

LEGISLATIVE COUNCIL

Thursday, 17 November 2022

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:17 and read prayers.

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2021-22—

Australian Children's Education and Care Quality Authority
Australian Children's Performing Arts Company (Windmill Theatre Co)
Barossa and Districts Health Advisory Council Inc
Barossa Hills Fleurieu Local Health Network
Carclew Inc
Ceduna District Health Services Health Advisory Council Inc
Central Adelaide Local Health Network
Chief Psychiatrist of South Australia
Child Death and Serious Injury Review
Country Health Gift Fund Health Advisory Council Inc
Eastern Eyre Health Advisory Council Inc
Eudunda Kapunda Health Advisory Council Inc
Eyre and Far North Local Health Network
Far North Health Advisory Council Inc
Flinders and Upper North Local Health Network
Gawler District Health Advisory Council Inc
Hills Area Health Advisory Council Inc
History Trust of South Australia
Kangaroo Island Health Advisory Council Inc
Kingston Robe Health Advisory Council
Limestone Coast Local Health Network
Lower Eyre Health Advisory Council Inc
Mid West Health Advisory Council Inc
Port Lincoln Health Advisory Council Inc
Riverland Mallee Coorong Local Health Network
South Australian Ambulance Service
South Australian Commissioner for Aboriginal Children and Young People
South Australian Commissioner for Children and Young People
Southern Adelaide Local Health Network
Southern Fleurieu Health Advisory Council Inc
Letter of Interim Recommendations from Regional Mental Health Services Review—
July 2022
SA Health's Response to Coroner's Findings of 17 June 2022 into the Death of
Holly Alexandra Thredgold—October 2022
SA Office of the Chief Psychiatrist—Focused Inspections of Older Persons' Mental Health
Services in Regional SA

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

Report of the Judicial Conduct Panel to the Attorney-General pursuant to section 25 of the
Judicial Conduct Commissioner Act

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

Reports, 2021-22—
Department of Human Services
Guardian for Children and Young People
South Australian Housing Trust

Ministerial Statement

REMOVAL OF MAGISTRATE

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:21): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.J. MAHER: This morning, on the government's recommendation, Her Excellency the Governor removed Mr Simon Milazzo from office as a magistrate. In April 2021, the Office of the Commissioner for Equal Opportunity published a report on its inquiry into harassment and discrimination in the legal profession. A legal practitioner who had participated in that inquiry then came forward and made a complaint about the conduct of a sitting magistrate, Mr Milazzo.

Three other women then reported allegations that Mr Milazzo engaged in inappropriate conduct with sexual connotations. The reports were initially made to the Commissioner for Equal Opportunity, the Chief Justice and the Chief Magistrate. Ultimately, the allegations were handled pursuant to the Judicial Conduct Commissioner Act 2015. Under that act, the former commissioner conducted a preliminary examination into the allegations.

Having been satisfied that an inquiry into the conduct was both necessary and justified and, further, that if established the conduct may warrant consideration of removal of the magistrate, the commissioner recommended to the former Attorney-General that a panel be appointed to inquire and report on Mr Milazzo's conduct.

On 24 June 2021, a judicial conduct panel was established. The presiding member of the panel was the Hon. Patricia Kelly KC, then President of the Court of Appeal. Other members were the Hon. David Bleby SC, a retired Supreme Court judge, and Dr Christopher Moy. Exercising powers under the Magistrates Act 1983, the Governor at the time, His Excellency Hieu Van Le, on the advice of the Chief Justice, suspended Mr Milazzo from office, effective from 1 July 2021. Mr Milazzo's remuneration continued while the panel's inquiry was underway.

In November 2021, Mr Milazzo applied to the Supreme Court for a review of the recommendations made by the commissioner to the then Attorney-General and of the subsequent decisions made by the panel to inquire into the matters referred to it and to permit a legal representative of a witness to appear. The application was dismissed in May 2022. The panel then proceeded to take evidence and submissions on the allegations.

On 2 November 2022, the panel provided its report to me. The report was also delivered to Mr Milazzo, the complainants, the Chief Magistrate and the Judicial Conduct Commissioner, as required under the act. Pursuant to an authorisation from the commissioner, it was also provided to the Acting Chief Justice. The report set out the evidence and submissions. The panel concluded that:

- Mr Milazzo engaged in inappropriate conduct with sexual connotations in relation to four different women over a period of a number of years.
- Each of those women was in a subordinate position to that of Mr Milazzo.
- All of the conduct occurred in the workplace, either in court-related or informal settings.
- The conduct was not consistent with the magistrate's obligation to uphold the status and reputation of the judiciary and is precisely the type of conduct that a reasonable,

fair-minded member of the public would perceive as likely to diminish public confidence in, and respect for, the judicial office.

The panel's opinion was that removal of the magistrate was justified. On 8 November 2022, the then Acting Chief Justice determined to cease the magistrate's remuneration.

Today, as mentioned at the beginning of this statement, the Governor, on the advice of Executive Council, removed the magistrate from office, effective immediately. The process from the date the first complaint was made to now was complex and lengthy. I have no doubt that the process was difficult for the complainants and the witnesses. Their courage and persistence throughout this process deserves acknowledgement. Section 25 of the Judicial Conduct Commissioner Act 2015 requires me, as Attorney-General, to lay a copy of the report before both houses of parliament. I have now done so.

RIVER MURRAY UPDATED FLOW ADVICE

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I table a ministerial statement from the Minister for Police, Emergency Services and Correctional Services in the other place on the topic of updated flow advice in the South Australian River Murray.

Question Time

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): My question is to the Attorney-General regarding the Adelaide beach management review. When will the government's review of sand management for the north-western beaches start, and when does the Attorney expect the review to be completed?

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 question. I know that there has been a substantial amount of preliminary work that has occurred in relation to the review that the honourable member refers to. I think, off the top of my head—and I will check if it's correct—the formal review will start in the coming weeks and is expected to take 12 months to complete, taking into account scientific evidence in relation to this issue. I know that there has been a lot of work done to make sure the review takes into account a range of views, and in particular working to ensure there is proper Kurna representation on the review panel.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary. I thank the minister for his answer. Will the minister make the terms of reference of the review public, and will the outcomes of the review also be made public?

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 important questions. I will take some advice on both of those matters and bring back a reply. I am taking on this as the minister responsible for this review, as the minister who has the usual conduct declared a conflict of interest, so I don't have as much information as I might have otherwise, but I am happy to take those two matters on notice and bring back a reply for the honourable member.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): My questions are to the Attorney-General regarding the Adelaide beach management review. Does the Attorney believe that the condition of Henley Beach, Henley Beach South and West Beach has benefited from the government's delay in reviewing sand management for the north-western beaches? Will the Attorney commit to ensuring Henley Beach, Henley Beach South and West Beach are no worse off by the next election?

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 and can indicate that that is precisely why the government has committed to doing a proper review,

taking into account evidence, to make sure we are doing what is in the best interests of South Australians and of protecting beaches along South Australia.

I have had the opportunity of visiting many of the coastal areas that would be subject to this, I think from the north of Glenelg, where below Glenelg there are already arrangements in place, and have been for some time, in relation to sand management, to have a look at those beaches. I know that there is external sand that is from land-based quarries that replenishes sand at West Beach at the moment. I understand that will continue, but I will see if there is more information I can provide to the honourable member.

INDUSTRIAL RELATIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations regarding jobs in South Australia.

Leave granted.

The Hon. N.J. CENTOFANTI: Yesterday, the Minister for Industrial Relations rambled in response to a question asked by the Hon. Jing Lee regarding the Labor federal government's industrial relations legislation—

Members interjecting:

The PRESIDENT: Order!

The Hon. N.J. CENTOFANTI: —dismissing it as a federal—

Members interjecting:

The PRESIDENT: Order! Sit down. I cannot hear the question, so please, I would like to hear the question asked with silence in the chamber, and then I would like to hear the answer with silence in the chamber. The Hon. Leader of the Opposition, you might need to start again, because I heard none of it.

The Hon. N.J. CENTOFANTI: Yesterday, the Minister for Industrial Relations rambled in response to a question asked by the Hon. Jing Lee regarding the Labor federal government's industrial relations legislation, dismissing it as a federal matter and as outside of his concerns as a South Australian Minister for Industrial Relations. Ironically, this morning, *The Advertiser* reports that 'Labor work law reforms spark red flag: warnings from SA business groups'.

Business groups such as Business SA, the Australian Industry Group, the Motor Trade Association, the Australian Hotels Association and—wait for it—the Master Builders Association of South Australia have penned a statement warning that federal Labor's industrial relations legislation will drive a decline in local jobs and hurt productivity and investment. Within this statement, they have said the biggest red flag within the proposed multi-employer bargaining provisions was the new single interest employer authorisation scheme. They have said that:

This new stream is the wrong approach and would force employers and their employees to be made parties to an agreement they have not negotiated.

This approach would enable unions to reach agreement with a few employers and then extend the agreement to hundreds of other employers.

This would particularly damage small businesses, who would have costly new conditions and requirements imposed on them for nothing in return.

Members interjecting:

The PRESIDENT: Order! I can't hear the question that is being asked. Both sides of the chamber, silence. Please conclude.

The Hon. N.J. CENTOFANTI: The group have also stated that:

If passed in the Senate, this flawed bill will result in the most significant and regressive industrial relations changes in well over a decade.

My questions to the minister are:

1. What is your—

Members interjecting:

The PRESIDENT: Just wait. Right. Now ask the questions, please, so we can all hear them.

The Hon. N.J. CENTOFANTI: My questions are:

1. What is the minister's response to the concerns of these industry bodies, industry bodies such as the MBA, AHA and Business South Australia, who employ thousands of South Australians across our state?

2. Will the minister admit that he was totally out of touch with the business community when he stood up to provide his arrogant answers yesterday?

3. As the state Minister for Industrial Relations, can he give reassurance to business groups that such unionised industrial relations legislation will not destroy jobs and investment in our South Australian economy?

4. In light of the minister's comment yesterday that:

We have massive interaction with business groups as a Labor government. Let me give you an example of an interaction with a business group...At the MBA awards recently, there were about half a dozen Labor members and ministers who attended those.

Is the government and the minister actually talking to business groups such as the MBA or are they just there for the free dinners and the photo ops?

Members interjecting:

The PRESIDENT: Order! I call the Minister for Industrial Relations.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:33): I thank the honourable member for her—I guess 'questions', you could call them. Look, I will say from the outset that it was put a bit more eloquently than perhaps other questions that were asked yesterday, but regardless of how the questions are asked, what we do not agree with on this side—

Members interjecting:

The PRESIDENT: Order! Please sit down, Attorney. Look, we are not going to have a repeat of yesterday. I want to hear the answer to the question. I tried to ensure that the question was asked and heard in silence, and I would like to hear the answer.

The Hon. K.J. MAHER: As I was saying, regardless of how the question is asked, I can tell you one thing for certain: we do not agree with what seemed to be a new policy announced by the Hon. Jing Lee yesterday to deliberately try to push down wages of workers. We don't agree with that at all. That is not our policy. That is not what we wish for in South Australia.

In relation to the other part of the honourable member's question, I, as a minister, and many of my colleagues regularly have meetings with a whole range of industry and business groups, and I think a lot more than perhaps the former government used to do. Here's an example: before the last election my predecessor, who used to stand just here, the Hon. Rob Lucas, would turn up to a business event, stay for a very brief period to deliver his speech and then leave. He didn't want feedback, he didn't want to hear from people, whereas the then leader of the opposition, the now Premier, would stay for the whole event, hear feedback, interact, and that is probably why the parties are where they are now.

The Hon. J.S. LEE: Point of order, Mr President.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley and the Hon. Mr Hunter! I will listen to your point of order.

The Hon. J.S. LEE: Section 193: the minister has accused me of announcing some policy, which I have not said, yesterday. I want him to withdraw that comment, sir.

Members interjecting:

The PRESIDENT: Attorney, withdraw it.

The Hon. K.J. MAHER: As I said, it seemed that the shadow minister was announcing a policy. We look forward to the actual announcement in the future.

Members interjecting:

The PRESIDENT: I think you can do a better job of withdrawing it.

The Hon. K.J. MAHER: On your advice, sir, I withdraw the comments—

The PRESIDENT: Thank you.

The Hon. K.J. MAHER: —and we keenly await the announcement of the actual policy to suppress wages.

Members interjecting:

The PRESIDENT: Order!

CLOSING THE GAP PARTNERSHIP AGREEMENT

The Hon. J.E. HANSON (14:36): My question is to the Minister for Aboriginal Affairs. Will the minister inform the chamber of the signing of the South Australian Partnership Agreement for Closing the Gap and how it relates to the report on Closing the Gap that he tabled yesterday?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I thank the honourable member for his question and his interest in this area, and as the honourable member correctly pointed out, who was listening astutely, I did indeed table the inaugural report on Closing the Gap in South Australia yesterday.

The report is an assessment on how South Australia is tracking on the priority reform areas and outcomes detailed in the National Partnership Agreement and South Australia's implementation plan. Under South Australia's implementation plan, a key action to implement is to enter into a formal partnership agreement with the South Australian Aboriginal Community Controlled Organisation Network (SAACCON) and the South Australian government.

I am pleased to advise that recently, on 10 November, that agreement was executed by the conveners of SAACCON, Mr Scott Wilson and Ms Deb Buckskin, and the Chief Executive of the Attorney-General's Department on behalf of the South Australian government. I was very pleased to be present at this signing and to endorse and pledge my full commitment to fulfilling the obligations of the Partnership Agreement.

The Partnership Agreement represents a new way of working for the South Australian government. It promotes equal participation and shared decision-making for the government and SAACCON to work together to implement actions to achieve outcomes in the National Agreement on Closing the Gap. As detailed in the Partnership Agreement:

It is predicated upon culturally safe and responsive agreement making and is aligned to foundational principles of the United Nation's Declaration on the Rights of Indigenous Peoples, which include self determination, participation in decision-making, free prior and informed consent, respect for and protection of culture, and equality and non-discrimination.

