

**LEGISLATIVE COUNCIL****Tuesday, 17 May 2022****The PRESIDENT (Hon. T.J. Stephens):** took the chair at 11:00 and read prayers.

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

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Report of the Independent Commissioner Against Corruption and Office of Public Integrity  
titled Failing the Corruption Road Test—Corruption Risk in South  
Australia's Driver Training Industry [Ordered to be published]

By the Attorney-General (Hon. K.J. Maher)—

Capital City Committee: Report, 2020—21  
Fee Notices under Acts—  
Aged and Infirm Persons' Property Act  
Community Titles Act 1996  
Land and Business (Sale and Conveyancing) Act 1994  
Legal Practitioners Act 1981  
National Parks and Wildlife Act 1972  
Real Property Act 1886  
Registration of Deeds Act 1935  
Roads (Opening and Closing) Act 1991  
Strata Titles Act 1998  
Valuation of Land Act 1971  
Worker's Liens Act 1893

By the Minister for Primary Industries and Regional Development (Hon. C.M. Scriven)—

Inclusive SA: Report, 2021—22  
District Council By-Laws—  
Mount Remarkable—  
No. 1—Permits and Penalties  
No. 2—Movable Signs  
No. 3—Roads  
No. 4—Local Government Land  
No. 5—Dogs  
No. 6—Cats  
Fee Notices under Acts—  
Controlled Substances Act 1984—Poppy Cultivation  
Industrial Hemp Act 2017  
Fisheries Management Act 2007  
Livestock Act 1997  
Passenger Transport Act 1994  
Plant Health Act 2009—  
Primary Produce (Food Safety Schemes) Act 2004—  
Egg

Meat  
Plant Products  
Seafood  
Regulations under Acts—  
Fisheries Management Act 2007—  
Demerit Points—Hand Fish Spear and Spear Gun  
General—Hand Fish Spear and Spear Gun  
Harbors and Navigation Act 1993—Fees  
Motor Vehicles Act 1959—  
Fees  
National Heavy Vehicles Registration Fees  
Report on actions taken by the Department for Correctional Services in  
relation to the Coronial Inquest into the Death in Custody  
of Joshua Marek Stachor—April 2022  
Response to the Legislative Review Committee's Report on the  
Correctional Services (Miscellaneous) Variation Regulations  
2021

*Ministerial Statement*

**INDEPENDENT REVIEW OF SAFEWORK SA'S INVESTIGATION INTO THE DEATH OF GAYLE WOODFORD**

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:22):** I seek leave to make a ministerial statement on the topic of a review into SafeWork SA's investigation into the death of Gayle Woodford.

Leave granted.

**The Hon. K.J. MAHER:** In March 2016, Gayle Woodford was tragically killed in the community of Fregon, where she lived and worked as a nurse for the Nganampa Health Council. Her murderer, Dudley Davey, was sentenced to a mandatory term of life imprisonment in June 2017. Following the conclusion of a coronial inquest in 2021, SafeWork SA reopened its investigation into whether the Nganampa Health Council should be prosecuted for contraventions of the Work Health and Safety Act 2012 relating to Ms Woodford's death.

In April 2022, after a 12-month investigation, SafeWork determined not to proceed with a prosecution on the basis there was no reasonable prospect of conviction of a criminal offence under the Work Health and Safety Act. This determination was reached following SafeWork's receipt of advice from independent senior counsel and former senior prosecutor Mark Norman QC.

This determination was communicated to the Woodford family on 11 April 2022. Since SafeWork's determination, concerns have been raised by various parties about the conduct of this matter. I have spoken with those supporting the Woodford family, and I thank them for their time in representing the family's views and concerns.

The government has determined to investigate the concerns raised by appointing former Federal Court judge the Hon. John Mansfield AM QC to undertake an independent review into the adequacy of SafeWork SA's investigation into the death of Gayle Woodford and its engagement with the Woodford family during that investigation.

Mr Mansfield was appointed as Queen's Counsel in 1985 and served as a judge of the Federal Court of Australia for nearly 20 years prior to his retirement in 2016. He is widely respected within both the legal profession and the broader community. Mr Mansfield's review will be completed by 15 July 2022 and will be made publicly available.

Prior to the last election, the Malinauskas government promised a review into the practices and procedures of SafeWork SA. That review will be a separate piece of work which will consider both SafeWork's investigative and prosecution functions and the regulatory arrangements around work health and safety more broadly. The details of that review will be announced in due course.

However, I can assure the council that review will have appropriate regard to the outcomes of Mr Mansfield's review into the Woodford matter specifically.

Again, my thoughts are with the Woodford family. No review or inquiry can make up for the loss of Gayle, and I know personally how much she was appreciated by the Fregon community.

*Parliamentary Committees*

**ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE**

**The PRESIDENT (14:30):** I have to advise the council that at its meeting held yesterday the Aboriginal Lands Parliamentary Standing Committee was unable to come to a decision as to who is to be its presiding member. Therefore, pursuant to section 7(1)(b) of the Aboriginal Lands Parliamentary Standing Committee Act, the matter is referred to the council for its determination. I call the Attorney-General.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:31):** I move:

That the Hon. T.T. Ngo be appointed presiding member of the Aboriginal Lands Parliamentary Standing Committee.

**The Hon. T.A. FRANKS (14:31):** I move:

That the words 'the Hon. T.T. Ngo' be deleted and 'the Hon. T.A. Franks' be inserted.

The council divided on the amendment:

Ayes..... 9

Noes ..... 10

Majority ..... 1

**AYES**

Centofanti, N.J.  
Game, S.L.  
Lensink, J.M.A.

Curran, L.A.  
Girolamo, H.M.  
Simms, R.A.

Franks, T.A. (teller)  
Lee, J.S.  
Wade, S.G.

**NOES**

Bonaros, C.  
Hunter, I.K.  
Ngo, T.T.  
Wortley, R.P.

Bourke, E.S.  
Maher, K.J. (teller)  
Pangallo, F.

Hanson, J.E.  
Martin, R.B.  
Scriven, C.M.

**PAIRS**

Hood, D.G.E.

Pnevmatikos, I.

Amendment thus negated; motion carried.

*Question Time*

**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. Does the minister's decision to allocate additional quota units in the marine scalefish fishery apply to all licensed marine scalefish fishers who applied for exceptional circumstances and were recognised as having exceptional circumstances by the previous minister or only those who appealed to the South Australian Civil and Administrative Tribunal?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37):** I thank the honourable member for her question. Members will recall that this line of questioning is in regard to the bungle by the former minister for primary industries in terms of allocating a policy that came to be known as the pro-rata policy, which SACAT found had no legal foundation and in fact entrenched disadvantage. In fact, to quote, it 'singled out those fishers unfairly disadvantaged by the general allocation process and effectively sought to enshrine that disadvantage'.

In terms of who will be covered, I can advise that the decision to remedy the appalling errors of the former minister applies to all those with approved exceptional circumstances who were then given a pro-rata share of surrendered licences, and it's not specific to only those who applied at SACAT.

#### **MARINE SCALEFISH FISHERY**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38):** My question is again to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber, following her decision to allocate additional quota units in the marine scalefish fishery, what now is the total allowable catch in kilograms, by zone and by species?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39):** I thank the honourable member for her question. As a result of the decisions that were required to be made to fix the appalling error of the former minister for primary industries, letters have gone out to all stakeholders outlining what the revised allocation's impacts are, and so that information is publicly available.

#### **MARINE SCALEFISH FISHERY**

**The Hon. T.A. FRANKS (14:39):** A supplementary question: has the letter been published publicly?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39):** I will check whether that is on the PIRSA website. My understanding is that it is, but if I am mistaken then I can come back to the chamber and further advise.

#### **MARINE SCALEFISH FISHERY**

**The Hon. J.M.A. LENSINK (14:39):** A further supplementary: can the minister advise when that letter was sent to the relevant fishing licence holders?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40):** I approved that letter, I think it was last week, if my memory serves me correctly, so I assume it would have gone towards the end of last week.

#### **MARINE SCALEFISH FISHERY**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40):** My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber, following her decision to allocate additional quota units in the marine scalefish fishery, what is now the total allowable commercial catch in kilograms, by zone and by species?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40):** I appreciate the honourable member's question. I must say that I perhaps misheard her previous question; I assumed she was referring to the total allowable commercial catch. I'm happy to check whether those two pieces of information are publicly available. My understanding is that all the information I have has been published and is therefore accessible, but I will check that and come back to the chamber if I am mistaken.

#### **FRONTLINE RETAIL WORKERS**

**The Hon. J.E. HANSON (14:41):** My question is to the Attorney-General. Will the Attorney-General advise the Legislative Council on the prevalence of violence and abuse against frontline retail workers?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:41):** I thank the honourable member for his question and his ongoing interest in this area. Many members will have seen footage on television, or perhaps even witnessed for themselves, occasions when frontline retail workers have unfortunately borne the brunt of the public's frustrations during the COVID-19 pandemic, whether that be over stock shortages, social distancing, or even the requirement enforced in the past to wear a face mask.

Incidents of abuse and violence towards retail workers are sadly not isolated. A survey of over 6,000 workers conducted by the Shop, Distributive and Allied Employees' Association (the SDA) has revealed that in the past 12 months 88 per cent of respondents had experienced verbal abuse from customers, almost 8 per cent of respondents had been victims of physical violence from a customer, and 70 per cent of respondents said that abuse and violence were more frequent during COVID-19, with more than 20 per cent of workers having been coughed or spat on by customers during the COVID-19 pandemic.

These findings are strikingly similar to the results of a survey conducted by the National Retail Association, which found that some retailers had experienced a 400 per cent increase in incidence of customer aggression and abuse due to the pandemic.

The SDA has shone a light on this important issue through its Nobody Deserves a Serve campaign to eliminate abuse and violence against retail workers, and I know that many members in this chamber have been active supporters of that campaign. The campaign began in 2017 as a promotional campaign to raise public awareness, but quickly developed into a key plank which has garnered the support of many employees and delivered improvements in working conditions.

Some of the key successes of the campaign include public messages of support from MPs and senators from across parliaments in Australia, the union working with individual employers to develop improved policies and training, and all major employers signing a pledge calling for zero tolerance of abuse and violence towards retail workers. I commend the SDA, and in particular the leadership in South Australia of Josh Peak, in raising awareness about this issue through the Nobody Deserves a Serve campaign.

Unfortunately, South Australia has lagged behind other jurisdictions in recent years in taking strong action to protect retail employees. New South Wales, Queensland and the Northern Territory introduced fines for customers who deliberately cough and spit on retail workers and, further abroad, the United Kingdom introduced tougher penalties for those who attack retail workers.

I am proud that this government stands shoulder to shoulder with retail workers and recognises that this kind of behaviour is completely unacceptable in modern society. As the newly elected government, we have committed to making sure there is a legislative instrument for aggravated offences for people who abuse or assault frontline retail workers and we are in the final stages of working on that now.

Retail workers are essential employees who have kept South Australians fed and clothed throughout the pandemic and deserve to be treated with respect. For many young South Australian retail workers, including one of my children, it's their first job in the labour market. I know many in this chamber will have had the same experience of retail work being their first job in the labour market. Workers shouldn't have to fear coming to work as a frontline retail worker. We recognise that there is never an excuse for violent and abusive behaviour towards a retail worker.

While I am on my feet, I might respond to a question that the Hon. Tammy Franks raised last week in parliament in relation to a code of conduct for members of parliament. The report of the joint committee that followed the equal opportunity commissioner's review of harassment in the parliamentary workplace recommended a code of conduct be adopted for members. On 18 November last year, the Legislative Council resolved to have that code of conduct incorporated in our standing orders.

I have sought advice from the Clerk on the implementation of that motion. I am advised it has been implemented and that the code of conduct is now reflected in the standing orders. I understand that Her Excellency the Governor notified the Legislative Council of this change on

10 February this year. I am further advised that the printing of the updated standing orders has not been completed yet, but the staff of the council expect to have this done shortly.

#### **FRONTLINE RETAIL WORKERS**

**The Hon. D.G.E. HOOD (14:45):** Supplementary: Attorney, why is the government seeking to make a two-tiered approach to protecting retail workers and ignoring others?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:46):** We are not seeking to make a two-tiered approach in not recognising others. We do recognise the special role frontline retail workers have played during this pandemic and the brunt they have borne from sometimes unreasonably abusive shoppers.

#### **PORTABLE LONG SERVICE LEAVE**

**The Hon. T.A. FRANKS (14:46):** I seek leave to make a brief explanation before addressing a question to the Minister for Industrial Relations on portable long service leave.

Leave granted.

**The Hon. T.A. FRANKS:** The Labor Party has come to this term of government with an election promise to investigate portable long service leave. I note that since the 1980s, in partnerships with unions and employers across the industry, Labor was part of creating the Construction Industry Long Service Leave Act 1987 for that industry to have portable long service leave. My question to the minister is: what is the time frame for consultation on portable long service leave and which industries is it the intention of this government to be able to access portable long service leave?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:47):** I thank the honourable member for her question and her interest in workers' rights generally and the industrial relations area. The honourable member correctly reflects the government's commitment to consult with workers, unions and businesses to expand the portable long service leave system in South Australia.

As the honourable member has pointed out, there is another scheme that has been operating for some time in South Australia, that is, the construction industry portable long service leave scheme. Other states and territories have established portable long service leave for other industries, including cleaning, community services and security industries. We know that more workers are working casually and are regularly moving between employers, which means that many workers may never reach the requirement of 10 years of service or a pro rata seven years of service with an individual employer to enable them to take the proper break that long service leave envisages.

This is an area in which we have really started doing internal work, and over the coming months we will consult both with those who represent employees and employers. Certainly, where we are looking first is where other states have looked at. As I've said, they have started in things like the community services type areas and other states have moved in cleaning and security areas.

#### **PORTABLE LONG SERVICE LEAVE**

**The Hon. T.A. FRANKS (14:48):** Supplementary: which unions will the government be consulting with?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:48):** I thank the honourable member for her supplementary question. We will be consulting broadly with unions. Once we do the work about which areas and which sectors specifically that we will start with, we will consult very closely with the unions that represent those areas.

#### **PORTABLE LONG SERVICE LEAVE**

**The Hon. H.M. GIROLAMO (14:49):** Supplementary: what will be the cost to employers, employees and taxpayers associated with portable leave?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:49):** As I said, we are just starting the work now internally and once we start consulting we will do that work more thoroughly.

#### PORTABLE LONG SERVICE LEAVE

**The Hon. T.A. FRANKS (14:49):** Supplementary: will the government be consulting with the Media, Entertainment and Arts Alliance?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:49):** We certainly have an intention to consult with unions broadly about all we do in terms of industrial relations, but we certainly will be consulting very specifically with unions in the sectors that we start this with.

#### PORTABLE LONG SERVICE LEAVE

**The Hon. S.G. WADE (14:49):** My supplementary question to the minister is: is it the government's intention that both employers and unions will be represented on the portable long service leave boards?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:50):** We intend to consult very broadly and consult with all those who are interested in formulating the policies, including who will be represented on such boards.

#### EID FESTIVAL

**The Hon. J.S. LEE (14:50):** I seek leave to make a brief explanation before asking a question of the Assistant Minister to the Premier.

Leave granted.

**The Hon. J.S. LEE:** Taxpayer-funded Parliament House receptions hosted by the Premier of the day are generally well received by community groups. On 9 May, Premier Malinauskas hosted perhaps his first reception as the new Premier, and the assistant minister acted as the master of ceremonies during the event to celebrate Eid festival at the end of Ramadan. A number of Muslim community leaders made an inquiry about why they were not invited to the Eid celebration on 9 May. These leaders were previously invited by the Marshall Liberal government. My questions to the assistant minister are:

1. Can the assistant minister explain the process of how people get onto the invitation list by the Labor government?
2. Can the assistant minister explain why certain community leaders were omitted or excluded from the invitation list, and will she apologise to these leaders for the Malinauskas government's omission?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.S. LEE:** I continue:

3. How much did the taxpayers of South Australia pay for this event?
4. Can the assistant minister tell the council how many of these events the Premier will be hosting in the next 12 months?

*The Hon. R.P. Wortley interjecting:*

**The PRESIDENT:** Order! The assistant minister will be heard in silence, the Hon. Mr Wortley.

**The Hon. E.S. BOURKE (14:51):** I thank the shadow minister for her question. I did attend the event. It was a last-minute request. I was attending to represent the Minister for Multicultural Affairs, as the honourable member would understand. I was not there to represent the Premier,

because the Premier was there in his own capacity, and it is also not my responsibility to organise these events, because I am not the Minister for Multicultural Affairs.

We have a Minister for Multicultural Affairs and she is doing a fantastic job. She had COVID last week and was unfortunately unable to make it. I was more than happy to represent the minister at last-minute notice. If there were guests who were not on the list, I will most definitely be taking that up. I would be more than happy to discuss that with you outside of these questions or I am more than happy to provide the details.

