

**LEGISLATIVE COUNCIL****Thursday, 23 March 2023**

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

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

*Parliamentary Procedure*

**SITTINGS AND BUSINESS**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:17):** I move:

That the council at its rising do adjourn until Sunday 26 March 2023 at 11:05.

Motion carried.

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

That standing orders be so far suspended as to enable petitions, replies to questions on notice, the tabling of papers, committee reports, questions without notice and notices of motion not to proceed on the next day of sitting.

Motion carried.

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

**PAPERS**

The following papers were laid on the table:

By the President—

Corrigendum to Independent Commission Against Corruption Report—Evaluation of the practices, policies and procedures of TAFE SA [Ordered to be published]

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

Aboriginal Lands Trust: Report, 2021-22

Consultation Report undertaken by Green Adelaide on a prescribed levy proposal for the Central Adelaide and Dry Creek Prescribed Wells Areas

New water levy in the Central Adelaide and Dry Creek Prescribed Wells Areas in the Green Adelaide, Hills and Fleurieu and Northern Yorke landscape regions

Report on the Prescribed Levy Proposal

SA Arid Lands Prescribed Levy Proposal for 2023-2024 Consultation Report dated December 2022

South Australian Arid Lands Landscape Board Report on the Prescribed Levy Proposal

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

Review of the Children and Young People (Safety) Act 2017 Report 2023

*Question Time*

**AMBULANCE RAMPING**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20):** I seek leave to make a brief explanation before addressing a question to the Attorney-General regarding the safety of South Australians.

Leave granted.

**The Hon. N.J. CENTOFANTI:** On a social media post on 27 February 2022, the Attorney-General stated, 'We will fix the ramping crisis.' Despite this pledge his government this week has now conveniently decided that it never committed to any specific target of reduction in ambulance ramping hours. My questions to the Attorney-General are:

1. Where, on the election posters which were plastered across the entire city and state during the 2022 state election campaign, did it say that fixing the ramping crisis would be measured on ambulance response times, not ramping hours?
2. What does the Attorney-General say to thousands of South Australians who feel they have been lied to?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:21):** I thank the honourable member for her question. Certainly, at the last state election the Labor Party committed to reducing ramping hours so that we—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:**—so we can do what I think many South Australians reasonably expect, and that's get ambulances responding to cases on time.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** As evidence shows and common sense dictates, the two are directly linked.

#### **AMBULANCE RAMPING**

**The Hon. H.M. GIROLAMO (14:21):** Supplementary: how many social media posts did the Attorney put up during the campaign stating that Labor will fix the ramping crisis?

**The PRESIDENT:** Attorney, you can choose to answer that. It doesn't really arise from the original answer.

**The Hon. K.J. MAHER:** I think you're right, sir.

#### **AMBULANCE RAMPING**

**The Hon. D.G.E. HOOD (14:22):** Supplementary: what is the government's definition of 'fixing ramping'?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:22):** As I've said, the government is committed to reducing ramping hours so that we can get ambulances responding to cases on time. As I said—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —as common sense dictates, the two are directly linked.

#### **AMBULANCE RAMPING**

**The Hon. L.A. HENDERSON (14:22):** Supplementary: how many corflutes saying that Labor will fix ramping did the minister personally put up on Stobie polls, and how many houses did he letterbox to say that Labor will fix ramping?

**The PRESIDENT:** Again, Attorney, up to you.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:23):** There were corflutes that said, 'Labor will fix the ramping crisis', so I'm not sure exactly what the member is talking about.

**FRUIT FLY**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23):** My question is to the Minister for Primary Industries and Regional Development regarding her response to a question from the Hon. Frank Pangallo earlier this week on fruit fly. Given the critical importance to industry, the broader community and the funds previous and current governments have invested into eradicating fruit fly from this state, has the minister now formally written to the television station about Mr Molloy's flippant comments?

*Members interjecting:*

**The PRESIDENT:** Order! Order from the government benches!

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Ms Girolamo, order! I want to hear the answer to the question.

*Members interjecting:*

**The PRESIDENT:** Don't speak when I am on my feet.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24):** I suppose I should thank the Leader of the Opposition for her question. However, having seen the comments that Mick Molloy made in regard to this, they are clearly lighthearted when viewed within the context of a comedy sports-based talk show. Mick Molloy is a comedian. Generally, most people realise that that means comedians make jokes. Clearly, that is what he did.

He also talked about having, I think, arrest warrants on his head, and since then he has talked about being public enemy number one in South Australia. I really don't think even those opposite sincerely imagine that people are tuning in to the comedy show *The Front Bar* for their travel advice. I really don't think that is the case.

I look forward to thousands of people coming to South Australia for the Gather Round; I look forward to all of them enjoying our fresh produce here in South Australia, visiting our wineries, and I say to Mick Molloy, 'Mick, you are not public enemy number one here in South Australia, we love you, we look forward to you coming and I hope we get to have a drink and some wonderful South Australian fresh fruit together.'

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. F. Pangallo:** I hope the minister doesn't break out into song or a joke.

**The PRESIDENT:** Order! The Hon. Mr Pangallo, you have a supplementary question.

*Members interjecting:*

**The PRESIDENT:** Order!

**FRUIT FLY**

**The Hon. F. PANGALLO (14:26):** Will at least the minister send Mr Malloy a tongue-in-cheek message like, 'Kicking a Vic like Mick is fair game in the state. We don't want those Victorian maggots coming here?'

**The Hon. R.P. Wortley:** I don't know how you can do that lightheartedly.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27):** I note the Hon. Mr Wortley saying that he's not sure how you could do that lightheartedly. We want to encourage Victorians to come to South Australia; we want to encourage Mick Molloy to come to South Australia. We look forward to having *The Front Bar* here in South Australia.

We also look forward to people being even more aware of the restrictions on bringing fruit into South Australia. Mr Molloy's joke may well have elevated the acknowledgment and the widespread understanding of our fruit fly restrictions here in South Australia. Our fruit fly free status has been well fought for; we continue to undertake all sorts of different measures in terms of eradication.

As I mentioned earlier in the week in response to a question on this matter, we will be increasing the number of staff who will be checking for people crossing the border to ensure that they do not bring fruit across the border. I reiterate, we look forward to seeing you, Mick.

#### FRUIT FLY

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28):** Supplementary: what will be the percentage of increase of staff at the border, and does the minister think fruit fly outbreaks are lighthearted?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28):** I think comedians making jokes is usually comedy. In terms of the increases to resources that we will have at the border, that includes increasing the hours on some of the checkpoints, having random roadblocks, as is usual at times of increased visitation to South Australia, and continuing to keep up the important eradication measures for this very serious issue.

**The PRESIDENT:** The Hon. Mr Pangallo, you have a supplementary.

#### FRUIT FLY

**The Hon. F. PANGALLO (14:28):** Just to point out that at no time did I ever suggest that we didn't want Mr Molloy here.

*The Hon. C.M. Scriven interjecting:*

**The Hon. F. PANGALLO:** Well, I didn't. Perhaps the minister isn't aware that one of Mr Molloy's dumb jokes actually resulted in him being sued 11 years ago in South Australia.

**The PRESIDENT:** Order! The Hon. Mr Pangallo—

**The Hon. F. PANGALLO:** I just needed a clarification, Mr President. I never said that we didn't want him or *The Front Bar* here.

**The PRESIDENT:** Okay. It's not a supplementary question. Third question, the honourable Leader of the Opposition.

*Members interjecting:*

**The PRESIDENT:** Order! Can we just have the question before we have the noise that comes after it.

#### STRATHALBYN ABATTOIR

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29):** I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the Strathalbyn abattoir.

Leave granted.

**The Hon. N.J. CENTOFANTI:** In August 2022, my colleague the member for Hammond and I wrote to the minister, asking why there was a delay in funding for the Strathalbyn abattoir restoration project. In October 2022, the minister responded, citing an 'approved alternative model to allow the project to progress in a timely manner'. On 9 February 2023, I asked the minister why, despite the Treasurer signing a funding deed, the grant to the Fleurieu Community Co-op had still not been paid. At that time, in this chamber, I reiterated feedback from the operator that they had been unable to open the doors of the abattoir for business because of the government's inaction.

Today, 23 March, I have once again received correspondence that this funding has still not been granted, despite the operator assuring me that the department has every detail required and

the operator has submitted all planning matters requested. I have also been advised that this continued inaction in releasing approved grant funding is not only causing operations to languish but is putting a strain on private financing commitments and creditors. My question to the minister is:

1. What is the hold-up in releasing the grant funding?
2. If there is a good reason for this hold-up, why has that not been communicated with Fleurieu Community Co-op as the operator?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31):** I thank the honourable member for her question. I would point out that this does come under the Treasurer in terms of executing deeds or equivalent, but I can certainly give some update to the information. The Fleurieu Community Co-operative was awarded \$1.5 million by the former government from the Regional Growth Fund. However, the former Minister for Primary Industries and Regional Development approved the Fleurieu Community Co-operative application with several conditions, which the Fleurieu Community Co-operative was not able to meet. This meant that the project was very likely to fail before it even commenced.

The Malinauskas Labor government has worked with the Fleurieu Community Co-operative to assist them in overcoming some of the challenges that were presented when the grant was approved by the former government. The funding deed, prepared in consultation with representatives from the Fleurieu Community Co-operative, according to my advice, was executed on 2 December 2022, including four agreed conditions, of which I am advised Fleurieu Community Co-operative had not fully met to date, as at the date of my advice.

I am advised that subsequently the South Australian Government Financing Authority, which manage the Regional Growth Fund funding deeds, are seeking approval from the Treasurer to vary the funding deed to be able to progress the first payment of funds to Fleurieu Community Co-operative. The state government continues to work very closely with the representatives from the Fleurieu Community Co-operative regarding this project. The government hopes to be able to look forward to the project coming to fruition, and my advice is that communication has continued with the cooperative, seeking information when it has not been provided and advising of what is still required, where that has been the case.

#### STRATHALBYN ABATTOIR

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33):** Supplementary: when did the minister last get a briefing on this matter?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33):** I had an informal briefing within the past week; I don't recall exactly what day.

#### STRATHALBYN ABATTOIR

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33):** Supplementary: in that briefing, was the information given to the minister that the abattoir had not fulfilled the requirements of that funding deed?

**The Hon. I.K. HUNTER:** Point of order: my view is, and I hope you will concur, that the question the honourable member is asking doesn't relate to the original answer given but to the first supplementary.

**The PRESIDENT:** The reality is that if you ask a supplementary question it has to arise from the original answer.

#### STRATHALBYN ABATTOIR

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34):** Supplementary: why has the co-op not received its funds?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34):** I believe I have just answered that at some length.

### REFERENDUM WORKING GROUP

**The Hon. J.E. HANSON (14:34):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on his recent meeting with the Referendum Working Group?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34):** I thank the honourable member for his question and his interest in this area. I would be most pleased to provide that information. On 16 March, Adelaide had the honour of hosting the national Referendum Working Group. This group is co-chaired by Minister Linda Burney, the Minister for Indigenous Australians, and Senator Patrick Dodson, the Special Envoy for Reconciliation and the Implementation of the Uluru Statement from the Heart, and is represented by a broad range of First Nations community members and leaders from across the country.