An important aspect of the Partnership Agreement establishes the Closing the Gap Partnership Committee as a central governance mechanism for the implementation of Closing the Gap in South Australia. The partnership committee will include equal representation from the South Australian government, its agencies and SAACCON, and will be responsible for monitoring progress against South Australia's implementation plan and the Partnership Agreement. This will be an important mechanism in ensuring our state is achieving its desired outcomes and targets as closely as possible.

I am proud of the signing of this historic agreement and look forward to working closely with our partners in the Aboriginal community-controlled sector, SAACCON, and the bodies and

organisations they represent in ensuring improved outcomes for Aboriginal people living in South Australia.

INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATIONS

The Hon. F. PANGALLO (14:39): I seek leave to make a brief explanation before asking the Attorney-General a question about ICAC investigations.

Leave granted.

The Hon. F. PANGALLO: It has been reported today that the ICAC commissioner and the Director of Public Prosecutions have both provided the Attorney with initial reports about the case involving former senior government bureaucrat John Hanlon. My questions to the Attorney are:

1. Can you provide some details as to the contents of those reports?
2. Are you considering referring the matter to the police commissioner for further investigations of any laws that may have been broken?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): I thank the honourable member for his question, his well-documented interest in this area and his contribution to furthering this debate in this chamber, before and after dinner last night. I think we talked briefly about this before in relation other questions honourable members have asked. I have received initial reports after my request on the afternoon—I think it was on 9 November last week—when the prosecution withdrew the charges against Mr Hanlon.

I have received some initial reports. We have looked at those reports and will be seeking some further information. At a later stage, once that process has finished, we will consider whether some of the information can be released. There will, of course, be issues with some of these reports in relation to privilege, particularly legal professional privilege, but I am happy, once we have received the information and decided on a course of action, to provide further information to the honourable member.

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:41): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations regarding the CFMEU.

Leave granted.

The Hon. J.S. LEE: Reports of intimidation, verbal assaults and ongoing disruption on city construction sites by the John Setka-led CFMEU were reported in *The Advertiser* last Thursday. Master Builders SA chief executive, Will Frogley, said, and I quote:

...workers were being intimidated to join the CFMEU or risk losing work, while builders were being pressured to agree to pay deals that could send them broke.

There were also reports that some CBD construction sites had displayed 'No ticket, no start' signs, meaning non-union members were barred from entering sites. My questions to the minister are:

1. Does the minister condone the behaviour of intimidation, verbal assaults and ongoing disruptions, as reported on city construction sites, by the John Setka-led CFMEU?
2. Has the minister or one of his other ministerial colleagues met with Master Builders SA to discuss this intimidation issue specifically?
3. If so, when was the most recent meeting—a date would be great—and what measures will the government put in place to prevent all these ongoing disruptions?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43): I thank the honourable member for her questions in relation to the CFMEU. I am happy to repeat what I have said before. It seems almost an identical question that keeps getting asked, so I will answer it almost identically in the way that I have before for the honourable member.

I refer her to previous *Hansard*, but if the honourable member has any evidence of criminal activity—and she has outlined a number of behaviours which would constitute criminal activity: damage of public property—if she has any evidence of that, I would very strongly encourage the honourable member to report those to the police.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I don't condone—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —and I certainly hope and I expect that—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —the Hon. Jing Lee doesn't condone criminal activity. If she has evidence of that, I would strongly encourage her to pass on the details to the police, because this government, and I am sure the honourable member, doesn't condone any criminality.

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

The Hon. J.M.A. LENSINK (14:44): Supplementary question: isn't the information that's in the public domain enough for this minister to even take an interest in this issue?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): I'm not aware, but the honourable member might be able to fill the chamber in, that there are specific allegations of criminal behaviour. If she has particulars, I think it would be irresponsible for her not to go to the police with those as well.

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

The Hon. J.M.A. LENSINK (14:44): Further supplementary: has the minister heard of a broadsheet paper called *The Advertiser*?

The PRESIDENT: I call the Hon. Mr Wortley.

Members interjecting:

The PRESIDENT: Order!

BEST OF WINE TOURISM AWARDS

The Hon. R.P. WORTLEY (14:45): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the Best of Wine Tourism Awards in Argentina?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I thank the honourable member for his question. I am pleased to inform the chamber that a local South Australian wine tourism experience has won global recognition at the prestigious 2023 Best of Wine Tourism Awards in Argentina. Grapes for Good, which uses South Australian wine to highlight the plight of endangered animals while enticing tourists to visit multiple wineries across the region, has been recognised as a 2023 Best of Wine Tourism global winner.

The project began when Langhorne Creek based Kimbolton Wines joined forces with Zoos SA in 2021 with a cabernet sauvignon raising funds for cheetah conservation. It has since grown into a partnership with six Langhorne Creek wineries: Bleasdale, Bremerton, Lake Breeze, the Winehouse and Vineyard Road as well as Kimbolton Wines. Each winery donates part proceeds of a limited edition wine to conservation work for a different threatened species. These have included—

The Hon. H.M. GIROLAMO: Point of order.

The PRESIDENT: Minister, sit down for a second. What is your point of order?

The Hon. H.M. GIROLAMO: Point of order: the minister is reading from a press release that has been tabled in this parliament.

The Hon. C.M. SCRIVEN: No, I am not.

The PRESIDENT: The minister assures us that she is not reading from a press release.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Including the ring-tailed lemur, the plains zebra and the giraffe. I am very pleased to say that visitors have been encouraged to experience all the Langhorne Creek wineries along the way. They have driven increased tourism—

Members interjecting:

The PRESIDENT: Minister, I can't hear you because of your benches.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

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

The Hon. C.M. SCRIVEN: —in turn helping to multiply conservation efforts. I would like to extend my congratulations to all involved in the Grapes for Good initiative, which highlights not only South Australia's world-class wineries but also its trailblazing innovators, who work together to create top-shelf visitor experiences. I am sure all of us would join in congratulating this amazing achievement.

This international recognition puts South Australia and the Langhorne Creek wine region on the global stage and helps to cement our state's reputation as a must-see wine destination. Pre-pandemic, 36 per cent of international tourists to South Australia undertook an activity that involved visiting a winery. Wine is a major tourism drawcard, and it is wineries like Kimbolton Wines that attract visitors to our state and make South Australia known as Australia's—

The Hon. N.J. Centofanti: Wine capital.

The Hon. C.M. SCRIVEN: —wine capital.

Members interjecting:

The Hon. C.M. SCRIVEN: Two words, two words.

Members interjecting:

The PRESIDENT: Order! Minister, can you please conclude so we can move on?

The Hon. C.M. SCRIVEN: But I still have so much more to say.

Members interjecting:

The PRESIDENT: Order! I know this is an important topic, but please.

The Hon. C.M. SCRIVEN: It is, indeed. I am glad the opposition does realise that South Australia is recognised as a great wine capital; after all, the achievement of South Australia as one of the great wine capitals was an achievement of the former Labor government, and all credit to the member for Mawson for being part of that achievement.

The gala dinner was in Mendoza, Argentina, on 3 November 2022 at the Great Wine Capitals annual meeting and conference. In South Australia, the awards are coordinated by a Great Wine Capitals steering committee, which includes representatives from the Department of Primary Industries and Regions (PIRSA), the South Australian Tourism Commission, the South Australian Wine Industry Association, the University of Adelaide and the University of South Australia. The

announcement of Grapes for Good as a global Best of Wine Tourism Award winner is further proof that South Australia's wine tourism experiences are among the best in the world.

Members interjecting:

The PRESIDENT: I can't hear the minister.

The Hon. C.M. SCRIVEN: I commend the founders for their innovative pairing—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —of wine with animal conservation work. Congratulations to the South Australian winners and nominees of the Best of Wine Tourism Awards. I particularly congratulate Grapes for Good. This is global recognition for the outstanding wine tourism experiences on offer right here in South Australia, and I hope that all of those in this chamber will offer their congratulations to Grapes for Good, an outstanding example of what we can do here in South Australia.

BEST OF WINE TOURISM AWARDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:50): Supplementary: can the minister assure the house that she didn't quote from a press release?

The PRESIDENT: The reality is—

Members interjecting:

The PRESIDENT: Order! There will be a *Hansard* recording of what the minister has just said. You can line that up and if there is any issue maybe we can ventilate it, but the minister has assured us that she hasn't read—

Members interjecting:

The PRESIDENT: Order! The minister has assured us that she hasn't read from a press release; I am prepared to accept that at the moment.

Members interjecting:

The PRESIDENT: Order! We will go to the Hon. Ms Franks, please.

ANIMAL WELFARE

The Hon. T.A. FRANKS (14:51): I seek leave to make a brief explanation before addressing a question on the topic of animal welfare to the minister representing the Minister for Environment and Water.

Leave granted.

The Hon. T.A. FRANKS: This week, the owners of SAHARA, which stands for South Australian Humane Animal Rescue Association, also known as SA Dog Rescue, pled guilty to charges of animal neglect and cruelty following an RSPCA inspection of their shelters that occurred back in October 2019.

The two people who were sentenced had an organisation that boasted, 'We won't turn our backs on our animals'; however, many were left suffering in pain under their supposed care. The investigation found that they had possums festering in their own faeces and dogs with severely matted coats. They were responsible for caring for and feeding 450 cats and dogs as well as 130 horses in addition to pigs, sheep and goats at their Black Springs and Morgan properties.

Three brush-tailed possums were found in a cat transport cage, which was in an inadequate space to live, with large amounts of built-up faeces and urine. A thoroughbred mare called Winky had an injury to her left eye, in which her ocular globe was ruptured and her cornea thickened and scarred. A palomino pony mare named Ashley had a rear hoof overgrown by 20 centimetres, while a bay mare named Eileen was suffering from colic and stomatitis.

A Maltese-cross named Mike, which is the only animal that one of them was charged with neglecting, had a severely matted coat, dreadlocks that dragged to the ground and was covered in faeces and urine. That animal had crippling anxiety, according to the investigation and court proceedings, and ended up being euthanased. My question to the minister is: what steps will the Malinauskas government take to ensure that this never happens again?

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 and her well-known and recognised advocacy and interest in this area. I will refer those matters on to my colleague in another place, the Deputy Premier, and bring back a reply.

COUNCIL ELECTIONS

The Hon. J.M.A. LENSINK (14:53): I seek leave to make a brief explanation before asking a question of the Acting Minister for Local Government regarding local government elections.

Leave granted.

The Hon. J.M.A. LENSINK: Last week, media reports into voter fraud in the Adelaide City Council election named a Mr Jing Li, who should be distinguished from our deputy leader. Mr Li was a former member of the Labor Party, until June this year, and has been accused in the alleged voter harvesting scam in the Central Ward. My question to the minister is: can she confirm that Mr Li did not receive any assistance from the Labor Party, either financial or otherwise, such as access to electoral roll data kept by the Labor Party?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54): I thank the honourable member for her question. I am aware of reports in the media. I am not sure if all of those details are in the media that I have seen; I think they are not. However, it's worthwhile mentioning that, following the council elections, which of course have not quite concluded—a number are still being counted today—the Electoral Commission will be conducting a review of the election, as they always do. As I understand it, there is also an investigation into allegations of voter fraud. Those investigations will obviously come to their conclusion and then any suitable actions can be taken from there.

COUNCIL ELECTIONS

The Hon. J.M.A. LENSINK (14:55): Supplementary question: is the minister not ruling out that this individual received assistance from the Labor Party?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:55): I have no knowledge of that.

COUNCIL ELECTIONS

The Hon. H.M. GIROLAMO (14:55): Supplementary: were members of the Labor Party involved in a community safety forum with Mr Jing Li?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:55): I have no knowledge of that.

COUNCIL ELECTIONS

The Hon. J.M.A. LENSINK (14:56): Further supplementary: will the minister undertake to take these unanswered questions on notice and provide a response to the chamber?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56): I have answered to the chamber on those matters for which I am responsible.

ARABANA YANHI! TANGANEKALD YAN! KEEPING ANCESTRAL VOICES ALIVE

The Hon. T.T. NGO (14:56): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on the recent exhibition launch of Arabana Yanhi! Tanganekald Yan! Keeping Ancestral Voices Alive held at the South Australian Museum? I hope I have pronounced that right.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56): I thank the honourable member for his question and his almost spot-on pronunciation of Arabana and Ngarrindjeri language. Thank you; I appreciate the question and the interest the honourable member has had in this area and his close connection to Aboriginal people in the state through many years of service, including chairing the Aboriginal Lands Parliamentary Standing Committee.

I was fortunate recently to attend the exhibition of Arabana Yanhi! Tanganekald Yan! Keeping Ancestral Voices Alive. As Minister for Aboriginal Affairs, I often get invited to exhibitions and events and I am always particularly excited when there are events that display Aboriginal culture and events that are significant in keeping languages alive and the revival of Aboriginal languages.

This exhibition commenced with a Welcome to Country and a smoking ceremony by Uncle Moogie Sumner on the lawns of the South Australian Museum, followed by a speech from Nayuku Pumpal-ku, Karina Lester, a Yankunytjatjara woman and manager of the Mobile Language Team based at Adelaide University.

Karina highlighted that we are currently in the first year of the UNESCO International Decade of Indigenous Languages, so it was fitting to be able to celebrate their efforts in helping with reviving two South Australian Aboriginal languages: the Arabana of the western Lake Eyre region and the Tanganekald of the Coorong region. The exhibition featured artworks from the late Mr Stengle and also from Lakota Milera-Weetra. Also included in the exhibition were flashcards that promote the languages and are available to download for free.

Materials like this continue to be important resources for Aboriginal people, as well as the community broadly, in understanding the intrinsic connection between language and culture. Unfortunately, for many well-documented reasons out of the control of Aboriginal people, the right to continue language was stripped from them during the process of colonisation and in the years after.

There is research that is being conducted, and continues to be conducted, that indicates the important role that language plays in cultural healing and empowerment, while I am aware of research that is now linking the revival of Aboriginal languages to improved physical and mental health.