#### EID FESTIVAL

**The Hon. J.S. LEE (14:52):** Supplementary: is the assistant minister in her answers confirming that she had no role to play as Assistant Minister to the Premier in organising this event?

**The Hon. E.S. BOURKE (14:53):** I don't know if you have the same piece of paper that I have in front of me, but the Premier does not have any portfolio responsibilities. I am the Assistant Minister to the Premier, so therefore I do not have any portfolio responsibilities, therefore I would not have been involved in creating this event.

#### FERAL PIGS

**The Hon. I.K. HUNTER (14:53):** My question is to the Minister for Primary Industries and Regional Development. Will the minister update the council on the state government's efforts to eradicate feral pigs from Kangaroo Island?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:53):** I thank the honourable member for his question—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —and his interest in Kangaroo Island. I am delighted to update the council on the state government's progress to eradicate the feral pigs from Kangaroo Island. I am advised that there are currently fewer than 100 feral pigs—

*Members interjecting:*

**The PRESIDENT:** Order! Leader!

**An honourable member:** Me?

**The PRESIDENT:** Yes, you. Bad habits.

**The Hon. C.M. SCRIVEN:** —remaining on the island. Since the program started in October 2020, as I am happy to acknowledge, 839 feral pigs have been destroyed and total eradication is expected to be achieved by 2023, which will of course assist in protecting the island's important ecosystem and agricultural industries from the impacts of feral pigs.

Back in April, officers completed a cull which destroyed, I am advised, 25 pigs and this was the third of five planned culls using high-grade thermal cameras to identify feral pigs in inaccessible terrain around rivers, creeks and dams. Once they are identified, they are destroyed swiftly and humanely by expert, trained marksmen or markswomen.

This program to rid Kangaroo Island of its feral pigs was the first in Australia to use thermal technology in aerial culling for control of pest animals. We know that there are many feral pests on Kangaroo Island and as a state government we are committed to ensuring that we take these threats seriously and fund the eradication efforts that are needed. Feral pigs can cost primary producers on Kangaroo Island up to \$1 million a year, and of course Kangaroo Island retains a pristine natural environment. These are just two of the reasons why we must take pest threats very seriously.

The aerial culls are used in conjunction with other high-tech control methods, including artificially intelligent camera tracks. The motion-activated cameras take photos which are automatically scanned for feral pigs and, if they are detected, an alert is sent to ground staff who can respond in real time to get near to the pig and destroy it. This technology is extremely advanced and has proven to be highly successful. Two more aerial culls are planned, with the next from July to



September this year and the final cull due in autumn 2023 which is expected to completely eradicate feral pigs from the island.

We are committed to ensuring that the pristine area of Kangaroo Island and its local ecosystem is protected from feral pests, including feral pigs, and I am delighted that the island is set to be pig free by next year. I am also delighted that we have a bipartisan approach on important matters such as biosecurity, eradication of pests, and I look forward to this continuing into the future.

#### FERAL PIGS

**The Hon. T.A. FRANKS (14:56):** Supplementary: can the minister identify which of those parts of her answer were not publicly available already?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56):** I am happy to answer questions that are given. If they are given in this chamber and I have the information in front of me, I am happy to provide them.

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

#### FERAL CATS

**The Hon. F. PANGALLO (14:56):** Can the minister elaborate on what is happening with feral cats on Kangaroo Island?

**The PRESIDENT:** I will allow the supplementary because we are talking about feral animals and it's an important question.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56):** Yes, certainly. I thank the honourable member for his question and his ongoing interest in Kangaroo Island. I will certainly take that on notice and bring back an answer to the chamber.

#### TAFE SA

**The Hon. F. PANGALLO (14:57):** I seek leave to make a brief explanation before asking a question of the Attorney-General representing the Minister for Education, Training and Skills about TAFE.

Leave granted.

**The Hon. F. PANGALLO:** A media report today reveals that TAFE is looking for a new debt collector to recover debts owed by its clients, including local and international students, companies, organisations, sole traders and small partnerships. The winning tender would be expected to handle 320 debtors a month to the value of about \$220,000, although there is no indication on the length of the contract.

One of the tender conditions is that the appointed debt collector must not instigate any legal action but initiate 'pre-legal action', which appears to resemble a form of subtle harassment like doorknocking, emails and making phone calls and SMS demands. My question to the responsible minister is:

1. Can he provide the level of debt currently owed to TAFE by its clients and also a breakdown of how much has been incurred between the COVID years from 2020 to the present?
2. Can he also provide a list of debts that are owed by local clients and also international clients and, without identifying the debtor, what are the five biggest individual amounts?
3. What specific action and penalties, if any, can the government take and impose to recover moneys from local and international debtors?
4. Is TAFE intending to hike its fees for courses offered to cover these debts?

**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 his questions and I will refer them to the minister in another place and bring back a reply.

### HOMELESSNESS

**The Hon. J.M.A. LENSINK (14:59):** I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development, representing the Minister for Human Services.

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Lensink, what is the topic?

**The Hon. J.M.A. LENSINK:** Homelessness.

Leave granted.

**The Hon. J.M.A. LENSINK:** Last sitting week in question time, the minister referred to and I quote 'so-called reforms of the homelessness system'. By the use of that term, is the minister indicating that the new government doesn't intend to continue with South Australia's nation-leading alliance approach?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00):** I thank the honourable member for her question. I appreciate that she is referring to comments that I made, but the substance of the issue is a policy issue which I am happy to refer to my colleague in the other place and bring back an answer to the chamber.

### HOMELESSNESS

**The Hon. J.M.A. LENSINK (15:00):** Supplementary: why would the minister make such a remark on the public record and then not be prepared to answer a question about it in question time?

*Members interjecting:*

**The PRESIDENT:** I'm sorry, it is not a supplementary question. If you would like to provide an answer you can—

*Members interjecting:*

**The PRESIDENT:** —but it is not arising from the original answer. The Hon. Mr Ngo.

### INDIGENOUS VOICE IN PARLIAMENT

**The Hon. T.T. NGO (15:00):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about changing attitudes in the community to implementing an Aboriginal and Torres Strait Islander voice to the Australian federal parliament?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:01):** I thank the honourable member for his question and his ongoing interest in this area. I am pleased to report that national data collected in the ABC Vote Compass survey shows an increasing willingness and acceptance on the part of the Australian community.

National data in that Vote Compass survey has asked whether Australia should amend its constitution to establish a representative body or a voice to advise parliament on laws and policies affecting Indigenous peoples. Since the last federal election 2019, Vote Compass data has shown support for an Indigenous voice in parliament as growing. Overall, in 2019, 64 per cent of voters supported a push for a referendum ahead of the last election and I am pleased to see that the results of the latest Vote Compass survey ahead of this year's federal election show that 73 per cent now support the move.

There was clear support for the idea. Overall, 73 per cent of Australians agreed 'strongly' or 'somewhat' that there should be a constitutional change to give Indigenous Australians a greater say over their lives. Researchers from the Australian National University have concluded that:

Public attitudes have shifted to such an extent in the last 40 years that there is little reason to think a constitutionally enshrined voice wouldn't pass a referendum if it were held today.

In the Australian election study survey conducted by the Australian National University, around three-quarters of voters were prepared to support a change to the constitution to recognise Indigenous Australians, in both 2016 and 2019. The Aboriginal and Torres Strait Islanders that gathered at the 2017 National Constitutional Convention that formulated the Uluru Statement from the Heart on 26 May 2017 charted that as one of the tenets of the way forward.

The anniversary of the Uluru Statement from the Heart from 2017 will be the five-year anniversary I think next Thursday on 26 May. The From The Heart leadership has put forward two suggested dates which Australians could be called to decide on a referendum whether to enshrine a voice to parliament in the constitution: 27 May 2023 or 27 January 2024.

A referendum on rights and recognition of Aboriginal and Torres Strait Islander peoples is not without precedent in Australia. Many would be aware that on 27 May 1967, Australians voted to change the constitution so that, like all other Australians, Aboriginal and Torres Strait Islander peoples would be counted as part of the population and the commonwealth government would be able to make laws for them.

A resounding 90.77 per cent of Australians said 'Yes' and every single state and territory had a majority for the 'Yes' vote. It was one of the most successful national campaigns in Australia's history. The Uluru Statement from the Heart has launched a new referendum education campaign, 'History is Calling', rolling out in May and June this year, urging Australians to support a First Nation's voice to parliament. Professor Megan Davis, Balnaves Chair in constitutional law at the University of New South Wales and the Uluru dialogue co-chair, said that:

The History Is Calling campaign reaffirms the opportunity here for all Australians to protect a First Nation's voice to parliament in the Australian Constitution.

Members of the council, history indeed is calling. Labor Senator Pat Dodson has expressed hope that the next government will have a greater opportunity to grasp the mantle to confront Australian history in relation to a voice. I am pleased that an incoming federal government would implement the Uluru Statement from the Heart in full and are committed to a referendum in the first term. I am proud that the sentiments about a commonwealth voice to parliament are so positive.

#### INDIGENOUS VOICE IN PARLIAMENT

**The Hon. T.A. FRANKS (15:05):** Will the minister be bringing forth this year legislation for a state voice to parliament? What will the processes be for a state Voice to Parliament and what consultation is anticipated for that process?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:05):** I thank the honourable member for her question. It is a very important question for South Australia, because as the federal Labor opposition has committed to a constitutionally enshrined voice in parliament for Aboriginal and Torres Strait Islander people so too had the opposition and now Labor government in South Australia committed to implementing in South Australia.

There will be wide consultation with Aboriginal people about the form that will take before legislation is presented to parliament. I hope that we will have legislation by the end of this year, but I don't want to truncate a consultation process to meet a deadline for this parliament, but this is an absolute priority of this government. But in recognising that it is something that we would like to do soon, we recognise the overriding consideration is full consultation with Aboriginal Australians, South Australians.

#### TASMANIAN BLUE GUMS, KANGAROO ISLAND

**The Hon. R.A. SIMMS (15:06):** I seek leave to make a brief explanation before addressing a question without notice to the Minister for Primary Industries and Regional Development.

**The PRESIDENT:** On the topic of?

**The Hon. R.A. SIMMS:** On the topic of blue gums on Kangaroo Island.

Leave granted.

**The Hon. R.A. SIMMS:** Thank you, Mr President. Everybody is interested in KI today. I visited Kangaroo Island last year and locals told me about the plantations of Tasmanian blue gums that are a result of the forestry industry species that is not endemic to the island. After the fires, mature blue gums released a large volume of seed, which has germinated in areas of remnant vegetation, conservation land and roadside vegetation. What has resulted is a dense infestation of Tasmanian blue gums that are outcompeting native flora and fauna and changing the ecosystems that provide essential habitat for vulnerable species.

Tasmanian blue gums grow at a rapid rate, and it is currently reported that these trees are now standing over two metres tall. A concerted effort by locals volunteering has managed to remove 20 per cent of the saplings, but the time to easily remove them has already passed. A consortium of conservation groups, Trees for Life, the Kangaroo Island Landscape Board, the Kangaroo Island Landowners Association, the nature conservation council of SA and the Kangaroo Island Council have reported that only 900 hectares out of more than 3,500 have been cleared of Tasmanian blue gums, and they have called for additional funds to address this recovery effort.

My questions to the minister therefore are:

1. What is the government planning to do to address the invasive Tasmanian blue gums in forestry plantations on Kangaroo Island?
2. Will the minister ensure that the timber industry make a contribution?
3. Will the government be allocating funds within the coming budget to deal with this serious problem?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:08):** I thank the honourable member for his question. It is quite interesting that it is the same day as you are talking about the issue of feral pigs, for example, because the very finely balanced ecosystem of Kangaroo Island, of course, is incredibly important, both for its benefits for tourism, its benefits for ecological purposes, its benefits for our agricultural sector.

I haven't had the particular matter that the honourable member has mentioned brought to my attention. I am certainly happy to investigate further and come back to the council with an answer. I suspect it also very strongly covers and crosses over with the responsibilities of my colleague in the other place the Minister for Environment and Water. So I will certainly look into this matter. I thank the member for bringing it to my attention, and if he would like to provide me any further details other than his outline to the chamber today, I am very happy to receive them.

#### MINISTER'S REGIONAL TRAVEL

**The Hon. D.G.E. HOOD (15:09):** Supplementary: since the minister has taken on the role of minister, how many times has she travelled to Kangaroo Island to oversee the important issues that the Hon. Mr Simms raised, and also the culling of feral pigs as one of her colleagues raised?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09):** I thank the honourable member for his question. I look forward to being able to get to Kangaroo Island as soon as possible. Having been a minister for I think seven or maybe 7½ weeks now, I am very pleased to have been able to make regional visits to the Riverland, the Barossa Valley, the Clare Valley, the Upper South-East and, of course, my home area of the Lower South-East.

I appreciate that the honourable member may have a particular interest in how much I will travel to regional areas, given that the former minister for regional development, by all accounts, didn't like going to regional areas to a large degree. That was certainly the feedback that I had—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —in regard to a number of country and regional residents.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Hood, you asked a supplementary question. It didn't really arise from the original answer. I have given the minister the opportunity to respond. Minister, I'm sure you are—

*The Hon. E.S. Bourke interjecting:*

**The PRESIDENT:** The Hon. Ms Bourke, we don't need your parroting in the background. Minister, please conclude your answer.

**The Hon. C.M. SCRIVEN:** Certainly, I intend to be far more active in travelling to regional areas than the former minister in the former Liberal government. I think really listening to people in regional communities is incredibly important. Of course, that is one of the reasons that the Malinauskas Labor government will be having country cabinets throughout the state. The first one is scheduled for June in Mount Gambier. Of course, country cabinets, if I recall correctly, were something that was scrapped by the former Liberal government immediately upon coming into office.

*Members interjecting:*

**The Hon. C.M. SCRIVEN:** Which is a shame. It really is a shame and given the swings against the former Liberal government in regional seats—

**The PRESIDENT:** Minister—

**The Hon. C.M. SCRIVEN:** —I really think it does illustrate how important it is to get out into the regional areas—

**The PRESIDENT:** Minister, bring it back to Kangaroo Island.

**The Hon. C.M. SCRIVEN:** —but, even more importantly, to listen when you get out there, and clearly that is not what the members of the former Liberal government did.

**The Hon. N.J. CENTOFANTI:** Supplementary question.

**The PRESIDENT:** A supplementary question arising from the original answer, which could be challenging, the Hon. Ms Centofanti.

**The Hon. N.J. CENTOFANTI:** I like a challenge, Mr President.

**The PRESIDENT:** The original answer.

#### MINISTER'S REGIONAL TRAVEL

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:11):** Supplementary: when was the last time the minister visited Eyre Peninsula?

**The PRESIDENT:** No, I'm sorry, but that was—

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! Don't defy the Chair. The original answer had nothing to do with Eyre Peninsula or anywhere else. The first supplementary question was a bit out of order, and the minister has responded. I call the Hon. Ms Girolamo.

#### PUBLIC HOLIDAYS

**The Hon. H.M. GIROLAMO (15:12):** Can the Attorney-General explain the impact on business owners with Easter Sunday becoming a public holiday and how this impacts the affordability of opening four public holidays in a row and potentially making it unviable for many businesses to open?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:12):** I thank the honourable member for her question. We will consult about public holidays in South Australia; we have made that commitment. But I can

tell you one thing that the consultation is showing up very, very clearly, and that consultation showed up very, very clearly in ballot boxes on 18 March, and that is Christmas Day public holiday.

We saw in this chamber and we saw in the other place those opposite, those who are now in opposition, vote time and time again against declaring a public holiday on Christmas Day. It is the view—the unchanged view—of those opposite, of the member for Black, the Leader of the Opposition, David Speirs, that on Christmas Day people shouldn't have the protection to spend the day with their families, to have that protection to get paid public holiday rates on Christmas Day.

I'm very proud that we supported legislation in the last parliament to make Christmas Day a public holiday, as the Hon. Tammy Franks brought before us. I congratulate the Hon. Tammy Franks from the Greens. The Greens supported workers on Christmas Day getting a public holiday, the Labor opposition supported workers getting a public holiday on Christmas Day, the Hon. Frank Pangallo and the Hon. Connie Bonaros supported workers getting a public holiday on Christmas Day. The only people in this chamber who didn't support it were the Liberal Party members—it's a shame.

**The Hon. H.M. GIROLAMO:** Supplementary question.

**The PRESIDENT:** Supplementary question arising from the answer, the Hon. Ms Girolamo.

#### **PUBLIC HOLIDAYS**

**The Hon. H.M. GIROLAMO (15:14):** There was no mention there of anything to do with my question about Easter or business owners. Could you please actually answer the question.

