

## LEGISLATIVE COUNCIL

Wednesday, 6 July 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 Committees*

#### LEGISLATIVE REVIEW COMMITTEE

**The Hon. C. BONAROS (14:17):** I bring up the 10<sup>th</sup> report of the committee.

Report received.

**The Hon. C. BONAROS:** I bring up the 11<sup>th</sup> report of the committee.

Report received and read.

**The Hon. C. BONAROS:** I bring up the report of the committee on House of Assembly petition No. 96 of 2021, entitled 'School and preschool funding for children with additional needs'.

Report received and ordered to be published.

### *Ministerial Statement*

#### TSOULIS, MS E.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:27):** I table a ministerial statement made in another place by the Hon. Zoe Bettison MP.

### *Question Time*

#### ABORIGINAL DEATHS IN CUSTODY

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28):** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs questions on the topic of Aboriginal affairs.

Leave granted.

**The Hon. N.J. CENTOFANTI:** Volume 1, chapter 1, part 1.4 of the report of the 1991 Royal Commission into Aboriginal Deaths in Custody states:

The consequence of this (our colonial) history is the partial destruction of Aboriginal culture and a large part of the Aboriginal population and also disadvantage and inequality of Aboriginal people in all the areas of social life where comparison is possible between Aboriginal and non-Aboriginal people. The other consequence is the considerable degree of breakdown of many Aboriginal communities and a consequence of that and of many other factors, the losing of their way by many Aboriginal people and with it the resort to excessive drinking, and with that violence and other evidence of the breakdown of society. As this report shows, this legacy of history goes far to explain the overrepresentation of Aboriginal people in custody, and thereby the death of some of them.

My questions to the minister are:

1. Has the minister read the report of the Royal Commission into Aboriginal Deaths in Custody?

2. What, if any, among the factors common to those who died in custody, does the minister consider relevant to the government's work in relation to a voice in parliament?

3. What actions has the minister taken to address disadvantage and inequality of Aboriginal people?

4. What actions has the minister taken to address and prevent systemic discrimination and racism prevalent in our community and our institutions?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:30):** I thank the honourable member for her question. It is a very good question. In relation specifically to the Royal Commission into Aboriginal Deaths in Custody, from memory—and I can double-check—I think there were some hundreds of recommendations that flowed from that. I know that there had been annual reports in relation to the implementation of those recommendations that were conducted for some years after the royal commission was handed down. I don't think there is now the same reporting that occurs on a yearly basis as it had in the past.

I certainly have read the report. I haven't read it in full recently. In a previous working life, 20 years ago, I was the chief of staff to the then Minister for Aboriginal Affairs, who was also the Minister for Corrections, and I think, if my memory serves me correctly, that was still at a time when yearly reports against the recommendations were being provided through each jurisdiction. There had been significant progress that had been made in many jurisdictions, including South Australia, towards implementing many—if not most—elements of that royal commission. I will have a look and see if there are any recent reports, and if there are I will bring them back to the honourable member.

Certainly, the levels of discrimination and disadvantage that so many Aboriginal people face, in my view, is the greatest stain on us as a modern society. The fact that a report that I read two to three years ago talked about the average life expectancy for a male living on the Anangu Pitjantjatjara Yankunytjatjara lands was 48 years shows how far we have to go for Aboriginal men and women in a state that is otherwise so prosperous. There aren't easy solutions. If there were easy solutions, someone very bright from one or the other side of politics would have found a lot of the solutions to overcome that level of disadvantage by now.

One thing that does strike me in the couple of decades I have been working in and out of Aboriginal affairs is that policies aimed at overcoming those levels of disadvantage don't have any realistic chance of working if they are not informed heavily in their design and implementation by Aboriginal people. Certainly, areas that we are progressing, such as a Voice to Parliament and government, is one area that seeks to give Aboriginal people more say in the decisions that affect their lives.

The Treaty process that we had embarked upon and we will be restarting and will be happening federally is another element in making sure Aboriginal people have a much greater say over those decisions that affect their lives. Certainly, that's a driving motivation behind much of what we do, but there is much, much more to be done and there are many, many circumstances and difficulties to overcome.

### **ABORIGINAL DEATHS IN CUSTODY**

**The Hon. J.S. LEE (14:33):** My questions are to the Minister for Aboriginal Affairs regarding Aboriginal affairs:

1. Does the minister agree that the Royal Commission into Aboriginal Deaths in Custody provides a necessary and relevant document for sentencing judges to confront, discuss, analyse and evaluate and, if so, what action has the minister taken to ensure that occurs?

2. Is the minister aware of support given by the judiciary to the findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody since 1991 and, with that, what actions has the minister taken to ensure that the report of the Royal Commission into Aboriginal Deaths in Custody is confronted, discussed, analysed and evaluated in the community itself?

3. If such actions have been taken by the minister, what feedback from the community has been received by the minister to date?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:34):** I thank the honourable member and I think much of the answer I have previously given is relevant to the questions the honourable member asked. Certainly, many of the issues that confronted the commissioners, including commissioners like Elliott Johnston from South Australia, who was part of the Royal Commission into Aboriginal Deaths in Custody, are as relevant today as they were then.

I am pleased that one of the commitments of this Labor government that we will soon implement is a commission into incarceration rates of Aboriginal people. We will look to our best practice, not just around Australia but right around the world, in terms of reducing incarceration rates and what services are provided within the prison system and upon release from the prison system that can reduce Aboriginal people's contact with the justice system.

There are examples from around the world, New Zealand and Canada in particular, of the use of various sentencing options and use of different methods of incarceration for First Nations people that have shown some success. I know the Labor minister for corrections in New Zealand, Kelvin Davis, who I know is a Māori man, in programs they have been running has had some significant success in reducing the incarceration rate of Māori people in New Zealand, and we are certainly looking at the lessons that can be learnt there.

We have implemented programs in South Australia that have worked. In either 1998 or 1999, the Nunga Court in South Australia was established, first in Port Adelaide and then Murray Bridge, and became the first and second Aboriginal sentencing courts anywhere in Australia. We are consulting now about strengthening those courts and taking them from a practice into codifying the legislation on the operation of the Nunga Court.

So certainly there have been things that have happened in South Australia that have had a deal of success in terms of sentencing, as the honourable member asked regarding Aboriginal people, but it is something we are keen to improve upon. I think the statistics are that 26 or 28 per cent of our incarcerated adult male population are Aboriginal people, and it is even higher for female Aboriginal people in the system in South Australia. It is something we are looking at and working on and, as the Uluru Statement from the Heart tells us, Aboriginal people are not innately criminal people, but incarceration rates are a blight on us and we will look to do what we can.

#### **ABORIGINAL DETENTION**

**The Hon. F. PANGALLO (14:37):** Supplementary: is the minister concerned that the longest serving prisoner in Australian penal history, currently serving here in South Australia, is Indigenous, having been incarcerated for nearly 40 years and having surpassed his non-parole period by almost 14 years? What does he intend to do about that?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:38):** I am always concerned when people spend a very long time in jail. Very long times in jail make it even more difficult for that transition upon leaving jail. As I answered the Hon. Nicola Centofanti, I remember when I was chief of staff to a former corrections minister 20 years ago, and at that time people coming out of the prison system after a long sentence found even then that the world had changed dramatically—things like using ATMs or mobile phones were very foreign.

As people have spent a lot of time institutionalised, the world becomes a very different place, so it is concerning when people spend long periods in jail, and we have to make sure people are prepared for re-entering life on the other side. In relation to what am I personally doing about someone's sentence or parole out of jail, the Parole Board is an independent statutory body that I cannot direct. It is right and proper that I should not have the power to direct the Parole Board to make a decision, and similarly with the judiciary.

I am happy to talk to the honourable member, maybe later, about particular concerns, but in terms of actually directing that someone be released, that's not something that's within my power.

**The PRESIDENT:** Further supplementary, the Hon. Mr Pangallo.

**ABORIGINAL DETENTION**

**The Hon. F. PANGALLO (14:39):** Could it be that a review of the Parole Board and the act that governs it is needed, when you have a prisoner who has been there for almost 40 years for the same crime and should have been released on parole 14 years ago?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:40):** I am not going to get into the individual details of a particular case and the circumstances that the Parole Board applies to a particular case. We don't have any current intention for a full-scale review of the Parole Board or the parole system but, as I said, I am happy to discuss with the honourable member any particular details. If there is anything in a particular circumstance that I can get further answers to, and if they concern an individual, it might be even more appropriate that I talk to the honourable member and see what answers I can bring for him privately.

**ABORIGINAL DETENTION**

**The Hon. H.M. GIROLAMO (14:40):** My questions are to the Minister for Aboriginal Affairs regarding Aboriginal representation in prisons and youth training centres. Does the minister agree that Aboriginal children and adults are over-represented in our state's prison and youth training centres? What specific actions has the minister taken to date to address this issue?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:41):** I thank the honourable member for her question. As I have outlined already, yes, I am concerned that Aboriginal people are over-represented in our men, our women and our children who are detained. This is the case in South Australia, and it is the case in every state and territory in this nation that Aboriginal people are far, far over-represented in the criminal justice system.

As I have outlined, there are a number of things that we already have underway. We will shortly have established a commission into the incarceration of Aboriginal people that will concentrate on adult Aboriginal people but will also look at what responses there might be for young Aboriginal people who come into contact with the criminal justice system and find themselves incarcerated.

As I have answered in a couple of questions from the Hon. Robert Simms, the minimum age of criminal responsibility is something we are considering as a state. I know that the attorneys-general around Australia have made a commitment to raise the age of minimum criminal responsibility to 12. We are considering what that means for South Australia. Also looking at what other states are doing, the Australian Capital Territory is soon to move to a minimum age of criminal responsibility of 14. I think Tasmania has flagged an intent to look at that path, and we are keenly looking at what those states are doing and how they are doing it.

In addition to that, as I mentioned when the Hon. Jing Lee asked a question, we are currently in the final stages of consultation of putting into legislation the operations of the Nunga Court in South Australia, Australia's first Aboriginal sentencing court. So yes, it is a concern, and we are getting started on doing things to try to address that.

**ABORIGINAL DETENTION**

**The Hon. H.M. GIROLAMO (14:42):** Supplementary: has the Attorney consulted directly with the Northern Territory on programs that are currently underway there that support rehabilitation and preventing people from returning to incarceration?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:43):** I thank the honourable member for her question. I have had a number of discussions with the now former Attorney-General of the Northern Territory, the Hon. Selena Uibo, about those and a whole range of other matters, but specifically about those matters. I am due, over the winter break, to have at least one, if not a number, of discussions with the new, recent Attorney-General of the Northern Territory, the Hon. Chansey Paech, about these issues as well.

**WOODVILLE-WEST TORRENS FOOTBALL CLUB**

**The Hon. J.E. HANSON (14:43):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on the Woodville-West Torrens Football Club's reconciliation action plan, which was launched over the weekend?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:43):** I am very happy to, and I thank the honourable member for his question and ongoing and strong interest in Aboriginal affairs and his support of the Woodville-West Torrens Football Club. On Sunday 3 July, I had the privilege of attending and speaking at the official launch of the Woodville-West Torrens Football Club's Reflect Reconciliation Action Plan. This event coincided with the South Australian National Football League's Indigenous Round.

Woodville-West Torrens is the first club to embark on the journey of a reconciliation action plan and receive the Reflect status from Reconciliation Australia. Although it is early in their reconciliation journey, I commend the Woodville-West Torrens Football Club on taking the first steps and leading the reconciliation movement within the SANFL. Further to this, it is also the first football club in SA to actively appoint a First Nations female board member, Devina Binell, or 'Beans', and I congratulate both Devina and the footy club on this appointment. I am excited to see the positive outcomes her role is already bringing to the organisation and will bring in the future.

The afternoon on Sunday commenced with an engaging and heartfelt Welcome to Country from young Kurna man Robert Taylor, who I have seen numerous times during NAIDOC Week already and dozens of times, I think, this year at events, providing a very generous Welcome To Country for those attending events. This was followed by speeches from both Woodville-West Torrens Football Club President Christine Williams and Chief Executive Officer Luke Powell. I do note that the Hon. Rob Kerin from the SANFL was in attendance at this special event for Woodville-West Torrens. I think that was a marked sign of respect, that the former Premier was able to be there for this important occasion.

As the Minister for Aboriginal Affairs, I was honoured to have the opportunity to speak to the attendees on key themes, which included why reconciliation is such an important topic for young and upcoming leaders, sports clubs and communities, and being able to highlight that sporting clubs and such organisations have significant reach into our communities, with many people, young and old, being involved in sporting clubs their entire lives. It provides a tremendous opportunity to inspire and enable people from all walks of life to contribute to the reconciliation of the nation.

Additionally, I was able to highlight the commitment that this government has in adopting a state-based implementation of the Uluru Statement from the Heart: Voice, Treaty, Truth in a South Australian context and that the federal government is also committed to federally implementing the same. It was a great opportunity to meet some of the Aboriginal players and people involved with the club and also to be in attendance for the Q&A panel discussion with Devina Binell, the board member of the Eagles; Shona Reid, Chief Executive Officer of Reconciliation SA; and Rebecca Wessels from Ochre Dawn.

Across the community many groups are preparing and implementing reconciliation action plans to consider how they use their workplace and companies to advance our journey towards reconciliation. I commend the Eagles and all other clubs and organisations that are starting this journey as well.

**SKYCITY ADELAIDE**

**The Hon. C. BONAROS (14:47):** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Consumer and Business Affairs in another place, a question about the Adelaide Casino.

Leave granted.

**The Hon. C. BONAROS:** Since I last asked a question on this topic last week, the state's gambling regulator, Mr Dini Soulio, has announced he is commissioning an independent review of Casino operations in South Australia. This is after Mr Soulio suspended his department's own review

into the Casino last year and after AUSTRAC advised it was investigating 'the casino's management of customers identified as high risk and politically exposed persons'.

PEPs, as they are dubbed, are defined as individuals who hold a prominent public position or role in a government body or international organisation either in Australia or overseas. Immediate family members and/or close associates of these individuals are also considered PEPs. Examples given include heads of state, government ministers or equivalent politicians, senior government executives, high-ranking judges, high-ranking military officers, central bank governors or board members, or executives of an international organisation—that is not a complete list.

