LEGISLATIVE COUNCIL

Tuesday, 27 September 2022

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:01 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:03): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and questions without notice to be taken into consideration at 2.15pm.

Motion carried.

Bills

CONTROLLED SUBSTANCES (PURE AMOUNTS) AMENDMENT BILL

Standing Orders Suspension

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:03): I move:

That standing orders be so far suspended as to enable the introduction forthwith of the Controlled Substances (Pure Amounts) Amendment Bill.

Motion carried.

The PRESIDENT: I note the absolute majority.

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:03): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:04): I move:

That this bill be now read a second time.

The bill I introduce today is the Controlled Substances (Pure Amounts) Amendment Bill. The bill makes urgent amendments to the Controlled Substances Act 1984 that have become necessary following the decision of the Court of Appeal in the matter of Kingston v The Queen and Maxwell v The Queen, referred to in my second reading explanation as the Kingston decision.

The applicant in Kingston made a successful application for a retrial on charges of trafficking a large commercial quantity—200 kilograms in this case—of a controlled substance commonly known as fantasy. The ground of appeal that is relevant for the purpose of this bill related to the lack of a 'pure weight' being prescribed for this substance in the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014.

Schedule 1 of the regulations contains a table of controlled drugs for the purposes of the Controlled Substances Act, and schedule 2 has a similar table for controlled precursors. The table sets out the chemical name of the controlled drug, and lists the relevant weights for a commercial

quantity, a large commercial quantity and a trafficable quantity for the drug. The categories are in some instances further divided between a 'pure' weight and a 'mixed' weight.

The pure weights are generally less than the mixed weights, effectively meaning that a smaller amount of pure substance than a mixed substance is required to put an offender into the higher category of offence. So for example, for methamphetamine, a large commercial quantity offence requires half a kilogram of the drug contained in a mixture, but only 0.1 of pure methamphetamine is needed to fall into the same offence category.

Overall, about 5 per cent of the controlled drugs listed in the regulations have a pure weight listed, with the vast majority only having a mixed weight. This is partially because it is difficult to determine what an appropriate pure weight is for many substances, and also in many cases the testing for the purity of substances is not routinely available.

Prior to the decision in Kingston, matters were generally prosecuted on the basis of the relevant controlled drug or precursor being contained in a mixture, and therefore the mixed weights listed in the regulations were used to determine the appropriate category of offence. In the past, the view was taken that a substance that was anything less than 100 per cent pure was contained in a mixture, even if the substance had not been deliberately mixed or 'cut' with another substance.

The presence of manufacturing impurities or other results of natural chemical degradation meant that the substance could not be considered pure, scientifically speaking. Charges for drug offences were most often laid and prosecuted on the basis that the substance was contained in a mixture, and therefore the mixed weights prescribed in the regulations were used.

However, in the Kingston decision, the fantasy drug in question was shown to be 98 to 99 per cent pure, with the 2 per cent made up of impurities or chemical degradation, and the court found that because this substance had not been mixed or cut with another substance it should have been considered a pure substance. It followed that because there is no pure weight listed for this in the regulations there is no relevant offence of trafficking a large commercial, or commercial, quantity of the pure substance and only the basic trafficking charge was available.

To put that into perspective, the maximum penalty for trafficking a large commercial quantity of a controlled drug is life imprisonment. The maximum penalty for the basic trafficking offence is 15 years imprisonment for a serious drug offender or for an aggravated offence and 10 years imprisonment in other cases.

The decision in Kingston quite clearly has very significant implications for the prosecution of some of the most serious offences in the Controlled Substances Act. Criminals who traffic in huge quantities of controlled drugs and precursors are some of the most serious offenders, who are often involved in organised crime groups who make substantial amounts of money off the back of preying on the community by trafficking and dealing in these substances.

It is clear to me that it was never intended that the lack of a prescribed pure weight for a given substance should be taken as an intention not to criminalise trafficking or manufacturing of large quantities of pure controlled drugs or controlled precursors. Rather, this is an instance of an unintended consequence of not prescribing a pure weight in the regulations along with the Controlled Substances Act not containing a definition of what is meant by 'pure' or 'mixture'.

The older type of controlled drugs, such as heroin, cocaine and methamphetamine, can be more easily tested for purity and have both pure and mixed weights prescribed in the regulations and are therefore not an issue. However, newer synthetic types of controlled drugs, such as the one mentioned before known as fantasy, are becoming more common and are much more often manufactured in overseas laboratories and imported into Australia without being cut or diluted.

Controlled precursors are much the same in that they are purchased in their pure form, not mixed with other substances, but in each of these cases it is common that the pure substance may still contain a very small amount of impurities as a result of the manufacturing process or other chemical contamination or, as I mentioned before, degradation.

Dealing with the issue created by the Kingston decision is not, unfortunately, a question of simply prescribing pure weights for every substance listed in the regulations. Aside from it being a

huge task to sit down and determine an appropriate weight for all the substances listed, it leaves the issue of needing to be able to determine whether or not the substance you are dealing with in a particular case is pure or not.

As I mentioned earlier, for many of these new synthetic drugs, which are becoming more and more common, Forensic Science SA does not have the testing capabilities to conduct purity testing to the level that would be required to prove to a sufficient standard whether or not the substance is pure. Because of this, even if pure weights were prescribed for each substance in the regulations, it would not be possible to conduct the required testing on each substance. Therefore, an alternative approach has been taken to address the issue, in the form of this bill.

The bill has 4 clauses and a schedule containing a transitional provision, and the substantive clauses of the bill are clauses 2, 3 and 4. I will also note that there is no commencement clause, and therefore the bill will commence upon receiving assent in order for it to take effect as soon as possible.

Clause 2 amends the definition of 'commercial quantity', 'large commercial quantity' and 'trafficable quantity' in section 4 of the Controlled Substances Act. It inserts a new subsection (ii) into the definitions which provides that, for a drug or precursor not contained in a mixture, where there is no pure weight prescribed in the regulations the mixed weight is to be used.

Clause 3 makes an amendment in the same terms to section 33LB of the Controlled Substances Act to the definition of 'prescribed quantity' of a controlled precursor.

Clause 4 of the bill amends section 33OA of the Controlled Substances Act to insert a clause setting out how it is to be determined if a controlled drug or precursor is contained in a mixture or not. The new section 33OA(3) provides that a controlled drug or precursor is taken to be contained in a mixture unless it is proved beyond a reasonable doubt that the drug or precursor was not contained in a mixture or was in its pure form.

In effect that means that, for those substances where it is likely to be pure (such as the one in the Kingston case) but there is not sufficient purity testing available, the substance will be taken to be contained in a mixture, and so the relevant mixed weights are used. In the rare case (such as Kingston) where, for some reason, specialist testing has been conducted and it has been found that the substance is pure, the new limb of the definitions in section 4 are enlivened and allow the mixed weight to be used for that substance where no pure weight is prescribed.

The transitional provision in schedule 1 of the bill provides that the amendments to the principal act contained in the bill are to apply retrospectively. The amendments are taken to apply, and to have applied, as if they formed part of the principal act from 10 September 2009.

This date was chosen as the earliest available date where the definitions of 'commercial quantity', 'large commercial quantity' and 'trafficable quantity' were present in the principal act in their current form such that the new part of the definitions inserted by the bill can be read as forming a part of those definitions. The retrospective application of the amendments, in this case, is essential to preserve previous convictions that may have been vulnerable to challenge following the Kingston decision.

It is the intention of the bill that the amendments made to the principal act will be taken to have always formed a part of the Controlled Substances Act since the relevant date, and as a result it is the clear intention of the bill that the amendments will therefore apply to, firstly, any proceedings for a relevant offence finalised before the day on which this act is assented to (including, without limitation, proceedings where a conviction or finding of guilt was recorded before that day); secondly, any proceedings for a relevant offence commenced (but not finalised) before the day on which this act is assented to; and, thirdly, any proceedings for a relevant offence commenced on or after the day on which this act is assented to.

This transitional provision is vital to the operation of the bill, as it applies to past proceedings and convictions, present proceedings yet to be finalised, and of course future proceedings, covering all possible situations and ensuring that these unscrupulous drug traffickers and manufacturers do not slip through the net.

Applying any legislation to operate retrospectively is not a common decision to take; however, the situation that has arisen here presents some exceptional circumstances which make it necessary for the protection and the safety of the community. The retrospective application of the provisions of the bill does not create new criminal liabilities that would catch persons unaware; rather, the provisions restore the previous understanding that law enforcement, prosecution and also defendants had been operating under, which is that where there was not pure weight prescribed for a substance and the substance could not be shown to be pure to a satisfactory standard the mixed weight was used.

Everyone in the community is aware that trafficking or manufacturing controlled substances is illegal. The individuals and organisations involved in trafficking or manufacturing commercial or large commercial quantities of these substances are sophisticated players and know that their conduct is illegal. The retrospective application of these provisions prevents those persons from taking advantage of an unintended loophole created by the Kingston decision.

It is strongly against the public interest for convicted drug traffickers and manufacturers to be able to go back and challenge a previous conviction on such a technical point when the facts of the trafficking and the manufacture are not in question.

This bill will ensure that offenders cannot get away with only the basic trafficking or manufacturing offence or, indeed, escape conviction altogether when they are in fact dealing with huge quantities of controlled substances and precursors, and they will instead face the appropriate penalties. I commend the bill to this chamber and seek to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

The short title is the *Controlled Substances (Pure Amounts) Amendment Act 2022*.

Part 2—Amendment of *Controlled Substances Act 1984*

2—Amendment of section 4—Interpretation

The definitions of *commercial quantity*, *large commercial quantity* and *trafficable quantity* are amended so that, in relation to a controlled drug or controlled precursor that is not contained in a mixture (that is, a drug or precursor in its pure form), a *commercial quantity*, *large commercial quantity* or *trafficable quantity* (as the case requires) is—

- if an amount is prescribed for the purposes of the relevant definition by the regulations—a quantity of the drug or precursor that equals or exceeds the amount so prescribed; or
- if an amount is not prescribed—a quantity of the drug or precursor that equals or exceeds the amount prescribed (for the purposes of the relevant definition) as the quantity for any mixture containing the drug or precursor.

A definition of *mixture* is also inserted.

3—Amendment of section 33LB—Possession or supply of prescribed quantity of controlled precursor

The definition of *prescribed quantity* (relating to a controlled precursor) in section 33LB(5) is amended consistently with the amendments to the definitions in section 4.

4—Amendment of section 33OA—Basis for determining quantity of controlled substance

A new subsection is inserted into section 33OA to provide that, for the purposes of the definition of *trafficable quantity*, *commercial quantity* or *large commercial quantity* in section 4(1) or the definition of *prescribed quantity* in section 33LB, a controlled drug or controlled precursor will be taken to be contained in a mixture unless it is proved, beyond a reasonable doubt, that the drug or precursor was not contained in a mixture or was in its pure form.

Schedule 1—Transitional provision

1—Amendments apply retrospectively

The transitional provisions provide that the amendments to the *Controlled Substances Act 1984* effected by the measure will be taken to apply, and to have applied, as if they formed part of the *Controlled Substances Act 1984*

from 10 September 2009 (immediately after the commencement of the *Controlled Substances (Controlled Drugs, Precursors and Cannabis) Amendment Act 2008*).

The Hon. J.M.A. LENSINK (11:16): I rise to make some remarks in relation to this piece of legislation. In doing so, I thank my learned colleague the member for Heysen for his advice in relation to the Liberal Party's position and his support in preparing for this debate today. This bill, as the Attorney has already outlined, was introduced in response to the decision of the Court of Appeal in Kingston v The Queen; Maxwell v The Queen on 1 September 2022. The decision identifies a problem in the definition in relation to measurement of a quantity of controlled substances, in this case butanediol, which goes by the common name of fantasy.

As has been publicly reported, the Court of Appeal ruled that, as South Australian legislation does not have a quantity for pure forms of more than a hundred drugs, people in possession of pure quantities could not be convicted of trafficking large commercial and commercial quantities of drugs. In the particular case in question, this has reduced the maximum penalty that the pair were facing from life in prison to a potential 15 years and also has broader implications for current and future prosecutions, including people who may be captured as part of Operation Ironside.

The Controlled Substances Act provides for trafficking offences, including in section 32, that include offences by reference to the quantity of the relevant controlled drug. Where an offence is constituted by reference to a quantity—for example, a large commercial quantity—the relevant quantity is prescribed by regulation. The regulations specify quantities of controlled drugs, including butanediol. For the purposes of many but not all controlled drugs, a definition of quantity is prescribed for mixed and pure forms, respectively. At paragraph 86 of the judgement, the Court of Appeal observed:

> In the distribution of controlled drugs, it is a notoriously common practice to dilute the drug by adding another substance, or substances, either to maximise profits or to ensure that the dose delivered will provide the euphoric or narcotic effect without causing a fatality or serious illness. The process is colloquially referred to as 'cutting'. The proportion of the additive to the drug in its pure form varies widely. The quantities prescribed for the pure form of a controlled substance are often significantly less than the quantity prescribed for the mixed drug because of the practice of drug dealers to dilute or 'cut' a drug before it is sold to an end-user.

In the Kingston judgement, the Court of Appeal found that the relevant drugs were in a pure form but were treated at trial, and impermissibly, as though they were mixed. As a result, the Court of Appeal found that the evidence did not establish the charged quantity offence and instead substituted a verdict of guilty of attempted trafficking of an unquantified amount.

This bill provides for the assessment of quantity of those controlled drugs for which a pure quantity is not prescribed by regulation as a mixed quantity in default. If a controlled drug is found to be in a pure form but the regulations are silent on the quantity required for that controlled drug to fulfil a definition of it in a pure form then the measure to be used will be the controlled drug in its mixed form.

The bill further provides, and unusually, that the amendments will apply retrospectively, that is, as the Attorney has outlined, in order to ensure that proceedings already finalised, commenced or in prospect will not be affected by the decision of the Court of Appeal in Kingston. The Liberal Party supports the bill.

The Hon. R.A. SIMMS (11:20): I rise in support of the Controlled Substances (Pure Amounts) Amendment Bill on behalf of the Greens. As both the Attorney-General and the Hon. Michelle Lensink have stated, as a result of the recent Court of Appeal decision in the case of Kingston v The Queen it has been revealed that there is a loophole where pure forms of drugs are not set out in the regulations.

We believe that the bill the government has introduced today remedies this, plugs that gap in the legislation and ensures that the legislation better reflects the will of the community. I think it is fair to say that there was considerable shock in the community in response to that verdict and considerable concern about what that might mean, and so we welcome the government's decision to bring this legislation forward.

I will put on the record that, whilst the Greens support penalties for trafficking and the distribution of large quantities of some drugs and support closing this loophole, we do also believe

that it is important when dealing with drugs that we have a discussion around harm minimisation and around reducing the stigma often associated with those who take illegal substances.

The war on drugs does not work. We have seen around the world governments moving towards legalising and regulating some drugs, such as cannabis, and we should be looking at drug taking from a health perspective, not a law and order perspective. My colleague the Hon. Tammy Franks MLC has introduced a bill to legalise cannabis, and I do hope that this parliament considers it as a step forward in terms of dealing with drugs from a harm minimisation perspective rather than a criminal law response.

There are a number of strategies that we can take to implement a health-based approach to drugs. Recently, I called on the Malinauskas government to make pill testing available in our state. In July, the ACT government opened the nation's first fixed-site pill and drug testing clinic, and next month I will be travelling to the ACT to have a look at that site.

This kind of testing facility is greatly needed in South Australia. Pill testing services exist in 20 countries across Europe, the Americas and New Zealand. Pill testing is a harm reduction strategy that not only makes drugs safer but also provides transparency around what is in the market, an important measure to improve user knowledge and education and one that discourages people from using potentially harmful substances. In 2019, the National Drug Strategy Household Survey found that 57 per cent of Australians supported pill testing, with only 27 per cent being directly opposed.

We should be looking to early intervention measures to ensure drug takers are informed and make safe decisions. The South Australian Network of Drug and Alcohol Services in their 2022 position paper on drug law reform states that seeking to address related harms through the criminalisation of people who use drugs is neither effective nor humane. SANDAS takes the position that there should be a strong criminal justice response to the manufacturing, supplying and trafficking of drugs outside of a regulated supply system, but that personal use should not be stigmatised or criminalised.

SANDAS has a number of recommendations for legislative reform that I encourage members of this place, in particular the government, to consider as we move forward in addressing drugs as a health issue. That said, we recognise, of course, that this bill is dealing with trafficking and selling of drugs, and in the Greens we do draw that distinction between the users of the end product and those who are seeking to traffic and sell drugs. On this basis, we are supportive of the bill.

The Hon. C. BONAROS (11:24): I rise on behalf of SA-Best to speak on the Controlled Substances (Pure Amounts) Amendment Bill 2022. From the outset, I think it is very important to put on the record that we, as a parliament, only support the swift introduction and passage of legislation, particularly retrospective legislation, in the most extraordinary of circumstances. This is one of them, and I do not say that lightly, and I do not think anyone in this place treats that issue lightly.

As other honourable members have mentioned, this bill has been introduced today in response to the recent Court of Appeal decision of Kingston v The Queen; Maxwell v The Queen [2022]. Just briefly, again for the record, the appellants were jointly charged with attempting to traffic a large commercial quantity of butanediol, one of the three controlled substances commonly known as fantasy. I understand that that was in the vicinity of some 200 kilograms, with a purity of 98 per cent to 99 per cent.

In finding the liquid was fantasy in its pure form and not a mixture containing butanediol, the Court of Appeal decision has thrown a bit of a curveball requiring parliament's very urgent clarification. With no existing prescribed large commercial quantity for butanediol in the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014, only basic trafficking or manufacturing offences are current options on retrial and for similar fact circumstances.

This bill seeks to amend the definitions of 'commercial quantity', 'large commercial quantity' and 'trafficable quantity' in the Controlled Substances Act 1984 to provide for the use of mixed weight for substances not contained in a mixture, otherwise known as pure substances. It further seeks to amend section 33OA of the act to make clear controlled drugs or precursors will be taken to be contained in a mixture unless proved beyond reasonable doubt otherwise. It is important to note this

bill does not seek to move the goalposts, it simply clarifies where those goalposts were thought to have been positioned prior to the Court of Appeal's interpretation of 'mixture'.

Inaction, or even a slow reaction, could have far-reaching implications for current and future large commercial drug trafficking matters. It also has the potential to open the floodgates of appeals of past convictions. Either way, that is probably an inevitable outcome that we are going to have to deal with, but I do understand that there are at least 13 current similar fact matters currently on foot which may be impacted by the Court of Appeal decision. Some are due to return to court before parliament resumes in October, hence the urgency here today. No doubt we will inevitably deal with the outcomes of the passage of this bill in due course, but with those very brief words we support and look forward to the rapid progression of this bill today.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:27): I thank those who have contributed on this debate—the Hon. Michelle Lensink, the Hon. Robert Simms, the Hon. Sarah Game and the Hon. Connie Bonaros—and thank them for their support. I think, as a number of speakers have mentioned, this is not the usual way procedures operate in this chamber and the usual way laws are made. It is only for the most exceptional of circumstances, of which we recognise this is one.

