

## LEGISLATIVE COUNCIL

Thursday, 18 May 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 the land and community. We pay our respects to them and their cultures, and to the elders both past and present.

*Parliamentary Committees*

### NATURAL RESOURCES COMMITTEE

**The Hon. R.P. WORTLEY (14:17):** I bring up the report of the committee on its Belair National Park Fact-Finding Visit on 2 March 2023.

Report received.

*Parliamentary Procedure*

### PAPERS

The following paper was laid on the table:

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

Reporting Under the South Australian Motor Sport Act 1984

*Question Time*

### QUESTIONS ON NOTICE

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20):** I seek leave to make a brief explanation before asking the Leader of the Government a question about transparency.

Leave granted.

**The Hon. N.J. CENTOFANTI:** By this chamber's own resolution, the Legislative Council's sessional orders are clear: questions asked of the government must be answered within 30 days. Despite raising this issue last sitting week, as of today the opposition and crossbench have still not received answers to 23 questions on notice for which that 30-day period has expired. Several of these questions are outstanding from 8 February, more than three months ago. My questions to the Attorney are:

1. Why is his government not adhering to the council's sessional orders?
2. Why are they choosing not to be transparent or accountable to the people of South Australia?

**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. My understanding is there have been hundreds of questions on notice that have been answered. I want to thank, as I have before, and place on record my thanks to the many very hardworking members of the public sector of South Australia who spend hours and hours collating, finding information to inform, as is their role—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —to make sure members of this chamber are informed in the decisions that they make.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** I understand several hundreds of questions—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —and I am sure that when answers are available to the questions that the member refers to, they will be tabled.

*Members interjecting:*

**The PRESIDENT:** Order!

#### QUESTIONS ON NOTICE

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21):** Supplementary: exactly when can we expect the government to provide answers to these questions on notice?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:21):** I am sure they will be provided as soon as the answers are available from the very hardworking members of the public sector and are available to be tabled.

#### QUESTIONS ON NOTICE

**The Hon. T.A. FRANKS (14:22):** Supplementary: can the minister confirm that all answers prepared by the Public Service are indeed presented to this house in a timely manner, at least within a week of their finalisation?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:22):** I thank the honourable member for her question. As I have said before, questions are answered in a timely manner, as soon as all the proper processes are gone through.

#### QUESTIONS ON NOTICE

**The Hon. H.M. GIROLAMO (14:22):** My questions are to the Attorney-General as the Leader of the Government in this place. What is the government trying to hide by not answering expired questions on notice, and why are they showing such a degree of arrogance to the South Australian public?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:22):** I thank the honourable member for her question. Once more, I am very pleased if the opposition want to repeat not just the same question on different days but exactly the same question twice in a row.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** Gone are the days—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —when we were last in government and we had to—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —face people like the Hon. David Ridgway.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** We used to worry when we had the Hon. David Ridgway over there holding the government to account.

*Members interjecting:*

**The PRESIDENT:** You were concluding your answer, I am sure.

**The Hon. K.J. MAHER:** I will conclude the answer. As I was saying, when we were last in government, we had people like the Hon. David Ridgway leading the opposition. We used to be concerned. There was a great fear instilled in us when we came to question time because occasionally issues of substance would be raised, things that the people of South Australia wanted to talk about.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. T.A. FRANKS:** Point of order: standing order 110 applies here. The minister is clearly debating the answer.

**The PRESIDENT:** I actually thought the minister was trying to answer the question.

**The Hon. T.A. FRANKS:** Point of order.

*Members interjecting:*

**The PRESIDENT:** Order! I will listen to your point of order.

**The Hon. T.A. FRANKS:** Mr President, could you take that under consideration and see previous rulings on standing order 110 and whether or not the standards of this place reflect that that would have been debating the answer?

**The PRESIDENT:** I will do that, and I will also have a look at *Hansard* overnight and will revisit that perhaps next sitting week.

**The Hon. K.J. MAHER:** I am happy to conclude. As I said in response to the almost identical question asked immediately before this question, there are, as I understand, some hundreds of questions that have been answered, that have been diligently answered, and questions will be answered when they are available and the proper processes have been followed.

#### QUESTIONS ON NOTICE

**The Hon. H.M. GIROLAMO (14:24):** Supplementary: will the Attorney commit here and now to this chamber and to the people of South Australia to abide by the sessional orders and provide answers to all outstanding questions on notice by next Tuesday of sitting?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25):** It is exactly the same question.