This group has been established to provide advice to government on how to successfully implement a referendum on Aboriginal and Torres Strait Islander Voice enshrined in the Australian constitution. The scope of the group includes the timing to conduct a successful referendum, the proposed constitutional amendment and question required for a successful referendum, and the information on the Voice necessary for a successful referendum.

There are 21 members from across the country, including Aboriginal and Torres Strait Islander leaders who have dedicated much of their lives to the advancement and progress of their communities and questions such as are facing Australia at the moment with the upcoming referendum. People on the group include leaders like Professor Marcia Langton, Professor Tom Calma, June Oscar, Noel Pearson, Napau Pedro Stephen, Professor Megan Davis, Pat Anderson, Dr Jackie Huggins and Tony McAvoy KC, to name just a few. Many of these people are leaders I have personally looked up to for much of my career in terms of the work that they have done around Australia. South Australia's Commissioner for First Nations Voice, Dale Agius, and Sally Scales, an Uluru Dialogue member, are members from South Australia on this working group.

Along with the Deputy Premier, last week I had the privilege to meet the Referendum Working Group and discuss South Australia's progress towards a First Nations Voice. I shared with the group our engagement process with our First Nations community which informed the legislation that is currently in the House of Assembly. I was able to share details of the proposed model and how it directly interacts with parliament and government.

I also emphasised the view that we have that the passing of legislation in this state, we hope, will provide some comfort to people around Australia about how a model could work in the lead-up to a referendum—that this legislation could do that and provide some comfort about how a model may be successfully implemented and cause no harm or detriment to anyone else. This is something that the working group very much appreciated.

As of this morning, and in partnership with the incredible work of that Referendum Working Group, the Prime Minister has announced the wording of the referendum question and the proposed constitutional amendment for the proposed First Nations Voice to the federal parliament. I congratulate the Referendum Working Group and their important contribution in enshrining an Aboriginal and Torres Strait Islander Voice in the Australian constitution. I have been fortunate to be able to discuss it with some of those members of the working group this morning.

This morning, in a very powerful and emotional press conference, the Prime Minister announced the wording of the question to be put to the people of Australia at this year's referendum as:

A proposed law to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?

Later this year, when there is the federal referendum, I look forward to voting yes and I look forward to campaigning for a 'yes' vote around Australia. Importantly, the exact wording of the proposed change to the constitution was outlined, and reads:

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;

2. The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
3. The Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

In my view, it's a very simple and elegant insertion in our constitution, recognising the oldest continuing culture on our planet and ensuring their voice will be heard by the federal parliament and the federal government, as our bill seeks to in South Australia. I want to particularly thank all those who contributed to this work, especially the Referendum Working Group, which was here, as I said, in Adelaide just last week.

### REGIONS, TAX CUTS

**The Hon. R.A. SIMMS (14:39):** I seek leave to make a brief explanation before addressing a question without notice to the Minister for Regional Development on the topic of stage 3 tax cuts and the regions.

Leave granted.

**The Hon. R.A. SIMMS:** The stage 3 tax cuts, which involve handing out \$254 billion of taxpayer money to high-income earners, were legislated by the former Coalition federal government with the support of the then Labor opposition and are due to come into effect from July next year.

Anglicare has analysed the eligibility for the tax cuts by demographic and geographic area and found that South Australians, particularly those living in the regions, will be short-changed. Their findings are reported in today's InDaily. They found that just 13.9 per cent, or just over 209,000 South Australians, will benefit from the tax cuts and only 9.4 per cent of residents in the South-East of South Australia will benefit, compared to more than 20 per cent of residents in Adelaide and the Hills. My Greens colleagues in Canberra have been outspoken in opposing these tax cuts and instead advocated for the money to be spent on public services.

My question to the minister therefore is: given so few South Australians living in the regions will see any benefit at all from Labor's tax cut plan, has she advocated for the federal government to reconsider and, in particular, has she advocated for additional investment in regional South Australia from the commonwealth to address growing income inequality?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41):** I thank the honourable member for his question. Stage 3 tax cuts are a federal matter. I am frequently advocating on behalf of regional citizens to the federal government as well as in other forums for things that will benefit them.

### REGIONS, TAX CUTS

**The Hon. R.A. SIMMS (14:41):** Supplementary: in the context of that advocacy, has the minister raised concerns around the fact that South Australians living in the South-East are very unlikely to benefit?

**The PRESIDENT:** You did mention advocacy, I guess.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42):** I frequently advocate for improved services to regional areas, including the South-East.

### REGIONS, TAX CUTS

**The Hon. R.A. SIMMS (14:42):** Supplementary: has she raised the specific issue that I raised in my first question?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42):** Stage 3 tax cuts are a matter for the federal government.

**FIRST NATIONS VOICE, PARLIAMENTARY SITTING**

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:42):** My questions are to the Attorney-General regarding the special sitting day scheduled for Sunday 26 March 2023. My three questions to the Attorney-General are:

1. What is the estimated total cost to Parliament House, Government House and the Attorney-General's Department, responsible for Aboriginal affairs, to bring about an additional sitting day on a Sunday?
2. Will all these costs be covered by the existing fund of \$10 million over the four-year period allocated to implement the South Australian Indigenous Voice to State Parliament or are these costs an additional taxpayer expense?
3. Can the Attorney-General please inform this chamber if the current InDaily online paid advertisement, reading 'Show your support for the First Nations Voice, 11am, Sunday 26<sup>th</sup> March, on the steps of Parliament House', is also included in these costings?

**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 question. The advice that I have been given on these matters is that there will be no additional cost to the taxpayer. The parliament sitting on Sunday will be like any parliament time that it sits. It will be met from the budget within parliament. Of course, we sit irregular hours not infrequently. Occasionally, we sit past midnight. There are provisions within the budget for the operating of parliament for regular sitting hours and also sitting hours, as many of us experience, that are not regular. My advice is that there will be no additional cost over and on top of those already provided in terms of parliamentary sitting.

In terms of the cost of other ancillary parts of what's proposed for Sunday, I think it's the protocol unit within the Department of the Premier and Cabinet who organise these events, such as the proclamation of the King, which was a very significant event for many South Australians. As a republican, I would prefer to see us be a republic, but there are many people in South Australia for whom that was a very significant event. I think many would agree that for the proclamation of the King, the event that we had on the steps of Parliament House was an appropriate way to recognise the changing of what is, after all, still the constitutional head of this country.

The protocol unit does things like significant events for the state, such as state funerals. My advice is that the organisation and what is needed to occur on Sunday outside of this building are the work of the protocol unit and that there will be no additional cost to the taxpayer because the protocol unit is budgeted for these sorts of significant events, such as the proclamation of the new King or state funerals.

**FIRST NATIONS VOICE, PARLIAMENTARY SITTING**

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:45):** Supplementary: on my question relating to the advertising cost, where does that come from?

*Members interjecting:*

**The PRESIDENT:** Order! Supplementary questions are arising from the answers; supplementary questions are not arising from the question that was put.

**FIRST NATIONS VOICE, PARLIAMENTARY SITTING**

**The Hon. C. BONAROS (14:46):** Supplementary: does the Attorney-General, like many or indeed most of us in this place, consider those ancillary costs that he has referred to absolutely warranted given the very important nature of what we will be doing in this place on Sunday?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46):** I thank the honourable member for her question. The answer is yes, I do. As I have said in this chamber previously and as recently as yesterday, what this parliament is doing is truly nation leading. This will be the first jurisdiction anywhere in the Commonwealth of Australia to have an elected Aboriginal body providing a voice to parliament and a voice to government, and that part is important as well.



As I read in response to the question from the Hon. Justin Hanson, the federal Referendum Working Group has provided advice to the federal government that the federal government has accepted, and that will form part of the changes that are proposed to the federal constitution, providing that voice not just to the parliament but to the executive government. I think South Australia has a very long and proud tradition of democratic reforms and democratic firsts. Allowing women to vote and stand for parliament stands as one of the very early ones that we pioneered in South Australia.

I think it is a very proud and momentous day for South Australia to be leading the nation in these reforms, reforms that I know from discussions with my counterparts, ministers for Aboriginal affairs in other states, both Labor and Liberal ministers, they are keen to replicate as well. So, yes, in answer, I think it is a historic day for South Australia that deserves some form of attention being drawn to it.

#### GOVERNMENT ADVERTISING

**The Hon. L.A. HENDERSON (14:47):** Supplementary question: can the minister please advise how many other government initiatives have seen a government-sponsored ad on the side of a vehicle that drives around the CBD?

**The PRESIDENT:** You can talk about other initiatives.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48):** I don't have an answer to that. It is not the areas that I am responsible for that deal with government advertising.

#### GOVERNMENT ADVERTISING

**The Hon. L.A. HENDERSON (14:48):** Supplementary question: can the minister please advise how much was paid for the advertisement on InDaily and any other media outlets and for the vehicle driving around the CBD with a sign that says, 'Show your support for the First Nations Voice'?

**The Hon. I.K. HUNTER:** Point of order, Mr President.

**The PRESIDENT:** No, sit down. You don't need to.

*Members interjecting:*

**The PRESIDENT:** Order! That is not arising from the original answer. It is about arising from the original answer, not the original question.

#### FORESTRY CENTRE OF EXCELLENCE

**The Hon. R.P. WORTLEY (14:48):** My question is to the—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.P. WORTLEY:** My question is to the Minister for Forest Industries. Will the minister inform the chamber about the launch of the Forestry Centre of Excellence strategic plan and what it means for the forest industry in South Australia?

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Wortley, you have asked your question. How about we let the minister answer.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49):** I thank the honourable member for his question and his ongoing interest in this matter. Members on this side of the chamber are committed to growing the forest sector and working with industry to ensure that we can continue to see forestry remain a powerhouse industry in the South-East of the state and further afield within our state.

As Minister for Forest Industries, I am proud of the many forestry election commitments that we took to the election. A whole suite of policies was developed while in opposition after working with key stakeholders in the industry to ensure that our policies reflected the industry's requirements. That

is in contrast to members opposite where forestry was almost never mentioned. They failed to develop any meaningful policies in the lead-up to the last state election, a fact that was not lost on local industry.

One of the key policies was for the development of the Forestry Centre of Excellence.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** This is a project that is worth \$15 million over 10 years and will provide long-term certainty to enable key research and development to occur, which will lead to better outcomes for the forest sector. Earlier this week, I was pleased to launch the Forestry Centre of Excellence strategic plan, which lays the groundwork for the vision for this key project. The centre will be the first of its kind in South Australia and has been developed with the key goal to both create long-term research and development capability and also enhance the region's economic prosperity, which will lead to more jobs and increased investment across the Limestone Coast region.

I would like to thank all of the stakeholders who have assisted in developing the strategic plan, which will see the centre established at the existing UniSA TAFE precinct and will accommodate key stakeholders, including the National Institute for Forest Products Innovation, the Green Triangle Forest Industries Hub, Tree Breeding Australia and LITA Training. The strategic plan is guided by seven key directions:

- enhancing the commercial competitiveness, profitability and prosperity of forest industries and the region;
- identify and initiate new strategic opportunities, products and markets;
- deliver practices and technologies maintaining the sustainability of the forestry-reliant natural resources, environment and biosecurity;
- enable national and international collaborations, partnerships and business models;
- enable effective technology, knowledge and expertise transfer;
- provide a safe work environment and inclusive, supportive organisational culture; and
- promotion and communication of the forest industries.