I thank the members both for their contributions today but also their and their parties' helpfulness in terms of being able to take briefings from officers to understand the gravity of this issue in quite a small amount of time. As we said, I do not think any of us want to see people who manufacture and traffic in very large quantities of drugs that can be quite harmful and are often associated with organised crime finding themselves facing lesser penalties than what, I think, was recognised as the clear intent of this parliament in the past.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PLEBISCITE (SOUTH EAST COUNCIL AMALGAMATION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2022.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (11:32): I rise to indicate that I am the lead opposition speaker on the Plebiscite (South East Council Amalgamation) Bill 2022. This bill was introduced on the very same day that nominations closed for the local government council elections. Voting papers for those elections will be going out in just over two weeks' time, which means that the government is scrambling to get this legislation through both houses in order to get the plebiscite vote out with the usual local council voting papers. It is an extremely short time frame and it is the definition of policy on the run. The good people of the South-East know it, and they are far from impressed.

We really did have an outrageous situation during the last full sitting week, where convention went out of the window in the other place and the opposition and the Independents were having to deal with this bill, as I understand it, at the Premier's behest, sitting somewhat late into the evening whilst the Premier, in all of his arrogance, knew they had the numbers and in a display of contempt for this place and for the people of the South-East, took off to Canberra for an evening to socialise.

This is utterly disrespectful. If the roles were reversed, the mob opposite would have screamed blue murder. Why? Because it smacks of hypocrisy. For the Premier to use his position in

a top-down approach and force this upon the good people of Mount Gambier and the District Council of Grant and then not even bother to turn up for the debate is poor judgement. The people of these communities deserve better. That is why I visited the South-East last week, along with my colleague the member for Flinders and shadow minister for local government, to speak with local residents about this bill.

We did this because those of us on this side of the of the chamber appreciate the importance of consultation, communication and community engagement. We also communicated with many others in writing. The feedback we have received has been emphatic. The community feel once again like they are being set up as guinea pigs for the advantage of the rest of the state, just like Labor did with those communities previously with the forward sale of their forest assets a number of years ago.

Let's be clear, there is already a process for looking at local government boundaries. The South Australian Local Government Boundaries Commission is the independent body that assesses and investigates council boundary change proposals and makes recommendations to the minister. There are a number of ways this investigation can be triggered: first, by resolution of either house of parliament or by the minister himself or by a council or councils and, lastly, by the prescribed percentage of a number of eligible electors, that being the members of the community who will be impacted by that decision.

This begs the question: why have the councils or communities of either the City of Mount Gambier or the District Council of Grant not put forward a proposal to the independent Local Government Boundaries Commission already? I can only assume that this is probably because these communities are not ready or prepared for this to happen. If the local government minister believes that this process is flawed, then why not propose to amend the legislation? If the minister believes this process is not properly resourced, then why not advocate for the Treasurer to allocate more funding?

Why should the communities of the South-East be used as a test case once again? Where is the justification for this process? These are specific questions the communities have asked us when we met with them to discuss this bill. If there is a sound justification for this bill, it is yet to be properly communicated.

The Premier speaks about a peculiar situation, which is what he described as a donuted council when it comes to the arrangements with Grant and Mount Gambier, and the local government minister has used similar language. This scenario is not unique to these councils. This circumstance happens in a number of different areas in our state. It also happens in other jurisdictions in Australia. Furthermore, some of these communities have already put forward proposals for the boundary commission to consider.

So the question must be: why not enable and support communities who are already looking at their council boundaries, instead of picking on those in the South-East who have not even asked for this to occur? Why is this the Plebiscite (South East Council Amalgamation) Bill? Why not enable a plebiscite for other councils, ones that have already put forward proposals and whose communities have already started the conversation? What is the Premier's obsession with the South-East? Your guess is as good as mine, Mr President.

Last week, when the member for Flinders and I travelled to the South-East, we listened to what the community members and ratepayers of the City of Mount Gambier and the District Council of Grant had to say regarding the plebiscite. I would like to take this opportunity to again thank the people of the South-East for taking the time to talk to us. They are busy people—they are working, farming, raising families and running businesses, contributing to their region and our state's economy. To be frank, these people probably have much better things to do than take time out of their day to travel to Port MacDonnell or to the East Gambier Football Club to speak to us about their concerns about this process and this plebiscite, but they came because this issue is incredibly important to them and to their community.

Do you know what they told us? They told us they are frustrated and angry with this process and want transparency. They want transparency about what this question will mean for them and their community going forward. This is a thought bubble plebiscite, with scant detail that creates more uncertainty for the good people of the District Council of Grant and the City of Mount Gambier. What

is more, if it is unsuccessful it means that any future proposal, to quote the Premier, would be 'dead for a generation'. Why and how?

We have a Premier who is foisting a process onto the South-East community with little regard as to what impact it may have on that community. These communities want clarity around what a successful plebiscite looks like. How is it that when this legislation was in the lower house the Minister for Local Government said:

> There is no single vote, no single number, that will automatically result in any action. The government will…consider…how voters across both councils voted, how voters in each council voted and, in the case of the District Council of Grant, how voters in each of the three wards voted. It will consider the voter turnout across both councils in each ward and, in the case of District Council of Grant, in each of its three wards.

And:

> I have been advised that there is no threshold. We will analyse the results when they come in and what we will do is have a look at it. I can given you my word that that is what we will be doing.

But then, when questioned after the opposition's community forums, the minister, in the media, declared that a simple majority of over 50 per cent of all votes on the plebiscite across both councils will be considered a positive response.

Well, which one is it? They have gone from saying, 'We will look at both councils separately' to 'We will now lob them in together and lock them in as a whole.' Of course, if the latter of the minister's comments are true, this means that the District Council of Grant, as a smaller council and population, can effectively be ignored in this process. To me, this does not just sniff, it reeks of a forced process.

It beggars belief that the Premier and his government would not understand or appreciate the fairness and merit of proportional representation. The City of Mount Gambier certainly understands it, so does the District Council of Grant, so does the Local Government Association, who have publicly stated that they do not and would not support forced amalgamations, and so does the opposition. The government has shown this chamber and the people of the South-East that they cannot be trusted to be consistent and transparent with the definition of a 'successful plebiscite', amongst other things.

The community members we spoke to in both Mount Gambier and Port MacDonnell were firm in their desire to ensure that, if the plebiscite is to go ahead at all—and we were hard-pressed to find anyone within the community in favour of this plebiscite—then the definition of a successful plebiscite must be one in which there is proportional representation of both the District Council of Grant and the City of Mount Gambier, and that is a fair request.

They have also asked that, if this plebiscite is to go ahead, a clause be inserted into this bill around reporting of the plebiscite vote to ensure transparency. They would like to see the reporting of the percentage of voter turnout in both councils as well as the breakdown of yes and no votes for the City of Mount Gambier, as well as the breakdown of yes and no votes for the District Council of Grant and its wards.

That is why we the opposition are putting forward two sensible amendments to this bill. I would encourage the government and the crossbench to support these amendments, which have come not from us but from the community members of the City of Mount Gambier and the District Council of Grant. I note the Hon. Mr Simms has also put in an amendment. I will not speak at length about this amendment during this speech except to simply say that this is an amendment that the opposition would certainly be supportive of. In fact, it was an amendment that we had considered but thought that to proceed with it we would have to considerably amend the Local Government Act.

I thank the honourable member for ensuring the opposition were aware of this amendment as soon as practicable and I commend the Hon. Mr Simms for his thoughtfulness around this amendment as it does achieve one of the desired outcomes, which is to give the South-East community the autonomy to decide their future and ensure that any council amalgamation is not a forced one. I also note that the government indicated they had their own amendment to their own bill, less than two hours before sitting. It seems they have recognised the lack of transparency and have decided to be somewhat transparent in terms of reporting of the vote and we welcome this.

Last week was incredibly important for us on this side of the chamber. It was a chance for us to listen to the Mount Gambier and Grant communities because that is who this legislation is going to affect, and they thanked us for doing so. They said, 'Thank you for coming down to our community, engaging with us on a serious issue and doing what the Premier and his government should have done before they lobbed this grenade on us without any warning, without any consultation, without any information as to why now and why like this.'

On behalf of these people I would like to say to the government that this process should have started from the ground up, from the community itself, not from a select group of individuals working with the Premier in a top-down approach. This process should not have been forced upon individuals in the South-East to fit in with the state government's agenda and should not have been lumped with local government elections for convenience. This process should have started with the government holding community forums on this issue, like the ones we the opposition held to gauge community sentiment for the proposal and, if that was positive, to then consider a plebiscite with a clear question and a clear outcome for the community of the South-East.

For the government to be trying to rush this bill and this plebiscite through in a short time frame should be a point of shame to the Premier, the local government minister and the government. They should be showing more respect to the communities and the councils of the South-East.

The Hon. R.A. SIMMS (11:44): I rise to speak on behalf of the Greens on the Plebiscite (South East Council Amalgamation) Bill 2022. I want to put on the public record on behalf of the Greens our concerns with respect to amalgamations. Council amalgamations do not have a good track record, and we have seen in other jurisdictions that forced amalgamations can, indeed, deliver very negative outcomes for the community.

This plebiscite does give residents of the District Council of Grant and the City of Mount Gambier some level of a say in their future direction but we do worry that there are no appropriate safeguards in place to ensure that the views of the community are heard and respected. Over the last 30 years we have seen forced amalgamations in Victoria, New South Wales and Queensland. In both of these places, merger plans have led to service cuts and reduced community representation.

In 2007, Queensland saw widespread protest, following the announcement of forced council amalgamations. Cootamundra-Gundagai Regional Council has recently announced their decision to demerge due to five years of financial and staffing issues. For regional areas, mergers are particularly challenging, as big, amalgamated councils can struggle to represent wider geographical areas with diverse interests.

There is also a concern about the potential for job cuts in the local government sector, particularly during this period of economic uncertainty, and I would love to know the views of the key unions that represent council workers in these jurisdictions on these council merger plans. We are pleased that this bill does not force amalgamation on residents, but does ask a clear question: 'Do you support the examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?' Consultation is integral in any democracy.

Our concern, however, is that should local residents indicate their interest in exploring an amalgamation, there is no appropriate safeguard in place to ensure that the views of the more populous area are not dominating the outcome of the poll. There are also no safeguards in terms of what happens next. If the people of Grant and Mount Gambier vote in a plebiscite that they are, indeed, in favour of exploring an amalgamation, it is not clear what the government does next in terms of further community consultation. I will later be moving an amendment to require the government to go back to the people in those council jurisdictions as a precursor for any amalgamation, and I consider that to be a very important safeguard.

My office has received correspondence from constituents in the relevant council areas detailing their concerns. Some are fearful there will be a forced amalgamation by stealth, and some are concerned about whether the residents of Grant will be given equal consideration to their peers in Mount Gambier. Some ratepayers are also concerned about the speed and the lack of information in the lead-up to this plebiscite. I would say that the government's timing has been less than optimal.

Springing this bill on the parliament a minute to midnight before council elections is not a sensible way to approach a reform such as this.

These concerns should not fall on deaf ears, and if this plebiscite is a precedent for future amalgamation plebiscites, then we should heed the concerns of residents and ratepayers and ensure that all of their voices are heard. We believe that the process that follows this plebiscite must involve further community consultation, and when the Productivity Commission and the boundary commission consider the implications of an amalgamation, we are moving today that there be a secondary plebiscite held in those council areas as a precursor of any amalgamation plan.

I mentioned before some of the concerns arising from amalgamations, and I may put on the public record some of the data coming out of New South Wales. I did mention the Cootamundra-Gundagai Regional Council amalgamation. Those councils were forced to merge back in 2016 and a de-amalgamation process was announced this year after reports published by the Local Government Boundaries Commission.

The 70-page report described escalating tensions between the two communities following the forced merger of the shires in 2016. The council has been plagued by conflict and financial troubles throughout its short history. Mayor Charlie Sheahan is quoted after the release of the reports saying:

> We can do the finances to death, but [we need to] start talking about the social aspect and the impact that's having on the people and that has come through in these submissions. That has played a big part in the decisions [that have been made].

Public submissions were overwhelmingly—overwhelmingly—in favour of demerging the councils. Since those councils have merged there has also been financial and staffing problems, and these were detailed in the LGBC public hearings in July. Over the five years to June 2021, the total spending exceeded the council's original adopted budget by $15.8 million. That is interesting when one considers the case for mergers, particularly in a regional context. We are often told that it is going to result in savings to ratepayers. The evidence in other jurisdictions is that that is not the case.

In 2020, a freeze on merging the two rate systems of the formerly separate councils came to an end, and the councils had until June 2021 to complete the harmonisation process. One pensioner in the local area has said that her rates increased by more than $200 as a result of the council merger. She stated the increase could not be justified because her area did not have the same services as major centres that were also included in the new merged council.

We need to think very carefully about what happens to councils when mergers take place: what happens in terms of rates, what happens in terms of service delivery and what happens in terms of community representation and the community voice. I am sure that these are all issues that the communities of Grant and Mount Gambier will turn their minds to, should this bill pass the parliament. I intend to make some additional comments in relation to my amendments during the next stage of the bill.

The Hon. F. PANGALLO (11:52): I rise on behalf of SA-Best to say that we will be supporting the bill and the government amendments, and one of the amendments from the opposition, but not those from the Greens. I will echo the sentiments of my colleagues on the crossbench, and the opposition, about the timing of this piece of legislation. Again, it is rushed, and it comes at a time when the council nominations have been done and dusted, and of course we are into the caretaker mode and the ratepayers of both Mount Gambier and Grant are now being expected to not only consider the election of their council members and also their respective mayors, but also this prospect of kickstarting a process that could lead to amalgamation.

Of course, our concerns are in the District Council of Grant, particularly, because they are a small council area. In fact, they only cover 1,897 square kilometres and there is a population of 8,511, compared to the City of Mount Gambier, which covers 38.88 square kilometres and has a population of 27,642. There are 12,785 households in Mount Gambier compared with 3,869 in the District Council of Grant. The minimum weekly income for the District Council of Grant is $1,383 while in Mount Gambier it is $1,053. The size of the Mount Gambier council is quite significant—153—whereas in the District Council of Grant the staffing level there is 87.

As I mentioned, the electoral enrolment date closed after 29 July this year. Of course, the bill was introduced afterwards. There are issues with participation by people in those respective council areas. As we know, in local government there is voluntary voting, which is something I am opposed to. I think it should be mandatory voting. However, there are people who are probably thinking that it is too late for them to have their say and that have not enrolled, but that is a debate for further down the track.

The plebiscite requirement to commence examination is 50 plus one, and the data will assess where the two categories of votes are across the two councils. The government formula falls short of its intended purpose. I would have liked, if we had time to discuss this bill, there to be a definition of what constitutes broad community support for this process to begin.

The lack of community consultation has resulted in confusion among the community where there is not a proper understanding about what the intent of this bill is. I think there are people out there who think that this is going to lead to a council amalgamation, when in actual fact it will not. All it does is begin the discussion in both those areas, and it will also trigger an examination of the amalgamation, with an independent assessment to be carried out to assess the feasibility.

As we know, with issues like this, community consultation is at the very heart of the debate. This is a vote which triggers an examination of the feasibility of amalgamation, while not triggering the process of amalgamation itself, yet I feel the way it has been done it has been poorly explained to the members of both communities. They are in a situation where between now and the close of polling they have to take this into consideration, and I do not think we have seen a yes vote or a no vote campaign that has been mounted. It is probably being rushed through now. The community certainly would have appreciated more time.

The passage of this bill needs to represent the same priorities as those of the two councils, which are to support fair and equal representation on the matter to ensure the voices of the community are heard and their best interests remain at the forefront of our purpose and decision-making. Of course, if and when it gets to a point where they need to discuss amalgamation, I am sure that those priorities of having representation will be given.

As I mentioned, my concerns have been the issue of the timing of this bill; however, I note that SA-Best is a strong supporter of amalgamation of councils. I am of the view that we have far too many in this state, but I am not supportive of forced amalgamations. Speaking with the LGA this morning, I understand that there are already eight councils that are in the process now of having a look at the possibility of amalgamations down the track. As I think the LGA pointed out to me this morning, there should be a proper process followed for amalgamations. It needs to be efficient, and members need to be involved in the debate.

I note also that one of the concerns that has been raised by the people in Grant is the debt levels that have been carried by the City of Mount Gambier, particularly on a project to build a community and recreation hub. I think the estimated cost is between $30 million and $60 million. The District Council of Grant is worried that any future amalgamation would require them to take on this debt leverage. As I have pointed out, there is a large disparity in the size of the two councils in question.

However, there would be some consternation amongst ratepayers, should an amalgamation take place somewhere down the track, at the levels of rates that could be imposed. Mount Gambier of course covers largely commercial and residential zones, whereas Grant is largely rural, and we know how rural can restrict revenues. However, there is still a long way to go before we even get to that point. Who knows, but perhaps it may be beneficial in the long run for a smaller council to amalgamate with a larger council that has larger rate revenues and would be able, in its budget, to look after the needs of both communities.

As has been pointed out by the Hon. Robert Simms, we know that there have been failures with amalgamations that were, usually, forced and that the successes of amalgamation via consented agreement by adjoining councils where there is a mutual benefit are few and far between. As I have pointed out, there are some councils that are currently looking at it, but it is an expensive process. Councils need to find significant amounts of money to have a look at the process involved in it.

Again, as I said earlier, the issue I had was with the timing of this bill. However, it is imperative that the ballots do get out and that this process begins. Eventually it would have begun, in some way or another, it is just that it has been handled in a rather slapdash way, very quickly, but I am sure that, in the end, it would have eventuated anyway. With that, I will conclude my remarks by saying that SA-Best will support the bill.

The Hon. S.L. GAME (12:02): I rise to air concerns regarding the process surrounding this plebiscite. My office has been inundated with emails from concerned members of the public, both from the District Council of Grant and from the City of Mount Gambier. We have also received direct correspondence from both councils concerned, as well as the Local Government Association, all three of whom feel there was a lack of consultation and communication.

Whilst One Nation agrees with the minimisation of government bureaucracy, I have not seen evidence to suggest that this amalgamation will improve local government efficiencies. Amalgamations work when they are community-driven and when the councils involved are on board and have been fully consulted. Interstate examples show us that forced and poorly consulted amalgamations without community support can have a very negative and costly impact. There are examples of expensive de-amalgamations and the interruption of important services.

The regional District Council of Grant, which has a significantly smaller population size than the City of Mount Gambier, have stated that they and their community want to be fully consulted and informed through all steps of the process. They do not want the decision-making taken away from their constituents and given to bureaucrats in Adelaide. I urge the government to communicate fully with both councils and the Local Government Association at every stage of this process.

Premier Malinauskas spoke of a productivity commission to assess the economic benefit of a combined local government. When does he intend for this to occur? How much will it cost and who will conduct it? There are other questions that also need communicating back to the region:

- What information will be provided to voters about the plebiscite by the Electoral Commission?
- How can the Malinauskas government ensure the information on the plebiscite will be set out in a non-biased, transparent manner?

I understand that the government is advising that this is a plebiscite to ask the community a question and not to take immediate action. But, going by the volume of communication I received, this is not what the local people perceive it to be. I have received a high number of emails and phone calls from concerned local residents, but I have not received a constituent call in support of the plebiscite. One Nation believes in bureaucratic efficiencies, but not at the expense of regional representation or the constituent's voice.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:04): I thank honourable members who have contributed in the second reading stage of this bill. I acknowledge points that have been made about the time that this has taken. It certainly moved quickly in the other chamber. This sat on the table and was introduced and then the next sitting week was progressed here, albeit being delayed a further week by the non-sitting of parliament last week.