#### RURAL BUSINESS SUPPORT

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25):** My questions are to the Minister for Primary Industries and Regional Development regarding cuts to the Small Business Financial Counselling program run by Rural Business Support:

1. Given my question regarding reductions in staff and services to Rural Business Support yesterday in the chamber, has the minister made efforts to contact Rural Business Support to seek clarification on cuts to the Small Business Financial Counselling program?
2. If so, can she clarify if these cuts are occurring?
3. Why is it that as the Minister for Primary Industries, whose department works closely with Rural Business Support, she was not aware of the cuts yesterday?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26):** I thank the honourable member for her question. I can provide the following information: the state government provides a range of support services to rural businesses and regional communities affected by hardship and adverse events, such as bushfires,

drought, severe floods and storms, biosecurity outbreaks, industry downturns and, of course, in the last few years, COVID-19.

The Family and Business Support program is currently funded through a combination of state and commonwealth programs, including flood, bushfire and drought programs. Over \$1 million has been allocated to this program across several adverse events in 2022-23. A portion of this budget will be carried forward into the new financial year to continue this important work, especially relating to the River Murray floods.

This includes the Rural Financial Counselling Service program (RFCS), which is an Australian government initiative that provides free and independent financial counselling to eligible farmers, fishers, foresters and small related enterprises who are experiencing or are at risk of financial hardship. This is jointly funded by the Australian and South Australian governments.

The Australian government also funded a Regional Small Business Support program pilot to support small regional businesses to build their resilience in times of drought and included areas affected by the 2019-20 bushfires, COVID-19 and flooding events in 2022 and 2023.

I am advised that the Australian government has made a decision to not continue the pilot, which will conclude on 30 June 2023, and that this has resulted in a reduction in rural business support staff associated with the program. Rural Business Support provide rural financial counsellors who work with South Australian clients on all facets of business management and planning and provide support to take action towards business goals.

Rural Business Support have been providers of the RFCS program since its inception in 2006. They will continue to deliver the program's objectives, which are to transition clients out of financial crisis to improve business profitability or facilitate a dignified exit through succession planning or sale of assets and above all to improve financial wellbeing and resilience in rural communities.

The state government has allocated Rural Business Support \$1,137,750 (GST exclusive) for management and delivery of the Rural Financial Counselling Service in South Australia from 1 July 2021 to 30 June 2024. This arrangement provides flexibility for Rural Business Support to focus resources where they are needed.

#### **RURAL BUSINESS SUPPORT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29):** Supplementary: will the minister write to her federal colleague the Hon. Murray Watt to ask why he has cut this important program, particularly when small businesses along the Murray are still doing it tough? And will she advocate for its return?

*The Hon. R.A. Simms interjecting:*

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

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29):** As I advised in my answer, I'm advised that the Australian government has made a decision to not continue the pilot program which was referred to.

#### **RURAL BUSINESS SUPPORT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29):** Supplementary, Mr President.

**The PRESIDENT:** I will listen.

**The Hon. N.J. CENTOFANTI:** That wasn't the question I asked. My question was: will the minister write to her federal colleague to ask why he has cut this important program and will she advocate for its return?

**The PRESIDENT:** The minister has already provided an answer.

**NATIONAL VOLUNTEER WEEK**

**The Hon. I. PNEVMATIKOS (14:30):** My question is to the Attorney-General. As I didn't have an opportunity to participate in many Volunteer Week activities, will the minister inform the council about National Volunteer Week?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:30):** I thank the honourable member for her question. Indeed, National Volunteer Week is a very important week around the country and I would like to take this opportunity to pay tribute to the many thousands of volunteers in South Australia who dedicate their time, skills and care in a whole range of fields in order to help others.

Initiated by Volunteers Australia, National Volunteer Week is the annual celebration to acknowledge the generous contribution of our nation's volunteers. It's a time to particularly acknowledge that so many facets of South Australia's community would simply not be run if not for the dedication of volunteers. Many specialist services that fall within my department's remit, specifically focused on supporting victims of crime, strengthening crime prevention and rehabilitation, rely on the generosity, dedication and continued commitment of volunteers.

One such service is the Road Trauma Support Team of South Australia. The Road Trauma Support Team of SA is a not-for-profit organisation that provides support to people impacted by road trauma. This may be vehicle occupants, family members, friends and colleagues, witnesses and emergency services personnel. The administration of the team is run completely by the six volunteers who work with allied medical professionals to help get counselling provided to persons affected by road trauma. I want to place my thanks on the record to this team.

Also, the Homicide Victims Support Group is another community-led volunteer organisation supporting and advocating for people who have experienced the trauma of homicide. This service includes monthly group support meetings; seminars; guest speakers; therapy workshops; distributing brochures, pamphlets and newsletters; and holding a candle vigil to honour loved ones lost. I want to thank all the volunteers who do such a fantastic job in a crucial but emotionally testing role that occurs at a time of great emotional trauma for many families.