Due to Mr Soulio's concerns over broader systemic issues within the Casino industry, he has decided to commission the independent review, to be undertaken by retired Supreme Court Judge the Hon. Brian Martin AO QC. My questions to the minister are:

1. What, if any, assurances have the government sought from AUSTRAC and/or Mr Soulio about the high risk and politically exposed persons subject of the AUSTRAC investigation?
2. Has the government sought assurances from AUSTRAC and/or Mr Soulio that the PEP does not pose a threat to national or state security?
3. Has the government sought assurances from AUSTRAC and/or Mr Soulio that the PEP is not a member of parliament?
4. Does the government support a call from SA-Best, and backed by the Greens and One Nation, for a royal commission into the Casino, noting the significant failings of casinos interstate?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:49):** I thank the honourable member for her question and her ongoing and significant interest in these matters. I will refer them to the minister in another place and bring back a reply.

#### DOMESTIC AND FAMILY VIOLENCE

**The Hon. J.M.A. LENSINK (14:50):** I seek leave to make a brief explanation before asking questions of the Attorney-General regarding domestic and family violence reform.

Leave granted.

**The Hon. J.M.A. LENSINK:** Yesterday, the Attorney-General informed the council, in his own words, that in relation to family and domestic violence this is an area that is shared across both his portfolios and the minister in another place, the member for Reynell, the Hon. Katrine Hildyard. Given the Attorney has shared responsibility for this area, can he inform the council whether he has been briefed on the possible establishment of a domestic violence offenders register?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:50):** I thank the honourable member for her important question. As I outlined yesterday, the minister and I have shared responsibilities in this area. The primary policy area is committed to the minister, Katrine Hildyard, in another place, but as outlined yesterday, and as I think the minister probably knows from her own experience, most of the levers in terms of policy responses are contained in the criminal codes that are committed to the Attorney-General.

We are working very closely, my office and Minister Hildyard's office, and myself and the minister, on our responses in relation to these areas. In relation to the establishment of a register, I don't want to answer and get something slightly wrong, but I recall a discussion in relation to a much bigger area of reform about a form of register but also looking at the laws we currently have that allow people to make inquiries into people's histories of family violence. I am happy to take the substance on notice to make sure I am accurately reflecting any briefings I have had and bring back a reply for the honourable member.

### NAIDOC AWARDS

**The Hon. T.T. NGO (14:52):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the Dr Alice Rigney award presented at the 2022 NAIDOC Awards luncheon?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:52):** I thank the honourable member for his question and his continued interest in the area of Aboriginal affairs. I note that I ran into the honourable member at today's Lord Mayor's NAIDOC reception, along with the shadow attorney-general, the member for Heysen, Josh Teague, in the other place and South Australia's newest senator, Senator Kerryne Liddle, who was in attendance at the Lord Mayor's NAIDOC event today.

I know the Hon. Tung Ngo has a very longstanding and significant interest in this area and has also been on and off Chair of the Aboriginal Lands Parliamentary Committee many times over recent decades. As I outlined yesterday in this council, on Monday this week, the annual NAIDOC Awards were held at the Adelaide Convention Centre. These awards provide the opportunity to acknowledge and celebrate the contribution Aboriginal and Torres Strait Islander peoples have made to our community.

I spoke yesterday about the male winner of the Premier's NAIDOC Award for 2022, Uncle Jeffrey Newchurch. However, I want to inform the chamber now of the Dr Alice Rigney award, which recognises a young Aboriginal or Torres Strait Islander person dedicated to their education in their senior years of school, either year 10, 11 or 12. The person the award is named after, Dr Alice Rigney, or Alitya Rigney, was born at Point Pearce on Yorke Peninsula and was a trailblazing educationalist and education advocate.

Dr Rigney excelled in a number of leadership positions, including being the first female Aboriginal school principal anywhere in Australia and one of the first Aboriginal employees of the South Australian education department. Dr Rigney was committed to the preservation of Aboriginal languages and was instrumental in the revival of the Kurna language, introducing the teaching of the Kurna language into the curriculum when she was principal of the Kurna Plains School in Elizabeth.

An elder and a matriarch of the Kurna and Narungga nations, it is estimated that Dr Rigney taught in excess of 5,000 Aboriginal students during her lifetime, whilst mentoring and inspiring many more. After a career of teaching, Dr Rigney was the ambassador for the commonwealth government's National Indigenous English Literacy and Numeracy Strategy and played an important role on South Australia's Guardianship Board and the Aboriginal Education, Training and Advisory Committee.

Dr Rigney's pioneering achievements were recognised by being awarded South Australia's NAIDOC Elder of the Year in 1997, an Australia Day Public Service Medal for service to Indigenous education in 1991 and receiving an honorary doctorate from the University of South Australia in 1998. Dr Rigney's son, Professor Lester-Irabinna Rigney, stated that his mother's philosophy was: 'The poor don't lack intelligence, whether they are black or white, they lack opportunity, and all children, regardless of background, deserve a quality education.'

Dr Rigney's legacy continues past the direct impact she had on Aboriginal people's lives and is recognised in this award. This year, the 2022 SA NAIDOC Award of the Dr Alice Rigney Prize was awarded to Peyton Aspel, a year 12 student from Avenues College, who is on track to complete a SACE and is an active participant in cultural programs at her school. She is also a talented sportswoman and is part of the SAASTA elite netball academy. I congratulate Peyton on receiving this award. It is a credit to her and her family's hard work and commitment to her education. I wish her the best of luck for completing her SACE and the next steps in her journey.

### AFFORDABLE HOUSING

**The Hon. R.A. SIMMS (14:57):** I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Human Services on the topic of rental affordability.

Leave granted.

**The Hon. R.A. SIMMS:** This morning, multiple news outlets reported on the latest data from CoreLogic that showed that it is now more affordable to rent in Melbourne than it is in Adelaide. Over the last quarter, the price of renting an Adelaide unit has increased by 3.9 per cent while renting a house has increased by 4.4 per cent, and a typical Adelaide rental now costs \$492 per week. Furthermore, the report shows that Adelaide rentals have increased by 10 per cent since this time last year.

Looking back over the last 10 years, Adelaide house rentals have increased by 36.5 per cent. Coupled with a vacancy rate of 0.3 per cent, Adelaide renters are struggling to find a house that they can afford. My question to the minister therefore is: is the minister disturbed by the CoreLogic report, and what action has the Malinauskas government taken to address rental affordability in our state?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:58):** I thank the honourable member for his question. I will make sure it is referred to a minister in another place and, through the minister who represents the minister in another place in this place, have a reply brought back for the member in this place.

#### RENTAL AFFORDABILITY

**The Hon. R.A. SIMMS (14:58):** Supplementary.

**The PRESIDENT:** I will certainly listen to it but, the Hon. Mr Simms, good luck.

**The Hon. R.A. SIMMS:** Given the crisis that South Australians are facing, when exactly can I expect a reply to these questions? I have asked numerous questions on this, and I am still waiting for an answer. We have people sleeping in tents and in their cars.

**The PRESIDENT:** It is with serious intent that you ask your supplementary. I invite the minister to provide an answer.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:58):** I thank the honourable member, and I will make sure his desire for a speedy reply is well known.

#### COMMISSIONER FOR ABORIGINAL ENGAGEMENT

**The Hon. S.G. WADE (14:59):** I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs in relation to Aboriginal affairs.

Leave granted.

**The Hon. S.G. WADE:** During estimates the minister advised that, if the appointment of the Commissioner for Aboriginal Engagement, Dr Roger Thomas, was not continued, we would be losing two years of good work and progress. My questions to the minister are:

1. Can the minister explain why Dr Thomas has only been appointed for a six-month position?
2. Does the minister plan to continue funding this role beyond the six-month position?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (14:59):** I thank the honourable member for his question. I am grateful that, after discussions with Dr Roger Thomas, Dr Roger Thomas has agreed to stay on for another six months to help the new government in a number of the commitments that we are doing. Particularly something that Dr Roger Thomas is very interested in is the monuments policy of the new government. That is a fund that we have established, that was budgeted for in the last budget, to create statues of Aboriginal people in South Australia.

As we look around this state and the monuments that pay tribute to the people of this state, we see that many early explorers and many non-Aboriginal people are immortalised in statues, and we see very, very few Aboriginal people. There is the site of old Colebrook Home at Blackwood, a representative statue of a mother of the stolen generations. On the Torrens Parade Ground there is



a representative statue of a soldier and a nurse. But in terms of individual Aboriginal people, we don't see those statues very much at all around South Australia. That is something we think needs to be rectified.

If you are a young Aboriginal person looking around at those who this society has previously considered important, it doesn't reflect who they are, and that is something we want to start changing. That is why we have a million-dollar commitment and are looking to partner with councils and philanthropic organisations to start to have those monuments that reflect not just the 60,000 years of history of Aboriginal people but the very significant achievements of Aboriginal people since the time of colonisation. This is something that Dr Thomas and I have spoken about a number of times, and I am very excited at his level of enthusiasm in that area but in others to continue that work.

On the work that I think the member alluded to in terms of a representation for Aboriginal people in a Voice to Parliament, that is work that we have started working on already, comparing other jurisdictions around the world. That is work, which I think I said in estimates and I have certainly said elsewhere, that we are hoping to make significant movements on over the next 12 months. I don't think that any work that has been done before is wasted. It will certainly inform what we do, but it certainly won't be in the form that the previous government put forward.

I would like to pay tribute and thank Dr Thomas for his many years of hard work. He was, under the previous Labor government, the Treaty Commissioner and under the now former Marshall government the Commissioner for Aboriginal Engagement. I think in total it is some five or six years, certainly the longest serving commissioner for this type of work this state has had.

As I say, I thank Dr Thomas for agreeing to stay on for a further amount of time to help the new government get started on some of its priorities. Certainly, we will be looking at what models are put forward in terms of Aboriginal representation and engagement we have going into the future. We have our own ambitions as part of our commitment to implement the statement from Uluru, to a Voice to government and parliament in South Australia, and certainly roles of a commissioner or commissioners will be considered as part of that work.

#### COMMISSIONER FOR ABORIGINAL ENGAGEMENT

**The Hon. J.S. LEE (15:03):** Supplementary: is the minister confirming that Dr Thomas will not continue beyond a six-month appointment?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:03):** That is something that we will talk about at the time. As I said, Dr Thomas has given great service to this state. I am grateful that he agreed to stay on for that further six months. Over the next six months, we will talk to Dr Thomas just to see what Dr Thomas wants to do and what direction he wants to go in as well.

#### COMMISSIONER FOR ABORIGINAL ENGAGEMENT

**The Hon. J.S. LEE (15:04):** Supplementary: at this stage the government has not considered providing beyond that six-month appointment?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:04):** Dr Thomas has been appointed for a further six months and, as I said, I am grateful that Dr Thomas has agreed to stay on to help the new government out.

#### COMMISSIONER FOR ABORIGINAL ENGAGEMENT

**The Hon. J.S. LEE (15:04):** Supplementary question: I just want to get clarification from the minister that there was no plan by the Malinauskas Labor government to continue beyond six months and this was just negotiation.

**The Hon. I.K. HUNTER:** Point of order, Mr President: my understanding was that we should not be having run-on questions as supplementaries. They should relate to the original answer the minister gave.

**The PRESIDENT:** In response to the Hon. Mr Hunter's point of order, the minister gave a pretty broad and wideranging answer and I do feel that the supplementary question was certainly appropriate.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:05):** I think I have answered. We are grateful that Dr Thomas has agreed to stay on to help the new government with its initial priorities for an extra six months, and certainly during that period we, as the government and certainly myself as the Minister for Aboriginal Affairs, will talk to Dr Thomas about what contribution may best suit Dr Thomas and the government. Dr Thomas has provided an extraordinary level of service to this state in his long time, five or six years, as the Commissioner for Treaty and the Commissioner for Aboriginal Engagement.

**The PRESIDENT:** The Hon. Mr Wade, do you have a final supplementary question?

**The Hon. S.G. WADE:** Yes, it may well be final, sir.

**The PRESIDENT:** It may well be.

#### COMMISSIONER FOR ABORIGINAL ENGAGEMENT

**The Hon. S.G. WADE (15:05):** My supplementary question is: considering that the government has now been in government for three months, when does Dr Thomas's six-month position conclude?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:06):** I thank the honourable member for his question. I will double-check that but from memory Dr Thomas's appointment as the Commissioner for Aboriginal Engagement under the former government expired on 30 June. I don't know what the former government talked to Dr Thomas about and whether he would go on any further after that. But my understanding, and if I'm wrong I will bring back a reply, is that the six-month extension—as I said, I am grateful that Dr Thomas has agreed to help the new government start with our policy agenda—would then expire at the end of December. But I will double-check that and if I need to clarify I will.

#### PANGULA MANNAMURNA ABORIGINAL CORPORATION

**The Hon. R.B. MARTIN (15:06):** My question is to the Minister for Aboriginal Affairs. Will the minister please update the council on the important work of the Pangula Mannamurna Aboriginal Corporation?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:07):** I certainly can, and I thank the honourable member for his question and his interest in Aboriginal health generally. During the government's recent visit to Mount Gambier as part of our country cabinet trip—which I am happy to talk about more generally, as I have in the past—I was pleased to visit Pangula Mannamurna Aboriginal Health Corporation, along with my colleague the member for Kaurua, the Hon. Chris Picton, the health minister.

Pangula Mannamurna is an Aboriginal community-controlled health organisation based in Mount Gambier on the lands of the Boandik people. The word 'pangula' means a place where a doctor or a healer can be found, and 'mannamurna' means joining hands. Pangula provides health and wellbeing services for Aboriginal people right across the Limestone Coast. Since it was founded in 2014, it has aimed to be a one-stop shop where Aboriginal and Torres Strait Islander people would have access to health and wellbeing services either on site or through referrals to other services.

The health services provided on site include a culturally appropriate and sensitive medical clinic, Aboriginal health checks, a consultant midwifery service, and a team focused on tackling Indigenous smoking. Pangula also provides community programs including men's and women's groups, an Aboriginal parenting program and an Anangu playgroup. The Anangu playgroup, for example, provides a safe and friendly place for parents and children to meet other families in the community so that they can bond and take part in activities to support the social and emotional development of their children.

During my visit I was shown the three healing circles constructed on the site where many of these community programs are run. Each of the three healing circles is rich in cultural iconography and serves as a meeting place where members of the community can meet and share knowledge. Over the past few years I have witnessed the construction of the healing circles on my regular visits to Mount Gambier, and Pangula in particular, so it was a pleasure to be able to see these healing circles finished.

Pangula Mannamurna is an active member of the South Australian Aboriginal Community Controlled Organisation network, which was established in 2019 to better lead the engagement with the Aboriginal community in South Australia, particularly in relation to the National Agreement on Closing the Gap.