While I acknowledge the concerns that have been raised, I think we made absolutely sure that the conventions of this place were respected in the debate. It is time sensitive, in that we think if the views of people are going to be ascertained it is better to do it when there is a postal ballot going out already, rather than putting the state to the further expense of a postal ballot at another time. We are provided the opportunity with local council elections coming up now.

I think, as has been partially recognised by some speakers and more fully by others, this is not binding on making an amalgamation happen. This is merely asking the people of the Grant district council and the Mount Gambier city council if they support a further examination of the issue. What it does is merely give an indication of whether the people in those council areas support the examination and the possibility that the processes that are already well established and well set out under the Local Government Act and the processes under the Local Government Boundaries Commission are going ahead.

It does no more than that. I think there was mention from the Hon. Sarah Game about how the question would look on the ballot papers that are sent out. The bill before us sets out the proposition. I quote:

> Do you support the examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?

It is very clear and not loaded with any political supposition. It simply asks: do you support the examination? That is all that the bill does. I understand and recognise concerns that people have about council amalgamation. This bill does not require a council amalgamation. It simply asks: do you support the further examination? We think that is an appropriate thing to do while there is a local council election going on that can then help inform further examination of this.

There is a statutory process set out under the Local Government Act, undertaken by the Local Government Boundaries Commission, and I think quite appropriately it has been foreshadowed that the Productivity Commission will also be involved to look at what the economic impacts of a council amalgamation are, and not just to look to see if there are economies of scale that would happen but to look at both the positive and negative economic consequences of a council amalgamation. We think this is a sensible step. We think this is a democratic step in allowing the good people of the South-East to have a say about whether it is further examined or not.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: What consultation was done with the District Council of Grant and the City of Mount Gambier council on the plebiscite before the plebiscite was announced by the Premier?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am advised that, once the government had made the decision that they would introduce legislation, the local government minister spoke to the mayors of both councils and also to the LGA. The Local Government Boundaries Commission was also advised.

The Hon. N.J. CENTOFANTI: Thank you for that answer, Attorney. What was the time frame of those conversations with those mayors before the legislation was introduced in the other place?

The Hon. K.J. MAHER: I do not have the exact dates, but I am advised that the contact and the conversation of the local government minister with the mayors of both councils took place before legislation was introduced.

The Hon. N.J. CENTOFANTI: How much would the government save by having the plebiscite together with the local government elections, compared with if they asked the question, say, 12 or 18 months later in a separate plebiscite?

The Hon. K.J. MAHER: My advice is that the cost difference would be in excess of $50,000—somewhere around $65,000 increase in the cost is my advice.

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

Amendment No 1 [Simms–1]—

> Page 2, line 3—Delete 'Plebiscite (South East Council Amalgamation)' and substitute:
>
> South East Council Amalgamation (Plebiscite and Oversight)

I will speak very briefly because I did indicate where we are at in terms of our position in my second reading speech. What this amendment seeks to do is require that a poll be conducted before an amalgamation under the Local Government Act 1999 proceeds.

This would insert a new section that says that the Governor cannot make a proclamation amalgamating the District Council of Grant and the City of Mount Gambier to form a single council

unless a poll is held in each of the councils and the Electoral Commissioner certifies to the Governor that a majority of electors voting at the poll in the District Council of Grant support the proposition of the poll and a majority of electors voting at the poll in the City of Mount Gambier support the proposition submitted in the poll. The proposition would be: do you support the amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?

My rationale in proposing this amendment is that this would provide constituents in the councils of Grant and Mount Gambier with real certainty heading into this plebiscite process. It means that they could participate in the plebiscite asking whether or not the government should investigate a merger, knowing that there is no risk that this could be seen as support for a merger itself, knowing that they are not in a position where they could potentially see a forced amalgamation by stealth.

Rather, they would be in a position of knowing that the consultation the government is embarking on is indeed open-ended, knowing that they would then have the right to veto any potential amalgamation proposal. I do think that should be a template adopted when one is talking about amalgamations, to ensure that there is no risk of the needs of smaller councils being subjugated to the larger council bodies.

So, from our perspective in the Greens, this is really important insurance. It is protection for the people of Grant and Mount Gambier. Indeed, if supported, this would be a really important template in terms of dealing with council amalgamations in the future. But I do hope, of course, that the government does not have a council amalgamation agenda in mind because I think it might face a bumpy road in this place.

The Hon. K.J. MAHER: I rise to thank the honourable member for bringing this amendment to the chamber; however, the government will not be supporting this amendment. I can understand the rationale and I know that many of us, including the Greens, are very fond of democracy and very fond of much consultation. However, we think the pass it out, under our bill, is the appropriate path; that is, to seek the views of the people in the two council areas about whether further examination should occur and then the possibility, depending on that, of following the processes that are set out under the Local Government Act.

The legislation prescribes that the Local Government Boundaries Commission has to seek community views, and we suggest that that is the way that parliament has set down previously for these amalgamations to be investigated. We have also suggested that it would be worthwhile for the Productivity Commission also giving its view in addition to the processes under the Local Government Boundaries Commission.

For that reason, we support the statutory processes that must necessarily take into account community views rather than the Greens suggesting that for this occasion—and I understand this will only apply to this process, not any other possible processes instigated, but to be consistent with any other possible process we prefer the route that is set out under the legislation, if that is something that the people of the South-East want to engage in.

The Hon. N.J. CENTOFANTI: Why is the government not supporting the Greens' amendment to return to the community after the information about amalgamation is gathered to give them autonomy to decide their own future?

The Hon. K.J. MAHER: As I set out before, we think there are processes that are statutorily set down and that is what the Local Government Boundaries Commission does: seek the input and the views of the community.

The Hon. N.J. CENTOFANTI: Can the Attorney please elaborate on what he describes as 'seek community views' entails?

The Hon. K.J. MAHER: I am advised that the Local Government Boundaries Commission, pursuant to part 2 of the act, must, as part of their process, understand the views of the local communities and the views of the councils affected. Also, on the Local Government Boundaries Commission website, there are guidelines that have been published about how they go about doing that.

The Hon. N.J. CENTOFANTI: Is it the case, though, that if the Electoral District Boundaries Commission feel that community consultation is not required, there is a clause that allows them to effectively get out of community consultation?

The Hon. K.J. MAHER: I am advised that, no, not for this proposal. For an administrative proposal, which is a much narrower process, yes, there is such a clause, but for a general proposal, which this would be, no, they cannot, is my advice.

The Hon. N.J. CENTOFANTI: As I indicated in our second reading speech, we will support the Greens' amendment. We feel it provides clarity and transparency around the process going forward, which is what the good people of the City of Mount Gambier and the District Council of Grant have asked us for in our consultation process.

The Hon. F. PANGALLO: We will not be supporting the Greens' amendment.

The committee divided on the amendment:

Ayes 9
Noes.....10
Majority 1

AYES

Centofanti, N.J.	Curran, L.A.	Franks, T.A.
Game, S.L.	Girolamo, H.M.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Simms, R.A. (teller)

NOES

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

PAIRS

Wade, S.G.	Scriven, C.M.

Amendment thus negatived; clause passed.

Clause 2.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–1]—

Page 2, after line 14—Insert:

(2a) A plebiscite will be regarded as being supported (a *successful plebiscite*) if the majority of the electors voting in the plebiscite support the proposition submitted.

(2b) The examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council will only be regarded as being supported by the electors of those councils if both plebiscites held under this Act are successful plebiscites.

A large part of the feedback that we received from the South-East communities was that there was significant confusion around what the government would class as a successful plebiscite to enact the Productivity Commission and the Electoral Boundaries Commission for further investigation. There was a genuine fear amongst the voters that the government would not ensure that there was a proportional representation in the results that would potentially lead to a forced amalgamation, so this amendment seeks to define what a successful plebiscite will look like for the purposes of that plebiscite. It goes on to state that:

The examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council will only be regarded as being supported by the electors of those councils if both plebiscites held under this Act are successful plebiscites.

That is, there is a proportional representation of that vote and 50 per cent or more of people from the City of Mount Gambier and 50 per cent or more of people from the District Council of Grant must vote yes for the plebiscite to be deemed successful for the purposes of that plebiscite. Obviously, we do recognise that the plebiscite is non-binding and that the minister ultimately has the power of direction despite whatever the outcome.

The Hon. K.J. MAHER: I will just speak briefly. I thank the honourable member for bringing this amendment to the committee stage. I think our opposition to this amendment lies in the outline that the honourable Leader of the Opposition gave at the end: at the end of the day, it gives rise to a process and ultimately a discretion of the minister.

We think the bill sets out that there will be a plebiscite. It sets out that the plebiscite will ask a question about a further examination, and it does not set out what constitutes a success. I know what the government considers will likely give rise to further examination has been spoken about, but it is not set out in the bill, and we think being prescriptive like this is not necessarily in the bill.

The Hon. R.A. SIMMS: I rise on behalf of the Greens to indicate the Greens are supportive of this amendment for the same rationale that I outlined in relation to the amendment that I moved earlier. This is providing the people of Grant and Mount Gambier with some additional insurance in terms of ensuring that communities are not disenfranchised, in terms of ensuring that the voice of smaller communities is not diluted by that of a larger council region. So on that basis, we are certainly supportive of the opposition's amendment.

The Hon. F. PANGALLO: I rise to indicate that SA-Best will not be supporting the opposition's amendment.

The committee divided on the amendment:

Ayes 9
Noes.....10
Majority 1

AYES

Centofanti, N.J. (teller)	Curran, L.A.	Franks, T.A.
Game, S.L.	Girolamo, H.M.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Simms, R.A.

NOES

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

PAIRS

Wade, S.G.	Scriven, C.M.

Amendment thus negatived.

The Hon. K.J. MAHER: I move:

Amendment No 1 [AG–1]—

Page 2, after line 23—Insert:

(4) Without limiting section 54 of the *Local Government (Elections) Act 1999*, the Electoral Commissioner must, as soon as is reasonably practicable after certifying in accordance

with that section the result of a plebiscite held under this section, publish notice of the result of the plebiscite on a website maintained by the Electoral Commissioner.

Note—

This requires the publication of the result of the plebiscite in the District Council of Grant and the result of the plebiscite in the City of Mount Gambier.

This amendment clarifies to make it abundantly clear that the results that are to be published are broken down into each council area. It is a simple amendment. It had been anticipated that is how it would operate, but this, for the sake of absolute clarity, makes it clear that that is how it is to be reported.

The Hon. N.J. CENTOFANTI: I rise to indicate that the opposition will be supporting this amendment.

The Hon. R.A. SIMMS: I rise on behalf of the Greens to indicate we will also be supporting this amendment. Transparency, of course, is a very good thing.

The Hon. F. PANGALLO: We will be supporting the amendment.

Amendment carried; clause as amended passed.

New clause 2A.

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

Amendment No 2 [Simms–1]—

Page 2, after line 23—Insert:

2A—Polls required before amalgamation under *Local Government Act 1999* proceeds

(1) Despite Chapter 3 of the *Local Government Act 1999*, the Governor cannot make a proclamation amalgamating the District Council of Grant and the City of Mount Gambier to form a single council in pursuance of a proposal recommended by the Minister under Part 2 of that Chapter unless, within the 12 month period immediately preceding the making of the proclamation—

(a) a poll is held in each council for the purposes of this section; and

(b) the Electoral Commissioner certifies to the Governor that—

(i) a majority of electors voting at the poll in the District Council of Grant supported the proposition submitted in the poll; and

(ii) a majority of electors voting at the poll in the City of Mount Gambier supported the proposition submitted in the poll.

(2) The proposition to be submitted to electors at a poll held for the purposes of this section is:

Do you support the amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?

(3) The Electoral Commissioner is responsible for the conduct of a poll held for the purposes of this section.

(4) Subject to this section and the modifications and exclusions prescribed by regulation, the *Local Government (Elections) Act 1999* (including regulations made under that Act) applies to a poll held for the purposes of this section as if it were a poll held under that Act.

The Hon. K.J. MAHER: I will not take up too much time. For the reasons that we spoke about in the amendment that the honourable member had in clause 1, we will not be supporting it.

The Hon. N.J. CENTOFANTI: I rise to indicate the opposition will be supporting this amendment.

The Hon. F. PANGALLO: No, we will not be supporting this.

The committee divided on the new clause:

Ayes 9

Noes.....10
Majority 1

AYES

Centofanti, N.J.	Curran, L.A.	Franks, T.A.
Game, S.L.	Girolamo, H.M.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Simms, R.A. (teller)

NOES

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

PAIRS

Wade, S.G.	Scriven, C.M.

New clause thus negatived.

Clause 3 passed.

Schedule 1.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 2 [Centofanti–1]—

Page 3, table—After row relating to section 38 of *Local Government (Elections) Act 1999* insert:

Section 47	After subsection (2) insert: (3) Despite subsection (2), in relation to a relevant poll, the returning officer must ensure that the arrangement of postal voting papers returned for the relevant poll is such that ballot papers are arranged into separate parcels for each ward of the council to which the relevant poll relates.
Section 52	After its present contents insert: (2) In counting votes cast in a relevant poll to determine the result, the returning officer must ensure that, in relation to each ward of a council to which the relevant poll relates, the number of electors for the ward who voted in support of, and the number of electors for the ward who voted against, the proposition submitted in the poll is determined (in addition to determining the result of the relevant poll for the council as a whole). (3) A provisional declaration of the result of a relevant poll must include details of the determination under subsection (2) for each ward of a council to which the relevant poll relates (being details of the number of electors for the ward who voted in support of, and the number of electors for the ward who voted against, the proposition).
Section 54	After 'result of the poll' insert: , which must, in relation to a relevant poll, include the details required to be included in the provisional declaration of the relevant poll under section 52(3)

This amendment is purely around reporting of the results of the plebiscite and ensuring that there is a specific section in this piece of legislation where the percentage of yes votes and the percentage of no votes in each ward of each council is reported on to the community.

Again, it just comes down to transparency and accountability. The communities of both the City of Mount Gambier and the District Council of Grant told us that they were concerned about the lack of clarity about how public the plebiscite results will be and the need for the communities to be fully informed. They wanted these numbers to be reported on so that they can have visibility over and hold the government's decision-making to account—again, I think a reasonable request. Consequently, this amendment was drafted.

In addition, the minister himself promised that he would be looking at individual wards and that the individual wards would be considered separately in the results. So we are simply putting the minister's words within the legislation.

The Hon. K.J. MAHER: I thank the honourable member for her amendment. Having had the advantage of taking some advice to make sure it is administratively possible and feasible to report in such a way and having received advice that it will be some further work but, yes, it is possible, we are happy to support that amendment. It is consistent with our position in relation to this bill that the views of people should be known and understood and then the process take place. On that basis, we will be supporting this Liberal amendment.

The Hon. R.A. SIMMS: The Greens are also supportive of the amendment. We thank the opposition for putting it forward. It does bring some further transparency to this process. We welcome the government support for the amendment also.

The Hon. F. PANGALLO: SA-Best will be supporting the amendment.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:43): I move:

That this bill be now read a third time.

Bill read a third time.

The PRESIDENT: The question is that this bill do now pass.

The Hon. N.J. Centofanti: Divide!

The PRESIDENT: Sorry, there is no division on that particular question. You could have divided on the third reading. The question is that the bill do now pass.

Bill passed.

[Sitting suspended from 12:44 to 14:16.]

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answers to questions be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the President—

Ombudsman SA, Report—2021-22
Report of the Auditor-General—Report 7 of 2022 Review of System Authentication

By the Minister for Aboriginal Affairs and Reconciliation (Hon. K.J. Maher)—

Notice under Acts—
South Australian Public Health Act 2011
Regulations under Acts—
South Australian Motor Sport Act 1984—Board Names

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

Reports 2021-22—
Australian Criminal Intelligence Commission—Criminal Investigation (Covert Operations) Act 2009 (SA)—Assumed Identities and Witness Identity Protection
Legal Practitioners Education and Admission Council (LPEAC)
Office of the Commissioner for Equal Opportunity
Section 47 of the Criminal Investigation (Covert Operations) Act 2009 (SA)—Independent Commission Against Corruption
Summary Offences Act 1953—Part 16A—access to data held electronically
Surveillance Devices Act 2016 (SA)
Terrorism (Preventative Detention) Act 2005
Report Pursuant to section 47 of the Criminal Investigation (Covert Operations) Act 2009 (SA)
Review of Part 8A of the Evidence Act 1929—dated July 2022

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

Phylloxera and Grape Industry Board of South Australia (trading as Vinehealth Australia): Report, 2021-22
Corporation By-laws—
Alexandrina Council—No. 8—Cats
District Council By-laws—
Light Regional Council—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Cats
Regulations under Acts—
Fisheries Management Act 2007—
Demerit Points—Restrictions on Fishing in Germein Bay
General—Restrictions on Fishing in Germein Bay

Question Time

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Attorney-General a question about health.

Leave granted.

The Hon. N.J. CENTOFANTI: On social media posts, the member for Reynell promised on 25 February to 'stop the ramping of ambulances'. In a post on 27 February, the Attorney-General stated, 'We will fix the ramping crisis.' The member for Hurtle Vale on 11 March promised to 'stop ramping'.

Since the election, ambulances have been ramped for a total of 17,292 hours. That is the equivalent of 722½ days or two years' worth of paramedics' time spent sitting outside hospitals instead of responding to emergency calls. My question to the Attorney is: does the Attorney acknowledge that his government is failing to deliver on its key election promise to fix ramping?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25): No.

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Let's hope this isn't a theme for the day. I seek leave to make a brief explanation before asking the Attorney-General a question about health.

Leave granted.

The Hon. N.J. CENTOFANTI: Just two of the many reports of ramping over the last week include a 94-year-old woman who was forced to wait 3½ hours ramped in an ambulance at the Lyell McEwin Hospital and Robert from Northgate who was 'waiting on cold cement'. He is an elderly man, waiting on cold cement with a broken hip for 4½ hours. My questions to the Attorney-General are:

1. Does he think this is acceptable?

2. When will his government fix ramping?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:26): I thank the honourable member for her questions. I will refer them to the appropriate minister and bring back a reply.

The PRESIDENT: The honourable Leader of the Opposition, your third question.

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): I'm not even sure it's worth asking, to be honest. I seek leave to make a brief explanation before asking the Attorney-General a question about health.

Leave granted.

The Hon. N.J. CENTOFANTI: In August this year, a 47-year-old father tragically died of a heart attack in his car whilst pulled over on the side of the road 41 minutes after he called 000 with jaw and chest pain. An independent report found that he 'may have been successfully resuscitated had a paramedic crew been present'. On 15 March, in response to the Ambulance Employees Association social media post that two patients passed away with delayed ambulance responses, you said, 'We must do more.' Given ramping has increased to a record level on your government's watch, my questions to the Attorney-General are:

1. When will your government fix ramping?

2 Can you guarantee that ramping will not continue to worsen under your government's watch?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:27): I thank the member for her questions. I will refer them to the appropriate minister in another place, who is the health minister, in the House of Assembly.

AMBULANCE RAMPING

The Hon. J.M.A. LENSINK (14:28): Supplementary question: why was the Leader of the Government happy to put this on his social media feed prior to the election but won't answer a single question in question time now?