Furthermore, Aboriginal languages are increasingly playing an important role in our education system. I have been to a number of events over recent years where the Kaurna language is being promoted in a number of ways, through dictionaries and through things like resources for schoolchildren. It is pleasing to see other languages from around our state being revived and being spoken and being recorded and taught. It's promising to see the Aboriginal Living Languages South Australia, a cooperative between the Ngarrindjeri Aboriginal Corporation, South Australian Museum and the Mobile Language Team at the University of Adelaide continuing this important work.

I would like particularly to acknowledge the presence at the launch and the interest from the former Premier, the member for Dunstan, Steven Marshall, who played a role in starting this project. It was pleasing to be able to acknowledge that at the launch of this exhibition. There are some things that different sides of politics disagree on, even in Aboriginal affairs, but there are many things, particularly in this area, that we do agree on, so I pay tribute to the work in this area of the Hon. Steven Marshall.

POKER MACHINES

The Hon. F. PANGALLO (15:01): I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Consumer and Business Affairs, a question about poker machines.

Leave granted.

The Hon. F. PANGALLO: Antigambling experts have raised fears poker machine addicts will lose money at a faster rate with the revelation that more than 75 per cent of poker machines now accept notes at SA venues. They have also voiced concerns with the rapid take-up of this technology, with note-accepting machines only introduced to South Australia early last year.

The South Australian Council of Social Service chief executive, Ross Womersley, said, and I quote:

I think on the back of the horrifying figures emerging about the current levels of expenditure we can only expect this story to become worse with the increase in the use of note acceptors.

This comes at a time when a record \$831 million was lost on gaming machines in the 2021-22 financial year. That's an average of \$2.2 million a day. My question to the minister is:

1. Does the Labor Party regret colluding with the former Liberal government in voting for note acceptors?
2. Is the government concerned about the cost to the community, not just gambling addicts, given the fact that more than \$2.2 million a day is being lost on poker machines?

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 his question. I will pass on those questions to my colleague in another place the Hon. Andrea Michaels, the member for Enfield, and bring back a reply.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. S.G. WADE (15:02): My questions are to the Minister for Aboriginal Affairs:

1. What is the estimated cost of local First Nations Voice elections across the state under the proposed First Nations Voice Bill 2022?
2. What is the estimated cost of the ongoing operation of the local First Nations Voices and the state First Nations Voice under the proposed bill, including remuneration allowances for members?
3. Will these costs be able to be covered by the \$500,000 annual indexed allocation currently in the forward estimates?
4. When does the minister intend to introduce the bill?
5. When does the minister intend that the first elections will be held?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I thank the honourable member for his questions and his interest in this area. They are important questions. The draft bill that was released last week to create a directly elected First Nations Voice to the South Australian parliament would be an historic Australian first, to have a fully elected Aboriginal representative body that has a voice directly to our parliament. It's something this government is proud of and I am personally extremely proud of being involved in

I will answer, I think, the last part of the questions first in relation to the timing. We have said publicly we are very keen to see this introduced to this parliament as quickly as possible in the next sitting year. The Commissioner for First Nations Voice has undertaken almost three months of consultation to date, from August to October, covering some 30 public community meetings and meetings with organisations, right from the APY lands to Ceduna to Mount Gambier and all points in between.

I can't remember the exact figures, but some hundreds of participants took part in those meetings, but also other communications via websites, emails and other ways. As a result of those consultations, we have translated as best we can the views that were heard into a draft piece of legislation that is now up for further public consultation.

In that further round of meetings, I think the first one is on today at Elizabeth, and then there are further meetings this week and over the next, I think, about six weeks, again right around South Australia. I think the itinerary sees the meetings that had occurred earlier in this year being repeated. The idea is that the Commissioner for First Nations Voice will take the bill out to the Aboriginal community and Aboriginal people round South Australia to show, 'This is what we heard in the initial round of consultation. This is how we have reflected it in a draft bill. What do you think?'

I am sure that there will be feedback and potential changes in relation to that bill that occur over this second round of consultation.

As I said, that second round of consultation with the draft of the bill is starting as we speak. Once we have the views of that consultation, we will look to see what changes may need to be made and have the bill into parliament as soon as we possibly can next year. Of course, there is a balance. I think we have achieved a great deal in terms of as full a consultation as possible, but a couple of the comments that I know the commissioner received during the first round of consultation were comments like: 'We have been talking about this for decades, how our voices can be better heard. This has been since May 2017, the formal request for Voices to Parliament as a result of the Uluru Statement. Please get on with it.'

With that in mind, we don't want to unduly delay this. We want to be doing this as efficiently but effectively as possible, to make sure as many people's voices are heard as possible, so the idea is an introduction early in our sitting calendar next year. I have said publicly that I would like to see—and I don't think it is unrealistic—this body established and up and running by the end of next year, to have that first round of elections, under whatever the final format of the bill is, sometime during the course of next year, if this parliament should see fit to pass it. Under the bill thereafter, the proposal is that the elections for the First Nations Voice in South Australia would be held contemporaneously with state elections every four years.

The honourable member asked questions in relation to two parts in terms of the costs of a First Nations Voice to the South Australian parliament, in relation to the ongoing administration costs, and also the costs for conducting elections. I think the best way I can answer that is that that will depend on exactly the model that we end up with. We don't want to presuppose that there are going to be no changes, but it will depend on the model that we end up with.

I think the final question was the provision that there is currently in the budget, in the forward estimates, for \$500,000 a year for a state-based implementation of the Uluru Statement under the model that is currently proposed. I am sure, whatever changes, there will be a provision for further funding to make sure it is adequately resourced. Part of the draft bill specifically provides that the First Nations Voice is adequately resourced. I think it would be unrealistic not to provide some funding for people who participate in that First Nations Voice. The model anticipates local First Nations Voices around Australia, but then representatives of those make up the statewide First Nations Voice.

All other boards and committees of its type involve some form of remuneration for the participants. I would envisage that will happen here. There will be administrative costs and also, as the honourable member correctly points out, even if it coincides with state elections, there will be additional costs. Once we settle the final model they will need to be worked out.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. S.G. WADE (15:09): My supplementary question to the minister is: has there been any estimate at this point of the costs of implementing the current bill, if it was to remain unchanged?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): Various permutations, combinations, have been thought of to try to reflect as accurately as possible the first rounds of consultation—some thoughts, but they are not in a basis accurate enough to publicly agitate at this stage. I don't want to give the impression that we are presupposing exactly how it would look before this second round is completed.

COMMERCIAL FISHING SECTOR

The Hon. R.B. MARTIN (15:10): My question is for the Minister for Primary Industries and Regional Development. Will the Minister please update the chamber about PIRSA's eCDR project and the modernisation of our commercial fisheries?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:10): I thank the member for this question. Since the Malinauskas Labor government came to office, we have been working with the commercial fishing

sector to find ways to reduce red tape and create efficiencies that will help the sector after a challenging period of reform to the marine scalefish fishery undertaken by the previous state government on top of pressures from the pandemic, rising costs of doing business and for some sectors, such as rock lobster, market pressures from trade tension with China.

An important component in the work government is doing to improve efficiency and assist in responding to changing markets and environments has been a focus on reducing the paper-based process for recording commercial catches. The paper-based process causes inefficiencies for the industry but also for government in manually inputting such large amounts of data, which leaves the possibility for human error and other issues to occur.

Annually, PIRSA receives around 50,000 catch and disposal records (CDRs) from commercial fishers spread throughout South Australia. Most of these, up until now, have been paper based. Digital transformation of the fishing and aquaculture sectors is a critical component to improving the management and monitoring of South Australia's aquatic resources.

I am pleased to advise that PIRSA is about to commence the rollout of the new electronic catch and disposal records into the state's largest commercial fishery, the marine scalefish fishery. Information and education sessions will be held at numerous ports throughout the state during November to provide fishers with instructions on how to submit CDRs electronically. This will coincide with a transitional period to allow fishers to adjust to the new electronic reporting arrangements.

This is important because the new electronic reporting arrangements will give commercial operators a number of important pieces of information: real-time access to quota information; it will remove paper-based CDRs and the records management of these documents; removal of time delays from submission of CDRs to deduction from quota balances; improved data integrity; removal of data entry errors; more effective management of industry quotas; and improved time frames for quota setting.

Undeniably, most aspects of modern life are influenced by the digital age. The way we work, the way we rest, the way we play have all changed, and quickly, over the past decades. With the commercial fishing sector moving to a more modern approach, it gives them the best opportunity to keep doing what they do best, which is providing incredible fresh seafood to South Australians and people all over the world. In turn, this helps maintain and grow local jobs and the supply chain of business that relies upon a healthy and productive commercial fishing sector.

I look forward to the rollout continuing across not only the marine scalefish fishery but also the other quota fisheries into the future.

COMMERCIAL FISHING SECTOR

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:13): Supplementary: can the minister please outline what technological support will be provided to the commercial fishing industry in regard to the eCDR?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:14): Certainly. As I mentioned in my response, there will be a number of education sessions that will be held at numerous ports. What we are very keen to do is make sure that the transition is as easy as possible. Many people are very familiar, of course, with using electronic data, but others are not, so we want to make sure that this is a period of education and transition, and then we will allow the hopefully smooth transition to the new system.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (15:14): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of raising the age of criminal responsibility.

Leave granted.

The Hon. R.A. SIMMS: On 14 November of this year, the ABC's *Four Corners* program reported on restraining practices used in youth detention facilities in Western Australia and the Northern Territory. The ABC has reported that young people in those places are being locked in their

cells for unacceptably long periods of time using the folding up position, where they are restrained by being folded into a position that has been linked to risks of suffocation.

On 4 November, the South Australian Training Centre Visitor report was tabled. It revealed that 80 per cent of day shifts were unstaffed at the Kurlana Tapa youth detention centre, and children were given fast food in an effort to placate them. The report also stated that microwave meals were often served when they were not properly thawed.

A coalition of South Australian organisations has called for the age of criminal responsibility to be raised to 14 in South Australia. These organisations include the Public Health Association of Australia, the Australian Health Promotion Association, the Rights Resource Network, Amnesty International Australia, the Aboriginal Legal Rights Movement, the Commissioner for Children and Young People, the South Australian Aboriginal Community Controlled Organisation Network, SACOSS and Change the Record.

My question to the Attorney-General is: is the Attorney-General concerned about the welfare of children in detention here in South Australia, and what steps are being taken by the Malinauskas government to protect children who are caught up in the criminal justice system?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16): I thank the honourable member for his question and his interest in this area and acknowledge that he has brought this matter to the chamber a number of times, including in legislation that he has drafted and put before us. A basic answer to the question is: I am concerned about the welfare of children, whether that is in relation to contact with the criminal justice system, youth detention or more generally.

Although the youth detention system falls under the ministerial responsibility of my colleague the Minister for Human Services, the member for Hurtle Vale, the Hon. Nat Cook, it certainly touches upon my portfolios in relation to broader justice issues as Attorney-General, and also given the dramatic over-representation of Aboriginal children in the youth detention centre, but also coming into contact with all facets of the criminal justice system in my role as Minister for Aboriginal Affairs.

The organisations that the honourable member talked about—Change the Record, SACOSS, SAACCON, ALRM, Amnesty and many others—have raised concerns not just in South Australia but around Australia about the minimum age of criminal detention, and I certainly thank them for their advocacy. I have met if not with all of them certainly with most of them, not just in my time as minister but in my time as shadow minister in relation to this area.

As I have outlined to this chamber before, it is a matter we are looking at in South Australia. We haven't made a commitment in relation to what we may or may not do in relation to the minimum age of criminal responsibility, but it is something we are looking at. We are looking at what other jurisdictions have done in relation to this area—countries that are similar to Australia, such as New Zealand, Scotland, Ireland—and are also looking at some of the proposals in other jurisdictions in Australia: the ACT, the NT and Tasmania, who are not raising the age of criminal responsibility but a minimum age for detention. It is not exactly the same solution but certainly one that has the potential to make an impact. That work is continuing.

We are evaluating what the other jurisdictions have done, bearing in mind the sort of prism that we are looking at this through is looking for ways, at the end of the day, to make the community safer by looking to see if there are therapeutic interventions that may be more successful than contact with the criminal justice system in terms of helping young children and their families who would otherwise come into contact with the criminal justice system.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (15:19): Supplementary: has the minister taken any action in relation to the South Australian Training Centre Visitor report or is he aware of any action that has been taken by the government in relation to that report?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): I thank the honourable member for the question.

I would have to consult with my colleague the Minister for Human Services, who is responsible for youth detention, but I certainly will do that and bring back a reply.

RETURNTOWORKSA

The Hon. H.M. GIROLAMO (15:19): My question is to the Minister for Industrial Relations regarding ReturnToWork. Could the minister please provide an update on ReturnToWork's current level of claims and unfunded liabilities? Will the minister rule out any further increases to the ReturnToWork premium?

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 her question. I certainly don't have any information that would suggest that any of the forecasts that have been made during the course of debate on various issues in this chamber are doing anything other than panning out as forecast.

In terms of claims data, I can inform the honourable member that there were, in relation to the last financial year, approximately 14,000 claims received in the registered scheme, with 93 per cent of claims determined and accepted for financial support. But if there is more and if there is any significant variance to what has previously been forecast, I am happy to bring that back to the chamber.

RETURNTOWORKSA

The Hon. H.M. GIROLAMO (15:21): Supplementary question, and I appreciate the follow-up there: can the minister outline how frequently he meets with ReturnToWork and how regularly he receives updates in regard to both the current level of claims and the unfunded liability element?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I thank the honourable member for her question. The last meeting I had with ReturnToWork was with the chief executive—and I can't remember: it would have been at the end of last week or early this week, from memory—to discuss those and other matters. We do have regular meetings and the last one was certainly sometime this week or last week. I just can't remember the exact day.

SINGLE TOUCH PAYROLL

The Hon. J.E. HANSON (15:22): My question is to the Leader of the Government. Is the minister able to inform the chamber about what the latest Single Touch Payroll figures say about the state of the economy?

Members interjecting:

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

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): I thank the honourable member for his question. It is strange hearing the honourable member ask questions about Single Touch Payroll, but I am very happy to answer the question about informing the chamber about what the latest Single Touch Payroll figures say about the state of the economy.

I can let the honourable member know that the latest Single Touch Payroll figures, like any of the other Single Touch Payroll figures published before them, actually don't say much accurately about the state of the South Australian economy overall, which is something that I think we have learnt before in this chamber.