This strategy will assist in realising maximum resource value from fibre resources, reducing the carbon footprint left by industry, building greater collaboration between the government and industry and creating more diverse economic activity. The centre will have the ability to support the full forestry supply chain, from plantation management, harvesting and haulage through to timber processing.

Some of the areas that the strategic plan has identified as key research priorities include water and fire management, breeding, wood products, data analytics, carbon, silviculture and environmental management. The South Australian government will shortly commence a global search for a centre director who will be responsible for the implementation of the strategic plan. I look forward to being able to update the chamber further about this exciting project being delivered by the Malinauskas Labor government.

#### **DIRECTOR OF PUBLIC PROSECUTIONS**

**The Hon. F. PANGALLO (14:52):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the High Court and the duty of disclosure by the Director of Public Prosecutions.

Leave granted.

**The Hon. F. PANGALLO:** This week, I received a deficient response from the Attorney-General regarding a question I asked over concerns that Mr Hinton KC was not complying with his legal obligations and to not mislead the High Court in an appeal in May by convicted killer Derek Bromley. Mr Bromley, an Aboriginal man who has been in custody for nearly 40 years, has always insisted he was innocent and that he was convicted upon the tainted evidence of the

unqualified and disgraced forensic science chief, Dr Colin Manock, recently exposed on the national television program *Under Investigation* where the UK's leading forensic pathologist Dr Richard Shepherd described Manock as a charlatan who made things up.

The Attorney claimed he had no evidence to support that the director has not met any obligations he has to common law and conduct rules. The Australian Solicitors Conduct Rules clearly state obligations even the DPP must comply with, including:

- not to deceive or knowingly or recklessly mislead the court;
- take all steps to correct misleading any statement made to a court;
- inform the court of any misapprehension by the court as to the effect of an order which the court is making as soon as the solicitor becomes aware of it; and
- must fairly assist the court to arrive at the truth.

In 2001, Mr Hinton wrote an article, titled 'Unused material and the prosecutor's duty of disclosure', in which he said, and I quote:

...that everybody who comes before the courts is entitled to a fair trial is axiomatic [and] an accused's right to fair disclosure is an inseparable part of his right to a fair trial.

Why isn't he applying that in Mr Bromley's case? In a 10-page letter dated March 20 to the Attorney-General, the Premier and the DPP, astute law academic and researcher Dr Robert Moles says in Mr Hinton's refusal to disclose to the High Court Dr Manock's rogue history and unreliable evidence, he is in derelict of his duty and obligations as a legal practitioner and he will be complicit in presenting a lie to the High Court. Dr Moles states, the issues arising from this case are so serious they are unprecedented in the common law world. I seek leave to table that letter before I ask my questions of the Attorney.

Leave granted.

**The Hon. F. PANGALLO:** My question to the Attorney-General is:

1. Has he read the DPP's High Court submission, who gave him that advice and will he now seek an independent legal opinion for himself?
2. Why does the DPP and the entire criminal justice system in this state continue to be wilfully blind to the fraudulent, corrupt conduct of Dr Manock over many decades?
3. Will he now direct the DPP, as he has the power to do under section 9(2) of the DPP Act, and request that he immediately amend his High Court submission so it is truthful, rather than continue this terrible charade and judicial protection racket to prevent another gross miscarriage of justice?

**The PRESIDENT:** The last part of your question, there was too much opinion in it, the Hon. Mr Pangallo.

**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. I am happy to read any information the honourable member has and I certainly have discussed this matter with the DPP. In my discussions, the DPP has assured me that disclosure obligations have been discharged and the DPP, in discussions, has not disclosed anything that disclosure obligations have in any way not been met.

In seeking advice on this matter, I was reminded that a prosecutor's duty of disclosure is owed to the court, but that duty is discharged by disclosures being made to the defence. I don't have any information that would conclude that the DPP has not abided by their duties in this case.

#### MOBILE PHONE DETECTION CAMERAS

**The Hon. D.G.E. HOOD (14:57):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding mobile phone detection cameras and privacy issues surrounding them.

Leave granted.

**The Hon. D.G.E. HOOD:** Members will be aware that the state government is currently conducting a three-month trial of mobile phone detection cameras here in South Australia. Normally, these issues of course would be more relevant for the Minister for Police, but there are a number of issues with respect to privacy that I think the Attorney would be interested in as well: specifically an incident in New South Wales where a review is being conducted currently into mobile phone detection cameras following an incident where one such camera captured an unfortunate image up the skirt of a young woman as she was on her mobile phone whilst driving. My questions to the Attorney-General are:

1. Is the state government monitoring photos taken by mobile phone detection cameras in South Australia to ensure they do not have the capability of capturing similar compromising images of motorists?

2. If the cameras do capture compromising images of South Australians, would this contravene any of our state's privacy or other laws?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58):** I thank the honourable member for his question. In relation to the images being taken by cameras that are, as I understand it—but I will have to refer specifics to the police minister whose department, SAPOL, is conducting the trial. As I understand it, the cameras are placed on or near traffic lights and it's at those junctures that photographs are taken to detect whether a motorist is on the mobile phone at the time.

I will check and bring back an answer if I'm not correct. My thought is that the actual taking of the photo itself—I can't think of a privacy law that that would breach in using that, though there may be privacy considerations that come into it. But as I said, SAPOL are conducting the trial, so I will absolutely ensure that my colleague the police minister in another place gets a copy of the concerns the honourable member has raised so that they are taken into account in what is still a trial that is, as I understand, being conducted.

#### MOBILE PHONE DETECTION CAMERAS

**The Hon. C. BONAROS (15:00):** Supplementary: is the minister aware of an inquiry being undertaken in Victoria off the back of inappropriate photos apparently taken by one of these machines that effectively showed the upskirt of a woman in a vehicle and the use of those photos in detection of mobile phones?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00):** I am not aware of an inquiry in Victoria or anywhere else into what the honourable member referred to, but similarly I will make sure that I forward to my colleague the police minister, whose department SAPOL is conducting these trials in SA, the honourable member's question so they can take it into account as part of this trial.

#### COERCIVE CONTROL

**The Hon. T.T. NGO (15:00):** My question is to the Attorney-General. Will the Attorney tell the council about the Clarke family, parents of the late Hannah Clarke, who visited South Australia to continue discussions in consultation on criminalising coercive control?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01):** I thank the honourable member very much for his question. There would be members of this chamber who would be familiar with the truly horrific story in 2020 that the Clarke family endured. In 2020, on the Gold Coast, a woman, Hannah Clarke, along with her three children, Aaliyah, who was six years old, Laianah, who was four, and Trey, who was three, were brutally murdered by her ex-partner. Hannah was taking her children to school one day when her estranged husband jumped in the car, doused them all in petrol and set them alight at Brisbane's Camp Hill.

During a coronial inquest into their deaths it became evident that during the years leading up to the atrocity Hannah was being subjected to coercive and controlling behaviours from her ex-partner. Since that tragedy that turned their lives upside down, Hannah's parents, Sue and

Lloyd Clarke, have been fierce and tireless advocates for domestic violence and coercive control awareness and reform, having set up the anti-domestic violence strategy Small Steps 4 Hannah as part of their action and call for change.

The foundation Small Steps 4 Hannah exists to halt the cycle of domestic violence so that everyone can feel respected, informed, confident to act and safe. The anti-domestic violence charity seeks to educate, advocate, support and fund projects that deliver these objectives in eradicating domestic violence. The Clarkes were formally recognised for the impact of their work in reforming coercive control laws when they were named joint recipients of the 2022 Queensland Australian of the Year award.

Earlier this month, it was a privilege for South Australia that the Clarke family were able to come to our state to help continue the difficult but important conversation about coercive control and how we can progress change here in SA to try to prevent such tragic circumstances as they experienced from recurring.

I had a very sobering but exceptionally motivating meeting with Sue and Lloyd during their visit here and was quite frankly staggered with their strength and courage to speak of their own tragic story in losing their daughter and three grandchildren to coercive control. Sue and Lloyd also offered some insightful personal perspectives about what changes they feel are needed to mitigate the chances of such tragedies recurring.

One of the key points they continued to raise was the importance of education and awareness raising about these types of behaviours that are coercive and controlling and the integral role of talking and sharing concerns with others when someone you know is displaying or is on the receiving end of concerning behaviours in a current or former intimate relationship.

On 15 March, the Minister for Women and the Prevention of Domestic and Family Violence, the Hon. Katrine Hildyard, hosted a public forum on coercive control called 'See the signs', where the Clarkes spoke to a sold out public event. The forum, at which there were, I am informed, somewhere around 400 registered participants, was chaired by social commentator Jane Caro AM and facilitated by a panel of expert speakers across the domestic and family violence service sector, including the CEO of the Zhara Foundation, Kelly-Ann Tansley; the CEO of the Women's Legal Services in SA; and Craig Rigney, the CEO of the Aboriginal Domestic Violence Service, KWY.

This expert panel, along with a powerful address from the Clarkes and also the Minister for Women, helped facilitate some robust discussion involving the audience around the complexities we have to grapple with when talking about coercive control and how to end it. The forum comes amidst the consultation round tables the Minister for Women has been facilitating in the lead-up to the drafting of the legislation on a bill to criminalise coercive control, as was a commitment by the government.

I wish to sincerely thank the Clarke family for making the journey to South Australia and for being so brave in sharing their story for us to ensure that we have the most robust protections we can in implementing change around coercive control to try to prevent as much as possible these tragic circumstances from recurring.

## HOMELESSNESS

**The Hon. R.A. SIMMS (15:05):** I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General, the Minister for Aboriginal Affairs, on the topic of homelessness.

Leave granted.

**The Hon. R.A. SIMMS:** Yesterday, the Australian Bureau of Statistics Census data on homelessness was released, which demonstrated that homelessness in South Australia increased by 1,200 people between the years 2016 and 2021. The data from the 2021 Census shows that First Nations people are over-represented, comprising 20.4 per cent of homeless people, while making up 3.8 per cent of the population in South Australia.

South Australia is the state with the third highest rate of Aboriginal and Torres Strait Islander people experiencing homelessness. My question to the Minister for Aboriginal Affairs therefore is:

what is the government doing to prevent homelessness in South Australia and, in particular, what is it doing to reduce the number of First Nations people who experience homelessness in our state?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06):** I thank the honourable member for his very important question. I did see it reported that the figures from the last Census, comparing 2016 to a snapshot in time five years afterwards in 2021, were released with some concerning figures in relation to homelessness.

Certainly, it is the case that so much of how we interact with society and how we thrive in society stems from homelessness—it is one of those foundational tenet needs, without which many of the other areas in which we see people face disadvantage, and particularly Aboriginal people who face disadvantage, stems from, whether it be health, education, life expectancy or economic participation. Without that foundational need catered for in terms of a place to live, it is difficult in so many other areas.