The PRESIDENT: That's not a supplementary question.

STEM ABORIGINAL LEARNER CONGRESS

The Hon. I. PNEVMATIKOS (14:28): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on the STEM Aboriginal Learner Congress held in Adelaide in August?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:28): I thank the honourable member for her question in relation to Aboriginal affairs and her interest in this area. Over 18 and 19 August—

Members interjecting:

The Hon. K.J. MAHER: Sorry, sir; it's a question about Aboriginal—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: If the opposition are not interested in Aboriginal students in this state, that's—

Members interjecting:

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

The Hon. K.J. MAHER: On 18 and 19 August this year, the STEM Aboriginal Learner Congress was held in Adelaide at the Adelaide Convention Centre. Hosted by young Aboriginal STEM thinkers of South Australia, this is the biggest STEM event and is the only one of its kind for Aboriginal and Torres Strait Islander children and young people in Australia. The congress aims to engage young Aboriginal learners between the ages of 10 and 15 with science, technology, engineering and maths but also provide industry experiences and inspire students to realise their aspirations within the STEM space.

The congress theme this year was Cultural Innovators and was developed by nine schools across South Australia, consisting of Ceduna Area School, Port Lincoln Primary School, Kaurna Plains School, Salisbury High School, Loxton High School, Woodville High School, Playford International College, Wirreanda Secondary and Port Augusta Secondary School. This theme is particularly fitting when you consider that it honours the deep STEM knowledge within Aboriginal and Torres Strait Islander culture but also embraces the next generation of thinkers.

For generations, Aboriginal people have incorporated, but not limited to, sophisticated knowledges and practices pertaining to areas in the field such as seasons, meteorology, astrology, astronomy, bush food, medicine and healing, natural resource management, and the use of physics and chemistry behind the design, production and use of tools, instruments and inventions. Aboriginal STEM practices have shown amazing resilience over time in the face of their dismissal. Aboriginal STEM practices are now recognised and respected as being integral to solutions to contemporary issues today, such as food security and climate change.

Over the two days, students were able to experience and participate in 30 different workshops, which included sticky spinifex resin, where students learned about how to use spinifex resin as an adhesive for making tools and waterproofing objects; ecological plant systems, which focused on different plants and how Aboriginal people used plants ecologically; natural fish traps, with students learning about the natural fish traps and knowledge of elders to feed groups; and augmented reality, where students discovered how to harness technology and innovation to shape technological visions and connectedness with culture.

The congress also included keynote speeches from prominent Aboriginal people within the STEM fields, such as Corey Tutt, Bianca Isaacson, Mikaela Jade and Gullara McInnes. In my capacity as Minister for Aboriginal Affairs I was very fortunate to be able to welcome and open the second day of the congress, and it was heartening to see so many young Aboriginal and Torres Strait Islander students in the room, as I understand there were over 650 students from 165 different schools.

I would like to formally congratulate all who were involved in the planning and the delivery of the event. From the feedback I have received, in addition to the conversations I have had, it was a fantastic event and I look forward to keeping an eye out for the progress of it in the future.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. R.A. SIMMS (14:32): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General representing the Minister for Planning on the topic of the new Women's and Children's Hospital.

Leave granted.

Members interjecting:

The PRESIDENT: The Hon. Mr Simms has the call.

The Hon. R.A. SIMMS: In the lead-up to the—

Members interjecting:

The PRESIDENT: Order! Sorry, the Hon. Mr Simms.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo, the Hon. Leader of the Opposition, I am trying to listen to the Hon. Mr Simms.

The Hon. R.A. SIMMS: I think they will like this one, Mr President. In the lead-up to the last state election the then leader of the Labor opposition—

Members interjecting:

The PRESIDENT: The honourable Leader of the Government!

The Hon. R.A. SIMMS: —Peter Malinauskas, published a policy document entitled Heritage, under the banner 'For the Future'. In the document under the heading 'Protect our state heritage places', it stated that:

> The community was shocked when the Marshall Liberal government announced it would demolish the Waite Gatehouse—the building was rescued only because people protested, signed petitions and insisted that demolition was not necessary. This occurred after the Marshall Liberal government decided to allow Shed 26 in Port Adelaide to be demolished despite the Heritage Council approving it for listing on the State Heritage Register.

The document goes on to state:

> To ensure that demolition cannot occur at the whim of a future government, Labor will legislate to better protect State Heritage Places, including requiring a public report by the SA Heritage Council being prepared and laid in parliament before any consideration of a demolition approval and full public consultation so that all South Australians can have their views heard.

Earlier today, the government announced their plans to build the new South Australian Women's and Children's Hospital on the heritage-listed site, the Thebarton Police Barracks. The century-old buildings have been listed on the State Heritage Register since 1985. My questions, therefore, to the minister are:

1. Will the government embark on a full public consultation period in relation to the proposed hospital site?

2. Will a report from the Heritage Council be prepared and laid in the parliament before demolishing the heritage-listed Thebarton Police Barracks, as promised during the election?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): I thank the honourable member for his question. As he noted, ministers in the other place are responsible. I suspect it is not just the planning minister but also the environment and heritage minister. I will take those questions on notice and seek a reply from the ministers responsible in these areas.

THEBARTON POLICE BARRACKS

The Hon. R.A. SIMMS (14:35): Supplementary: will I get a reply before the government's legislation to potentially gut our heritage protection laws come before parliament?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): I am happy to seek advice on that for the honourable member.

FREIGHT TRANSPORTATION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about transport.

Leave granted.

The Hon. J.S. LEE: Transport is the biggest issue in regard to the competitiveness for primary producers. It strongly impacts on the productivity of nearly every agricultural business in

South Australia. The industry is calling for a modernisation and harmonisation of our regulatory systems. Primary Producers SA stated that one of the major areas requiring reform, which can deliver the biggest benefit to primary producers, is the cost of transport. My questions to the minister are:

1. Will the minister and state government agree to a modernisation of the regulatory systems to address freight routes, agricultural machinery movements on public roads, etc.?

2. What consultation has the minister undertaken so far with the industry and relevant agencies on regulatory changes to address transport issues?

3. Can the minister provide details as to which state government department or agency is taking on the responsibility for the identification of the issues and collecting data and survey feedback to drive the necessary changes?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the honourable member for her question. Certainly transport is a very key issue. She is presumably referring to freight transport from the tenor of her question. I think there are always opportunities for governments to look at ways that regulations and processes can be streamlined. I think that is an important role of government.

We know that often things are in place which may have excellent foundations, but perhaps circumstances have changed over time and they can be updated and modernised. If the honourable member would like to provide me with the specific regulatory changes she is seeking, I am more than happy to have a look at those and refer them to the appropriate minister, if that is the suitable course of action.

FREIGHT TRANSPORTATION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:37): Supplementary: the minister spoke about an agency. Which agency does the minister feel that this responsibility should come under?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): Obviously, it will depend on the specifics of what the honourable member is proposing, but as an issue around roads and transport obviously the Department for Transport and Infrastructure would be a key one but not the only one.

GREAT WINE CAPITALS INDUSTRY FORUM

The Hon. T.T. NGO (14:38): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on the 2022 Great Wine Capitals industry forum?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): I thank the honourable member for his question and his ongoing interest in industries, particularly in our regional areas. I am very pleased to advise the chamber that on 18 August I attended the 2022 Great Wine Capitals industry forum. As members would be aware, the wine industry plays a critical role: in South Australia it drives tourism and employment throughout our regions and, according to the annual PIRSA scorecard for 2020-21, the South Australian wine industry generated $2.8 billion in revenue. Our 3,250 grapegrowers and 680 wineries directly employ over 8,400 South Australians and many more across the supply chain.

The Malinauskas Labor government is proud to support Adelaide's membership of the Great Wine Capitals Global Network. Membership to this prestigious network is an important positioning statement for the South Australian wine sector, rightly recognising our contribution of excellence in wine production, in destination tourism, in research and development and also in education on a global level.

Of equal importance, this initiative is an important strategic international partnership to support collaboration across the wine sector locally and on a global level. In a domestic context, South Australia produces 80 per cent of all premium wine and more than half of all bottled wine made in Australia. South Australia has over 340 cellar doors, 200 of which are within an hour's drive from

the Adelaide CBD, but I would also note that those that are further afield, including in the South-East, are well worth the extra time to get there.

Adelaide is home to the National Wine Centre and all national industry representative and research bodies, including Wine Australia, Australian Grape and Wine, and the Australian Wine Research Institute. I understand that at any one time we have nearly a billion bottles of wine on dining tables and in cellars around the globe with South Australia's name, regions and brands on them, which is definitely, I would suggest, an incredible statistic and an impressive one.

As you can see, it is not just one thing that stands out that makes the South Australian wine industry great, it is the sum of all these great parts that sets South Australia apart from the rest of the country and firmly places us alongside the world's great wine-producing regions as a Great Wine Capital of the World. This is something which we should all be immensely proud of.

Supporting South Australia's wine industry is a network of industry bodies, regional associations, research and development institutions and world-class education facilities. Educating our wine sector's current and future participants is vital to its ongoing success, and South Australia is so fortunate to be supported by two world-class institutions, both of which are partners in our Great Wine Capitals membership.

The University of South Australia and the Ehrenberg-Bass Institute for Marketing Science have changed many of our business, management and marketing professionals, who are driving the success of South Australia's wine businesses. The University of Adelaide's School of Agriculture, Food and Wine is Australia's premier education and research school for viticulture and oenology and is also complemented by the Adelaide Business School's Wine Business program.

These institutions are a powerful vehicle for collaboration across the Great Wine Capitals Global Network. South Australia has an enviable global reputation for innovation, research and development across the grape and wine industry. The Great Wine Capitals industry event was a useful and informative event and I look forward to being involved in future events such as this.

GREAT WINE CAPITALS INDUSTRY FORUM

The Hon. T.A. FRANKS (14:42): Supplementary: what supports is the Malinauskas government giving to our industry for wine authentication to guard against wine fraud on our wine regions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42): I thank the honourable member for her question. Certainly, that's an issue that has been raised not frequently with me, but it is certainly on the agenda because we know that the provenance of various products, including wine, is becoming more and more important, and having a competitive advantage based on label or region, or, indeed, our very, very robust biosecurity advantages—all of those contribute to our competitive advantage in terms of wine sales overseas.

I am happy to make further inquiries. I suspect that the Department for Trade has had some involvement in this issue, but I will certainly seek some further information and bring it back for the honourable member's information.

GREAT WINE CAPITALS INDUSTRY FORUM

The Hon. H.M. GIROLAMO (14:43): Supplementary: what new initiatives or programs has the government implemented to support the very important industry within the wine sector?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43): We are working very closely with industry and industry associations. It is also, of course, a cross-portfolio area because it impacts very much on tourism, on my own portfolio area, as well as trade. We are having ongoing discussions in regard to some of the challenges that are facing the wine industry and of course the trade tensions with China are a very significant one of those.

The department has been involved in some discussions as recently as, I think it was, last week in the Riverland, as well as ongoing discussions elsewhere around the state, as we work

together to look at ways that we can support industry, that we can increase domestic consumption of wine, that we can open up new opportunities and markets, or assist the industry in doing so, as well as other potential options to support our wine industry.

GREAT WINE CAPITALS INDUSTRY FORUM

The Hon. H.M. GIROLAMO (14:44): Supplementary: could the minister please confirm if there are any new, tangible programs currently in place to support, outside of discussions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): There are a number of initiatives that are in place. For example, the South Australian government has a formal partnership with the South Australian Wine Industry Association, which is supported by a $1 million commitment over the next four years. The funding, referred to as Project 250, is the first year of a four-year commitment given by the government to this critical industry for our state. The industry and market development program includes a range of activities that will support business skills development and the ongoing business improvement of South Australian winery businesses.

Project 250 will also support initiatives at a state or regional level that continue to improve the capability and capacity of the wine industry across a range of areas, from viticulture through to customer service. Agtech demonstration sites have also been established in Nuriootpa and Loxton to showcase the latest technology designed to support grapegrowers to understand the opportunities presented by introducing agtech solutions into their operations.

The Department of Primary Industries and Regions is a key partner of the Australian Wine Industry Technical Conference, which was held in Adelaide from 26 to 29 June this year. The conference attracted close to 1,200 delegates to Adelaide to learn about current business and consumer trends and the latest research and technology and experience a showcase of the newest and best equipment available to the grape and wine sectors.

The Department of Primary Industries and Regions has taken a lead role in the recovery process for wine and grapegrowers following the recent disasters that have impacted the industry. Grapegrowers, for example, from the Adelaide Hills and Kangaroo Island impacted by the Black Summer fires benefited from the Viticulture Rebuild and Recovery Grant. More recently, grapegrowers across the Barossa, Adelaide Hills and the Riverland have benefited from clean-up grants following the 2021 spring storms.

We continue to work both with our federal counterparts as well as with industry and associations to ensure that we are able to provide support to continue programs where they are beneficial and to explore new opportunities as they arise.

GREAT WINE CAPITALS INDUSTRY FORUM

The Hon. L.A. CURRAN (14:47): Supplementary question: can the minister advise whether those listed are new or existing initiatives?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): As I said in my final sentence, we are happy to continue to support those initiatives that have ongoing benefit while continuing to explore new initiatives and opportunities as they arise.

WHITFORD, MR G.

The Hon. F. PANGALLO (14:49): I seek leave to make a brief explanation before asking a question of the Attorney-General and also the minister representing police and correctional services about the suspicious death of a South Australian policeman.

Leave granted.

The Hon. F. PANGALLO: The Nine Network's *Under Investigation* program last night made a number of extremely disturbing findings into the suspicious 1981 death of a senior major crime police officer, Detective Inspector Geoffrey Whitford. At the time, Inspector Whitford was investigating criminals involved in the drug trade and had expressed serious concerns that corrupt police were involved.

Mr Whitford's body was located at Myponga Beach with a gunshot wound to the head. The subsequent police and forensic investigation determined the cause of death was suicide. There was no inquest, and strangely that seems to be the case with many police officers who have taken their lives, like Chief Superintendant Doug Barr—no inquest.

The police report to the Coroner had been kept a secret until last year when Mr Whitford's daughter, former police officer Amanda Schultz, was finally granted permission to view it, making extensive notes. The report revealed several alarming and troubling discrepancies, contradictions and peculiarities in the forensic evidence obtained in police witness statements, which some witnesses concerned have since said were fabricated. It all points to a scandalous cover-up.

The panel on the program included a senior criminal barrister and a specialist forensic lawyer, as well as a former major crime detective who worked alongside Inspector Whitford. They forensically picked through all the evidence available, and more that has come to light. They all concluded it was not a suicide and could not rule out murder. The panel was scathing of the police investigation, with one saying it was so bad it made the Keystone Kops—the slapstick silent film comedy troupe—look competent. My question to the Attorney-General and the police minister is:

1. Will they now order an immediate investigation/judicial inquiry into the claims made by the program?

2. Will the Attorney-General instruct the Coroner to undertake a thorough review of the case and direct that the Coroner immediately conducts an inquest into Inspector Whitford's death in the interests of justice and closure for Mr Whitford's still grieving family?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for his question and his very long and well-known interest in areas of making sure issues come to light and that justice is done and is seen to be done.

I was not able to see the program last night; however, I have been able to read a brief summary of the program, but I will get more information about the issues and the substance of the program from Channel 9's *Under Investigation* last night. Having seen the summary, my office has already made inquiries with the Coroner's office and I will be seeking further information on this matter. I won't commit to anything at this stage, but I will absolutely seek further information on this matter and talk to the honourable member about what future steps might be taken.

DOMESTIC AND FAMILY VIOLENCE

The Hon. J.M.A. LENSINK (14:52): I seek leave to make a brief explanation before asking a question of the Attorney-General about domestic and family violence.

Leave granted.

The Hon. J.M.A. LENSINK: As a significant male leader in our community, what does the Attorney see as his role in addressing the scourge of domestic and family violence?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for her question. It is a very good question, and I know it is something the honourable member was very committed to in her time in government, and I pay tribute to her for that. It is something that dramatically affects the lives of predominantly women in our society. We have a state that has much to offer people, but there are those in our community who, through a variety of reasons—and as a victim of domestic violence is one of those—don't enjoy what our state has to offer as fully as they should in our society.

All of us, I think, have a role in calling out practices that can lead to precursors of domestic and family violence, but as members of parliament I think we have that additional responsibility to reflect and to lead societal attitudes to make changes. Certainly, it is one of my areas as Attorney-General that is even more so in terms of the ability to work with my colleagues to bring about change in this area.

VICTIMS' DAY

The Hon. J.E. HANSON (14:54): My question is to the Attorney-General. Will the Attorney-General inform the chamber about Victims' Day and the Victims' Day morning tea he attended?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for his question and his interest in this area. Victims' Day was held on 16 September and held for the second time here in South Australia. I was pleased to attend and address the meeting that was hosted by the Commissioner for Victims' Rights, Bronwyn Killmier, to acknowledge Victims' Day and to promote and recognise the rights of victims of crime.

Amongst many attendees there were representatives from SAPOL's victims contact office, DCS's victim support unit, forensic mental health, health representatives from services such as Yarrow Place and the Cedar Health Service, the Homicide Victim Support group, the Road Trauma Support Team, the Joint Anti Child Exploitation Team, the Victim Support Service, Relationships Australia, the Commissioner for Children and Young People and the DPP witness assistance service.

It was a good opportunity to speak further with many of those who work tirelessly, day in, day out, with victims, and I wish to place formally on the record my thanks and appreciation for those who work in this often difficult space to support others who are dealing with the repercussions of being a victim of crime. It is something that is critically important for victims who are navigating the legal system—that they have the opportunity to share how the crime has impacted their lives, the life of their family and the impact it has had on them.

It was recently brought to my attention in one area—that is, the use of victim impact statements in a court setting—that it is sometimes difficult and traumatic for victims in that victim impact statements are sometimes edited by prosecutors and witness assistance officers prior to being put to court due to well-intentioned concerns about admissibility. While this editing practice is more often than not well intentioned, it often causes victims to feel distressed.

At the Victims' Day event I was pleased to announce that we will be supporting in principle changes that have been recommended by the Commissioner for Victims' Rights to look at changing the Sentencing Act to provide that victim impact statements should not be edited and that it should be left to the judge or magistrate to exercise discretion on admissibility of content in a victim impact statement.

This is making sure that the victims' voices are heard as the victim intended their voice to be heard. We will be looking at drafting legislation to give effect to this reform to clarify the use of victim impact statements and through that enhance the positive victim participation and engagement and making sure that victims are placed at the centre of the criminal justice system.

I would like to thank the Commissioner for Victims' Rights, Bronwyn Killmier, for her passion and dedication to victims and for hosting the event. I would also like to acknowledge that today in another place the concealing human remains legislation passed, and I had the opportunity to meet with Philip and Mindy Hind, the parents of Daniel Hind, who was murdered. It was a great relief to see that legislation pass that all in this chamber supported. I pay tribute to those who have used their experience, often really very harrowing experience, as victims to make life better and easier for those who come after them.

BARNGARLA PEOPLE, LITIGATION

The Hon. T.A. FRANKS (14:58): I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of the state and commonwealth governments' litigation against the Barngarla people.

Leave granted.

The Hon. T.A. FRANKS: The Barngarla Determination Aboriginal Corporation and the Barngarla people generally have had to fight two large court cases against the state of South Australia over the last three years.