It was a distinct pleasure to meet with the staff at Pangula Mannamurna to discuss the important service they provide to Aboriginal and Torres Strait Islander people in the Mount Gambier community and to catch up with people who I grew up with in Mount Gambier, who now work there. Pangula holds a special place for me: it was the last place my late mother worked as a social worker before she finished her working life, and she was also for some time chair of the board at Pangula Mannamurna. I applaud the work of all the staff and their outstanding contribution.

#### **MURRAY BRIDGE PUBLIC TRANSPORT**

**The Hon. S.L. GAME (15:10):** I seek leave to make a brief explanation before asking a question of the minister representing the Minister for Infrastructure and Transport on public transport to the Murray Bridge region.

Leave granted.

**The Hon. S.L. GAME:** On my recent trips to Murray Bridge, several stakeholders noted that a significant barrier to employment, training and further education is adequate, affordable public transport from Murray Bridge to the Adelaide metropolitan area where these opportunities exist. Especially with the current housing crisis, people are unable to always reside near opportunities, so good, affordable transport is essential. Conversely, bringing people to Murray Bridge is good for opportunities and tourism would be welcome. What measures are the government taking to ensure adequate, affordable public transport from Murray Bridge to the Adelaide metropolitan area?

**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 another very important transport-related question. I will pass those on to the transport minister in another place and I'm sure he will be most obliging in bringing me back a reply to those questions, the previous questions, and all future questions on transport and roads in regional South Australia.

#### **PARLIAMENTARY SECRETARY**

**The Hon. L.A. CURRAN (15:11):** My questions are to the Parliamentary Secretary regarding her role:

1. How many events has she attended in her capacity as Parliamentary Secretary representing the Premier in the last month?
2. How many events has she attended in her capacity as Parliamentary Secretary representing any other minister in the last month?
3. How many events has she attended in her capacity as Parliamentary Secretary representing the Premier since her appointment?
4. How many events has she attended in her capacity as Parliamentary Secretary representing any other minister since her appointment?

**The Hon. E.S. BOURKE (15:12):** Thank you to the honourable member for her question and also for her great interest in my role.

**The Hon. K.J. Maher:** In your day-to-day life.

**The Hon. E.S. BOURKE:** My day-to-day life when I have a lunch break, which I don't have. I have attended many events to represent both the Premier and the ministers. There is a particular

event, I think, that comes to mind that I went to last week. On Friday, Business SA had their largest ever event in seven years, and the guest speaker was none other than the Premier himself. It was quite a significant event. The reason that I guess it's important to highlight this is that it springs to mind that, in that time, we had a Liberal government.

When the Premier from the former government went to that event, I don't believe they had the biggest event in seven years. When he went there to speak to small businesses and businesses in South Australia he was not able to pack out a room. The Liberal Premier wasn't able to do that but, hang on a second, the Labor Premier was able to book out that room and enable Business SA to have the biggest event they have had in seven years.

The reason they were able to achieve that is that they know that this government has bold policies and that this government is listening to small businesses, medium businesses and large businesses. I do think we are attending a lot of events. We are a busy team on this side. We are getting around and listening to stakeholders. That is my job—to get out there and go to events, to listen to the community, to listen to constituents and that is what I'm doing. Please ask me some questions. Please.

#### PARLIAMENTARY SECRETARY

**The Hon. L.A. CURRAN (15:14):** Supplementary question: the member was asked in relation to her attendance in representing the Premier and other ministers, not the attendance of other members of her parliamentary team. Could the member please answer the question as to how many events she has attended since her appointment whilst representing both the Premier and any other minister?

**The PRESIDENT:** Parliamentary Secretary? Okay. The Hon. Mr Wortley.

#### NAIDOC AWARDS

**The Hon. R.P. WORTLEY (15:15):** My question is to the Minister for Aboriginal Affairs. Following on from his answers yesterday about the male winner of this year's Premier's NAIDOC Award, will the minister inform the council about this year's female winner?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:15):** I thank the honourable member for his question and his interest in this area. It is a pleasure to be able to inform the chamber about the achievement of Aboriginal people that is celebrated at this time each year in July in NAIDOC Week. I will have to have a word to my colleagues in another place to see whether there is a possibility that parliament might not sit next year during NAIDOC Week so that all of us can get to many events.

In previous years, I have enjoyed attending NAIDOC Week events in regional South Australia, as I outlined yesterday. This year, Port Augusta has in excess of 30 NAIDOC Week events just this week alone in Port Augusta, and I have attended those in the past. With any luck we might have a non-sitting week in NAIDOC Week next year to allow all of us to attend events, and I will be sure, if that is possible, to send to all my colleagues in this chamber a full list of events so that we might all get out to them.

One of the great parts of NAIDOC Week is not just the celebration of Aboriginal culture but the celebration of achievements of Aboriginal people. I outlined yesterday and spoke about the male winner of this year's Premier's NAIDOC Award; I wish today to inform the chamber of this year's Aboriginal woman winner of the Premier's NAIDOC Award. Kunyi June Anne McInerney is a Yankunytjatjara woman and a renowned Aboriginal artist. She has been described as a quiet achiever with an enormous legacy, which I think rightly sums up this remarkable woman.

Kunyi is a member of the stolen generation. At the age of four she was taken from her home, her community and her family, along with one of her sisters and two brothers. They were placed at the United Aboriginal Mission at Oodnadatta Children's Home. When she was four years old she was placed with one of her sisters and two brothers at that home, where she remained until the age of nine. Eventually, she was fostered to a family in Adelaide, far from her country in the far north-west of the state.

Kunyi became a qualified nurse and midwife, before going on to complete a Bachelor of Arts in Aboriginal Studies at the University of South Australia. Today, Kunyi is a respected and accomplished artist, with works on display in many places, including as part of the Art Gallery of South Australia's collection, which is an extraordinary collection of over 70 pieces of art and stories by Kunyi that was published and later exhibited at the Migration Museum, titled *My Paintings Speak For Me*.

Her works are known for using vibrant colours and expression and depicting our country's unique landscape. She often draws on her experiences as a member of the stolen generation through her work. Last year, Kunyi published a children's book simply titled *Kunyi*. The book has been nominated for a number of awards, including the publisher's children's book of the year and the Children's Book Council of Australia's Eve Pownall Award. This is just the latest in a number of books she has co-authored or co-illustrated, including *Down the Hole Up the Tree Across the Sandhills*, *Tracker* and *Bush Games and Knucklebones*.

But it is not just her extraordinary art work that Kunyi is known for. She is an active member of the community, including being a member of the Blackwood Reconciliation Group, which I was fortunate to attend only weeks ago. She has volunteered her efforts at Colebrook Reconciliation Park, including in the campfire mosaic and the *Fountain of Tears* at that park.

I understand, in addition to having three children of her own, she has fostered or provided respite to more than 40 Aboriginal children. Kunyi June McInerney is an extraordinary Aboriginal woman who has contributed much to supporting her people and promoting her culture and knowledge through her work. She was a very deserving joint winner of this year's Premier's NAIDOC Award.

#### NORTH-SOUTH CORRIDOR

**The Hon. F. PANGALLO (15:19):** I seek leave to make a brief explanation before asking the Leader of the Government representing the Minister for Infrastructure and Transport in another place a question about the north-south corridor.

Leave granted.

**The Hon. F. PANGALLO:** The government recently cast doubt on the timing and delivery of the next stage of the north-south corridor with suggestions that costs could blow out to as much as \$14 billion. During the state election, SA-Best called for an independent review of an ambitious proposal that has the potential to slash \$1 billion off the next stage of the critical road infrastructure project.

The alternative option for the final 10.5-kilometre stretch of South Road upgrades, from the River Torrens to Darlington, is being spearheaded by former senior transport department bureaucrat Mr Luigi Rossi, who has delivered on some of the state's biggest infrastructure projects, including the Heysen Tunnels, the Northern Expressway and the South Road Superway at Regency Park. His proposal includes a six-kilometre tunnel from the River Torrens to just before the South Road overpass at Cross Road, connecting to a four-kilometre elevated highway-in-the-sky motorway extending to just before Ayliffes Road.

Mr Rossi's own independent review has revealed cost savings of more than \$1 billion off the current price tag, a 12-month fast-forwarding of the completion date and the saving of properties planned for demolition. My question to the minister is:

1. Has he spoken to Mr Rossi about his project and the potential cost savings?
2. Has the minister requested that his department undertake its own review of the potential cost savings, and if not, why not, particularly in this current financial environment with official interest rates increasing and the potential for the cost savings to be directed elsewhere?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:22):** I thank the honourable member for his question. I certainly will refer those questions to the minister, who will be receiving plenty of correspondence from his colleagues in this chamber. I will ask him to bring back a very timely reply, notwithstanding the many questions he will have to answer.

### AGE OF CRIMINAL RESPONSIBILITY

**The Hon. J.S. LEE (15:22):** I seek leave to make a brief explanation before asking the Attorney-General a question regarding the age of criminal responsibility.

Leave granted.

**The Hon. J.S. LEE:** It was reported in InDaily on 10 May 2022 that the minister said he is, and I quote:

...open to raising the age of criminal responsibility.

The minister continued to say that he would, and I quote:

...continue to meet with stakeholders to determine whether South Australia should raise the criminal age, noting that doing so was something that we—

meaning the state government—

will be turning our mind to.

My questions to the Attorney are:

1. What stakeholders has the Attorney met with to discuss the issue?
2. Has the Attorney spoken to his ACT counterpart, Shane Rattenbury, about the approach that he has taken?
3. How far has the Attorney progressed in his consideration of raising the age of criminal responsibility?

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (15:23):** I thank the honourable member for her important question. Certainly, work continues within government in looking at comparisons around the world in the many places that have raised the minimum age—places like Ireland, New Zealand, Spain and Estonia. Over the last decade or two, there are many jurisdictions around the world that have two different ages and have raised the minimum age of criminal responsibility, and that work continues.

I am due to have further discussions with ministers from the ACT in relation to the approach they have taken. I am looking forward to consulting also with Tasmania. I have talked to Labor colleagues in the ACT government about some of the things that have affected their portfolio, particularly my colleague the Minister for Aboriginal Affairs in the ACT government. I look forward to also talking to my sort-of colleague, the Greens member of the ACT cabinet, the Attorney-General, in the ACT government. It is certainly something I know that my Greens colleague the Hon. Robert Simms in this place shares a passion and a concern for with the Greens Attorney-General in the ACT—

**The Hon. I.K. Hunter:** 'Colleagues' in a broader sense.

**The Hon. K.J. MAHER:** Colleagues in a very broad sense. We are all colleagues in this place and colleagues across other places. These certainly are issues that have been raised already. They are issues we will continue to discuss, because it is an important issue. As questions that were asked earlier touched upon, there is the very significant over-representation of Aboriginal people in the youth justice system and also in the adult prison population.

Certainly, one thing in the briefings I have had and the amount of reading I have done, one of the determinants in the readings I have done—it is not lost on me that one of the determinants that factors into a person's contact with the prison system as an adult is contact as a juvenile with the detention system. So it does not just affect children but it affects people later in life, the contact they have with detention systems.

As I have said, there are different models that have been put in place in different jurisdictions around the world, including the age that criminal responsibility is put to: 12 and 14, I think, internationally are the most common ones that have been either contemplated or implemented. As I said earlier in response to a question—I can't remember what it is called; it used to be the Standing Council of Attorneys-General—MAG, the Meeting of Attorneys-General, certainly has put out communiqués in the past.

*The Hon. I.K. Hunter interjecting:*

**The Hon. K.J. MAHER:** No, it's MAG now, not SCAG. The Meeting of Attorneys-General certainly has come to an agreement in the past to do work to raise the age to 12. That is seen as a good start, but there are those who advocate for going beyond 12 to raise it to 14, and that is what the ACT is looking at doing. I think that is what Tasmania is contemplating doing straightaway—to the age of 14. We are looking at what we do in South Australia.

The former government, the Liberal government, was part of the group of attorneys-general that committed to raising to the age of 12, so we are looking at what that commitment would entail and how that could work in South Australia. But also, and I think sensibly—and I think it is probably what any government would do—looking at, when new initiatives are implemented in other jurisdictions, like they are in the ACT, what that entails, what the effect will be and what is needed.

The honourable member also asked about stakeholders. I have had, and I am just trying to put a number on it, many meetings with stakeholders, both in opposition and also in government, about this issue. Groups that deal in the justice reform area—groups such as Raise The Age, with Cheryl Axleby, who was former head of the ALRM group; the, I think, Justice Reform Initiative, which had a function at Government House very early on and which I have had a number of discussions with; and groups such as Amnesty International—are keenly pursuing this matter.

So there are a range of groups across the community that have had a discussion, both in opposition and in government, about what raising the age would entail, in terms of the commitment that has already been made by all Australian jurisdictions to 12 but also a discussion about what is entailed with other jurisdictions, such as the ACT and the desire of Tasmania.

**The Hon. J.S. Lee:** Supplementary.

**The PRESIDENT:** No, time has expired for asking questions without notice.

*Address in Reply*

#### **ADDRESS IN REPLY**

**The PRESIDENT:** I remind honourable members that Her Excellency the Governor will receive the President and members of the council at 3.30pm today for the presentation of the Address in Reply. I ask all honourable members to accompany me to Government House.

*Sitting suspended from 15:29 to 15:59.*

**The PRESIDENT:** I have to inform the council that, accompanied by the mover, the seconder and honourable members, I proceeded to Government House and there presented to Her Excellency the Address in Reply to the opening speech of Her Excellency adopted by the council on Tuesday 5 July, to which Her Excellency was pleased to make the following reply:

Thank you for your Address in Reply to the speech with which I opened the First Session of the Fifty-Fifth Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray that your deliberations will add meaning and value to the lives of our South Australian community.

Her Excellency the Honourable Frances Adamson AC

Governor of South Australia

*Matters of Interest*

#### **STRANGERS GALLERY**

**The Hon. E.S. BOURKE (16:00):** I am sure many in this chamber are familiar with the popular TV show *Stranger Things*. For those who do not know, it is a sci-fi horror series, where a group of teenagers battle monsters. Indeed, when you think of the word 'stranger', scary things often do come to mind. Whether it be people whom your parents told you to stay away from as a kid or feeling like an outsider yourself, the word 'stranger' is not a nice term.

It is confounding then that we often use this word here in parliament. The chamber's gallery for the public is known as the Strangers Gallery. The dining room for the public is called the Strangers Dining Room, and indeed there is an entire chapter in our standing orders titled Strangers. Recently,

on a school visit to Prospect Primary School, a student in year 6 quizzed me on why it is named the Strangers Gallery and for a moment I was stumped. I thought it was a very good question. As I explained the history behind the name, it became very clear that this tradition was outdated, and the children on the tour agreed, asking how it could be changed to something a bit more friendly and, frankly, a little less frightening, something like the people's gallery.