**The Hon. J.S. Lee:** Yes, answer the question.

**The PRESIDENT:** Order, the Hon. Ms Lee!

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:14):** I will repeat what I said in relation to that: we'll consult.

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

**The PRESIDENT:** Order! The Hon. Mr Pangallo has a supplementary question.

#### **SHOP TRADING HOURS**

**The Hon. F. PANGALLO (15:14):** Arising out of the response from the minister: can the minister indicate if and when he intends to introduce legislation regarding Christmas holiday and also trading hours?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:15):** I thank the honourable member for his supplementary question—it is an important question. In the coming weeks is when we hope to have legislation in relation to the honourable member's question. Shop trading hours are an important question as well. We have a commitment to increasing shop trading hours on Sunday, so that shoppers in Adelaide can shop Sunday morning between nine and 11.

Let's look at the recent history again. Do you know who was against that? The only people against nine to 11 Sunday morning shop trading—the Liberal Party. The Labor Party supported nine to 11 Sunday morning shop trading hours. The Greens supported nine to 11 shop trading hours on Sunday morning; the Hon. Frank Pangallo and the Hon. Connie Bonaros and SA-Best supported nine to 11 shop trading hours on Sunday morning. Once again, the only people who are against the people of South Australia, the only people who didn't want that are those opposite—shame!

#### **AQUACULTURE INDUSTRIES**

**The Hon. R.P. WORTLEY (15:15):** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the developments within the aquaculture and seaweed industries in South Australia?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16):** I thank the member for his question. The aquaculture

industry is an important driver in our state's economy. In South Australia in 2019-20, the industry generated both directly and indirectly approximately 2,507 full-time equivalent jobs. In the same year, the total value of seafood production from aquaculture was approximately \$229 million, not far in fact in total value from their wild catch counterparts at \$232.8 million. This represents around about 16 per cent of Australia's total aquaculture production and 14 per cent of the gross value of aquaculture production in 2019-20.

Aquaculture is in fact the fastest growing livestock industry in Australia—about 7 per cent growth per year—and is expected to increase to \$2 billion by 2027, to meet increasing global seafood demand. The South Australian aquaculture industry is diverse, with major sectors including Southern bluefin tuna, yellowtail kingfish, oysters, mussels, abalone, freshwater finfish, yabbies and marron.

An emerging aquaculture sector that is likely to diversify and grow the industry even further is the emergence of seaweed farming. Research is happening locally at SARDI's West Beach site, and trials have been conducted on several existing licences on the Lower Spencer Gulf. I am advised that the first aquaculture licence approved to commercially farm seaweed was granted to the Narrunga Nation Aboriginal Corporation, which has partnered with CH4 Global.

The potential for this industry was noted in PIRSA's *Zoning In: South Australian Aquaculture Report*, released in 2021, where it explained that the seaweed/algae aquaculture industries will likely contribute significantly to regional South Australia and have the capacity to create 3,000 jobs in our state alone and up to 9,000 nationally by the year 2040.

Seaweed products cover a range of areas that really are or have the potential to be a part of most people's everyday lives. These include food and nutrition, biofertiliser, animal feed, bioremediation and climate change adaptation, to name just a few. Though its nutritional value, easy harvest and fast growth have been known about for many centuries, the impact it can have as just one of the tools to combat climate change is becoming better understood all the time. There is a growing awareness of the ability of seaweeds to offset nutrient inputs, for example, wastewater treatment plants and aquaculture, sequester CO<sub>2</sub> and reduce methane output in cattle through adding it to their feed, which potentially offers huge opportunities for our state.

Our government looks forward to the research continuing at the SARDI West Beach site, along with its commercial partners and all others who are pioneering the seaweed industry in our state. This will of course put South Australia on the map once again for its leadership, quality and skill within the seafood and aquaculture industries.

#### **SOUTH AUSTRALIAN TREATY**

**The Hon. T.A. FRANKS (15:19):** My question is to the Attorney-General and Minister for Aboriginal Affairs. Will the minister outline the process for Treaty that his government intends to implement in South Australia and also detail whether it will involve legislation?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:19):** I thank the honourable member for the question and her longstanding interest in this area. Similarly to the supplementary the honourable member asked about the Voice process, this will involve significant consultation.

When we were last in government, the then Weatherill government committed to a treaty process with Aboriginal South Australians. The process that led to starting that involved, I think, what was at the time the most comprehensive consultation there had been with Aboriginal South Australia—some dozens of community meetings; I will have to go back and check, but I think there were some hundreds of responses to written consultations. That then started a process where there was an expression of interest with individual Aboriginal nations to start Treaty discussions. As a result of that expression of interest process, Treaty discussions were held with Aboriginal nations—three Aboriginal nations in the first instance.

It has been four years now since those Treaty processes were scrapped. Where once South Australia was leading the nation in this area, we have now fallen behind. Victoria is now well along the path of its Treaty process as well as its First People's Voice to Parliament process. The NT is now well on the way to its Treaty process. The Queensland government has committed to a treaty process and, if there is a change of government, New South Wales will also join them.

Also, in the intervening time there has been the south-west land and sea agreement with the Noongar of south-western WA, which I think most people, including federal minister Ken Wyatt, the Minister for Indigenous Australians, has recognised in almost all forms as being a treaty agreement.

Given the progress around Australia, we think it wise to not just re-start where we left off—and of course capacities have changed in nations over the last four years—but to consult widely and broadly. Of course, it is overlaid with our ambitions for a Voice to Parliament.

In response to the honourable member's question, it is a piece of work that we are starting, but there is again a lot of consultation that is required. One thing I am absolutely sure of is that any significant reforms in the area of Aboriginal affairs or policy with Aboriginal people only works if Aboriginal people are heavily involved in those decisions.

There is a body of work to do in terms of consultation but also looking at where other states and territories are at. Of course, if there is a change of government this coming weekend, there is a commitment from, if it were to be, an incoming federal Labor government to start a treaty process as well.

### SOUTH AUSTRALIAN TREATY

**The Hon. T.A. FRANKS (15:22):** Supplementary: what quantum of budget will the government be allocating for the Treaty process?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:23):** We have an initial budget to implement some of these of half a million dollars a year initially, but of course as we go along with consultation we will have to look at the budgets that support the path we go down.

### SOUTH AUSTRALIAN TREATY

**The Hon. T.A. FRANKS (15:23):** Supplementary from the original answer: the process is Truth, Treaty, Voice. What role will a truth and justice process play in South Australia's Treaty?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:23):** I thank the honourable member for her question. She is quite right that the three tenets that came out of the statement from Uluru were a Voice to Parliament—a constitutionally enshrined Voice to Parliament. As I outlined in an earlier question today, the level of support for that right around Australia is increasing. The statistics show over the last three years the level of support for that constitutionally enshrined federal Voice to Parliament has gone from about two-thirds to about three-quarters, according to ABC Vote Compass.

The next tenet from the Uluru Statement from the Heart is a treaty process—a Makarrata process, a Yolngu word for coming together after times of trouble or times apart; a treaty or agreement-making process. The third tenet—and I think it is recognised that none of these have primacy over the other, they are all very important parts—is a truth-telling process. I think it is recognised that in implementing the first of those, the Voice and the Treaty parts, truth-telling has to play a component along the way. It is not just an end in itself but part of everything else you do. Certainly, that is the third element of what we have committed to.

I think it was NAIDOC Week in the middle of 2019 when the Labor opposition—Labor having lost the federal election—decided we couldn't wait to see a change in federal government, to see a Labor federal government, to implement the statement from Uluru, but that if we were lucky enough to be elected as a state government we needed to do our part to progress this. This is what we committed to in opposition and what we are starting to process and will do from government now in South Australia.

The Uluru Statement from the Heart process, the consultations that went on right throughout Australia, were by far the most comprehensive consultation there has ever been with Aboriginal and Torres Strait Islander people across this country. Aboriginal and Torres Strait Islander people set out the steps forward: Truth, Treaty, Voice. That hasn't been enacted but we will do that at a state level, and I am really hopeful we will have a federal government that will do that at a federal level.



**SOUTH AUSTRALIAN TREATY**

**The Hon. T.A. FRANKS (15:25):** Final supplementary: will there be a Treaty Commissioner, and has anyone been considered for that role?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:25):** I thank the honourable member for her question. No, there hasn't been consideration of that. The area we are concentrating on first is the Voice element, and I think it was one of the honourable member's earlier questions about whether there will be legislation this year. As I said, that is an ambition; I'm not certain we can get there. I am much more concerned about proper and thorough consultation than setting a deadline.

We will look at what other states do. I know in Victoria there is a—I can't remember the word for it in Victoria—Truth commission in Victoria that has counsel assisting the process. We will certainly look at what other states do, and that is certainly an option open to us.

**ASSISTANT MINISTER TO THE PREMIER**

**The Hon. S.G. WADE (15:26):** I seek leave to make a brief explanation before asking questions of the Assistant Minister to the Premier on the topic of community events.

Leave granted.

**The Hon. S.G. WADE:** In response to a question in this place on 3 May, the assistant minister noted that part of her role and responsibilities would be 'going to events or going out to community events or consulting with stakeholders'. Can the minister please advise, given that it is now two months since the election, what events she has attended on the Premier's behalf, what community events she has attended on the Premier's behalf and which stakeholders she has consulted with on the Premier's behalf?

**The Hon. E.S. BOURKE (15:27):** I thank the honourable member for his question. I'm not sure what your diary looks like now as a backbencher, but I don't feel like I need to provide a rundown on every event I go to. As we have stated, you all have a printout of the portfolio responsibilities to the Premier. The Premier does not have any portfolio responsibilities. I will support the Premier where required and I will support the team where required, because that is what we do on this side of the chamber.

**The PRESIDENT:** There is a supplementary question. I will listen.

**ASSISTANT MINISTER TO THE PREMIER**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:28):** Can the member give the chamber some indication of where she has assisted the Premier?

**The PRESIDENT:** You can answer that, if you like.

**The Hon. E.S. BOURKE (15:28):** I don't really have the time—the chamber doesn't have enough time; nine minutes wouldn't cover it, so we don't need to go through it today.

**The PRESIDENT:** There is a further supplementary.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Wade, you have a supplementary question arising from the original answer?

**ASSISTANT MINISTER TO THE PREMIER**

**The Hon. S.G. WADE (15:28):** Yes, I do. The honourable member stated that she is not responsible to this chamber. Why then did she tell this chamber on 3 May that her roles and responsibilities would be going to events or going out to community events or consulting with stakeholders? Is she accountable to this chamber?

*Members interjecting:*

**The PRESIDENT:** Order! I will decide—

*Members interjecting:*

**The PRESIDENT:** Order, Leader! I'll decide if it's a supplementary question. The assistant minister, you can answer the question, if you wish.

**The Hon. E.S. BOURKE (15:29):** I don't know what else there is to add.

**The PRESIDENT:** Okay. The Hon. Mr Hanson. Let's move on.

### **WALK FOR JUSTICE**

**The Hon. J.E. HANSON (15:29):** My question is to the Attorney-General. Will the minister inform the council about this morning's Walk for Justice and the work that JusticeNet SA does to facilitate access to justice?

*Members interjecting:*

**The PRESIDENT:** Order! We have had a question. The minister will answer the question and we will listen in silence.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:30):** I think I heard the question. It's very noisy in here. I can hardly hear what's going on.

*Members interjecting:*

**The PRESIDENT:** Order! Just answer the question, Attorney. We don't need a commentary.

**The Hon. K.J. MAHER:** I thank the honourable member for his question and his ongoing interest in justice. I would like to commence by wishing a happy Pro Bono Day to all the lawyers and the other people in the legal profession who volunteer their time and resources to ensure that the most vulnerable in our community get access to justice. It really is a great thing that many in the legal profession do, and a credit to the profession that so many donate their time and skills to helping out those who might not otherwise have access to justice.

I'm pleased that the Attorney-General's Department has provided a number of supports to JusticeNet, who have coordinated much pro bono work in this state over the years, including in-kind support by the Crown Solicitor's office, whose lawyers donated over 1,500 hours of work, I am informed, with a pro bono estimated value of some \$400,000.

JusticeNet administers Pro Bono Connect, a referral scheme that matches eligible individuals and charitable organisations in need of legal assistance with member law firms and barristers who are willing to act on a pro bono basis. JusticeNet also provides a Refugee and Asylum Seeker Assistance referral scheme for judicial review applications, a Federal Court Self Representation scheme and a Homeless Legal outreach service.

This morning, I was very pleased to be able to attend JusticeNet's signature fundraising event, the Walk for Justice. I have been on the Walk for Justice for a number of years and was pleased to attend on behalf of the Premier today in my vintage 2018 justice walk T-shirt. Many of the 2022 T-shirts had not yet arrived—I think one of the consequences of transportation and shipping systems during COVID meant that there weren't enough to go around this morning.

I really do want to acknowledge the exemplary work of JusticeNet. I have had the great good fortune of spending time, a number of times, over the last few years at Adelaide Uni looking at the great work JusticeNet do. Their signature fundraising event, the Walk for Justice, has been running for 13 years. I am told it is the largest gathering of the legal profession in South Australia, which is quite disturbing or a wonderful thing depending on the way you think about it.

After going online during COVID, members of the profession turned out this morning: protesters would say there were thousands, but police reports would probably say dozens. There were maybe a few hundred this morning for a very early start to walk along the Torrens. Before the walk, senior Kurna man, Uncle Mickey O'Brien, told the story of Tjilbruke as part of his Welcome to Country. He noted the enduring importance of informed decision-making in the justice system.

The JusticeNet purple ribbon to open the walk was cut by the Hon. Chief Justice Chris Kourakis. While this duty would normally be carried out by the Governor, I understand Her Excellency is also affected by COVID in performing her duties. I wish Her Excellency all the best in her time of dealing with COVID, as many others of us have done over the past months and years.

In the past it has been tradition that the Chief Justice and the Attorney-General cook a barbecue breakfast together. With the huge scale of participants this year, I must admit I was just a little relieved that it would be left to the professionals at The Joinery for putting on breakfast for this morning's walkers rather than having to rely on the Chief Justice and the Attorney-General. It was quite a sight, the huge sea of purple T-shirts walking along the Torrens (Karrawirri Parri), and I understand many more virtually joined the walk and donated as well. Clearly, the weather gods were supporters of justice as there was a break in the clouds and a slight reprieve from rain for this morning's walk.

There were other members of the state and federal judiciary present, along with many members of the independent bar, and other leading legal professionals and solicitors. I was very pleased to be walking alongside a number of my colleagues: friends from the Labor Party, the Hon. Emily Bourke from this place, the member for Badcoe, Jane Stinson, in another place, the member for Enfield, Andrea Michaels—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** It was also pleasing to see our colleague in another place, Josh Teague, the shadow attorney-general, and also from this chamber the Hon. Heidi Geronimo and the Hon. Laura Curran, attending this morning's walk. It was a good turnout from North Terrace. Also, the Attorney-General's Department was out in force today, smashing their fundraising target and contributing to the overall goal-beating achievement of, I am told, over \$70,000 raised at this morning's walk and still counting. A special mention goes to the top three fundraising teams: Omni Bridgeway, LK Law, and Dentons. Thanks to JusticeNet and its generous donors, thousands of South Australians have had continued access to high-quality legal advice during times when it is needed.

#### KANGAROO ISLAND

**The Hon. F. PANGALLO (15:35):** I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries about fabulous Kangaroo Island.

Leave granted.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. F. PANGALLO:** As we know, in 2020, bushfires caused devastation on the island and millions of tons of timber had to be felled and stored in dams while Kangaroo Island Plantation Timbers awaited a decision on the now ill-fated Smith Bay wharf project. After much procrastination, the Marshall government managed to secure a modest fuel subsidy to assist in the enormous transportation costs of timber off the island. My questions to the minister are:

1. Can the minister provide an update on plans to shift millions of tons of timber from the estates of Kangaroo Island Plantation Timbers, and also the dams, and proposals to upgrade facilities at Kingscote wharf?
2. Does the minister have an indication of how much timber remains and how much has so far been removed? If they cannot be removed, will the remaining logs have to be torched?
3. Finally, what measures will be carried out on the koala population once all the remaining plantations owned by Kangaroo Island Plantation Timbers are cleared?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:37):** I thank the honourable member for his questions. They are all very important matters. The member and I both visited Kangaroo Island prior to the last election—I think it was last year; it may have been the year before at this stage—and saw some of the issues

and some of the challenges that were there and, of course, some of the ways that KIPT, as it was known then, was trying to mitigate those issues.

It is true that the devastating 2019-20 Kangaroo Island fires burnt over 17,000 hectares of forestry plantations, most of which were owned by KIPT, and following the non-approval of the proposed Smith Bay seaport, Kiland, as they came to be known, appointed Australian Agricultural Group Investment Management to convert its plantation to agriculture. Certainly, the state government supports all endeavours which benefit our productive enterprises, our regional communities and the environment. PIRSA is leading the Kangaroo Island timber task force, consisting of government agencies and the Kangaroo Island Council, with its main aim being to maximise the economic value of the remaining log resources.