First, there was the Federal Court proceeding against the state government regarding Barngarla's native title recognition over Port Augusta. The state government and Barngarla settled these by consent orders in the Federal Court in September 2021, where the Barngarla successfully won their recognition of native title. However, that occurred after years of litigation and court work, including Croft v State of South Australia (Port Augusta Overlap Proceeding) Nos 1, 2, 4 and 5.

Second, was the Supreme Court judicial review in Dare & Ors v Kelaray and the State of South Australia to overturn the authorisation under section 23 of the Aboriginal Heritage Act of our state, made by former Premier Steven Marshall to allow mining activity on Lake Torrens. The Supreme Court found in favour of the Barngarla in late August 2022, just last month, but the mining company has now appealed this decision to the Supreme Court. This of course comes after a broader background of the former Labor government taking the entire Barngarla native title claim to trial in both 2014 and 2015, which the Barngarla were also successful in.

Now the Barngarla Determination Aboriginal Corporation are in the Federal Court with an application of judicial review against the commonwealth government to overturn the federal government's declaration of Napandee as the nuclear waste facility site. This shows a longstanding and continued history of litigation, where both state and federal governments have litigated extensively against one of our state's First Nations groups. This includes two court cases that are still ongoing: the Torrens court case, which is a state one; and the Napandee court case, which is a commonwealth one. Therefore, my questions to the Attorney-General are:

1. Is the Attorney-General aware that the Barngarla and BDAC are not receiving any funding from the South Australian Native Title Services, the commonwealth or the state governments regarding the Lake Torrens litigation against the state government or the Napandee litigation against the commonwealth government?

2. Is the Attorney-General aware of the reports that the commonwealth government has been outspending the Barngarla 3 to 1 on the Napandee litigation and that this figure doesn't even include the additional expenditure of the commonwealth on their departmental staff?

3. Can the Attorney-General advise with regard to the legal costs that the state government has spent litigating against the Barngarla people and the BDAC? In particular, can the Attorney-General advise of the state's legal costs associated with the two court cases that the state has recently litigated against Barngarla, relating to Port Augusta after June 2018, and the Lake Torrens Supreme Court matter, including the appeal against the BDAC currently underway?

4. In particular, how much has the state government and any of its departments or agencies spent on legal and other costs incurred, including costs associated with any internal departmental legal staff, in relation to the Port Augusta proceedings against Barngarla and in Dare & Ors v Kelaray and the State of South Australia to date, including any unbilled work?

5. Given it is state Labor Party policy to oppose a nuclear waste facility in South Australia, can the Attorney-General confirm that the State of South Australia will intervene in the Napandee Federal Court case in support of Barngarla's efforts to stop a nuclear waste dump being built on their country and assist in preventing the continued dramatic outspending by governments against one of our state's proudest Aboriginal communities?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I thank the honourable member for her question. I want to acknowledge her very longstanding and well-known interest in Aboriginal affairs, particularly in the Barngarla people and also as it relates to the issue of nuclear waste being stored in South Australia.

I think it was in the week before last, when the community cabinet was in Port Augusta and Port Pirie, that I was fortunate to spend some time with representatives of the Barngarla Determination Aboriginal Corporation for discussions. I think nearly all the issues the honourable member has raised were discussed over the time that we had in Port Augusta to traverse a number of issues.

In relation to the costs of litigation that have occurred in relation to native title, I will certainly take that on notice. I don't have any costs at the moment to see what costs can be sensibly

attributed—if it's possible to ascertain the costs specifically attributed to this action. I know that there is advice that is given broadly in relation to native title issues, and it may be that some but not all of the costs can be properly itemised for a particular action. This pre-dated my time in the roles, the litigation, in terms of overlap or other native title claims.

I am not intimately familiar with the specifics of the Port Augusta overlap claim, but I do know that, from time to time, there are important matters that are tested in court in relation to native title and how the law of Australia—the native title jurisdiction is federal law—applies to overlap claims. I know that there are occasions when there are important principles that are determined by courts that help determine future native title applications, that the state will seek to have those legal points aired and decided in court, but in relation to the costs for the native title issues I will see if that is something that can be brought back, and if I am able to I will report back for the honourable member.

In relation to litigation that is currently ongoing in the federal court in relation to the nuclear waste storage facility at Kimba, I am aware that Barngarla Determination Aboriginal Corporation is currently in proceedings against the commonwealth at a trial level in relation to a number of issues on there. I will get some further advice. My understanding is it would be quite unusual for the state to intervene at a trial level, but if it does go further and there are constitutional issues that are appealed to the High Court that is an area where the state does intervene on occasions. I will get some further advice and bring back an answer for the honourable member.

SKILLS SHORTAGES

The Hon. H.M. GIROLAMO (15:05): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about skills shortages.

Leave granted.

The Hon. H.M. GIROLAMO: The meat industry requires urgent action on skills shortages ahead of the annual spring lamb season. The Australian Meat Industry Council chief executive, Patrick Hutchinson, was quoted in the *Stock Journal* as saying that processors were very concerned about continuing and looming workforce shortages. What are the minister and the department planning to do to support our vital meat industry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:06): I thank the honourable member for her question. Certainly, skills shortages is an issue in the meat industry. I was recently at Thomas Foods in Murray Bridge inspecting the construction of their facility there, and it was a topic of great concern, of course. That is in common with many other regional and agricultural industries. In fact, today I was at a lunch speaking and again this was a topic of great concern.

There needs to be a number of different steps. We know that a couple of weeks ago at a federal level there was an increase to 195,000 in terms of visa places for workers, which will go some way towards assisting in some of the skills shortages, but we need to make sure that this is not the only step that we have in terms of addressing skills shortages.

At the country cabinet in the Upper Spencer Gulf, just last week or the week before, we were very fortunate to have a number of roundtable discussions, including around workforce. Present at that was the relevant minister, Blair Boyer, as well as various other ministers who have a role within this and myself as Minister for Regional Development. It really does take a partnership in terms of training for positions that are available and also looking at some of the other aspects that are holding back the opportunity to have people employed.

Some of those relate to individual skill levels and other barriers, but some also relate to things such as housing. We know that regional housing is a particularly difficult issue at the moment, and the government has been working within the relevant departments, but also with industry and others, to look at various ways of addressing some of the housing shortages, which also are a barrier to being able to employ people. We continue to work with the various industry organisations which also have a strong interest in this on behalf of their members, and I look forward to all of those steps coming together so that we can move this forward as far as is possible at this stage.

SKILLS SHORTAGES

The Hon. H.M. GIROLAMO (15:08): Has the minister met with representatives from the Meat Industry Council and are you able to provide details of these discussions and also details of what additional supports have been offered to the industry by the department?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): Both myself and the department have a number of meetings with a number of stakeholders on an ongoing basis. In terms of the second part of the question, I think I have already answered that.

GIANT CUTTLEFISH POPULATION

The Hon. R.P. WORTLEY (15:09): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about this year's update for the giant Australian cuttlefish numbers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I thank the honourable member for his interest in this and his particular interest in Whyalla and the Upper Spencer Gulf. Prior to the last election, we made a commitment to reinstate the closure of fishing for the giant Australian cuttlefish in the Upper Spencer Gulf, and by May we had already delivered on this commitment.

I am pleased to advise the chamber of a 28 per cent increase in the cuttlefish population for 2022, at 137,999 individual cuttlefish—they are that specific with the numbers—up from the 107,000 recorded in 2021, after the former Liberal government inexplicably abandoned the closure of the taking of cuttlefish in the Upper Spencer Gulf, despite the fact that that closure was clearly doing its job.

What the reinstatement of the closure under this government means is that tourism and dive operators and all the other businesses that thrive from people coming to the Whyalla district and surrounds to witness this amazing natural phenomenon can now take confidence that this government, the Malinauskas Labor government, supports them, supports their businesses and understands the importance of the cuttlefish aggregation to Whyalla.

I was very pleased to see the ABC reporting on the cuttlefish numbers just recently. Dive shop owner Tony Bramley said, and I quote:

> I don't think there's anything else people who are concerned about the aggregation could ask for. It's absolutely fantastic news because it shows the efficacy of that spatial closure, which was taken away two years ago because, according to the government at the time, it had done its job.

Owner of Cutty's Boat Tours, Matt Waller, told the ABC, and I quote:

> It just says to us that yes, this is a good thing. Yes, this is an industry that's going to exist in the future. It gives us a bit more confidence for sure.

I was fortunate to experience Cutty's Boat Tours for myself this year and can attest to the amazing experience that the business offers tourists and locals alike, who want to see the cuttlefish but who don't necessarily dive or are unable to do so.

The current closure ends in May next year, when it may be rolled over for another year to May 2024, in line with section 79 of the Fisheries Act, but our government will be working on implementing a permanent legislated fishing closure for cuttlefish in the Upper Spencer Gulf.

The Malinauskas Labor government, clearly from this, takes a deep interest in our regions. We care about maintaining and improving the experiences that draw people to regional areas, to the businesses and communities that are so crucial to our state. We care about Whyalla.

I think it is worrying for the people of Whyalla when we see not only things like the cuttlefish closure not being continued under the previous government but, in the leaked report into the Liberal Party's election loss, their bemoaning the fact that a new school was built there when it was a safe Labor seat. If that sort of advice is taken at face value by those opposite, then clearly the people of Whyalla can expect nothing much at all from any future Liberals.

I look forward to numbers—

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN: The Leader of the Opposition says that they weren't pork-barrelling. It's very, very unfortunate that a Whyalla school—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —is of so little importance to those opposite. It clearly shows the level of interest, which is negligible from those opposite.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I look forward to numbers of cuttlefish growing in the Upper Spencer Gulf.

Members interjecting:

The PRESIDENT: Order! Continue.

The Hon. C.M. SCRIVEN: I look forward to numbers of cuttlefish growing in the Upper Spencer Gulf in years to come as a result of this policy, a policy that is only safe as long as those opposite don't get a chance to abandon it again.

Members interjecting:

The Hon. C.M. SCRIVEN: Do you know where Whyalla is?

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Government won't bait me.

ABORIGINAL SMOKING RATES

The Hon. S.L. GAME (15:13): I seek leave to make a brief explanation before asking a question to the Minister for Aboriginal Affairs about Aboriginal and Torres Strait Islander smoking rates.

Leave granted.

The Hon. S.L. GAME: Australian Bureau of Statistics data, as provided by the productivity reporting dashboard, shows that the proportion of Aboriginal and Torres Strait Islander adults who smoked daily in South Australia was at 41.7 per cent in 2012-13, before dropping to 38.2 per cent in 2014-15, but then increasing to 40.4 per cent in 2018-19. For comparison, the same reporting dashboard record shows that the proportion of adults who smoked daily in South Australia in 2018 was 13.3 per cent. My questions to the minister are:

1. How concerned is the minister that smoking rates among First Nations people in South Australia have not decreased over the last decade?

2. What action is the government taking to address smoking rates in Aboriginal communities across the state?

3. Will the government consider products that reduce both harm and cost for smokers, such as vaping, to try to curb current smoking rates?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:15): I thank the honourable member for her important question. It is the case that in many determinants of health, Aboriginal South Australians trail far, far behind their non-Aboriginal counterparts in this state. Smoking is a very serious issue for all South Australians but particularly in Aboriginal communities. I will have to take parts of the question on notice in order to talk to my colleague the health minister, and also try to perhaps get some information from the federal health department about programs that specifically address Aboriginal smoking rates.

I know from my home town of Mount Gambier, the Aboriginal health service Pangula Mannamurna ran specific programs targeting smoking rates amongst particularly Aboriginal young men. I have seen that program in operation and the officers who have worked in that program and, from what I have seen, it has been quite successful. Aboriginal health clinics and centres are funded directly by the commonwealth so it might be something where we have to seek information from the commonwealth.

I do agree and acknowledge that it is a problem in the determinants of health outcomes which trail so far behind, and I will get some more information for the honourable member from my colleague at the state level and see if we can find some more information. I suspect there will be significant effort. As I said, Aboriginal health clinics around South Australia are generally funded directly from the federal government.

REGIONAL MENTAL HEALTH SERVICES

The Hon. L.A. CURRAN (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding the regions.

Leave granted.

The Hon. L.A. CURRAN: Biosecurity risks present a significant threat to the livelihoods of agricultural producers with many farmers petrified at the thought of exotic animal diseases coming to Australia. My question to the minister is: what additional investment is the Malinauskas Labor government making in mental health services to support farmers at this challenging time, given they are already vulnerable to anxiety and depression as a result of financial pressures and isolation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:17): I thank the honourable member for her question. Certainly, mental health issues are a very big challenge, particularly those in the agricultural industry and, indeed, in regional areas more broadly. I will refer the honourable member to our election policies in terms of mental health for a general sense, but in terms of specifically for those within the agricultural sector we have been having conversations with other organisations—NGOs and industry organisations—around this topic. Certainly, there are opportunities, particularly around things like co-location of services, some of which are run by community organisations, with events or activities that are regular, and people who may find assistance useful will be coming to.

For example, when there are livestock sales at saleyards, of course there are going to be people coming to those events, and that is a prime opportunity to be able to actually engage with them rather than people perhaps engaging with services that they perceived to have a stigma by seeking those out. It's an ongoing challenge. It's something that we are right to raise and pay attention to. I will certainly refer for further information to the Minister for Health in the other place. But I'm also very keen to continue discussions and dialogue about how across the community, across industry and across government we can work collectively and constructively to assist people who are facing extreme mental stress often.

I also refer to things like the other support services that can also have an impact, such as the financial support services that are administered through PIRSA. All of them have relevance also to the issue of mental health in regional areas, and particularly in agricultural sectors. Family and Business Support is one of those.

KAURNA DICTIONARY

The Hon. R.B. MARTIN (15:20): My question is to the Minister for Aboriginal Affairs. Will the minister please inform the council on the recent launch of the Kaurna dictionary at Tauondi College?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): I thank the honourable member for his question and his interest in this area. Earlier this year, on 28 July, I was fortunate to attend and formally launch the *Kaurna Warrapiipa*, the Kaurna dictionary. This dictionary is the first Kaurna to English dictionary to be published and contains over 4,000 words. As I understand, previous to this resource the closest thing to a dictionary was a document previously written by German missionaries, who documented

approximately 2,000 Kaurna words in the 1830s. The launch was held at Tauondi Aboriginal College in Port Adelaide and was collectively organised by the Kaurna Warra Pintyanthi and the Kaurna Warra Karrpanthi, Wakefield Press and Tauondi College.

As is well documented, the arrival of Europeans on Kaurna country had devastating consequences for the Kaurna people, who had lived and thrived on this land for tens of thousands of years. One such devastating consequence was much of the loss of language due to many of the European Australians' assimilation policies at the time, which forbade the use of their own language. Perhaps the most obvious examples of this are members of the stolen generations, who were forcibly removed from their families and communities at a young age, to be disconnected from culture, language and kinship, in many instances for the rest of their lives.

Therefore, it is important to acknowledge the many efforts of Kaurna leaders in the community preserving and revitalising Kaurna heritage and culture, and the launch of this dictionary is another very important step in the revitalisation of the Kaurna language. It has been well documented that language plays an important role in cultural healing, wellbeing and empowerment, while research is starting to show that it can improve physical and mental health as well. I note that research is currently being untaken I think by Adelaide University and SAHMRI in Adelaide to look at just that: the effects on language revival and reclamation on the physical and mental health of Aboriginal people.

Furthermore, Aboriginal languages are starting and I think will increasingly play an important part in our state's education system. I know from my own experience with my own kids that the units they have been taught, particularly in primary school, about Kaurna culture, Kaurna words and language have been important for them and their classmates, and I think we will increasingly see that in the future, particularly with the resources like the one now available.

I want to congratulate all of those involved with the development of this project. In particular I pay tribute to Rob Amery from the University of South Australia and also Jack Buckskin, who have been involved in the reclamation of the Kaurna language, both to a very significant degree, and to Wakefield Press, who were the publishers of the Kaurna language dictionary that was launched this year. I note, from talking to the publishers, the dictionary's initial run had at the time either sold out or was very close to selling out. I certainly have had a number of people ask me about the dictionary and where it can be bought. That says very positive things about the reconciliation process and where we are at the moment.

I want to finish up by also congratulating Katrina Power, who played a very important role on the day in helping launch the dictionary and talking about why it's needed and why things like promoting language can help to overcome the disadvantage so many Aboriginal people have faced.

Bills

LOCAL GOVERNMENT (DEFAULTING COUNCIL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2022.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:25): I rise to indicate that I will be the lead speaker on this bill for the opposition. I think the point needs to be made again that we are seeing a lot of legislation on the run from this government. This particular amendment bill was introduced and pushed through the other place last full sitting week, and the government is looking to push it through our chamber today before local government elections take place in November.

Thankfully, this is not a controversial piece of legislation; however, I make the point that the date for local government elections has been set for quite some time—about four years—and yet the government seems to be scrambling late in the piece to get this legislation passed. It does seem that the government is having a little bit of trouble getting their house in order, particularly in the portfolio of local government—perhaps an indictment of the minister responsible. Nonetheless, it is our job to deal with the legislation that is before us, and that we must do.

The Local Government (Defaulting Council) Amendment Bill 2022 will amend the Local Government Act 1999 to extend the period of administration in the District Council of Coober Pedy until the local government periodic elections are due to be held in 2026. The challenges that face the Coober Pedy council and community have been recognised for a long time. We are talking about a community that is incredibly isolated and, thus, arrangements have developed that are unique to their council.

Coober Pedy is a town that is located over 800 kilometres north of Adelaide in northern South Australia, a beautiful part of our state. Although the community of Coober Pedy may be small, it is incredibly diverse and resilient. The council has local government authority for Coober Pedy and its surrounding area and, in addition to the regular functions that a normal local government authority may have to undertake, the council also must provide essential services such as electricity and water retail services to the district.

The council is responsible for the sale and supply of those services, the connections of their customers to the electricity and water supply, the maintenance of those connections, and billing customers for their electricity and water use. An administrator was brought into the Coober Pedy council after a series of Ombudsman's reports concluded that the council inappropriately managed electricity and water accounts and debts in a manner that was unjust, unreasonable, wrong and contrary to law. The Ombudsman found that the council had been unable to manage its electricity and water retail services in a way that was financially viable, giving the council itself an added burden and leading to it being put into administration.

The Ombudsman's report also found that the payment of debts for essential services in Coober Pedy had been propped up by a native title fund, with many community members otherwise not in a position to contribute financially to their electricity debt. The subsidy program in place, the Remote Areas Energy Supplies scheme, was also found to be insufficient to bridge the gap between the cost of distributing electricity and water to Coober Pedy residents and the collection of revenue for these services.

In light of all of those details, it was the Ombudsman's recommendation that alternative options for electricity and water supply to Coober Pedy be considered and that the state government review whether there are options for the supply of electricity and water in Coober Pedy that would reduce the administrative and financial burden on the council. These challenges went even further, back to 2015, when the arrangements for the retailer were put in place by the then Labor government. The details around those arrangements have been discussed at length both privately and publicly and do not need to be reventilated here today.

