

## LEGISLATIVE COUNCIL

Thursday, 16 June 2022

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

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

### *Parliamentary Procedure*

#### **PAPERS**

The following papers were laid on the table:

By the President—

The Registrar's Statement, Register of New Member's Interests, June 2022

[Ordered to be published]

Report of the Independent Commissioner Against Corruption, 'Received or Deceived? Managing and monitoring the conduct of government contractors'

[Ordered to be published]

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

Return pursuant to section 74B of the Summary Offences Act 1953 Road Blocks—  
Authorisations issued for the period 1 January 2022 to 31 March 2022

Return pursuant to section 83B of the Summary Offences Act 1953 Dangerous Area  
Declarations—for the period 1 January 2022 to 31 March 2022

### *Question Time*

#### **MINISTER FOR INDUSTRIAL RELATIONS AND PUBLIC SECTOR**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding his role.

Leave granted.

**The Hon. N.J. CENTOFANTI:** Yesterday, the Premier was asked in the other place if he retained confidence in his Minister for Industrial Relations. In his response, the Premier failed to provide any endorsement for the minister. My questions to the minister are:

1. Given the Premier failed to publicly state that he retains confidence in him as his Minister for Industrial Relations, is the minister concerned that the Premier does indeed lack confidence in him?

2. Has the Premier had any discussions with the minister about his performance in his role as Minister for Industrial Relations, particularly his recent handling of key industrial relations matters?

3. Has the Premier provided any indication to the minister that he retains confidence in him as his Minister for Industrial Relations?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:20):** I thank the honourable member for her questions. In relation to question 1: no. In relation to question 2: yes, there have been discussions about doing the job that the Liberals failed to do in terms of Summerfield. In relation to question 3: I continue to enjoy the Premier's confidence.

**MINISTER FOR INDUSTRIAL RELATIONS AND PUBLIC SECTOR**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20):** Supplementary: what indications has the Premier given the minister that he remains confident in him as Minister for Industrial Relations?

*Members interjecting:*

**The PRESIDENT:** Order! I will call the Attorney-General.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:21):** I am happy to answer that supplementary: the words from his mouth.

**LIVE ANIMAL EXPORT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21):** I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding live animal exports.

Leave granted.

**The Hon. N.J. CENTOFANTI:** On Tuesday this week, in response to a question from the Hon. Tammy Franks on this matter, the minister responded:

The issue, of course, impacts on the livestock industry and therefore regional development and primary industries, but it is also a matter of animal welfare.

My questions to the minister are:

1. What conversations have you had with the Minister for Environment and Water regarding the federal Labor government's commitment to ban live sheep exports?
2. Have you had discussions with the Minister for Environment and Water about what suggestions your government will be making to the federal Labor government as it moves to ban live exports?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22):** I thank the Leader of the Opposition for, I think, quoting me accurately from *Hansard*. Indeed, I did say that we are a team and we work closely together. Members will be aware that of course the federal Labor government was elected only a short time ago. I have had a letter prepared to the federal minister in which I have referred to a number of matters which I think are very important to address.

When I have a response from the minister—I am hoping to be able to meet with him in the relatively near future—obviously all of those matters will be canvassed. Whilst live exports fall under animal welfare legislation in a state purpose, in terms of animal welfare they fall under the role of the Minister for Environment and Water, and I am sure we will continue to have conversations about these and many other matters.

**LIVE ANIMAL EXPORT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23):** Supplementary: what conversations have you had with the Minister for Environment and Water regarding the federal Labor government's commitment to ban live sheep exports?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23):** I've just answered that question.

**LIVE ANIMAL EXPORT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23):** My questions are for the Minister for Primary Industries and Regional Development regarding live animal exports:

1. Which livestock advisory groups or livestock industry members have you met with or held discussions with regarding the federal Labor government's commitment to ban live sheep exports?

2. If none, will you seek meetings with livestock advisory groups and livestock industry members to discuss the federal Labor government's commitment to ban live sheep exports?

3. Have you received any correspondence from any livestock advisory groups regarding the federal Labor government's commitment to ban live sheep exports?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24):** I think it's probably worthwhile to be explicit for members, so that when they are asking their questions they can be clear that the livestock advisory groups—there is something by that name in the act, as well as groups such as Livestock SA, for example, who are simply groups involved in the livestock industry who do provide advice. I'm certainly not suggesting that the Leader of the Opposition was unclear in that, but other members of this place may have been.

In terms of background, the commonwealth government legislation governs the regulation of livestock exports, the introduction of any restrictions, and the banning of live exports. Such matters cannot be decided by any individual state or territory. The commonwealth government has proposed banning live sheep exports, but the timing of a possible decision on that is not exactly clear. I think I recently in this place referred to the fact that there were undertakings given by the federal government that such a ban would not occur until there had been a robust consultation process.

All members of the live export supply chain within South Australia, including producers and transporters, must comply with the Animal Welfare Act 1985. That legislation, as I have mentioned, falls within the portfolio of the Minister for Climate, Environment and Water. I am advised that investment by the Australian government, Meat and Livestock Australia and exporters has dramatically improved the welfare of Australian livestock during transit and in importing nations through improved training, handling and slaughtering equipment.

In terms of the specific questions, I have had a number of meetings with groups including, for example, Livestock SA. The issue was raised. That was prior to the election of the Albanese Labor government. I have had a number of other discussions with a number of other groups about many matters and on occasions the issue of live export has arisen.

#### MABO DAY

**The Hon. T.T. NGO (14:27):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the importance of Mabo Day?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:27):** I thank the honourable member for his question in relation to important celebrations in Aboriginal affairs. I think I have spoken a number of times in this place about the importance of Reconciliation Week and the various events that are held by community groups, businesses and other organisations to mark the occasion.

As I have said in the chamber before, Reconciliation Week is bookended by two important dates. The first one, 27 May, is the anniversary of the 1967 referendum that enjoyed the highest support ever of the eight referendums that were successful of the 44 that have been put since Federation, which recognised Aboriginal people as citizens of this country. The ending of Reconciliation Week each year is 3 June, which is the date that the High Court handed down the decision in the Mabo case in 1992. This year is the 30th anniversary of that decision.

The end of Reconciliation Week is known as Mabo Day. Mabo Day commemorates the successful efforts to overturn the legal fiction of terra nullius—the idea that this land was inhabited by no-one until colonisation only a couple of centuries ago and ignored the tens of thousands of years of society that had thrived on this continent prior to that.

Eddie Mabo led a group of Torres Strait Islanders in bringing legal action all the way to the High Court in support of their traditional ownership of Mer Island (Murray Island) in the Torres Strait. The legal action through many courts took some 10 years, with enormous volumes of evidence prepared and presented to the court in support of the traditional owners' clearly defined occupation of the territory and their continued practices and customs on their land. Ultimately, the decision in the Mabo case led to the commonwealth parliament passing the Native Title Act in 1993.

I can remember the Mabo decision in 1992. It was the first year of law school when I was at Adelaide Uni. It was, I remember well, a celebrated and historic decision, not just in legal circles but for society and Australia more broadly. Unfortunately, Eddie Mabo himself died five months before the High Court handed down the decision in the Mabo case, which ultimately led to the recognition of what we now call native title. If I remember correctly, I think 'radical title' was one of the terms used in the decision. Sir Gerard Brennan, Australia's 10<sup>th</sup> Chief Justice, was instrumental in the decision in the Mabo case. Sir Gerard died on 1 June, two days before the 30<sup>th</sup> anniversary of the Mabo case.

Of course, in acknowledging that landmark decision we reflect on the need to continue the important work that the recognition in the Mabo case started. Native title had a profound effect on the recognition of Aboriginal people, their connection to land, their customs on that land and their use of that land, but native title is not a perfect system. Applications can take many years, and in some cases decades, to be decided. The ability to prove continuity of traditional laws and customs since European colonisation is not always an easy task, which is why it sometimes takes so long to determine native title.

Of course, native title gives rights pursuant to the Native Title Act and in some cases those rights are limited. It's one of many reasons why in opposition, and now coming into government, we are committed to pursuing the next steps in reconciliation in Aboriginal affairs and implementation of the Uluru Statement from the Heart. I remember that when the Mabo decision was handed down there was great optimism that that might in fact in some way be the missing part of being the only country of those we can compare ourselves to that did not have treaties with First Nations people.

Of course, native title has been confined to land use and land rights, so it's important that those next steps are taken in that process, but I am pleased that once a year we reflect on the importance of that historic decision. It certainly changed attitudes, and in Adelaide regularly there are events—they are often on the Reconciliation SA website—and I would encourage members on 3 June to commemorate Mabo day.

#### MABO DAY

**The Hon. T.A. FRANKS (14:32):** Supplementary: has the minister met with the Mirning people regarding their both historic and current claims for land and sea?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:32):** I thank the honourable member for her question. I can't remember when the last time was, but I know I have at events over the last couple of months bumped into the Mirning people on the West Coast of South Australia with informed discussion. Certainly, over the last couple of years I have had discussions with a whole range of groups about their aspirations, including representatives of Mirning in the past.

#### MABO DAY

**The Hon. T.A. FRANKS (14:33):** Further supplementary: has the minister met with the Mirning people with regard to their current claims to land and sea?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:33):** I am happy to take that on notice. I want to make sure I am properly answering in terms of what the current claims are. I know there are in the Federal Court proceedings on foot in relation to various native title land and sea claims in the Far West Coast region. Whatever the current one is, I will have a look and get back to the member if I have had any interactions on the specifics of the latest one.

#### INDUSTRIAL HEMP

**The Hon. T.A. FRANKS (14:33):** I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the topic of the Industrial Hemp Act.

Leave granted.

**The Hon. T.A. FRANKS:** I wasn't going to make an explanation, but I will outline that I previously asked this question, well over a month ago, of the Minister for Primary Industries and Regional Development, to outline and update the council on her dealings with the licences and

current trials under the Industrial Hemp Act, which is assigned to her. Could she please explain what machinery of government tools have been put in place to support this emerging industry, given that question has not been answered within the 30 days?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34):** I thank the honourable member for her answer. I'm able to provide the following information, and if there is additional information I'm happy to take that on notice. Industrial hemp is, of course, a potentially viable and profitable rotational crop for farmers who traditionally grow irrigated seed and other horticultural crops. The Industrial Hemp Act 2017 and the Industrial Hemp Regulations 2017 provide a licensing framework to authorise and regulate the possession, cultivation, processing and supply of industrial hemp in South Australia, and 25 industrial hemp cultivation and two processing licences have been issued since 2018, indicating a cautious but steady interest in the crop.

The South Australian government has supported this new industry by funding industrial hemp trials conducted by the South Australian Research and Development Institute (SARDI), which started in the summer of 2017-18. The Department of Primary Industries and Regions and AgriFutures Australia Emerging Industries are co-funding two South Australian trial sites under the new Industrial Hemp Variety Trials (IHVT) program, with SARDI appointed as the national trial coordinator.

The IHVT program will provide Australian hemp growers with independent information about the performance of new industrial hemp seed varieties suited to specific geographical locations within Australia. I am confident that this additional information provided to them will help them in their plans for their industry going forward.

#### INDUSTRIAL HEMP

**The Hon. T.A. FRANKS (14:36):** Supplementary: does the Office of Industrial Hemp and Medicinal Cannabis continue under this government?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36):** To my knowledge there haven't been any changes to that office.

#### COST OF LIVING

**The Hon. J.S. LEE (14:36):** I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question about the cost of living.

Leave granted.

**The Hon. J.S. LEE:** Nearly one in three Australians who are renting or borrowing say that they won't be able to afford escalating costs if the Reserve Bank continues to lift interest rates over the coming months. ANZ economists are predicting a steep rise in the cash rate to 2.5 per cent by the middle of next year. Such a rise would lead to an increase in repayments on a 30-year \$500,000 loan by nearly a third, rising by \$629 to \$2,780 a month.

Both the Barossa and Yorke Peninsula have rental vacancies of 1 per cent or lower and there are reports of families in the Riverland and other regions resorting to staying at friends' houses or even in caravan parks as they are unable to secure private rental properties or can't afford to pay rent at all. My questions to the minister are:

1. What is the government's plan to find accommodation for vulnerable individuals and families living in the regions?
2. Can the minister explain what measures the government will put in place for regional families who are facing the prospect of defaulting on their loans or no longer being able to pay their rent?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38):** I thank the honourable member for her question. Several of the aspects that she has included in her questions are the responsibility of other ministers and I will refer those parts of the questions to the appropriate ministers in the other place. But I do think it is worth mentioning that obviously the issues around regional housing have been there for some

time. A failure by the former government to address those issues which have emerged, certainly at least over the last four years, is something that is incredibly disappointing. Of course, that is how we see now such a lack of action—

*Members interjecting:*

**The PRESIDENT:** Order, both sides of the chamber!

**The Hon. C.M. SCRIVEN:** —playing out in people's lives.

*Members interjecting:*

**The PRESIDENT:** Order! Minister, continue please.

**The Hon. C.M. SCRIVEN:** So we do of course now see that lack of action playing out in people's lives. It is also fair to say that some of those issues were there pre-existing—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —and certainly in—

*Members interjecting:*

**The PRESIDENT:** The two leaders, you're not helping the minister. Minister, continue, please.

**The Hon. C.M. SCRIVEN:** I have also talked in public forums about the fact that they haven't only arisen in the last four years, but of course for the opposition now, having been in government for the previous four years, to then come and suggest that all of the issues have arisen in the last three months is quite ludicrous. I would love to be able to refer back to—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —what might have happened in the last four years to address regional housing shortages—

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

**The PRESIDENT:** The Hon. Mr Wortley!

**The Hon. C.M. SCRIVEN:** —but of course the list would be so short it would take no time whatsoever. I have certainly—

*Members interjecting:*

**The PRESIDENT:** Order! Government benches, please, you are not helping the minister, and I can't hear the minister. Continue, please.

