. Her name was Molly Byrne. She was the first Labor woman elected to this parliament. Our next caucus photo will look very different, and it will be a photo I will be incredibly proud to stand in, shoulder to shoulder with a team of talented and community minded fellow members of parliament led by a once-in-a-generation leader, the member for Croydon, Premier Peter Malinauskas.

Change, as we know, is not an easy process. It takes strength, courage and determination, but often it is the right thing to do. As we heard in the Governor's speech, now is the time not to be timid; it is the time to be bold. I know the Premier recognises this, and just as Molly Byrne stood by herself as the only female member, just as Ron joined his first political party, and just as Sam decided to vote Labor for the very first time in her life, each made a bold decision to enact change.

I am honoured to be a part of the Malinauskas Labor government team, and I am honoured to be able to help in delivering the commitments of change in our communities, in our local neighbourhoods, and our industries, schools and hospitals to make them better. And I am honoured to be helping to create a better future, not only for today's generation but the next.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:12): I rise to second the motion and wish to place on record my thanks to Her Excellency the Hon. Frances Adamson AC, Governor of South Australia, for her speech to open the First Session of the Fifty-Fifth Parliament.

It was an honour and privilege to share with members the opportunity to welcome Her Excellency into this chamber for this historic occasion. I found myself reflecting on Her Excellency's words that this parliament has existed for 165 years to carry out the will of the people of South Australia. I am humbled by the opportunity to walk the corridors of this great building, to sit in this chamber and, most importantly, to serve the people of South Australia.

I would like to congratulate the Governor on her appointment to this prestigious and important role. She brings a wealth of experience built through an illustrious career, and I am confident she will

be an outstanding ambassador for South Australia and provide excellent service to the people of our state.

I also extend my congratulations to the Malinauskas Labor government on their election. They have been entrusted by the people of South Australia to deliver on their ambitious election promises. I am sincere when I say that I wish them all the best. The people of South Australia deserve the best. To the 14 new members of parliament: congratulations and welcome. To those members who were returned by their constituencies to serve them once again: congratulations and welcome back.

To the people of South Australia, thank you for the part you play in our democracy. Australians, and indeed South Australians, are truly blessed to live in a safe, peaceful democracy where a competition of ideas and ideals is fought through debate and campaign rather than with bullets and bloodshed. There are places around the world that do not share the same fortunes, and our prayers and thoughts are with these communities.

To the Liberal Party members, volunteers and supporters, I am so grateful to each and every one of you for the contribution you make to our party and the important role you play in our party's democracy. Our members and volunteers are the lifeblood and soul of our party. Without you, we do not exist and we stand for nothing as it is your voices, it is our voices collectively, that carry us forward.

It was an incredibly disappointing election result for us, and I share your frustration and disappointment, but I urge you to keep the faith, to remain committed to our shared values, and ask that you help the opposition to keep the government accountable for every single one of their election promises.

On a personal note, I would like to extend the warmest of thanks and gratitude to my family, especially my husband, David, and my three children, Anna, Lucia and Angus. Your love and support provide me with the strength to carry out my role in this chamber and I could not do it in your absence.

It would be remiss of me to not thank the South Australian Electoral Commission team for their work in managing the election process. It is an arduous task at the best of times, but in the midst of a pandemic the challenges were extremely significant. Well done to everyone involved and thank you.

The COVID-19 pandemic has left an indelible mark on everyone and everything. No-one and nothing has been untouched, from individuals to communities and nations; from small businesses to big businesses and global supply chains; health, mental health, economies, jobs, families, workplaces. The impact has been far-reaching and the impact will be lasting.

This impact has been catastrophic across the globe. I want to acknowledge the frontline workers who have borne the brunt. I echo the comments of Her Excellency in acknowledging that our state owes a debt of gratitude to our doctors, nurses, paramedics, other health practitioners and workers, police and other emergency service workers and volunteers, our education workforce, our retail and food industry workforce, and other frontline workers.

I also acknowledge the outstanding contribution of the police commissioner, Grant Stevens, and the Chief Public Health Officer, Nicola Spurrier, for their advice and guidance during the pandemic.

I agree with Her Excellency's comments that the 'pandemic has changed all of our lives, but it has also presented opportunities for our state to not simply recover but to prosper as never before'. But what should also be acknowledged is that the foundation of these opportunities was laid by former Premier Steven Marshall, former Minister for Health and Wellbeing Stephen Wade and their cabinet colleagues.

It was their heavy lifting during that time that helped to keep South Australians safe, avoiding 4,400 deaths during the first wave of COVID alone and avoiding daily case rates of up to 40,000 during the Omicron outbreak. It was their heavy lifting that has ensured South Australia enjoys its lowest unemployment rate in 40 years and the highest economic growth rate in the nation.

It is their heavy lifting that has reduced costs for businesses and reduced the cost of living for families by eliminating payroll tax on small business, slashing the emergency services levy and cutting water bills, whilst providing support to families and businesses during the pandemic totalling more than \$4 billion.