The previous Liberal government appointed an administrator in 2019, and this bill seeks to extend that appointment. In reality, we may not have any choice. On behalf of the opposition, I would like to personally commend and thank Mr Tim Jackson for his work as the administrator since his appointment in 2019. I thank him for his attempts to continue to engage with the community throughout that time using community-wide surveys and the like. He has attempted to make sure that the community is engaged with the process even though he is a government-appointed administrator.

The challenges at Coober Pedy are well understood. The minister has received advice from the administrator about what he believes are the best arrangements that should be adopted. I hope the minister recognises his responsibility and also has the capacity to influence his Labor cabinet colleagues to ensure the necessary action is taken. Coober Pedy does need a sustainable long-term solution, and that solution should be expedited so that community members can once again have democratically elected representatives running their local council.

It is the determination of the current government that they are not proposing a return to ordinary elections this year, so we are going to see this unusual set of circumstances continue to at least 2026. We the opposition understand the complexities around this situation and support this position; however, we need to make sure that Coober Pedy has every opportunity to thrive into the future and return to community leadership. I hope that this process is done thoroughly, appropriately, sustainably and also in an expedient manner.

The Hon. R.A. SIMMS (15:31): I rise in support of this bill on behalf of the Greens. As has been noted by the honourable Leader of the Opposition, the city of Coober Pedy has been under administration since 2019. I understand that elected members were suspended in response to concerns regarding soaring debt and maladministration.

This bill proposes to extend the administration of the council until 2026, although I also understand that the government is keen to return to an elected council earlier if possible. I think it is fair to say that all sides of politics in this place would like to see a return to democracy as usual in the Coober Pedy council. It is not, of course, optimum to see elections being suspended in that council area, and to see any council area under the leadership of administration is not desirable.

That said, I understand the points made by the Leader of the Opposition in terms of the haste with which this bill has been introduced, but I do recognise that there was a pressing need on behalf of the government to do this before the council elections occurred, so the Greens are supportive of this. We certainly support this bill but restate our desire to see a return to elected governance in that local community as soon as possible.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:32): I would like to thank the Hon. Ms Centofanti and the Hon. Mr Simms for their contributions and also for their support for the bill. It is important that the necessary action is taken to support the council. I think it is a little disappointing that the Leader of the Opposition chose to try to score some political points, particularly given that her party held government for four years and was not able to resolve it. I do not think that should be the point of today's discussion.

This is about providing the opportunity for the steps to assist that council to continue. In regard to the Hon. Mr Simms' comments, I would like to reiterate that it is the government's preference that, if possible prior to the 2026 elections, the council would return to a normal elected member situation. Certainly, that would be our goal; however, I do note that there is support across the chamber for the bill, and I thank members for that support.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:36): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SHOP TRADING HOURS (EXTENSION OF HOURS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2022.)

The Hon. H.M. GIROLAMO (15:37): Today, I have the opportunity to be the opposition's lead speaker for the Shop Trading Hours (Extension of Hours) Amendment Bill. We, the opposition, welcome the proposal to extend shopping hours in South Australia on Sunday mornings to open at 9am rather than the current 11am opening time.

Opening up at 11am on a Sunday has been the case since 1995, a sensible change made by a Liberal government. Similarly, removing the restrictions of selling red meat on the weekends—again by a Liberal government in the 1990s—was something today we would reflect on as a totally unnecessary restriction. These changes, like today's bill, is a reflection of modern life. People's lives are busy and the more convenient a shop is for them to access the easier life can be. Those of us who have children know how important supermarkets being open on a Sunday or at night is to ensure that the pantry is full and the fridge is ready for tomorrow's school lunches.

My father-in-law, Joe Girolamo, has been a small business owner for the past 40 years. One of his first businesses was a bakery at the Elizabeth Shopping Centre. At that time, in the late 1980s, bakeries were not allowed to bake bread on a Saturday. He could not understand why Woolies and Coles were allowed to bake bread, but he could not sell fresh bread as a small business owner whilst employing South Australians and contributing to our economy.

Joe worked with the government to get legislation changes made, despite complaints and demands from the unions to prevent this. This was a significant change for many bakeries around the state and is something we all take as a normal right, to have fresh bread and produce on the weekend.

The government has proposed some measures to improve shopping hours for South Australians. We are not hearing cries that the sky is going to fall in with these extended shopping hours. Additional hours will help South Australian shoppers and provide additional employment to many South Australians.

The government should ensure they get out of the way of South Australian families and working South Australians and further reduce red tape and open up shopping hours from the archaic restrictive past practice. Our shop trading laws should better represent the expectations of the public: allow bricks and mortar shops to compete whilst the online marketplace goes on 24 hours a day. We also need to provide balance for businesses in South Australia, ensuring that our brilliant 'small business state' title is supported and sustained.

From briefings with the government on this bill it seems like the government and Peter Malinauskas will give with one hand and take away with the other. Having different rules and red tape for different sectors is confusing and holds our state back. The opposition has undertaken a period of consultation, directly asking the public what they want, and it is clear: they do not like the government's style of consultation—only talking to their mates in the union, promising them all the power.

Like many South Australians, I would love to see what consultation has been done by the government. There was no callout via yoursay.sa.gov.au, which is the usual forum for public feedback, so the opposition undertook its own consultation. We are not proposing that all shops be open all the time, but our amendments will make practical, pragmatic changes and reflect the society and times we live in and what South Australians want: a simple to understand, modern shop trading regime for a modern city.

Through this consultation one of our amendments is that we propose shops close at 6pm rather than 5pm on Saturday and Sunday afternoons. Our public consultation made it clear that people would like to see shops closed on Good Friday, Easter Sunday, ANZAC Day and Christmas Day. The public want to see more consistent and clear rules regarding other public holidays such as Boxing Day. At the very least all shops should be able to trade on Boxing Day if they choose to do so. This will be another amendment of the opposition. The proposed amendments relating to public holidays by the government as they currently stand still create confusion and complicate trading hours further.

'Black Friday' was coined in the US as the day after Thanksgiving and seen traditionally as the starter gun of the Christmas period as it creeps into our psyche and vocabulary here in Australia too. There are massive online sales, and whilst we do not acknowledge Thanksgiving in Adelaide the starting pistol certainly has certainly arrived by the fourth Thursday in November, as Santa arrives at the Magic Cave by this time, and it is more acceptable to have Christmas decorations out for sale in the windows. So, we certainly support the proposal to secure Black Friday trading and changes around additional public holidays.

However, the opposition believes that the proposed amendments should go further to recognise that we now live and work in the 21st century. Our shopping laws should demonstrate this. Adelaide is a modern city and deserves to be allowed to change to reflect our modern standing.

The opposition has serious concerns about the government's proposed changes to the exemption process. We want to ensure that it is a true, balanced consultation process that cannot be gamed by the minister of the day or by the union or industry groups. The former government gave

the public what they wanted: shops open on most public holidays. The public responded with their feet and some of the biggest retail trading days in the state were had. The tills were ringing and everyone who wanted to shop could shop until their hearts were content.

Peter Malinauskas is not interested in giving the public what they want, but he is happy to dance to the tune of his union. Now the government wants to introduce an unelected body to the process and give them effective power of vetoing public holiday trading, removing the authority from the minister. This has a lot of concerns and is a huge overreach of mammoth proportions. The Labor Party will shackle any future government against best servicing their electorate mandates.

At best it limits the exemptions the government or future governments can make, and at worst it takes the control out of the minister's responsibility entirely. For example, hypothetically, if in the future there was a party that was swept into power on the back of further deregulation of trading laws they would not be able to make these exemptions without the SDA having the right to veto, a complete disregard for the electoral process and a wrong incursion by an unelected body into the powers of this parliament and ministers.

Whereas previously it was the minister of the day having the authority to grant exemptions, now a union can stand in the way of a shop owner opening their own shop if he or she wishes, with workers missing out on paid work on a public holiday and shoppers missing out on what they are used to and should expect. It is confusing and concerns the additional powers of the union that may be granted.

In regard to proclaimed districts and car and boat sales, the Liberal Party, as always, is the party of choice for the regions. We are not proposing any changes around these districts. Similarly, after consultation with the MTA, Independent Retailers and Business SA, there will be no changes to the boat or car sales industries.

I look forward to putting forward the opposition's pragmatic amendments that will improve this bill for all South Australians, not just for the government's union mates. It will bring South Australia into a modern state of shop trading laws. Too many hysterics get in the way of the good, sound and practical politics in this state. Whilst it is pleasing to see that the government has finally come to its senses and opened up the shop trading in this state—only slightly, but we are still happy to support this change—we do look forward to more progress and more sensible changes in shop trading laws.

The Hon. T.A. FRANKS (15:46): On behalf of the Greens, I rise to support the Shop Trading Hours (Extension of Hours) Amendment Bill 2022. I have just been apprising myself of the many and varied speeches that I have made about shop trading hours in this place since I was elected in 2010. The last speech I gave I think was about the proposal for a referendum—that referendum with a silent 'B' at the end that was proposed by former Treasurer Rob Lucas, who made this his crusade, a crusade for full deregulation of shop trading hours in this state, which he thought would be very popular. Clearly, the election results speak for themselves. People did not want to shop until the staff dropped, and we never had a referendum on the shop trading hours.

What we actually could have had almost four years ago—in fact, for the last three years of the Marshall government—was the compromise that we currently debate today. This is a compromise that would change shop trading hours on Sundays so that shops could open from 9am instead of 11am. It would also address some current, very minor but important issues within the legislation that would ensure that the minister can now appoint inspectors, where previously they had to be appointed by cabinet.

The compromise would also create a standalone section that ensures workers cannot be forced to work on Sundays, and it extends this rule so that workers cannot be forced to work on public holidays. This is something that the Greens welcome and support and something that I do not believe would have been put before us under the previous government's proposals.

The bill also formalises the current, more recent arrangements that have come to be known as part of our retail industry culture, if you like, which see trading on Boxing Day and maintain the carve-out for supermarkets in the Greater Adelaide shopping district. It also establishes more stringent requirements for granting or declaring exemptions under the act. We have seen them used and abused under the previous Marshall government by former Treasurer Rob Lucas.

Going forward, this bill provides better management of those exemptions where the proposed exemption is appropriate in order for a shop or shops to open at an exhibition, a show or a local or special event, or to meet requirements of tourists or other visitors. It requires community consultation and notice to be given to the community and that the exemptions are not so extensively used as to actually undermine the purpose of the act. The minister must indeed be satisfied that the exemption would not be opposed by the majority of interested industry parties.

For the bill that we have before us, while I am sure the opposition will make great mileage of the SDA's support of this legislation, I point out that there are two unions involved: there is RAFFWU as well. It is not the SDA pulling the strings here and it is not the SDA having its own way; it is a consensus bill that is being developed in proper consultation with the community.

I note the correspondence that I received, and I believe all members of this place have probably received, on 26 September with regard to this bill from Foodland Supermarkets Chief Executive Officer, Franklin dos Santos. He writes to inform myself and other members of parliament that Foodland Supermarkets Australia supports the bill:

> Foodland Supermarkets Australia believes that the Bill strikes the right balance among the interests of shoppers, retail workers, the owners of large supermarkets, the owners of small supermarkets and convenience stores, and local growers and suppliers. In so doing, the Bill achieves a balanced outcome that is in the interests of the South Australian people and economy as a whole.

Foodland Supermarkets encourages us to support the bill. I note also that on the same day the South Australian Independent Retailers wrote with similar support for this particular bill and noted some media commentary that they distance themselves from. South Australian Independent Retailers state:

> …that the Bill strikes the right balance among the interests of shoppers, retail workers, the owners of large supermarkets, the owners of small supermarkets and convenience stores, and local growers and suppliers. In so doing, the Bill achieves a balanced outcome that is in the interests of the South Australian people and economy as a whole.

They are singing from the same song sheet. I think this is what I would call a reasonable compromise, a step forward, an end to the cold war that was waged by the former Treasurer on this quest that he had, a crusade if you like, for fully deregulated shop trading hours. It is a sense of security and certainty not just for the workers but for the industry itself and for the consumers.

I would hope that this will be one of the last times that we are here debating shop trading hours in such legislation. I do, of course, anticipate that some changes to the public holiday act may soon come, and I welcome that particular debate, but that is not a debate for today. This is a debate that I hope will be one that gives that certainty for all parties.

I note that the opposition has stated and foreshadowed that they have an amendment to this bill. They have stated that they have done consultation. Well, they posted something on their Facebook page five days ago, possibly six days ago. It is still out for consultation, according to that Facebook post. That Facebook post also says that they have not decided their position and yet here we are, we have had late last night a tabled amendment from the opposition to extend from 5pm to 6pm the trading hours.

I cannot see how that was properly consulted on. I cannot see that the Liberal Party has been clear to the public about their position. I certainly think they are still carrying the legacy of the former Treasurer, Rob Lucas, and his crusade on this issue. I think the South Australian public deserve more clarity than they are currently getting from the opposition on this particular issue. With that, I look forward to the debate on the bill, and we will support all stages.

The Hon. F. PANGALLO (15:53): I rise on behalf of SA-Best to speak about the shop trading bill and indicate that SA-Best will be supporting it but not the amendments proposed by the opposition. SA-Best, of course, welcomes the reforms to shop trading hours this bill will bring while at the same time protecting the unique position South Australian consumers enjoy with a competitive supermarket sector, where our prices are generally much lower than the Eastern States because of the vibrant independent Foodland group providing a mighty South Aussie alternative to the big three market predators: Woolworths, Coles and the rising giant, Aldi.

Had Rob Lucas and the Marshall government had their way, the big three and some of the big retailers would have devoured their smaller competitors. I could not convince the former Treasurer to at least even consider what this bill is now doing—the extra hours on weekends. It was all or nothing, our way or the highway, and as we have seen, they have gone down the highway. This bill will also be welcome news to other small and large businesses as well as workers, who must voluntarily agree to be rostered on given public holidays. You could not ask for anything fairer than that.

As well as providing an extra two hours to trade on weekends, from 9am to 5pm, excluding New Year's Day, Easter Sunday and Christmas Day, the bill also enables establishing trading, without ministerial intervention, on extended trading hours for shopping events like the ubiquitous Black Friday at the end of November and on weekdays in the days leading up to Christmas. Trading is to be allowed on specific public holidays outside the Greater Adelaide shopping district, like Boxing Day, while excluding shops that sell predominantly foodstuffs. Who does supermarket shopping for groceries on Boxing Day anyway?

When the previous Treasurer gave a blanket decree for this to happen to all businesses across the state three or four years ago, I spent one whole Boxing Day surveying many shopping centres in the metropolitan area. Predictably, you could only find tumbleweeds in the supermarkets that chose to open, while smaller businesses just shut up shop because it was uneconomic to trade. The same thing happened in subsequent years, right up until the Liberals lost office. The only ones to benefit were the Westfields at Marion, West Lakes and Tea Tree Plaza and other larger centres at Elizabeth and also Colonnades.

I will, however, commend the former Treasurer in extending hours to enable people to move freely to do their essential shopping during the dark days of COVID. Even then, however, there were stores that had fewer shoppers than expected at night, unless of course there were search parties looking for toilet paper and tissues, which for a time were as rare as hen's teeth.

The ability for the minister to order a blanket decree is gone. He cannot declare an exemption unless he has consulted with interested parties and is satisfied that the move has the support from at least one representing the interests of workers and employers. I will note here that the MTA did raise with us their concerns that their members would not be covered by this, as there is no employee-based union covering retail vehicle and boat salespersons. However, the Attorney-General has given us an undertaking to rectify this anomaly.

This government's approach to exemptions, in my view, puts consensus of the industry front and centre of the decision-making process and puts industry stakeholders back in control of shop trading hours, as is intended by the act, by limiting the minister's ability to undermine and control shop trading hours with extensive or excessive exemptions.

The bill has the support from key stakeholders, and it is welcoming to see that the government—like SA-Best and, I am sure, my colleagues opposite in the Greens—did undertake extensive consultation with all the relevant sectors. The South Australian Independent Retailers and Foodland Supermarkets are fully supportive. They agree that the bill achieves a balanced outcome that is in the interests of shoppers, retail workers, the owners of large supermarkets, the owners of smaller IGAs, convenience stores and local growers and suppliers.

The passage of this bill will provide consumers with flexibility to organise their weekends as well as allow businesses to maximise the sale of available stock before next purchase. In adjusting for trading hours flexibility, the bill also achieves inclusivity in expanding consumer accessibility.

In summary, the changes to South Australia's shop trading hours represent a move to a position that more accurately reflects the needs of busy families, adapts to a change in community expectations and can compete with the realities of online marketplace options. Hear, hear, to a commonsense approach. With those words, I indicate the support of SA-Best for this bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:59): I wish to thank those who contributed to this debate. In particular I thank the Hon. Tammy Franks who, as the honourable member pointed out, has been very consistent over quite a number of years on the issue of shop trading hours, and the

Hon. Frank Pangallo who, likewise, has been consistent since his time in this chamber on the need to strike a sensible balance between the needs of families, the needs of South Australian businesses, the needs of retailers, and the needs of consumers.

Probably most of all, I would like to thank the opposition for their contribution on this matter. I have to say I thank the opposition from the bottom of my heart for continuing the legacy of the Hon. Rob Lucas. I welcome the opposition continuing on with the polices of the Hon. Rob Lucas because the Hon. Rob Lucas was one of the best assets the Labor Party had. I welcome the opposition continuing with the same sort of policies, the same sort of attitudes in this area that the Hon. Rob Lucas had.

The opposition asked about consultation. The consultation that this government has done has been extensive with those who represent workers and those who represent unions—extensive consultation in the lead-up to this bill being introduced but also for many years before. There was consultation with the likes of Business SA, the SA Independent Retailers, Drake Supermarkets, Rundle Mall, Shopping Centre Council of Australia, Australian Retail Association, National Retail Association, Motor Trade SA, Food SA, Bunnings, Kmart, SA Unions, SDA and the United Workers Union, to mention just a few.

But the ultimate consultation happened with 1,127,642 South Australians at the last election. This was a very clear difference between the Labor Party and the Liberal Party, and a very clear difference between the Greens and the Liberal Party, a very clear difference between SA-Best and the Liberal Party. That statewide consultation about this and other policies returned an overwhelming result. The people of South Australia roundly rejected the policies that were espoused for so many years by the Hon. Rob Lucas, that I thank the current opposition for continuing it. I think it will help them stay in opposition if they continue down this path.

The Hon. Tammy Franks mentioned the consultation that the opposition undertook. The policy we are seeing in legislation now has been the policy for three years of opposition and the policy well-known and well-documented in the lead-up to the election, and the policy that we went out and consulted on with more than a dozen organisations, business groups, and those who represent workers, as I outlined.

The opposition's consultation I believe was done late Thursday evening, by sending out an email. They sent out an email saying they were now considering this policy. We come here a few days later—two or three working days later—and that is the opposition's consultation. I want to thank the opposition for, firstly, continuing with the extremist policies of the Hon. Rob Lucas and, secondly, I want to thank the opposition for considering that a couple of working days constitutes good and proper consultation. I think that stands them in good stead for a long and glorious time in opposition if they continue this.

The exemption process was mentioned by the opposition and, again, I thank the opposition for raising the exemption process. It seems to be worn like some sort of badge of honour by the opposition, that the former treasurer, the Hon. Rob Lucas, sought to circumvent the operation of this act by continually applying blanket exemptions. The South Australian people voted, more than a million voted on this and other policies and that was roundly rejected, so I thank the opposition for harking back to the days and letting the cat out of the bag that a future Liberal government would continue that practice of the former government in granting blanket exemptions that would force people to work and open stores on public holidays.