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Wortley! The Hon. Mr Wortley, I won't reward you by throwing you out.

**The Hon. C.M. SCRIVEN:** Whilst I certainly will refer some of those cost-of-living questions to the appropriate minister in the other place, it is also worth mentioning of course that an increase in the minimum wage that was announced this week will certainly go some way to assisting in cost-of-living pressures, but of course there needs to be far more done. Unfortunately, we didn't see that in the last four years of the Marshall Liberal government, and we certainly didn't see it in the umpteen years under various leaders of the federal government whilst the Liberals were in government nationally.

*Ministerial Statement***COUNTRY FIRE SERVICE CHIEF OFFICER**

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41):** I table a ministerial statement that was tabled in the other place by the Minister for Police, Emergency Services and Correctional Services.

*Question Time***GHOST MUSHROOM LANE**

**The Hon. R.B. MARTIN (14:41):** My question is to the Minister for Primary Industries and Regional Development. Will the minister please update the council on the popular tourist event Ghost Mushroom Lane?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41):** I thank the honourable member for his question about ghost mushrooms, and I am delighted to be able to report that ForestrySA is again able to present Ghost Mushroom Lane in 2022. Ghost Mushroom Lane is a temporary event that occurs in the South-East and is open to the public between May and June each year.

*Members interjecting:*

**The PRESIDENT:** Order! The Leader of the Government, stop it! Minister, continue.

**The Hon. C.M. SCRIVEN:** The event is held on a plantation, which ForestrySA takes responsibility for in terms of managing access by the general public. It is a unique family event; a family friendly night walk through a forest to view the luminescent glow of the ghost mushrooms. It's a magical experience that certainly gets a lot of positive media attention in the Limestone Coast and on social media I have seen many, many positive responses to the experience.

*Members interjecting:*

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

**The Hon. C.M. SCRIVEN:** I do encourage members to check out these magical mushrooms, known as ghost mushrooms. It's a magical experience.

*Members interjecting:*

**The Hon. C.M. SCRIVEN:** I'm not sure why people are laughing.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** Members might be thinking perhaps what is a ghost mushroom?

**The Hon. J.E. Hanson:** I am.

**The Hon. C.M. SCRIVEN:** You are, the Hon. Mr Hanson? A ghost mushroom is a bioluminescent fungus that emits a soft green glow at night. It is found mainly on decaying plant material in cool, wet, conditions, which of course makes the Limestone Coast plantations a perfect environment for it to flourish.

**The Hon. K.J. Maher:** Unbelievable. Tell us more.

**The Hon. C.M. SCRIVEN:** I will tell you more. It is very exciting. ForestrySA, OneFortyOne and other partners, including private tour operators, plan and prepare for several months prior to each season, and that includes cutting and marking new trails aligned to fresh growth of mushrooms so that premium viewing can be ensured to the extent possible; obviously, in nature things can change. Ghost Mushroom Lane has a substantial flow-on effect to the local economy, with 55 per cent of visitors coming from outside the region including 25 per cent from interstate during the 2022 season so far.

I am advised that this event has become so popular in fact that it now forms part of the local tourism calendar, with marketing and promotion through local tourism bodies including Tourism

Mount Gambier and the Mount Gambier Visitor Centre. The event has even attracted national attention including a reference in the CSIRO's 2021 publication *Wild Mushrooming: A Guide For Foragers*. And they refer to it as successfully attracting crowds to what is perhaps Australia's first example of 'myco-tourism'.

Upgrades were made in 2021 to improve the visitor experience and public safety, including increased and improved car parking and a new visitor pass and tour booking system. This tourism attraction is now operating in winter for a fifth season. I am advised that Forestry SA staff have received overwhelmingly positive feedback from visitors on site, with participants enjoying the laneway when the weather is suitable and with the darkest nights providing the best viewing conditions.

Around 100,000 people have enjoyed visiting the site since its inception in 2017, and it is projected that this year alone will see 10,000 visitors to the site. 2022 has seen a late start to the season, so there is still plenty of time if members in this place wish to visit. Indeed, I wish I had thought about it as a country cabinet event last week; it would have been excellent for all of the cabinet to go when they were out talking with regional members of our community.

**The PRESIDENT:** Minister, I am just a bit mindful of the time this is taking. I know it is an important event.

**The Hon. C.M. SCRIVEN:** I will be about 15 seconds. Thank you, Mr President. I understand the ghost mushrooms did not fully start to develop until the last week in May, but the season is now in full swing and it is expected to be one of the best seasons for fungi in the forests. That has a nice ring to it, doesn't it—'fungi in the forests'? The season is expected to end in late June. The 2022 event will generate much-needed revenue for tourism operators in the Limestone Coast, while also showing it as a showcase spot to visit.

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

**The PRESIDENT:** I will listen to your point of order, but the minister has finished.

**The Hon. T.A. FRANKS:** Supplementary.

**The PRESIDENT:** The Hon. Ms Franks, are you sure you have a supplementary question on this?

**The Hon. T.A. FRANKS:** I absolutely do, Mr President

**The PRESIDENT:** The Hon. Ms Franks has a supplementary question.

#### **GHOST MUSHROOM LANE**

**The Hon. T.A. FRANKS (14:45):** How was the data that reflected the interstate visitors collected and verified?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46):** I am happy to take that on notice and bring back an answer to the member.

#### **CHILD AND YOUNG PERSON'S VISITOR**

**The Hon. S.L. GAME (14:46):** I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development representing the Minister for Child Protection on the matter of the state's Child and Young Person's Visitor.

Leave granted.

**The Hon. S.L. GAME:** There are 634 children currently in residential care across over 200 sites statewide. There is an over-representation of Indigenous children and there is a high risk of abuse, including sexual abuse. The Malinauskas government recently announced some funding for the role of the Child and Young Person's Visitor at \$450,000 per annum for four years.

I understand that this is not enough to adequately visit each of those centres once per year, let alone the recommended minimum of four visitations per year needed to establish a relationship with these young people. These are extremely vulnerable children who often do not feel safe and



have not learned how to trust. Will the government consider increasing this totally inadequate funding?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47):** I thank the honourable member for her question on a very important topic. I will refer that question to the relevant minister in the other place and arrange for an answer to be brought back to the chamber.

#### SHOP TRADING HOURS

**The Hon. D.G.E. HOOD (14:47):** I seek leave to make a brief explanation before asking questions of the Minister for Industrial Relations regarding shop trading hours in South Australia.

Leave granted.

**The Hon. D.G.E. HOOD:** On Monday this week, we had a public holiday of course to celebrate Her Majesty's birthday. I am aware that there were extremely long queues just to get into the car park at Harbour Town in the western suburbs of Adelaide, where I am told that some patrons waited an hour or so just to get a car park. Of course, there are only a limited number of shopping precincts open on this particular day, due to South Australia's draconian shop trading hours legislation. The former Marshall Liberal government sought to deregulate shop trading hours twice to provide businesses the opportunity to operate when they want and to offer patrons more choice as to when and where they shop.

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Bourke! Continue, the Hon. Mr Hood.

**The Hon. D.G.E. HOOD:** Thank you for your protection, sir. It's quite intimidating. This was, as you recall, sir, opposed by the then Labor opposition. My questions to the industrial relations minister are as follows.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. D.G.E. HOOD:** Firstly, how many South Australian workers missed out on the opportunity to work on the Queen's Birthday public holiday and thus suffered a decline in their living standards and their income as a result?

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Bonaros, that's out of character.

**The Hon. D.G.E. HOOD:** Secondly—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. D.G.E. HOOD:** —what could the minister possibly say to those workers who would have appreciated the extra income in a climate of rising interest rates, power prices, fuel costs and other increased living expenses that contribute to a higher cost of living?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:49):** I thank the honourable member for his question. I will tell you what I would say to the workers who are working on a public holiday: you get penalty rates because it's a public holiday. You are rewarded for working on a public holiday. You receive penalty rates for doing that because you are giving up time that many others spend with their family. We think workers deserve those penalty rates on public holidays. That is our very, very strong view, our very, very strong—

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Ms Bourke! Continue.

**The Hon. K.J. MAHER:** We support the payment of penalty rates on public holidays very strongly, but we also support a sensible balance allowing families to have time together on days of the year that are public holidays. We don't support what the former government did. We don't support what the former government did, usurping the legislation that they failed on numerous occasions to change.

It was a recurring theme of the former government. They failed. They failed on numerous occasions to change shop trading laws, and do you know how many people voted for that, except the Liberal Party, in this chamber? None, not a single person. It was just the Liberal Party who wanted to try to have an absolute carte blanche free-for-all that would force many people not to spend time with their families but work on public holidays and all hours of the day with complete deregulation of shop trading hours.

We don't support that and, what's more, we had a proposal to allow an extra two hours on Sunday morning. The Liberal Party didn't support that. There is one party here that didn't support extended shop trading hours and that's the Liberal Party. I can't remember—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** I did see a couple of years ago an article in I think it was *The Advertiser*. It was I think a hospitality venue who talked about the fact that they had to pay penalty rates on a public holiday, bemoaning that and saying, with these extra costs they wouldn't be making very much profit at all and it's probably not worth giving up time with their family on a public holiday to open. That's the exact point. Even business owners want to make that decision. They want to spend time with their family on a public holiday. We don't support the carte blanche approach the former government took and wanted to take. We support a sensible balance and that's what we are going to do in government.

### SHOP TRADING HOURS

**The Hon. D.G.E. HOOD (14:51):** Supplementary: why is the Labor Party making it more difficult for people to earn an income during times of rising living expenses?

*Members interjecting:*

**The PRESIDENT:** Order! Your ministerial colleague is not helping. The Hon. Mr Wortley, I only have to get to 11 to be able to throw you out and I reckon I can get to about 20.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:52):** In answering the honourable member's question, we support people having a decent wage. That's what we do on this side of the chamber. That's what we support, but we also support a sensible balance for families in South Australia. We took competing policies to the last state election—the Liberal Party versus every other party—and they were competing policies on shop trading hours. One was a sensible balance. One was a sensible balance that protects important family time and, what is also important to this, protects local businesses.

We know in South Australia we have a much higher proportion of independent supermarkets, something like one-third in South Australia—a much higher penetration than in any other jurisdiction in Australia—and do you know what? Many of those support, at much greater levels, local businesses, local food producers, local food manufacturers.

**The Hon. D.G.E. HOOD:** Point of order: the question was about workers' capacity to earn an income, not about businesses.

*Members interjecting:*

**The PRESIDENT:** We will wait until the Hon. Ms Bourke ceases to interject. Are you finished?

**The Hon. E.S. Bourke:** I am, sir.

**The PRESIDENT:** And, Minister for Primary Industries and Regional Development, we don't need your help either. Minister, can you conclude your remarks, stay on topic and can we move on.

**The Hon. K.J. MAHER:** Workers in local food manufacturers need to earn an income as well. We know, under the shop trading regime we have, there is a much higher penetration of independent supermarkets than in any other state. They use more local produce. That leads to more jobs and more income for those in the local food production sector. We support—

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

**The PRESIDENT:** We will have a supplementary when the minister has finished his answer.

**The Hon. K.J. MAHER:** We support local workers.

#### SHOP TRADING HOURS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:54):** Supplementary: if the minister feels so strongly—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. N.J. CENTOFANTI:** —about the deregulation of shop trading hours, is the minister going to legislate for a reversal of deregulation of shop trading hours in country South Australia?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:54):** Outside the Greater Adelaide metropolitan area there is deregulated shop trading hours, except in areas that choose to retain them, like Millicent, for example, which unlike other towns around have seen their local independent supermarkets thrive.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** Not be taken over by the big multinationals.

*Members interjecting:*

**The PRESIDENT:** Order, on both sides!

**The Hon. K.J. MAHER:** Not be taken over by the big multinationals. And what do we see in many of the areas in country towns in country areas that have the ability to open as long as they want? Most businesses don't choose to. Most businesses don't choose to open 24 hours a day or even all weekend. We think we have got the balance right. This council got the balance right in voting down the Liberals' proposals last time. The South Australian public rewarded those who got the balance right at the last state election.

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

*Members interjecting:*

**The PRESIDENT:** I will listen to your supplementary when the Hon. Mr Wortley has finished.

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Ms Bourke! The Hon. Ms Girolamo has a supplementary question arising from the original answer.

#### SHOP TRADING HOURS

**The Hon. H.M. GIROLAMO (14:55):** How does the government consider a measly two hours a sufficient balance of extra trading hours? How is two hours considered a reasonable amount?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:56):** I thank the honourable member for her question. It is something that has been raised—the 11am opening on Sundays. To make it consistent with Saturdays, we thought that was a reasonable proposal and a reasonable balance.