The Victim Support Service is another service that flourishes from the assistance of a dedicated team of volunteers, volunteers in things such as the court companion program that provides in-person support in the District and Supreme Courts to victims, witnesses and their families, as well as providing victims with information about the courts and its processes.

At the end of 2022, the court companion program had 30 volunteers, with 22 in metro Adelaide, three in Port Augusta and Port Pirie, and five in Mount Gambier. Having met with a number of the volunteers, particularly in regional areas, I know how important the work that they do and the trauma that they take on is in helping those involved in the justice process and I thank them for the work that they do.

The Victim Support Service also delivers the Safer Spaces program, which provides services to victim survivors in South Australia in person by telephone or in person at the head office in the Adelaide CBD. The program assists victims in the navigation of complex information and services and also provides referrals to counselling and other support services. At the end of 2022, this program had seven volunteers.

Another service that benefits greatly from the contribution of South Australian volunteers is the Women's Legal Service in South Australia. As I have spoken about in this chamber before, this service is a not-for-profit community legal centre focusing on meeting the legal needs particularly of vulnerable women in South Australia in a holistic and empowering manner. In 2021-22, the Women's Legal Service assisted some 2,388 women who, in total, raised 9,056 legal issues—a huge outreach helping South Australians during a stressful time in their life.

The Women's Legal Service has an intake of volunteers twice a year, the majority of whom are in their final years of legal studies, including students who wish to complete their Graduate Diploma in Legal Practice within the service.

All the volunteers are internally trained by the service and are given exposure to the day-to-day running of a community legal centre. The Women's Legal Service had 50 volunteers who dedicated over 3,000 hours in 2021, and I would like to thank them for the work that they do.

Last but certainly not least, the justices of the peace in South Australia are volunteers at the very beating heart of the justice system in this state. They provide a vital service by acting as an independent and objective witness to documents people use for official or legal proceedings. There are currently approximately 5,650 JPs appointed in South Australia. Almost 4,000 of those work in metropolitan SA, and just under 2,000 of those work in our regional areas.

Over 100 of those JPs have volunteered their time for South Australians for more than 50 years. One JP in South Australia has recorded 72 years of service, a particularly dedicated effort, and I wish to thank all the volunteers who provide these services to South Australians. Also, there was a JP Volunteer Service established in 2007, currently staffed by 15 volunteers, which provides assistance to many, many people. I would like to thank the JPs and also acknowledge the Royal Association of Justices of South Australia, which is a membership base to over 3,000 JPs, connecting and supporting members by group networks, and enabling justices to provide the best practice to the community.

The Royal Association of Justices of South Australia provide ongoing professional development and support for their members while also advocating on matters affecting justices of the peace. I wish to thank the RAJSA and all JPs who volunteer their time and contribute so much to South Australia.

### GOVERNMENT PROCUREMENT

**The Hon. F. PANGALLO (14:36):** I seek leave to make a brief explanation before asking a question of the Attorney-General, representing the Treasurer and the Premier in the other place, about government procurement contractors.

Leave granted.

**The Hon. F. PANGALLO:** One of the South Australian government's preferred external consulting firms, PwC (PricewaterhouseCoopers), is embroiled in a massive international tax avoidance scandal after it was revealed that it used secret commonwealth government information gained in 2016 to advise several of its clients how to bypass new tax laws.

Peter Collins, an ex-partner of the firm who was helping federal Treasury and the Australian Tax Office to develop tax law, had shared confidential information with his PwC colleagues. They then advised their clients and prospective clients here and overseas how to sidestep new laws. The ATO says millions of dollars in tax revenue could have been lost had PwC rolled out a tax avoidance scheme it designed using confidential briefings.

The federal Treasurer, Jim Chalmers, is reported to have been ropeable at the action of Mr Collins, a tax partner at PwC, who has since had his practising licence suspended for a paltry two years for those integrity breaches. Ironically, former ATO employee in Adelaide, Richard Boyle, is facing a life sentence for blowing the whistle on the ATO's unethical practices. My question to the Treasurer is:

1. How much worth of work for the South Australian government has been undertaken by PwC since 2016, and for which government departments?
2. What are PwC's current consultancy contracts with the South Australia government, and what are their value?
3. Considering these disturbing integrity revelations, has or will the Treasurer now instruct the Procurement Review Committee to review PwC's position on government procurement panels and remove them from any further government work?