I note that the honourable member referred to much procrastination by the previous government, and sadly that is absolutely true. It was very much too little too late in terms of trying to access subsidies for transport, and what has happened, of course, since is that there have been bushfires in other states, in the Eastern States, and therefore an increase in demand for timber.

I have met with a number of stakeholders and continue to have conversations around what has been done so far and what there are still opportunities to do. In regard to other aspects of the honourable member's question that I don't currently have to hand, I will certainly seek a response and bring it back to the council.

*Address in Reply*

#### **ADDRESS IN REPLY**

Adjourned debate on motion for adoption.

(Continued from 5 May 2022.)

**The PRESIDENT:** Before I call the Hon. Mr Martin, I remind members that it is the Hon. Mr Martin's maiden speech and of course we will extend every courtesy to him. I call the Hon. Mr Martin.

**The Hon. R.B. MARTIN (15:40):** I would like to acknowledge that we meet on the lands of the Kaurna people, and I pay my respects to their elders past, present and emerging. My family's South Australian story began like many others: with a small bit of illegal immigration. My great-grandfather decided to leave his European home by jumping ship and seeking a better life on the other side of the world. Looking back on my previous career, it now seems fortuitous that he came to these shores with the surname Campaign.

My parents, Brian and Carol, were raised in true working-class conditions. Brought up in Port Adelaide in large families, they did it tough. My mum's family story could probably be made into a Netflix series featuring a returned serviceman who suffered from what we would now know as PTSD, who self-medicated with alcohol, losing a leg to alcoholism.

Carol's mother had a secret: when my mum recently looked into the family tree, she discovered a long-lost brother who had been hidden from the other family members. Her long-lost brother has now been reunited with the family after more than 60 years and we could not be happier to have him as part of our family.

My parents, like many in their generation, married in their late teens, with two children quickly on the scene. They lived hand to mouth, struggling to put food on the table, but all the while they were completely dedicated and caring to their children. Growing up, my brother and sister had it a lot tougher than me, but the love they were shown more than compensated for the things they had to go without.

My father had left school at 13 and had more than a handful of jobs before he was 20. It was only when he finally got a job in a unionised workforce that he discovered job security for the first time. As a 20 year old, early into his marriage, Brian saw that there was power in the union and that with the workers standing together, they could ensure fair pay and conditions while at the same time ensuring the company was productive and profitable. Over time, he became more involved with his union, becoming a shop steward, organiser and eventually the secretary of the union.

By the time I came along, 11 and 10 years respectively after my siblings, my family had turned the corner and the fair pay my father received meant there was not much that I had to miss out on. Around the dinner table it was drilled into me that for many people life was hard and that sometimes people need a leg up in life. Whatever we like to think, children are not born in equal circumstances. We need to recognise that education should not be about equality but about equity. Some children need more help to achieve the same outcomes, and it is the role of the government and taxpayers to make sure that children get every opportunity in life to maximise their potential.

In 1972, Gough Whitlam said that:

Increasingly, a citizen's standard of living, the health of himself and his family, his children's opportunities for education and his access to employment opportunities are determined by where he lives.

Sadly, 50 years later, this is still the truth. Recent studies show that a child born in a low socio-economic area is twice as likely to be unemployed and not engaging in education or training at the age of 24 when compared with the average. For an Indigenous young person, that likelihood is tripled.

When I was studying biology in my final year at Taperoo High School, there were 24 kids in the class and 12 microscopes. Of the 12, only one was relatively new and it was standard to meet the requirements of the syllabus. The other 11 were decades old and in such a state that students who used them were at a disadvantage in doing well in the class. It struck me then that this just is not right. Kids should not miss out on opportunities due to a lack of resourcing. This memory has stuck with me all this time.

If the kids who went to my high school had better equipment, more opportunities and access to extra help, would more of them have finished year 12? Would more of them have gone on to further study? Did any of them miss out on following their dreams because of the postcode they were born into? Sadly, I think the answer to these questions is yes.

There are many fantastic public schools in South Australia staffed by dedicated, caring and exceptional educators and staff. My mother-in-law is one of them, having taught in public schools for over 30 years. My sister-in-law has taught in Port Augusta in a school with a large population of Aboriginal children and her stories bring into focus the need for more access to services and resources to those who need them most.

The teachers in some of our most challenging schools need our support. Many are spending hundreds if not thousands of dollars of their own money to provide everything from books and stationery, to food and clothing, for underprivileged kids. An investment in education is not just about the social impact, as it has a greater than two times multiplier effect on the economy.

That is, money we invest in young children today results in twice the economic benefit down the line. This return on investment is something that should be a no-brainer and, while there are always competing priorities of a state budget, an investment in education is always the right priority. Labor's election commitment to look at a wholesale review of early education is the right step to take. Now is the time to take stock of where we are at, what we need to do, to make sure that every child has the support they need to reach their potential.

While we are investing in education, we also need to look to the future of our economy and our environment. A Labor commitment that I am excited about is the creation of a hydrogen industry in South Australia. From cheaper gas in our pipelines, to powering our vehicles and a tool to help us on our way to a zero carbon economy, hydrogen will have an enormous impact.

We are blessed in South Australia to have ample sun and wind and a renewables industry that is already taking advantage of these natural resources. To use the excess of renewable energy to turn water into hydrogen that can be used when the sun is not shining and the wind is not blowing just makes sense. It makes sense as we move to a renewable economy, it makes sense as an economic driver of lower cost for industry and it makes sense for the jobs that will flow from it. While this is not the easiest political policy to sell in a 30-second advert, it is the bold, future focused and nation-leading policy that I think will be this government's legacy.

It is said that it takes a community to raise a child and I have benefitted throughout my life from the continued support, guidance and some hard truths from the community around me. To my

parents, thank you for everything. You set a pathway for me from an early age, encouraging a love of learning and a set of values that taught me to look out for others and never forget where you came from. To my brother and sister-in-law, Darren and Karen, thank you for opening my eyes to the broader world and encouraging an appetite for travel and learning more about other cultures.

There is a person missing from the gallery today and that is my sister. Cindy passed away in the final days before the election after a battle with cancer. She was taken too soon but had a big impact on my life and those around her. The most kind and caring person you could meet, her love and devotion to our family set the bar for me. To her husband, Shane, thank you for the love you gave to her and for everything you have done for me.

To my nieces, Laura and Jasmin, and my nephew, Harry, you have all grown up to be fantastic and well-rounded individuals and in your own ways you have demonstrated to me your strength and love of the family. To my wife's family, thank you for welcoming me into the fold. To the matriarch of the family, Marlene, your dedication to your family and your students is a sight to behold and you and Kyle could not have been better parents-in-law. I think of Kyle often and miss him dearly.

To my friends outside of politics, Peter Inge, Wade Dunstan, Adam Caldwell, Michael Gotch, John Disco Dunn and Luke Oswald, thanks for the memories and for always being there. I know I have been a bit of an absent friend at times, but I know you have my back, as I have yours.

I learnt a lot during my time in the Labor Party office and not just from the job but from the people who I met who became friends and mentors. I thank Adrian, Dean, Matt Size and Austin for always being there when times looked complicated and I had every confidence that with your help any challenge could be overcome.

To Peter Hanlon, who has mentored me—I am not sure if it was deliberate or not, but I think it was—I owe a huge debt of gratitude. Peter taught me to break a challenge down, think laterally, outside the box, and to not accept norms. Some of the advice he has given me has shocked me, but he was right every time and I would not have been able to do what I did at party office for so long without his sage advice.

The staff that I worked with at party office are a fantastic outfit. The successes that I had while there would not have been possible without their support. To Jo and to Mandy, whose decades of service to the Labor Party cannot be underestimated, I thank you for keeping me humble—or at least trying to keep me humble. And to the membership of the Labor Party, the importance of your efforts and contributions cannot be overstated.

To Steve May, thank you for your advice and contribution to the party. To Alicia, Paul, Leanne, Amy, Hollie, John Boag and Matt Byrne, thanks for making me look good in the role. Your work behind the scenes makes a big difference and I am grateful for all that you do. To the others I worked with—Jo Chapley, Tom Probst, Alex Overly, Michael Cowling, Barbara Burr and Margaret Doyle—thank you for your hard work and contribution. And to my new staff, Alexandra and Lucas, I am very lucky to have you both on the team here in parliament.

I think the relationship the Hon. Kyam Maher and I have is one which could only happen in the South Australian Labor Party. We should be factional rivals, but instead we share a deep sense of duty to the party and a real trust in each other. Our party is better when problems are resolved through discussions and debate, and I thank Kyam for this approach and for his friendship.

To Senator Don Farrell, thank you for taking a chance on me 21 years ago. I hope I have repaid the trust you put in me. I owe you a debt of gratitude for the opportunities you have provided for me, and there are not many things I would like to see more than you getting re-elected this Saturday. And to Nimfa, thank you for your many years of support and advice; it has meant a lot to me.

Of my political friends and colleagues there are too many to mention in the time I have today, but I pay special thanks to Amanda Rishworth and Tim Walker, Michael and Victoria Brown, Senator Marielle Smith and Matt Ellis, who have all helped in a big way.

To the powerhouse couple of the Labor Party, Emily and Aemon Bourke, a special thank you. Emily, you make people want to work harder and be better at what they do, and I admire your passion for developing the next generation. I was told early on, as a Secretary of the Labor Party, by

a wise political operative that it is the job of a political leader to find someone better than yourself to take over your job. In Aemon Bourke I am confident that I have done this and that party office is in great hands.

To the new and re-elected members of this house I extend my congratulations, as I do to the new members elected to the other place. As I have worked with every Labor MP in both houses for over 12 years I will not name them all, but I will say that I think we have an amazing team who are hardworking and ready to go.

I must thank the entire team at the SDA—staff and officials—for the support they have given me over two decades. I will single out Josh, Sonia and Tom amongst the current team, but everyone who works there does great work. I do not think I have ever met a better person than Sonia. She is caring, fierce, thoughtful and loyal. The way she conducts herself is an example to everyone in the movement. Tom is intense. You have heard of the velvet sledgehammer; well, Tom is the velvet bulldozer. Always striving to make things better, he pulls people along with him.

To Josh, you are a force for good and you possess one of the most important characteristics a person could have: good judgement. Thank you for your wisdom, good humour and advice. You have already made a big contribution to improving people's lives, and I am sure that will only continue into the future.

To the rest of the union movement, keep doing the work that you do; our society needs it. As we are seeing play out in the federal election, rarely is a rise in pay and conditions ever given without being fought for. A special thanks to Ian Smith and the TWU, Peter Lamps and the AWU, Jason Hall and the FSU, Demi Pnevmatikos and the United Workers' Union and other friends from the movement, like Dave Gray and Senator Karen Grogan.

I first met Peter Malinauskas in 2001, when I started a three-month job working at the SDA, backfilling his position while he took a break to do some travel. At the conclusion of those three months, I was asked to stay on and Peter and I began working together and competing against each other.

It was clear from early on that Peter was the real deal. Passionate and compassionate, intelligent and daring, he is someone who is genuinely interested in other people and their lot in life. We have worked together, lived together and travelled together, and apart from my marriage and the birth of my kids, winning the 2022 state election as campaign director with Peter as our leader is the proudest moment of my life. Peter, it has been a fun ride getting to this point and I am really looking forward to South Australia prospering under your leadership. South Australians have placed their faith in you and I know you will not let them down.

To the members of the campaign committee, a quick thankyou for pushing me during the campaign. Your ever-helpful advice makes a difference, so thank you to Susan, Tom, Stephen, Chris, John and the entire CHQ team. And to David and Stephen, thank you: we could not have done what we did without you.

To my kids, Will and Sophie, when you were born my heart felt like it had exploded. I never knew I could feel such joy and love come crashing into me as the moment you were born. Watching you grow and develop into the special kids that you are has been overwhelming, and I love you both.

To my wife and, quite clearly, my better half, Shannon: to you I owe everything. You have sacrificed and put up with a lot to see me where I am and I am eternally grateful for your love and support. You are the most special person in the world. I love you with every part of my being, and thank you for coming on this trip with me.

As we begin this session of parliament it is an opportune time to look to those who went before us. None of us got here alone and regardless of what party or idea led you to seek higher office, we all came here with a desire to make South Australia a better and fairer place. While we might have different ideas of the pathway to follow, we should never lose sight that it is a shared outcome that we desire. I have spent my time within the Labor Party trying to bring people together to seek outcomes that are mutually beneficial and I commit today to continue to do this with all sides of politics in this parliament so that South Australians will be the beneficiaries.

I often reflect on the words of Ben Chifley, who encapsulated why we in the Labor Party do what we do. Chifley argued that it is our job to strive for a better standard of living for all Australians, to show them the way by offering to be a beacon for good, where we put aside personal gain for the betterment of society as a whole. Our great common objective, that light on the hill, is one that we can achieve when we work together and lend a helping hand, creating a society that encourages hard work and prosperity but recognises that sometimes people need a lift to get onto that ladder of opportunity.

I will end with the great man's words, and I will extend a hand to everyone in this chamber who shares the objective that:

If we can make someone more comfortable, give to some father or mother a greater feeling of security for their children, a feeling that if a depression comes there will be work, and comfort that the government is striving its hardest to do its best, then we will be completely justified.

Thank you.

**Honourable members:** Hear, hear!

**The PRESIDENT:** Before I call the Hon. Ms Game, I remind members that it is the Hon. Ms Game's maiden speech and we as a chamber will extend every courtesy to her and listen in silence. I call the Hon. Ms Game.

**The Hon. S.L. GAME (15:59):** I rise to speak in reply to Her Excellency's speech in opening this session of the Fifty-Fifth Parliament of South Australia, and I wish to place on record my thanks to Her Excellency the Hon. Frances Adamson AC, Governor of South Australia, and congratulate her on her position and thank her for opening this historic session of the parliament on Kurna land.

I feel very privileged to be elected to the Legislative Council in the South Australian parliament. It is not a position that I hold lightly, and I feel a huge responsibility to those who elected me and also to the wider South Australian community, for whom I wish to make a difference. I want to thank all the volunteers, and I want to thank Senator Pauline Hanson and the One Nation National Executive Council for endorsing me to this position. I am grateful for this opportunity to share now some of my background and outline some of the life experiences which have shaped the person that I am, and I am grateful to be given this time to share how this history influences my values and primary goals in parliament.

My father is of Lithuanian and German heritage, born shortly after his parents immigrated to Australia. He is the eldest of eight children, growing up in a three-bed Housing Trust home in Adelaide. Life was difficult. His father was a gambler and a violent man. There was never enough money. As a child my father put cardboard inside his worn out shoes to protect his feet on the long walk to school.

My dad always wanted me to appreciate everything I had. For this reason, as a child he shared stories with me of his own upbringing. Many stories stayed with me, including the time my father received a bicycle for his birthday, sold the next day for his father's gambling money. My father tells me that he and his siblings were always playing on the streets—there was just no room in the house to do any homework—and although my dad left school without finishing, he returned later in life and he went on to study dentistry, supporting himself by working full time as a hotel night porter.

My father believed in individual responsibility. He believed that the individual had the capacity to change their circumstances. He told me to work hard for everything that I wanted, and that nobody should expect anything is given to them. He also engendered in me a belief that I could achieve anything with this attitude. As a child I accepted his view of the world, although like many young people I had waxing and waning self-belief as I grew up.

I respect my father for his achievements and his support for my education. His views have shaped my own, although my views have further developed with my own life experience, and unfortunately I do not share my father's views that anything can be achieved with a good work ethic and the right attitude. These attributes are part of the solution, but they are not the complete solution. I hold the belief that there are obstacles that the government needs to remove to allow people an equitable opportunity in life, and I am passionate about removing obstacles that prevent those who are desiring and those who are willing to achieve their full potential.



My paternal grandparents were immigrants. They came to Australia after the Second World War, because their countries of birth had had their democracies destroyed. I want to make clear that I support genuine refugee intake and Australia's responsibility to help communities overseas in need. I support and acknowledge the benefit of sustainable cohesive immigration to Australia. Immigration has enriched our culture and skill base.

Despite immigrating here at 18, my oma retained her thick Bavarian accent her whole life. She brought with her wonderful culinary skills, and she maintained German traditions that enriched my childhood, particularly at Easter and Christmas.

In terms of what I hope to achieve, I want to make clear that I make no distinction between Australians born overseas and Australians born here. I want to advocate for all South Australians. I am passionate about equalising opportunity for everyone. My mother went to university and she obtained a science degree when it was a path largely followed by men. She found on her first employment that there was not equal pay for equal work between men and women. She comes from a line of women who believe in the importance of education and the right for women to be independent financially.