It is their heavy lifting that delivered a 2021-22 budget which returns the operating balance to surplus in 2022-23 and delivered upgrades to South Australia's credit ratings by ratings agencies. It is their heavy lifting that transformed the old Royal Adelaide Hospital site into a hub of technology, innovation and culture, secured Lot Fourteen as the home of Australia's National Space Agency and helped create thousands of jobs and showcase South Australia to the world.

It is their heavy lifting that secured investment in upgrades of all suburban hospitals and expansion of emergency departments across the metropolitan area and employed more doctors, nurses, ambulance officers and health staff than ever before, with staffing levels more than 2,500 people higher than mid-2018 levels.

It is their heavy lifting that ensured regional South Australia and its communities received record investment, with \$3 billion across more than 1,000 regional projects. The Marshall Liberal government ensured South Australia led the nation in apprenticeship and traineeship commencements, with an increase of 72 per cent, more than double the national rate. We delivered record investment in infrastructure projects, mental health, shifted year 7 into high school and delivered a record \$1.5 billion in school builds and upgrades.

Her Excellency said that:

The people of this state deserve a safe, secure and prosperous future...

I agree. I am proud of all that the Marshall Liberal government achieved to deliver a safe, secure and prosperous future. I hope the Malinauskas Labor government is able to deliver for the people of South Australia just as the Marshall Liberal government did over its four-year term.

Her Excellency said that:

Our state expects its government and parliament to act with courage and vision.

And I agree. I am proud to have been a member of the Marshall Liberal government that acted with courage and vision, particularly as it confronted a global pandemic. I hope the Malinauskas Labor government is able to act with the same courage and vision and capitalise on the strong hand they have inherited.

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

Bills

SOUTH AUSTRALIAN PUBLIC HEALTH (COVID-19) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (16:23): I move:

That this bill be now read a second time.

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

Leave granted.

The Bill before the House today seeks to amend the *South Australian Public Health Act 2011* to maintain important measures to manage ongoing COVID-19 transmission in the South Australian community.

The major emergency declaration under the Emergency Management Act 2004 has been in place since 22 March 2020, by far the longest emergency declaration in the state's history. The major emergency has been extended via the Cabinet and the Governor 28 times since then.

The current 28 day extension of the declaration ceases on 28 May 2022. The Government has indicated its desire to not have further extensions of the declaration beyond 30 June 2022. This bill with the support of the Parliament will allow for the expiry of the major emergency by ensuring that key protections can stay in place.

Following the expiry of the declaration it is important to ensure continuity of some baseline measures to help manage the pandemic and protect the most vulnerable members of our community.

With COVID-19 transmission continuing in South Australia, there remains a need to maintain some targeted measures to monitor the incidence and prevalence of the disease and mitigate transmission.

Isolation requirements for cases will be essential into the winter months to limit the transmission of COVID-19 in the South Australian community and reduce the risk of overwhelming the health care system.

Infection prevention and control measures, including mask wearing and staff vaccination requirements, will still be important in high-risk settings such as residential aged care, disability, and healthcare facilities.

The objects of the *South Australian Public Health Act, 2011* are to protect individuals and communities from risks to public health. While it effectively does so for the most part, there are also limitations in that the current provisions only provide the means to effectively deal with individual cases of disease. This has served us well prior to a global pandemic, but will not provide the capacity to practically manage COVID-19 at the scale required, where we have seen and will continue to see thousands of cases in a day for the foreseeable future. This has led to the use of the Public Health Act having limited applicability during the course of the pandemic.

The Public Health (COVID-19) Amendment Bill 2022 has been developed to address the current limitations of the Act to deal with COVID-19 as well as provide for the ability to transition a limited number of current requirements made under the *Emergency Management Act, 2004* to sustain their operation once the major emergency declaration ceases.

The Bill ensures that oversight of the issuing of directions requiring isolation of cases or any quarantine or other mitigation measures for close contacts is by the elected government, through the Governor.

The Government has announced its policy of utilising the Emergency Management Council of Cabinet that includes key Ministers as well as the Chief Public Health Officer and State Coordinator.

The Bill will ensure that specific requirements for high-risk settings are retained to effectively protect more vulnerable members of the community, including mandatory vaccination, contact tracing, mask wearing and other infection control measures. This includes areas such as hospitals, health care, aged care and disability.

To highlight the key features of the Bill, it establishes a new Part, 11A that:

Establishes the power for the Governor, by notice in the Gazette, to issue directions imposing requirements including isolation and quarantine on people – this is only for people who have been infected with COVID-19 or are close contacts. The provisions have been drafted so that these requirements on close contacts and people positive with COVID-19 can have appropriate application and can include the necessary requirements to be effective.

Provides the necessary powers for authorised officers to enforce the requirements of any direction made or transitioned under the new Part.

Allows for the expiry of a direction or a specific provision of a direction which must be no later than six months after the commencement of the part. This ensures the new Part's time limited application. Importantly if these requirements are needed beyond six months the Government will need to return to the Parliament to consider this again.

Disapplies provisions of the Act relating to specific principles (s.14[6], [7] and [9]) and Magistrates Court appeals s.90 (3, 4 and 5) where a public health emergency would need to be declared under the Act. This ensures that should a public health emergency be needed, only in relation to COVID-19, then these provisions of the Act would not impede effective public health measures or their enforcement at scale.