In terms of specific programs to counter homelessness, I will have to refer the substance of that on to the Minister for Human Services, the Hon. Nat Cook, in another place. I know there have been some slight improvements in some areas. The Closing the Gap report was only handed down recently, and one of the areas looked at—I think it was outcome area 9—the proportion of Aboriginal people in South Australia living in appropriately-sized housing was one of the areas in which South Australia had made improvements.

That doesn't mean there is not a long way to go and we don't need to do more, but that was one improvement from the last Closing the Gap report. I know that some of the many programs—and there are quite a number—the Hon. Nat Cook, the Minister for Human Services, has put in place. I will talk to her and bring back a reply for the honourable member.

#### ELECTORAL FRAUD

**The Hon. J.M.A. LENSINK (15:09):** My question is to the Attorney-General regarding the Electoral Commission. Which of the Electoral Commissioner's investigations on alleged photo fraud and illegal practices during the 2022 local government period has he been briefed on, and what advice can he provide to the council?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09):** I thank the honourable member for her question. I have been briefed quite some time ago but very, very broadly, and I don't think I have any further or better information than is in the public arena. I am happy to talk to my colleague the Minister for Local Government, who is responsible for the Local Government (Elections) Act and the Adelaide City Council act, which are the two pieces of legislation that oversee local government elections, to see if there is any more to bring back about the current state of the investigations.

I have semi-regular meetings with the Electoral Commissioner. The Electoral Commissioner, and the legislation that enables that, are part of the Attorney-General's portfolio. For the particular functions the minister refers to, it is not uncommon that a statutory body may report in different functions to different ministers—in the case with local government elections it is the local government minister. As I have said, I don't think that, in the very brief conversation that formed part of a much more general briefing some time ago, I have any better information than is in the public arena.

#### ELECTORAL FRAUD

**The Hon. J.M.A. LENSINK (15:10):** Supplementary question arising from the answer: as part of responding and getting back to this chamber with an answer, will he provide an answer as to why there hasn't been any public update within six months?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10):** I am happy to see if there is an answer to the question. I am not sure what updates there have or haven't been, but I am happy to see if there is a further update.

### CRAWFORD FUND FORUM

**The Hon. J.E. HANSON (15:11):** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the Crawford Fund forum at the Plant Research Centre, Waite Campus, last week?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11):** I thank the member for his interest in this important forum. Last week, I had the pleasure of attending and speaking at the South Australian committee of the Crawford Fund forum, which focused on the topic of Agriculture in the Asia-Pacific Region: Challenges, Opportunities and Achievements.

For honourable members who may not be aware, the Crawford Fund is a not-for-profit charity that promotes and supports international research and development activities in which Australian research organisations and companies are involved as active participants. Through training and mentoring programs, the fund builds capacity with practical and focused training across a variety of topics in the agricultural, research and management space, both in Australia and across the developing world.

The fund also focuses on encouraging and supporting young Australians in their careers, studies and volunteering in the agriculture sector. The South Australian committee for the Crawford Fund was established in 2000 and provides opportunities for scientists from developing countries to receive training in areas aligned to research capability within our state. Indeed, the work of the Crawford Fund SA committee also includes developing capability in young South Australian scientists and researchers to build international linkages so they can return to South Australian based institutions with an understanding of global issues for agricultural research.

The annual Crawford forum is held at Parliament House, Canberra, and the South Australian committee sponsors young South Australian based scientists to attend. I am advised that this has included several PIRSA officers who have participated in the annual forum; most recently, for 2022-23, an officer from Biosecurity SA and another from SARDI, who have been awarded travel scholarships.

The Crawford Fund is named for John Crawford, whose legacy includes the Australian Centre for International Agricultural Research. He was the founding director of the Bureau of Agricultural Economics and an esteemed agricultural economist and public servant. John Crawford saw the importance of agricultural research and of building relations within our region. In the present day, the Crawford Fund is a vital link between Australia and the Asia-Pacific region. Through this important work, collaboration and training we can achieve more productive and sustainable agriculture while lowering the rate of poverty and hunger across our region.

The state government, through PIRSA, supports the Crawford Fund in its ambition to grow our region's research and development capabilities, acknowledging that it remains paramount for food security and biosecurity within our region that other nations can also build their capabilities. The challenges faced by our producers here in South Australia are of course exacerbated in countries that don't have access to the latest technologies, veterinarian services or agronomists. For this reason, these challenges that we recognise as a research state, South Australia can support our region by sharing knowledge and ensuring the longevity of agricultural industries.

I would like to acknowledge the Hon. Reverend Dr Lynn Arnold, Chair of the SA committee and of course former Premier of this state, as well as committee members, and Roger Wickes, program coordinator for South Australia, and Colin Chartres, chief executive officer, for their ongoing commitment in this important field of work and research.

### DOWNY AND POWDERY MILDEWS

**The Hon. S.L. GAME (15:14):** I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development regarding horticultural fungal disease.

Leave granted.

**The Hon. S.L. GAME:** Downy mildew and powdery mildew are two fungal diseases that wreak havoc on horticultural plantations. They can each cause a significant impact on fruit quality if control measures are not implemented swiftly. Grapegrowers across South Australia have had a double affliction: not only have they experienced the terrible season of both these fungal mildews due to the heavy rains resulting in a low sale price of harvest but they are also seeing demand for grapes from Australian winemakers drop due to the ongoing Chinese trade embargoes.

Farmers consulted during my regional visits have shown me their figures. They can demonstrate that their production costs have doubled trying to treat downy and powdery mildew, whilst their demand has halved due to political ramifications upon their industry. Harvest quality must be retained for the goodwill of our markets long term. Add to this the multiplied impacts of water entitlements being separated from land, the increased costs of transporting harvests due to rising fuel prices, and a significant increase in fertiliser and other horticultural products across global markets—it spells a recipe for disaster for family farms across South Australia.

The minister has previously referred to a government plan of \$1 million divvied over the next four years to support the South Australian wine industry, whilst also noting that this industry is spread across 18 regions, 3,250 grapegrowers and 680 winemakers—proving they are providing very little across the big sector feeling the pinch. My questions to the minister are:

1. What scale of assistance is your department planning to offer growers in the treatment of powdery and downy mildew, and when will that support roll out?

2. Noting that \$250,000 additional to one association within the sector per year will not go far, what is your department's long-term plan for realistically assisting the grapegrowing industry and other horticultural industries affected by international rising costs and shrinking markets in an effort to prevent the complete collapse of our locally owned produce industry?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:17):** I thank the honourable member for her question. It is certainly a very important question. The issue of mildews is something that certainly has been raised with me on some of my very frequent regional visits as well.

I have talked in this place previously in general about the support that is being provided through my department in terms of assistance to the wine industry and, of course, a great deal of the work in this region is also under the portfolio of the Minister for Trade. I have spoken about some of the initiatives under that portfolio as well. In regard to specifically the questions around mildew, I will take those on notice and bring back an answer to the chamber.

### SEAFOOD INDUSTRY

**The Hon. H.M. GIROLAMO (15:17):** I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding cost recovery.

Leave granted.

**The Hon. H.M. GIROLAMO:** In March 2022, the South Australian Minister for Primary Industries and Regional Development announced the government's election commitment to undertake an independent cost-recovery review of the current seafood sector cost-recovery policy and model to ensure its sustainability and appropriateness.

In order to address the election commitment, the minister has established an independent cost-recovery review panel to review PIRSA's current cost-recovery arrangement. As part of the terms of reference, it is stated that the panel will report directly to the minister and that a draft report of the panel is to be completed by 30 April 2023. My question to the minister is: will she commit to publicly releasing the independent cost-recovery panel's draft report to the industry and to the South Australian public?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19):** I thank the honourable member for her question. It is certainly correct that in March last year we made a commitment to undertake an independent review of cost recovery in the seafood sectors to ensure that the cost-recovery policy is both sustainable and appropriate.



For members' reference, PIRSA has been operating a cost-recovery policy for the seafood sector for approximately 20 years. It operates on the premise that South Australia's aquatic resources are owned by the state and managed by PIRSA on behalf of the South Australian community. Costs associated with government services that arise as a result of commercial access to the resources are recovered from commercial licence holders through regulated licence fees.

To address the election commitment of 2022, an Independent Cost Recovery Review Panel has been established. They have clear terms of reference, which are available on the PIRSA website, to review PIRSA's current cost-recovery arrangements. The panel comprises of members with expertise in fisheries, economics, management and commercial business practices.

The Independent Cost Recovery Review Panel will consider alternative cost-recovery approaches that are fair and equitable and assess these against current arrangements. In undertaking the review, submissions will be invited from the commercial fishing and aquaculture sectors, other interested stakeholders and PIRSA and other relevant government agencies. I am aware that the panel met here in Adelaide recently with members of the industry.

It is proposed that recommendations will be developed and they will be considered later this year. I have mentioned before in this place that the recommendations from the panel will not be available for the 2023-24 cost-recovery cycle. As part of this, I am very pleased that the panel has been able to meet here. In terms of the draft report, often it is more appropriate to release a final report with final recommendations. Once I have received the draft report, I will be able to make an informed decision on that matter.

### *Bills*

## **RETURN TO WORK CORPORATION (CONSTITUTION OF BOARD OF MANAGEMENT) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22):** Obtained leave and introduced a bill for an act to amend the Return to Work Corporation of South Australia Act 1994. Read a first time.

### *Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23):** I move:

That this bill be now read a second time.

Today, I introduce the Return to Work Corporation (Constitution of Board of Management) Amendment Bill 2023. As members of this council would be aware, the workers compensation scheme in this state is administered by ReturnToWorkSA, a statutory corporation established under the Return to Work Corporation of South Australia Act 1994.

Under that act, ReturnToWorkSA is governed by a board of seven members appointed by the Governor on the recommendation of the Minister for Industrial Relations and the Public Sector. The responsibilities of those board members are perhaps some of the most significant of any statutory corporation in this state, given the far-reaching implications of the board's decisions for both businesses and injured workers.

As we have seen in recent debates, the board fixes the average premium levy that applies to employers covered by the Return to Work scheme and board decisions regarding claims management and litigation can have a significant effect on workers' entitlements. It is important to appreciate the board is fundamentally a skills-based one. The Return to Work scheme involves complex medical, legal, insurance and regulatory issues, which means a wide range of technical skills are desirable on the board, rather than simply splitting the board membership between different stakeholder groups.

However, while the board is not a representative board, it was a longstanding custom and practice to ensure that the voices of both the business community and workers were represented amongst that membership. This is because the decision-making of the board can only be improved

by ensuring the voices of these key stakeholder groups that are most affected by the operations of the Return to Work scheme are included.

That is a practice that fundamentally changed under the last government. It did not appoint a representative from the union movement, as had been customary, following the expiry of members' terms. What this meant was that, at a time of critical decision-making for the board in the Summerfield litigation, the voices of workers' representatives were absent from the board's deliberations. This government has corrected that mistake and returned worker representation to the board during the most recent appointments in November last year while also maintaining the important representation of the business community.

The purpose of this bill is to ensure the same mistake cannot be made again. This bill seeks to amend the constitution of the board of management to ensure that there is a minimum level of stakeholder representation amongst the board membership. This bill provides that, of the seven board members, at least one must be a person who the minister is satisfied is suitable to represent the interests of employees, and at least one must be a person who is suitable to represent the interests of employers.