I grew up the only child of a single working mother. My mother always worked full time and she felt the full weight of financial responsibility to support our household. Her work responsibilities and hours spent commuting greatly limited our time together growing up. I am very grateful to be a mother now myself to three beautiful children, and I am passionate about my time with them and the right for others to have stability and security in which to raise their children and spend essential time together.

My maternal grandparents imparted to me a Jewish heritage, and I am proud of this heritage. My grandparents valued education. My grandmother was a physiotherapist, and while my grandfather never had the opportunity to finish school, he was a very intelligent man. My grandfather was forced to leave the education system at the age of 12 to help support his mother. His sister and brothers were already part of the war in the Pacific, and my grandfather started his own business and remained self-employed his whole life.

I believe in people's right to maintain their culture and belief practices in Australia in a way that fosters a unified Australia, good relationships and respect between everybody. I am grateful to have been born in Australia, a democratic country of great beauty, and in my life have had the opportunity to obtain an education, a privilege that is not afforded to many around the world. I have always had a roof over my head and I have never had to experience poverty. However, like most people, life has thrown me challenges which have shaped the person that I am, and I count these challenges as very good preparation for my current role in parliament.

Like many young people, at times I found life difficult, and by year 10 I was struggling and bottom or almost bottom in nearly every subject. I was dealing with the consequences of my parents' separation and numerous school moves and, like many people, at times my mental health suffered. My mother worried I would leave school early and without any plan or direction. Encouragement from my year 10 mathematics teacher kept me from dropping out of the education system, and I would like to thank my mathematics teacher, Mr Weathered, for his interest in my future and the numerous times he assisted me, as I visited the staffroom on a daily basis at recess and lunch for years, with mathematics problems.

By year 12, I was the dux of the school. I had developed a love of advanced mathematics and earned a university entrance score of 99.7. I gained entry to veterinary science at the University of Sydney and I graduated with a first-class honours degree. The result of my educational achievement was the realisation that, if I had the ability to turn life around, there were many other underachievers who had that ability, too, with the right encouragement, resources and self-belief. This planted a seed for my later passion and involvement with education.

I want to talk briefly about why I chose to study veterinary medicine, because in the end I had the choice to undertake any university course I wanted. As an only child, I did supplement my need for siblings with a variety of pets, and I have always had a deep love and affection for animals, owning everything from fish, mice, guinea pigs, dogs, cats and horses later in life. Many of the pets came from rescue centres and all were treated as a member of the family.

I always held a desire to live a meaningful life and make a contribution and this, with my childhood experience of animals, influenced my decision to undertake veterinary medicine. I undertook an additional year of research on the black rhinoceros at Dubbo zoo, such was my passion for saving endangered animals.

I turned my life around at the eleventh hour, but I do not believe the same opportunity is afforded to everyone. I do not hold the belief that young people affected by these external factors with the right attitude and work ethic alone obtain a fair chance to reach their potential. In South Australia, there are 132,000 people living in poverty, including 22,000 children. It is unacceptable and it needs to be a priority for the government. These children often do not have the bare resources to engage adequately with school. Many children live in unstable or unsafe environments in which they cannot study or receive assistance with any home learning. Their parents are subjected to stresses of unaffordable housing and insecure employment. These stresses funnel down to children.

Disadvantage is embedded early in this state, with many children starting school aged five already behind their peers and too often with undiagnosed disabilities. While I acknowledge there are examples of achievement by individuals against great odds, this in no way excuses or provides justification for an apathetic attitude about changing the inequality of opportunity given to many aspiring families in our state.

It is in the interest of society to remove barriers and to allow everybody to be on a level playing field. This is essential for our social cohesion, innovation and creativity. It is important for supporting family values and the mental health and wellbeing of our citizens. In order to make these changes, South Australia needs to be an attractive place for investment.

A sense of adventure and a desire to travel has existed in my family for a long time. As a child, our house was full of books, including many travel guides that I enjoyed reading. My father had spent many years as a dentist in the Navy and my mother had travelled extensively. Before I was born my mother had enjoyed flying light aircraft.

I always held a desire to travel and experience different cultures and, as soon as I could after university, I wanted to see the world. At the age of 24 I left Australia, wanting an adventure. I have since been to Asia, the United States, Eastern and Western Europe and the Middle East. I have made friends in different countries and different cultures to my own. I became, as an adult, fluent in a second language. I settled in England for a decade, enjoying trips to surrounding countries.

Although I have enjoyed many aspects of veterinary practice, it is not a profession without its difficulties. Veterinarians have four times the suicide rate of the Australian population. Vets are leaving the profession in droves, despite being passionate and committed people. They are resilient professionals working under great stress for little pay. They work long hours and sacrifice time with their families.

Despite the stresses, while working as a vet I found it a great privilege to care for animals, and I enjoyed building client relationships. However, while in England my passion for young people and education was growing, and I applied to do a Postgraduate Certificate in Education at King's College, London. My cohort comprised people with established careers in a science-based field. On completing the qualification I received the Blackwell Prize, which was awarded to the student who had shown the most promise in teaching.

My first education posting was to a school marked for closure. These children lived in poverty in dysfunctional and unsafe homes, and these situations deeply affected their ability to learn. Years of government intervention had failed to stem the decline in teacher morale and student outcomes and although it was my desire to work in this kind of environment, it was still distressing.

I want to state that my experience with the children and the relationships I built with them at this school are a life highlight for me. I thoroughly enjoyed their interaction and company, although it hurts me to know that they never received a fair chance to fulfil their potential. Despite my hopes, intentions and best efforts to make a lasting difference with these young people, I failed. There were too many external factors for the students to overcome.

After the school closed, I subsequently taught at a large beacon college in the south of England, which had a couple of thousand students. It was called a 'beacon' college because it was

considered, at the time, to be an exemplar of education. This college involved students in the last two years of high school and was successfully providing an excellent and free education to young people with a wide variety of economic and social circumstances. I taught students living in share accommodation because for various reasons they were unable to live at home.

The achievement of my students was recognised by the principal when he wrote to me thanking me for my hard work. In the letter the principal acknowledged that these results were unlikely to have been achieved had they been taught by anybody else. Over the years, in each of my classes unusually high results were obtained and noticed and I was asked, as a new teacher, to reflect and share on the reason behind this achievement.

I set high expectations for my students, which translated into high personal student goals, and this fuelled their own hard work. I made myself—as my mathematics teacher had done for me—available to scaffold them at every opportunity, and it was here that we had the winning factors of a properly resourced college, a passionate and qualified teacher, and student motivation.

As previously mentioned, I am now the mother of three beautiful, healthy children; however, when my second child was born blind I was traumatised and my mental health suffered. Although I was lucky that she recovered due to the blindness resulting from the visual cortex, which ultimately repaired itself, I lived initially with great uncertainty about her future. Shortly after the birth of my third child I found myself a single parent, and life had taken an unexpected turn. Unfortunately, the experience of trauma is widespread and too many people struggle without appropriate mental health support, particularly in our rural communities. We need a rethink about how mental health services are delivered in this state.

I have many goals and ambitions for my eight-year term. However, given my speech, it will come as no surprise that as a top priority I want to know that no matter which government school a child attends they receive the same educational opportunities and subsequently the same employment opportunities as if they went to school anywhere else in the state. There are many factors involved here, including a cohesive society, a thriving economic environment, the right to safety and protection, well-resourced schools and good quality teachers.

I am passionate about mental health and increasing the accessibility of face-to-face mental health services in particular. Ironically, although I never aspired to be a politician, everything I have done in my life and everything that has happened to me in my life has prepared me for the task ahead. I do not do trivial and I say what I mean. I am accountable to the South Australian people and I am determined to be an effective voice for them. Thank you.

**Honourable members:** Hear, hear!

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

#### *Bills*

### **SOUTH AUSTRALIAN PUBLIC HEALTH (COVID-19) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 5 May 2022).

**The Hon. R.A. SIMMS (16:18):** I rise to speak on the South Australian Public Health (COVID-19) Amendment Bill on behalf of the Greens. The Greens are supportive of this legislation, but with some very important caveats. My colleague the Hon. Tammy Franks MLC has certainly prosecuted this case for the Greens in the previous parliament, that is, advocated in the long term for these provisions to move out of the emergency management declaration into legislation so that the parliament can have appropriate oversight.

We recognise that in a democracy like South Australia it is not appropriate to have a regime in place where the parliament is not having a say and where we have unelected officials making significant decisions about our health, our wellbeing and, of course, our civil liberties.

One of the things I think we all recognise in this place is the leadership of the public health experts who have informed our response to the pandemic over the last two years. One of the things that I think set South Australia apart from many other places around the world was the willingness of the previous government to follow the health advice, and I want to recognise the leadership of the health minister at that time, who is here in this chamber, the Hon. Stephen Wade, for his leadership in dealing with what I can imagine would have been one of the most challenging periods that any government would face, and that is a global pandemic. I do want to acknowledge that.

Now that we are moving into another phase of this pandemic, the time has come for the parliament to play a much more active role, and so from the Greens' perspective we welcome these provisions being now codified in legislation. As I say, we also want to ensure that there are safeguards in place.

One of the key concerns for us in the Greens has been putting in place a parliamentary committee. We have, I am pleased to say, been negotiating and discussing the prospect of that with the government and with the crossbench. What the committee that we are proposing will achieve is ensure that there is parliamentary oversight. That committee will have the power to make recommendations for directions to be disallowed, and I think that is going to be an important step in terms of how we manage this pandemic going forward. It also means that, from the perspective of the Greens, we will not be pursuing some of the other amendments that I have flagged previously, because we will have this important safeguard in place.

The other thing for us that is vitally important is around ensuring that there is the opportunity for appeal. One of the issues that we will be talking about a bit more during the committee stage is amendments that look at ensuring that there is a right of appeal for people who are being detained, that is, people who are being held under the Public Health Act in hotel quarantine, for instance, that they have the opportunity to make an appeal and to make the case for their personal circumstances.

With those important caveats—the right for this parliament to disallow ministerial directions, the minister giving updates on those directions to this parliament and the oversight of a parliamentary committee that is not dominated by the government—on the basis of those important safeguards, or with those important safeguards in place, the Greens will be supporting this bill.

**The Hon. J.M.A. LENSINK (16:22):** I rise to speak on the South Australian Public Health (COVID-19) Amendment Bill 2022 and indicate that I am the lead speaker for the opposition, although I would like to acknowledge in this, particularly, the sage advice of the Hon. Stephen Wade. I also place on record our thanks to him for his role during the pandemic and also acknowledge former Premier Steven Marshall, Chief Public Health Officer Professor Nicola Spurrier and our State Coordinator, Grant Stevens.

The government is proposing to move out of the major emergency and manage the COVID-19 pandemic under the South Australian Public Health Act 2011, and the opposition supports that goal. We are providing bipartisan support for the government's policy and the bill. We are, however, concerned that the bill as drafted fails to deliver fully on this commitment. The bill significantly replicates the emergency management provisions and blocks standard elements of the Public Health Act response

We have proposed amendments and are supportive of other amendments to honour the bipartisan goal to leave this major emergency in word and reality. Our health spokesperson, the new member for Schubert, has described the drafting of the bill as a 'cut and paste', so we are seeking to make sure that this is a much better model.

We believe that our amendments to the bill strike a fair balance and will meet the expectations of the community as COVID-19 impacts ease for South Australians. With such an approach to this bill, we owe it to South Australians to review changes with a critical eye, and this should not be a rushed, tick and flick exercise.

By way of background, on 22 March 2020 the State Coordinator, Commissioner Grant Stevens, declared a major emergency under section 23(1) of the Emergency Management Act 2004 in respect of the outbreak of the human disease named COVID-19 within South Australia. Since that time, the major emergency declaration has been extended 28 times by the Governor. The declaration was most recently extended on 30 April 2022 for a further 28 days, and the major emergency is due

to lapse on 28 May 2022. The government would like to end the major emergency declaration under the Emergency Management Act by 30 June. There are three sitting weeks, including this one, before 30 June.

The government is putting forward this bill in anticipation of the expiration of the declaration. In particular, the bill seeks to maintain directions made under the Emergency Management Act. There are currently 18 directions in place in addition to three declarations relating to the major emergency itself. Without the bill, upon cessation of the declaration all the current directions would lapse. Some elements of the directions will still be needed as we transition out of the major emergency, and the bill primarily maintains the directions in force at the end of the major emergency.

It is still not clear what the government intends will be in place at that time. At a briefing the government held for us yesterday, officers advised the opposition of the intention to issue a new consolidated direction before the major emergency lapses. The issue is that the parliament is being asked to pass a bill which maintains a direction it has not even seen, which is not good lawmaking. The opposition has sought a copy of the consolidated direction as soon as possible, even a draft, and at the time of speaking we have not received that, as far as I am aware.

As drafted, the bill allows for the COVID-19 directions under the Public Health Act to be terminated within six months from an unspecified commencement date. To provide appropriate oversight of the pandemic response, we consider that the six-month time frame for expiry is too long. The opposition is attracted to amendments that have been filed by the crossbench that specify an expiry time frame of four months, which would avoid a costly early resumption of parliament during the winter recess, allowing parliamentary consideration of any extension during the first two weeks of September.

The government proposes that the expiry of the directions be affected by a gazettal by the minister. Consistent with the revised governance arrangements to make new directions, the opposition proposes that the bill be amended to provide for cabinet to recommend to the Governor when directions should expire. It is important that South Australia maintains agility in its pandemic response. This pandemic is not yet over and it is not predictable. The government and the community of South Australia have constantly needed to pivot in responding to COVID-19 and we are highly likely to need to do so again.

South Australia continues to record thousands of positive cases every day and our active cases are over 26,000. Unfortunately, 403 people have died of COVID-19 in South Australia, 172 of those people since 19 March. Significantly, on the very day the government provided the opposition with this bill, the Chief Public Health Officer advised the government that two new variants of COVID-19 had been identified in South Australia. We are also entering our first flu season for three years. We maintain that the government's bill limits the state's agility in the following ways:

- the government intends to let the declaration of a major emergency lapse with no declaration of a public health incident or public health emergency to replace it;
- the bill maintains current directions for up to six months;
- the government cannot modify any current directions;
- the government can only issue new directions in relation to isolation of positive cases and close contacts;
- any new or reimposed requirements would require a declaration of either an emergency under the Public Health Act or an emergency under the Emergency Management Act; and
- the government has the capacity to come back to the parliament to seek to extend the time frame for expiry of directions beyond six months.

The Minister for Health has advised that the bill is supported by the State Coordinator, Commissioner Grant Stevens, and the Chief Public Health Officer, Professor Nicola Spurrier.

If passed, the bill would see the State Coordinator's role being replaced by the Chief Executive of the Department for Health and Wellbeing. It is understood that the government still

envisages that the Emergency Management Council subcommittee will provide advice on the COVID response, in particular, the making of new directions in relation to requirements for COVID-positive and close contacts, which is section 90B(1).

The Chief Public Health Officer, the Chief Executive of the Department for Health and Wellbeing and the police commissioner would all have input to the process. This opposition is determined, indeed committed to, protect the rights of our South Australian citizens, from the right to be protected from disease to the right to free movement and association.

The existing Public Health Act embodies a set of eight overarching principles and specific principles that relate to public health responses. It is noteworthy that the Emergency Management Act is not subject to such principles. The government bill proposes to exclude provisions of the Public Health Act which would otherwise protect citizens' rights and remove capacity for appeals.

This opposition seeks to amend the bill to protect those rights and appeals. If the government considers that the public situation has eased to the point that we can leave the major emergency and move from the Emergency Management Act to the Public Health Act, then it must be the case that the normal provisions of public health should apply.

If the public health situation deteriorates, the Emergency Management Act can be activated through a fresh declaration. The opposition has also given detailed consideration to the enforcement of provisions which carry both imprisonment penalties and expiation fines. We support moves out of the major emergency declaration, but propose amendments to the South Australian Public Health (COVID-19) Amendment Bill 2022 to remove imprisonment and enormous fines from the list of penalties.

Heavy punitive measures associated with an emergency declaration should not be entrenched as we move through the pandemic. Decreases in penalties to remove imprisonment and reduce maximum sanctions, by approximately a third, would see the state become more aligned with rules in other jurisdictions. The maximum fine under our amendments would be reduced by about one-third, to \$50,000 for a body corporate and \$15,000 for a natural person.

Our amendments to the bill strike a fair balance and will meet the expectations of the community as we exit the major emergency. The government will continue to have the capacity to return to a full major emergency declaration if needed, but continuing with these penalties beyond a major emergency is a bridge too far.