I want to be clear. Do you know why we haven't got it? Because those opposite didn't want it. They wanted more restrictive shop trading hours and to force workers to work on public holidays when they should be spending time with their family, to force local food producers out of business by

letting the multinational corporations, who run the multinational supermarkets, to squeeze out our own food producers. That's what those opposite wanted. That's not what we want. That's the balance that we have struck.

### MATES IN CONSTRUCTION

**The Hon. R.P. WORTLEY (14:57):** My question is to the Minister for Industrial Relations and Public Sector. Will the minister update the council on steps the government is taking to support mental health in the construction industry?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:57):** I thank the honourable member for his question. The building and construction industry is certainly an engine room of the South Australian economy and for decades has provided good careers to South Australian workers, while building our state for the future. Unfortunately, this success has come with some sobering developments in the mental health of the construction industry workforce.

Research reveals that every year, 190 Australians working in the construction industry take their own life. Construction workers are six times more likely to die from suicide than an accident at work and young construction workers are two times more likely to take their own life than other young Australian men. The construction industry has responded to these appalling statistics by proactively working to improve mental health in the industry and to provide valuable support to construction workers.

MATES in Construction is an industry-backed research-based suicide prevention and support program, which has been operating in the building and construction industry since 2008. It provides a national program that helps to deliver services to workers who need help and support. Its work includes raising awareness of suicide, raising awareness of suicide prevention, connecting workers to the best available help and support, and partnering with researchers to inform the construction industry about best practice around mental health.

The MATES in Construction program recognises that many building and construction workers find it difficult to discuss mental health with colleagues at work. The program works to break down some of the social barriers to raise awareness about mental health issues. MATES in Construction is supported by industry partners from across the building and construction industry, including both large employers and the construction workers union, the CFMEU.

Regrettably, in October 2019, the previous government cut funding for this important program. Prior to this, MATES in Construction was providing all construction apprenticeships in the state with the Life Skills Toolbox training for free. I'm proud that the new Labor government has committed to reversing these cuts to this important program and is restoring the \$60,000 a year funding for the MATES in Construction program over the next four years. It is a small amount of money, but it does a huge amount of good.

### RETURN TO WORK SCHEME

**The Hon. C. BONAROS (15:00):** I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question about the Return to Work scheme.

Leave granted.

**The Hon. C. BONAROS:** Yesterday in this place, I asked the minister if he had intervened or intends to intervene in the case currently before the Court of Appeal in which ReturnToWorkSA is challenging the correctness of the Summerfield case. The minister replied that he had requested a briefing on the matter and was considering that issue. Members of the legal fraternity warn that the clear implication of the action taken by ReturnToWorkSA is that the government agency is confident the Summerfield case will be overturned. My questions to the minister are:

1. How many similar notices have been filed by ReturnToWorkSA since the Summerfield decision was handed down?

2. Is he aware that just this week at least two other challenges to Summerfield have been filed by ReturnToWorkSA?

3. Is he aware that SAET, comprising of three judges—that is, the Full Bench—on application today by ReturnToWorkSA has referred the matter of English to the Supreme Court, which is another challenge to the Summerfield case?

**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 her questions. In relation to the statistics and a case today, I am happy to take those on notice and bring back a reply.

#### **AMBULANCE EMPLOYEES ASSOCIATION**

**The Hon. J.M.A. LENSINK (15:01):** I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations and Public Sector regarding the enterprise agreement with the ambulance employees.

Leave granted.

**The Hon. J.M.A. LENSINK:** On ABC radio last week, in responding to questions about the new enterprise agreement with the Ambulance Employees Association, the Minister for Health and Wellbeing stated that this matter sits with the Leader of the Government in the Legislative Council and Minister for Public Sector.

In the previous Labor administration prior to 2018, enterprise agreement matters regarding public sector employees were managed by the responsible portfolio ministers. My question to the minister is: why under this government has it changed its mind about how industrial relations and public sector responsibility for enterprise agreement negotiations, from the line minister to himself in his role as Minister for Industrial Relations and Public Sector—responsibility?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:02):** I thank the honourable member for her question. In terms of how it may have operated prior to 2018, I don't have knowledge of that. I was a minister but didn't have responsibility for industrial relations. Certainly, the way that the enterprise agreement negotiations are conducted is consistent with what happened immediately prior to the last election.

#### **CHARTER BOAT FISHING INDUSTRY**

**The Hon. J.E. HANSON (15:03):** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the house about the steps that are being taken to ensure a strong charter boat fishing industry in South Australia?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03):** I thank the member for this question and note their interest in ensuring a strong, viable and sustainable charter boat industry in our state, because of course such an industry is good for our state, good for tourism, good for regions and good for the jobs and small business that operate in this sector.

The current charter boat management plan expires in July this year. The government is now consulting on the latest draft management plan, which is underpinned by ensuring long-term sustainable growth of the industry. The plan was drafted in consultation between members of the Charter Boat Association of South Australia and PIRSA. The draft management plan and draft summary report have been up on the PIRSA website since the start of the consultation period, which was 22 April, and the consultation period will end on Tuesday 21 June.

There are currently 79 licence holders situated across the state who make up the charter boat industry, which contributed \$10.6 million to gross state product in 2019-20 and employed approximately 136 full-time equivalent jobs, and of course they were prominently in regional areas. The key species that charter boat operators and their clients primarily seek to catch are snapper (although they are currently banned in the gulfs and West Coast), King George whiting, southern bluefin tuna and nannygai, which is redfish, red snapper and swallowtail.

The new plan comes at a difficult time for those within the charter boat industry, with snapper fishing closures, COVID and the previous border closures creating issues on many fronts for the resilient operators in this industry. We know that we have some of the best fishing in the country.

The charter boat industry provides high quality experiences through localised fishing opportunities with experienced operators who know the best places to fish. This is why the charter boat industry can regain its broad appeal with local and interstate tourists if given the right settings.

This plan seeks to achieve industry growth in a balanced way through sustainable catch limits and allocated shares for key species, reducing red tape, and streamlining the plan to be consistent with other existing commercial and recreational fishing management plans which may impact upon the charter boat industry. A key element in this plan, as part of the government industry co-management arrangements for the charter boat industry, is the development of a strategic policy priorities list that captures the key items flagged to be progressed over the next 10 years.

These strategic policy priorities were developed in consultation with the charter fishing industry as ways to reduce red tape and provide greater business opportunities to support the industry through the impacts of COVID and the snapper closure. It is our government's intention to ensure the charter boat industry in this state recovers and thrives post-COVID and is an experience of choice for local, interstate and international tourists so they can experience the best of South Australian scenery and seafood at the same time.

### FACIAL RECOGNITION TECHNOLOGY

**The Hon. T.A. FRANKS (15:06):** I seek leave to make a brief explanation before addressing a question to the Attorney-General on facial recognition technology.

Leave granted.

**The Hon. T.A. FRANKS:** I start by noting the City Safe CCTV network is a \$3 million network that is owned by the Adelaide City Council and SAPOL, and also that in South Australia the state public sector is required to comply with the South Australian Information Privacy Principles (IPPs). However, the IPPs do not extend to biometric information, so there is no other legal framework that applies to any surveillance activities carried out by agencies, authorities and organisations that fall outside the scope of the Privacy Act and APPs in South Australia.

I also note, and I imagine the Attorney would be well aware, that this week it has been uncovered by *Choice* that facial recognition technology is increasingly being used by private sector and consumer bodies such as Kmart and Bunnings. Indeed, in our own Adelaide CBD these cameras have been installed which now have the capacity for quite extensive facial recognition technology. Yet it appears this mass surveillance and capturing of our biometric data is operating without the adequate safeguards or standards.

There are known issues with facial recognition technologies' ability to accurately identify people, and I note particularly women and people of colour are incorrectly identified. I look to the words of Edward Santow, who is a former Human Rights Commissioner, on this: he has given an example of the London Met in 2019 incorrectly identifying 96 per cent of people scanned as suspects. I imagine the minister would be very well aware that with the gambling facial recognition technology it has been quite well identified that it misidentified Maori people in New Zealand and, more locally I have been informed by the Hotels Association here in South Australia, Indigenous people in our state.

My questions to the minister are: given the Adelaide City Council, when it approved this technology, moved a motion that said that camera facial recognition technology would not be used unless the Parliament of South Australia adopted legislation to provide safeguards against all of the issues that I have just raised, who is dealing with this legislation? Has there been correspondence between SAPOL, the Adelaide City Council and the Malinauskas government with regard to protecting and ensuring the effectiveness of protocols around the use of facial recognition technology?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:09):** I thank the honourable member for her question. It is a good question. As technology changes and improves, how that technology is used and applied necessarily needs to be considered by legislators in terms of a whole lot of areas, not the least of which is people's privacy. As there is more and more information created, more ways to store that information, and more ways to disseminate that information, the rights of people in terms of what sort

of information (including things like biometric data) is being recorded and how it's used becomes challenging in ways that haven't been considered prior to that technology.

I am not aware of any correspondence between SAPOL and the city council, but I certainly will take that on notice and I suspect will have to liaise with my colleague the member for Cheltenham and the Minister for Police in another place. I appreciate the question. It is certainly something I think as a government we need to be alert to, and as legislators we need to have a responsibility to make sure that as technology changes we are keeping up with what we need to do in legislation. I thank the honourable member for raising it. I will talk to my ministerial colleague but also my department about these issues and bring back a reply.

#### ENTERPRISE BARGAINING

**The Hon. S.G. WADE (15:10):** I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations and Public Sector regarding the enterprise agreement with the ambulance employees.

Leave granted.

**The Hon. S.G. WADE:** As the Hon. Michelle Lensink indicated on ABC radio last week, it was suggested the Ambulance Service is close to signing off on a 2.5 per cent pay rise with the government, which will be backdated to 2018. My questions to the minister are:

1. Has the enterprise agreement with the Ambulance Employees Association been finalised? If so, when was it finalised?
2. Can the minister confirm that paramedics and ambulance officers and 000 call takers will all receive a 2.5 per cent increase?
3. Can the minister confirm that the new enterprise agreement will be backdated to 2018?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:11):** I thank the honourable member for his question. I will check. I know that there has been substantial negotiation between that part of government, the industrial relations section of government that do negotiations with different areas of government. I will check, but I don't think it has been finalised yet. I think there are still stages to go in terms of it being put to the ambulance membership, but certainly I think there has been good progress made.

I know that negotiations had stalled somewhat over the last few years. I will have to double-check, but I think 2018 was the last time ambulance officers received a pay rise. There have been very productive negotiations. There has been a lot of work put into trying to resolve this. I will check on the details about the full range of coverage of negotiations in terms of the officers that the honourable member has mentioned being covered by negotiations.

I am hopeful and look forward to our extraordinary hardworking ambulance officers receiving their first pay rise in many years when finally negotiations are concluded and accepted. It is certainly not something I intend to make a practice of, that sort of megaphone negotiation, by coming in here and talking about it, as I think my predecessor in this area, the Hon. Rob Lucas, would do occasionally, berating union bosses. I think that doesn't add to an ability to negotiate.

#### ENTERPRISE BARGAINING

**The Hon. S.G. WADE (15:13):** I thank the minister for his answer and I appreciate him taking it on notice. Supplementary question: is the minister aware whether the current 2022-23 budget funds the EA increase that, as you say, was anticipated for some time?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:14):** I will double-check that with the Treasurer. If I get anything wrong in this answer, I will come back and correct myself, but my understanding is and I think, from my previous role as part of the Budget and Finance Committee, I can remember we in the last term of government questioned Treasury officials about whether there are contingencies that are never revealed, for obvious reasons, within budgets for enterprise bargaining agreements. If that's not correct, I will come back and let the honourable member know.

### ENTERPRISE BARGAINING

**The Hon. J.M.A. LENSINK (15:14):** Further supplementary: how often does the minister receive briefings from that section within the department, on a weekly basis or something of that nature?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:14):** The part of government that deals with enterprise negotiations is the Industrial Relations and Policy Branch. To the best of my memory, I think there are probably fortnightly briefings about various things. Of course, when there are intense periods of negotiation it would probably be more but, again, if that is wildly wrong I will bring back an answer for the honourable member.

### COMMUNITY LEGAL CENTRES

**The Hon. T.T. NGO (15:15):** My question is to the Attorney-General: will the Attorney-General inform the council about the important work of South Australian community legal centres?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:15):** I certainly can. I thank the honourable member for his question and I'm proud to say that South Australia is home to many extraordinary community legal centres, whose staff work tirelessly to provide high quality, free and accessible legal advice to South Australians who are often going through a difficult time.

It was my pleasure, on a recent visit to Mount Gambier for country cabinet, to be able to visit the Limestone Coast Community Justice Centre to learn more about the important work they are doing to support the Limestone Coast region. I talked about this in an answer, I think yesterday, that it was a remarkably good opportunity for ministers to visit the Limestone Coast last week. I want to quickly pay tribute to the local leadership in that area.

I talked about councils and mayors who met with ministers while we were there, but also members of this parliament—like the member for Mount Gambier, Troy Bell, and the member for MacKillop, Nick McBride—who joined in forums and represented their communities extraordinarily well in putting forward ideas to the government. I think it is a great credit to those two local members in the South-East, regardless of being Independents or Liberal Party or Labor Party members, that we are able to all work together to support an area of the state that supports our state economy so well.