The discussion also prompted me to do a little research of my own. After a little googling, I quickly discovered that other parliaments have moved away from using the word 'strangers', parliaments such as a little place called the Australian federal parliament and the House of Commons in the UK. And these changes have not been made recently. In 2004, almost 20 years ago, the Australian federal parliament revised standing orders to replace the word 'stranger' with 'visitor'. The change was crucial, because we know language is important and words have meaning.

Many have highlighted how the use of the word 'stranger' is yet another symbol of ancient—and I repeat ancient—privileges of parliament. Sadly, it suggests that parliament allows people to enter on tolerance only, not by right. We all know that this building does not exist for those of us in this chamber nor the other place. We do not stand in this chamber representing ourselves. Instead, we stand here to represent South Australians. It seems nonsensical then to refer to the very people we represent, and the very people who own this house, as strangers. Though there are many customs and traditions in the parliamentary process that we maintain and rightfully respect, it is also important to adapt, change and improve when necessary.

We have seen this in the other place when a year 6 student, again, pointed out that there was no Aboriginal flag flying in that chamber. That child was able to change the parliament forever, and as a gift the child received the first ever Aboriginal and Torres Strait Islander flag flown in that place. Since the tour, I have heard from Prospect Primary School that they have written to both the Speaker and the President about this issue and are now writing to the Governor. I would also like to give a special shout-out to Beatrice, Jason, Swanit and Evelyn, who wrote the letter on behalf of fellow students and I believe have raced home from school to listen to this speech. In the letter they write:

We are of the belief that this name, 'strangers', disregards the people of South Australia. Parliament House is owned by members of the public; therefore, the name of the gallery must represent and respect that.

I tend to agree with them. It is time we stopped treating the very people we stand here to represent as strangers; after all, this is the people's house, a house that could do with a little updating to bring it into line with its purpose, and its purpose is to represent fellow South Australians, not strangers.

### WINE EXPORTS

**The Hon. H.M. GIROLAMO (16:04):** When people think of South Australia, they think of the beautiful landscapes and our amazing wine. It is no secret that our state produces magnificent wine that is sought after across the globe. I have often enjoyed spending time at wineries across our state and learning about how South Australian grapes are turned into world-renowned products. A few of my favourite spots, which I would highly recommend you visit if you have not already, are Rockford in the Barossa Valley, d'Arenberg in McLaren Vale and Majella Wines in the Coonawarra.

Regions in our own backyard contribute billions of dollars in exports every year. It is imperative that this continues, which can only be done through government supporting our key wine exporters to succeed. When we were in government, we understood the importance of the wine industry for our state's economy. We accelerated the growth of the industry by supporting exporters to grow their business internationally and create jobs.

We established overseas trade offices, including Tokyo, Seoul, New York and Dubai, to provide support and assistance to exporters where they need it most. Currently, these offices provide more benefits than ever as our exporters face increased challenges and hikes in the cost of doing business right across the globe. During our term in government, we also introduced the \$5.4 million Wine Export Recovery and Expansion Program, which was created to help South Australian wineries by providing the tools and connections to target international markets—an excellent program that I hope continues under the current government, although I fear that continued cuts to trade and investment are likely.



Additionally, the United Kingdom's free trade agreement, signed virtually on 17 December 2021, is a gold standard trade agreement that represents a once-in-a-generation deal for Australia, an historic moment in our relationship with the UK. This free trade agreement is about creating new opportunities and jobs for businesses by reducing tariffs on Australian goods exports to the UK. The uncertainty surrounding the UK free trade agreement has created unease amongst our wine exporters, and it is only fair that the current governments, both federal and state, deliver their positions on these arrangements.

Unfortunately, the potential reforms to the UK alcohol duty may cause negative impacts on Australian wine exports to the UK, in turn creating additional challenges for our South Australian wine export market. Concerningly, since the Labor government has been tasked with supporting the wine industry, all our hard work has been undone, and little to no support has been provided to the industry.

Recently, the Minister for Trade and Investment announced that the Malinauskas government would not proceed with opening South Australia's trade office in Paris. This is a huge blow for wine exporters as they now solely rely on the London office to export their wine all across Europe. This is a difficult task to impose on the London office, considering the trade impacts of Brexit. Additionally, it was written in *The Advertiser* that, 'Australia's fractured relationship with France has taken a further hit with the state government abandoning plans for the trade office in Paris'.

The minister also announced that relief funding will be reduced through cuts to the wine export and delivery program. It was stated that the program would take a downward path as we dealt with the challenges faced with the Chinese market; however, no additional plan to assist wine exporters was released. This is extremely disappointing. It is irresponsible of the government not to consider additional support for this key industry.

South Australian wine exports have been incredibly resilient through some very challenging times; however, it has recently been reported that wine export figures have inevitably declined in South Australia. Additionally, our wine industry is being impacted by the high deposit tariffs on Australian wine exported to China. Unfortunately, the Premier has only committed to 'turning his mind' to what can be done to improve this going forward. What this means for our wine industry and exporters is yet to be confirmed.

Now is not the time just to think but to act. Peter Malinauskas needs to come up with a plan to continue to support and grow South Australia's wine exports. There is still no plan or commitment from the government to help reassure and support this critical industry. I am calling on Premier Peter Malinauskas to commit to continuing support programs for the wine industry or to introduce additional support to ensure that our wine industry is supported.

### **SA POWER WORKERS STRIKE**

**The Hon. R.A. SIMMS (16:09):** I rise to speak in support of the hundreds of SA power workers who are fighting for better pay and conditions. These workers have been at the forefront in responding to local disasters. After bushfires, they were some of the first people on the ground, getting power back to homes. They work around the clock after a storm to ensure that we can all access power. They are frontline, essential workers and we need to protect their rights.

South Australian power workers have been in a two-year negotiation with SA Power Networks and Enerven over their enterprise agreement. In that time, their wages have been frozen while the cost of living is soaring. Since early 2020, the power workers have been fighting against a reduction in conditions and a pay increase below the current rate of CPI. What we are seeing is a case of a private company putting its profits before the interests of its workers.

Last week's strike was a joint effort between the Australian Services Union, the Communications, Electrical and Plumbing Union and Professionals Australia to rally against the proposed changes by their employer. This follows six months of industrial action taken by the unions. There have been over 20,000 hours of strike actions, with workers walking out of depots across the state daily. I want to commend the actions of the unions in their continued fight for the rights of working people, and I want to assure those unions and those workers that the Greens stand with them in this fight.

The joint group of unions have called for a 3.5 per cent wage increase each year over a three-year term, more secure employment, greater opportunities for women and better workloads for their employees. These are all fair and reasonable requests for this workforce. SA Power Networks and Enerven have proposed a two-tiered wage system that would adjust minimum wage rates for new employees to 80 per cent of current wages. This would undermine new employees, as their remuneration would be less than that of current employees.

As reported in *The Advertiser* last week, the CEPU SA Branch Secretary, John Adley, said, and I quote:

SA Power Workers are fighting to protect not just our own working conditions and job security, but we're also standing up for the next generation of apprentices, and the future of our industry. It's only fair that workers doing the same job, should be paid the same.

The Greens agree. The company are proposing a wage rate rise of 3.5 per cent per annum, while CPI is currently sitting at 5.1 per cent, while they are also seeking to erode the conditions of power workers.

One of the clauses that SA Power networks have put forward is a forced labour clause. This clause takes away the autonomy of workers by forcing them to work outside of usual hours in emergency situations, under threat of disciplinary action. Having power workers on call at any time of the day or week, regardless of their roster, is unsustainable for those workers and it diminishes their work-life balance.

This is a matter of respect and of fair work conditions. Power workers are essential for running our state. Without fully functioning power, we are unable to function as a society. These workers need to be paid fairly, with conditions that do not undermine their work-life balance. The CEPU tells us that Utilities Management has been testing legal principles, effectively aiming to use the judiciary to halt industrial action and reduce the rights of workers to stand up for themselves against corporate interests. Workers who participate in industrial action have been stood down, and this includes apprentices.

Yet again, what we are seeing is the disastrous effects of privatisation, where profits have been the priority in a key public service, with little care for the needs of workers on whom the service relies. I have spoken in this place before about the increased costs to consumers that flow from privatisation, but we also need to examine the effects of privatisation on these workers. If this is an example of how private essential services treat their workers, then it is a shameful situation.

Questions have been asked about who is paying for this protracted campaign against workers. Is it our power bills that are covering this campaign? Is it the power bills that are suffering while SA Power Networks and Enerven prioritise profits over negotiating a fair outcome for their workers? The Labor government has committed to deliver safer and fair workplaces. The Greens call on the Malinauskas government to uphold their opposition to privatisation by bringing SA Power Networks back into public hands and doing everything they can to protect the rights of these workers.

### **SINGLE-USE PLASTICS**

**The Hon. J.E. HANSON (16:15):** In the first 10 years of this century, as a planet we made more plastic in the entirety of that than the last century and, in fact, any time before it. By 2050, on current standings, there will be more plastic in the oceans than there will be fish. That is right, within three decades arguably more plastic than fish.

I was at the beach last night with my family and I was looking at the ocean. It is hard to tell, while you are corralling some eight year olds, but the fact is that 40 per cent of that ocean surface that I was looking at had plastic in it. While the oceans are very much the responsibility of the world, Australians use 130 kilos of plastic per person per year, and we recycle less than 12 per cent of that. It is not just our fish that are consuming the plastic either, it is us, too. If you are listening to me right now, this week it is very likely that you have consumed up to 2,000 tiny pieces of plastic since seven days ago. That is right, 2,000 small bits of plastic, and they are in you right now.

Essentially, what I am saying is that we are all slowly turning into the small little pieces of toys that we all played with, or at least I did as a child, and that is Lego men. My sons play with them

but I do not particularly want to be one. I hope that by now, by saying all this and bringing these statistics to your attention, that I have your attention. The question you may be asking is: what are we going to do about it? I am glad you asked. Significant global surveys have made clear that more than 90 per cent of people support policies and actions to reduce plastic waste, and locally we think so, too.

A survey of over 3,000 South Australians found that 97 per cent of people agree that single-use plastic is a major issue to be addressed, and we are acting. We, of course, were the first state in the nation to ban lightweight checkout bags. Last year, we also banned a whole range of single-use plastic cutlery and stirrers—something like a million items every year—and of course we were proudly the first state to introduce bottle deposit legislation, something that is now so quintessentially South Australian that other states, as they have slowly had to bring it in, have been forced to refer to South Australia as a leader.

These measures, on the face of it, seem pretty modest and I guess on their own they would be, but they are part of a range of measures—very sensible measures—we have taken to change people's attitudes and their values about the way that we live for now and for the future. This week, during Plastic free July, we took another vital and very important step with the passing of the BYO containers bill. It will allow business owners the freedom to accept containers from consumers without liability, encouraging more businesses to do this and, in turn, allowing more consumers to adopt the practice of eliminating wasteful, single-use plastic containers.

I congratulate the Hon. Mr Simms on the passage of a bill that he introduced not once but, somewhat ironically, twice. Even though everyone in here supported the bill last time, it never made it to a vote in the lower house, as the Liberals voted to shut down parliament before it could do so. Perhaps the Liberals and their leader felt that a bill to reduce single-use plastics should in fact be recycled or repurposed.

In any event, the Peter Malinauskas government has moved very swiftly to implement BYO containers because we know that when it comes to recycling or reducing the wasteful practice of single-use plastics there is literally no time to waste. It has been passed this week, with everybody voting for it, which I think continues to send the very clear message that we understand what it is that people expect in relation to single-use plastics.

We understand the seriousness that single-use plastics pose in terms of energy and in water costs to business, and the danger to our oceans and the environment in terms of the waste that single-use plastics create. Our state can continue to lead the way—not with mere words, but with meaningful change—to solving it.

#### **MIETHKE, MS A.**

**The Hon. J.M.A. LENSINK (16:19):** I wish to speak today about Adelaide Miethke OBE, who was born on 8 June 1881 at Manoora, the daughter of Prussian-born schoolteacher Carl Miethke and his wife, Emma (nee Schultze). After attending country schools and Woodville Public School, she became a pupil teacher in 1889 and studied at the University Training College for teachers. She began her sustained interest in teachers' conditions while teaching at Le Fevre Peninsula Primary School. In 1915, she was appointed to Woodville High School, becoming senior mistress of the girls' section in 1920.

From 1914, Adelaide led a campaign to raise the status of female teachers and in 1915 she presided at the Women's Teachers Association conference, which focused on the plight of new teachers facing classes of 60 or 70 students. The director of education gradually began making better use of women's talents. Confident, highly organised and a stickler for protocol, Adelaide Miethke became the first woman vice-president of the South Australian Public School Teachers' Union and at its 1919 annual conference she criticised government inaction, moving urgently for salary increases to meet the rising cost of living.

She attended evening lectures part time and gained a Bachelor of Arts degree in 1924. In November of that year, she was appointed the first female inspector of high schools. Her brief included inspection of domestic arts classes, girls' homemaking schools (later girls' central schools),

mainly teaching domestic subjects but increasingly offering commercial ones. She believed that girls needed domestic skills and a broad general knowledge as well as special training for a career.

As inspector she was both welcomed and feared, for she could be formidable, checking every detail of work including classrooms and courses. Her guidance helped girls into careers in office work and, during the Second World War, in the armed forces and auxiliaries. Other girls became dressmakers or milliners, but almost all had gained household skills. From 1930, Adelaide was responsible for many thousands of schoolchildren entering and exhibiting their work before South Australian industries and manufacturers. She was made a life member of the Royal Agricultural and Horticultural Society of South Australia in 1936—only the third woman to do so.

From 1925 to 1939 she was the commissioner of Girl Guides schools division. She was also state president of the National Council of Women from 1934 to 1940 and national president from 1936 to 1942. She presided over the South Australian Women's Centenary Council, comprising representatives of many women's organisations. She designed and organised the dramatic Pageant of Empire and martialled, through a megaphone, 13,600 schoolchildren, who gave performances at Adelaide Oval on 27 and 28 November 1936, supported by numerous committees and 600 volunteer helpers. Each performance attracted 40,000 spectators, and I will place some amazing pictures on my socials.

Through her work she became widely known and was awarded an Officer of the Order of the British Empire (OBE) in 1937. She raised money to establish the Alice Springs base of the Australian Aerial Medical Service, later known as the Royal Flying Doctor Service. The creation of the Pioneer Women's Memorial Garden on King William Street was made possible from the Centenary Council.