We believe that the penalties must be both reasonable and necessary and that they are applied equitably. We maintain that we are committed to a bipartisan or, indeed, multi-partisan response to the pandemic and look forward to further consideration in committee and note that the recent comments from the government in conjunction with members of the crossbench indicate that, without having been pushed to a new position, the government's bill would indeed have had many flaws which we hope will be rectified through the committee stage.

**The Hon. C. BONAROS (16:32):** I rise also on behalf of SA-Best to speak on the South Australian Public Health (COVID-19) Amendment Bill 2022 and echo some of the sentiments that have already been expressed by my colleagues in relation to this bill.

As we move out of state of emergency, there is work to be done to ensure that our laws are fit for purpose should we see another COVID-19 or COVID-like pandemic. In their current states, I think it is fair to say neither the Emergency Management Act or the Public Health Act are properly equipped to do that job as they stand.

I am fully supportive of the Law Society's view that our Emergency Management Act needs to be looked at very carefully by this parliament. It was not designed to deal with COVID-like situations but, as we all know, at the time that is the only vehicle we had available to us that would allow a State Coordinator to step in and deal with the unexpected and quick nature with which COVID hit our communities.

In reality, we know that that legislation was really designed for things like floods, like fires, certainly not global pandemics like COVID-19. I think there is broad consensus that, as we transition now away from the state of emergency to a living with COVID situation, as it has been coined, the

Public Health Act is an appropriate vehicle to use for these further changes or at least short-term measures.

But that comes with some very important qualifications. Certainly, the bill as it was first introduced into this place, was not one that we on this side of the chamber would contemplate without some serious amendments. We spoke to our stakeholders, the same stakeholders that other members I am sure spoke to. We spoke certainly to the Law Society and Dr Sarah Moulds as well actually and sought advice about what it is that we were concerned about.

We drafted amendments to deal with those concerns. Broadly, those concerns revolved around the extraordinary powers that this bill gives the executive when it comes to close contacts and COVID-positive cases. It is fair to say that we could deal with those in the Public Health Act, but to do so without amendments to those provisions would be a diabolical disaster in my view but also a very missed opportunity by this parliament.

Basically the feedback that we have all had, I think it is fair to say, is that that is a very well drafted piece of legislation. It is a piece of legislation that has served us well up until now. It has recently been the subject of a review by the Social Development Committee. I was on that committee. When we reviewed the Public Health Act, there was a deliberate omission of COVID-19 being considered as part of that review, because we were in the infancy of the COVID outbreak, but it is certainly something that the committee indicated it would go back to consider at an appropriate time.

But there are also a number of important safeguards that exist in other provisions in the Public Health Act which initially were not contemplated as part of this bill. That is where our concerns arose, and certainly I think that is where the concerns of the stakeholders that we consulted with arose, particularly in relation to safeguards, the proportionality principles, definitions around terms that the executive would be able to issue directions on, such as close contacts, ensuring that where we have the executive making a decision it is a decision that this parliament has scrutiny over.

Certainly, the establishment of an oversight committee, the establishment of a mechanism which allows those directions which would not be made by the State Coordinator but rather by the executive itself or the Governor should be subject to scrutiny by this parliament and should be disallowable instruments.

That was certainly our focus. I think it is also fair to say that from the public's perspective it is something that they would expect. They may have had trust in Grant Stevens, the State Coordinator, making decisions that were outside of our control, but I think they would have less trust in the executive. I mean no disrespect to the executive, but I do not think that that would really pass any pub test—that we would trust the executive to make directions which limit people's liberties without appropriate oversight, safeguards and proportionality principles.

So the amendments we have worked at have been targeting those particular aspects of what ought to have been in the original bill, but I am pleased to see across the chamber there have been amendments which seek to address those omissions.

I think it is also important, based on the stakeholder feedback we have had, to place on the record the importance of some appeal rights. We have all had varying positions on where we land in terms of appeal rights—we will deal with those in the committee stage—but certainly the advice SA-Best took when we dealt with appeal rights was that for those people who are, for want of a better term, detained, there ought to be appeal rights that accompany those in line with the other provisions that apply in the Public Health Act. So again we sought to replicate those in our amendments.

I think without amendments this bill would be a missed opportunity to do something now. I think there is still work that needs to be done. We have flagged our initial position of saying if we—I suppose the issue is this: if we do nothing then we risk another declaration, which none of us want, and I do not think the community wants. Despite the very short time frame that we have been given to deal with this, everybody has worked particularly hard and constructively behind the scenes to try to get some outcomes that are going to make this workable, whether that is for three months or six, I think that the amendments that have been filed seek to address those shortcomings and do so in a very constructive way.

I would also like to place on the record another issue. I think all these issues work hand in hand and make the bill better if these amendments are ultimately passed, and I am certainly hoping that that is going to be the case, but a lot of the directions that have been made to date have been queried or questioned by the public in terms of the health advice that underpins those directions. Certainly, whilst this bill will have some existing provisions in relation to high-risk settings and move over into the public health bill, there will be the ability for the government to make new directions when it comes again, so only to close contacts and to COVID-positive cases.

There are two things that we need to be clear about. We cannot do anything over and above close contacts and COVID-positive cases. We are seeking to have directions in relation to those things made disallowable, which is in line with all the advice we have received, but also I think the public has every right to expect that the advice that the government or the executive and ultimately the Governor relies on in making those directions needs to be publicly available. It needs to be put on a website, it needs to be laid before this parliament, and we all need to know what that advice is. Indeed, that will work hand in hand with the disallowance mechanism that is being proposed because when we are considering those directions we will do so with the benefit of having the public health advice in front of us.

If it does not pass the pub test I think we will all hear about it very quickly, and if it does not pass the scrutiny of this parliament then we will have the ability to disallow those directions. I cannot emphasise enough how important I think that is when you are handing powers back to the executive and insisting, as this parliament is doing, that there be parliamentary oversight of that process. It is an entirely different situation to the one that we have been in previously. I do not think any of us want to go back to that situation because we cannot get this bill passed in time.

I think the other important point, which the Hon. Michelle Lensink has just raised, is if there is another variant, if there is—God forbid—another terrible outbreak, then nothing that we are doing here stands in the way of the State Coordinator—and this is not what we want but we have to plan for the worst case scenario as recent history has shown us, but there is absolutely nothing that would prevent the State Coordinator from issuing a new declaration for another state of emergency, should that situation arise.

That is not say by any stretch that I think that the Emergency Management Act, as it is currently framed, is the appropriate vehicle for doing that, and I am urging this government to present to this parliament an alternative to that Emergency Management Act in terms of future pandemics. I think we are all on notice that this is something that is very likely to happen in the future. The legislation that we have to date simply is not equipped to deal with that. So, notwithstanding the passage of this bill, I think there is still an expectation, a very reasonable expectation by this parliament and indeed by the public that we will review the Emergency Management Act insofar as it relates to how we go about dealing with global pandemics of the scale that we have just seen.

I do have some other comments but in the interests of time I am happy to deal with those as we get to the relevant clauses of the bill, and will make further comments on them at that stage.

**The Hon. S.L. GAME (16:44):** I rise to speak on the South Australian Public Health (COVID-19) Amendment Bill 2022. The bill seeks to amend the South Australian Public Health Act 2011. I felt a strong moral and ethical responsibility to our constituents to speak on this matter, but also a strong responsibility to ensure to the best of my ability that any legislation had proper deliberation and care for all South Australians.

The proposed amendment bill is in part a positive development in that we are moving away from direction by unelected bureaucrats to a more cabinet-based model, and directions will only relate to those who have tested positive for COVID-19 and close contacts, although 'close contacts' perhaps warrants a firmer definition. Additionally, it does have an expiry date of six months, which may be appropriate pending the inclusion of safeguarding legislation.

However, I do have some concerns with regard to the proposed amendment bill in relation to protecting public liberty rights and ensuring there are proper constraints on enforcing officers acting out directions. I also have concerns over the accountability currently of any directions made. The six amendments I propose reflect those concerns and would restore proper protection and



safeguarding mechanisms. All parties were notified of my proposed amendments last Friday morning, 13 May, to ensure a proper time for consideration.

Under 90E—Modifications of Act, in the government's South Australian Public Health (COVID-19) Amendment Bill, it states that if a public health incident or public health emergency is declared, the following provisions do not apply: section 14(6), (7) and (9) and section 90(3), (4) and (5) of the Public Health Act 2011. All sections here proposed for removal by the government relate to safeguarding legislation for public liberty rights and safeguarding legislation to ensure proper constraints on enforcing officers. They relate to rights of appeal to the Magistrate's Court for review of directions and to ensuring that the reasonably practicable steps are taken to notify next of kin if the liberty of a person is imposed.

Section 14(9), marked for removal, is of particular concern, as I feel strongly that if, for example, a 15 year old were to have their liberty restricted, then all reasonably practicable steps to ensure a nominated person is informed should definitely be undertaken. Also of importance is the proposal to remove the requirement of an enforcing officer to consider if an individual should be managed under the Mental Health Act 2009.

I have three amendments aimed at ensuring that the same principles currently reflected by the safeguarding legislation in the Public Health Act 2011 remain enshrined for COVID declarations. I have consulted various legal sources and have been assured that these principles, as written in my submitted amendments, are practical and are reasonable for COVID declarations.

Amendment No. 1 and amendment No. 4 express the same requirement, and they are requested at two places in the bill to ensure their application both to 90B—Directions, by the Governor, and 90C—Enforcement of directions, and to ensure their application at 90E—Modifications of Act. The second insertion is important to ensure their application specifically to any declared COVID emergency.

These two amendments will state directions that restricting the liberty of a person should not be applied unless reasonably necessary, but if the department is aware that a person is vulnerable, such as an elderly person or a younger person, all practicable steps to ensure that the person's next of kin are informed will be undertaken. But if the department is aware that someone might need to be considered under the Mental Health Act 2009, they will receive this consideration, or other assistance or counselling would be provided to that individual.

The fifth amendment I propose is consistent with the existing appeal provision of section 90 in the Public Health Act 2011. It ensures the right of appeal to the Magistrate's Court for the individual, and I have also requested an addition at 14, to ensure that, were an individual unable to attend the proceedings, that reasonable steps are undertaken to provide the person with an audio or audiovisual link to the proceedings.

The next two amendments relate to ensuring transparency and accountability of any directions given. Specifically, my second amendment allows Governor's notices to be made disallowable, the same way that regulations can be made disallowable, and the third amendment requires reporting of how any delegated powers are undertaken.

It is important to give further context to my above five proposed amendments to protect safeguarding measures. The government desires to retain in the proposed amendment bill the powers allowable by the Emergency Management Act 2004. The government's proposed amendment bill states under 90C—Enforcement of directions, that an emergency officer may 'exercise any power referred to in section 25(2) of the Emergency Management Act'.

It is pertinent here to visit some of those powers: that the State Coordinator or authorised officer may enter/break into land, building, structure, vehicle; remove or destroy any building, structure, vehicle, animal or thing; that a person may be submitted to a decontamination procedure, remain isolated, segregated from other people, directed to undergo medical observation, diagnostic procedures or treatment, amongst other powers. Although under an emergency these powers may be needed, in my view it is not appropriate to retain these powers while removing necessary safeguarding legislation.

My sixth amendment relates to removing the word 'apparently' from line 20 under schedule 1—Transitional provisions, of the government's proposed bill. I do question why the word 'apparently' has been inserted here. It states:

relevant direction means a direction or requirement apparently in force...

I have had legal advice from various sources informing me that the insertion of the word 'apparently' here serves to undermine legal action in the courts with regard to the legality of vaccine mandates. For this reason, I request the removal of the word 'apparently'.

In closing, I do support the movement away from the management of the COVID pandemic under the Emergency Management Act 2004 in principle, and I support a return of lawmaking powers to the South Australian parliament and a cabinet model. However, I have concerns regarding the accountability of directions and the proper safeguarding legislation for the public in the amendment bill's current form. The details of this bill do warrant very careful consideration due to the possibility of their permanent entrenchment in our legal landscape and their potentiality to undermine action in the courts.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (16:51):** I thank all members for their contribution. It is clear, I think, that there is a general will to transition from emergency management declarations to another form of management of this as we transition to the other side of the COVID pandemic.

The bill before us is South Australia's path to ending such declarations that have been operating since the earliest stages of the pandemic. I take this opportunity to emphasise to the council that the powers contained in this piece of legislation are limited. They do not grant the ability to implement and introduce further broad restrictions.

Under the proposed amendments to the Public Health Act, there will be no ability to enforce new broad restrictions such as future lockdowns, restrictions to the hospitality industry or the reintroduction of broad mask mandates throughout our community. The bill before us remains, in our view, the best path forward and should provide further assurance to South Australia that the government and, if supported in its form, the broader parliament are seeking to end the emergency declaration.

Regarding the amendments several members have filed, they have been considered respectfully and I understand there has been significant discussion between members who have moved amendments and particularly the health minister in another place responsible for this legislation. Our focus is firmly on the path out of emergency declarations and, in that light, I commend the bill to members.

Bill read a second time.

*Standing Orders Suspension*

**The Hon. R.A. SIMMS (16:53):** I move:

That standing orders be so far suspended to enable me to move an instruction without notice.

Motion carried.

**The PRESIDENT:** I note the absolute majority.

**The Hon. R.A. SIMMS:** I move:

That it be an instruction to the committee of the whole on the bill that it have power to consider a new schedule to amend the Parliamentary Committees Act 1991 to provide for the establishment of the COVID-19 Direction Accountability and Oversight Committee.

Motion carried.

*Committee Stage*

In committee.

Clause 1.

**The Hon. J.M.A. LENSINK:** We have quite a number of questions at clause 1. We did provide a set of questions to the government. I understand we have yet to receive answers to those, so I will raise them as well. In particular, can the minister advise whether a consolidated direction has been drafted yet and if it is available?

**The Hon. K.J. MAHER:** Which particular questions is the member referring to?

**The Hon. J.M.A. LENSINK:** We sent two pages; these were submitted to the minister's office.

**The Hon. K.J. MAHER:** Are these about the number of expiation notices?

**The Hon. J.M.A. LENSINK:** Yes.

**The Hon. K.J. MAHER:** I have just checked, and we do not have those collated yet.

**The Hon. J.M.A. LENSINK:** Okay. To my point about the consolidated direction, is there advice on that?

**The Hon. K.J. MAHER:** I am advised that is being worked through and consolidated at the moment as well.

**The Hon. S.G. WADE:** On the point that has been made about the shortness of time for consideration, this must be one of the few bills in the history of this parliament that was considered and went through all stages in the other place in one day, and it is now proposed to go through all stages in this place in one day.

The urgency somewhat bemuses me, because the government made it clear they were determined to move out of a major emergency not until 30 June. We have one declaration that will finish at the end of May, and the government indicated it was willing to do another declaration until 30 June. Whilst the opposition is going to support the progress of this bill today, I think to suggest it is an urgent matter and therefore needs to go through both houses in a single day does not have substance.

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. S.G. WADE:** In particular, I am concerned about this consolidated direction. The opposition was not aware that it was the intention of the government to issue another substantial direction until yesterday's briefing. In broad terms, what we were told is that of the 13 or 15 directions that are currently in the act I think five were going to be rolled into a new direction, and that direction is not available to us.

We are in an extraordinary situation of being asked to pass a bill which, by the force of it becoming law, will sustain and maintain directions that we have not even seen and, under this act, will not have the opportunity to disallow, because they would be pre-existing under this legislation. So I do express concern that, on the face of it, the legislation, the second reading speeches and the like, suggested that we were being asked to maintain directions that already existed. From the briefing yesterday it was made clear we are being asked to maintain directions we have not even seen.

**The Hon. K.J. MAHER:** I might just respond to that, sir. I think it is patently ridiculous of the former health minister, the Hon. Stephen Wade, to suggest that a bill that has sat here on the *Notice Paper* for two weeks, passed during the last sitting week in the House of Assembly, is being rushed through. I will remind the Hon. Stephen Wade that when there were previous amendments and regimes put in place, his then government gave briefings on a Monday night to the opposition and did not even give the crossbench briefings. They then requested that bills pass all stages of both houses of parliament in one day. I am not going to sit here and accept criticism from the former health minister that having a bill that sat on this *Notice Paper* for two weeks is rushing it through. It is just not.

It is just amazing that the Hon. Stephen Wade has criticism that the police commissioner might consolidate directions and make directions, when we were asked to pass legislation within one

day for directions when we had no idea what these might become in the future. However, we knew it was the best way to manage the pandemic for South Australia. I do not really accept anything that the Hon. Stephen Wade said as having any merit whatsoever.

**The Hon. S.G. WADE:** Could the government advise when the consolidated direction will be available to this house?

**The Hon. K.J. MAHER:** I am advised that they should be ready sometime within the next week or so.

**The Hon. S.G. WADE:** Can the minister advise: in what ways is it anticipated that the new consolidated direction will vary from the directions that are already in place?