As I said, it was a remarkable opportunity in Mount Gambier, not just to hear directly from people in Mount Gambier but also to visit services in various portfolio areas and various companies that play a part in that community. The Limestone Coast Community Justice Centre is certainly one of those areas. The Limestone Coast Community Justice Centre recently completed a survey of 143 people from its current client base and the feedback was, not surprisingly, overwhelmingly positive.

Ninety-three per cent of clients of the Limestone Coast Community Justice Centre agreed or strongly agreed that the community justice centre had helped them to understand how to deal with their legal problem and that they knew where to get legal help in the future if they needed it. Also, 98 per cent of clients surveyed indicated that of those who had personal cultural needs they strongly agreed that the service met those needs.

I find it particularly encouraging that the centres are accessible to Aboriginal people and groups of people who often face cultural barriers in obtaining legal representation, legal services and interactions with the justice system. The survey also reported positively that 90 per cent of clients surveyed would recommend community justice centres to others. It is a great tribute to how they go about their business and the service they provide that so many people who have used it had such a positive experience that they would recommend it to others.

It's not just in the South-East, with the Limestone Coast Community Justice Centre, but right around South Australia that they provide these invaluable services. Community legal centres have been operating right across Australia for over 40 years and continue to advocate for a rights-based



approach and equitable access to the justice system, which often presents significant barriers for many members of the community.

They offer services from qualified solicitors, legal advisers and support staff, and extend often to community education and legal advice across areas such as family law, minor criminal matters, civil law, as well as other areas of law, as well as support with casework, referrals and legal representation. Community Justice Services SA is the peak body for community justice centres in South Australia and oversees many services, both across metropolitan and rural South Australia.

Some of the services this body oversees include the Northern Community Legal Service; WestSide Lawyers, which service the west, Mid North and the outback; Uniting Communities Law Centre for the CBD, inner eastern and Adelaide Hills region; and in the south, South-East and Riverland, the Southern Community Justice Centre, the Limestone Coast Community Justice Centre and the Riverland Community Justice Centre are just some of those available to members of the community.

I wish to thank particularly the Limestone Coast Community Justice Centre for hosting me last week, and I look forward to visiting other community justice centres around South Australia over the weeks and months to come.

### *Bills*

## **NATIONAL GAS (SOUTH AUSTRALIA) (MARKET TRANSPARENCY) AMENDMENT BILL**

### *Second Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:21):** I move:

That this bill be now read a second time.

The government is amending the national energy legislation to expand gas market transparency in the eastern and northern Australian gas markets, which seeks to further facilitate the efficient trade of gas and infrastructure services, promote more effective competition and enable market participants to respond more efficiently to changing market conditions.

Improved market transparency is intended to address a range of information gaps and asymmetries across the eastern and northern Australian gas markets. These gaps and asymmetries mean that not all participants in the market have a common understanding of market prices as well as supply and demand conditions. As a result, these gaps hinder the ability of the market to respond efficiently to changing market conditions, impede effective competition and the efficient trade of gas and infrastructure services, and result in inefficient decisions being made about consumption, production, the use of infrastructure services and longer term investment.

The National Gas (South Australia) (Market Transparency) Amendment Bill 2021 seeks to amend the National Gas Law, set out in the schedule to the National Gas (South Australia) Act 2008, to introduce new and expand existing gas market transparency functions and obligations.

The bill will confer on the Australian Energy Regulator (AER) a new function to collect, analyse and publish gas price information and reporting. This will address the currently limited publicly available information on prices payable for goods and services in the natural gas industry, and address information asymmetries faced by gas users in negotiations. Information to be published will include aggregated and anonymised price information for goods and services in the natural gas industry.

To ensure the AER can successfully perform this new function, the bill provides clear information-gathering powers. Flexibility is provided in the bill for the AER to publish an instrument which specifies the information they require to perform the gas price function and the persons responsible for providing the information.

The bill expands the Australian Energy Market Operators information-gathering powers for the Gas Statement of Opportunities (GSOO). The GSOO provides an assessment of the adequacy or otherwise of the supply side of the market to meet forecast demand over a 20-year outlook period and analyses a range of potential scenarios that may impact the gas market, including identifying

longer term development needs in the gas market. The expansion of information-gathering powers directly responds to concerns about the quality of information, which is obtained through voluntary surveys that AEMO currently has to rely upon to prepare the GSOO.

The bill expressly provides for persons in control of information related to natural gas to provide such information to AEMO if required to do so under the National Gas Rules. It also provides for AEMO to make GSOO procedures. The procedures are a form of statutory instrument for the collection of the information for the GSOO. Persons to whom the procedures apply are required to comply with them.

The bill expands the scope of the Natural Gas Bulletin Board. The Natural Gas Bulletin Board provides market participants and other interested parties with ready access to information on the capacity and utilisation of key production, transportation and storage facilities on the east coast. Expanding the scope of the bulletin board seeks to address information gaps, including opaqueness surrounding the supply and availability of gas in the eastern and northern Australian gas markets and lack of publicly available information on gas use by liquefied natural gas facilities.

The information that must currently be contained on the bulletin board relates to natural gas services and secondary capacity. The bill expands this scope to the natural gas industry. In support of this expanded scope, the bill places an obligation on persons in control of information related to the natural gas industry to provide such information to AEMO if required to do so under the National Gas Rules.

The bill provides for the South Australian minister to make the initial National Gas Rules that will implement the transparency reforms. Significant public consultation on the initial rules has already been undertaken. Once the initial National Gas Rules have been made, no further rules can be made under this power. The Australian Energy Market Commission is provided with power to make National Gas Rules on relevant gas market transparency matters going forward.

By introducing this reform, numerous benefits will accrue, including lowering search and transaction costs, facilitating more efficient investment and enabling more informed and efficient decisions to be made by market participants across the supply chain.

I note that the now opposition previously supported the introduction of new and expanded existing gas market transparency functions and obligations in the National Gas Law, and I look forward to receiving their support in progressing this bill through the parliament. I commend the bill to members. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *National Gas Law*

4—Amendment of section 2—Definitions

Certain definitions are inserted or amended for the purposes of the measure.

5—Amendment of section 10—Things done by 1 service provider to be treated as being done by all of service provider group

Amendments are made to an interpretative provision under the Law.

6—Amendment of section 27—Functions and powers of the AER

Provision is made conferring functions on the AER in relation to goods or services in the natural gas industry.

7—Substitution of heading to Chapter 2 Part 1 Division 4

The heading to Chapter 2 Part 1 Division 4 is substituted.

Division 4—Regulatory information notices, general regulatory information orders and price information orders

8—Amendment of section 45—Meaning of general regulatory information order

Provision is made that a general regulatory information order does not include an order that is made as a price information order.

9—Amendment of section 46—Meaning of regulatory information notice

Provision is made that a regulatory information notice does not include an order that is made as a price information order.

10—Insertion of section 46A

Section 46A is inserted:

46A—Meaning of price information order

New section 46A is an interpretative provision relating to price information orders.

11—Amendment of section 48—Service and making of regulatory information instruments

Amendments are made relating to price information orders.

12—Amendment of section 50—AER must consult before publishing a general regulatory information order

This amendment is consequential.

13—Substitution of section 51

Section 51 is substituted:

51—Publication requirements for orders

Provision is made for publication requirements for orders.

14—Amendment of section 53—Form and content of regulatory information instrument

Amendments are made relating to price information orders.

15—Amendment of section 54—Further provision about the information that may be described in a regulatory information instrument

These amendments are technical or consequential.

16—Amendment of section 55—Further provision about manner in which information must be provided to AER or kept

These amendments are technical.

17—Amendment of section 57—Compliance with general regulatory information order

An amendment is made relating to compliance with general regulatory information or price information orders.

18—Amendment of section 57A—Confidentiality issues

Section 57A is disapplied to price information orders.

19—Amendment of section 57B—Disclosure of information given to AER in compliance with regulatory information instrument

These amendments are technical in relation to price information orders.

20—Amendment of section 58—Exemption from compliance with general regulatory information order

This relates to amending the heading to section 58 of the Law.

21—Amendment of section 59—Assumptions where there is non-compliance with regulatory information instrument

Section 59 is disapplied to price information orders.

22—Amendment of section 63—Protection against self-incrimination

This amendment is technical in relation to price information orders.

23—Amendment of section 74—Subject matter for National Gas Rules

These amendments are technical or consequential.

24—Amendment of section 91D—Object and content of gas statement of opportunities

This amendment is technical.

25—Amendment of section 91DA—AEMO's obligation in regard to gas statement of opportunities

AEMO is conferred with functions relating to collecting, collating and deriving certain information.

26—Insertion of sections 91DB to 91DH

New sections 91DB to 91DH are inserted:

91DB—Information for the gas statement of opportunities

Provision is made in relation to persons giving AEMO information for the gas statement of opportunities.

91DC—Person cannot rely on duty of confidence to avoid compliance with obligation

This section provides that a person must not refuse to comply with the requirement in section 91DB on the ground of any duty of confidence.

91DD—Giving AEMO false or misleading information

This section provides that a person must not give GSOO information to AEMO that the person knows is false or misleading in a material particular.

91DE—Immunity of persons giving GSOO information to AEMO

Provision is made in relation to immunity of persons giving GSOO information to AEMO.

91DF—GSOO Procedures

AEMO is authorised to make GSOO Procedures.

91DG—Nature of GSOO Procedures

Provision is made about the nature of GSOO Procedures.

91DH—Compliance with GSOO Procedures

This section provides for compliance with GSOO Procedures.

27—Amendment of section 91MB—Compliance with Retail Market Procedures

Section 91MB(2) is deleted.

28—Amendment of section 218—AEMO's obligation to maintain Bulletin Board

These amendments are technical.

29—Amendment of section 219—AEMO's other functions as operator of Natural Gas Services Bulletin Board

These amendments are technical.

30—Substitution of sections 223 and 223A

Sections 223 and 223A are substituted by section 223:

223—Obligation to give information to AEMO

Provision is made for a person who has possession or control of information in relation to the natural gas industry to be required to give the information to AEMO for use in connection with the Natural Gas Services Bulletin Board.

31—Amendment of section 224—Person cannot rely on duty of confidence to avoid compliance with obligation

This amendment is consequential.

32—Amendment of section 225—Giving AEMO false and misleading information

This amendment is consequential.

33—Amendment of section 226—Immunity of persons giving information to AEMO

This amendment is consequential.

34—Insertion of section 226A

New section 226A is inserted:

226A—Provision of certain information to AER

Provision is made for the Rules to provide for certain requirements on persons subject to the operation of the Chapter to provide certain information to the AER (and other matters).

## 35—Amendment of section 228A—Compliance with BB procedures

Section 228A(2) is deleted.

## 36—Insertion of section 294FA

New section 294FA is inserted:

294FA—South Australian Minister to make initial Rules relating to enhanced market transparency

The South Australian Minister is authorised to make the initial Rules relating to enhanced market transparency.

## 37—Amendment of Schedule 1—Subject matter for the National Gas Rules

Certain subject matters on which National Gas Rules may be made are inserted into Schedule 1 of the Law. Other amendments to subject matters in the Schedule are consequential.

**The Hon. H.M. GIROLAMO (15:27):** I take this opportunity to speak in parliament today about the National Gas (South Australia) (Market Transparency) Amendment Bill 2022, and I indicate that the Liberal Party supports it. The gas markets in eastern and northern Australia are regulated through the operation of the National Gas Law, the National Gas Rules and associated regulations.

The National Gas Law is hosted by South Australia and has the force of law for participating jurisdictions. All states and territories, including Western Australia on a limited and modified basis, and the commonwealth are participating jurisdictions. The National Gas Law can be modified by the South Australian parliament at the unanimous direction of the energy council.

This gas transparency bill has been developed and consulted on over a number of years, which ultimately led to it being ratified by the energy ministers in July 2021 and then introduced into the SA parliament by the former Liberal government in September 2021. The bill I am speaking on today is fundamentally the same and, as a result, the opposition will be offering bipartisan support for it.

On 20 July 2021, energy ministers agreed to further refinements to the framework, taking into account feedback provided in response to consultation. Improved market transparency will deliver a number of benefits, including:

- enable more informed decisions to be made about gas consumption, gas production, exploration activities and infrastructure services, facilitating more efficient planning and investment across the market;
- provide more timely and accurate signals about how well the market is functioning and whether there are any potential problems with the supply-demand balance, which will enable the market to respond more efficiently to changing market conditions; and
- promote competition where competition is possible and the efficient trade of gas and infrastructure services by aiding the price discovery process, lowering search and transaction costs and reducing the information asymmetry and imbalance in bargaining power that users can face at each stage of the supply chain—a very important element during these challenging times and potential energy crisis.

The amendment bill will give the Australian Energy Regulator a new function to collect, analyse and publish information about prices for goods and services in the natural gas industry. Currently, the ACCC gas inquiry collects some pricing information; however, the inquiry is scheduled to finish in 2025 and, in the absence of any other measures, the market will likely revert back to an even more opaque market.

This amendment bill will give the Australian Energy Regulator new powers to publish an instrument requiring information to be given to the Australian Energy Regulator for the purpose of its new gas price reporting function. Once implemented, the transparency reform measures will enhance transparency in the eastern and the north-eastern Australian gas markets. This will address information gaps relating to gas and infrastructure prices, supply and availability of gas, gas demand, and infrastructure used to supply gas to end-markets.