She resigned from the education department in 1941 and directed the schools patriotic fund, which raised over £400,000. Some of this went towards a city hostel for country girl students and after the war to the Royal Flying Doctor Service, of which she was state president. She edited the *Children's Hour* publication for schoolchildren. In her role as president of the Royal Flying Doctor Service she created the world's first school of the air, which began operating as a branch of the Flying Doctor Service in Alice Springs in 1950. She was founding president of the Woodville District Child Welfare Association, which established four preschools.

I would like to thank the National Council of Women for providing these details but also for their event on 8 June at which a number of us attended her gravesite, which is at Woodville and has been restored by the Adelaide Cemeteries Authority—I believe with some funding from the City of Charles Sturt.

### INTERNATIONAL STUDENTS

**The Hon. T.T. NGO (16:24):** I rise today to speak about our international students. As all honourable members would know, higher education is an important export economy for our state and for others as well. However, I do not want to focus on the billions of dollars international students contribute to the Australian economy. Instead, I want to talk about the flow-on effects of international education. I was inspired to speak on this today as I recently attended an event to celebrate the achievements of one of Adelaide's former international students, Mr James Guo.

It was a pleasure to meet James, who founded Adelaide company Auta Group, and his colleagues at the company 10<sup>th</sup> anniversary celebration. James came to Adelaide as an international student from Hebei province in northern China. He studied civil engineering at the University of South Australia and, whilst studying, James and a couple of his uni friends decided to start up a construction business. They started out building a few homes, and today they have a hugely successful company, recently securing building contracts for the construction of the \$200 million Victoria Tower on Grote Street.

In contrast to this company's humble beginnings, Adelaide Auta Group expects to turn over half a billion dollars this year and proudly employs 50 staff. James' story is one of many successful stories about international students contributing to our state while they also create international connections and implement new ways of doing things. Over the years, I have had many conversations with students who have told me that part-time work has helped them to meet new people and learn more about Australian culture.

The study and work connections international students make help produce a bilingual workforce, paving the way for greater collaboration between different cultures. James Guo represents a small portion of international students who meet stringent requirements for permanent residency and take up limited work rights after graduation. It has been reported in the past decade that approximately 84 per cent of international students return to their country of origin, but even when former international students return home they continue to contribute to our nation.

Large numbers of our international students have become important long-term advocates for Australia. Indonesia's former foreign minister is just one example. Dr Marty Natalegawa was Australian educated and improved the bilateral relationship between our nations. There are many more highly successful and influential international officials and delegates who were Australian educated.

Graduates who return to their home country often keep in touch with their Australian peers, university academics and other teaching staff, as well as with their employers. I have heard stories of these connections facilitating access to overseas markets for Australian businesses and providing opportunities for industries to expand their footprint overseas. Australian educated international student graduates, whether or not they remain in Australia, facilitate industry links, diplomacy and national security alliances, economic partnerships and a bilingual workforce.

As Australia learns to live with COVID and opens up our universities, South Australia needs to continue to advocate for international students to choose Adelaide as the place to study because the reciprocal benefits are enormous.

#### **ALI, MR J.**

**The Hon. F. PANGALLO (16:29):** Murray Bridge pensioner John Ali is Australia's forgotten digger, not by his Vietnam veteran mates, who have gone in to bat for him, but by the Australian government. Like many Australians, John served his country with pride and distinction in the 1970s while on a secret mission ordered by the Australian government, but an operation the Australian Defence Force does not want to admit was an official military operation.

Today, 50 years on, John's health is failing, with a heart ailment, post-traumatic stress disorder and a serious blood disorder. All he wants is to access some basic government support to make life a little bit easier for him and his wife. However, numerous attempts by John to claim for a paltry medical entitlement card under the Veterans' Entitlements Act have all but been rejected because the federal government refuses to recognise his active service. It is nothing short of a national disgrace and an insult to one of our surviving Vietnam veteran civilian volunteers.

Despite John being recognised for service during the Vietnam War and in Cambodia and receiving the Australian Service Medal and the Logistic Support Medal for Vietnam, he has been told that he does not qualify for a Veteran Gold Card because his service to his country in the secret operation was a civilian one, not military. It occurred as the war in Vietnam was deteriorating. Neighbouring Cambodia was being infiltrated by communist insurgents and the pro-Western government was struggling, so the Americans and Australians hatched a plan to undertake a secret mission. In John's own words, and I quote:

I was sent to Canberra with six others to meet then Army Minister Malcolm Fraser.

He told us this was a secret mission and we could only tell immediate family.

Under the American and Australian constitutions, we were not allowed to conduct operations in a neutral country like Cambodia.

So John signed the secrecy act and was shipped out to Vietnam and then on to Cambodia with his team. John was not a serviceman, nor were his co-workers; they were civilians working for a trucking company making International Harvester vehicles. Therein lies the problem and the escape clause for the federal government to deny John the commonwealth support he wants and deserves.

The covert operation was sanctioned by the Australian government, and there is ample substantiated documentary and photographic evidence to support this, including that John was part of a small group who were briefed by Malcolm Fraser for a secret mission to transport, drive and

maintain hundreds of International Harvester trucks in Cambodia that were then utilised as troop carriers in Vietnam. John worked for International Trucks at the time.

Cambodia was a neutral country and friendly for a covert operation. John lived in barracks with the 102 Field Workshop. Defence authorities from Australia issued John with weapons, and he regularly took part in live-fire training while in Cambodia. He operated under orders from Australian and US defence personnel. John worked alongside CIA US servicemen and other US government employees. He was paid in US dollars. John and his colleagues were transported by the RAAF from Saigon to Nui Dat and Vung Tau.

He and his comrades risked their lives in service for their country, regardless of whether they were part of the official ADF operations in Vietnam. His version of events was corroborated by another member of the team, the late Robert Outram, who died in September last year and who provided a written statement in June 2010 about the mission, which should be in the ADF's records.

In 2019, the then federal Treasurer, Josh Frydenberg, was able to fast track the delivery of gold cards for members of the Australian civilian surgical and medical teams who provided aid, training and treatment to Vietnamese people during the Vietnam War through the Southeast Asia Treaty Organization. At the time, Mr Frydenberg and the then veterans' affairs minister, the Hon. Darren Chester, hailed them as heroes—they were, and they still are.

Similarly, I contend that John and other members of his unit who are now all deceased are also unsung heroes deserving of support by the federal government. Acknowledging what John did and providing him with a gold card is hardly going to break the Australian government's defence or veterans' affairs budgets. In effect, it will only be a one-off special entitlement made to John, yet his pleas continue to fall on deaf ears. Fifty years on, John is still suffering. John deserves to be treated better—so much better—by a government that sent him to Cambodia in the first place.

#### *Motions*

### **RETURN TO WORK SCHEME**

**The Hon. C. BONAROS (16:35):** I move:

1. That a select committee of the Legislative Council be established to inquire into and report on matters concerning the Return to Work SA scheme (the scheme) with particular reference to—
  - (a) the application of the Return to Work Act 2014;
  - (b) the management and administration of the scheme, including the operations of the ReturnToWorkSA board and case management policies;
  - (c) consideration of the approach of self-insured employers to management of the scheme;
  - (d) the effectiveness of the provisions relating to pure mental harm/psychiatric injuries under the Impairment Assessment Guidelines; and
  - (e) any other relevant matters.
2. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

I think we all know what this motion seeks to do. It was discussed at length yesterday during the debate on the return to work legislation. Obviously, many of us have raised concerns. Indeed, stakeholders—the legal profession, injured workers advocacy groups, the unions, the business sector—have all raised concerns about the way in which the government chose to deal with our return to work legislation.

One of the biggest criticisms and also, indeed, one of the biggest asks, I suppose, on behalf of those sectors was to have a review into our WorkCover scheme. There is absolutely no question that to date that has been the one thing that has been lacking.

I do note that we did have a legislative review into the scheme in 2018 and that a lot of discussion has also taken place about the recommendations in that review, which have not been implemented. We also know that there is a trigger in the bill, based on premiums, that would require a more formal review process to be undertaken.

In the context of the debates that we had and the marathon debate we had yesterday, and generally the way this debate has been handled over the past four weeks, this issue has come up time and again in relation to this systemic need for a review of the scheme as opposed to the short-term bandaid fixes that we have seen from successive governments.

I am not going to traverse what I said last night. I think that is already on the record and speaks for itself in terms of the way this government has handled this bill, other than to say that I guess the most disappointing part about that is, if we park politics for a moment—and that is where these debates really get messy, when we become so engrossed in the politics that we forget there are actually injured workers and very vulnerable people at the end of those schemes who suffer the consequences of what this parliament does.

The WorkCover system and ReturnToWork, however you want to phrase it, has been broken in this jurisdiction for a very long time. We had a marathon debate here in 2014—I think it was the longest recorded debate this chamber has ever had—in terms of the Rau reforms, which completely overhauled WorkCover. They were meant to fix the scheme. They did far from that. Nothing has been fixed.

We heard last year a very pointed warning from the then Treasurer and IR minister, Rob Lucas, about the fact that we were heading into exactly the same sort of scenario that we found ourselves in when those reforms came in when it comes to our liability and premiums and so forth. Again, what irks me in all of that is that none of us want to see businesses suffer but none of us actually focus on injured workers and the impacts that these schemes and these laws have on them.

The legal profession, in my view, has gone absolutely above and beyond in terms of telling us that every time we come here and do these bandaid fixes—and they are precisely what we do when we do policy on the run, when we introduce bills with a view to getting them passed in the same week, which is what the Premier did, when we pull those bills and replace them with another bill and do not consult with anybody—then all we are doing is creating legal uncertainty, increasing legal challenges, undermining the viability of the scheme and also impacting, usually respectively, the rights of injured workers in this state.

I do not know how many times we have to stand up in this place and say that until a government has the intestinal fortitude to say, 'Right, I think we actually need to sit down and address some of these issues properly, have a systemic review.' It is not going to cost this government anything to do that, have a systemic review, take into consideration all the feedback from the legal profession who deal with this issue day in day out—this is all they do—take into account the feedback that they give us about the failures of the bandaid fixes that we keep putting on these bills and have a review into this.

I am not by any stretch of the imagination suggesting that a select committee of this parliament is even the qualified vehicle to do that, but it is in the absence of anything else. Right now, we have a systemic review that is due to take place after the next election. That is the date that has been put on the commitment that was given by the Premier around a systemic review of WorkCover to take place in 2027.

I am not confident that we are going to see that before we start again with the legal challenges. I am very confident, though, that the reforms that we passed in this place yesterday are absolutely going to result in legal challenges, are absolutely, inevitably, going to result in unintended consequences, and I am not convinced by any stretch of the imagination either that they will meet the government's policy intent in terms of keeping premiums down.

Nobody wants to hurt business in this state, but by the same token we should also be equally concerned about the impact that we have on injured workers, and it concerns me greatly that they are always the last consideration, the afterthought in these debates. It is all about keeping business happy, saving political face, not having to concede to amendments, bowing to the pressure of the ReturnToWork board, which has not been subject to any scrutiny whatsoever in this entire process that we have just been through—absolutely none. I do note on that front that the Hon. Tammy Franks is seeking to move a bill, I think later today, that seeks to deal with some of those issues.

We do this and we completely ignore that at the other end of the decisions we are making there are real people, real mums, dads, sisters, brothers, aunties, uncles, friends, whatever the case may be, who are severely injured and impacted by the decisions we make, and we ignore the advice, especially that the legal profession gives us day in day out, about the actual implications that our actions in here have on those lives. That, to me, is completely unacceptable.

As I was saying, I am not suggesting by any stretch that we are the most qualified people to be looking at this but, if there is one thing I know and everybody else in here knows, if you want to shine a light on something that is working really badly, then a committee of this place is a pretty good place to start. Witnesses are usually pretty eager to come and give evidence to a committee about issues that impact them. I am hoping we will hear from not only the legal profession, advocacy groups and the unions but that we will hear from injured workers about the impacts these laws are having on them.

I think it is also really critical to hear from the self-insurers in this space. All the self-insurers I have spoken to have expressed not much of a concern around the changes that we have been debating, not because they are not severe in terms of their impacts but because, unlike ReturnToWork and unlike the way government agencies approach this issue, they operate their schemes in a commercially viable way. I bet every business sector in South Australia would absolutely love ReturnToWork to operate under the same sorts of rules, policies and protocols that the self-insurers sector operates under.

I think there are lots of businesses and government agencies that are probably relieved that they do operate under those schemes because ultimately they do not do anything to prolong a person's pain as much as possible, they do not do things that keep people unnecessarily tied to a scheme and they do not have policies of not offering redemptions—all criticisms that have been levelled at ReturnToWork. They make commercial decisions that are in their interests and that injured workers are happy to accept to get them off a scheme that does absolutely nothing in their interests.

I said it yesterday and I will say it again: the biggest joke around town in this place when it comes to ReturnToWork—and it is actually not a laughing matter—is that if you were not broken before you went into the system, you will certainly be broken by the time you come out. That is something that this parliament should be ashamed of in terms of its outcomes. I will note that, in terms of the terms of reference, I understand why these sectors were all calling for these bills to be postponed and for inquiries to take place before we actually dealt with these debates, but yesterday we really were faced with a Hobson's choice at best.

I do not know how the government could honestly stand where it is standing and say to us: 'We will either pass these reforms and hopefully we will agree to some of your amendments'—and I am very grateful for the amendments that they did agree to—'or we will let the challenges against the Summerfield decision proceed,' which would be absolutely crippling and devastating for injured workers and would see business premiums go over the 2 per cent mark—two really terrible outcomes if a bill did not pass.

So there was not a lot of choice in terms of us dealing with that bill yesterday. It certainly took away the ability for us to defer consideration of that bill. The numbers in this place between the two major parties took away that ability as well, but in light of the advice that we had, it made it very difficult for any of us to seriously contemplate deferring the passage of that bill until a later date, until after some form of appropriate review had been undertaken to consider the ramifications of what the government was going to proceed with.

That was not a choice; that was holding a gun to the heads of members of parliament and saying, 'Here are your two options: you either lose everything you want and businesses get an increase in premiums, or you pass a bill that's crappy and hopefully, if you're lucky, we might let you get some amendments through.' That is the choice that we had yesterday—no less, no more. That is terrible way to make laws in this place.

I have a lot of respect for our Attorney and so I hope he hears this loud and clearly: I sincerely hope that this government does not make a habit of passing laws in the way that they attempted to pass these return to work laws. If that is what we can expect for the next four years in government, it is going to be a busy four years, but by God they can expect more of what they have had for the



last four weeks. That is not good for anybody. It is a pathetic and totally unacceptable way to make laws.