**The Hon. K.J. MAHER:** I am advised: very little. I am advised it will combine the activities directions, the arrivals directions and the exposure site directions that appear in various directions into consolidated directions in those areas. So my advice is: very little.

**The Hon. S.G. WADE:** Is it the advice of the minister that all the State Coordinator is seeking to do is to make five directions into one? Is that the only outcome that the State Coordinator seeks to achieve by issuing this consolidated direction?

**The Hon. K.J. MAHER:** I am advised it is effectively to combine the directions that have cut across a range of activities, not introduce new directions.

**The Hon. S.G. WADE:** Is it the advice of the minister that there will be no substantive change to the contents of the directions as they go from five or more separate directions into one consolidated direction?

**The Hon. K.J. MAHER:** I am advised there is no intention for substantive change. It is effectively combining a range of areas into consolidated measures in those areas of activities directions, arrivals directions and exposure site directions.

**The Hon. S.G. WADE:** Mr Chair, you might need to guide me to make sure I stay within standing orders. If I was to anticipate an amendment by the Hon. Mr Simms later today—if Mr Simms' proposal for an oversight committee was passed, would the oversight committee be able to consider and disallow the process, whatever process is in the amendment, of the consolidated direction?

**The Hon. K.J. MAHER:** That is a question for the mover of the amendment.

**The Hon. J.M.A. LENSINK:** What, do you not know the answer?

**The CHAIR:** Attorney, do you wish to answer?

**The Hon. K.J. MAHER:** When that amendment comes up, I am sure the Hon. Stephen Wade will request of the mover that question.

**The Hon. S.G. WADE:** I thank the minister for his comments. The Marshall Liberal government appreciated the significant pressure that health workers were under during the COVID pandemic. One of the tangible measures that we took was to provide free hospital car parking for health workers for the duration of the major emergency. If it is the government's intention to let the major emergency lapse at the end of May or at the end of June, will free hospital car parking cease at that time?

**The Hon. K.J. MAHER:** If I am wrong, I am sure I will be corrected, but I am not sure that the member is correct in saying it is up to the government to end the major emergency. As I understand it, it is the police commissioner who does that. In relation to his question about hospital car parking, I can inform the honourable member that I do not have any advice in relation to that. In relation to his last question, that I referred to the Hon. Robert Simms, I am advised that the committee would look at future things that might be issued under the new regime, not past ones that the police commissioner has issued.

**The Hon. S.G. WADE:** I thank the minister for his further advice on the issue of the consolidated direction, and again I express my concern. We are being asked to, if you like, grandfather a direction we have not even seen, but I have made that point.

In relation to free hospital car parking and the minister's comment that it is not the government's prerogative to extend the major emergency, unless I misunderstood him that is not the case. Certainly, the recommendation from the Executive Council to the Governor can only be made on the recommendation of the State Coordinator, but it is still Executive Council that makes the decision.

The Hon. Connie Bonaros quite rightly reflected on the need to make sure that all the legislation in our stable, for want of a better word, is fit for purpose, and she quite rightly highlighted the need to review the Emergency Management Act. I would ask the minister: does the government have any current plans for a review of the Emergency Management Act in the context of the COVID-19 experience?

**The Hon. K.J. MAHER:** We can check to see if there are any plans, but I am not aware of those.

**The Hon. S.G. WADE:** Again to follow in the footsteps of the Hon. Connie Bonaros, the Hon. Connie Bonaros reminded the parliament that in 2020 the Social Development Committee reported on a review of the South Australian Public Health Act 2011. As the Hon. Connie Bonaros rightly recalled, the Social Development Committee specifically reserved further consideration of COVID matters in that particular report.

Considering that the first case of COVID in South Australia was on 1 February and the committee report was tabled in July 2020, I think that was very wise, because we have had another almost two years of the pandemic since. On page 5 of that report, the Social Development Committee makes the recommendation that:

At the expiration of the declaration of a major emergency made by the State Coordinator under subsection 23(1) of the Emergency Management Act 2004 on 22 March 2020 and all subsequent declarations and any extensions of declarations made by the Governor of South Australia, the amendments and modifications to the South Australian Public Health Act 2011, which came about as a result of COVID-19, be considered for review by the Social Development Committee.

I do note that the committee specifically talked about 'at the expiration of the declaration of a major emergency', which is what this house is considering today. I ask the minister: is it the intention of the government that the Social Development Committee be asked to further report on the South Australian Public Health Act in compliance with their recommendation in the 43<sup>rd</sup> report?

**The Hon. K.J. MAHER:** I do not have any advice and I am not aware of an intention to do that, but of course it is up to the new parliament and the chambers of the parliament what they might refer to the committee in relation to the recommendations made from the last one.

**The Hon. C. BONAROS:** In terms of further clarification, I think there is an expectation that the committee, of its own motion, could do a body of work that it has already indicated ought to be done, because they were not in a position to do it at the time.

**The Hon. K.J. MAHER:** I appreciate that clarification. I am not and do not think I ever have been a member of that committee, but as I understand it either chamber of parliament can refer something to the committee or the committee can, by its own deliberations, decide to take on a body of work. I am sure that committee will, if it sees fit, do just that.

**The Hon. S.G. WADE:** If we are outing ourselves, I am a proud former member of that committee and respect their work. Could I make the general point to the parliament, to the Social Development Committee and to the government that I think it would be unhelpful if the committee was to do a review of the Public Health Act and some other entity was to do a review of the Emergency Management Act. The risk of it not interweaving would be significant.

Regarding Emergency Management Act reviews, the only one I can recall, and I might be corrected, is there was an Emergency Management Act review into the conduct relating to bushfires. If I remember rightly, it was a former federal police commissioner—

*An honourable member interjecting:*

**The Hon. S.G. WADE:** —deputy commissioner. I make the point that whilst there is a pattern, if you like, for Emergency Management Act reviews, obviously the COVID pandemic might

necessitate a different model. I think there is an opportunity to try to look at both the Public Health Act and the Emergency Management Act because, as we see in the issues being considered today, there is the issue of, shall we say, moving in and moving out.

Certainly, when we were moving in we were only under the public health emergency for one week before we went into the Emergency Management Act, but as we can see with the bill before us there is a significant transition period in the tail, and it would be good to consider the interaction of the two acts in a coordinated way.

**The Hon. N.J. CENTOFANTI:** I think the minister made some rather unfavourable comments in regard to the process of passing legislation in this chamber when we were in government, and the minister perhaps misses the difference between what we faced and were confronted with in government at the height of the pandemic versus where we are now as a nation, as a state and as a community in attempting to live with COVID-19.

It is my understanding that we are also waiting on advice in regard to modelling that the government has received in regard to this bill going forward and possible case numbers. Is that modelling available? When will we be able to see that modelling or perhaps could the chamber be advised of this modelling going forward in the context of this bill?

**The Hon. K.J. MAHER:** I am advised that the last modelling was undertaken on 25 April and updated modelling is likely to be finalised, I am informed, on the week of 23 May.

**The Hon. S.G. WADE:** I thank the minister for the answer. The modelling update received before the 25 April set was dated 22 March. The honourable minister advises the house that the next will be about 23 May. Does that suggest the government is establishing a monthly pattern of modelling updates and releases?

**The Hon. K.J. MAHER:** My advice is there is not any plan for monthly on the 20-something of the month, that is just when they have been done and available, depending on cases at this stage.

**The Hon. S.G. WADE:** At the opposition briefing yesterday, we were advised that the current modelling does not factor in the impact of influenza. Is that possible epidemiologically and, if so, is it intended?

**The Hon. K.J. MAHER:** My advice is that it is technically possible but very difficult, and the initial advice from the University of Adelaide is that it could be done but it would require a lot of effort and a lot of work and a rebuild of the model.

**The Hon. T.A. FRANKS:** My questions are around the current directions and those who have been fined as a result of the various directions that have been made as we have progressed through this pandemic. How many people have been fined for breaching the directions around the issue of dancing and how many are before the courts at the moment?

**The Hon. K.J. MAHER:** Sorry, I missed the last part of that.

**The Hon. T.A. FRANKS:** I will break it into two. How many have been fined around the breaches that involved dancing? Then, more broadly—but I would like it also as a subset to include dancing—how many cases are currently being contested by the court, so people have not paid the fines and they are taking it to court? I am asking for the overall number but then specifically also those that involve dancing. I do know of one particular case that has seen a breach for dancing now currently being challenged in the courts.

**The Hon. K.J. MAHER:** I am advised that we do not have a breakdown of those figures but certainly we can take it on notice and, if they can be extrapolated, undertake to provide them to the honourable member.

**The Hon. T.A. FRANKS:** The government does not know how many cases are currently before the courts of people challenging their fines?

**The Hon. K.J. MAHER:** The health advice I have is they are not aware of that. Certainly, we will see if SAPOL has those available and can make them available.

**The Hon. T.A. FRANKS:** What time frame will those be available within, given this has actually been our first chance to discuss the current operations of the COVID restrictions and we

have been in both caretaker mode and then election mode and parliament has only now resumed? I would have thought this sort of information would have been something that would support a debate on how we move forward here. What is the time frame for getting those answers?

**The Hon. K.J. MAHER:** I am advised that is really dependent on SAPOL, but we will see as soon as we possibly can if they are available.

**The Hon. S.G. WADE:** If it might inform the honourable member, the opposition asked similar questions six days ago and we still do not have an answer.

**The Hon. R.A. SIMMS:** I would like to turn the Attorney's attention to penalties. I am just keen to understand whether there is any particular matrix that is used by SAPOL in terms of applying penalties and in what circumstances they are applied—the full range, not just the fines.

**The Hon. K.J. MAHER:** My advice is that the police use the fines as a last resort. My advice is that the police much prefer an educative approach rather than going for fines, but it is fined at the set level. If things find their way to a prosecution, that is up to the court to impose a sentence based on the range that is available to them.

**The Hon. R.A. SIMMS:** In what circumstances are fines pursued?

**The Hon. K.J. MAHER:** I am advised that is probably a question that would need further information from SAPOL and we can see if there is further and better information. My advice is that it tends to be very deliberate and recurrent offending when SAPOL would use that as a last resort.

**The Hon. T.A. FRANKS:** As a supplementary on that and following on from my previous question, can the particulars be given of the Sugar Laneway that, during the Fringe, had its proprietor fined for supposedly dancing, although he maintains he did not move his feet, and why there was a silent disco in the street simply metres from that laneway and nobody there received a fine for dancing when they were actually dancing and he is now facing the courts for jiggling?

**The Hon. K.J. MAHER:** We do not have the particulars on those matters, but I am happy to pass them on to SAPOL to see what response can be brought back for the honourable member.

**The Hon. J.M.A. LENSINK:** I am not trying to labour the point too much here, but just for the record the set of questions were emailed to the minister's office on 11 May that we have not received a response to as yet. My question for the minister is: of those 12 questions we asked, which were similar in nature to some of the questions from the Hon. Tammy Franks about expiation notices, arrests, charges, prosecutions and the like, does the government have any responses to any of those 12 questions available that can be placed on the record?

**The Hon. K.J. MAHER:** My advice is the health officials do not have any of those responses yet, but as soon as we are able to, we will provide them.

**The Hon. J.M.A. LENSINK:** Notwithstanding that we will be continuing the debate on this, will the government make a commitment to provide that information to us?

**The Hon. K.J. MAHER:** I think I can speak on behalf of the health minister that when information is received from SAPOL that we can provide, we will do so.

**The Hon. C. BONAROS:** I just want to go back to a point the Attorney made in relation to a response to the Hon. Mr Wade about those directions, which will effectively be coming into this bill. Just to confirm, the advice to us from the government has been that those directions, in their convoluted form—they have become a little bit messy—are going to be reshaped into the workable form, but there is nothing new in there, there are no surprises. These are existing directions that we all know and like or dislike. They apply to high-risk settings, and they are the directions that are effectively going to transition over to the new bill.

There are, obviously, also existing directions around close contacts and COVID-positive cases. This bill aims to enable the executive to make new directions around close contacts and COVID-positive cases. We are not intending to change any of the existing directions other than to put them in a more workable format, and they are limited to high-risk settings. If you can answer that part of the question first, then I will ask you a second part, if you like.

**The Hon. K.J. MAHER:** My advice is quite simple: yes, that is the intention. There will be no substantive differences but, as the honourable member has outlined, it will bring directions that have been issued over time together in a comprehensive form.

**The Hon. C. BONAROS:** I think one of the examples the Attorney gave, which piqued my interest, was arrivals. At the moment, I think the only rule that applies to international arrivals is, for instance, a RAT test, but that is something that exists now that would be able to be dealt with in any event under the new direction. I am just seeking clarity that when we are talking about those that are transitioning over, we are talking about things that exist now. We are not talking about anything new? In any event, because you are dealing with having to substantiate or otherwise your COVID-positive or negative result, that is something that could apply in any event under the new directions.

**The Hon. K.J. MAHER:** My advice is yes.

**The Hon. R.A. SIMMS:** I would like to ask the government a question around access support for people with mental health conditions or people who are vulnerable. What steps does the government take to make sure that they understand their obligations under the health directions?

**The Hon. K.J. MAHER:** I am advised that not just Health but the Department of Human Services have been involved and there has been substantial work that has gone on and a lot learnt over these two years about providing those services to people who need them, particularly during the last two years of the pandemic.

**The Hon. R.A. SIMMS:** Can the minister give an undertaking that those people are then provided with support in terms of understanding what their obligations are under the directions?

**The Hon. K.J. MAHER:** My advice is, yes, as best as those departments can.

**The Hon. S.G. WADE:** I would like to pick up an issue the Hon. Robert Simms raised in terms of, if you like, the consideration of prosecution options within the police. My understanding from dealing with the police is that their first resort is to a caution. If a caution is not appropriate, they will issue an expiation fine. My understanding, and the Attorney might correct my limited understanding, is that if they want to go beyond the expiation then they would need to, through the police prosecutions or the DPP, initiate a prosecution process, and that it is not for them to set the fine, it is for the courts to set the fine. In particular, if it is an indictable offence then the DPP would be involved in the decision-making process.

That is a well-developed process that was, shall we say, fine-tuned in the context of COVID, but these same directions are now going to transfer over to Health which does not have that, if you like, infrastructure and that policy framework. So I would seek advice from the Attorney as to what policy framework will be in place such that SA Health will be in a position to take over the prosecution function, for want of a better word, that the police have been exercising over the last 2½ years.

**The Hon. K.J. MAHER:** I am advised that in a range of areas, such as failure to comply with the vaccine mandate, it is already Health that are doing a lot of the investigation and preparation work, obviously working with the police in doing so, and those functions will continue and Health will use the experiences there as to what they do in the future.

**The Hon. S.G. WADE:** With all due respect, I see a difference between what I think the minister is referring to, which is what I would call compliance activity, checking whether people have complied. The difference is pursuing people who have erred, in imposing an expiation notice, pursuing a fine and, thirdly, seeking imprisonment. One of the opposition's concerns is that we not only have the highest maximum imprisonment compared with any other state or territory in relation to COVID but we are twice the level.

I certainly pay tribute to SA Police and particularly the State Coordinator, Commissioner Grant Stevens, for their work to maintain the positive engagement of the community, but having punitive provisions like this available in a public health bill is concerning and then, if you like, that prosecution responsibility is resting with people who I have huge respect for but they are health clinicians. They are neither police nor courts, they are Health, and we are transferring—and the government is bragging about this—extremely high penalties from a police model to a health model.



**The Hon. K.J. MAHER:** I am advised that for some time now Health has been involved in the compliance function. It is also the case that these penalties do not differ from those which have applied over the last two years, so if the honourable member thinks it has been outrageously high over the last two years, I am surprised he has not moved to change it previously. I am further advised that it will not be health officials going down to mount prosecutions for breaches. It will be as is done with many other departments, and the prosecutor or a service of government, of different agencies of government, who are adept and experienced at doing this would be used.

**The Hon. S.G. WADE:** Do I understand the Attorney-General to have just told us that the legal unit within the Department for Health and Wellbeing will be undertaking the prosecution function in relation to the Public Health Act?

**The Hon. K.J. MAHER:** I am advised that, as has happened previously, the compliance officers who have investigation experience in health will, as happens in many other departments, build the brief and then hand it over to prosecuting authorities.

**The Hon. F. PANGALLO:** When it comes to granting exemptions, which is covered in the bill, can the minister give me a definition of what 'expeditiously' means when handling applications for exemption?

**The Hon. K.J. MAHER:** I am advised that it really depends on a case-by-case basis, particularly exemptions from vaccination mandates can be quite complicated and take some time.

**The Hon. F. PANGALLO:** It is not just a question about vaccination mandates; there were many other reasons given to SA Health during the period of the emergency for seeking exemptions. It may have been for work-related reasons, it may have been because people had existing health conditions, it may have been for compassionate grounds. Many complaints were filed through our office that people were not being heard or not getting answers in an adequate time to be able to address what their needs were.