I am advised that the Australian Bureau of Statistics began collecting Single Touch Payroll data in 2020. The Australian Taxation Office receives a range of data from employers when employers run their payroll through a Single Touch Payroll system. Some of this data is then provided to the Australian Bureau of Statistics and published periodically. I understand the data was originally published fortnightly but is now produced monthly.

Unlike the labour force survey data, our members might be familiar with—from the ABS, which is generally regarded as a highly reliable figure—the Single Touch Payroll data measures payment through a payroll system, rather than people. It is an important distinction that I am advised has a number of implications.

The Australian Bureau of Statistics' website itself notes that, compared with the labour force statistics, the Single Touch Payroll figures use differences in concept, scope and methodology to produce these statistics and that can affect their interpretation as economic measures. As I think a number of commentators have said, the use of Single Touch Payroll data as an accurate reflection of the state of the economy is something that is probably best to be avoided, by the ABS's own statement.

The distinctions between the two have a number of important implications. It means that people who are normally employed but are not paid in the given reference period are not included in the Single Touch Payroll data, which is one particular reason it can be inaccurate and not properly reflect the state of the economy.

That means the data doesn't properly account for people on leave without pay or on temporary standdown or casual workers who didn't have a shift in the given pay period. It means that sole traders or owner-managers are not properly included in the data. It doesn't look at things from the perspective of the worker, meaning it can't offer any sort of picture of unemployment or underemployment in the economy. As we can see, it is a very limiting sort of measure to use. Really importantly, it is only available in its original form, without seasonal or trend adjustments.

What that means is that comparing one period to the next can be not just unreliable but actually might be downright misleading because it doesn't account for other factors influencing the economy. All this means that, to a layperson like the former Treasurer, the Hon. Rob Lucas, the data itself is far less reliable than the Australian Bureau of Statistics' Labour Force Survey, the sort of labour force survey data that shows a much more accurate record and picture of the economy.

I hope that goes some way to answering the honourable member's question. It is not fortnightly, but these statistics are now published monthly. If the honourable member would like to ask me this question every month, I am happy to go through again, on a monthly basis, why these measures don't accurately and properly reflect the state of the economy. As we know, the former Treasurer used to like to talk about these figures exceptionally often.

Members interjecting:

The Hon. K.J. MAHER: I haven't finished, and I am being rudely interrupted by members of the opposition. I am happy to come back every month if the honourable member wishes to ask me every month. I might be able to find other reasons to talk about the Single Touch Payroll data and other ways we may have been misled in the past on these sorts of things.

Parliamentary Procedure

ANSWERS TABLED

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

Bills

EQUAL OPPORTUNITY (DOMESTIC ABUSE) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): Obtained leave and introduced a bill for an act to amend the Equal Opportunity 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) (15:28): I move:

That this bill be now read a second time.

I introduce the Equal Opportunity (Domestic Abuse) Amendment Bill 2022. This bill will prohibit discrimination on the basis that someone is or has been subject to domestic abuse. It will aim to protect victims and their families in public life, including in employment, education, or when trying to access services or accommodation. This bill progresses a key election commitment made by the government as part of our strong policies on women's safety, equality and wellbeing.

I have worked closely with the Minister for Women and the Prevention of Domestic and Family Violence in developing this bill, as well as the Commissioner for Equal Opportunity, and I am pleased to present it to the council today. The bill amends the Equal Opportunity Act 1984 to add domestic abuse as a new protected attribute against discrimination. Under this proposed new legislation, it will be unlawful to treat someone unfavourably because they or their relative or associate has been or is being subject to domestic abuse.

This will prohibit scenarios such as criticising or otherwise treating an employee poorly because they took time off on domestic violence leave, and refusing to rent a property to someone because they are protected under an intervention order. It is important to note, however, that necessarily not all decisions in which domestic abuse is a factor will be considered unfavourable treatment.

Under the Equal Opportunity Act, someone is found to be treated unfavourably based on an attribute if they are treated less favourably than someone else in similar circumstances without the relevant attribute. A good working example of this being an important and necessary distinction is child protection work—the Department for Child Protection is mandated to protect all children at risk, whether that risk is due to domestic abuse or another reason. Therefore, removing a child from a situation where they are at risk of domestic abuse would not be discriminatory treatment of the child when the same decision would be made if the child was at risk due to another cause.

The bill will also prohibit what is known as 'indirect discrimination'. Indirect discrimination is found to occur when a general requirement is imposed that persons with a protected attribute—in this case, subjection to domestic violence—cannot comply with, or will find more difficult to comply with. For example, this might arise if a prospective landlord requires applicants to provide evidence of a recent rental history.

The requirement is imposed on all applicants; however, a domestic violence victim survivor may be unable to comply because they have been residing in crisis accommodation, or have an unstable rental history with many short-term tenancies. Indirect discrimination would be unlawful if the requirement is not reasonable in the circumstances of the case.

The bill will prohibit discrimination in all areas of public life covered by the Equal Opportunity Act—being employment or engagement in work (including unpaid work), the provision of education, decisions of associations and qualifying bodies, and the provision of land, goods, services and accommodation. As is stated in the Equal Opportunity Act, the bill provides that measures to benefit persons who have been subject to domestic abuse (or a particular kind of domestic abuse) will not be considered discriminatory.

The bill also contains an exception allowing discrimination in relation to employment to care for a child where that child resides. This will allow child safety to be considered when selecting employees for residential care of children, particularly by the Department for Child Protection. The department employs people to care for extremely vulnerable children in residential care facilities. It is important that they can take the employee's whole history into account, including any experiences of domestic abuse, when determining whether that person is suitable to care for children with complex needs.

The bill also contains a power for the equal opportunity commissioner to decline to take action on a complaint of domestic abuse discrimination if there is insufficient evidence that the complainant was subject to domestic abuse. This has been put in place to address a risk of domestic abuse perpetrators misusing the new ground of discrimination. It is unfortunately not uncommon for perpetrators of domestic abuse to claim to actually be the victim and to attempt to manipulate people or services connected to the victim.

This clause will provide a clear basis for the commissioner to screen out such complaints, in addition to their existing powers to decline to take action on complaints that are frivolous, vexatious, or lacking in substance. The disingenuous complainant will then be unable to access assistance or conciliation through the commissioner, although they may still choose to take the matter to SACAT.

This requirement of providing sufficient evidence does not seek to place additional difficulties and burdens on victims of abuse. The bill intentionally provides a broad definition of what can constitute sufficient evidence of abuse, including an intervention order, medical records, or evidence of seeking or obtaining assistance from a charitable organisation.

Stakeholder feedback on this bill was positive. There was strong support for the bill from across the community. I note that some stakeholders commented on the definition of 'services' under the Equal Opportunity Act, requesting clarification or reform on when particular actions of a government department or agency are or are not considered services and therefore covered by anti-discrimination law.

The definition of services applies to the whole act and affects every protected attribute. Because any amendment would affect the whole act, it was not considered for inclusion in this bill; however, the government is committed to giving further consideration to the issues raised in due course. This will include consideration of whether any government service providers have a legitimate need to discriminate based on one or more protected attributes for health, safety, or similar reasons.

I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Equal Opportunity Act 1984*

3—Amendment of section 5—Interpretation

This clause adds the definition of *domestic abuse* into the Act, being the same meaning as within the *Intervention Orders (Prevention of Abuse) Act 2009*.

4—Amendment of section 85T—Criteria for establishing discrimination on other grounds

This clause inserts a further arm into the definition of *discriminate* for the purposes of Part 5B of the Act (prohibition of discrimination on other grounds) such that to discriminate means to discriminate on the ground of a person being, or having been, subjected to domestic abuse.

This clause further outlines what it means for a person to discriminate against another on the ground of being, or having been, subjected to domestic abuse.

5—Amendment of section 85U—Application of Division

This clause provides that Part 5B Division 2 of the Act (discrimination against workers) applies to discrimination on the ground of a person being, or having been, subjected to domestic abuse.

6—Amendment of section 85ZA—Application of Division

This clause provides that Part 5B Division 3 of the Act (discrimination by other bodies) applies to discrimination on the ground of a person being, or having been, subjected to domestic abuse.

7—Amendment of section 85ZB—Discrimination by associations

This clause provides that it is not unlawful for an association to be established for persons who are, or who have been, subjected to domestic abuse such that other persons are excluded from membership.

8—Amendment of section 85ZD—Application of Division

This clause provides that Part 5B Division 4 of the Act (discrimination in education) applies to discrimination on the ground of a person being, or having been, subjected to domestic abuse.

9—Amendment of section 85ZF—Discrimination by person disposing of interest in land

This clause makes it unlawful for a person to discriminate against another in relation to the disposition of an interest in land on the ground of the other person being, or having been, subjected to domestic abuse.

10—Amendment of section 85ZG—Discrimination in provision of goods and services

This clause makes it unlawful for a person to discriminate against another in relation to the provision of goods and services on the ground of the other person being, or having been, subjected to domestic abuse.

11—Amendment of section 85ZH—Discrimination in relation to accommodation

This clause makes it unlawful for a person to discriminate against another in relation to accommodation on the ground of the other person being, or having been, subjected to domestic abuse.

This clause further provides, however, that it is not unlawful under this section to provide non-profit accommodation solely to persons who are, or who have been, subjected to domestic abuse.

12—Amendment of section 85ZI—Charities

This clause provides that a provision in a charitable instrument to confer benefits on persons who are, or who have been, subjected to domestic abuse is not affected by the provisions of Part 5B of the Act as amended by this measure, and that any act done to give effect to such a provision is not rendered unlawful.

13—Amendment of section 85ZK—Measures intended to achieve equality

This clause provides that an act will not be unlawful where it is done for the purposes of ensuring that persons who are, or who have been, subjected to domestic abuse have equal opportunities with those who are not, and who have not been, subjected to domestic abuse.

14—Insertion of section 85ZO

This clause creates an exemption from Part 5B of the Act such that the provisions of the Part will not apply to discrimination on the ground of being, or having been, subjected to domestic abuse in relation to employing or engaging a person to perform duties that involve the care of a child at a place where the child resides.

15—Amendment of section 95A—Commissioner may decline complaints in certain circumstances

This clause adds a further basis upon which the Commissioner may decline to recognise a complaint, being where the Commissioner is of the opinion that a complainant has, in a complaint alleging discrimination on the ground of being, or having been, subjected to domestic abuse, failed to provide sufficient evidence that they are, or have been, subjected to domestic abuse. The clause further provides the types of evidence that are considered to be sufficient.

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

Motions

COMMONWEALTH GAMES

Adjourned debate on motion of Hon. C.M. Scriven:

That this council—

1. Acknowledges and congratulates the 55 South Australian athletes who competed at the 2022 Commonwealth Games, for their achievements, dedication and hard work in representing their country on the world stage.
2. Recognises the achievements of all medallists who helped Australia finish on top of both the gold medal and overall medal tally in Birmingham.
3. Recognises all the performances of South Australian athletes who, individually and as teammates, won 23 gold medals, including:
 - (a) Sophie Edwards, Chloe Moran, Leigh Hoffman, Matthew Richardson, Matthew Glaetzer, Georgia Baker, Rohan Dennis and Maeve Plouffe (cycling);
 - (b) Christopher McHugh and Paul Burnett (beach volleyball);
 - (c) Jessica Stenson (marathon) and Kurtis Marschall (pole vault);
 - (d) Tahlia McGrath, Megan Schutt, Amanda-Jade Wellington and Darcie Brown (cricket);
 - (e) Matthew Temple, Meg Harris, Kyle Chalmers and Madison Wilson and Zac Incerti (swimming);
 - (f) Sarah Klau (netball).

4. Acknowledges that the Commonwealth Games are the 'friendly games' where para and able-bodied athletes compete on the same stage, promoting inclusivity and achievement through sport.
5. Recognises the huge sacrifices and part played by parents, family members, partners and friends in the lives of all athletes, whether it be at the elite or community level, to support their loved ones in their achievements.

(Continued from 8 September 2022.)

The Hon. E.S. BOURKE (15:34): I move to amend the motion as follows:

Paragraph 3:

Leave out '23' and insert '26'

Subparagraph (a):

After 'Rohan Dennis' insert ', Kristina Clonan, Caitlin Ward'

Subparagraph (f):

After 'Sarah Klau (netball)', insert 'and Tom Wickham (hockey)'

Australia was represented by 433 athletes, and I am proud to say that included 55 athletes from South Australia, at the 2022 Commonwealth Games in July and August of this year. I would like to recognise the incredible achievements of Australia's athletes, who won 67 gold, 57 silver and 54 bronze medals. As a hockey player myself, I was very happy to see the Australian men's and women's hockey teams go on to win gold and silver medals, respectively.

South Australian athletes punched above their weight, winning 26 of those 67 medals, either individually or as part of their teams. It was because of their hard work and execution that Australia finished top in gold medals and in overall medal tallies. We should be very proud of their achievements.

I would also like to recognise the very important format of the Commonwealth Games, where para athletes and able-bodied athletes compete alongside each other. The Commonwealth Games is the only large-scale multisport event that has adapted this inclusive format, and it has been an integrated competition for quite some time. In fact, it has been over 20 years since parasports were first held at the same time as the able-bodied sports during the games.

In my capacity as the Assistant Minister for Autism, I have heard time and time again about the importance of making spaces inclusive and about the way that autistic people, and indeed people with a disability, thrive when they are in spaces that are inclusive. So it is no surprise that the inclusive format of the games has seen the parasports competition grow. The 2022 Commonwealth Games had the largest parasports competition in the game's history, including 42 events across eight sports.

I would like to talk about one South Australian athlete in particular, Dr Jessica Gallagher, who is a para athlete with a pretty incredible track record. At the age of just 17 years, Jess was diagnosed with Best disease, a rare eye disease that causes partial central vision loss. She has lost over 90 per cent of her eyesight and is legally blind.

Jess became Australia's second-ever female winter Paralympian when she competed in the 2010 Winter Paralympics in Vancouver. At those Paralympics, her first, she became the first female Australian athlete to win a medal at the Paralympics Winter Games when she won bronze in slalom. She competed at the 2014 Winter Paralympics, where she again won bronze, this time in giant slalom.