Establishes transitional provisions under Schedule 1 to transition any remaining directions under the EM Act to give them effect under the SAPH Act to sustain their requirements once the major emergency declaration ceases. The Department for Health and Wellbeing is currently reviewing the existing directions in force with a view to providing advice to the State Co-ordinator as to their ongoing maintenance at the time of transition. These will primarily relate to high risk sectors such as aged care, hospitals, health care and disability care.

Importantly this Bill is limited in scope and will not allow for the imposition of restrictions such as lockdowns, hospitality restrictions, general mask wearing provisions, except if there was the declaration of another emergency under either this Act or the Emergency Management Act. If there was the public health need for such significant restrictions again then the declaration of a new emergency would need to be considered at that time.

Health is the number one priority of the Malinauskas Government, and ensuring that we have important measures in place to respond to the transmission of COVID-19 throughout our community forms a key part of the Government's health plan.

This is combined with the need to end the declaration of a major emergency and ensure that those remaining targeted public health measures transfer to a new legal framework through this Parliament.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

These clauses are formal.

2—Commencement

Part 2—Amendment of South Australian Public Health Act 2011

3—Insertion of Part 11A

This clause inserts a new Part in the *South Australian Public Health Act 2011* as follows:

Part 11A—COVID-19 arrangements

90A—Interpretation

This section contains definitions for the purposes of the Part and also provides that powers under the Part are in addition to, and do not limit, any other power under the *South Australian Public Health Act 2011*.

90B—Directions

This section provides that the Governor may issue directions imposing requirements in relation to persons who have tested positive for COVID-19 and close contacts of such persons. Such directions could, for example, include directions requiring isolation or quarantine.

Directions of the Governor under this section may not come into operation, or continue to operate, if a declaration under section 23 of the *Emergency Management Act 2004* in respect of the outbreak of COVID 19 within South Australia is in force (but could operate concurrently with a declaration of a public health incident or public health emergency under Part 11).

90C—Enforcement of directions

This section provides for the enforcement of directions issued under this Part and, for that purpose, empowers emergency officers to exercise any power referred to in section 25(2) of the *Emergency Management Act 2004*.

It will be an offence to, without reasonable excuse, refuse or fail to comply with a direction issued under this Part or a direction or requirement of an emergency officer given for the purposes of this Part. The maximum penalty for the offence for an individual will be \$20,000 or imprisonment for 2 years and for a body corporate \$75,000 and expiation fees for the offence will be \$1,000 and \$5,000 respectively.

It will also be an offence to hinder or obstruct operations carried out under, or for the purposes of, this Part. The maximum penalty for the offence will be \$10,000.

This section also provides for criminal liability for directors and managers of bodies corporate guilty of an offence against the section. Each director and the manager of such a body corporate will be guilty of an offence and liable to the same penalty for the principal offence when committed by an individual unless they prove that they could not by the exercise of due diligence have prevented the commission of the offence.

This section also provides that an emergency officer may require a person who the officer reasonably suspects has committed, is committing or is about to commit, an offence against this Part to state the person's full name and usual place of residence and to produce evidence of the person's identity. A failure to immediately comply with such a requirement will be an offence with a maximum penalty of \$5,000.

90D—Expiry of directions etc

This section provides that the Minister—

- (a) may, by notice in the Gazette, fix a day or days, on which a direction under section 90B, or specified provisions of such a direction, will expire; and
- (b) must, by notice in the Gazette, fix a day on which section 90B and all directions under that section will expire.

The day fixed by the Minister for the purposes of paragraph (b) above, to expire section 90B and all directions under that section, must be not later than 6 months after the day on which this section came into operation.

90E—Modifications of Act

This section provides that, if a public health incident or public health emergency is declared under Part 11 of the *South Australian Public Health Act 2011* in respect of COVID-19, the following provisions of that Act do not apply to a direction given in relation to that emergency:

- (a) section 14(6), (7) and (9);
- (b) section 90(3), (4) and (5).

Schedule 1—Transitional provisions

1—Interpretation

This clause contains definitions for the purposes of the Schedule.

2—Continuation of directions

This clause provides that, on the cessation of the last relevant emergency declaration made under section 23 of the *Emergency Management Act 2004* in force immediately before the commencement of this Schedule, a direction in force under section 25 of that Act continues in force as a direction under section 90B of the *South Australian Public Health Act 2011* (as inserted by this Act).

This clause further provides that any approval or exemption granted under a direction continued in force under this clause also continues in force as if it had been granted under the direction as continued.

3—Emergency officers

This clause provides that a person who was an authorised officer under section 17 of the *Emergency Management Act 2004* immediately before the cessation of the last relevant emergency declaration made under section 23 of that Act will, on that cessation, be taken to be appointed as an emergency officer under the *South Australian Public Health Act 2011*.

Debate adjourned on motion of Hon. N.J. Centofanti.

At 16:24 the council adjourned until Tuesday 17 May 2022 at 14:15.