The bill requires the minister to consult with the peak stakeholder organisations of Business SA and SA Unions on persons who are suitable to represent the respective interests before making those appointments. These requirements do not take away from the importance of appointing high-quality candidates. Under section 6, all persons appointed to the board must still have the qualifications, skills, knowledge and experience to ensure that the board carries out its functions effectively.

As I have indicated, the government is satisfied that the current membership of the board includes persons who suitably represent both of these interests. As such, this bill has been drafted so that, once passed by parliament, it can be proclaimed to take effect on the expiry of the existing board terms. This will ensure that there are no transitional issues in applying those requirements to future board appointments.

In summary, this is a small but important change to ensure that the voices of stakeholders most affected by the Return to Work scheme are included on the board of management responsible for the administration of the scheme. I commend the bill to the council and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

This clause provides for the commencement of the provision and disapplies section 27(6) of the *Legislation Interpretation Act 2021*.

##### Part 2—Amendment of Return to Work Corporation of South Australia Act 1994

###### 3—Amendment of section 5—Constitution of board of management

This clause amends section 5 of the principal Act to provide that—

at least 1 member of the board must be a person who the Minister, after consulting with the United Trades and Labor Council (trading as SA Unions) considers is suitable to represent the interests of employees; and

at least 1 must be a person who the Minister, after consulting with the South Australian Employers' Chamber of Commerce and Industry Inc (trading as Business SA) considers is suitable to represent the interests of employers.

Debate adjourned on motion of Hon. L.A. Henderson.

**COURTS ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL***Final Stages*

Consideration in committee of message No. 63 from the House of Assembly.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28):** I move:

That the House of Assembly's amendments be agreed to.

Motion carried.

**GENE TECHNOLOGY (ADOPTION OF COMMONWEALTH AMENDMENTS) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 9 February 2023.)

**The Hon. R.P. WORTLEY (15:30):** I rise to speak in favour of the gene technology bill. This legislation aims to improve consistency between commonwealth and state legislation. The bill will allow for changes in commonwealth legislation to be adopted by regulation. We are currently undertaking a full legislative process each time a change is made at a commonwealth level.

The current process is quite lengthy and inefficient. It can take up to six or seven months to review commonwealth changes, develop a draft bill to amend the state Gene Technology Act and gain approval by two houses. Parliament will still retain the right to review and disallow regulations. Objectionable amendments can be disallowed and allow the parliament to have scrutiny.

Changes to the commonwealth legislation are only currently able to be made through the gene technology forum and following full public consultation. The minister, the Hon. Mr Picton from the other place, is South Australia's representative on this forum. The commonwealth Gene Technology Act and subordinate legislation are amended on a regular basis, which can lead to misalignment with state legislation and cause unnecessary confusion to operators across various jurisdictions. A similar bill was introduced by the former government and received support from the now government. We look forward to working constructively as this bill is being debated. The model adopted in this bill is the same as that approved by the previous Minister for Health and Wellbeing.

Public consultation on the draft gene technology bill was undertaken over a six-week period with a consultation paper and a survey on the YourSAy website under the former government. There were 22 responses received: 11 supportive and 10 not supportive, seven of which were not in favour of gene technology in general. One respondent did not indicate a preference.

The commonwealth government is likely to change the legislation in the very near future. Adopting this bill will help ensure that our legislation is not out of date and will make the process more efficient. The Hon. Mr Wade's bill was introduced late in the last parliamentary sitting; however, support was indicated by the then Labor opposition. Other jurisdictions—Tasmania, Northern Territory and Queensland—apply the commonwealth laws with the ability to modify through regulations. New South Wales applies the laws directly. Both Victoria and the ACT go through the usual parliamentary processes.

Gene technology is a process that makes changes to genes and allows for direct modifications to be made to the genetic construction of an organism. Genes are found in all living organisms and are inherited from one generation to the next. The discipline of genetics was founded by Gregor Mendel, a Catholic monk who established principles of genetic inheritance when experimenting with breeding pigs. This can be done by gene modification, removal of a gene or via the transfer of a gene from one organism to another.

A genetically modified organism is a plant, animal or other organism—for instance, bacteria—that has been modified by gene technology. Gene technology is used in South Australia for a broad range of applications, primarily by our university sector and other researchers. A few examples of work in South Australia include, in 2018, Adelaide University conducting medical

research into mitochondrial disease, where pigs were genetically modified to have extra copies of mitochondrial DNA in their reproductive cells.

The South Australian Research and Development Institute (SARDI) manages the Australian Pastures Genebank, which provides a databank of genetic material for more than 70,000 plants. Ongoing research continues by the South Australian Health and Medical Research Institute (SAHMRI) and SA Pathology into blood cancers, including the genetic inheritance of these conditions. The Department of Primary Industries and Regions SA (PIRSA) supports a number of agtech developments, including the use of gene technology to enable more efficient primary production practices in South Australia.

Gene technology may be used in clinical trials and the development of medicines, including vaccines (for example, a number of potential COVID-19 vaccines used gene technology); agriculture and aquaculture and livestock (for example, development of crops that are genetically adapted to meet the environmental stresses caused by climate change); the study of diseases; and a control measure to alter the fertility of pests. As we know, it is very important technology. It is technology that will certainly assist our state in the future and I urge all members to support the legislation.

**The Hon. J.M.A. LENSINK (15:35):** This is actually a pretty straightforward situation with this legislation. Australia has a national regulatory scheme for genetically modified organisms, which is supported by the intergovernmental gene technology agreement between the commonwealth and each state and territory.

As the previous speaker has already outlined, this legislation was developed in consultation with all jurisdictions and this bill allows the South Australian Gene Technology Act to adopt future amendments to commonwealth gene technology legislation by regulation. This is intended to prevent any future periods where South Australian legislation is inconsistent with the National Gene Technology Scheme.

As has been noted, it is identical to a bill which passed the Legislative Council and had been introduced into the House of Assembly in 2021. With those words, I indicate that this is a sensible and straightforward way to manage this jurisdiction going forward.

**The Hon. R.A. SIMMS (15:36):** I rise to speak on behalf of the Greens in support of this bill. The purpose of the bill, as has been outlined by my colleagues the Hon. Ms Lensink and the Hon. Mr Wortley, is to bring South Australia into line with other states and to ensure there is no inconsistency with federal legislation and regulations.

The Greens are certainly not against the bill. We recognise it is a necessary step to ensure national consistency in adoption of gene technology. It is important to note, however, that there is a provision in this bill that ensures South Australia adopts commonwealth changes by regulation, providing the ability to disallow any related regulations made. Giving the South Australian parliament oversight over gene technology is a very important accountability measure.

Currently, gene technology is used in agriculture, animal health, food, human health and industrial chemicals. Gene technology can be used to produce targeted therapies for diseases such as cancer as well as to create vaccines, something I know is particularly important to us all during the time of COVID. People dependent on insulin for diabetes are beneficiaries of gene technology, as insulin is often produced using genetically modified cells. Some of these technologies are critical to community health and thus it is vitally important to ensure there are no inconsistencies between jurisdictions.

Many in this place will recall the Greens' long-term opposition to lifting the moratorium on genetically modified crops in South Australia. Indeed, my colleague the Hon. Mark Parnell repeatedly moved to disallow regulations lifting the moratorium. The Greens continue to believe that there are adverse environmental and health impacts associated with growing GM crops. We also know that there has been at least one high-profile case involving Monsanto, the world's biggest GM seed supplier, where seeds were resistant to herbicides that were manufactured.

Farmers were encouraged to use their herbicides to kill weeds without harming their crops—a herbicide that the World Health Organization has classified as containing 'a probable human carcinogen'. We must therefore watch carefully the actions of large corporations which are seeking

to create monopolies over our food security and environmental health when it comes to gene technology.

Now that the moratorium has been lifted and the GM horse has bolted in South Australia, it will be difficult for us to go back. While we are disappointed in that result, we do acknowledge, of course, that there are gene technologies that can lead to positive outcomes, in particular in terms of community health and wellbeing.

Inconsistencies between the state and federal jurisdictions could lead to loopholes or gaps in this industry that need to be tightly controlled and regulated. The Greens therefore support the bill, with the assurance that regulation will still be required in South Australia and recognising that the parliament will still have some power to disallow. With that, I conclude my remarks.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:40):** I thank members for their contributions, most recently that of the Hon. Robert Simms; the Hon. Michelle Lensink's contribution, which got off to a shaky start but came very good; and of course the contribution from the esteemed the Hon. Russell Wortley, who is a well-known subject matter expert in mitochondrial DNA and made such a stunning contribution. With that, I look forward to the passage of this through the committee stage this afternoon.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:42):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Motions*

**DISTRICT COUNCIL OF MOUNT REMARKABLE BY-LAWS**

Adjourned debate on motion of Hon. I. Pnevmatikos:

That by-law No. 4 of the District Council of Mount Remarkable concerning local government land, under the Local Government Act 1999, made on 19 April 2022 and laid on the table of this council on 17 May 2022, be disallowed.

(Continued from 22 February 2023.)

**The Hon. C. BONAROS (15:43):** On behalf of the Hon. Irene Pnevmatikos I will speak to the motion. In relation to the motion that by-law No. 4 of the District Council of Mount Remarkable be disallowed, there are two issues of concern with clause 5.8.5 of the Mount Remarkable by-laws.

This provision prohibits a child aged five or older from accompanying a caregiver of the opposite sex into a public convenience on local government land in the Mount Remarkable area. A reasonable person in the position of a caregiver to a child aged five years would not be able to leave that child outside of a public convenience while the caregiver used the public convenience nor allow the child to use a public convenience unaccompanied by the caregiver. This would be the case regardless of the gender of the caregiver or of the child and would also apply to many children older than five years.

The committee was concerned that setting an age limit for a child who may enter toilets set aside for the opposite sex does not have regard for the variations in maturity and needs of children. Further, the use of the language 'the opposite sex' or 'the opposite gender' may be discriminatory to any person who does not identify as either male or female.

By way of background, the local government land by-laws of the majority of councils in South Australia contain similar provisions in relation to who may enter a major public convenience, with variations in relation to the age of the child permitted to enter the public convenience with an

adult of the opposite sex. Accordingly, the Legislative Review Committee undertook an inquiry pursuant to section 12 of the Parliamentary Committees Act 1991.

The committee heard evidence from the Commissioner for Children and Young People, the Commissioner for Equal Opportunity, representatives of South Australia Police and the Chief Executive of the Department for Child Protection, Ms Fiona Ward. The committee shared the evidence it heard on the by-law with the Local Government Association of South Australia. On 18 February 2022, the committee wrote to the Hon. Josh Teague, then Minister for Planning and Local Government, advising of the committee's concerns and providing the *Hansard* evidence of the witnesses who appeared before the committee.

The Office of Local Government and the LGA, in consultation with the committee, developed alternative wording for a model clause to regulate entry into public conveniences on local government land that would address the concerns raised in evidence before the committee. The Office of Local Government and the LGA informed the committee that the policy that underpins the wording in the model clause is as follows:

- a person that is intersex, transgender or gender diverse using the toilet;
- the age—exemption should be updated to use the term 'vulnerable person';
- a vulnerable person should be able to enter the assisting person's toilet;
- a disability-based exemption should be updated to use the more inclusive term 'person with disability';
- a person with a disability or a person assisting them may use any toilet;
- in all cases, a person may enter any toilet in the case of genuine emergencies.