She is also a formidable athlete in the Summer Paralympic Games, and has represented Australia in field athletics and track cycling. In 2016, she set the world record time for the women's cycling sprint B at the para cycling track world championships, a record that she still holds today. Just a few months later, she won bronze in the one-kilometre cycling time in trial B at the 2016 Summer Paralympic Games. In winning this medal, she became the first Australian athlete to win a medal at both the Summer and Winter Paralympic Games.

At the 2022 Commonwealth Games, Jess and her pilot, Caitlin Ward, won Australia's first gold medal, coming first in the women's tandem B sprint. She won a second gold medal for Australia in time trial B, meaning that she won almost 10 per cent of South Australia's medals all by herself.

What Jess may lack in vision she makes up tenfold in insight. Her favourite quote is: 'Why follow paths lived by others when you can create your own path and destiny?' Jess's mindset is one that we need to embrace. Our role as government, as a parliament, is to lay the foundation for South Australians to self-determine, to be self-empowered and to raise their individual potential, irrespective of their postcode, their cultural background or their ability.

I commend this motion, with the proposed amendment, and congratulate all Australian, and especially South Australian, athletes for their remarkable contributions at the 2022 Commonwealth Games.

The Hon. R.B. MARTIN (15:39): I rise today to speak in support of the motion congratulating South Australia's Commonwealth Games athletes. In speaking on this motion, I think it is crucial to recognise and congratulate not only those athletes who won a medal but every single athlete who showed the determination and perseverance necessary to compete for Australia at the highest level. I congratulate also the volunteers and officials who make these events what they are. They are often the unsung heroes, and they also deserve our thanks.

Out of every global event, the Commonwealth Games is unique in that it includes the commonwealth para athlete games and the commonwealth youth games in a single event. It is the only fully inclusive international multisport games, meaning that the results of all athletes are included in the medal count and every athlete is a full member of each country's delegation.

It is this spirit of inclusivity and camaraderie between athletes and nations that is particularly inspiring. Importantly, though, the athletes who compete in the Commonwealth Games do not just inspire me, they inspire the next generation of athletes to work hard and to strive for success.

I myself have two young children who participate in Little Athletics, and they love seeing athletics contested at its highest levels. I have seen firsthand how my children's participation in sport has developed their sense of sportsmanship and has increased their capacity to productively deal with loss and disappointment as well as managing their egos if they should win.

At a higher level, the potential for sport as a tool for diplomacy has been recognised in the federal government's Sports Diplomacy 2030 policy. This policy recognises that sport is a universal language that can break down cultural barriers and bring people together, as well as communities, nations and regions, to help build security and prosperity through a shared love of sport.

The Commonwealth Games is a shining example of sport bringing people together. The capacity for sport to build linkages within and between communities is at the forefront of the Malinauskas government's agenda. We are investing in local sporting clubs and associations. We are bidding for major sporting events, and we have brought back the Adelaide 500. We are making significant infrastructure upgrades such as the new Adelaide Aquatic Centre to ensure that the next generation of athletes have the best facilities to make their start in.

This is because we recognise that these investments bring South Australians together. They allow South Australians to focus on what unites us, not what divides us. As Nelson Mandela once said, 'Sport has the power to change the world. It has the power to inspire. It has the power to unite people in a way that little else does.' I commend the motion.

The Hon. T.T. NGO (15:42): I rise today to speak in support of the Hon. Clare Scriven's motion. I would like to especially celebrate the achievement of Alex Wilson, originally from Murray Bridge in the seat of Hammond, currently being held by Mr Adrian Pederick MP. I would say he is one of the smartest and hardest working MPs for the area.

Alex Wilson had a very successful Commonwealth Games experience that saw her and her teammates, Lauren Mansfield, Lauren Scherf and Marena Whittle, win a bronze medal for Australia in the 3x3 Australian basketball squad. The Australian 3x3 team won the bronze medal game against New Zealand with a score of 15-3.

For those in this chamber who, like me, may not be overly familiar with this new form of basketball called 3x3, it is a faster paced version of the five-a-side game that made its debut at the 2020 Tokyo games. A little more than two years later, the game is considered the number one urban

sport. This newer version has three players on each team. It lasts only 10 minutes and is played on half a court, with one hoop.

The Women's National Basketball League coaches only invited Alex into the Australian 3x3 squad at the beginning of 2021. To win the bronze medal after such a short time of playing the sport is certainly an indication of Alex's athletic skill and commitment. It is also a result worthy of celebration and one which Alex and the 3x3 team should be immensely proud of.

Prior to Alex's success with 3x3, she was already a highly sought after five-a-side basketball player. She gained national attention as a 16 year old and became a key player in the Australian Gems, which claimed bronze at the 2013 Female International Basketball Association (FIBA) under-19 world championships. With the successful 2022 Commonwealth Games experience behind her, and with the 3x3 basketball in the 2024 Paris Olympics, as well as the Commonwealth Games in 2026 to be held in Victoria, I am sure Alex will continue to do great things in both versions of this game.

I did read in a media report that for Alex it was not just about basketball but also about representing her Indigenous people. She said:

I am super proud of representing my Indigenous people, it's one of those moments that are bigger than basketball. It was amazing to be included in the largest cohort of Indigenous athletes attending the Commonwealth Games ever and be considered a role model for my people.

As I mentioned, the township of Murray Bridge is in Hammond, an electorate created in the 1994 redistribution and named after Ruby Hammond. Ruby was Australia's first Indigenous woman to stand for federal parliament. Alex is also a proud Indigenous Ngarrindjeri woman from the same electorate, an electorate that can now celebrate significant contributions and achievements from two South Australian Aboriginal women.

Both Alex and Ruby Hammond are role models who have paved the way for more of our Indigenous women to make their mark in the future, whether it be in sport, politics, the arts, or some other way. Alex, along with all of our Indigenous athletes and role models, will continue to shine for her community and for Australia. I extend congratulations to the other South Australian athletes who competed in the 17 different sports. As the minister said when presenting this motion:

...the Commonwealth Games are the 'friendly games' where para and able-bodied athletes compete on the same stage, promoting inclusivity and achievement through sport;

I support the Hon. Clare Scriven's motion and the opportunity the Commonwealth Games provided to all athletes, and I commend the individual achievements of each and every one of those athletes.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:49): I rise today on behalf of the opposition to support the motion by the Hon. Clare Scriven. I also indicate that the opposition will be supportive of the amendment moved by the Hon. Emily Bourke.

Australia has a very proud sporting history, which was further enhanced in Birmingham this year at the 2022 Commonwealth Games, where we ended the games leading the medal tally, with 178 medals, including 67 gold, 57 silver and 54 bronze. Sitting at home in our living rooms, we were very fortunate to have the opportunity to enjoy the success of our athletes as they routinely finished on the podium.

In total, 435 athletes represented Australia, which included 76 para athletes, eight guides and 351 able-bodied athletes. Of those, there were 55 South Australians, 40 of which were making their Commonwealth Games debut, competing across 17 different sports, including new program additions for the Birmingham games of women's T20 cricket, mixed synchronised diving and 3x3 basketball.

I want to congratulate every athlete not just on their performance at the games but for the years of hard work, sacrifice and dedication that culminated in their selection in the national team. They should be immensely proud of their achievement in representing their country. This extends to the parents, family members, partners and friends who have supported their journey, and the coaches, team managers and support staff who are critical in ensuring that these athletes have every opportunity to succeed.

The 2022 Commonwealth Games was the largest ever held, with 72 participating nations. They are often referred to as the friendly games because it is not a competition between countries but a chance to inspire each other to greater achievements. It is a chance to meet as well as compete. This took on a special meaning as the world emerged from the global pandemic and athletes were able to return to global competition. The games also promote inclusivity and achievement through sport, with para and able-bodied athletes competing on the same stage.

I want to recognise the achievement of all the medallists, and especially the South Australian athletes, who individually or as teammates won 26 gold medals. They include cyclists Sophie Edwards, Chloe Moran, Leigh Hoffman, Matthew Richardson, Matthew Glaetzer, Georgia Baker, Rohan Dennis, Kristina Clonan, Caitlin Ward and Maeve Plouffe; beach volleyballers Christopher McHugh and Paul Burnett; track and field athletes Jessica Stenson in the marathon and Kurtis Marschall in the pole vault; cricketers Tahlia McGrath, Megan Schutt, Amanda-Jade Wellington and Darcie Brown; swimmers Matthew Temple, Meg Harris, Kyle Chalmers, Madison Wilson and Zac Incerti; Sarah Klau in netball; and Tom Wickham in hockey.

I would like to make special mention of a couple of those athletes—firstly, multi-Olympian Jessica Stenson, nee Trengove, who won her first Commonwealth Games gold medal in the marathon, becoming the first female athlete to win three Commonwealth marathon medals, with two bronze medals already to her name from the 2014 Glasgow and 2018 Gold Coast games.

Kyle Chalmers added three Commonwealth Games gold medals to his impressive resume. The 2016 Olympic champion and world shortcourse record holder now boasts a haul of seven Commonwealth Games gold medals after he won four gold and one silver in 2018. Affectionately known as the 'big tuna', the lad from Port Lincoln has established himself as Australia's freestyle sprint king. I wish him all the best as he chases more gold at the 2024 Paris Olympics.

From the water to the boards, Matthew Glaetzer's triumph to win two gold medals at Birmingham was nothing short of inspirational after fighting back from serious injury and illness, which included thyroid cancer. Matthew's resilience throughout his cycling journey is to be commended. Impressively, earlier on last month he added world champion to his 2022 campaign after he led the men's sprint team to the rainbow stripes at the 2022 UCI Track Cycling World Championships. It was the first Australian team to become world champions in the team sprint since 2012, a team Glaetzer was also a member of with Shane Perkins and Scott Sunderland.

Finally, the South Australians who have been presented with the Australian Sports Medal in recognition of their incredible achievements at the Birmingham 2022 Commonwealth Games: recipients include Jessica Stenson, silver medallist Callum Peters—who triumphed in the men's boxing 75kg weight division—and Australian Dolphin and debutante Ella Jones. A huge congratulations on the performance of every athlete in the Games. We are all very proud.

The Hon. R.P. WORTLEY (15:55): The Commonwealth Games follows on from Australia's equal best ever gold medal haul at the 2020 Tokyo Olympic Games, and the most successful Paralympic Games result for Australia at the 2020 Tokyo Paralympic Games in its 61-year history. There were 431 athletes who represented Australia at the Birmingham Commonwealth Games.

The contribution to the Australian team by South Australia or South Australian-based athletes was 55 members, or 12.8 per cent of the team total, which was well above our 7 per cent per capita level. These 55 selected athletes were from 17 sports: athletics, 3x3 basketball, beach volleyball, boxing, cricket, track cycling, road cycling, diving, gymnastics, hockey, lawn bowls, netball, squash, swimming, table tennis, triathlon and weightlifting. Australia finished first in the overall Birmingham 2022 Commonwealth Games medal tally, bringing home 178 medals: 67 gold, 57 silver and 54 bronze.

The Games created many memorable moments, with South Australian athletes having an overwhelming amount of success, contributing to 45 medals: 26 gold, 11 silver and eight bronze medals in the overall Australian tally. Overall, South Australian and South Australian-based athletes contributed to 24 per cent of all Australian medals.

South Australian athletes won 26 gold medals, individually and as teammates, including Sophie Edwards, Chloe Moran, Leigh Hoffman, Matthew Richardson, Matthew Glaetzer,

Georgia Baker, Rohan Dennis, Maeve Plouffe, Kristina Clonan and Caitlin Ward in cycling; Christopher McHugh and Paul Burnett in beach volleyball; Jessica Stenson in marathon and Kurtis Marschall in pole vault; Tahlia McGrath, Megan Schutt, Amanda-Jade Wellington and Darcie Brown in cricket; Matthew Temple, Meg Harris, Kyle Chalmers, Madison Wilson and Zach Incerti in swimming; Sarah Klau in netball; and Tom Wickham in hockey.

The six SASI-based swimmers on the Australian swimming team won 11 medals between them. The Australian track cycling team, with its national training centre based in South Australia, achieved 13 medals, with three being para track cycling medals. The SASI-based men's beach volleyball team won back-to-back gold medals following on from the 2018 Gold Coast Games. Of the four selected South Australian para athletes, two—Chris Flavel (para lawn bowls) and Beau Wootton (para track cycling)—won medals.

Callum Peters was one of the 10 Indigenous athletes on the Australian team, a record for the Birmingham team. He claimed a silver medal in his first ever international event. Jessica Stenson won the women's marathon and became the first female athlete of any country to win medals in three Commonwealth Games marathons (bronze medals at the Gold Coast Games in 2018 and Glasgow Games in 2014).

SASI graduates Maeve Plouffe, Sophie Edwards and Chloe Moran, and South Australian-based Georgia Baker, smashed the Commonwealth Games record with a winning performance of four minutes 12.23 seconds. All three SASI graduates were discovered through talent search testing.

After winning his fifth gold medal at a Commonwealth Games, Matthew Glaetzer now ties with the Australian record holder, Anna Meares, for the most Commonwealth Games cycling track gold medals. Matthew Glaetzer crashed out of the keirin before being controversially relegated from a bronze medal in the sprint. But he put those disappointments aside to storm to the gold in the 1,000-metre time trial, despite using a slower handlebar set-up.

The Commonwealth Games brings together Commonwealth nations to compete on a level playing field in the spirit of friendship and fair play, and is referred to as the 'friendly games'. The Commonwealth Games Federation has three values:

- Humanity—we embrace all commonwealth athletes, citizens, communities and nations.
- Equality—we promote fairness, non-discrimination and inclusion in all that we do.
- Destiny—through impactful, high-performance sport, we help commonwealth athletes, citizens and communities realise their aspirations and ambitions.

Elite athletes with a disability were first included in 1994, starting with the sports of athletics and lawn bowls. In 2007, the Commonwealth Games Federation and the International Paralympic Committee signed a cooperative agreement to ensure the inclusion of elite athletes with a disability. The inclusion of these amazing athletes promotes opportunities in sport for people of all abilities.