What I am saying is that expeditiously can mean anything. Essentially, it is a quick, hasty or whatever decision needs to be made. What does that mean? Is it seven days, 14 days, or whatever? Why cannot people, particularly in the situation of a pandemic—and there are critical outcomes for them—get a more defined period in which their exemption applications will be heard and addressed quickly?

**The Hon. K.J. MAHER:** My advice is that now, with significantly fewer restrictions, there are many fewer restrictions, so things are being done more quickly, but I think all of us who have constituents who contact us would have had over the last two years of the pandemic stories of stuff not happening as quickly and efficiently as people would like in order to get on with their lives and to do very important things—coming into South Australia or being allowed to do things. I am advised that with fewer restrictions there have been fewer exemptions, and things are moving more quickly.

**The Hon. C. BONAROS:** Just on the same issue—and I am glad my colleague raised that—I am sure the minister would consider that, even if it were in relation to a vaccine exemption, something in the order of six months, or predating caretaker mode in fact, would not be an appropriate length of time for somebody to have to wait for an exemption or for a decision in relation to either an initial exemption application or indeed a review of such application.

**The Hon. K.J. MAHER:** I appreciate what the honourable member says. The advice I have is that the health officials are not aware of a six-month time frame, but if that is the case, I am sure the health minister would be most pleased to hear about it to see, if it is still unresolved, what can be done.

**The Hon. C. BONAROS:** Just confirming for the record, going forward those issues may be raised with the minister. I understand to date any of those applications that have been lodged have been determined by Professor Spurrier only and so that may have contributed. I might be wrong, but certainly the feedback we have had is that those applications have been determined by Professor Spurrier and her agency or department solely. That is one of the reasons that contributed to some of these delays. Can we confirm (a) whether that is the case and (b) whether we raise a case specifically with the minister that there would be an expectation that that would be passed on to the appropriate people but there would be more than one person considering these applications?

**The Hon. K.J. MAHER:** I am advised that it is correct, as the member has outlined, that effectively under the direction it is the Chief Public Health Officer who ultimately signs off on exemptions.

**The Hon. C. BONAROS:** There would be other people there who are assisting that process, I am assuming.

**The Hon. K.J. MAHER:** The Communicable Disease Control Branch are heavily involved, and I am advised that, yes, there are other people who are involved in that process.

**The Hon. T.A. FRANKS:** My question is about the identity cards that have been issued to emergency officers. How many have been issued for the purposes of what was issued under section 17 of the Emergency Management Act but will become those recognised going forward by the Public Health Act?

**The Hon. K.J. MAHER:** Again, it is an area that I am advised is managed by SAPOL, but I am happy to take that on notice and if we can provide a response we will do so.

**The Hon. T.A. FRANKS:** Why is there not an adviser here who can answer questions about the bill?

**The Hon. K.J. MAHER:** I think the health advisers we have here have been most helpful in answering questions about the bill. I am not sure that, even if there was a SAPOL adviser, necessarily all the questions would be able to be answered on the spot. As I have said, I think they are important questions, and I am happy to pass them on and bring back an answer if it is available.

**The Hon. T.A. FRANKS:** Is the minister aware of section 3—Emergency officers, which talks about these identity cards? Why cannot you answer questions about the identity cards that are outlined in the bill?

**The Hon. K.J. MAHER:** The question about what is proposed in the bill we can have a look at particularly when we get to that clause, but in terms of ones already issued, we just do not have that information available.

**The Hon. T.A. FRANKS:** I flag that when I get to that clause I will have these same questions and again hope that the government will have organised an adviser who can answer the questions about the bill.

**The CHAIR:** I am not sure that that requires a response.

**The Hon. T.A. FRANKS:** I will just at this point flag that I do not have any more questions at clause 1, but I do note the contribution at clause 1 with regard to the speed of the passage of this legislation and the briefings offered and the like. I will note that the crossbenchers were offered a briefing on this bill in the last sitting week during private members' business time, and I would hope that the government will not continue that practice. It was most unfortunate. It meant neither myself nor the Hon. Robert Simms could attend because we were actually speaking to pieces of legislation in the chamber as you offered a briefing on this bill.

Clause passed.

Clause 2 passed.

New clause 2A.

**The Hon. J.M.A. LENSINK:** I move:

Amendment No 1 [Lensink-1]—

Page 2, after line 8—Insert:

2A—Amendment of section 14—Specific principles—Parts 10 and 11

(1) Section 14, heading—delete 'and 11' and substitute:

, 11 and 11A

(2) Section 14(1)—delete 'and Part 11' and substitute:

, Part 11 and Part 11A

- (3) Section 14(5)—delete ‘or Part 11’ and substitute:  
 , Part 11 or Part 11A
- (4) Section 14(7)—delete ‘or Part 11’ and substitute:  
 , Part 11 or Part 11A

This particular amendment backs up our view that we believe all our citizens should have the right to be protected from disease and the right to free movement and association. This government bill proposes to exclude provisions of the Public Health Act that would otherwise protect citizens' rights and remove capacity for appeals.

We are seeking to amend the bill to oppose the government's curtailing of principles that exist under section 14(6), restricting liberty only if it is the only effective way to protect public health, and section 14(7), the action least infringing on the rights of the individual must be the power that is exercised, and section 14(9), if restricting liberty next of kin needs to be notified. We note that these particular provisions have existed for some time and that they have as their underlying principle that the lightest touch be applied.

We believe that if the government considers that the public situation has eased to the point that we can leave the major emergency and move from the Emergency Management Act to the Public Health Act, then it should also be the case that the normal provisions of public health should apply. If the public health situation escalates, the Emergency Management Act can be activated through a fresh application. An escalation could be a worsening of the public health situation or a backlog in applications for reviews and appeals.

**The Hon. K.J. MAHER:** The government does not support this amendment. This amendment inserts a new section into the bill to identify the principles of the act that apply to part 11A. In doing so, this would amend the body of the overall Public Health Act, and it is inconsistent with the short-term approach that is intended by the bill to essentially quarantine it to that particular area of the bill. We do not support it.

The committee divided on the new clause:

Ayes..... 7  
 Noes ..... 12  
 Majority ..... 5

**AYES**

Centofanti, N.J.	Curran, L.A.	Game, S.L.
Girolamo, H.M.	Hood, D.G.E.	Lensink, J.M.A. (teller)
Wade, S.G.		

**NOES**

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

**PAIRS**

Lee, J.S.	Pnevmatikos, I.
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New clause thus negated.

Clause 3.

**The Hon. C. BONAROS:** I move:

Amendment No. 1 [Bonaros-2]—

Page 3, after line 2—Insert:

90AB—Principles

The principles set out in section 14 (other than section 14(6), (7) and (9)) apply for the purposes of this Part in the same way as they apply to Parts 10 and 11.

Perhaps for the benefit of the chamber, it might be easier to go through a little explanation process. The Hon. Ms Game has an identical amendment to my amendment. We have effectively moved the same amendment when it comes to the principles being inserted into the bill, except mine seeks to exclude from section 14 subsections (6), (7) and (9). Ms Game seeks in a further amendment to deal with subsections (6), (7) and (9), but in a different way.

My amendment No. 1 [Bonaros-2] seeks to enshrine in this bill the principles set out in section 14 other than section 14(6), (7) and (9) and make them apply for the purposes of this part in the same way as they apply to parts 10 and 11 of the Public Health Act. That is the first step.

By way of further clarification, I think it is fair to say that all of us who looked at these provisions sought advice about the consistent or inconsistent nature of 14(6), (7) and (9) with the ability to make someone isolate or quarantine. The suggestion was that (6), (7) and (9) are not really compatible with the requirement to actually make somebody or direct somebody to isolate or quarantine, whether they are COVID-positive or whether they are a close contact. That is the first issue.

When we get to the Hon. Ms Game's amendment, she seeks to deal with (6), (7) and (9) in a slightly different way. It is a separate consideration in a separate amendment and will be dealt with in a slightly different way. That is the first part. I hope members are following so far. I might just speak to that amendment itself, because I think it is fair to say that across the chamber there is certainly support from everybody for the specific principles that are enshrined in section 14 to be incorporated into this bill, except from my position I am saying to the exclusion of (6), (7) and (9) and I have just explained the reason for that.

The briefings and the engagement we have had with stakeholders in relation to this bill have focused very much on the need to insert these specific principles into this bill and, indeed, when I went back to those same stakeholders and suggested to them that the advice we had was that we would be excluding (6), (7) and (9), there was an acknowledgement that they were inconsistent or incompatible, if you like, with the fact that we are effectively removing people's liberties by virtue of the fact that we are directing somebody to isolate if they are either a close contact or a COVID-positive case.

They are not compatible in that sense. That is the advice we have. I went back to stakeholders with that advice. The acknowledgement to me was, 'Okay, we accept that, but there is absolutely no reason why the rest of those provisions, the proportionality principles and those specific principles which play a very important role in part 14 of the Public Health Act, should not apply when it comes to the COVID provisions of this bill.'

Just for the benefit of members, that specific section that I am talking about—I think it is important to place this on the record and I will; it is a bit long, but I am going to place it on the record—sets out that:

- (2) The overriding principle is that members of the community have a right to be protected from a person whose infectious state or whose behaviour may present a risk, or an increased risk, of the transmission of a controlled notifiable condition.
- (3) A person who has a controlled notifiable condition that is capable of being transmitted to 1 or more other persons has a responsibility to take reasonable steps or precautions to avoid placing others at risk on account of the controlled notifiable condition.
- (4) A person must not, insofar as is reasonably practicable, act in a manner that will place himself or herself at risk of contracting a controlled notifiable condition that is capable of being transmitted.
- (5) Subject to the overriding principle and any steps reasonably necessary to protect, or to minimise risks to, public health, and without limiting any power under Part 10 or Part 11, a person who may be the subject of an order, direction or requirement under either Part is entitled to expect—

- (a) to have his or her privacy respected and to have the benefit of patient confidentiality; and
- (b) to be afforded appropriate care and treatment, and to have his or her dignity respected, without any discrimination other than that reasonably necessary to protect public health; and
- (c) insofar as is reasonably practicable and appropriate, to be given a reasonable opportunity to participate in decision-making processes that relate to the person on an individual basis, and to be given reasons for any decisions made on such a basis; and
- (d) to be allowed to decide freely for himself or herself on an informed basis whether or not to undergo medical treatment or, in a case involving a child under the age of 16 years, to have his or her parent or guardian allowed to decide freely on an informed basis whether or not the child should undergo medical treatment; and
- (e) to be subject to restrictions (if any) that are proportionate to any risks presented to others (taking into account the nature of the disease or medical condition, the person's state of health, the person's behaviour or proposed or threatened behaviours, and any other relevant factor); and
- (f) that the least restrictive means necessary to prevent the spread of disease be adopted when isolating or quarantining a person at the person's home or on other premises under this Act; and
- (g) that his or her needs, including, but not limited to the provision of—
  - (i) adequate food, clothing, shelter and medical care; and
  - (ii) a telephone or other appropriate method by which the person may communicate with others, will be addressed in a reasonable and competent manner to the extent that the person is unable or restricted in his or her own capacity to meet such needs; and
- (h) that any premises at which the person must reside as a result of an order, direction or requirement (other than the person's home), are—
  - (i) maintained according to safe and hygienic standards; and
  - (ii) to the extent possible, maintained in a way that is respectful to the person's cultural and religious beliefs; and
  - (iii) designed or managed to minimise the likelihood that—
    - (A) infection may be transmitted; and
    - (B) the person may be subjected to harm or further harm

This is where we get to (6), (7) and (9), the next requirement. I think it is important to place this on the record because we will be addressing it through the Hon. Ms Game's amendment. The act provides:

- (6) Any requirement restricting the liberty of a person should not be imposed unless it is the only effective way remaining to ensure that the health of the public is not endangered or likely to be endangered.
- (7) Without limiting subsection (6), if a power is to be exercised under Part 10...so far as is reasonably practicable, the power that least infringes on the rights of individuals must be the power that is exercised, unless to do so would involve the use of measures that are likely to be less effective in protecting or minimising risk to public health.
- (8)—

which our amendment does incorporate, provides—

Any requirement restricting the liberty of 2 or more members of the 1 family should ensure, so far as is desirable and reasonably practicable and so far as is appropriate to the requirements for the protection of public health, that the family members reside at the same place.

- (9)—

which, again, is one of the ones that is in contention, provides—

If a requirement restricting the liberty of a person is imposed, all reasonably practicable steps must be taken to ensure that the person's next of kin, or a nominated person, is informed (unless the person to whom the requirement relates instructs otherwise).

Again, as I indicated, there were three amendments, which were effectively the same, that dealt with this issue: there was a set filed by me, there was a set filed by the Hon. Ms Game and there was a set filed by the Hon. Mr Simms. I sought to exclude (6), (7) and (9) on the basis that the advice we had was that they were incompatible or inconsistent with the very nature of directing somebody to isolate because they were either COVID-positive or because they were a close contact.

This amendment, in its current form, from my perspective, is one of the most key amendments that we are going to deal with because it addresses the issues that have been highlighted by the Law Society and other experts in terms of providing safeguards and the proportionality principles when it comes to dealing with COVID.

The Hon. Ms Game will speak to this herself, obviously, but she has had advice, as I understand it, that works around the issues that we have been advised of, so we will deal with that when we get to it. But for the moment, the amendment that we are dealing with seeks to insert those principles—the proportionality principles, if you like—the specific principles that are enshrined in the Public Health Act, so that they apply equally to close contacts and COVID-positive cases.

Again, as I have indicated during my second reading speech and as I have indicated during clause 1, this is really one of those pivotal or key amendments that is required in this bill to ensure the level of safeguards, transparency and accountability that certainly we have been seeking and that other members in this chamber have been seeking and that were lacking from the government's original drafting. That is what this amendment seeks to do. I will indicate for the record, though, my acknowledgement of the work the Hon. Ms Game has done in terms of trying to address that inconsistency by dealing with those provisions in a different way.

I will speak to those when we get to those amendments but, effectively, we will have this amendment and then there will be a further amendment which seeks to address the inconsistency with how this sits with the fact that we are effectively removing people's liberties by requiring them to isolate if they are a close contact or a COVID-positive case.

I hope that provides some level of explanation, but it is really a key amendment in terms of providing those safeguards and those transparency measures that have been brought to our attention by the experts, including the Law Society.

**The Hon. K.J. MAHER:** I thank the honourable member for her amendment and I might, by the way, give a bit of guidance as to how we are going to go tonight. I think I said earlier in the week to members that we would intend to finish at the usual time of 6pm and come early on Wednesday and probably Thursday.

I think people have a letter saying that we will be back at 11am tomorrow, so it is my intention that we will finish with this amendment. When we come back at 11am tomorrow, I think the next one in order is the Hon. Sarah Game's amendment and we will start with that. We intend to finish this amendment tonight and then start tomorrow with the next amendment.

**The CHAIR:** Attorney, we need the Hon. Ms Game to move her amendment tonight. She can speak to that either tonight or tomorrow when we resume.

**The Hon. K.J. MAHER:** It needs to be moved tonight?

**The CHAIR:** They are alternative amendments, so we have already indicated that they are both going to be moved at the same time.

**The Hon. K.J. MAHER:** We do not have to vote on them?

**The CHAIR:** No, I suspect that we will not get through them tonight.

**The Hon. K.J. MAHER:** I understand that. Maybe if people wish to speak to the Hon. Connie Bonaros's amendment, and I do accept that if it is one or the other we are better off—rather than trying to plough on and compare and contrast them both, which might actually take a bit of time—voting on both of them tomorrow rather than putting just one and not the other.

Just quickly, the government will be supporting the Hon. Connie Bonaros's amendment. It seeks to amend the legislation to state that the principles of the Public Health Act apply, except for several principles that are specifically disappplied. In the government's view, this amendment seeks

to provide clarity and assurance on the many important public health principles that will remain in place over the period that this occurs.

That is the government's view. I welcome, in the few minutes that we have, people putting forward further views, if they wish, and then we will come back and vote tomorrow at 11 o'clock on the Bonaros amendment and then probably consider the alternative before they vote.

**The CHAIR:** I am sorry, Attorney, the message that was reasonably clear that I put out when we started discussing these amendments was that we would let the Hon. Ms Bonaros move hers and the Hon. Ms Game move hers and then we were going to have a discussion on the merits of the amendments and then we will put them separately.

**The Hon. K.J. MAHER:** We do not have to do that tonight?

**The CHAIR:** We do not have to do that tonight. Just as long as the Hon. Ms Game understands she can move her amendment tomorrow.

Progress reported; committee to sit again.

At 18:05 the council adjourned until Wednesday 18 May 2022 at 11:00.