Following the deliberations of the committee, the ensuing report entitled *Inquiry into Local Government Land By-Laws—Public Conveniences* was tabled. The committee prepared the report to inform parliament of the concerns raised by the evidence before the committee. The report also serves to notify councils of the issues and to provide councils with the options to draft local government land by-laws that address the important issues set out in the report. The committee's report was forwarded to the current Minister for Local Government who, in his correspondence, reported:

- support for the inclusive model clause;
- that the Office of Local Government had informed the local government Governance and Policy Office Network of the report and its recommendations; and
- that the LGA had similarly informed councils and legal practitioners and representatives that assist councils with drafting by-laws of the report and recommendation.

The District Council of Mount Remarkable local government land by-law was not considered by the committee until some time after the receipt, and the committee resolved to give notice of a motion to disallow on 7 September 2022 as the consideration deadline was 8 September 2022. This action provided an opportunity for the committee to raise any concerns and issues in relation to the toilet clause in the local government by-law issued by the council.

The council was advised by letter dated 13 September 2022 that the motion to disallow on 7 September 2022 was a holding motion concerning its by-laws on the grounds that it may trespass on personal rights and liberties. The council was also provided with the model clause, prepared with the Office of Local Government and the LGA in consultation with the Legislative Review Committee. By letter dated 10 October 2022, the council wrote back to the committee and advised that it would refer the matter to the newly elected council and obtain instructions.

In its subsequent letter, dated 4 January 2023, the council indicated that it had made a decision and that they were not prepared to amend the by-law. On that basis, the Legislative Review Committee decided to proceed with its notice of disallowance for consideration by the chamber.

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

**DISTRICT COUNCIL OF KAROONDA EAST MURRAY BY-LAWS**

Orders of the Day, Private Business, No. 2: Hon. C. Bonaros to move:

That by-law No. 3 of the District Council of Karoonda East Murray concerning local government land, made under the Local Government Act 1999 on 8 February 2022 and laid on the table of this council on 3 May 2022, be disallowed.

**The Hon. C. BONAROS (15:50):** I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

*Bills***MINING (ENVIRONMENTAL IMPACT OF PRIVATE MINES) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 1 June 2022.)

**The Hon. C. BONAROS (15:50):** On behalf of SA-Best, I rise to speak in support of the Mining (Environmental Impact of Private Mines) Amendment Bill 2022, and I thank the Hon. Rob Simms for again bringing this important matter to the attention of this parliament. As I have already spoken on the previous bill, I will try to keep my comments brief.

The catalyst for this bill was the proposed expansion of the White Rock Quarry at Horsnell Gully, located less than 10 kilometres from the Adelaide CBD. The private mine has been in operation since 1946 and as such enjoys special privileges and exemptions under the Mining Act 1971, along with 221 other private mines in South Australia.

The bill does not go so far as to abolish those 'protected species', but rather seeks to improve the processes by ensuring adequate consultation and transparency in relation to the cultural heritage of a site, as well as the impacts of any proposal on the health and safety of people nearby. The importance of that should not be lost on any of us. I understand the December 2022 White Rock Quarry mining operation plan was silent, or at the very least deficient, on these issues, amongst others.

The bill also seeks to ensure health and safety specifically addressed in a private mining operation plan, going forward. We have ongoing concerns about the White Rock Quarry example, particularly in relation to the potential exposure of nearby residents to the very fine silica dust produced by the extraction, crushing, screening and stockpiling processes of the mine. Let's not forget there are 17 properties currently within 500 metres of that mine.

I understand Hanson, the mine's owner, is currently undertaking a 12-month respirable crystalline silica monitoring campaign, with monthly reporting requirements to the EPA. The mine must operate below three micrograms per cubic metre on an annual average. Early data provided to the EPA appears to be showing that that is being achieved, but a final analysis of those results will only be undertaken at the end of the monitoring period. I am not sure, but the Hon. Mr Simms might be able to update us in relation to that latest development and ongoing concerns with respect to that.

We certainly have very serious concerns for the health and safety of the mine's workers, who are at risk of developing silicosis by virtue of their close work and contact with fractured rocks containing silica materials. We certainly have very grave concerns for those residents whom I alluded to, whose properties are located within 500 metres. That is not a very huge distance from the mine and its operations.

We know the devastating and irreversible impacts of silicosis have gained national attention recently, following a joint investigation by media outlets—the *Sydney Morning Herald*, *The Age* and the current affairs program *60 Minutes*, amongst others. We know that it is something that is on the federal government's radar. It is on this government's radar, and we are being told that there is ongoing work being done in relation to this.

Those programs, though, found that Australia's obsession with engineered countertops, in particular, has resulted in workers as young as 27 being handed devastatingly short death sentences. At least 500 stonemasons in Australia have been diagnosed to date, and that number is absolutely climbing. Miners who have been inhaling the deadly crystalline silica dust on the job are also being diagnosed at unacceptable rates, as are the workers in offices located on site at quarries.

Workplace standards have clearly failed these people and their families, and our concern is that rather than provide more protection to those workers, and indeed the people living within close proximity, we face the very real risk of exposing them to further deadly risks. Again, we know the federal government has asked Safe Work Australia to explore a future ban on engineered stone. We certainly look forward, as I am sure all members do, to swift action in this space. The Minister for Industrial Relations might be able to provide us with an update, during the course of this bill, on what the government is doing to protect South Australian workers who interact with silica dust.

That is a very important issue, and one that absolutely cannot be overlooked in the context of what we are dealing with here, but putting that to one side for a moment, we also have the very real scenario of this expansion within 500 metres of people's homes. It is a sight to behold if you were to live in one of those properties, and something that I do not think any of us would want effectively next door to us. That is not to mention the health and safety concerns and issues that we have just canvassed.

There are a multitude of reasons why we should be supporting this bill. On that front, I thank Jim, who has advocated and lobbied tirelessly on behalf of those residents in relation to this bill. I know I met him when this issue first reared its ugly head. I, together with the Hon. Robert Simms, certainly spoke in this place about that. I am really pleased that he and others continue their advocacy.

I am even more pleased that the Hon. Robert Simms introduced this bill into this place in an effort to address, as far as we can, that particular project and expansion. I thank everyone who has worked on this behind the scenes as well as the honourable member, and indicate SA-Best's absolutely wholehearted support for this bill.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:57):** I am advised that the bill the Hon. Mr Simms introduced on 1 June last year is identical to that introduced in 2021, which was defeated in this place on 13 October 2021. The bill seeks to amend the Mining Act 1971 to provide greater consistency between the regulation of private mines and all other mines regulated under the Mining Act.

Private mines are legacy mineral tenements created in recognition of existing mineral rights at the time when ownership of the state's minerals transitioned from private ownership to being vested in the Crown. This transition was enlivened by the commencement of the Mining Act in 1971. I am advised there are approximately 222 private mines across South Australia, of which 136 are actively mined and 86 are inactive.

Part 11B of the Mining Act sets out the regulatory framework for mining operations on a private mine. All other mines are regulated under the remainder of the Mining Act. The principal difference is that the Mining Act applies a narrower definition of the environment to private mines than that for all other mining tenements. This definition is used to regulate what environmental impacts must be identified and managed in conducting mining operations on a private mine.

The bill seeks to amend the Mining Act to align the definition of environment for private mines with the definition that applies to other mining tenements, on the basis that this will better reflect contemporary standards, and require that applications for new mining operations on a private mine specifically identify and address the impacts of the mining operations on the health and safety of persons in the vicinity of the private mine.

It is noted that, while there are differences between private mines and other mining leases under the Mining Act, the requirement to address environmental impacts is obligatory for all quarries and mines in South Australia. To date, contemporary assessment and regulation of private mines has been achieved through coregulatory legislation.



Recent amendments to the Mining Act and mining regulations now enable more contemporary regulation of private mines, so that robust environmental impact assessments are undertaken regardless of tenement type. This includes a more expansive and modern definition of the environment, which includes 'public health, safety and amenity', ensuring that the health and safety of persons in the vicinity of a private mine are already considered as part of the regulatory environmental impact assessment.

The amendments proposed in this bill are considered unnecessary, given the existing provisions in the Mining Act and regulations already enable the consistent regulation of private mines and other mining operations in South Australia. I am advised that, if adopted, the bill amendments would not operate retrospectively and therefore would not apply to operating approvals already submitted and under regulatory assessment, such as the Hanson White Rock Quarry application. Therefore, the government will not be supporting this bill.

**The Hon. H.M. GIROLAMO (16:01):** I indicate that I am the lead speaker for the opposition on this bill relating to the Mining (Environmental Impact of Private Mines) Amendment Bill 2022 seeking to amend the Mining Act of 1971 and to amend the definition of 'environment' as related to private mines and to require operators to address impacts of operations on the health and safety of persons in their vicinity.

This is a repeat bill of what was seen before and was not passed in the Legislative Council in 2021, before my time, but we are ready to discuss this again today and we are in similar agreement to what the minister just outlined before. Our position is similar to what it was previously.

The definition of 'environment' that applies to private mines in the Mining Act 1971 excludes the following: existing or permissible land uses, geological heritage values of an area, and aesthetic or cultural values of an area. This definition was subject to many, many years of extensive consultation through the reforms of the Mining Act 1971, which passed the parliament in the second session of the Fifty-Fourth Parliament.

As the process to assess the White Rock Quarry expansion proposal is still underway, there has been no evidence presented that this definition is insufficient. Any change to the definitions within the Mining Act 1971 should go through extensive public and industry consultation as part of the regular review of the act.

Private mines, many of which are designated strategic resources, have faced urban encroachment, which brings other land users and communities into close proximity. The current definition of 'environment' is already sufficiently broad to protect neighbouring communities, whilst reflecting the strategic decisions that have been made historically to allow extraction in these areas.

Resources, like those produced at the White Rock Quarry, are critical inputs for construction and infrastructure, and distance from market is a significant driver of project and building costs. These strategic resources have been encroached upon by urban expansion, but it is important that they continue to operate in accordance with the very stringent environmental standards that are currently in place.

I will finish up by repeating what I have said: changes such as these that are large, especially for such meaningful acts as the Mining Act, need to go through extensive and wideranging consultation not only with those who live directly next to the mine but those who are within the community as well.

**The Hon. R.A. SIMMS (16:03):** I want to thank honourable members for their contributions: the Hon. Connie Bonaros, the Hon. Clare Scriven and the Hon. Heidi Girolamo. As has been mentioned, the purpose of this bill really is to ensure that private mines are subject to the same consultation requirements as other mines and in particular ensure that they are required to consider the implications for the environment and health—two issues that are very important, particularly in the community around White Rock Quarry.

We have talked a bit about being tongue-tied today and tongue twisters; White Rock Quarry is a tongue twister. There has been a significant community campaign addressing the issues and the effects of the mine. The Hon. Connie Bonaros, in her remarks, queried whether it would be possible to get an update on where things are up to with White Rock Quarry. I can advise the honourable

member that on 7 December 2022 there was a call from the Back Off campaign to treat private mines the same as other mines, which my bill reflects.