Of the four selected South Australian para athletes, two won medals: Chris Flavel for para lawn bowls and Beau Wootton for para track cycling. Callum Peters was one of 10 Indigenous athletes on the Australian team, a record for the Birmingham team. He claimed a silver medal in his first ever international event.

Our government has a strong vision and plan for the future. In the vitally important area of recreation and sport, we are committed to focusing on growing the participation in sport and recreation of women and girls, people from diverse multicultural communities and of differing abilities. We are also focused on ensuring clubs and groups have access to facilities and the equipment they need to ensure that everyone can equally and actively participate in the sport or recreation they love.

We are focused on establishing policies and systems that focus on achieving equality in sport and that enable codes, clubs and groups to positively welcome all and to support volunteers and all participants. The government is also focused on connecting with codes, clubs and groups in an open way that ensures people have a say and are supported, ensuring South Australia embraces the opportunities that come through sport and recreation to bring people to our state and to bring people

in our state together. We aim to connect codes and clubs in ways that benefit sport and recreation, local communities and our state as a whole.

To achieve what our athletes have done to make us so proud takes a team behind them. We must also acknowledge the sacrifices that parents, siblings, family members, partners and friends all make to support our athletes to fulfil their dreams and compete on the world stage. There is also a team of unsung heroes behind our athletes: the coaches, trainers and officials. Their dedication and the hours they put in with athletes, riding every high and low as if it was their own, is truly commendable and they are essential to our athletes' success.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:03): I would like to thank all who made contributions: the Hon. Emily Bourke, the Hon. Tung Ngo, the Hon. Reggie Martin, the Hon. Nicola Centofanti and the Hon. Russell Wortley. I thank them for their contributions on this motion and words of congratulations to our wonderful Commonwealth Games athletes and para athletes. Once again, I want to acknowledge the hard work, sacrifice and commitment of these athletes and their families and express how proud we are of each and every one of them. I commend the motion to the council.

Amendment carried; motion as amended carried.

Bills

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (GAS PIPELINES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 October 2022.)

The Hon. H.M. GIROLAMO (16:05): I indicate that I will be the lead speaker in the upper house for the Liberal Party and indicate our support for this bill. The Statutes Amendment (National Energy Laws) (Gas Pipelines) Bill aims to improve competition and transparency in the use of gas infrastructure, particularly in allowing third parties to access a gas pipeline. This reform package is estimated to save some \$1 billion over 20 years. It is important to note that the majority of the consultation done on this suite of reforms was undertaken through the previous term of the former Liberal government and former Minister for Energy and Mining, the Hon. Dan van Holst Pellekaan MP.

These reforms are intended to provide for the implementation of a simpler regulatory framework that will continue to support the safe, reliable and efficient use of and investment in gas pipelines, while also imposing a more efficient constraint on exercises of market power by pipeline service providers, facilitating better access to pipelines that would not otherwise provide such access, providing greater support for commercial negotiations between shippers and service providers and streamlining the governance process.

These reforms will serve to constrain exercises of market power by pipeline service providers where there is a natural monopoly in the market as well as supporting shippers, which are companies that buy and sell gas and arrange for the transportation of gas through networks owned by gas transporters, in negotiations with pipeline service providers. This bill also aims to minimise the costs and risks of regulation where there is no third-party user and expands the scope of economic regulation by requiring all transmission and distribution pipeline service providers to provide third-party access, if such access is sought.

To allow third-party access to all pipelines, this bill removes the existing coverage framework. Pipelines can be classified as scheme pipelines, subject to the stronger form of regulation based on the existing full regulation categories. The current regulator will use the existing regulation test to determine if a pipeline is scheme or non-scheme. If a pipeline does not provide the requisite information, it will automatically be classified as scheme, the stronger set of regulations.

There is also provision for a greenfield incentive determination, which is available prior to the commissioning of the pipeline if the regulator is satisfied that the regulation will constrain the exercise of market power. The greenfield incentive determination will provide the pipeline with an exemption

to the scheme level regulation for 15 years. The regulator will also be required to actively monitor the behaviour of the service providers in compliance with their obligations under the NGL and NGR and will be able to initiate its own assessment of the form of regulation that should apply to a pipeline.

As I said, this reform package is estimated to save some \$1 billion over 20 years. It is hoped that those savings will be passed on to consumers through lower power prices at this important time. I commend the bill to the chamber.

The Hon. R.A. SIMMS (16:09): I am speaking today on behalf of the Greens on the Statutes Amendment (Natural Energy Laws) (Gas Pipelines) Bill. The bill before us will simplify the regulatory framework for gas pipelines, increase market competition and improve transparency. The Greens' position on gas will be very clear to everybody in this place. We are in a climate emergency and we know that is caused by burning fossil fuels and we need to phase out the use of natural gas.

At this year's COP 27, the UN Secretary-General, Antonio Guterres, provided a stark warning to the world, claiming that we are on a 'highway to climate hell'. Fossil fuels such as natural gas have been a major contributor to climate change. We need to urgently switch to renewable energies such as solar, wind and green hydrogen.

I want to recognise the Malinauskas government's significant investment in green hydrogen in this state—at least this is something that I understand they are planning to act on during this term. Of course, the Greens are supportive of moves towards clean, green renewable fuel, but in this transition to green hydrogen we need to ensure that the pipeline infrastructure is well regulated and transparent.

This bill refers to natural gas, which is something that is of concern to the Greens. Natural gas is a non-renewable fossil fuel comprised of matter that has decomposed over millions of years. The extraction and burning of natural gas is harmful to our environment and our health. In fact, the extraction of natural gas damages our farming land, water table and land stability. It is harmful to our health, and up to 12 per cent of childhood asthma is a result of cooking with so-called natural gas. To address the climate crisis and protect our environment and health, we must urgently put a stop to all new natural gas projects.

We have been advised that there has been agreement by the national energy ministers to bring a future bill to change the wording in legislation to expand the definition to include future fuels such as green hydrogen. While we are disappointed that such a definition has not been included by the government in this bill, we are supportive of that change and look forward to future legislation being introduced in that regard.

The bill before us today provides for a greenfields incentive determination, which will be available to service providers prior to the commissioning of new pipelines. The Greens do not support greenfields gas developments for natural gas, but we do acknowledge that there will need to be new infrastructure to supply and distribute green hydrogen.

The Greens are supporting this bill with the understanding that gas infrastructure is required to support the green hydrogen industry. We also anticipate the changes of wording to ensure that future green gas options are defined in the national energy law rather than simply referring to traditional gas, methane gas, one which we know locks us into serious damage to our environment and indeed our health. With that, I conclude my remarks.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:12): I would like to thank the opposition and the Greens for indicating their support for this bill. In making these concluding remarks, I am mindful that there has been a very long trail to get to this point. The bill has followed several inquiries over many years. There has been considerable industry consultation and a process to achieve agreement by energy ministers around the nation on this set of reforms.

I certainly think it is to South Australia's credit that we are the lead legislator in the energy sector. The state is proudly ahead of the pack in the transition from the old models to the new system, with more diversified energy sources and particularly renewables. South Australia has a long historical interest in the development of gas resources and is again at the forefront as it changes to being an essential transition fuel to partner with wind and solar and as an effective means of storing

renewable energy. This bill will help the framework of making the sector as efficient and competitive as possible. I thank members for their support and I commend the bill to the council.

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) (16:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS)(REGULATORY SANDBOXING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 October 2022.)

The Hon. H.M. GIROLAMO (16:16): I indicate that I will be the lead speaker in the upper house for the Liberal Party, and I indicate our support for this bill. Both the gas and especially the electricity market are undergoing a significant transformation, and customers have an ever-expanding range of energy services, including rooftop solar, home battery storage, automated home energy management, virtual power plants, electric vehicles, a blend of green hydrogen and natural gas, and biogas.

These innovative technologies are changing the energy landscape. They are helping to reduce emissions across South Australia's electricity and gas networks while at the same time providing a benefit to customers. Innovative business models, technologies and pricing arrangements will help unlock further opportunities for companies working in this space. It is essential that Australia's energy market has a regulatory framework that can respond to these technological advances and operate in the long-term interests of consumers.

Under the current rules and regulations that energy market participants operate under, it is difficult to determine if a new innovation can occur or if in fact the rules create a barrier in trialling an innovative service. A policy tool that is designed to help regulatory frameworks adapt to rapid technological change is the innovation of regulatory sandboxing. A regulatory sandbox is a framework within which participants can trial innovative concepts in the market under relaxed regulatory requirements, on a time-limited basis and with appropriate safeguards in place.

The introduction of a regulatory sandbox toolkit aims to make it easier for businesses to develop and test these innovative energy technologies and business models. This type of innovation in the energy sector can lead to better services and lower costs for consumers.

The Statutes Amendment (National Energy Laws) (Regulatory Sandboxing) Bill 2022 seeks to implement changes to the National Electricity Law, National Gas Law and National Energy Retail Law to introduce a regulatory sandbox toolkit. Key tools in this framework will be enabled by the amendment bill to the National Energy Law that was introduced in August 2021 into the South Australian parliament by the former Liberal government as the lead energy legislator nationally.

The bill introduces a set of innovative trial principles in the national energy laws. These principles must be taken into account by the market bodies when determining whether a trial project is generally innovative in connecting with granting a trial waiver or making a trial rule. This regulatory sandbox that was introduced by the former Liberal government and that has now been reintroduced will provide for a regulatory framework that is better equipped to respond to the rapid change in the energy sector and deliver benefits for customers through innovation.

As I indicated at the start of my speech, the opposition will support this bill, and I look forward to the innovations and improvements it will no doubt encourage going forward.

The Hon. R.A. SIMMS (16:20): I rise on behalf of the Greens to speak on the Statutes Amendment (National Energy Laws) (Regulatory Sandboxing) Bill. This bill, as part of the national energy law reforms, introduces options to trial emerging innovative technologies and business models in the national energy market.

As I have stated earlier in this place, we are in a climate crisis. For over 100 years, fossil fuels have been providing the energy that we need to stay warm, to keep the lights on and to build industry. According to the National Greenhouse Accounts, energy industries were responsible for 17 per cent of South Australia's greenhouse emissions in 2020. To move towards a cleaner and greener future, we need to evolve our electricity distribution, infrastructure, storage and generation. New technologies are vital to move to a carbon neutral society, and this bill allows for trials for energy technologies in a safe and regulated manner.

While the Greens are broadly supportive of the bill, we do have some concerns regarding clause 33, the innovative trial principles. This section of the bill focuses on developing natural gas services. As this is a national energy law, we are advised that there will be reluctance to move amendments to this element.

I do note, of course, that has happened in the past but, recognising the position of the parties and also the desire to expedite this bill, I will not pursue the amendments that I had previously considered. I will, however, ask the government some questions about that during the committee stage.

After the National Hydrogen Strategy was developed, it became clear that a new definition would be required for gas. According to a policy paper released by energy ministers, a decision was made on 20 August 2021 by the ministers that the national gas regulatory framework should:

...be amended and that the amendments should be expedited to ensure that regulatory barriers do not restrict proposed investments in projects and existing regulatory arrangements and protections continue to work as intended where renewable gases are supplied.

On 28 October this year, energy ministers agreed to amend national gas laws to facilitate this change. The public consultation draft to enact this agreement includes greener fuels such as biogas, biomethane, hydrogen and synthetic methane.

We should not need to wait for a future bill to change the terminology in this proposed legislation. We should be doing it here and now. I will certainly be pursuing the government on that matter. By changing the terminology in this bill, we will move away from natural gas, and we could make provisions for future fuels such as green hydrogen. Creating an environment where we can be agile in our energy and trial new innovations will be beneficial to the transition away from fossil fuels. It is in that spirit that the Greens will be supporting this reform.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:23): I would like to thank the Hon. Ms Girolamo and the Hon. Mr Simms for their contributions and also their indications of support for this bill. The world is on an unstoppable trajectory to decarbonise and avoid the effects of runaway climate change. This has led to a race between nations to create new systems and reap the benefits as world trade changes direction.

Australia, and South Australia in particular, has been blessed with bountiful energy resources—the fossil fuels of the past as well as the renewable sources of the future. What we are doing here in considering this bill is opening the gateway to accelerate the transition to a decarbonised future. Sandboxing, this regulatory framework that we are building up to allow new technologies to be tested in real-life experiences, is the way that we will move forward.

This is an exciting piece of legislation. It is exactly the type of Australian innovation that will help us to lead the world. This is not a South Australian invention; it is an Australian invention. This is Australia at its best: bipartisan support, national recognition, national adherence to a piece of legislation being passed in this parliament. This is how we can deal with decarbonisation, by getting on with it and working together. I commend the bill to the council.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: I did want to ask the minister about the potential changes to terminology to natural gas. I am wondering if she could update the committee on what plans are in place in that regard at a national level.

The Hon. C.M. SCRIVEN: I thank the honourable member for that question. I am more than happy to do so. The bill before the Legislative Council contains language and definitions that are consistent with the current national energy laws. The language and the definitions can only be changed through a lengthy process that involves all jurisdictions in the Australian electricity and gas markets. While this bill, the Statutes Amendment (National Energy Laws) (Regulatory Sandboxing) Bill 2022, uses these terms, they are expected to be changed in the near future.

The energy ministers, which formally brings together all jurisdictions, have agreed to pursue reforms to the language and definitions under which the term 'natural gas' in the rules will be broadened to include hydrogen, biogas and other forms of renewables. A bill to effect these reforms is in the process of being finalised and will be introduced to the South Australian parliament in the very near future.

If, as the Greens had initially indicated, they would like amendments, that would actually then involve us going back to every other jurisdiction for approval before coming back to the Parliament of South Australia. That would, unfortunately, have somewhat of a perverse effect, because this bill aims to encourage innovation in the market and instead the bill would be delayed and only be proclaimed at a later date than if the bill is passed and then the language changes are made via a second bill.

I understand the Greens may not proceed with their proposed amendments, given this information, and then I would expect that we can all look forward to supporting the second bill in the future, which embraces the renewables sector by changing the language.