I think it is probably fair to point those comments more towards the Premier, even though it is the minister holding the baby. I will equally direct those comments to the Premier because we know that this Premier has a very different way of dealing with these sorts of issues than the former Premier. I like to say that he rules with an iron fist in terms of getting outcomes and results that he likes. That was certainly on full display over the past four weeks in the way that these debates took place in this place.

From where I sit, it is extremely disappointing. I think the government should be reminded that, from every onlooker who has watched this debate, and that includes the legal profession, that level of disappointment has been relayed to me more times than I can recall in the last four weeks. That is not a good way to be making laws.

I am not going to harp on about this; everybody knows what we are doing. But I will make one other point that I touched on yesterday, and that is the provision that relates to the effectiveness of the provisions relating to pure mental, psychiatric injuries under the Impairment Assessment Guidelines. If there was a real tragic outcome of the John Rau 2014 reforms, it was those that related to psychiatric injuries and the almost impossible thresholds that are set in terms of reaching those thresholds.

I am glad to see that we did not increase the threshold to 35 per cent. I think that was absolutely non-negotiable. I think it is absolutely critical that we focus on the way we treat pure psychological harm, especially, as I said yesterday, in today's environment and given the overtures that have been made by this government in relation to their commitment to dealing with mental illness across their policies as a government in an appropriate way, because we do the polar opposite in the way we treat people and their mental harm when it comes to the Return to Work scheme.

I am going to repeat it again because I think it is important: the advice I have from ReturnToWorkSA and from briefings we have had from the government is that in four years there have been just 10 cases that would have fallen within the bill that we considered yesterday.

Each year, there are only seven workers who actually manage to reach pure psychological harm impairment thresholds—seven in a year—and over four years there have been 10 injured workers who have managed to satisfy the provisions of that bill. Of those seven workers, we have had four who have managed to reach the 30 per cent to 35 per cent threshold and only three who ever made it over the 35 per cent threshold. It is inexplicable to me that we could set the threshold so high that somebody who has suffered pure psychological harm as a result of a work injury is unable to be appropriately compensated for that injury.

The terms of reference of the committee are broad enough to allow for participants in the scheme, including injured workers and their legal representatives, to share their experiences. Indeed, just this morning my office had a phone call already from an injured worker in despair, asking about the things that I had asked about last night in relation to the unilateral cancellation of appointments. She was in despair because she had received a phone call saying that her medicals had been pulled by her insurer last night, despite having scheduled medical appointments this morning.

They are the sorts of people with lived experience who are anxious about the reforms that we are making in this place who we need to be hearing from. We really need to get the ball rolling in terms of shining a light on ReturnToWork, some transparency around the way the board and its management and the scheme functions and operates or otherwise, and a select committee of inquiry by this place is certainly, I think, a very valuable first step in doing that.

The only other point I will make, which I will make reference to again—and I am just taking the opportunity to do that at this point—is that I do not want there to be any misunderstanding or question over where we stand in relation to the bill. If that is the case then I think I have serious questions to ask myself about the speeches that I give. Yesterday, there was a bit of a flurry in the chamber around the third reading of the bill.

Obviously, the numbers were such that we knew where the bill was going to land. I have already said that for me passing that bill was all about making what was a very terrible bill a better

bill, a bill that we could live with, that was preserving the Summerfield decision and, indeed, ensuring that premiums do not go up for businesses at this stage. But by no stretch of the imagination should it have also sent any indication to anybody that overall SA-Best was supportive of that bill, because we were not. All we sought to do was to secure some amendments that made what I said was a terrible bill a better bill, but I will speak to that again a bit later.

With those words, I am urging all honourable members to support this inquiry, and I am hoping that it is absolutely a first step of many in terms of actually really scrutinising the Return to Work scheme in this jurisdiction, the management and administration of the scheme, the operations of the board, its cases and management policies, consideration of the approach that self-insurers take on this issue, the effectiveness of those provisions relating to pure mental harm, and anything else—and indeed the legislation itself as the overarching framework within which all that happens.

With those words, I commend the motion to the council and hope that it will be supported by all, just as it should be.

**The Hon. K.J. MAHER (Attorney-General, Minister for Aboriginal Affairs, Minister for Industrial Relations and Public Sector) (16:57):** I will be very brief. The government will be supporting the honourable member's motion to establish a select committee. The government thinks it is appropriate to look at the application of the act and particularly the focus on the management and administration of the scheme to see if there are improvements that could be made.

Improvements in these things can do two things simultaneously: they can improve the outcome for injured workers and have the ability to simultaneously improve the financial performance of the scheme. If those improvements can be made as a result of this inquiry, of course that would be something that would be welcomed.

Particularly subparagraph (c), 'consideration of the approach of self-insured employers to the management scheme', is something that is worthy to look at. It is something that people with different views on either side of the debate compare it to. There may be things that can be learnt but it may be as well that in examining the operation of self-insured managed schemes it may dispel some ideas that the grass is always greener on the other side.

**The Hon. C. Bonaros:** It's not greener.

**The Hon. K.J. MAHER:** Well, that the operation is better on the other side in some respects. It would be, I think, a worthwhile thing to do, to compare how self-insurance schemes operate compared to the Return to Work scheme, to see if there are things that could be employed in the way the Return to Work scheme operates, but by the same token, it may also highlight some ways the Return to Work scheme operates that self-insurers could benefit from. We as the government support the motion to establish the committee.

**The Hon. H.M. GIROLAMO (16:59):** I rise today to speak on the motion on behalf of the opposition. This bill seems to be the gift that keeps on giving: two bills and one motion to form a committee, all within the space of a month. We all know that last night was a late one, so I will keep this brief. A common description of the formation and progress of this bill throughout the parliament has been 'shambolic and challenging', to say the least, but we will work through this as an opposition, speaking to the business community, crossbench and government.

As mentioned last night, after much consultation undertaken by the opposition with key stakeholders we have formed our position based on what we believe is the best way to support businesses and workers. There is a big task ahead for the government to keep their promises. Whilst the opposition supports the bill and most of the 50-plus amendments that went through last night, we believe, for a variety of reasons, that a committee is the logical next step to make sure neither businesses nor workers are left behind in a worse position than they were before.

As I said in my speech yesterday, we need to make sure that the government supports the business community, which is already facing many challenges, supports workers who find themselves injured in workplace accidents, engages with lawyers who work on behalf of injured workers, ensures that the changes to the whole person impairment rate from 30 to 35 per cent does not create greater issues for workers, guarantees that the average premium rate for 2023-24 will not exceed 1.9 per cent, and continues assessments of the scheme's financials by actuaries.

As I have already mentioned, we have spent a lot of time consulting with key stakeholders over the last few weeks to make sure we are supporting those communities and businesses. Whilst the business community overall supports these amendments, the committee presents an opportunity to hold the government to account and to make sure that going forward there are not hikes in premiums and unfair disadvantage for employees. With the introduction of the second bill, the government told unions and the business community to trust them. It is now up to the government to manage the implementation and outcomes of the bill.

A committee is a great way for the parliament to monitor and provide ongoing recommendations and support to this important area and to hold the government to account. The opposition supports the establishment of a select committee of representatives from the Legislative Council to inquire into and report on matters concerning the Return to Work scheme.

**The Hon. R.A. SIMMS (17:02):** I rise to speak very briefly on behalf of the Greens and my colleague the Hon. Tammy Franks to indicate our support for the select committee to inquire into the Return to Work scheme. I do not wish to reventilate the arguments that have been made by my colleague, but I do wish to highlight for members' benefit the work of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation's inquiry into the Return to Work Act and the Return to Work scheme, which tabled its final report at the end of 2017.

There were 18 recommendations as part of that report, which have largely remained untouched. In particular, the committee highlighted the important work of early intervention and we hope the new inquiry will look at these matters. We also hope the inquiry will look at how the scheme can be made more accessible for injured workers and fairer for them.

We are pleased to note that in particular this inquiry has in its terms of reference consideration of the way provisions relating to mental harm and psychiatric injuries function. We believe that is an important consideration. Fundamentally, for us, we believe that this is a very important examination of this scheme and the Greens are happy to support it.

**The Hon. C. BONAROS (17:03):** I thank the Attorney and Minister for Industrial Relations, the Hon. Heidi Girolamo and the Hon. Rob Simms for their remarks, and indeed for the chamber's support for this very important motion. I look forward to its good work.

Motion carried.

**The Hon. C. BONAROS (17:04):** I move:

That the select committee consist of the Hon Heidi Girolamo, the Hon. Emily Bourke, the Hon. Irene Pnevmatikos, the Hon. Nicola Centofanti and the mover.

Motion carried.

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

That the committee have power to send for persons, papers and records, to adjourn from place to place and to report on 30 November 2022.

Motion carried.

## ABORTION ACCESS

**The Hon. S.G. WADE (17:05):** I move:

That this council—

1. Affirms the right to access termination of pregnancy services through quality health services under the law;
2. Acknowledges that the Termination of Pregnancy Act 2021 commenced on 7 July 2022; and
3. Indicates that, barring significant unintended impacts, the Legislative Council would not support revisiting the law in this parliament.

Last week, the Supreme Court of the United States of America stepped away from *Roe v Wade* as an authoritative legal precedent. The court no longer recognises that there is an entrenched legal right to abortion under the Federal Constitution of the United States. While this decision has no legal

impact in Australia, it has raised concerns that access to termination of pregnancy services in Australia will be curtailed.

I think it is important to stress the different legal context in each country. In the United States access to abortion has relied on a 1973 decision of the Supreme Court, a decision made 49 years ago. In the Australian context, access to abortion primarily relies on legislative regimes put in place by state parliaments. In 1969, South Australia became the first Australian jurisdiction to legislate for lawful termination of pregnancy. There is strong community support for continued access to termination of pregnancy services in South Australia.

Since 1969, there have been significant developments in abortion practice. In particular, medical abortions have become available, which no longer involve surgical procedures. The law needed to be updated to reflect contemporary clinical practice, to uphold patient care standards and provide equity of access, particularly for regional South Australians. Last year, the parliament of South Australia passed the Termination of Pregnancy Act 2021. The law moved regulation of termination from the criminal law to health law and updated the law in light of the significant changes in medical practice over the last 50 years.

Many South Australians are concerned that the Roe v Wade decision may lead to moves to not only wind back the modernisation of the law provided by the 2021 reforms but also significantly limit access to termination of pregnancy. The motion I move today gives the opportunity for the Legislative Council to reassure the people of South Australia that this parliament, in a pluralist society, will continue to support access to termination of pregnancy. The motion gives the opportunity for the Legislative Council to recognise the significant work done to get the balance right in the Termination of Pregnancy Act 2021.

In particular, a substantial report was prepared by the South Australian Law Reform Institute and extensive debate was undertaken in both houses of parliament. The parliament has a range of issues that it needs to address, both legislative and policy. I cannot see the justification for prioritising revisiting this legislation when a thorough review was only concluded last year.

This motion gives the opportunity for the Legislative Council to affirm the reality that it will take time to discern the strengths and weaknesses of the updated law. The law has not even come into effect. It will take time for the act to be implemented, it will take time for its impact to be assessed. Barring significant unintended impacts, it would be premature for the act to be revisited in this parliamentary term. I stress that this motion is being put by me as a private member. I commend the motion to the council and I seek leave to conclude my remarks.

Leave granted; debate adjourned.

### **CHILDREN LIVING IN RESIDENTIAL CARE**

**The Hon. S.L. GAME (17:09):** I move:

That this council recognises that—

1. There are 634 children and young people in residential care in South Australia;
2. There is a strong link between children and young people living in residential care and being detained in Kurlana Tapa Youth Justice Centre;
3. There are a disproportionate number of Aboriginal and Torres Strait Islander children in residential care;
4. Many children and young people in residential care do not feel safe;
5. Young people living in residential care homes are particularly vulnerable to targeted sexual exploitation by adults in the community, but there are also allegations of abuse by carers, employees and volunteers of the department or agency;
6. There have been incidents of peer-on-peer sexual abuse;
7. There are severe shortages of safe and appropriate placement options, which means children with known histories of harmful sexual behaviour have been placed with other at-risk children, and, in some instances, it has taken many months to move children at risk;
8. There is insufficient carer staffing in some residential care homes;

9. There is often inadequate training of carers in relation to identifying and responding to sexual abuse, and there are unclear reporting processes for carers and managers;
10. Regular face-to-face communication from properly trained and caring advocates is essential to establish a relationship and enable the possibility of better protection for these children and young people; and
11. The current government funding for a visitor role for children in residential care is inadequate and does not enable even an annual visit to each residential care facility.

The 634 children and young people in residential care need better representation advocacy. These are some of the most vulnerable people in our state and they deserve every effort to rectify their situations. It has become, unfortunately, almost an expectation that the trajectory for these young people is that of a path of abuse, exploitation and low educational outcomes.

It is shameful that there is such a blatant connection between children in residential care and children in our youth justice system. It is shameful that Aboriginal children make up a disproportionate number of young people in residential care. It is shameful that at-risk children are placed with peers who have been so traumatised and abused themselves that peer-on-peer abuse seems normalised. It is shameful that the advocates for these young people are not resourced sufficiently to visit even once per annum, let alone the minimum recommendation of four visits per year.

I ask that this parliament recognises that better funding desperately needs to be allocated for oversight advocates to help ensure that these children and young people have a voice, that they can begin to feel safe and that they know they have someone representing their needs.

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

#### *Bills*

### **RESIDENTIAL TENANCIES (RENT CONTROL) AMENDMENT BILL**

#### *Introduction and First Reading*

**The Hon. R.A. SIMMS (17:11):** Obtained leave and introduced a bill for an act to amend the Residential Tenancies Act 1995. Read a first time.

#### *Second Reading*

**The Hon. R.A. SIMMS (17:11):** I move:

That this bill be now read a second time.

I rise to speak on the Residential Tenancies (Rent Control) Amendment Bill. This bill seeks to limit rent in line with CPI to protect renters from unreasonable rent hikes. For far too long, high rental prices have put pressure on our most vulnerable South Australians, and it is time for us as a parliament to step in. As we know, the cost of living across our state, and indeed our nation, is skyrocketing. People are struggling with increased fuel costs, increased grocery costs and high housing costs.

Nearly 30 per cent of South Australians rent their home. According to a SACOSS report, data shows that, on average, renter households had lower incomes than home owner households and spent proportionately more of their income on housing. Furthermore, that report showed that 39,556 renters in December 2021 were experiencing housing stress. With rising costs across the board, too many people are struggling to pay the rent and make ends meet.