I think that is a welcome admission by the opposition, that that is what they intend to do. I think it is a very welcome admission but moreover I want to thank the opposition for continuing the rhetoric that the Hon. Rob Lucas used. We would have the Hon. Rob Lucas regularly come in here and talk about union bosses, denigrate people who were unionists or who belonged to unions.

I thank the opposition for continuing to talk about 'your union mates'—the pejorative way they categorise unions. It speaks to a warfare against working people, but I thank them for keeping it up because, as I said, it will help keep them for a very long time in opposition with these sorts of attitudes towards working people.

The SDA union, which has been mentioned, represents hairdressers, represents people who work in retail and represents tens of thousands of South Australians. I think they would be shocked and horrified to hear that the current new generation Liberal members of this place hold them in the same contempt as did the Hon. Rob Lucas. For a whole range of reasons, I wish to thank the opposition for their contribution on this and wish them well for their long years in opposition.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: Will the Attorney-General give an assurance, an undertaking, in relation to the query that was put forward by the Motor Trade Association?

The Hon. K.J. MAHER: I can inform the honourable member that I will do better than give an undertaking: I think it was last night that amendments were filed to give effect to exactly that concern, to say that at least one, if there are any. Not only will I give an undertaking, but I have translated it into a government amendment that I will be moving later.

The Hon. H.M. GIROLAMO: From the consultation and feedback you mentioned before, what public engagement has been made and was YourSAy used as a method of collating consultation and feedback from the people of South Australia?

The Hon. K.J. MAHER: I listed more than a dozen groups that were directly consulted with by the government. I reiterate that we had consultation with about 1.2 million South Australians in the lead-up to the last election. I wish at the earliest opportunity now to correct the record. I think I spoke in my second reading sum-up about the opposition's consultation having started on Thursday of last week. I was wrong, it was Wednesday night of last week about 7.03pm or 7.04pm in an email. Given that Thursday was a public holiday, there was Friday and Monday. The Liberals' consultation has so far comprised two ordinary working days.

The Hon. H.M. GIROLAMO: Will the government be providing any exemptions on public holidays over the next four years?

The Hon. K.J. MAHER: That is certainly not our policy. After much consultation this bill strikes a very important balance. It allows for areas where there have routinely been exemptions granted for longer shop trading hours in the days leading up to Christmas. An exemption was spoken about for longer hours on Black Friday.

But certainly we will not have a policy to routinely make exemptions on public holidays, let alone every single public holiday, which was pretty much the policy of the former government and seems to be, from indications from the opposition, the policy of a future Liberal government, bemoaning that it will not be as easy to grant exemptions and circumvent the operations of the act. That is not our view. We think the shop trading hours legislation strikes the right and sensible balance between the needs of families and consumers, but importantly it protects South Australian jobs.

I have spoken in this place about how independent retailers stock much more South Australian produce. Creating blanket exemptions, as the Hon. Rob Lucas did when in government, as the opposition has now foreshadowed would be their intention—not just foreshadowed in the second reading contribution but foreshadowed by virtue of the amendments the opposition is bringing to this chamber to make all holidays exempt from the operations of shop trading hours—we think has been repudiated by the South Australian people at the last election. It has been repudiated by every single member of this chamber in the last sitting except the Liberal members of this chamber and we will not be doing that.

So, no, it is not our intention to grant blanket exemptions on public holidays. If extraordinary and special circumstances exist, we will consider it. We considered it on Thursday of last week when there was a public holiday that was not expected either by consumers or the business community. We consulted and we granted an exemption in exceptional circumstances where there was an unexpected public holiday to allow trading after midday. In our view, that is what exemptions mean:

it is exempting something out of the ordinary, not a blanket thing to circumvent the act like the Liberals did before and like they have indicated they will do again.

The Hon. F. PANGALLO: Does the government intend to issue exemptions during the supercar event in December this year, in the CBD?

The Hon. K.J. MAHER: I thank the honourable member for his question. It is not something we have contemplated, but if there are exceptional circumstances for a particular event, for a particular circumstance that is out of the ordinary, it is something we will consider. But it is not something that has been flagged with us yet.

The Hon. F. PANGALLO: How will you consider that? Would it be an approach from, say, the board, or would it be from retailers or grocers?

The Hon. K.J. MAHER: I would expect it would be an approach from either a body that represents retailers or an individual outlet or a store. There will be sensible reasons why you might grant a small exemption, but certainly it would not be our policy to grant widescale exemptions on public holidays—on every public holiday.

The Hon. N.J. CENTOFANTI: Will the Attorney consider granting exemption for the WOMADelaide period?

The Hon. K.J. MAHER: Again, we will consider exemptions, we will consult with industry stakeholders on a case-by-case basis, but what we will not do, which I have made very, very clear, is issue blanket exemptions on all public holidays, as the former Liberal government did under the Hon. Rob Lucas and as the Liberal opposition is indicating they intend to do by virtue of the amendments they are putting forward to this bill.

The Hon. H.M. GIROLAMO: What notice period will be provided to businesses of potential changes to public holiday trading hours, and what certainty or confidence will the business community have in regard to trading on public holidays?

The Hon. K.J. MAHER: There is no prescribed notice period and I think that would be difficult to do in the circumstances. By the very nature of exemptions, you are exempting from something that is usual practice. I will give the example of the public holiday last week. That was a public holiday that was not expected and was called on with very little notice. If there was a long period of notice required, it would defeat the purpose of having these sorts of exemptions.

I know the government was approached by retailers and also consulted with those who represent retail workers about the exemption that allowed trading from midday on the public holiday of Thursday of last week, and that is the whole point of exemptions. I have no doubt there will be things that come up. Some of them will be things that affect a particular store or a group of stores and exemptions may be sought, and there may be good reasons for it, but there may be other reasons, like we saw last Thursday, where there are reasonable and sensible exemptions for something that is completely unexpected.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. K.J. MAHER: I move:

Amendment No 1 [IndRelPubSec–1]—

Page 3, line 35 [clause 4(3), inserted subsection (7)(a)]—After 'parties' insert:

(if any)

Amendment No 2 [IndRelPubSec–1]—

Page 3, line 38 [clause 4(3), inserted subsection (7)(b)]—After 'parties' insert:

(if any)

Amendment No 3 [IndRelPubSec–1]—

Page 4, line 3 [clause 4(3), inserted subsection (7)(b)(i)]—After 'exemption' insert:

(if any)

Amendment No 4 [IndRelPubSec–1]—

Page 4, line 6 [clause 4(3), inserted subsection (7)(b)(ii)]—After 'exemption' insert:

(if any)

These are identical amendments that apply to different parts of the same clause by inserting after 'parties' the two words '(if any)'. It is an issue that the Hon. Frank Pangallo has raised. This came about with a concern that I think was raised with the Hon. Frank Pangallo and that was also raised with us by the Motor Trade Association about exemptions and the requirement to consult with employer and employee bodies in a particular industry. This makes a sensible suggestion, in the case that there are not any in a particular area, to make that clear. It makes common sense but, as we know, we need to make sure that it is accurately reflected in the words of legislation. The amendments make clear that 'parties (if any)' need to be consulted with.

The Hon. F. PANGALLO: SA-Best supports the Attorney-General's amendments.

The Hon. H.M. GIROLAMO: The opposition supports the amendments.

The Hon. T.A. FRANKS: The Greens support the amendments.

Amendments carried; clause as amended passed.

Clause 5 passed.

Clause 6.

The Hon. H.M. GIROLAMO: I move:

Amendment No 1 [Girolamo–1]—

Page 4, line 25 [clause 6(1), inserted subsection (1)(b)]—Delete '5.00 p.m.' and substitute:

6.00 p.m.

Amendment No 2 [Girolamo–1]—

Page 4, line 26 [clause 6(1), inserted subsection (1)(c)]—Delete '5.00 p.m.' and substitute:

6.00 p.m.

The amendment standing in my name is a simple one, basically extending from 5pm on Saturday and Sunday evenings through to 6pm to allow families and shoppers to be able to make sure that they are organised for the week. In the consultation that we undertook, although it was for a shorter time than we would have liked, we did receive a lot of feedback from the people of South Australia, and the general feedback was that that extra hour would go a long way. I have often been at the shops at 4.45 on a Sunday and the shops are full, so we believe that additional hour would go a long way to serving the people of South Australia.

The Hon. K.J. MAHER: I might, if I can, maybe ask the mover a question. What is the opinion of independent retailers on the amendments that the mover is putting forward?

The Hon. H.M. GIROLAMO: From my perspective, I was not involved in those conversations, but I can certainly come back. My colleagues in the other house will be able to answer that question for you.

The Hon. K.J. MAHER: Further, does the honourable member have any idea at all what the view is of those who represent workers in industries that might be affected by these longer opening hours?

The Hon. H.M. GIROLAMO: From my perspective, the Labor Party is probably in a better position to be speaking to the unions in regard to that, but our thoughts are that it would be an additional hour of employment and opportunity for many South Australians.

The Hon. K.J. MAHER: I might indicate at this stage that we will be opposing these amendments that have been filed by the Liberal Party. The position that we are putting forward in

this bill has been extensively consulted on and negotiated with interested parties on a number of sides in relation to this.

Whilst I am quite sure that the very big retailers—the Coles and Woolworths—would welcome this, I am absolutely certain that much of the rest of the industry, and those who represent workers in that industry, would be opposed to this. The reforms to move to 9 o'clock shopping on Sunday was something that was a balance that was struck in negotiation over quite a deal of time, and further negotiated and refined over the last three years and during the six months we have had in government. It is indeed a balancing act between the needs of consumers, the needs of workers in this area and those businesses.

We think there are things that we have in the South Australian shop trading hours system that do give an advantage, and quite rightly an advantage, to independent retailers. The independent retailing sector in South Australia makes up about a third of the supermarket sector compared with single digits in the Eastern States. As I have said in this place before, what that means is the independent retail sector tend to support more South Australian produce and food manufacturers, and I think this shifts the balance away from that independent retail sector and will have a deleterious effect on that.

The Hon. T.A. FRANKS: My question to the opposition is: how many people actually supported the Liberal amendment that is before us now of extending the trading hours by an hour from 5pm to 6pm? Of those, how many were workers that are then giving up their weekend evenings—being with their families—for another hour when somebody could have gone to the shops at 4.30pm instead of 5.30pm?

The Hon. H.M. GIROLAMO: As previously mentioned, I will be able to come back to you with clear data in regard to that, but there were extensive responses received in favour.

The Hon. T.A. FRANKS: I have had a look at the survey that the Liberal Party put out five days ago on Facebook under the leader's auspices on his MP page. It states: 'HAVE YOUR SAY!' with some emojis that are all about shopping—a trolley, a bag and a vocalising head. It then states:

> South Australia's shop trading hours have attracted significant attention in the past, however, little practical progress has been made and there remains a clear need to modernise when shops are allowed to open.

That is a surprising amount of truthfulness and transparency in the fact that little progress was made for the last four years. It goes on to say, however:

> We are seeking your feedback that could help shift South Australia's shop trading hours to a position that more accurately reflects the needs of busy families, businesses and changing community expectations. Have your say here:

It takes you to a bit.ly link that goes to a Microsoft—

The Hon. K.J. Maher: NationBuilder?

The Hon. T.A. FRANKS: No, it is not actually necessarily NationBuilder, but it does ask for people's Instagram and other social media handles at the end of the survey. It takes them to a Microsoft Teams page. This says:

> Shop Trading Hours
>
> Updating South Australia's shop trading hours is an opportunity to make changes that reflect the needs of busy families and the various ways in which people prefer to shop, while also supporting the prosperity of all businesses.
>
> To help us form a view that strikes the right balance, please share your views below.
>
> 1.Should shop trading hours be extended?
>
> Yes
>
> No
>
> Other

If you answer that then you get a range of other questions.

> 2. If yes, do you support the extending of shop trading hours specifically on weekends?

Yes

No

Other

3. Are there public holidays where shops should NOT be opened? (please specify in 'other' which days where there should be no trading)

Other comments or feedback is the fourth question, and then it goes on to ask you for your various details: your mobile number, your email address and your socials—your handles—and your suburb. That is the extent of the survey. How do you get from that an amendment before this place to extend from 5pm to 6pm those hours, and also how do you come in here not having some support? This to me would indicate that you would support the compromise deal that has been reached by extensive consultation with all stakeholders to have an earlier start on Sunday.

So it is quite extraordinary to have received last night an amendment that says that the Liberal opposition support an extension from five to six, claiming that there was an overwhelming number of people who responded to their survey begging for this. I cannot imagine any shop workers, who are now going to have to work nine to 11, wanting to also work five to six, miss their entire family day, not be able to be home in time for cooking meals for their family or, indeed, have a break before the next day's work, most likely.

It is quite extraordinary to put yet another hour on top of these people, who are already very hardworking and who, under the pandemic, copped the brunt of abuse; who, being real essential workers, with no protections under the Marshall government, copped having shop trading hours extended, when they could not refill the damn shopping shelves, when the products were not arriving, when they were copping the brunt of the abuse. It was touted as apparently some sort of public health measure, which really it was not. It was just part of that stupid cold war the previous Treasurer waged about his unregulated shop trading hours fantasies.

Yet here we are again, with the Liberals yet again playing politics with this, requiring these hard workers to sacrifice yet another hour, five to six. Why five to six? On what basis do you come to us with that amendment, and why are you not wholeheartedly then supporting the nine to 11 compromise, which seems to me a much more sensible contribution to this debate?

The Hon. H.M. GIROLAMO: I guess in regard to that, there have been more questions around this one hour than the government have had directed to them around the additional two hours. We do support the additional hours. It is an opportunity for South Australians to have a choice as well. There are plenty of people within that survey who would like to see much more than just until 6pm or just till 5pm. This is an opportunity for us to make, I think, very sensible suggestions around having an additional hour so that people can set their families up for the rest of the week by going to the shops.

From the responses that were received there was broad consensus, and that is why we went with that additional hour. We are not suggesting that it be open 24 hours a day. This is just a very sensible, straightforward amendment.

The Hon. T.A. FRANKS: Why, then, did you not ask specifically in your survey, 'Do you support an extension of the hours from nine until 11 on Sundays, as has been proposed by the current government and will be put forward for us to debate in parliament?' Why did you not ask that specific question in your consultation? How many workers who are currently going to be required to work extra—not necessarily compelled to, because there is a good compromise here—supported, in addition, having to work five until six if they turned up to work that day?

The Hon. H.M. GIROLAMO: In regard to the nine until 11, we are supporting that. From the consultation we had with organisations like Business SA and other industry groups, we are supporting that. The government has not done any consultation with individuals around South Australia. We have, and the feedback is very broad that people would like to see shops open for more hours, so it is as simple as that. The reason we came up with that amendment was just to have a nice, simple addition, for one extra hour. People have the opportunity to earn money for that extra hour and also shoppers would be able to shop for that extra hour.

The committee divided on the amendments:

Ayes 5
Noes.....12
Majority 7

AYES

Centofanti, N.J.	Curran, L.A.	Girolamo, H.M. (teller)
Lee, J.S.	Lensink, J.M.A.	

NOES

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

PAIRS

Hood, D.G.E.	Scriven, C.M.	Wade, S.G.
Pnevmatikos, I.		

Amendments thus negatived.

The Hon. H.M. GIROLAMO: I move:

Amendment No 1 [Girolamo–2]—

Page 4, lines 27 and 28 [clause 6(1), inserted subsection (1)]—Delete '1 January, Easter Sunday, 25 December or any other day that is a public holiday in any year' and substitute:

Good Friday, Easter Sunday, 25 April or 25 December

Basically, what we are looking to do is simplify the process when it comes to public holidays. We agree that Good Friday, Easter Sunday, ANZAC Day and Christmas Day should remain as public holidays with limited trading, but we do believe that it should be straightforward on the other public holidays, making it easier for the general public to know when shops are open and taking out any red tape or issues with government intervention and just keeping it straightforward. That is basically what these amendments are looking to do: to ensure that on public holidays, outside the four that have been mentioned, there is an opportunity for shops to be able to trade on those days.

The Hon. K.J. MAHER: I rise to indicate that the government opposes this amendment. It gives legislative effect to the previous position of the Liberal Party, under the Hon. Robert Lucas, of trading on nearly all public holidays—even more so than the previous assault on independent retailers that was put forward in the last set of amendments by the opposition.

The sensible balance we have struck in South Australia does allow independent retailers times when they can trade when the big national chains, like Woolworths and Coles, cannot trade. This gives an advantage to independent retailers in South Australia and, as I have said, that is why we have such a vibrant and thriving independent retail sector that creates more employment in South Australia by virtue of the more produce and the more food manufacturers we have in SA.

We absolutely will not allow the vandalism of the shop trading hour regime by this carte blanche continuation of the previous government's policies for trading on nearly all public holidays. I would be interested to hear from the mover of the amendment what level of support for this widescale trading on public holidays was revealed with their two working days of consultation.

The Hon. H.M. GIROLAMO: These amendments provide certainty for business. The business community, I think, is comfortable and quite interested in that side, to make sure that they know what is happening, so they can prepare for what is happening, and workers can also have that certainty by not having surprises or changes happening. This just creates more possibility for businesses to be able to plan ahead, as well as workers.

The Hon. T.A. FRANKS: Which industry groups support this amendment?

The Hon. H.M. GIROLAMO: This amendment is based on discussions with businesses as well as with other industry groups. I think the general consensus is that it is a more straightforward option and would create support for businesses, as well as workers being able to plan.

The Hon. T.A. FRANKS: Which industry groups support this amendment?

The Hon. H.M. GIROLAMO: As I said before, I will take that on notice, because the shadow minister who was responsible for this is in the other house. We can certainly provide those responses to you.

The Hon. T.A. FRANKS: Do any industry groups publicly support this amendment?

The Hon. H.M. GIROLAMO: Same response as before.

The Hon. T.A. FRANKS: Is there a single industry group you can name that publicly supports this amendment?

The Hon. H.M. GIROLAMO: Same as before. I think the question has already been answered.

The Hon. K.J. MAHER: I think it is worthwhile reflecting in the contribution on this, given that the opposition cannot name a single industry group—one single industry group—that supports this. There is not a single industry group that the opposition can name. It is quite extraordinary, just one industry group is unable to be mentioned by the opposition as supporting it.

It might be worth, for the benefit of the chamber, reading some correspondence from Foodland in South Australia, a massive employer of South Australians, which wrote to members of the Legislative Council as late as yesterday:

> I write to inform you that Foodland Supermarkets Australia supports the above Bill.
>
> Foodland Supermarkets Australia believes that the Bill strikes the right balance among the interests of shoppers, retail workers, the owners of large supermarkets, the owners of small supermarkets and convenience stores, and local growers and suppliers. In so doing, the Bill achieves a balanced outcome that is in the interests of the South Australian people and economy as a whole.

It goes on to say:

> We thank you and your government for consulting with our sector and the wider community in relation to these legislative amendments.

If the opposition is unable to name one industry sector that supports these changes, is the opposition able to name the individual businesses that support the changes they are putting forward?

The Hon. H.M. GIROLAMO: I will take it on notice.

The Hon. K.J. MAHER: You cannot name one?