The Hon. S.G. WADE: I would just like to clarify the advice that the minister gave. I certainly appreciate that the Greens are not insisting on change now, but I would not want the parliament to be misinformed about the way the national law works in this case. In relation to national energy law, as I understand it, it is up to each jurisdiction to enact nationally consistent legislation. There are no, shall we say, lead legislators whose law is applied to us by the effect of state and federal legislation. Could we just clarify what is the process by which the national law in relation to energy is maintained in this regime?

The Hon. C.M. SCRIVEN: I am advised that as the lead legislator, which South Australia is in these, the laws are picked up by the other jurisdictions. The laws are scheduled in the national act and all of this is done by agreement, which is why it would not be considered prudent or appropriate to make changes in this circumstance.

The Hon. S.G. WADE: Yes, so just to clarify: it is still within the legislative competence of this parliament to make changes.

The Hon. C.M. SCRIVEN: I am advised that we are not so much referring to the legislative competence. What we are referring to is that changes to national laws are made by agreement, and as the lead legislator that is why we take the approach that we do.

The Hon. S.G. WADE: I thank the minister for that clarification. I think it is important for us to appreciate the powers of the parliament that persist under nationally consistent legislation. I and the opposition certainly concur with the government that it would be prudent to continue to maintain consistency in national energy law across Australia.

The Hon. R.A. SIMMS: I note that there is not support from the Labor Party or the Liberal Party for the amendment. In light of the position put by the government that there is the potential to slow down a reform of this nature, I confirm we will not be pursuing the amendment.

Clause passed.

Remaining clauses (2 to 45) and title passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY OFFENCES (DOG THEFT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2022.)

The Hon. J.M.A. LENSINK (16:33): I rise to make some remarks in relation to this very short piece of legislation, which provides a new penalty in the Summary Offences Act for dog theft, that being \$50,000 as the maximum penalty or imprisonment for two years.

I do appreciate that we live in times where dogs, often called 'designer dogs', are incredibly expensive, and that provides an incentive to people to steal someone's beloved pets for the purposes of using them as breeding animals. A number of us in this parliament have taken a stand against puppy farming. I acknowledge the Hon. Tammy Franks on that front, and indeed we have passed legislation which has improved the laws in relation to puppy farming. So, along with everybody else in our community, we are always very concerned about people not treating animals with the due respect that they deserve.

I do note that these penalties are particularly high, and from the Labor Party's election policy in relation to—I assume it is their animal welfare policy. There was not actually a penalty that was publicised in that, so I will have some questions at clause 1 in relation to that. I also note that there are provisions that already exist in relation to theft of property, which could also be used to prosecute someone for these offences, but we support the bill overall.

The Hon. R.A. SIMMS (16:35): I rise today to indicate the Greens' support for this bill that will create separate penalties for the theft of dogs. Over recent years, as the Hon. Michelle Lensink has observed, the price of dogs has skyrocketed. People are regularly paying up to \$5,000 for a dog. The new offence in this bill aims to be a deterrent for dog theft, given there is real potential for financial return in theft and then the resale of dogs.

The Greens have long been on the public record advocating for the welfare of animals. My colleague the Hon. Tammy Franks has been a leader in this space in the parliament and has been campaigning for many years to ban puppy farms in South Australia. Indeed, as far back as 2011, the Hon. Tammy Franks presented a petition requesting that this council stand up for South Australian puppy farm dogs and ban the sale of dogs and cats in pet shops, and in this place the Hon. Ms Franks has regularly called for reform to ban puppy farms.

Again, the Greens reiterate our calls for the Malinauskas government to urgently progress their election promise to ban puppy farms. Rather than pushing often piecemeal reform such as this, the government should be stepping up and taking real action on animal welfare, and we do hope to see urgent action on all of the reforms that they promised in their election policy document to ensure that animals are not needlessly suffering.

I do observe there is an inconsistency between the penalties that have been applied for dogs and other animals. I am reminded of that famous phrase in George Orwell's *Animal Farm* where all animals are equal, but some animals are more equal than others, and it seems that there is a different penalty that is being applied to dogs that is not being applied to other animals, and I would like to delve into that a little bit further during the committee stage of the bill. But the Greens are supportive

of this reform, and anything that sends a clear message to the community that exploitation of animals is not acceptable is something that we are supportive of.

The Hon. F. PANGALLO (16:38): I rise today to speak briefly on this bill on behalf of SA-Best and note at the outset a theme we seem to be becoming familiar with, namely, Labor election commitments as the rationale for the bill. We are concerned about the consultation or lack thereof with relevant stakeholders, for the same reasons outlined in earlier debates. I understand the primary consideration of this bill and its targeted effect is to address longstanding issues of puppy farms, which of course should be stamped out.

The bill carves out dogs as a unique category of property, which will attract a new and significant financial penalty for theft but, unlike existing laws, it is to carry a lesser maximum imprisonment term of two years. The rationale for the hefty \$50,000 financial penalty is to hit someone where it hurts: namely, their hip pocket. There seems to have been little to no consultation with the RSPCA or other relevant stakeholders, so for us our concerns are not so much a matter of substance but process. This, like some other bills—

Members interjecting:

The PRESIDENT: Lamé interjections are out of order.

The Hon. R.A. Simms: I thought it was good.

The PRESIDENT: Yes, you did.

The Hon. R.A. Simms: Sorry, I am barking up the wrong tree with that.

The PRESIDENT: Two strikes. Three strikes and you are out. Sorry, the Hon. Mr Pangallo, please continue.

The Hon. F. PANGALLO: This, like some of the other bills the government is rapidly advancing, is what it is: an election promise. It is not our job to endorse election promises but rather to scrutinise the substance of a bill and formulate support if we agree. We would have thought that a better approach to this issue would have been to consult on a range of measures all aimed at preventing puppy farms. That is what happens when you effectively try to rubberstamp election promises.

Do not get me wrong, we do not intend to oppose this bill because we do think it does have some merit in terms of its deterrent effect, but I expected the government to do a more thorough job addressing this issue, especially given the apparent lack of consultation. We can confirm a quick consultation undertaken by our office indicates the RSPCA for one were not aware of the legislation or where it comes from. I am pleased that we did reach out to them to confirm they are supportive of significant penalties associated with the offence because if dogs are stolen they are likely to end up in a puppy farm situation, subject to forced breeding until euthanised, and anything that avoids that is a good step.

The question remains, as we have been advised, breeder standards are currently being reviewed to make them tougher and more enforceable via changes to the Dog and Cat Management Act. Why are we not considering these changes together with further planned changes aimed at addressing the same issue as part of a package of reforms?

Is there a gap in those proposed changes this bill seeks to close, or is it just ticking off another election commitment? Can we expect to see changes in line with what we have just outlined, aimed at making breeding standards and registration more stringent and subject to greater enforceability powers? What are the changes? These are important questions that members ought to be aware of in the context of the current debate. We are hoping the Attorney will be in a position to respond to them as we proceed in the debate.

It is not our intention on this side to wade through Labor election commitments just for the sake of ticking a box, and that is not how it should work. Electric vehicle levies, car parks, dogs and bushfires all require appropriate levels of consultation. With those words, I look forward to the committee stage of the debate.

The Hon. S.L. GAME (16:42): From my briefing on this bill, I understand there is a persistent and increasing issue with opportunistic theft of purebred dogs. I understand that dogs and puppies who sit unattended in backyards in our suburbs are an easy target. A jump over the fence and a little effort on Gumtree or Facebook Marketplace and a criminal has turned a quick buck.

I appreciate the high penalties instilled in this legislation, which will act as a deterrent for most of these thefts. I do question if the government is listening to other animal advocacy groups. Other purebred pets are worth thousands on the black market, such as koi fish, cats, rabbits and exotic reptiles.

I would welcome further investigation and expansion of section 47 in the legislation. Many pets are an expansion of the family unit and are well loved. I want to see those passionate about their animals feel secure that legislation dissuades criminals from stealing and exploiting animals. I would also welcome further investigation into the online marketplaces which host the sale of stolen animals.

I would like to take this opportunity to impress upon all the importance of microchipping your pet. Although not failsafe, it is a helpful way for authorities and vets to track the ownership and residence of an animal. Microchipping is very important for reunification with lost and stolen pets. Should a pet be stolen or go missing of their own accord, it is far more likely to be traced home if they are microchipped. Although this legislation could indeed be more complete, it is a good start with solid penalties and has my support.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:44): I wish to thank members for their contributions. I gather there will be a few questions at clause 1, which I look forward to discussing, and I look forward to the passage of this legislation.

I might foreshadow, too, that there have been some very good points raised during the course of the debate about other measures that can be taken. I do not want to create a false impression that this is the only measure that is being taken in relation to issues like puppy farming and the protection of animals. This is one discrete element. There is other work that is ongoing and underway and will be before us at some time in the future in relation to some of the other issues people have quite reasonably raised.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The CHAIR: Any contributions at clause 1? The Hon. Mr Simms, I would invite you to tell a couple more of your jokes, but I refuse to torture the rest of the chamber.

The Hon. R.A. SIMMS: I could not possibly; it is a dog-eat-dog world in here. I do not want to go down that path.

The CHAIR: No; that's three strikes! Out you go!

The Hon. R.A. SIMMS: One of the issues that I touched on in my second reading remarks related to the disparity between potential penalties for theft of dogs and other animals. Could the Attorney put on the public record what the rationale is for that disparity? I know lots of people will be concerned about the welfare of cats, for instance, and wonder why there is not the same—

The Hon. J.M.A. Lensink: Hear, hear!

The Hon. R.A. SIMMS: I know the Hon. Michelle Lensink is concerned about that, and there will be many others who would like to know why they are not being given the same protections.

The Hon. K.J. MAHER: I thank the honourable member for his question. I join the Hon. Michelle Lensink with her views on cats. We have two cats at home and no dogs. I am a dog person as well, but I quite like cats.

I think it was my colleague the now Deputy Premier who developed a suite of issues to do with animal protection. My understanding is this was one that was developed after representations that took into account a number of factors: the special place that dogs in particular have as companion animals, the roles they play as companion animals, and also the value in terms of the monetary value, the risk of offences being committed and the need for deterrence, as I understand it.

It is somewhere in the upper \$40,000s. I think \$48,000 or \$49,000 is the recent record price for the sale of a dog. It is that combination of their place as a companion animal but also their value compared to other companion animals, which are no less loved—Zuma and Cleo, in my house, are no less loved—that relative value that some dog breeds are now obtaining in Australia.

The Hon. R.A. SIMMS: One final question: the minister indicated earlier that there are other reforms that the government are intending to pursue in this place. I note in particular their policy position around puppy farms. Can the minister provide an update on the status of those reforms and when we can expect to see them, given the government's zeal to implement their election commitments?

The Hon. K.J. MAHER: I thank the honourable member for his question. I was hoping, as I heard second reading contributions, to message the Deputy Premier, who has responsibility for these matters, who I think is probably in the air on the way home from Egypt after attending COP27. I do not have the exact details of those, but I am happy to bring replies back about the status of the work that is being undertaken. If my memory serves me correctly, there have been changes to regulation recently in relation to puppy farming, but there is substantially more work to be undertaken before reforms are brought before us here in parliament.

The Hon. F. PANGALLO: I note the maximum penalty is currently 10 years and this bill carries a penalty of two years. How is this not watering down the penalty?

The Hon. K.J. MAHER: I thank the honourable member for his question. He is quite right. For general theft under the Criminal Law Consolidation Act, the value can depend upon which court it is prosecuted in—the District Court or the Magistrates Court—but for basic theft the maximum penalty is up to 10 years in prison.

What this seeks to do is create a standalone offence under the Summary Offences Act rather than the Criminal Law Consolidation Act. The maximum is two years, not 10 years. In terms of general theft, there is a much wider variety of offences that could be considered and hence a greater maximum for the much greater variety of offences that could be considered.

The standalone dog theft provisions in the Summary Offences Act provide for a maximum of two years but, unlike the general theft, has specifically a maximum fine of \$50,000, although it would be open to a judge to impose a monetary fine even though there is not one under the Criminal Law Consolidation Act. The idea behind this is to create a standalone offence. Because it is a much narrower offence in terms of what it is about—that is, dog theft—the maximum is not as big as it does not take into account a whole range of different scenarios.

As members have talked about in second reading contributions, one of the things we anticipate this will do is create a deterrent by having a standalone offence that has a significant monetary penalty and also the possibility of jail time for anyone who might consider making a quick buck for resale, as people have pointed out, on Gumtree, or stealing a dog for sale into puppy farms or other areas. This will create that deterrent.

The Hon. S.G. WADE: For clarification, it would still be open to the authorities to pursue dog theft under the general Criminal Law Consolidation Act provisions?

The Hon. K.J. MAHER: The Hon. Stephen Wade is absolutely right. It is not uncommon for a certain factual scenario under our law to have a number of different ways that it could possibly be charged. The prosecuting authority would consider those and look at the most appropriate way to charge. If there was a particularly egregious circumstance in relation to a theft, it would still be open to prosecute under the general theft law under the Criminal Law Consolidation Act with the maximum for the basic offence of possibly 10 years, but this creates another avenue for a standalone offence and of course the deterrent effect that we would hope this has.

The Hon. F. PANGALLO: Can I give you the example of Hoover the kelpie, who sold for \$35,000 last year. If Hoover the kelpie was stolen and then the thief was caught, considering that stealing \$35,000 of property is a major indictable, would this be considered a major indictable?

The Hon. K.J. MAHER: I thank the honourable member for his question. I think it is a specific example of the general question that the Hon. Stephen Wade asked before. If it were a value of \$35,000 for a dog it would be open to the prosecuting authority to lay a charge under the Criminal Law Consolidation Act general theft provisions, which would be heard in the District Court and would have a possibility of a maximum of 10 years in jail.

There are things like the actual circumstances of the offence: the nature of the offending; what the circumstances were; and perhaps the views of the owners of the dog, who in this case are the victims of the offence. But it would also be open to be charged under the new provisions that we are speaking about here, which appear in the Summary Offences Act and which provide for the maximum fine of \$50,000 or two years' imprisonment.