According to the SA Housing Authority, the cost of renting has increased by 20 per cent over the last two years, far outstripping the rate of CPI, which currently sits at 5.1 per cent. In some locations, such as Murray Bridge, we have seen an increase in rent prices of almost 70 per cent—70 per cent. This is simply unsustainable and untenable.

Just this morning, it was reported in multiple news outlets that Adelaide has overtaken Melbourne in average rental rates, with Adelaide seeing a 4.3 per cent increase in rates over the last quarter. On average, rent has increased from \$350 per week to \$490 per week over the last two years. So it is now cheaper to live in Melbourne than it is to live in Adelaide. Something must be done.

Data from CoreLogic has shown that rental rates are rising at a faster rate than housing values. The rapid increase of rent added to existing cost-of-living pressures is forcing people into poverty and homelessness. My office regularly hears stories about the increase of rent and the impact that this is having. The Anti-Poverty Network, which does really important work in this space, has shared stories from tenants who have been adversely impacted by rent increases, and I want to share some of those with you for the benefit of *Hansard*. One has said:

Our rent went up a few months back to \$250 from \$190. We can't afford anywhere else and given we are two pensioners, we would never be accepted for another property. I know because we've been trying to move since before the pandemic.

Another says:

My rent just increased by \$500 a month yesterday. Fortunately, it was from a low baseline and I do have a part time job, but it's still a lot of money. It's going to be rough for many of us.

Another says:

Mine is just about to go up...from \$360 a week to now \$500 a week for a very standard, nothing special, small three bedroom home. The stress is absolutely overwhelming...

Another:

My entire JobSeeker Payment is spent on my rent. This is the cheapest rent anywhere I could find.

Another says:

Even having a job where I work 20-30 hours per week, which is the most I can manage with my disability, I struggle to cover all expenses.

And here is a story from one renter:

I've moved house about 2 months ago to a new rental. This rental had an asking price of \$410 per fortnight. We offered \$420 after months of rejections without even having our application opened taught us that we have to play the price fixing game. Agent calls a few days later stating that another applicant had offered \$450 and asking if we would match it. What option did we have? Stay at my parents' house for another 3 months waiting for a golden goose? What was wrong with the other applicant? Did they ever exist? So here we are paying \$40 above asking price for a rental with rats living in the walls due to a huge hole in the exterior wall. Raised this with the agent and was told to buy bait.

The story is dire for people who are trying to live on the minimum wage. Anglicare's Rental Affordability Snapshot of 2022 highlighted that a single person working full time on the minimum wage could afford only two rentals in greater Adelaide or no properties in regional and rural South Australia. Nothing at all was affordable in regional South Australia. Compare this with ten years ago. In 2012, 30 per cent of properties were affordable to people on the minimum wage.

People living with a disability or on the aged pension are being left behind. As we know, the National Rental Affordability Scheme, which gave private owners and community housing organisations a subsidy to provide affordable housing, is being wound up in 2026. This is outrageous. There are fears that those owners and organisations will simply increase rents back up to the market value when the scheme ends. We are already seeing right now that the market is simply not addressing the housing crisis. We need to do something. We need to find alternative measures.

Rent control has been used to protect renters in jurisdictions right around the world but also in Australia. It really is not that radical a concept. During the Great Depression, rent control was used by the Menzies government to ease pressure on families and to keep a roof over their head. Menzies was hardly considered a Marxist, but he embraced rent control as a need to respond to this crisis. It was then continued by the states, with rent control used in New South Wales, Victoria and Western Australia.

In Victoria, rent control continued alongside public housing until the mid-1950s when policy decisions were made to instead favour home ownership. The COVID-19 pandemic is reminiscent of the postwar world. It has been the biggest global shift since the Second World War, and it has resulted in similar difficulties: people being forced into homelessness, rising costs of living and people struggling to stay afloat.

This bill limits rent increases to stay in line with inflation—the CPI. Currently in South Australia, landlords can increase their rent once every twelve months without any legislated control.

That has created an uneven balance of power between landlords and tenants. This bill seeks to restore the balance. It ensures there is protection for renters. By increasing rent only in line with CPI once every 24 months, renters can be sure that they will not be pushed into housing stress through an unexpected price hike.

Ireland uses general rent control to match general inflation. Introduced back in 2017, it was used as a lever to stabilise rent in areas that were identified as being under housing pressure. In that jurisdiction, rent increases are now moderate in designated rent pressure zones. New York implemented rent control in 1994. While this has been successful in terms of regulating rent, there were some flaws with their particular rent control program and my bill addresses some of those.

The bill addresses some of those shortfalls in terms of looking at what has happened overseas in places like New York and Ireland. Ensuring that rent control is in place regardless of the tenant or the landlord means that landlords are unable to use such a mechanism as an excuse to raise the rent or to evict tenants. In the ACT and in Victoria, limits have been put on the ability to increase rents. In those places, they are also banning no-cause evictions. These are reforms that the Greens have been advocating for for some time and that we hope to see in South Australia.

We have heard from landlords that they want to be able to increase the rent when improvements are made to the property. This bill ensures that they can do just that. They can increase the rent beyond CPI if the amenity or standard of the property is improved or if they are offering additional services, facilities or goods. It also allows the landlord to apply to the tribunal to increase the rent beyond CPI in certain circumstances.

Housing is a fundamental human right. It should be the right of each and every South Australian to have a roof over their head and a place to call home. We need to think of rental properties not as commodities but as homes for our citizens. Having a secure roof over your head is one of our most basic needs. As members of parliament, it is our duty to ensure that people's housing needs are met. The Greens believe that tenants in private rental, public and community housing must be supported by legislative safeguards, and this bill would ensure that renters are not forced into homelessness or housing stress as a result of soaring rental prices.

As stated by Liam Davies of the Centre for Urban Research at RMIT, regulating rents would have a lasting positive impact on Australia—it certainly would here in South Australia. In considering this bill, I would urge members of this place to consider the plight of the people we seek to represent, those South Australians who, through no fault of their own, have found themselves during this housing crisis forced out onto the street. We see them when we spend time in our city, people literally living on the street in the middle of this cold winter, people who are forced to live in their cars, people who are forced to live in tents, people who are forced to live for prolonged periods in caravan parks.

Surely we can do better than that in a country like Australia? Surely we can do better than that in a state like South Australia? If members of parliament are not supportive of this bill, then I ask them to consider what they are going to do to help these people who desperately need our help, because we cannot simply say, 'Let the market decide.' We have seen what happens. This has not happened by accident.

We have seen both the Labor Party and the Liberal Party fail to do anything to deal with social housing over the last 10, 20, 30 years. As a result, the chickens have come home to roost and we are seeing the impacts being felt by vulnerable South Australians. I urge members of this parliament to act, to step up and to do something to help these desperate people, because we cannot continue to do nothing. We cannot continue collectively to sit on our hands whilst so many South Australians are in trouble. We have to help them.

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

## **YOUNG OFFENDERS (AGE OF CRIMINAL RESPONSIBILITY) AMENDMENT BILL**

*Introduction and First Reading*

**The Hon. R.A. SIMMS (17:24):** Obtained leave and introduced a bill for an act to amend the Young Offenders Act 1993 and to make related amendments to the Spent Convictions Act 2009 and the Youth Justice Administration Act 2016. Read a first time.

**CHILDREN AND YOUNG PEOPLE (SAFETY) (CHILD AND YOUNG PERSON'S VISITOR)  
AMENDMENT BILL***Introduction and First Reading*

**The Hon. S.L. GAME (17:25):** Obtained leave and introduced a bill for an act to amend the Children and Young People (Safety) Act 2017. Read a first time.

*Second Reading*

**The Hon. S.L. GAME (17:26):** I move:

That this bill be now read a second time.

I seek to introduce an amendment bill that enshrines proper resourcing for the important role of the Child and Young Person's Visitor in residential care. It is a small change but makes an impactful difference to the visitor, their staff and the children and young people they visit in over 200 residential care facilities across South Australia. The wording is consistent with other similar roles represented in the Children and Young People (Safety) Act 2017, that is:

The Minister must provide the Child and Young Person's Visitor with the staff and other resources that the Visitor reasonably needs for exercising the Visitor's functions.

Children in residential care are amongst the most vulnerable in the state. They come from complex and difficult backgrounds. They have repeated occurrences of trauma in their young lives. They do not have a home they can rely on. They do not have adults within their sphere whom they can trust. They are living amongst other young people with traumatic and often violent and abusive histories. These children and young people are more at risk of physical, sexual and emotional abuse than just about everyone else in their demographic.

Residential care should be a place that allows children to reset, feel safe and get on with the business of healing and learning, but we know about what happens between children. Abuse from carers does happen. Self-harm is rife. The risk of suicide is high. These children more often than not have not learned how to truly trust anyone, and many of them believe deeply that they do not matter—and why would they when there is currently no legal obligation for the government to resource the people who would call to check on them, to make sure they are safe and listened to?

Independent reviews concluded that four visitations per residential facility per year is the very minimum required to give any kind of due diligence of identifying abuse and neglect. An increase on this will assist in creating relationships. This change will help to ensure the team are able to visit and build trust with those most vulnerable in our state, giving them an avenue of advocacy and representation. To me, this is a small piece of legislation that encapsulates some of the most important work we are privileged to be a part of, and I commend this amendment bill to the chamber.

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

*Motions***MARINE PARKS**

**The Hon. R.A. SIMMS (17:29):** On behalf of the Hon. T.A. Franks, I move:

That the notice under the Marine Parks Act 2007 concerning Authorised Management Plan Amendments, made on 17 February 2022 and laid on the table of this council on 3 May 2022, be disallowed.

I rise to speak on this motion on behalf of my colleague the Hon. Tammy Franks, who is unfortunately unwell today and absent from the chamber. Marine parks and sanctuaries are a long-proven foundation for protecting our marine plants, animals and ecosystem processes. Australia's first marine park, the Great Barrier Reef Marine Park, is a much celebrated example globally. Much of the life in the waters off South Australia is unique. Some of our most popular tourism destinations in SA are coastal waters. Our waters are key to our lifestyles, be it tourism, recreation or fishing.

The Greens have long been champions for the great benefits that marine parks and sanctuaries can provide to communities. With so much to value and look after in South Australia's marine environment, scientists, stakeholders, local communities and successive state governments



have worked since 1990 to put in place a network of marine parks and sanctuaries in our state's waters.

It has been a long and understandably often challenging but very important endeavour. As with all reforms, we learn and we adapt as we go. In recent years, three sectors—conservation, commercial fishing and recreational fishing—have come together to explore the potential of finding a common ground on a small handful of matters that need resolution going forward in order to ensure a more enduring protection outcome for South Australia's marine waters.

Early last year, the sectors presented recommendations to the former government for a small number of adjustments to the network, building on the work of those sectors and governments that did the hard yards over many decades, in particular the former Rann-Weatherill government, in order to get the network of 19 marine parks and 87 sanctuaries in place and operational 10 years ago.

Much of the work putting in place the recommended adjustments was done by the former Marshall government, but time ran out in the lead-up to the March state election. We know they prorogued the parliament, leaving some key elements yet to be completed. Therefore, the management plan amendments currently before the Legislative Council deliver some of the elements of that agreement but not all.

Those remaining elements include the delivery of compensation for net fishing licences in Upper Gulf St Vincent (focused on reducing fishing effort in the broader Upper Gulf St Vincent area around one of the most important sanctuaries in the network: the Clinton Wetland Sanctuary) in order to keep that unique sanctuary in place and sanctuary protections across the network, including the creation of new protections in the waters off Kangaroo Island.

The Greens believe it is important that the entire agreement be finalised and implemented as a package in its entirety before these management plan amendments pass the parliament. Therefore, we need to pause the passage of the regulations currently before the parliament in order to finalise the remaining elements.

We understand that all parties to the recommendations are committed to working with the new government to see this matter finalised and implemented as soon as possible, as they believe support across the political spectrum and sectors anchors the marine parks network and offers the best opportunity for sustained healthy waters in SA into the future.

We therefore anticipate that a final vote on this motion will not be required, as we expect the matter to be resolved in a timely fashion through the resumed sectoral discussions, the outcomes of which would then be put to the government. In the meantime, our motion today will ensure the extra time that is needed to allow the completion and delivery of a full package of changes together.

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

## **PARTHENON SCULPTURES**

**The Hon. F. PANGALLO (17:35):** I move:

That this council—

1. Acknowledges the Parthenon in Greece is an iconic monument of significant Greek cultural heritage and of outstanding universal value as a World Heritage site.
2. Recognises that the Parthenon sculptures—integral parts of the Parthenon—were illicitly removed in an act of archaeological destruction and theft by Thomas Bruce, the 7th Earl of Elgin, from 1801-1804, transported to London and then sold to the British Government in 1816.
3. Does not recognise the British Museum trustees and the British government's claims of legal title to the sections of the Panathenaic frieze, pedimental sculptures and the metopes originally belonging to the Parthenon and which were looted by the Earl of Elgin.
4. Recognises the UN General Assembly unanimously adopted a resolution introduced by Greece in December 2021 for the return or restitution of cultural property to the countries of origin.
5. Supports the recommendation of United Nations Educational Scientific and Cultural Organisation's (UNESCO) Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP) in May 2022, calling

on the United Kingdom to urgently enter bona fide dialogue with Greece to reach a satisfactory settlement to return the priceless sculptures.

6. Supports the Greek government, the International Association for the Reunification of the Parthenon Sculptures and other groups and innumerable individuals from around the world, including Australia, demanding the British Museum returns and reunites its sections of the Parthenon sculptures with those parts on display in the Parthenon Gallery in the magnificent Acropolis Museum, in proximity to and within view of the Parthenon.
7. Calls on the President of the Legislative Council to write to:
  - (a) the Prime Minister of the United Kingdom, the Rt Hon Boris Johnson;
  - (b) the Lord Mayor of London, the Rt Hon Vincent Keaveny; and
  - (c) the Board of Trustees of the British Museum;

to express the views of this council and request that the British Museum and the government of the United Kingdom, in an act of universal goodwill, forthwith take steps to permit the reunification of the Parthenon sculptures to their legitimate permanent historic home, Athens, Greece.

I rise to speak on the motion in my name. It is intended to convey to the British Museum and the British government that this council strongly supports the international call for the immediate restitution of the museum's collection of marble artefacts ransacked from the Parthenon at the turn of the 19<sup>th</sup> century by Lord Elgin.