**The Hon. T.A. FRANKS (15:31):** I rise to speak on the National Gas (South Australia) (Market Transparency) Amendment Bill on behalf of the Greens and on behalf of my colleague the

Hon. Robert Simms. This bill was first introduced in the other place in September last year by the Marshall government. At that time, the Minister for Energy and Mining spoke of the series of events that led to the introduction of this bill.

In 2016, energy ministers agreed to implement gas market reform measures, including market transparency. In 2018, there was a further review that identified issues in the gas markets, which again led to the energy ministers being tasked with developing transparency measures. Then, in 2020, energy ministers endorsed the final recommended package of measures.

We know that the wheels of government can be slow, but by the time this bill was first introduced in the other place, there had already been five years of inaction on market transparency for the gas industry. Now here we are in 2022, six years after that initial review, where we see daily news about Australia being on the precipice of a gas crisis. It appears, this time, successive governments have moved far too slowly.

As I understand it, one of the outcomes of the meeting of energy ministers last week was to push this legislation through as a matter of urgency. This was a foreseen issue, but not enough was done at the time. I would hope that we can learn a lesson from this and start acting now on issues we can see coming down the line. Indeed, this is the only way we will build a resilient future in a changing climate.

The Greens support additional transparency measures to ensure the market becomes more robust and equitable; therefore, we will be supporting this bill. It is our understanding from the briefing provided by the energy minister that gas suppliers are aware this reform is coming and consultation has taken place over many years—perhaps too many years, but we are pleased that this bill is now here.

Gas and electricity costs are increasing and, as stated by the federal Minister for Climate Change and Energy, Chris Bowen, 'Australian energy markets are facing a perfect storm.' Introducing transparency measures will provide certainty to the market, which will create better outcomes not only for the market but of course for the end users.

Households are already suffering from the increased costs of fuel and groceries. We need to do all we can to address cost-of-living pressures and to stabilise the market to ensure households are not hit with unexpected gas price hikes. The Greens believe that distributed, diverse and competitive energy generation contributes to minimising energy costs for households and business. It seems pretty simple that a competitive market is also a transparent market, and that is why we are supporting this bill.

We do want to note, however, that in the middle of this gas crisis, the Labor government, the Malinauskas government, refused to support a Greens' bill to give South Australian families, South Australian residents, the ability to choose not to have gas installed in new developments. Instead, the government sided with developers, mandating gas connections in some new homes. This is an issue that has been raised by my former colleague the Hon. Mark Parnell back in 2018 and was raised again this year, in this place, by the Hon. Robert Simms.

I have to say, according to the Grattan Institute, consumers who choose an all electric house can save at least \$2,184 over 10 years. This is a cost-of-living issue, which everyone else seems to be so happy to talk about except when it comes to the issue of mandating gas, which is quite an extraordinary situation here in South Australia.

The practice of property developers mandating gas connections in new homes locks people into higher energy bills and higher emissions. It is quite extraordinary. It is a lose-lose situation on both levels. The bill introduced by my colleague the Hon. Robert Simms would have given consumers greater choice to move away from gas, so we are disappointed that the Malinauskas government did not seize that opportunity when they had the chance.

This is also a good opportunity, however, to reiterate the need to transition away from fossil fuels. This bill addresses pressing market failures, but what we have warned for decades is that over-reliance on gas is going to create problems as our planet warms. The sooner we move away from non-renewable fossil fuels, the more resilient our communities will be.

According to the CSIRO, renewables are now the cheapest form of energy generation in our nation. We need to replace fossil fuels with renewables backed by sufficient storage to ensure our energy needs are met moving forward. We know we can do it. South Australia has been leading the country in renewables usage and storage.

The Greens support this bill. It is an important measure to stabilise the national gas market. It is long overdue and we see this as an opportunity to start addressing our future energy needs proactively rather than continuing to delay action, which then sees us reacting to crises in a rush, as we are doing by fast-tracking the passage of this bill today. With that, I commend the bill.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:36):** I thank the Hon. Ms Girolamo and the Hon. Ms Franks for their contribution and all members for their thoughts on this bill. I am very pleased to hear that we are going to have support on this important bill.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:38):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Address in Reply*

**ADDRESS IN REPLY**

Adjourned debate on motion for adoption.

(Continued from 2 June 2022.)

**The Hon. S.G. WADE (15:39):** These remarks are in continuation of remarks that I made on a previous sitting day. I would like to highlight that the Marshall government directly supported country patients by introducing more flexible arrangements through the Patient Assistance Transport Scheme for people who need to travel long distances for specialist medical treatment. The Marshall Liberal government made PATS more flexible and accessible to country South Australians:

- by removing the requirement of patients to travel directly to and from their appointment, with patients now unable to combine a medical appointment with other personal matters;
- by supporting continuity of care for terminally ill patients;
- by changing the way travel is calculated so people are compensated for every kilometre of their journey; and
- by introducing an additional subsidy for patients who need to travel more than 100 kilometres to reach a regional airport.

The Marshall government was also acutely aware that we governed in the shadow of Oakden. We worked diligently to make sure the experiences of the Oakden patients and their families are never repeated. Within 100 days of being elected, the Marshall Liberal government tabled Australian-first legislation to better protect vulnerable South Australians. The adult safeguarding bill established an Adult Safeguarding Unit to make it easier for the community to report suspected or actual cases of abuse or neglect of vulnerable adults.

We were the first state in the country to trial surveillance technology in aged-care facilities to help stop abuse and to support quality care. We have laid the foundation for a world-class older persons' mental health and dementia precinct at the Repat. We undertook an audit of all state-run aged-care facilities, developed a regional aged-care strategy, and expanded the Strength for Life

program to support the health of older South Australians. We built a new 24-bed aged-care facility in Strathalbyn.

We also strengthened support for and made it easier to access advance care planning. Safety is vital, but it is not enough. The Marshall Liberal government also invested in supporting South Australians to age well, developing a five-year strategy to guide government investment and action.

In women's health, we introduced a midwifery caseload model. We decriminalised and modernised abortion laws and started planning for a new hospital for women. In Aboriginal health, we opened a new Aboriginal birthing unit at the Women's and Children's Hospital, developed a plan to develop the Aboriginal health workforce in regional South Australia and established a program to support Aboriginal leaders to participate in health governance. We improved the Patient Assistance Transport Scheme for Aboriginal patients travelling long distances for medical treatment and provided funding for the opening of a dialysis clinic on the APY lands, run by the Indigenous-owned health service, Purple House.

The Marshall Liberal government recognised the challenges that people with disability face accessing health services. We commissioned the Health Performance Council to look at ways to improve health access for people with disability. We constructed a world-class facility for people with brain and spinal injuries at the Repat, alongside a wheelchair accessible sports stadium. In our last budget, we funded construction of a step-down transitional accommodation facility for people with disability at the Repat. The South Australian Intellectual Disability Health Service was established at a new centre with a new model of care and expanded services.

A key objective of the Marshall government was to better engage with clinicians to ensure that the governance of the health system promoted the clinical voice. We devolved governance to 10 local health networks, each with a board with health professional expertise, each required to develop clinician and consumer engagement strategies. Devolution in itself means that frontline clinicians are much closer to the key decision-makers.

The Marshall government established the Commission on Excellence and Innovation in Health, now led by Professor Derek Chew, which strives to give clinicians easier access to the insights, data and tools they need to provide the best care. The commission also hosts the Statewide Clinical Networks, which bring together health professionals, health service organisations, consumers and carers to achieve high quality care through working collaboratively.

A key goal of the Marshall government was to stabilise and strengthen the leadership of the health system. We had to stop the revolving door of health leaders that we saw under health ministers Snelling and Malinauskas. CALHN had 10 leaders in 10 years; SALHN had five leaders in five years. The instability of leadership meant that the authority of management was undermined. However, over the last four years under the Marshall Liberal government only three out of about 20 of our most senior leaders left the service.

We also put in place a world-class leadership development program. Liberal members initiated the parliamentary Inquiry into Workplace Fatigue and Bullying in South Australian Hospitals and Health Services. With the encouragement of the AMA, we legislated to underscore that LHN boards are responsible for the culture of the service in which their employees work.

The Marshall government appreciated that health and medical research underpins quality care and a whole range of emerging industries. Premier Marshall commissioned the South Australian Productivity Commission to undertake an inquiry into health and medical research in South Australia. As a result of the review, SA Health is developing a statewide health and medical research strategy. With the construction of SAHMRI 2 having commenced, I am delighted that the federal government is funding the Bragg Comprehensive Cancer Centre to further enhance the biomedical precinct.

South Australians deserve a high quality health system that is cost-effective. Every dollar of cost that is avoidable is a dollar of investment lost to fund needed health services. Most local health networks have improved significantly; however, CALHN continues to struggle with significant problems.



In term of public health, the Marshall government demonstrated a strong commitment. Even before the pandemic began, we invested in significant expansion of immunisation programs. In 2018, we introduced an Australian-first free meningococcal B immunisation program for babies and children and a world-first program for adolescents. An evaluation has found that the program has been key in a 60 per cent reduction in meningococcal B cases amongst infants and a 73 per cent drop in cases for adolescents.

In 2018, we introduced free flu vaccines for infants over the age of six months and under the age of five years. We enacted no jab no play laws which help make every early childhood service environment healthier for children and for those who have contact with them. This year, for the first time in South Australia, community pharmacists will be able to provide vaccinations under the National Immunisation Program.

The Marshall government introduced Australia's broadest legislation against e-cigarettes, including banning internet sales. We acted to reduce the misuse of prescription drugs through the introduction of real-time monitoring of prescription medicine. We took action on climate change, with significant investments in solar panels and committing to the new Women's and Children's Hospital being Australia's first all-electric hospital.

The Marshall government took public health seriously and promised from opposition that we would reverse Labor's action to make the Chief Public Health Officer a part-time role. In late 2019, in fulfilment of our promise, a new full-time position of the Chief Public Health Officer was established and Professor Nicola Spurrier was appointed to that role. Within months, Nicola Spurrier and her team were responding to the COVID-19 pandemic—no part-time role.

This brings me to the pandemic, the event which has been a defining event of our generation. A century earlier, coming out of the First World War, South Australia had to deal with another pandemic. Another Liberal government, this one led by Archibald Peake, led the response to the Spanish flu. As in 1919, a global pandemic drove a national response. Premier Marshall was a key and active member of the national cabinet and I worked with my health minister colleagues. In the second year of the pandemic, from March 2021 to the election, I was Chair of the Health Ministers Meeting and chaired more than 30 meetings.

South Australians stepped up during the pandemic. SA Health established coronavirus testing clinics across the state, first PCR testing and then RAT testing. SA Pathology opened the second drive-through COVID testing station in the world and introduced broad testing of respiratory samples. We secured personal protective equipment, ventilators and other health equipment, including supporting the local firm Detmold in establishing a production facility for surgical masks.

We upskilled and grew our health workforce, delivering everything from ICU services to remote monitoring of COVID-positive patients. We increased capacity in our ICUs and opened hundreds of beds. We operated a quality quarantine and medi-hotel system, which safely brought home more than 36,000 people. A statewide vaccination program used both a network of clinics and outreach strategies to provide over 3.8 million vaccine doses by March 2022.

SA Health and SAPOL worked with a range of public sector and private sector partners to support the pandemic response. We worked together with all South Australians, listened to the health advice and prevented our hospital system from being overwhelmed. The Marshall government kept South Australians safe and our economy strong during the COVID-19 pandemic. SA Health modelling shows that, without the measures we took, an estimated 4,400 people would have died from COVID-19 in the first wave alone and we would have had more than 30,000 to 40,000 daily cases during the Omicron outbreak.

We supported affected businesses through vouchers, cash grants, stimulus measures, tax relief and not leaving restrictions in place one day longer than was necessary. We had the fewest days in lockdown of any mainland state. Under the Marshall government, in spite of the pandemic, South Australia had the fastest growing economy in the nation. Unemployment rates were at record lows and we were named the most livable place in Australia. South Australia has been one of the safest places in the world to be during the COVID-19 pandemic.

As I reflect on the privilege of having been health minister, I am acutely aware that I was only able to serve because of the support of others. I want to thank my wife, Tracey; the Premier, Steven Marshall; my personal team, including Jonathan, Greg and James; and the health leadership team, including Chris McGowan and Nicola Spurrier. In particular, I want to thank one large team: the 40,000-plus strong SA Health team, health professionals from doctors, nurses, midwives and ambulance officers to allied health, who serve with dedication, compassion and skill; and support teams throughout SA Health, who play a crucial role in the delivery of health services. Thank you all.

As we enter this, the Fifty-Fifth Parliament, I wish the new team all the best in making a meaningful difference for the people of South Australia. To the Premier; to the minister; to David Speirs, the Leader of the Opposition, an intelligent, passionate leader who I know will drive a positive vision for the people of South Australia; to the new Liberal health team, the energetic Ashton Hurn, the down-to-earth Penny Pratt and the dogged Tim Whetstone: as the Governor has challenged us, through all our collective efforts may this parliament make a meaningful difference in the health and wellbeing of South Australians.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:52):** I would like to thank and congratulate Her Excellency the Hon. Frances Adamson AC on her opening remarks to our Legislative Council for the commencement of the Fifty-Fifth Parliament of South Australia and on her service to South Australia.