The Hon. F. PANGALLO: Did the police or the DPP actually ask for this? Are they having problems with prosecuting dog thefts?

The Hon. K.J. MAHER: I am advised that for the police it is not an impediment to prosecute because, as we have canvassed, under the Criminal Law Consolidation Act there is that provision for general theft. I am advised that the police do not have any concerns particularly about having another avenue or another option of an offence to take into account.

The Hon. F. PANGALLO: The question was: did the police or the DPP consult with you and request this?

The Hon. K.J. MAHER: I think the honourable member in his second reading contribution correctly noted that this was an election commitment. I will check but, if my memory serves me correctly, it was not when we were in opposition that the police or the DPP came to the opposition, which would be a highly unusual sort of thing to happen—that tends to happen in government. Rather, I suspect it was consultations with those involved in the industry—such as puppy farming, those who are involved in their care, and people who own dogs—that gave rise to the genesis of this.

The Hon. F. PANGALLO: Can the Attorney-General outline the extent of consultation on this bill? Which parties were approached and were there any contributions from relevant stakeholders?

The Hon. K.J. MAHER: As I have said, the original idea was formulated from an opposition election commitment. I do not have that information in front of me, but I am certainly happy to take on notice the consultation and the genesis of the idea, and also the development of the bill, and bring back a reply to the honourable member.

The Hon. F. PANGALLO: A dog without a bone. I have just one more question for the Attorney-General. Do you have any statistics on dog thefts?

The Hon. K.J. MAHER: I do not have any available to me now but, again, I am happy to take that on notice. I was trying to think of an appropriate pun—

The Hon. R.A. Simms: The dog ate your homework?

The Hon. K.J. MAHER: No, I was not going to say that.

The CHAIR: The Hon. Mr Simms, that is nearly enough from you. You might have to leave.

The Hon. K.J. MAHER: I am happy to take that on notice and see if there are statistics that can be brought back for the honourable member.

The Hon. J.M.A. LENSINK: I think we all appreciate that the bill is going through this afternoon, but if any of those unanswered questions could be tabled in the House of Assembly it would be fantastic. Can the Attorney advise how the specific penalty provisions were arrived at?

The Hon. K.J. MAHER: I am advised that, as this is placed in the Summary Offences Act, two years is the maximum penalty for offences under the Summary Offences Act. In the discussion of the determination of the maximum penalty, it is a significant maximum penalty but I am advised

that it was eventually settled upon as an appropriate amount, given the need for a deterrent value and given the very substantial value that dogs attract in South Australia and around Australia. As I said, in the recent past in Australia I think there was a record set somewhere around \$48,000 for a dog.

The Hon. J.M.A. LENSINK: I am going to show my bias here but, as other honourable members have also referred to, there are other household pets, some of which are quite expensive in the cat domain, which is my preference. Breeds such as ragdolls, British shorthairs and chinchillas can be extremely expensive as well. Did the government give any consideration to extending this to other species or indeed to exotic animals that probably have quite a significant trade on the black market?

The Hon. K.J. MAHER: I appreciate that. I will check what other animals may have been considered and the reasons, if they were considered and not included in this bill. As I said earlier, I understand the genesis was the place that dogs particularly have as companion pets and the functions they provide as companion pets and the relative value of companion pets, but I do take into account the honourable member's very strong interest in cats. I do appreciate the cat jumpers the honourable member occasionally sports as an external sign of her very strong appreciation and fondness for that species of animal.

The Hon. T.A. FRANKS: My question to the minister is: how is a dog defined and where? Is it the previous reference in the Summary Offences Act that this legislation relies upon?

The Hon. K.J. MAHER: I am advised we are not aware of a definition that already appears in this piece of legislation. If there is not a definition of something in legislation, it is taken as the ordinary meaning of dog. If there was a concern about the canine species, I am sure there would be expert evidence called to determine to make sure that it was a dog within the ordinary meaning.

The Hon. T.A. FRANKS: I will refer the minister to the current definition under the Summary Offences Act with regard to eating dog or cat meat that does already define 'dog' as *Canis familiaris*, so it is defined currently in the legislation. My question was actually leading to another: given you have also given an answer that talks about companion pets, are greyhounds dogs under this law?

The Hon. K.J. MAHER: I thank the honourable member for her questions in relation to this. My advice is that the definition that appears in the Summary Offences Act in relation to particularly section 10—Offence to consume etc dogs or cats, pertains specifically to that section. It is not a definition, on my advice, that would refer to other parts of the Summary Offences Act, which would include this new section about dogs. That is my advice, but it would fall back to the ordinary definition that it is a companion dog. We think it would include greyhound, but we are happy to check on that as it goes between the houses.

The Hon. T.A. FRANKS: That goes very much to my concern. Previously in legislation in this place, we have sought to treat greyhounds as not dogs when it suited us to have lesser animal welfare standards for them. I would seek an assurance that greyhounds will be covered by this legislation and will be treated as dogs. Certainly, with the lack of definition that applies specifically to this dog theft, I would think that would be quite an oversight that should be corrected in the other house.

The Hon. K.J. MAHER: I thank the honourable member. We will investigate that as it goes to the other house and certainly take that into account.

The Hon. S.G. WADE: I appreciate that the house is wanting to facilitate the transfer to the other place but, considering that the Hon. Tammy Franks' concern is strong, can we actually have an assurance from the government that, if greyhounds are not covered by the bill as it stands, the government will move an amendment in the other place to include them?

The Hon. K.J. MAHER: As I said, it is thought that a greyhound as a companion pet would be counted as a dog here, but if that is not the case we will have a look to see how that can be included in the other place.

The Hon. T.A. FRANKS: Final one: I just put on the record that previously I have actually sought to amend other pieces of legislation, not the Summary Offences Act but other pieces of

legislation, and it has been rejected by the parliament to consider a greyhound a dog, which is quite extraordinary, so I certainly seek in this that we get some clarity, perhaps in the second reading contribution by the minister in the other place, that in fact greyhounds will be treated as dogs.

The Hon. K.J. MAHER: I will seek that from the minister in the other place and I will certainly draw her attention to the *Hansard* of this chamber and the desires of this chamber.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:06): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HEALTH CARE (ACQUISITION OF PROPERTY) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:07): I move:

That this bill be now read a second time.

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

Leave granted.

This legislation is a straightforward updating of the acquisition of property powers available to government for health care purposes.

As members will be aware there are existing acquisition of property powers under the Health Care Act 2008.

These powers are specifically for the use in regard to incorporated hospitals.

Therefore such powers are available for the purposes of the acquisition of land for Local Health Networks, however not for SA Ambulance stations or for other health services.

This Bill will allow the Minister responsible for the *Health Care Act* to acquire property where reasonably necessary, subject to and in accordance with the *Land Acquisition Act*, for the purposes of providing health services more broadly.

This is especially important having regard to the current expansion of SA Ambulance services and infrastructure underway to improve response times in emergencies to the South Australian community.

In developing the works program the Department for Health and Wellbeing, in collaboration with the SA Ambulance Service, has considered functional requirements. These include adequate property size, proximity to arterial roadways, avoiding known roadway bottlenecks, and ensuring a spread of stations to enable the best possible ambulance response times in an emergency.

The Bill by defining 'health services' rather than 'incorporated hospitals' also reflects the importance of community based, non-hospital setting, health service delivery.

However as opposed to other types of land purchases for Local Health Networks, other health services such as SA Ambulance are currently excluded, limiting the Government's options in obtaining the best possible sites to enable critical health service provision.

Regarding any acquisition, the existing protections within the *Land Acquisition Act* apply regarding concerns of persons whose interest in property is sought to be acquired.

This includes review, objection, or appeal options that may be exercised at various stages of the acquisition process. Of course it is important to recognise that other planning protections still apply to any development after the acquisition process.

The legislation includes a transitional provision to ensure that any acquisition process underway under the previous legislation would be able to be continued.

Overall this Bill aligns with the Government's approach to deliver effective and responsive public health services to better meet community need.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Health Care Act 2008*

2—Repeal of section 40

Section 40—delete the section

3—Insertion of section 90A

A new section 90A is proposed to be inserted:

90A—Acquisition of property

The Minister is authorised, subject to and in accordance with the *Land Acquisition Act 1969*, to acquire land if the Minister considers that the acquisition of the land is reasonably necessary for the purposes of the provision of health services. The proposed new section also provides that it does not limit or affect the power of the Minister, a HAC, an incorporated hospital or SAAS to acquire land, or an interest in land, by agreement.

Schedule 1—Transitional provision

1—Transitional provision

A transitional provision is included for the purposes of the measure.

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

NEW WOMEN'S AND CHILDREN'S HOSPITAL BILL

Final Stages

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Final Stages

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

At 17:09 the council adjourned until Tuesday 29 November 2022 at 14:15.

*Answers to Questions***PUBERTY BLOCKER ACCESS**

109 The Hon. D.G.E. HOOD (7 September 2022). Can the Minister for Health and Wellbeing advise:

1. How many children have accessed puberty blockers in South Australia?
2. If children have accessed puberty blockers in South Australia, what were their ages?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Health and Wellbeing has advised:

As of 13 September 2022, the Women's and Children's Hospital Gender Diversity Service currently prescribes puberty blockers to 68 youth ranging between the ages of 10 and 17.

All youth accessing the gender diversity service need to have a formal assessment by a psychiatrist prior to treatment commencement and are reviewed every three to six months while receiving ongoing mental health support.

STILLBIRTH STATISTICS

125 The Hon. S.L. GAME (28 September 2022). Can the Minister for Health and Wellbeing advise:

1. What was the stillbirth rate for South Australian women prior to COVID-19?
2. Has the rate increased since?
3. Is the government tracking the figures of stillbirth alongside the rates of vaccination?
4. Will the government make local stillbirth rate data available for those who want it?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Health and Wellbeing has been advised:

1. The most recently reported still birth rate in South Australia in 2017, 2018 and 2019 was 6.6, 6.9 and 5.8 per 1,000 births, respectively.
2. South Australian stillbirth rates have not changed markedly over the last decade.
3. SA Health advises that there is no evidence that vaccination increases the chances of pregnancy complications such as stillbirth.
4. The Pregnancy Outcome Unit within Wellbeing SA publishes the Pregnancy Outcome in South Australia report. This public report provides annual analyses on pregnancies, obstetric care and the health of newborn babies. Additionally, this report also contains information on perinatal mortality, including the stillbirth rate.

BUSINESS MIGRATION NOMINATIONS

158 The Hon. H.M. GIROLAMO (28 September 2022). Can the Minister for Industry, Innovation and Science advise:

1. How many business migration nominations have been received through your department for 2021-22?
2. How many were accepted in 2021-22?
3. Was the quota filled during the last financial year?
4. What is the annual quota for 2022-23?
5. Are applicants receiving communication from the department if their nominations are being rejected?
6. If rejected, are they being advised the reason behind their rejection?
7. Are they being encouraged to reapply?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Industry, Innovation and Science has advised:

The Department for Industry, Innovation and Science (DIIS) received 807 applications for state nominated business visas during 2021-22.

Of these, 758 were for state sponsored provisional Business Innovation and Investment Program (BIIP) visas. 540 of those applications were approved for state nomination.

The remaining visa applications were for second stage permanent BIIP visa applications, of which 46 of the 49 applications were approved.

Only provisional BIIP visas count towards the annual nomination allocation cap set by the commonwealth government Department of Home Affairs. South Australia did not fill its quota of nomination places in 2021-22.

South Australia has received an interim allocation of 70 nomination places from the Department of Home Affairs for the business migration program in 2022-23.

DIIS notifies all applicants of the outcome of their applications for state nomination.

If an application is refused, they are provided with supporting details about the reasons for the refusal.

DIIS continues to engage with migration professionals to help encourage high quality business owners, investors, and entrepreneurs, who meet all the nomination criteria, to consider applying (or reapplying) for state nomination.

BUSINESS MIGRATION PROGRAM OBJECTIVES

160 **The Hon. H.M. GIROLAMO** (28 September 2022). Can the Deputy Premier advise:

1. What are the government's primary objectives for the business migration program?
2. What is the government's strategy to achieve these objectives?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Deputy Premier has advised:

The South Australian government's primary objectives for the business migration program are to:

- Attract high quality investment and business talent into the South Australian economy.
- Increase employment in South Australia.
- Drive innovation to make South Australia more productive and competitive.

The state's business migration strategy for 2022-23 is to nominate proven and experienced businesspeople and talented entrepreneurs who have a genuine intent to build a business in South Australia and contribute to economic growth and employment.

The Department for Industry, Innovation and Science (DIIS) engages with key markets to promote South Australia as a migration destination to live, invest and do business in, including through migration professionals in Australia and overseas that have a track record in attracting successful businesspeople to South Australia.

ALCOHOL INDUCED LIVER DISEASE AND COVID-19

162 **The Hon. S.L. GAME** (19 October 2022). Can the Minister for Health and Wellbeing advise—In relation to alcohol induced liver disease within the South Australian population:

1. What was the incidence rate prior to COVID-19?
2. What was the incidence rate during the period of peak pandemic regulations?
3. What is the current incidence rate?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Health and Wellbeing has been advised:

SA Health does not have data relating to the incidence rate of alcohol-related liver disease, as it is not recorded on a register when diagnosed, as notifiable infectious diseases are.

SA Health does have data on the number of hospital admissions for people with a principal diagnosis of either alcoholic liver disease and related conditions (liver disease, hepatitis, fatty liver, fibrosis and sclerosis, and cirrhosis), unspecified liver disease and related conditions (liver disease, fatty liver and cirrhosis).

There were 368 hospitalisations in 2018-19 for alcoholic liver disease and 247 for unspecified liver disease (total of 615 cases; 3.5 per 10,000 population).

There were 344 hospitalisations in 2019-20 for alcoholic liver disease and 248 for unspecified liver disease (total of 592 cases; 3.3 per 10,000 population).

There were 464 hospitalisations in 2020-21 for alcoholic liver disease and 274 for unspecified liver disease (total of 738 cases; 4.1 per 10,000 population).

There were 472 hospitalisations in 2021-22 for alcoholic liver disease and 321 for unspecified liver disease (total of 793 cases; 4.4 per 10,000 population).