In September 2022, White Rock Quarry issued a warning that there was blasting occurring near the area of Pizey's Knob, which is close to the nesting grounds for falcons and a spring that flows into the main cave. I understand there have also been community meetings with the mining corporation, so there are ongoing community concerns. Whilst this bill would not prevent private mines, it would ensure that they are subject to the same requirements as other mines, and I think that is entirely appropriate.

I recognise that there is obviously not the support for this bill to advance within this place. I think that is disappointing. I think voters in the community of Bragg will be particularly disappointed with the Liberal Party's position given White Rock Quarry sits within that electorate. I think voters will also be intrigued by the position of the Labor Party because when they were in opposition, while they did not support the bill, I do want to revisit the remarks that were made at that time by the Hon. Clare Scriven on behalf of the minister in the other place. At the time the bill came to a vote, she said:

We want to understand the impacts so that we can ensure that any changes made have the best possible outcomes for all affected parties. The opposition's preference—

that is, the Labor Party's at that time—

would be that we actually have a select committee look into this, but, of course, we are at the very end of a parliamentary session. It is therefore not feasible for a suitable select committee to be established to investigate and report within the time frame. However, I do want to put on the record that that would be a possible future action in regard to this matter.

In summary, while we cannot support this bill at this time, we are very keen to have a detailed and robust investigation in the future with a view to making changes that will address the issues that are raised with this current difference between the definitions but that will have the evidence and research behind it to ensure that we do get the best possible outcome.

The honourable member and indeed the Labor Party are now in government, so they are in a position to initiate such an investigation. Certainly, were they to establish a committee, the Greens would be very keen to be involved, and were they to inquire further into these issues, we would certainly welcome that. It is not sufficient to simply say no. I hope that the Labor Party, now they are in government, will actually look into the matter, establish a committee if they see fit and investigate through the other means that are available to them in government.

I do want to thank the Hon. Connie Bonaros, in particular, and the SA-Best party for the strong and consistent position they have taken on this and the support they have provided to the community campaign. With that, I conclude my remarks.

The council divided on the second reading:

Ayes .....3  
 Noes.....15  
 Majority .....12

AYES

Bonaros, C.

Pangallo, F.

Simms, R.A. (teller)

NOES

Bourke, E.S.  
 Girolamo, H.M.  
 Hood, B.R.  
 Lee, J.S.  
 Ngo, T.T.

Centofanti, N.J.  
 Hanson, J.E.  
 Hood, D.G.E.  
 Lensink, J.M.A.  
 Scriven, C.M. (teller)

Game, S.L.  
 Henderson, L.A.  
 Hunter, I.K.  
 Maher, K.J.  
 Wortley, R.P.

## PAIRS

Franks, T.A.

Martin, R.B.

Second reading thus negatived.

*Motions***DUNSTAN, HON. D.A.**

Adjourned debate on motion of Hon. R.B. Martin:

That this council—

1. Acknowledges that 7 March 2023 marks the 70<sup>th</sup> anniversary of the election of Don Dunstan as the member for Norwood; and
2. Recognises the significant social, cultural and economic contributions made by Don Dunstan to the state of South Australia.

(Continued from 9 March 2023.)

**The Hon. E.S. BOURKE (16:12):** As the Hon. Reggie Martin pointed out when speaking to his motion, Don Dunstan changed the fabric of our society. He did that to such an extent that it is easy to take for granted the reforms he championed. Imagine or remember, for the older people in the room, a state without anti-discrimination legislation, where Aboriginal people had no land rights, where women were not allowed in the front bar of the pub—that is outrageous—where being gay was a criminal offence and rape within marriage was not.

Imagine South Australia without the Adelaide Festival Centre, the South Australian Film Corporation or the State Theatre Company. Imagine a state without the environment department or a container deposit scheme that took 35 years for another state to replicate. These are just some of the reforms that Dunstan was responsible for, many of them nation-leading firsts.

Dunstan was a champion of women. As Attorney-General, in 1965 he nominated Roma Mitchell QC as a justice of the South Australian Supreme Court, the first female Supreme Court judge to be appointed anywhere in Australia. Dunstan established the Women's Advisory Unit, created the position of equal opportunity commissioner, the Sex Discrimination Act was passed by his government and women were given the right to permanent part-time work in the Public Service.

One story about Dunstan people might not know so much about is that he put up his hand to be the campaign manager for the first Labor woman ever elected to parliament, Molly Byrne, in 1965. There had been a few other women candidates for the ALP before Molly, but no woman had ever won a seat.

At the beginning of 1963, Molly was preselected to run in the seat of Barossa. Historically, it was not considered a winnable seat for the ALP but with new housing developments, Barossa and Glenelg were two seats the ALP thought it could win—and needed to win—in order to form government for the first time in 33 years.

Molly was a wife and a mum of a two year old, but she had significant experience working in unions for two senators and had been active in the ALP from a young age. Nevertheless, a newspaper headline at the time declared, 'Housewife endorsed by ALP'. This was the time of the 'marriage bar', when women were required to resign from the Public Service once they married, so it was significant that the ALP endorsed a married mother when there were three men also contesting preselection for the seat of Barossa. Molly won the seat through sheer hard work and determination and with the help of Don Dunstan. As Don recalled:

We endorsed Molly Byrne, an earnest and extremely hard-working woman who campaigned tirelessly...In boiling heat Molly and I drove out into the country to knock on the doors of tiny settlements with a few houses like Bethany and Nain. During the week Molly canvassed in the inner suburbs of the district and soon established an enormous personal following.

In an interview Margaret Allen recorded with Molly in 2007, Molly said:

...during the latter end of the campaign, Don Dunstan practically gave up looking after his seat of Norwood and left Gretel there in charge while he came in and helped me.

It was because they drove down every dirt road and knocked on every door that Molly won that seat. What Dunstan did running that campaign helped pave the way for women to follow in Molly's footsteps.

Molly showed women, wives and mothers that they were good enough to sit in this place and Dunstan showed them that they would be supported. Significantly, after the death of Molly's husband five years into her political term, Molly became a single mother. She was not only the first Labor woman to be elected into this place but the first single mother, showing women that they could aspire to run for parliament no matter their circumstances.

Some say change takes time, but I think it takes persistence and vision and that is what Dunstan had. Dunstan allowed things to be seen differently and to be done differently. His reforms and ethos are the reason so many of us joined the Labor Party. His nation-leading policies helped make our state what it is today.

I wish Dunstan could be here this Sunday to see another Australian first with the passing of the legislation for the South Australian First Nations Voice to Parliament. Our Attorney-General can be rightly proud that he is building on the legacy of Dunstan and his vision for a fairer and more just society.

I am proud, too, that the Malinauskas government is building on Dunstan's legacy in other ways. In 1976, Dunstan appointed the first disability adviser to the Premier and now I am honoured to be the nation's first Assistant Minister for Autism. We will soon have established the nation's first Office for Autism. It is a sign of how much society's recognition and understanding of disability and neurodivergence has grown. But it has taken Labor governments to lead in this space.

I am grateful to the Hon. Reggie Martin for moving this motion because it is so important to pause and reflect on our history. It is a reminder of how far we have come and an inspiration to be courageous—to take difficult decisions because they are the right decisions. I commend the motion to the chamber.

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:18):** I rise to affirm the Liberal Party's support for this motion. Donald Allan Dunstan AC QC was born in 1929 in Fiji before moving to South Australia as a six year old in 1932. He studied law at the University of Adelaide and was first elected to the South Australian parliament in his late 20s. His career crossed two decades of change and he is widely regarded as a progressive and modern thinking political leader.

During his first term as Premier, Dunstan was instrumental in the abolition of the death penalty in South Australia through the amendment of the Criminal Law Consolidation Act 1935, bringing South Australia in line with other jurisdictions around the country. His government introduced significant amendments to our state laws and consequently to our way of life. The Liberal Party acknowledge the enormous impact he made during his career.

Don Dunstan's political career is well documented and widely known. I would like to take this opportunity to speak instead on his impact on the arts and culture in South Australia. The establishment of the South Australian Film Corporation and the opening of the Adelaide Festival Centre are perhaps two of his most notable contributions.

It is fair to say that Mr Dunstan was a passionate supporter of the arts through his foundation. He himself was a trained actor, something that was perhaps useful to him in his political career. His Art for Good arm of the Don Dunstan Foundation continues to support several important initiatives, including recognising South Australian emerging artists and the South Australian Living Arts Festival.

The foundation also supports the Len King Scholarship in remembrance of the late former Chief Justice of South Australia, the Hon. Len King AC QC. This is a prestigious scholarship, assisting high-achieving students who for financial reasons would not otherwise be able to attend university to study law. The Dunstan Foundation has worked in conjunction with the University of Adelaide and Flinders University for many years to deliver this scholarship.

Don Dunstan remains one of the few Australian politicians to produce a cookbook during his tenure. I admit it contains, amongst other recipes, some excellent curries. My father received this 96-page volume as a Christmas gift one year, purchased by my husband, and at family dinners I have been the recipient of many delicious meals, cooked by my mother, out of this cookbook.

The book, published in 1976 and simply titled *Don Dunstan's Cookbook*, is dedicated to multicultural cooking, weaving in an informal style of cooking he embraced through years of travel. There is an entire chapter dedicated to Indian and Malay recipes, published at a time when Australians were only beginning to embrace a more diverse and multicultural appetite for food. French, Italian, Greek and Swedish cuisines also featured, as it was Mr Dunstan's way to embrace multiculturalism in all aspects of society.

It should be noted that he was also a champion of alfresco dining. He encouraged this approach to be adopted through the streets of Adelaide, our suburbs and our towns. Mr Dunstan was responsible for the extension of drinking hours in South Australia at licensed establishments. He sponsored the change that allowed service to occur right through to 10pm.

Post political life, he became the inaugural Director of Tourism Victoria and then Chairman of the Victorian Tourism Commission. His political memoirs, *Felicia*, were published in 1981. Don Dunstan was National President of the Freedom from Hunger Campaign throughout much of the 1980s and the National Chairman of Community Aid Abroad for a short term in the 1990s. Don Dunstan passed away in Adelaide on 6 February 1999. The Liberal Party acknowledges the significant contribution of Donald Allan Dunstan AC QC and supports the motion put forward by the honourable member.

**The Hon. R.A. SIMMS (16:23):** I welcome the opportunity to speak on this motion, acknowledging the 70<sup>th</sup> anniversary of the election of Don Dunstan to this parliament and the significant contribution Mr Dunstan made to our state. As has been observed by other members, Don Dunstan was a trailblazer. His government, a social democratic government, offered our state a bold and transformative agenda, and we still see the consequences of that today. It certainly changed the face of South Australia.

I want to reflect on some of the achievements of Don Dunstan and his government. In 1965, he appointed the first female justice of the Supreme Court, Dame Roma Mitchell, which was a first for our nation. In 1971, he created the ministry for the environment. In 1971, he also lowered the drinking age to 18. In 1972, he established the State Theatre Company. In 1972, he also established the South Australian Film Corporation. In 1973, his government reformed this council, enacting universal suffrage, lowering the voting age and abolishing malapportionment.