It actually seems now like we have been here for some time, so it almost feels like a belated message to offer my congratulations to our President, the Hon. Terry Stephens MLC, but I do want to offer him my congratulations. I am sure he will be a fair and balanced President, and I hope that he enjoys the role. It is an incredible privilege to be in this place, and to be President of this place I am sure must be even more so.

I would like to congratulate and welcome the new members of the Legislative Council and the House of Assembly. I particularly congratulate all newly elected members in this place, including a special warm welcome to the Hon. Reggie Martin MLC. I have enjoyed working with Reggie in his previous role as state secretary of the SA Labor branch and I congratulate him on his role as campaign director at the March state election. I am looking forward to working with him in his new capacity as an MLC and I am sure he will make a meaningful contribution in this place.

I also congratulate the Hon. Laura Curran, newly elected to this place, and the Hon. Sarah Game. It is indeed an honour and a privilege to be a representative of this great state. I would like to congratulate the Premier on the results of the March state election. It is an honour and a privilege to be a part of his team, the Labor team.

I consider it a great honour to be part of the team in the new Labor Malinauskas government as Minister for Primary Industries and Regional Development and Minister for Forest Industries. All of these portfolios are very close to my heart and I am very passionate about advancing the interests of regional areas, primary industries and forest industries.

Over the last two years, our state and particularly our regional communities have faced great adversity, from the devastating 2019-20 bushfires which affected Cudlee Creek, Kangaroo Island and Keilira, to the COVID-19 pandemic which saw a change in how we operate, to the most recent floods which occurred earlier this year and the significant damage caused to the northern regions of South Australia. The one thing these adversities have taught us is that no matter what we face as a community we can overcome it and come back stronger by working together.

As a member who has strongly advocated for our regional communities, I certainly know and appreciate that our regions are the backbone of our state. Our regional communities provide 30 per cent of South Australia's population and together contribute about \$25 billion to our economy. Our regions produce more than 50 per cent of our overseas merchandise exports and, under a Malinauskas Labor government, we will implement policies that prioritise South Australian products and businesses in infrastructure projects and supplies to the government, meaning that more jobs stay in our state, including in our regions.

Labor's long history in government in South Australia is what has laid the foundation to create one of the most livable and sustainable states in the world to live. This government's policy on jobs

and a stronger economy means greater opportunity for people across the state, and for all those wishing to call South Australia home.

We passionately believe in the dignity that work can provide regardless of what field of work one chooses. The very definition, of course, of the word 'labour' is work. It is business that creates opportunity and provides the chance for people to get jobs and to be in work that is well paid and affords everyone in our community a decent standard of living. We want all of those jobs to be safe as well as well paid and affording that standard of living.

Under a Malinauskas Labor government we will always make South Australian jobs a number one priority. Our plan for the future jobs in the state will deliver thousands of secure, well paid new jobs and a \$20 billion pipeline of renewable energy projects through our hydrogen jobs plan. Other initiatives include a \$2 million boost to registered classic and historical car clubs, the reinstatement of the Adelaide 500 and Adelaide Motor Sport Festival. We will see the return of a trained and competent workforce back into the public sector, including train and tram drivers and maintenance workers, through reversing the Marshall Liberal government's privatisation of our train and tram services.

Alongside our plan for jobs we are aware just how much of an impact COVID-19 had not only on our hospitals and healthcare systems but also of course on our families and those who are vulnerable in our society. Upon coming to government, ambulance ramping has been the worst we have ever seen and our emergency departments are some of the worst performing in the country. I believe that the health of all South Australians should be a priority and under our health policy this government plans to deliver 350 extra ambulances, 300 more nurses, 100 additional doctors, 300 additional hospital beds, new ambulance stations and major hospital upgrades.

We understand that our regional communities need more resources and that is why access to good health care in our regional communities will be one of our highest priorities. These priorities have been very well received in regional communities, who at last feel that there is a government listening to them and the needs they have.

All of these measures will combine to help fix the ramping crisis, with ambulances able to respond faster to emergency calls, and establish a health system that both current and future generations will benefit from. Labor's health plans, I am advised, have been welcomed by the Australian College of Emergency Medicine, the Royal Australian and New Zealand College of Psychiatrists and the Australian College of Paramedicine.

Our government will not take our term for granted. We understand that, while every policy and legislative decision affects our current community, they are also decisions that will affect our future generations. We believe that every child deserves to be supported towards their aspirations, and that is why the Labor Malinauskas government will turn our state's education system around and prepare our children for a bright future through initiatives such as:

- reform of early childhood education and care so that children can start school ready, including introducing three-year-old preschool programs;
- lifting the quality of teaching across our schools, including making the retention allowance for country teachers permanent;
- establishing five technical colleges, for students who want to go into trades, and of course I was delighted to see that two of those will be in regional South Australia, one at Port Augusta and one at Mount Gambier;
- supporting young people with learning challenges or struggling with mental issues, so they stay engaged in learning; and
- establishing a University Merger Commission to strengthen higher education's benefit to the state.

Our state's future success will be defined by how we treat our children and young people, by the care they receive and the quality of their education.

I was raised in Mount Gambier and have the amazing opportunity to live amongst the beauty of our natural wonders every day. We know how important it is to preserve the pristine natural wonders throughout this great state, not just for our own enjoyment or for that of visitors but so that generations well into the future can enjoy all the natural wonders that our state has to offer. Those natural wonders abound in South Australia: world-class national parks and wine regions, pristine beaches, majestic wildlife, and enviable wind and solar resources. A Malinauskas Labor government will ensure that our precious environment is protected now and into the future through:

- protecting and preserving Adelaide's coastlines;
- the conservation of precious wetlands through the creation of the Aldinga Washpool Conservation Park;
- commitment to the Murray-Darling Basin Plan and making the River Murray a priority;
- supporting landholders who strive for a sustainable country;
- providing assurance to environment centres to continue their important work; and
- investing in the future of our national marine parks and sanctuary zones.

We are also stopping Steven Marshall's tax on electric vehicles to help reduce the environmental impact of cars on our roads, and striking the right balance between growth and protection for our streets, suburbs and Parklands to ensure Adelaide remains one of the world's most livable cities. Sustainability and protection of our beautiful natural wonders means a greater and cleaner future not just for us but for generations to come.

I would also like to take this opportunity to congratulate Mark Braes and Katherine Davies. They ran for the seats of MacKillop and Mount Gambier respectively. I would like to thank all of our Labor supporters across the state, but particularly in those two areas. We all know that it is difficult to run as a member of parliament, particularly in a regional area where there are vast distances to cover. Mark did an amazing job, and I certainly think the subsequent job he did in the federal seat of Barker was also remarkable. It was great to have Katherine so involved in the campaign in the weeks leading up to the election.

I would also like to take this opportunity to thank my husband, Gerard, and our children. Families of politicians end up being very highly involved. They may or may not have chosen to do so if they had not been connected by marriage or birth, but what it means for families of politicians is that leading up to an election they, too, are stuffing envelopes; they, too, are putting up corflutes; they, too, are staffing pre-poll booths and giving out how-to-votes on the day. They have done a remarkable job and I thank them from the bottom of my heart.

I would also like to congratulate Troy Bell, who was re-elected as the member for Mount Gambier. He is a very well-known and liked local member. He has an incredible network within the South-East, and I think we will certainly look forward to continuing to engage with him on the issues that are of relevance to our local area in the South-East. I look forward to working with our newly formed government, my colleagues, stakeholders, and community members, to continue to make this great state an outstanding place to live and to do business as we all work together to create a brighter future for South Australians.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (16:03):** To begin my contribution to the Address in Reply, I would like to thank Her Excellency the Governor for delivering her first speech to this place at the opening of the new parliament. In her short time in the vice-regal role, Her Excellency has widely impressed with her busy schedule, and her genuine engagement with those she is visiting. Much like her predecessor, she is getting out and visiting many community groups, charities and other organisations, which is to her great credit.

Although we are only now a few weeks into the sitting of this new parliament, I acknowledge that we are responding to Her Excellency's speech at the opening of this Fifty-Fifth Parliament of South Australia. In that spirit, I would like to take the opportunity to reflect on the recent election, the policies that were taken to the election and the work now being undertaken to deliver on those

commitments. I would briefly like to place on record my thanks to the people of South Australia for placing their trust in, and electing, a Labor government, the Peter Malinauskas Labor government.

We went to the election with a broad and ambitious policy agenda, an agenda that focused on building a better future for South Australians, not just the next electoral cycle. I thank the people of this state for endorsing that vision. I would like to thank the Premier for the honour of being appointed as Minister for Aboriginal Affairs, Attorney-General and Minister for Industrial Relations and Public Sector.

In the coming weeks and months, my colleagues and I will be working hard to implement our election commitments, including through introducing some significant legislative reforms to this parliament. I am looking forward to working with members across this chamber and across the parliament to deliver on some of those commitments.

In the area of industrial relations, the Labor Party is committed to ensuring that South Australian workers are treated with respect and dignity at work. We are committed to introducing new laws in this state, including new laws to make industrial manslaughter a crime. This reform has long been sought by workers' unions and the families of those who have tragically died in industrial accidents. It is a reform that is long overdue and one that I look forward to implementing.

This council, through the previous parliament's Select Committee on Wage Theft, which was chaired by our colleague the Hon. Irene Pnevmatikos, has in recent years uncovered appalling evidence of the exploitation of some South Australian workers. If you are a worker and steal money out of the till, you face being charged with theft. There is no reason the same rule should not apply if you are an employer deliberately taking money out of your workers' pockets by refusing to pay them their proper entitlements.

Wage theft does not just harm workers, it punishes the vast majority of honest employers who do the right thing, by creating an uneven playing field where some play by the rules and others do not. This government recognises that every worker is entitled to dignity at work and to receive their proper wages and conditions. That is why we will introduce new laws for penalties for employers who deliberately underpay their workers.

One consequence of the rise in the casual and insecure workforce is that fewer and fewer South Australians can access long service leave and take a well-earned break after many years of service. Our government will consult with business, unions and workers to expand to other sectors the portable long service leave system, which already works so successfully for the construction industry.

One of the most harmful acts of the former Liberal government was the gutting of the labour hire licensing scheme introduced by Labor in 2017. Labour hire workers face job insecurity and are vulnerable to significant exploitation by their employers. The laws introduced by the former Labor government aimed to ensure that only fit and proper persons were licensed to operate labour hire agencies and to keep the dodgy operators out of the market. This government will undo the damage done by the former Liberal government by strengthening our labour hire licensing laws to ensure all labour hire firms and workers are covered by the same laws and regulations.

In the area of justice, one of the first and most important roles of a government is the safety of its citizens. That is why the new government is committed to increasing penalties and closing loopholes in the criminal law. We intend to have the toughest laws in Australia against serious child sex offenders, who will face the prospect of time in jail. We will also introduce laws to establish a public sex offender register to provide greater confidence and safety, while serious child sex offenders will face the prospect of lifetime electronic monitoring via GPS.

It is critical that South Australian victims of crime and abuse, regardless of where they live or what language they speak, feel respected, supported and safe. We are committed to legislate to protect the role of Nunga Courts. We are also committed to ensuring that Aboriginal elders have a voice in sentencing the offenders, which can help to heal victims.

The trauma of victims, which can last a lifetime and can be aggravated by court proceedings, anniversaries of events and publicity around similar crimes or the eventual release of an offender, needs to be addressed safely, compassionately and confidentially. We are proud to have committed

to investing an additional \$2 million to improve support for victims, including through additional funding for the Victim Support Service, reversing the course of action taken by the former government in making cuts to the Victim Support Service. This aims to help victims through some of the toughest times in their lives.

The government will introduce legislation to strengthen women's safety by criminalising coercive control, toughening penalties for breaches of domestic violence intervention orders, requiring those who are granted bail who have been charged with serious domestic violence offences to be electronically monitored, waiving fees for court-initiated domestic violence intervention orders, and including the experience of domestic violence as a ground for discrimination in the Equal Opportunity Act. Everything that can possibly be done to prevent violence against women and girls, and to address gender inequality, must be progressed.

Our government will review consent laws, restore funding cut from the Domestic Violence Court Assistance Service, and invest \$1 million in a grant program for women's and men's sheds and \$1 million in funding to establish a southern and northern domestic violence prevention and recovery hub to undertake work to support and empower women and raise community awareness.

In the area of Aboriginal affairs, in 2019 the then Labor opposition committed that, if elected, a state Labor government would implement a state-based version of the Uluru Statement from the Heart—Voice, Treaty, Truth. This was in stark contrast to the member for Dunstan, Steven Marshall, who as Premier described the Treaty as a 'cruel hoax' and then cancelled the Treaty process entirely in one of his first acts.

We believe in Aboriginal self-determination as a guiding principle in policies in this area. We will deliver on Voice, Treaty, Truth—the key elements of the Uluru statement—and work has already begun on these important tasks. This is a large undertaking and the work will take time. We are committed to doing this properly. We are working to deliver on a significant suite of other policies alongside the implementation of a state-based response to the Uluru statement.

We have committed to an Aboriginal statues and monuments policy to recognise and remember the great Aboriginal people of our past and educate future generations. Across this state there are statues and monuments celebrating the achievements of many great South Australians. This is particularly true in the CBD and it is often a good acknowledgement of the contribution people have made, but there is a glaring omission. It is just not right that these statues exclude the contributions of so many Aboriginal people, and we are determined to start addressing that.