The Hon. H.M. GIROLAMO: I will take it on notice and I will get back to you. This was brought on 24 hours earlier. We have come through with sensible changes to the bill, particularly around public holidays. All we are asking is for consistency and support for businesses to plan ahead—that is it.

The Hon. T.A. FRANKS: And all we are asking for is that if you put an amendment up you can justify who supports it and tell us what due diligence you have done. Did you take this to joint party room with no industry group supporting it, or did you just create it for a political pointscoring exercise here in this parliament?

The Hon. H.M. GIROLAMO: We obviously have taken this to joint party. We are a democratic party and we all get a say in what happens. What I can say is that these changes are a consolidation of discussions that have happened across the board and between our team. Like I said, I will take it on notice and come back with details.

The Hon. K.J. MAHER: The opposition amendment carves out three public holidays that cannot be traded on. What was the rationale for those three, as opposed to any other public holiday?

The Hon. H.M. GIROLAMO: I think it is quite self-explanatory. You have Christmas Day, Good Friday and ANZAC Day. These are ones, based on consultation, based on feedback, that should not be included, whereas on others people want certainty and clarity.

The committee divided on the amendment:

Ayes 5
Noes.....12
Majority 7

AYES

Centofanti, N.J.	Curran, L.A.	Girolamo, H.M. (teller)
Lee, J.S.	Lensink, J.M.A.	

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Game, S.L.	Hanson, J.E.	Hunter, I.K.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Simms, R.A.

PAIRS

Hood, D.G.E.	Scriven, C.M.	Wade, S.G.
Wortley, R.P.		

Amendment thus negatived.

The CHAIR: The Hon. Ms Girolamo, we believe that amendments Nos 2, 3 and 4 are consequential, so you will not be moving them.

The Hon. H.M. GIROLAMO: No.

The CHAIR: However, what are you going to do with [Girolamo-3] 1?

The Hon. H.M. GIROLAMO: I would like to move that. I move:

Amendment No 1 [Girolamo–3]—

Page 4, lines 34 and 35 [clause 6(1), inserted subsection (2)(b)]—Delete 'if the business of the shop is not wholly or predominantly the sale of foodstuffs—'

Basically, this is to delete 'if the business of the shop is not wholly or predominantly the sale of foodstuffs'. I find it hard to believe that on a public holiday you can purchase a TV but not a packet of sausages or a loaf of bread from a supermarket. To me, this keeps it simple; it means that you will be able to still shop at Harvey Norman but you can also go to your local supermarket to do your shopping for the week. Basically, there is no need to over-complicate the legislation. We believe that this change will simplify things and make sure that it is in line with making it consistent and easier for the people of South Australia to understand.

The Hon. K.J. MAHER: We oppose the Liberal amendment. This is another part of the suite of amendments that are included in this bill to the shopping hours regime. This one in particular does what some of the other parts of the bill do in giving that balance between consumers and families, but also, importantly, that ability to provide some ability and advantage to the small independent retail sector, and this is what this part of the bill does. By putting in the opposition's amendment, it is probably desired by Coles and Woolworths, but we do not think it is good for the independent retail sector in South Australia.

The Hon. C. BONAROS: I have a question for the Attorney: to your knowledge, do those small, independent retailers sell sausages?

The Hon. K.J. MAHER: The Hon. Emily Bourke reliably advises me that they probably do. Whether they sell hot chickens would seem to be the main thing the former Treasurer was concerned about—getting his $8 hot chook from somewhere—I am not sure, but I am sure the Hon. Rob Lucas in his retirement, while he is tending to his ponies, can find a cheap, hot chook somewhere other than the front of his Woolworths store on Boxing Day.

The committee divided on the amendment:

Ayes 5
Noes.....12
Majority 7

AYES

Centofanti, N.J.	Curran, L.A.	Girolamo, H.M. (teller)
Lee, J.S.	Lensink, J.M.A.	

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Game, S.L.	Hanson, J.E.	Hunter, I.K.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Simms, R.A.

PAIRS

Wade, S.G.	Wortley, R.P.	Hood, D.G.E.
Scriven, C.M.		

Amendment thus negatived; clause passed.

Clause 7.

The Hon. H.M. GIROLAMO: With regard to the time frame or the consultations taken, is the Attorney-General able to outline, with the exemption made last week for the special public holiday, how that occurred and what instructions the minister provided for those changes?

The Hon. K.J. MAHER: Very soon after the decision had been made for Thursday to become a public holiday, consultation was undertaken with a range of groups that included, I am informed, Business SA, Independent Retailers, the SDA, Bunnings in particular and the Australian Retailers Association in relation to what would be appropriate on that public holiday. As a result of that consultation and with general agreement with those consulted with, the decision was made to have trading hours as occurs on most ANZAC days, and that is open from midday of that day. The process for that occurring is for a ministerial exemption to be signed by myself as minister, and that exemption is gazetted.

The Hon. H.M. GIROLAMO: With the proposed changes, what sort of test for consideration to declare exemption will occur, and what parties will be consulted with?

The Hon. K.J. MAHER: I think the consultation that occurred for that Thursday public holiday is probably a model for how it would occur for any further exemptions under the act—broad consultation with those who are involved (shops of that type) and consensus. That is what we did and I think that was a good process to follow, showing our commitment to what is going to be required under the act.

The Hon. H.M. GIROLAMO: What is the test for consideration to declare the exemption and is it the majority of both consulted groups? For example, if there was a union and a business group and one was in favour and one was against, what would happen in that situation, and how would the minister handle that?

The Hon. K.J. MAHER: Can I just ask what clause we are contemplating at the moment?

The CHAIR: We are at clause 7.

The Hon. K.J. MAHER: Is this about Sunday trading? I am just not sure what the nexus is at all for the clause we are discussing. I am happy to answer questions, but I am just wondering why we are doing this now.

The Hon. H.M. GIROLAMO: Thank you; that would be appreciated.

The CHAIR: At the moment, clause 7 deals with restrictions relating to Sunday trading.

The Hon. K.J. MAHER: Is this clause 4 you want to debate?

The Hon. H.M. GIROLAMO: I am just asking for clarification around what will happen, given that—

The CHAIR: As long as this relates to clause 7.

The Hon. K.J. MAHER: As it is set out in the act and had been consulted with a range of groups, the test is a majority overall with those of an interest, but having to have at least one from each of the employer and the employee representative groups.

The Hon. H.M. GIROLAMO: Do you have a list of organisations that currently fit the definition of 'interested parties', and could that be circulated?

The Hon. K.J. MAHER: I do not have a list that would apply to every single group of shops or every group, but if one exists, I am happy to see if it can be circulated.

The Hon. H.M. GIROLAMO: Finally, where will the general public's voice be heard within this consultation process?

The Hon. K.J. MAHER: For exemptions?

The Hon. H.M. GIROLAMO: For exemptions.

The Hon. K.J. MAHER: We are always taking the views of the public, but the exemptions, as outlined in there, relate to those involved in the industry.

Clause passed.

Remaining clauses (8 and 9) passed.

Schedule 1.

The Hon. T.A. FRANKS: How many inspectors are there?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am advised it is around 40, but if that is drastically incorrect, I am happy to bring back an answer. I am also advised that not everyone who is appointed an inspector from the regulator actively acts as an inspector. It is around 40, but if that is drastically different, I will make sure I bring that back.

The Hon. T.A. FRANKS: While the minister is bringing that back—and I am happy to take it on notice; I have previously asked questions around these inspectors—if we could have some information about how much work these inspectors were assigned in the last four years, that would be most appreciated.

The Hon. K.J. MAHER: I will definitely have to take that on notice, but I will do so happily.

Schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (HUMAN REMAINS) AMENDMENT BILL

Final Stages

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

PLEBISCITE (SOUTH EAST COUNCIL AMALGAMATION) BILL

Final Stages

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

CONTROLLED SUBSTANCES (PURE AMOUNTS) AMENDMENT BILL

Final Stages

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

Personal Explanation

SOUTH EAST COUNCIL AMALGAMATION

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:02): I seek leave to make a brief personal explanation.

Leave granted.

The Hon. K.J. MAHER: Earlier today, during debate on the Plebiscite (South East Council Amalgamation) Bill 2022, I indicated on advice that Minister Brock had spoken to the mayors of both the City of Mount Gambier and the District Council of Grant prior to the introduction of the bill. I have since been informed that, while Minister Brock had made attempts to contact both mayors prior to the introduction of the bill, he had not heard a response from the Mayor of the District Council of Grant. The advice I was given was on the basis that it was in fact the member for Mount Gambier who had informed Minister Brock that he had spoken to the Mayor of the District Council of Grant prior to the introduction of the bill.

At 17:03 the council adjourned until Wednesday 28 September 2022 at 14:15.

Answers to Questions

TREES ON FARMS INITIATIVE

92 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (7 September 2022).

1. What is the timeline for the Trees on Farms initiative?

2. When is a report to quantify the environmental and economic benefits of on-farm plantations expected to be finalised?

3. Who will be responsible for developing the report?

4. What are the terms of reference for the report?

5. Will the terms of reference be made public?

6. When will work on the report commence?

7. Will the report be made public?

8. What is the estimated total cost to develop the Trees on Farms initiative?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

The Department of Primary Industries and Regions (PIRSA) is currently undertaking a series of activities as part of the Trees on Farms initiative. This includes dissemination of information, research, and other support to boost farm forestry. It is anticipated a significant amount of work will be finalised within this financial year, including working in tandem with the Green Triangle Forest Industries Hub (hub).

FOREST INDUSTRIES FEASIBILITY STUDY

93 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (7 September 2022).

1. Who will be responsible for undertaking the feasibility study outlined in Labor's 'Forest Industries' election policy document into incentives to ensure that arrangements favour local processors who may be locked out of contracts with the larger forest growers as?

2. What is the time line for the feasibility study?

3. What are the terms of reference for the feasibility study?

4. Will the terms of reference be made public?

5. When will the feasibility study commence?

6. When is the feasibility study due to be finalised?

7. Will the outcomes of the feasibility study be made public?

8. What is the estimated total cost to undertake the feasibility study?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

The Department of Primary Industries and Regions (PIRSA) is currently undertaking initial exploratory work to determine potential incentives to ensure that arrangements favour local processors who may be locked out of contracts with larger forest growers.

FOREST INDUSTRIES

94 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (7 September 2022).

1. What is the time line for the Forest Products Domestic Manufacturing and Infrastructure Masterplan?

2. Who will be responsible for developing the master plan?

3. What are the terms of reference for the master plan?

4. Will the terms of reference be made public?

5. When will work on the master plan commence?

6. Will there be a public consultation process as part of developing the master plan?

7. When is the master plan due to be finalised?

8. Will the master plan be made public?

9. What is the estimated total cost to develop the master plan?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

The Forest Products Domestic Manufacturing and Infrastructure Masterplan has been allocated a budget of $650,000 for each year, over three years. Consultation between industry and relevant government agencies is occurring to finalise the key areas that will be considered as part of the master plan, with opportunities for collaboration and stakeholder involvement where this might be applicable.

NUCLEAR ENERGY

108 The Hon. D.G.E. HOOD (7 September 2022). Can the Minister for Energy and Mining advise:

1. Has the state government consulted with any interest groups or individuals concerning nuclear energy?

2. Has the state government been contacted by any interest groups or individuals concerning nuclear energy?

3. Has the state government investigated the merits of nuclear energy?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised the following answers:

1. No.

2. Yes.

3. No.

PREMIER'S TASKFORCE

110 The Hon. D.G.E. HOOD (7 September 2022).

1. When will the Premier's Taskforce's review into regional policing be complete?

2. What are the terms of reference for the review?

3. Will a report be prepared for the minister?

4. When is the report due to be received by the minister?

5. Will the outcomes of the review be made public?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Police, Emergency Services and Correctional Services has advised:

The Premier's Taskforce has been established to make recommendations to government on police resourcing and numbers over the next 10-15 years.

Matters to be considered in recommending future policing resources include population and census data, metropolitan and regional expansion, crime rates, socio-economic status and current police demand and recruitment policies, among other considerations.

The Premier's Taskforce is expected to provide a report to cabinet later this year.

WOMEN IN SPORT

114 The Hon. D.G.E. HOOD (7 September 2022). Can the Minister for Recreation, Sport and Racing advise:

1. Has the state government received any complaints of biological boys or men participating in girls or women's sports teams in South Australia?

2. Is the state government aware of any biological boys or men participating in girls or women's sports teams in South Australia?

3. What is the state government's position on biological boys or men participating in girls or women's sports teams in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Recreation, Sport and Racing has advised:

1. I have been advised by the Office for Recreation, Sport and Racing that since December 2019 they have responded to two items of correspondence regarding concerns around gender policies in sports.

2. I have been informed by the Office for Recreation, Sport and Racing that numerous national sporting bodies have implemented policies and resources for the inclusion of transgender and gender diverse people in elite and community sport in accordance with their gender identity.

These include Cricket Australia, AFL, Hockey Australia, NRL Touch Football Australia, Athletics Australia, Tennis Australia, Rugby Australia, Rowing Australia, Water Polo Australia and Sport Climbing Australia.

The Office for Recreation, Sport and Racing is aware of at least two state sporting organisations that have policies in place which support the inclusion of transgender athletes in their sports and have transgender athletes actively participating in their community competitions.

3. The participation of transgender and gender diverse people in sport comes under section 48(a) of the Sex Discrimination Act (Cth) 1984 and gives the Australian Human Rights Commission the power to publish guidelines 'for the avoidance of discrimination' on the grounds of sex and gender identity.

The governance of sport is the responsibility of national and state sporting organisations and the determination of the eligibility of their athletes in competitions are primarily contained in their rules and/or by-laws, noting the requirements of section 48(a).

The Office for Recreation, Sport and Racing support the guidelines for the inclusion of transgender and gender diverse people in sport developed by the Australian Human Rights Commission, Sport Australia and the Coalition of Major Professional and Participation Sports launched in June 2019.

FERAL PIGS

117 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (8 September 2022).

1. How many feral pigs does the Department of Primary Industries and Regions estimate to be in South Australia as at 30 June 2022?

2. How many feral goats does the Department of Primary Industries and Regions estimate to be in South Australia as at 30 June 2022?

3. How many feral deer does the Department of Primary Industries and Regions estimate to be in South Australia as at 30 June 2022?

4. What is the total annual expenditure of the Department of Primary Industries and Regions on programs to manage or eradicate the feral populations of pigs, goats and deer?

5. What programs does the Department of Primary Industries and Regions operate manage or eradicate the feral populations of pigs, goats and deer?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I have been advised:

Feral pigs

I have been advised there are less than 50 feral pigs on Kangaroo Island.

I am advised that PIRSA estimates there to be 1,000 feral pigs in the Riverland and Murray Lands Landscape region.

I am advised landscape boards spend up to $100,000 on feral pig control each year.

Feral goats

I am advised the population of feral goats in South Australia is typically about 300,000.

Feral deer

I am advised there are around 40,000 feral deer in South Australia, with the highest population of around 25,000 in the Limestone Coast Landscape region, followed by around 8,000 in the Hills and Fleurieu Landscape region.

In 2021-22, PIRSA, landscape boards and the Department for Environment and Water commenced a project to eradicate feral deer from South Australia over the next decade.

This program has secured funding of $4 million from the commonwealth and state governments and landscape boards, covering the first four years of the 10-year program.

The aerial and ground culling programs run by the Limestone Coast Landscape Board culled about 2,000 feral deer with programs operating across private properties, ForestrySA reserves and National Parks.

The Hills and Fleurieu Landscape Board, Forestry SA and Department for Environment and Water culled almost 300 feral deer from the Hills and Fleurieu Landscape region, with programs operating across private properties, ForestrySA reserves and national parks.

The Northern and Yorke Landscape Board and the Department for Environment and Water culled almost 245 feral deer in the Northern and Yorke Landscape region, with programs operating across private properties and national parks.

EID COMMITTEE

122 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (8 September 2022).

1. Who has been appointed to the eID committee?

2. How frequently will the eID committee meet?

3. When was the most recent meeting of the eID committee held?

4. When is the eID committee expected to report to the government on its findings and recommendations?

5. Will the recommendations of the eID committee be made public?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

Following an open call process, Livestock SA established and will manage the Sheep Traceability Steering Committee. The steering committee comprises representatives from across the sheep and goat value chains and will investigate when and how a sheep and goat eID (electronic identification device) system may be implemented in South Australia.

Appointments

Members of the steering committee, appointed in accordance with the committee's terms of reference, are:

- Peter Treloar (Independent chair)
- Colin Trengove (Vet and consultant)
- Liz Summerville (Australian Livestock and Property Agents representative)
- Duan Williams (Producer)
- Ian O'Loan (National Saleyard Quality Assurance)
- Rebecca Barry (Naracoorte Livestock Exchange)
- Anne Collins (Consultant, producer)
- Mark Inglis (Thomas Foods International)
- John Falkenhagen (Goat producer and Goat Industry Council of Australia)
- Allan Piggott (Livestock SA, Sheep Producers Australia)
- Glen Tilley (Livestock SA, Wool Producers Australia)
- Petra Lennon (PIRSA)
- Tara Vandeleur (PIRSA)

Meetings

Meetings will be held bi-monthly or as determined necessary by the steering committee to deliver key milestones of the work plan.

A communication, engagement and extension strategy will be part of the steering committee's work and will guide public availability of information related to any recommendations made for sheep and goat eID.

REPLACEMENT FRUIT TREES PARTNERSHIP PROGRAM

123 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (8 September 2022).

1. What is the time line for the partnership program between the Department of Primary Industries and Regions and the Loxton Waikerie council that will provide local residents with an opportunity to remove and replace fruit trees?

2. What is the total cost of the program?

3. What is the state government contribution to the program?

4. What is the Loxton Waikerie council contribution to the program?

5. What are the terms of reference for the program?

6. Who will be responsible for completing the report on all monitoring and evaluation outcomes of the program?

7. When is the report expected to be completed?

8. When is the report due to the minister?

9. Will the outcomes and a copy of the report be made public?

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

South Australia is currently managing fifteen outbreaks of fruit fly in the Riverland.

There have been an abnormally high number of fruit fly detections in the SA Riverland over recent years with twenty outbreaks having been declared since 2018. The vast majority of the detections associated with these outbreaks have been made in non-commercial orchards—largely in small groves of trees attached to peri-urban house blocks.

The South Australian government has initiated a pilot fruit tree replacement program at Waikerie so we can improve community education on the need to manage the risk of fruit fly in non-commercial orchards while also reducing the number of at-risk and unmanaged trees that are forming a biosecurity risk.

The Department of Primary Industries and Regions (PIRSA) is partnering with the Loxton Waikerie council to develop and implement the pilot project and rolling out an accompanying education program to improve the management of non-commercial fruit trees.

PIRSA is developing detailed plans for the program with the Loxton Waikerie council and intends to commence direct engagement with local residents during September 2022 with a view towards identifying those residents who would like to nominate to have their trees replaced so that work can be well underway before the end of the year.

The total cost of the program will be highly dependent on the number of residents who nominate to have trees replaced.

FERAL ANIMALS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (7 September 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I thank the honourable member for her question and provide the following response:

Following the 2019-20 bushfires, the SA and commonwealth governments committed $2.67 million from the Disaster Rebuilding and Resilience Program to eradicate feral pigs from Kangaroo Island.

Some of the learnings from the Kangaroo Island program may be applicable to other feral species.