If you were to ask people to name the most important cultural monument still standing to this day, three would immediately come to mind: the Great Pyramids and Sphinx of Egypt, the Colosseum in Rome and, arguably the greatest of all, the Parthenon atop the Acropolis in Athens. Can you imagine the uproar today if there was an attempt to remove priceless historical artefacts or interfere with them, as happened to the Parthenon, or outrage if someone came here and chopped off the head of Colonel William Light on Montefiore Hill and took it to a museum overseas?

The Parthenon, even in its breathtaking ruinous majesty, remains an enduring symbol of the legacy the ancient Greeks left us. The indelible image of its stone portico held aloft by imposing hand-carved columns represents the very heart and soul of our modern civilisation, of democracy, justice, learning and art. Its emblematic style has been copied into so many buildings of importance and governance in cities around the world—look around here.

The temple was built for the goddess Athena 2,500 years ago and encrusted with magnificent marble sculptures carved by the master sculptor Phidias. Today, it bears the scars of centuries of war, occupation by foreign powers and the many archaeological looters and vandals who plundered and did much to destroy its beauty, robbing the Greeks of their proud cultural identity. Central to all this is the fight for the return of the much-prized sculptures and frieze looted from the Parthenon by Thomas Bruce, the 7<sup>th</sup> Earl of Elgin, a Scottish nobleman who was Great Britain's ambassador to the Ottoman Empire from 1801 to 1805.

Elgin is almost reminiscent of the character Rene Emile Belloq, a greedy and cunning French archaeologist-cum-treasure hunter who locks horns with rival, Indiana Jones, in the first instalment of *Raiders of the Lost Ark*. Elgin had cut a dodgy deal with the Turkish rulers who had invaded and occupied Greece centuries earlier to hack off sections of the Parthenon's stunning frieze, pedimental sculptures and metopes. Among them, the stunning head of a horse crudely chopped from a grand chariot figurine. All-up, Elgin took about 75 metres, around half, of the marbles to London during a colourful period in which he had to salvage some of the stripped items from a ship that had sunk, then spending three years in a French prison, followed by a costly divorce.

In 1816, financially desperate Elgin sold off the priceless sculptures for around £35,000 to the British government, which later passed them on through legislation to the British Museum. They are now displayed in a dreary, colourless room known as the Duveen Gallery, which is not befitting of their historic grandeur. As Yana Sistovari, artistic director of Thiasos Theatre Company, put it:

Ripped out of their context and set in the Bloomsbury gloom, they are a sad symbol of pillage, war and colonialism...

At the time when Elgin was flogging them off, the British parliament debated the merits and legalities of Elgin's actions, but caved in to Elgin's claims that the sculptures would be in safer hands in London

and that he also had a legitimate bill of sale to support his claim of legal ownership, although nobody has ever sighted that document. Some might argue there may have been some merit in Elgin's argument that the sculptures had a better chance of surviving in London than Athens, considering the political turmoil that existed through that country's tortured history of occupation.

The Acropolis was a strategic stronghold and subjected to sieges and explosions, including one in 1687, a bombardment by the Venetians in 1827 that resulted in damage, and as recent as World War II when the Nazis—among the worst plunderers of treasures and antiquities—occupied Greece and flew the swastika on the Acropolis.

As it turned out, much of what Elgin did not chop off in the temple of Athena still survived, but why would the Turks allow Elgin to vandalise such a sacrilegious monument? Elgin is said to have offered bribes to local Ottoman authorities he knew and who would have had no affinity to ancient relics held so dear by the suppressed Greeks. Fundamentally, the Turkish invaders perhaps did not care less nor want for Greek heritage to survive during their 400 years of occupation.

My late father-in-law, Constantinos Economos, a scholarly font on the history of his birthplace, often gave me history lessons on how the Turks had unsuccessfully tried to wipe out the Greek language, culture and customs. Religious scholars, risking execution if caught, had kept the flames of learning alight in secret rooms in monasteries, some of which can still be seen today.

The Ottomans were eventually overthrown in the uprising of 1821. However, 200 years later the wounds of that brutal occupation have not completely healed, hence the frigid relationship that exists between the predominantly Christian Orthodox Greece and its provocative Muslim neighbour, which coincidentally last month officially changed its name from Turkey (with an 'e') to Turkiye (with an 'i').

From the first photographs ever taken of the Parthenon in August 1839 by Pierre-Gustave Joly de Lotbinière, using an imaging technique known as daguerreotype, Elgin's crude desecration of the building's portico can clearly be seen. While the Parthenon can never be built to its former glory, there is hope that much of what was stolen and found its way into private collections and museums can be returned to its ancestral home.

Some countries, including Italy, are starting to do this by returning smaller pieces in their possession, but Britain—among the most notorious of colonial plunderers from nations in their once vast commonwealth, Australia among them—stubbornly refuses to budge, perhaps fearing it could open the floodgates with other museums around the world being pressured to return items whose acquisition may have been illicit.

Well, it is happening quietly. An upside to the worldwide campaign for the return of the Parthenon sculptures is that it has stoked the debate about the ethics surrounding the origins of colonial-era cultural treasures in national collections and whether claims for their return should be recognised.

Major museums are already reviewing their policies, with some returning pieces to their places of origin. Germany's Prussian Cultural Heritage Foundation, which oversees 27 museums and cultural organisations, is returning several looted objects to Cameroon, Nigeria and Namibia. In the largest restitution of cultural artefacts in Scotland's history, Glasgow Museum will return 17 Benin bronzes. The city will also return looted Indian antiquities and Lakota cultural objects from the battlefields at the Wounded Knee Massacre.

Under sweeping reforms, the Smithsonian, with 19 museums in the United States, says it will now consider ethical rather than legal concerns with restitution claims. Museum objects found to have been looted, taken under duress or otherwise unethically sourced are eligible for return to their country of origin. One of its curators, Lonnie G. Bunch III, said in a statement:

There is a growing understanding at the Smithsonian and in the world of museums generally that our possession of these collections carries with it certain ethical obligations to the places and people where the collections originated. Among these obligations is to consider using our contemporary moral norms, what should be in our collections and what should not. This new policy on ethical returns is an expression of our commitment to meet these obligations.

In recent years, we have seen the repatriation of the remains of First Nations people stored in British and overseas museums. So why should it stop there? The British museum also has on display, in its curiously titled 'Enlightenment Room', the Gweagal shield, seized from Indigenous warriors by Captain Cook's landing party in Botany Bay in 1770. Can I suggest here that the South Australian government, through the Premier and our Minister for Aboriginal Affairs, the Hon. Kyam Maher, write to the British Museum requesting loaning the shield to our state as a key exhibit when our Aboriginal museum at Lot Fourteen opens in 2025.

The international movement to have the Panathenaic sculptures returned to Athens was started in earnest in 1980 by the then Greek minister for art and culture, the famed actress Melina Mercouri, who said they represented 'the essence of our Greekness'. Since then, the movement has gathered enormous momentum with the United Nations, all the member states of the European parliament, many influential writers, thinkers, politicians, artists, lawyers, leaders of industry and celebrities joining the chorus of support for the reunification of the sculptures.

In September 2021, the United Nations Educational Scientific and Cultural Organisation (UNESCO) advocated for the return of the sculptures. In December 2021, the UN General Assembly unanimously adopted a resolution introduced by Greece for the return or restitution of cultural property to countries of origin. In May this year, UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property (ICPRCP) called on the UK to urgently enter bona fide dialogue with Greece to reach a satisfactory settlement.

The Brits continue to resist in the face of overwhelming public judgement and overtures from Greek Prime Minister Kyriakos Mitsotakis (I understand the Greek Prime Minister is touring Australia later this year) and his culture minister, Lina Mendoni. The UK Ministry of Culture backed out of discussions after initially agreeing to them.

The British Museum director, Hartwig Fischer, insists that they will not be going back because Greece is not the legal owner and has ruled out an open-ended loan. A former British Museum director, Neil MacGregor, said that they will never be returned, that the issue was yesterday's question and that they were no longer part of the story of the Parthenon but part of another. Whatever that other story is, Mr MacGregor's contemptible assertion does not sit comfortably with the opinion of the world community.

Prominent international jurist, academic and author Geoffrey Robertson, in his most recent book *Who Owns History? Elgin's Loot and the Case for Returning Plundered Treasure*, describes the trustees of the British Museum as, and I quote, 'the world's largest receivers of stolen property', with much of their loot not even on public display. He accuses the museum of telling a string of carefully constructed lies and half-truths about how the sculptures were saved, salvaged or rescued by Lord Elgin.

The British Museum rejects that the collection was stolen, insisting it has legitimate title to the collection. I will read part of a statement, one of many the museum has made, about this sensitive issue, and I quote:

The British Museum collection is a unique resource to explore the richness, diversity and complexity of all human history and our shared humanity. The strength of the collection is its breadth and depth which allows millions of visitors an understanding of the cultures of the world and how they interconnect—whether through trade, migration, conquest, conflict, or peaceful exchange.

The Parthenon Sculptures are an integral part of that story and a vital element in this interconnected world collection, particularly in the way in which they convey the influences between Egyptian, Persian, Greek and Roman cultures. We share this collection with the widest possible public, lending objects all over the world and making images and information on over four million objects from the collection available on our website.

They go on to say how they have even lent items to Greek museums, not that that would have left them short. According to information researched by the British Committee for the Reunification of the Parthenon Marbles, the British Museum holds 108,184 Greek artefacts, of which only 6,493 are on display.

The British Museum has arrogantly argued that the sculptures should not be returned because there was no appropriate place in Greece to display them. However, since 2009, Greece has the perfect home, and it is ready for them. It is the magnificent Acropolis Museum, facing the

Parthenon, which I visited twice. I hope to do so again later this year, when I intend expressing to its directors our parliament's support for the sculptures' return.

Millions of visitors each year marvel at the museum's incomplete collection of sculptures from the Parthenon, which fills a sundrenched gallery stoically facing the old building. This motion calls upon the President of this council to write to the Board of Trustees of the British Museum, the Lord Mayor of London and the British Prime Minister, the Rt Hon. Boris Johnson, requesting that, as an act of goodwill, they take immediate steps to permit the reunification.

Sadly, Mr Johnson has become somewhat of a turncoat on the issue, after saying in 2012, when he was Mayor of London, that Greece was the rightful owner. He refuses to put the matter on the agenda in any official talks between the British and Greek governments. So why should we care in Australia? Australia is one of the great bastions for the reunification. To start with, there are more than one million people of either Greek descent or heritage living in this country.

The Australian Parthenon Association, formerly Australians for the Return of the Parthenon Sculptures, headed by David Hill, a former head of the ABC, and supported by Sydney-based lawyer George Vardas, is spearheading the movement in conjunction with international counterparts. More importantly, there is a universal message here and one of enormous international goodwill. Giving back the sculptures will be symbolic of restoring and recognising the rights of nations who had their cultural heritage and property robbed by imperialistic invaders, occupiers and opportunists.

I commend the motion to the chamber. I will serve notice that I intend bringing this to a vote on Wednesday 7 September.

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

#### *Bills*

### **APPROPRIATION BILL 2022**

#### *Introduction and First Reading*

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

### **RETURN TO WORK (SCHEME SUSTAINABILITY) AMENDMENT BILL**

#### *Final Stages*

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

#### *Personal Explanation*

### **RETURN TO WORK (SCHEME SUSTAINABILITY) AMENDMENT BILL**

**The Hon. C. BONAROS (17:58):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. C. BONAROS:** My personal explanation relates specifically to the bill and the message that has just come back. In the flurry of activity late yesterday evening, whilst I was talking to the minister, engrossed in a conversation with the minister, I missed the third reading of the return to work bill and the opportunity to speak at the third reading of that bill. I did not realise we had moved into the third reading so quickly, given the conversation that I was having with the minister at the time, and the opportunity had been lost.

Given that we are now considering the message from the lower house, I want to place on the record SA-Best's formal position on the bill. What we did yesterday was, as I said, to make a terrible bill better. Personally, given the options put to us and the numbers in this place, I did not feel that we had much choice, especially in light of the very dire consequences of potentially losing the Summerfield precedent and the advice provided to government on that front.

That said, there were, and continue to be, elements of what was proposed yesterday, such as the transitional provisions, the retrospective application, the 35 per cent threshold and, indeed,

the process, that SA-Best cannot in good conscience put our names to. The same can also be said for the deeply flawed process around the making of that piece of legislation.

There is no doubt in my mind that the bill that was passed will, despite the best of intentions, result in a mountain of legal challenges and uncertainty and miss the mark in terms of policy intent overall when it comes to premiums. I do not want that to be the outcome, but that is certainly the views that have been relayed to me, and I hold grave concerns that we will be back here, one way or another, with more bandaid fixes unless and until this government and this parliament have the intestinal fortitude to deal with a systemic holistic approach to the Return to Work scheme.

In a nutshell, my view is that if we think we have fixed WorkCover then we are absolutely kidding ourselves. Whilst we moved heaven and earth—and believe me, we did move heaven and earth collectively over the last four weeks—to make a terrible bill a better bill, at no point have I signalled our support for the overall passage of this bill and the process, and we remain opposed to the bill overall.

With the chamber's indulgence, I would also like to take this opportunity during my personal explanation to thank stakeholders, the members of the legal profession, injured workers' advocates, the unions and everybody who has been involved, for their work and assistance on the amendments and on a better appreciation on our part of this bill. I would like in particular to thank the Law Society, the ALA and Lawyers for Workers.

If I can name one person in particular, that is barrister Ms Eloise Theodore, who has provided countless hours of advice, not just to me but to absolutely all members of this place and the other place who have availed themselves of the opportunity to understand how our WorkCover scheme works in practice and what the practical application and ramifications and, indeed, adverse implications of the existing laws and both bills introduced in this place look like on a day-to-day basis.

In my view, that aspect of what we do in here compared to how these laws apply in the real world and the effects they have is always what is lacking in these debates and I cannot emphasise enough the importance of that advice in the context of what we do in this place, so I thank Ms Theodore.

**The PRESIDENT:** The Hon. Ms Bonaros, you sought leave to make a personal explanation. You have made your personal explanation. This is not a second reading speech. Please bring it to a conclusion. You have had the leave of the council. We have been indulgent, but bring it to a conclusion, please.

**The Hon. C. BONAROS:** Thank you, Mr President. I was about to do that. I was about to end by saying that it should not fall on those professions to advise members of this place how to do their job, but unfortunately that is the position we often find ourselves in. I reiterate for the record that when it comes to the passage of this bill there should be absolutely no mistake that our position was to make a worse bill better. I indicate that the bill does not have the support of SA-Best.

At 18:04 the council adjourned until Thursday 7 July 2022 at 11:00.