To better care for our country, we will establish a First Nations advisory group to speak directly to the Minister for Environment and employ 15 extra Aboriginal rangers. We will ensure that Aboriginal voices are heard on the future of the River Murray, and we will legislate to enshrine the Nunga Court as part of the justice system. Work is already underway. With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

### *Bills*

## **BURIAL AND CREMATION (INTERMENT RIGHTS) AMENDMENT BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 2 June 2022.)

**The Hon. J.M.A. LENSINK (16:13):** I rise to make some remarks in relation to this legislation that was first drafted by former Attorney-General Ms Vickie Chapman, I understand, in the middle of last year. It was introduced in this place by the Hon. Rob Lucas on 24 August 2021 but lapsed at the end of sittings. It has been reintroduced into this place by the new Attorney-General, and I understand it is identical in substance to last year's bill.

This bill was drafted to address particular issues faced by valid holders of interment rights who had difficulties enforcing their rights against a cemetery authority. The bill amends the Burial and Cremation Act 2013 to clarify that interment rights may be enforced against the relevant authority

for the cemetery, regardless of when or by whom the interment right was issued and whether the authority was aware of it. The bill makes it an offence for an authority to fail to comply with its interment obligations and to remove cremated remains where they were interred in a cemetery in accordance with an interment right. I understand that there are some exceptions.

This bill arose following specific difficulties experienced by interment rights holders in the St Philip and St James church cemetery in Old Noarlunga. In that case, the new owners of the church and cemetery refused to honour interment rights issued by the Anglican Diocese, which had previously owned the church and cemetery. In some cases, rights holders were asked to repurchase the rights they already held at inflated prices. The Liberal Party supports the bill.

**The Hon. R.P. WORTLEY:** Mr President, I draw your attention to the state of the council.

*A quorum having been formed:*

**The Hon. T.A. FRANKS (16:17):** I rise to support this bill on behalf of the Greens. This bill was introduced in the last parliament. At that time, my colleague the Hon. Robert Simms, who has carriage of this bill, spoke of the trauma suffered by those who find their interment rights not being honoured when remains are moved or interfered with.

Most cultures do have burial and cremation practices to allow people to grieve and to respect those who have passed. The Greens believe that those cultural practices need to be respected and protected. When buried or cremated remains are moved or removed for any reason, it can cause unnecessary and needless grief to those closest to the deceased.

This bill ensures that the interment rights holders have their rights protected. The public expects that once their loved one is buried or cremated, they are then at rest and free from disturbance. This bill addresses that issue by ensuring interment sites are obliged to honour the rights of the holders of valid interment rights.

Originally introduced to deal with the rising number of instances where churches were decommissioned and sold for other uses, this bill does prevent ambiguity moving forward regarding the rights of burial ground authorities and interment rights holders. While I understand the Hon. Robert Simms will potentially have some questions at the committee stage, the Greens support and commend this bill.

Debate adjourned on motion of Hon. R.B. Martin.

## **SOUTH AUSTRALIAN MOTOR SPORT (MISCELLANEOUS) AMENDMENT BILL**

*Second Reading*

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (16:19):** I move:

That this bill be now read a second time.

The Malinauskas Labor government is delivering on its commitment to bring back the Adelaide 500. This event was more than just a car race; it was a celebration for our state and a massive event that attracted tourists from far and wide. South Australia has a long and proud history with motorsport, and it is this pride in our past achievements that has no doubt driven so many South Australians to stand up and campaign relentlessly for the return of this great race. It was a thrilling race and a citywide celebration. The Adelaide 500 was inducted into the Supercars Hall of Fame in 2005 in recognition of its status as the best motorsport event in Australia. It is to that standard that we will be aiming to return.

This bill will re-establish a dedicated motorsport board to focus on realising the full potential of motorsport events across South Australia. There has been some comment in the other place that the former board was abolished by the Weatherill government and questioning the need to re-establish it. To this comment, let me be clear: this is a new event that will deliver on the new vision of our new Premier. We are committed to bringing back the Adelaide 500 in a way that will elevate the economic and social impact of motorsport in South Australia, and the board will be a key driver in the delivery of this commitment.

In 2019, just before the former government axed the Adelaide 500, the event attracted over 200,000 people, supported 46,000 direct and indirect jobs and generated over \$45.9 million in economic activity. It supported much-needed interstate and international visitors, with more than 15,000 people travelling to South Australia and staying for 90,000 bed nights.

The board's responsibilities will be to manage and drive national and international awareness of motorsport events in South Australia, as well as attracting motorsport events to South Australia. They will be charged with providing opportunities to promote the local economy by prioritising South Australian businesses to showcase their products and to ensure that local suppliers are prioritised for local events. They will commit to continually reviewing, refreshing and improving the product and event content and they will be tasked with ensuring that attendees enjoy an exceptional Adelaide 500 experience.

There is great economic opportunity that surrounds this event. There is great anticipation for the revived event from teams and broadcasters and Supercars Australia. Most importantly, there is great excitement from the local fans who have campaigned hard to see the event return, and this is why I commend the bill to the council and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

These clauses are formal.

##### Part 2—Amendment of *South Australian Motor Sport Act 1984*

###### 3—Amendment of long title

This clause amends the long title of the principal Act to reflect changes made by this measure.

###### 4—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to define key terms used in the measure and delete redundant definitions.

###### 5—Substitution of heading to Part 2

This clause substitutes a new heading to Part 2 of the principal Act.

###### 6—Insertion of sections 4 to 9B

This clause inserts new sections 4 to 9B into the principal Act as follows:

###### 4—Establishment of Board

This section (re)establishes the South Australian Motor Sport Board, which was dissolved by a preceding measure.

###### 5—Membership of Board

This section sets out the membership of the new Board. Like the previous Board, members will be appointed by the Governor on the recommendation of the Minister. In recommending members, the Minister should be aiming for gender equality on the Board.

###### 6—Term and conditions of office

This section provides that members of the new Board will be appointed on terms and conditions determined by the Governor.

###### 7—Remuneration

This section provides that members of the Board are entitled to remuneration, allowances and expenses determined by the Governor.

###### 8—Functions of Board

This section sets out the functions of the Board, consistent with the functions conferred on the South Australian Tourism Commission previously.



## 9—Delegation

This section is a standard power of delegation in respect of the functions of the Board.

## 9A—Procedures of Board

This section sets out the procedures to be observed by the Board at meetings.

## 9B—Committees

This section enables the Board to set up committees, with Ministerial approval, for the purposes set out in the section.

7—Amendment of section 10AA—Non-application of *Government Business Enterprises (Competition) Act 1996*

This clause makes a consequential amendment to section 10AA of the principal Act.

## 8—Amendment of section 11—Commission may control and charge fee for filming etc from outside circuit

This clause makes consequential amendments to section 11 of the principal Act.

## 9—Insertion of sections 12 to 17

This clause inserts new sections 12 to 17 into the principal Act as follows:

## 12—Dealings with moneys of the Board

This section sets out what the Board can do with its moneys, and requires compliance with a budget approved by the Treasurer in expending those moneys.

## 13—Power to borrow

This section allows the Board to borrow moneys, with liability for such borrowing to be guaranteed by the Treasurer.

## 14—Accounts and audit

This section requires the Board to keep proper accounting records, and to have those accounts audited by the Auditor-General.

## 15—Reports

This section requires the Board to provide an annual report on its operations to the Minister, with that report to be laid before Parliament.

## 16—Chief Executive

This section provides for the Chief Executive of the Board, who may or may not be a public servant.

## 17—Staffing arrangements

This section sets out the staffing arrangements for the Board. The Board cannot itself employ staff. Staff of the Board are not public servants.

## 10—Amendment of heading to Part 3

This clause amends the heading to Part 3 to provide consistency of language in the Part.

## 11—Amendment of section 20—Minister may make certain declarations

This clause amends section 20 of the principal Act to extend the ability of the Minister to make declarations under that section. The Minister will be able to make declarations relating to areas outside of the Adelaide metropolitan area.

## 12—Amendment of section 21—Commission to have care, control etc of declared area for relevant declared period

This clause makes consequential amendments to section 21 of the principal Act.

## 13—Amendment of section 22—Commission to have power to enter and carry out works etc on declared area

This clause makes consequential amendments to section 22 of the principal Act.

## 14—Amendment of section 23—Commission to consult and take into account representations of persons affected by operations

This clause makes consequential amendments to section 23 of the principal Act.

## 15—Amendment of section 24—Certain land taken to be lawfully occupied by Commission

This clause makes consequential amendments to section 24 of the principal Act.

## 16—Amendment of section 25—Non-application of certain laws

This clause makes consequential amendments to section 25 of the principal Act.

## 17—Amendment of section 26—Plans of proposed works to be available for public inspection

This clause makes consequential amendments to section 26 of the principal Act.

## 18—Amendment of section 27—Power to remove vehicles left unattended within declared area

This clause makes a consequential amendment to section 27 of the principal Act.

## 19—Amendment of section 27AB—Application of sections 27B and 27C

This clause makes consequential amendments to section 27AB of the principal Act.

## 20—Insertion of section 28

This clause inserts section 28 into the principal Act, allowing the Board to conduct its operations under other names.

## 21—Amendment of section 28AA—Declaration of official titles

This clause makes consequential amendments to section 28AA of the principal Act.

## 22—Amendment of section 28A—Special proprietary interests

This clause makes consequential amendments to section 28A of the principal Act.

## 23—Amendment of section 28B—Seizure and forfeiture of goods

This clause makes consequential amendments to section 28B of the principal Act.

## 24—Insertion of section 29

This clause inserts section 29 into the principal Act, allowing the Minister to transfer an asset, right or liability of the Board to an agent or instrumentality of the Crown.

## 25—Amendment of section 30—Regulations

This clause amends section 30 of the principal Act to allow for the making of regulations regulating procedures of the Board, and provisions making saving or transitional provisions. Those provisions may have some retrospective effect, however not so as to decrease a person's rights or impose liability on a person.

## Schedule 1—Transitional and saving provisions

## 1—Interpretation

This clause defines terms used in the Schedule.

## 2—Vesting of assets and liabilities of Commission in Board

This clause vests the assets and liabilities of the SATC (insofar as they relate to the functions and powers conferred on the SATC on the dissolution of the previous Board under Schedule 1 of the *South Australian Motor Sport Act 1984*) in the new Board.

## 3—Staff

This clause allows the Governor to transfer staff from the SATC to the new Board, with such transfer not affecting the entitlements of those staff.

## 4—Graphics standards manual

This clause saves the graphics standards manual in force immediately before the commencement of this clause.

Debate adjourned on motion of Hon. H.M. Girolamo.

**RETURN TO WORK (SCHEME SUSTAINABILITY) AMENDMENT BILL***Introduction and First Reading*

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

*Second Reading*

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

That this bill be now read a second time.

The Return To Work scheme is one of the most important industrial safeguards for South Australian workers. It is designed to ensure that people who are injured in their employment are treated with dignity and respect and receive appropriate support to recover from and return to work. It is essential that the scheme is financially sustainable in the long term so it can continue to support injured workers without imposing an unjustifiable financial burden on South Australian businesses.

A scheme which is not financially sustainable is in nobody's interests, least of all injured workers. One of the goals of the scheme was to end years of turmoil that had affected the former WorkCover system. While WorkCover regularly had an average premium of 2.75 per cent, the Return to Work scheme has a legislative target to achieve an average premium below 2 per cent. It has met that target in every year since the current scheme began.

As many members of this council would be aware, the Summerfield decision has challenged the scheme's capacity to meet this target by allowing more workers to reach the seriously injured threshold and continue to receive income support until retirement age by combining impairments from related injuries together. The former Liberal government had three years to respond to the pressures created by the Summerfield decision after it was first handed down in May 2019.

The former Liberal government made a clear and deliberate policy decision to take no action and instead left South Australian businesses staring down the barrel of a premium rate of 2.2 per cent or more, which would be the highest of any state in Australia. Unlike the former government, we will take action so that these draconian rates are not imposed on South Australian businesses. We will take action to ensure the sustainability of the scheme.

Just as importantly, though, this government recognises that the financial sustainability of the scheme has to be balanced, with injured workers receiving adequate support and compensation. We have listened to concerns from members of the community, including concerns articulated by members of this council, regarding the now-withdrawn Return to Work (Permanent Impairment Assessment) Amendment Bill.

We recognise that workers suffering significant impairment from multiple related injuries should not be disadvantaged compared with other injured workers. Fundamentally, workers with the same level of impairment should be treated in the same way. Following extensive discussion with both businesses and worker representatives, the government has reached broad consensus on a new package of reforms to ensure the scheme is financially sustainable for years to come while also ensuring that seriously injured workers receive the support they need.

Under this bill, the same injury or cause test that formed the basis of the Summerfield decision will remain the test for the combination of impairments under the act. The government does not want to see a situation where two different workers suffering from identical injuries are treated completely differently based on whether those injuries arose from one event or a series of events.

Through the combination of injuries, many workers will be assessed with a higher level of whole person impairment than would have been the case as the scheme operated before the Summerfield decision. This has meant there will need to be an adjustment to the seriously injured threshold to better reflect an appropriate level of impairment beyond which a worker is entitled to income support until retirement age and medical expenses for life.