In 1975, under his government, South Australia became the first state in the country to decriminalise homosexual acts. As an out and proud gay man, I think people of my generation owe the Don Dunstan government and the politicians at that time a great debt for their leadership. In particular, I acknowledge the leadership of Anne Levy in this place and other members of the Legislative Council who were so integral in achieving that social reform.

In 1976, SA abolished capital punishment. In 1976, we were also the first state in the country to legislate to make rape within marriage a crime. In 1976, under Don Dunstan, South Australia introduced Friday night shopping in the city and Thursday night for the suburbs. In 1976, we saw the first container deposit scheme in the country, which is a model that has continued to be rolled out around the country.

In 1976, we saw the establishment of Rundle Mall. It is interesting, looking back at the newspaper reportage at that time: one would think that would be the end of the world to be closing off that part of Rundle Street to traffic and turning it into a mall. What we have seen, of course, is that it has been hugely successful, a demonstration of good planning and pedestrianisation and certainly something that could be emulated today.

For me, one of the things that really impressed me about Don Dunstan was his decision to wear those pink shorts in 1972—not something that I would ever seek to emulate. I often skip leg day. I have seen the photos of Mr Dunstan—he did not, he looked very good in those shorts. There

are lots of things, though, that the Greens would seek to emulate from the Dunstan era and the policies of that time.

Heritage protection was an area of focus for Mr Dunstan and his government. He took action to protect so many of our iconic heritage buildings. I wonder what he would think of the approach that many governments that have followed have taken to heritage in our state. He was a huge advocate for the arts and consumer protection, and a crusader against censorship. He cared deeply about inequality and sought to eliminate poverty—a mission that is more important today than ever.

In 1999, the year of Don Dunstan's death, the Don Dunstan Foundation was established to bring together research, policymakers and community groups to meet social needs in South Australia. During my time on Adelaide City Council I had the privilege of working with the Don Dunstan Foundation on issues to do with homelessness, and I saw firsthand the valuable role that foundation plays in South Australian civic life. The Adelaide Zero Project, which sought to achieve zero homelessness, is a good example of this and certainly a credit to the legacy of Mr Dunstan.

For me, Don Dunstan represents the power of politics and governments to change lives for the better. He once observed, and I quote from his remarks:

We have faltered in our quest to provide better lives for all our citizens, rather than just for the talented lucky groups. To regain our confidence in our power to shape the society in which we live, and to replace fear and just coping with shared joy, optimism and mutual respect, needs new imagining and thinking and learning from what succeeds elsewhere.

Those words were true then, and they are certainly true now as we deal with myriad challenges as a community.

It is certainly the hope of the Greens that Mr Dunstan and his legacy continue to serve as an inspiration for all members in this place and encourages us to think creatively about how we can improve the lives of the communities we seek to represent.

**The Hon. F. PANGALLO (16:28):** I thank the Hon. Reggie Martin, who is not here at the moment, for his motion that celebrates the life and times of one of Australia's greatest political figures and social reformers. I was born a year after Don Dunstan entered politics in 1953. My formative years were during his meteoric ascendancy, while the beginnings of my journalism career at *The News* fell into that Dunstan decade of sweeping change and his eventual fall from office.

The South Australia I grew up in was yet to shake off its conservatism. The old Adelaide establishment still controlled the strings of power in parliament. Postwar migration was at its peak, with hundreds of thousands coming here from Europe and the UK, filling jobs in the manufacturing, mining and construction industries. South Australia was on the verge of becoming the second largest economy in the nation. Australia's involvement in the Vietnam War was coming to an end, with Adelaide Uni students running the gauntlet of police in street protests. Racism, aimed mostly at migrants, and homophobia were commonplace.

The political system, presided over by long-term Liberal Country League Premier Sir Tom Playford, was heavily biased against the Labor Party in metropolitan seats, even when it had popular support. These were the times when the city's unelected affluent elite still controlled the Legislative Council. When he won office, Don Dunstan changed that, with his one vote, one value ending the gerrymander, and proportional representation was introduced in the upper house. In his vortex of reforms, Dunstan helped unshackle South Australia from its deep-rooted conservatism and class structure with an ambitious push for a more social-democratic society, progressive thinking and equality.

As a young man, I was in awe of his persona. He oozed charisma—the rare and unique quality that stood him apart from his staid conservative rivals. Intelligent, articulate and a skilled orator, Dunstan was simply spellbinding. Dunstan was not aloof and was able to easily cut through and resonate with all levels of society, particularly migrant communities like the Greeks and the Italians, who copped lots of racist sentiment.

I was at events where they showered him with adulation because of the respect Don showed them. Perhaps it was also because Don was also seen as being one of them, a migrant. He was a man born of mixed-race parentage in Fiji who made a real go of his life in South Australia. Even he

was subjected to a cruel, racist whispering campaign that he was a Melanesian, orphan, half-caste bastard.

He won his seat of Norwood in 1953 on the back of a strong presidential-style campaign that targeted the large Italian community in the area, using posters plastered on light poles and a translated pamphlet highlighting an astonishing racist gibe by his LCL opponent Roy Moir, who had shamefully declared:

These immigrants are of no use to us—a few of them are tradesmen but most of them have no skills at all. And when they intermarry, we will have all the colours of the rainbow.

Unsurprisingly, Don won easily, and he became their champion who fervently fostered the strong multicultural community we enjoy today. It was Don Dunstan who dubbed Adelaide the Athens of the South. As their local member, he would set aside two days a week with his constituents, even while he was Premier of the state. He established economic and cultural links with our nearest neighbours in South-East Asia, including the relationship between Adelaide and Penang in Malaysia, which celebrates its 50<sup>th</sup> anniversary in December.

Such was his popularity that he held an approval rating of 82 per cent six years into his government. Bob Hawke held him 'in greater esteem than any other Labor parliamentarian with whom I have been associated in the past generation'. Another of Labor's charismatic stalwarts, Gough Whitlam, was equally effusive in a tribute after Don's death, saying that no-one had done more to transform his own community and society and, by his example, the whole of Australia, and that he brought extraordinary joy, zest and style to the process. Don Dunstan revved up South Australians at mass rallies after the dismissal of the Whitlam government in 1972.

Controversy and scandal reared too when Dunstan shut down South Australia Police's special branch, which had been set up to spy on German Australians during World War II—but they did not stop there. They held tens of thousands of secret files containing information on left-leaning individuals and organisations, including members of parliament, unions, the ALP, church leaders, communists and the so-called pink files on gay activists. This was a gross invasion of civil liberties that would never be tolerated by today's standards.

A judicial inquiry in 1977 found that the files were scandalously inaccurate, irrelevant to security purposes and unfair to those citizens spied upon. Don Dunstan's actions were vindicated, and the final report led to the sacking of the police commissioner, Harold Salisbury. However, the treatment of Salisbury, who was recruited from the UK, divided the community and damaged Don Dunstan's image, precipitating the eventual downfall.

Don Dunstan's extraordinary reforms and achievements have been well documented by others speaking on this motion, and I will not go through them in detail again. They led the country in health, education, consumerism, the environment, the arts, heritage preservation, jobs, equal opportunities for women, the gay community and decriminalising homosexuality, and being a voice for minorities—especially First Nations people, whose social justice rights he championed with vigour. Don Dunstan was an integral player in dropping federal Labor's support for the vile White Australia policy.

If Don Dunstan were alive today, he would be delighted and proud at the passage of the South Australian Voice to Parliament and that it has been moved by our first Indigenous Attorney-General, the Hon. Kyam Maher. It was Don Dunstan who appointed the nation's first Indigenous governor, Pastor Sir Douglas Nicholls—a decision that had been met with racist derision by some quarters of Adelaide's establishment and media.

A fierce opponent of the nuclear industry and the arms race, Don would have been scathing of the new AUKUS alliance making Adelaide the centre of the construction for a fleet of nuclear submarines.

Don Dunstan was renowned for his flamboyance and, as the Hon. Rob Simms pointed out, he made national headlines wearing pink Bermuda shorts and a T-shirt into parliament when dress codes were relaxed. He looked particularly sharp in a safari suit, which was a fashion item in 1970s wardrobes.

While I did not know Don personally, I did interact with him occasionally as a journalist in my time at *The News* on North Terrace. One story that stands out was in 1976, when a psychic called John Nash had Adelaide gripped in fear that we were about to be wiped out by a tidal wave. People had taken Nash so seriously that many sold up their homes and moved interstate to escape the impending biblical flood supposedly coming our way because of Dunstan's decriminalising of same-gender relationships.

To reassure people it was pure bunkum, the safari-suited Premier turned it into a mega media event on the balcony of the Pier Hotel at Glenelg. With news teams from everywhere gathered, along with thousands more in Moseley Square, he raised his hands Canute-style with his tongue firmly implanted in his cheek and promised to hold back the tide, should it eventuate. Of course, it never did. His press secretary at the time, Russell Stiggants, told me he laughed all the way back into town.

Here is a secret I can reveal: Don often confided in and sought guidance from a psychic who I knew and who lived in his electorate. She only died late last year, taking with her many secrets—including the number of MPs who actually sought her advice. I will not name them.

Don Dunstan's popularity and reforms, which some saw as quite radical for their day, resulted in him becoming a political target. It heralded an era of toxic, dirty politics not really exercised before in Adelaide media circles. Although he never publicly spoke about his bisexuality, innuendo about his sexuality and indiscretions in his private life were combustible gossip. He also ran the risk of jail, as homosexuality was a crime until 1975. He was also linked to some nefarious characters around town and while there was never any evidence of corruption, journalists already had the scent of a scandal in their nostrils and were ready to tear apart his reputation.

As the whispering campaign persisted, his press conferences became more tempestuous, with hostile questions probing his personal life. It took its toll on his mental and physical health, forcing him to stand down as Premier in 1979 at a televised press conference at Calvary Hospital, where he was dressed in, I must say, quite a loud silk dressing-gown. Downcast, with a weary look of capitulation, the curtain came down on South Australia's Camelot.

In a biography, a former adviser and historian, Dr Dino Hodge, wrote that Dunstan lived as a sexually liberated bisexual man and he and his first wife, Gretel, and second wife, Adele Koh, all conducted extramarital affairs. He was also in a relationship with another man identified only as Tony before and after he set up house with Steven Cheng, with whom he established a restaurant on The Parade known as Don's Table and who nursed him until his death from cancer in 1999. Dr Hodge said Dunstan never tried to hide behind a heterosexual exterior. Hodge ruminated:

Dunstan tried to be honest. He is not one of those bisexual men who hides behind a wedding ring and the facade of a happy family.

Dunstan's problem, he proffered, was that he may have been too honest, a failing noted by one of his cabinet ministers, former Attorney-General Peter Duncan, who said that he gave his trust too generously to people who had neither earned it nor deserved it. Don Dunstan will always be remembered in this place and in our history as a bold visionary social crusader. I commend the motion by the honourable member.

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

#### *Bills*

### **STATUTES AMENDMENT (EDUCATION, TRAINING AND SKILLS PORTFOLIO) BILL**

#### *Introduction and First Reading*

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

### **STATUTES AMENDMENT (CIVIL ENFORCEMENT) BILL**

#### *Final Stages*

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

At 16:43 the council adjourned until Sunday 26 March 2023 at 11:05.