The option which provides the fairest result is to increase the threshold from 30 to 35 per cent, with a commensurate increase in the economic lump sum payment received by those who would otherwise be taken to be seriously injured. This higher threshold will not apply to psychiatric injuries, which remain excluded from accessing lump sum payments.

The scheme retains protection for workers who do not reach the seriously injured threshold. Those workers will still receive up to two years' income support and up to three years of medical expenses. For those workers with a permanent impairment greater than 5 per cent of whole person impairment, they will receive a lump sum payment for economic loss and a lump sum payment for non-economic loss.

The transition provisions provide that the changes to the seriously injured threshold will only apply to workers who have not had a final examination for the purposes of a whole person impairment assessment before the designated day. It also provides that workers who have been deemed as

seriously injured or interim seriously injured before the commencement of the amended act will continue to be regarded as seriously injured or interim seriously injured workers as a result.

Not all seriously injured workers want or need an ongoing attachment to the scheme. Under this bill, seriously injured workers will be given the choice to receive a lump sum payment for economic loss instead of ongoing income support payments. This gives injured workers more options and the freedom to make the best decision for their own health, quality of life and future wellbeing. It is equally important that there are safeguards in place to ensure a worker makes an informed decision in this regard. Before electing to receive this lump sum payment, the worker must first receive professional financial and medical advice.

Further, the small number of seriously injured workers with a whole person impairment of 50 per cent or higher must receive the approval of the South Australian Employment Tribunal that the decision is in their best interests. There will be no option to receive this lump sum entitlement for ongoing medical expenses, a further protection for injured workers.

Should the worker find themselves in the unfortunate circumstance where the lump sum payment has been fully spent, they would still have access to medical entitlements for the remainder of their life. This ensures that the worker still receives treatment and care for their work injury regardless of their personal financial circumstances.

There is no time limit on when the worker could choose to apply for the lump sum payment. They could apply for it as soon as they are deemed seriously injured or some years later. However, there will be no financial advantage for the worker should they make a later decision to elect for a lump sum payment, as the figure will be reduced by the weekly payments that they have received beyond their first 104 weeks.

In this bill, the provisions in relation to interim serious injury are being changed to ensure that there are appropriate processes in place to consider whether an injured worker's injury has been stabilised so that the worker can undergo the whole person impairment assessment. This bill also corrects a drafting error which prevents some workers from receiving supplementary income support following surgery after their entitlement to weekly payments has ended.

This error has given rise to circumstances where injured workers have been without any income support while recovering from surgery during periods when they have no capacity to work. This is clearly an unintended outcome and forces workers to either delay surgery or bring surgery forward inappropriately. This bill seeks to remove the anomaly by minor amendments to section 40(1) of the act.

The government shares the concerns of many doctors, workers and legal professionals about changes made to the second edition of the impairment assessment guidelines under the former government. The impairment assessment guidelines play a crucial role in determining the amount of compensation an injured worker receives. The guidelines should provide an objective, fair and consistent method for assessing permanent impairment arising from work injury.

The government recognises it is appropriate and proper for parliament to have greater oversight of the impairment assessment guidelines. This bill ensures that future editions of the guidelines will be a legislative instrument subject to parliamentary disallowance. Currently, there are multiple editions of the assessment guidelines in operation. This creates administrative difficulties, as well as uncertainty and unnecessary complexity for those who use the guidelines, such as accredited assessors, lawyers and the South Australian Employment Tribunal. The different editions can also result in different outcomes for some workers.

The bill addresses this by providing that the next edition of the impairment assessment guidelines will apply regardless of a worker's injury date. This is so only a single edition of the impairment assessment guidelines will be in operation at any one time. However, when an injured worker has, before the commencement of the new guidelines, given written notice to the corporation that selects a particular accredited practitioner for the purposes of a whole person impairment assessment for their work injury, the new guidelines will not apply and the version of the guidelines that applied immediately before will apply. This is set out in the transitional provisions.

Following the passage of this legislation, the government intends to consult with stakeholders in relation to a new edition of the impairment assessment guidelines with the aim of retaining those improvements made in the second edition while rolling back changes which resulted in arbitrary and unfair outcomes for injured workers. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

The measure will be brought into operation by proclamation.

##### Part 2—Amendment of *Return to Work Act 2014*

###### 3—Amendment of section 4—Interpretation

The principal Act draws a distinction between physical injury and psychiatric injury in a number of cases, and this distinction is relevant to some of the amendments being made by this measure. It has therefore been decided to include a definition of 'physical injury' in the Act, which is to be defined as any injury other than psychiatric injury.

Another key concept is the concept of 'stabilised', especially in connection with some of the amendments to be made to the principal Act by this measure. It has been decided to include a definition for this concept and as it connected to the assessment of impairment under the Impairment Assessment Guidelines, it has been decided to adopt the definition used in the guidelines to provide consistency between the Act and the guidelines in their application under the Act.

###### 4—Amendment of section 7—Injury must arise from employment

This is a consequential amendment (relating to the definition of 'physical injury' to be inserted into the Act, and the distinction between psychiatric injuries and other injuries).

###### 5—Amendment of section 21—Seriously injured workers

The principal Act is to be amended so that a seriously injured worker will now be, in the case of a worker whose work injury is a physical injury, a worker whose work injury has resulted in permanent impairment with a degree of whole person impairment assessed to be 35% or more. (For a psychiatric injury, the percentage is to remain at 30% or more).

Amendments are also to be made so that an interim decision that a worker may be taken to be a seriously injured worker will initially have effect for a period of 52 weeks (unless brought to an end sooner). The Corporation will then be able to extend this period if the Corporation is satisfied that the work injury to which the interim decision relates has not stabilised. More than one extension will be possible.

###### 6—Amendment of section 22—Assessment of permanent impairment

It is proposed to change section 22 as it relates to the commencement and application of amendments to the Impairment Assessment Guidelines, or to the substitution of new guidelines. An amendment or substitution of the guidelines will apply in relation to an injury regardless of whether the injury occurred before or on or after the commencement of the amendment or substitution.

Proposed subsection (19) provides for the guidelines to be disallowable.

The opportunity is also being taken to provide for greater consistency between the wording in subsection (8) and (10), by replacing the word 'trauma' in subsection (10) with the word 'cause'.

###### 7—Amendment of section 33—Medical expenses

This is a consequential amendment relating to new section 56A.

###### 8—Amendment of section 40—Supplementary income support for incapacity resulting from surgery

This clause amends section 40 of the principal Act to delete 'under section 33(21)(b)' from subsection (1). This will remove the limited application of the provision, which currently only applies to surgery approved by the Corporation under section 33(21)(b).

###### 9—Amendment of section 53—Redemptions—liabilities associated with weekly payments

Section 53 of the principal Act is to be amended to provide that before a worker enters into an agreement for the redemption of a liability to make weekly payments under Part 4 Division 4 of the Act, the worker must receive financial advice from a qualified financial adviser about the investment or use of money to be received on the redemption. Currently, the worker only needs to receive 'competent financial advice' (which may not necessarily be provided by a qualified person).

In connection with new section 56A, if a seriously injured worker has made an election under that section, the worker will not be able to apply for the redemption of a liability under section 53 for the injury or injuries for which the election was made.

#### 10—Amendment of section 56—Lump sum payments—economic loss

These amendments are being made in conjunction with new section 56A, so that a seriously injured worker will be able to elect under that section to receive a payment under section 56 (subject to the scheme to apply under these new provisions).

(Section 56 provides lump sum compensation for loss of future earning capacity for a worker who has been assessed to have suffered permanent impairment as a result of a work injury. Currently, seriously injured workers are not able to receive an entitlement under section 56 on account of other entitlements provided to them under the principal Act.)

As part of these reforms, the maximum amount of a payment will be the prescribed sum applicable for 34% of whole person impairment, and the total payment that a worker will be entitled to receive under the section will be \$434 863 (indexed).

#### 11—Insertion of section 56A

This clause inserts new section 56A.

##### 56A—Seriously injured worker—election to receive lump sum payment

This new section is the provision that will allow a seriously injured worker to elect to receive a lump sum payment under section 56 (subject to the new provisions contained in the scheme). However, the scheme will not apply in relation to a psychiatric injury or consequential mental harm, or in relation to noise induced hearing loss.

An election will be able to be made once the worker has been assessed and determined to be a seriously injured worker as contemplated by the principal Act. An election will not be able to be made by a worker who is subject to an interim decision under section 21(3) of the Act pending an assessment of permanent impairment under Part 2 Division 5 of the principal Act.

A seriously injured worker who has made an election will cease to be entitled to recovery/return to work services within the meaning of section 24(1) for the relevant work injury, and will cease to be entitled to weekly payments under section 41 of the Act for the relevant work injury.

An election will take effect from the day on which the election is received by the Corporation (unless the matter is the subject of an application to the Tribunal, in which case the election will take effect from the day on which the election is approved by the Tribunal (if so approved)).

Once an election is made, the worker will remain entitled to receive weekly payments under section 41 until the lump sum payment is made under section 56, or the period of 28 days expires (whichever first occurs).

The amount paid under section 56 will be reduced by the amount of any weekly payments received by the worker under section 41, or as a result of an interim decision of the Corporation made under section 21(3).

A worker will not be able to make an election unless the worker has received advice from specified classes of experts, consistent with the approach in section 53 for redemptions.

An election made by a seriously injured worker whose degree of whole person impairment has been assessed to be 50% or more has no effect unless approved by the Tribunal.

A worker who has been assessed as being a seriously injured worker will only be able to make one election under this section.

A worker who has entered into an agreement for the redemption of a liability under section 53 of the principal Act will not be able to make an election under this section that relates to the same work injury or injuries.

#### 12—Amendment of section 72—No damages unless whole person impairment of at least 30%

These are consequential amendments.

#### 13—Amendment of section 73—Seriously injured workers—special provisions

These are consequential amendments.

14—Amendment of section 97—Reviewable decisions

This amendment is related to new subsections that are to be inserted into section 21 of the Act relating to the period or periods for which an interim decision that a worker may be taken to be regarded as a seriously injured worker will have effect. A decision not to extend the period of operation of an interim decision will be a reviewable decision under the principal Act.

15—Amendment of section 134—Delegation to self-insured employers

This is a consequential amendment.

16—Amendment of Schedule 7—Prescribed sum—economic loss

This amendment will add extra items to the table that applies for the purposes of section 56, so that the amounts applying as a prescribed sum will include items for whole person impairment from 30% upwards.

17—Amendment of Schedule 9—Repeal and transitional provisions

It will now be possible for the Governor to make transitional provisions, or additional transitional provisions, associated with an amendment of the principal Act by another Act.

Schedule 1—Transitional provisions

1—Interpretation

This clause includes a definition of *designated day*, which will mean a day appointed by proclamation as the designated day for the purposes of the provision in which the term is used.

Various terms used in the Schedule have meanings consistent with meanings they have in the principal Act.

2—Application of amendments—seriously injured workers threshold

These provisions relate to the change to the threshold for a worker who has suffered a work injury that has resulted in permanent impairment to be regarded as a seriously injured worker under the principal Act.

3—General provision—seriously injured workers

Subject to the Schedule and to the other provisions of the principal Act, a person who has already been determined to be a seriously injured worker under the current threshold (being a worker who has been assessed and determined to be a seriously injured worker under Part 2 Division 5 of the Act before the relevant designated day) will continue to be regarded as a seriously injured worker.

A similar provision is included for a worker who is taken to be a seriously injured worker under section 21(3) of the principal Act immediately before the relevant designated day under an interim decision of the Corporation.

4—Elections—seriously injured workers

A worker who has been assessed to be a seriously injured worker under the current scheme will be able to make an election under new section 56A, subject to the provisions set out in this clause. In the case of a worker subject to an interim decision under section 21(3) immediately before the designated day, the worker will only be able to make an election if they are subsequently determined to be a seriously injured worker other than as a result of an interim decision.

5—Interim decisions under section 21(3) of Act

This clause provides for the application of the new provisions relating to interim decisions under section 21(3) of the Act to existing circumstances.

6—Amendment or substitution of Impairment Assessment Guidelines

This clause makes provision for the application of the amendments relating to when an amendment or substitution of the Impairment Assessment Guidelines takes effect.

7—Impairment Assessment Guidelines

This clause expressly provides that the existing Impairment Assessment Guidelines are not subject to the disallowance scheme to be introduced by this measure. However, the new provisions will apply in relation to any amendment or substitution of those guidelines that takes effect on or after the designated day.

8—Supplementary income support

The amendment made to section 40 of the principal Act will apply in relation to surgery approved by the Corporation on or after the designated day.

Debate adjourned on motion of Hon. H.M. Girolamo.

**APPROPRIATION BILL 2022***Estimates Committees*

The House of Assembly requested that the Attorney-General, Minister for Aboriginal Affairs and Minister for Industrial Relations and Public Sector (Hon. K.J. Maher) and the Minister for Primary Industries and Regional Development and Minister for Forest Industries (Hon. C.M. Scriven), members of the Legislative Council, attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (16:34):** I move:

That the Attorney-General, Minister for Aboriginal Affairs and Minister for Industrial Relations and Public Sector (Hon. K.J. Maher) and the Minister for Primary Industries and Regional Development and Minister for Forest Industries (Hon. C.M. Scriven) have leave to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

At 16:35 the council adjourned until Tuesday 5 July 2022 at 14:15.