4. Will he also order an integrity review of the other prominent external consulting firms used by government agencies?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38):** I thank the honourable member for his question. I certainly will refer those to the Treasurer in another place and bring back a reply for the member.

#### GOVERNMENT PROCUREMENT

**The Hon. T.A. FRANKS (14:39):** Supplementary: as the minister responsible for the public sector, will he also look at building capacity within the public sector for this kind of work to be done in-house?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:39):** I thank the honourable member for her question. We are always keen to build the capacity within the public sector where we can do things rather than go outside.

#### TIKTOK APP

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:39):** I seek leave to make a brief explanation before asking a question of the Leader of the Government and the Minister for Public Sector about government policy.

Leave granted.

**The Hon. J.S. LEE:** At a recent committee hearing it was revealed that the SA Tourism Commission is using a TikTok account as a platform for marketing and also for promoting SATC events. As we know, the Malinauskas government announced a ban on TikTok on government devices, but the SATC's CEO, Emma Terry, confirmed that her departmental staff are still using TikTok. My questions to the Leader of the Government and the minister responsible for the public sector are:

1. Can the Minister for Public Sector explain when and under what circumstances the SATC was given exemptions for having TikTok accounts, even though the Malinauskas state government has imposed a ban on TikTok?

2. Can the minister also confirm whether the state government is accountable for a blanket ban on every single government device and, if so, what measures have been put in place to ensure that the SATC, as a government agency, complies with the rules and regulations of TikTok?

3. Can the minister also inform the chamber if there are any other state government agencies that have been granted TikTok exemptions—how many and which departments?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:41):** I thank the honourable member for her very thorough questions, most of which I will be very happy to take on notice. I think as I have mentioned in this chamber before, that part of government that deals with cybersecurity and their policies resides within the Department of the Premier and Cabinet, but I certainly will ask the questions that the honourable member has asked so that I can bring back a reply. I don't think any policies in relation to the use of certain apps would apply to people who aren't members of government, but as it relates to government use I am happy to bring back a reply for the honourable member.

#### PREMIER'S HORTICULTURE INDUSTRY AWARDS FOR EXCELLENCE

**The Hon. R.B. MARTIN (14:41):** My question is to the Minister for Regional Development. Will the minister please update the chamber about last night's inaugural Premier's award for horticulture?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42):** I thank the honourable member for his question and his ongoing interest and support for the horticulture industry in South Australia because, after all, the horticulture industry is incredibly important to our state and has a very positive story to tell.

Last year, the value of primary horticultural production was around \$3 billion, which was an increase of over 5.7 per cent on the previous year. This is on the back of high-value crops such as potatoes, mushrooms, tomatoes, and citrus in particular. This is all while the industry has experienced significant disruption with unseasonal weather patterns that brought floods, biosecurity incursions, volatile market conditions impacted by inflation, and labour shortages.

The horticulture industry in South Australia represents over 4,000 businesses and employs an impressive 13,000 full-time equivalents and 24,000 seasonal workers during peak production times. It is an industry that is growing and certainly has a bright future ahead.

Prior to the state election, the Malinauskas Labor team made a commitment to AUSVEG South Australia to rebrand their annual awards night and become a key sponsor for the event. Last night was the inaugural Premier's horticultural awards, and it is safe to say that the event was an overwhelming success, with a capacity attendance of around 300 people. One could say that we have laid a 'salad foundation' for the future—but one would not say that.

The event was well attended by all political persuasions, and I had the pleasure of seeing the Hon. Reggie Martin, the Hon. Frank Pangallo, and the Leader of the Opposition in this place. They all joined me, with many others from the other house, including the Premier and the Leader of the Opposition.

Of course, the night was held to honour and celebrate excellence within the industry, and it is appropriate to acknowledge the winners of the 2023 Premier's awards again here for the various categories. Trevor Ranford from Summerfruit Australia took out the Excellence in Biosecurity Award. Liteisha Lochert from Solan won the Woman in Agriculture Award, and I commented last night on the strong number of nominees in that particular award category, which was very good to see. Ben Hill-Ling from AgXtra won the Researcher of the Year Award, Peter Petsios from SA Tomato Co. nursery won the Industry Impact Award, and Mark Russo from Adelaide Hydro Fresh won the Young Grower of the Year Award.

Shane Eldridge from Eldridge Fresh Organics took out the prestigious Grower of the Year Award. The Grower of the Year Award recognises outstanding achievements across all aspects of horticultural production. Shane is a nationally respected organic grower who has grown his business from a small farm of only six greenhouses to over 500 acres of production spanning four farms.

I understand Shane will now be the SA-endorsed nominee at the national Horticultural Awards for Excellence, which will be decided and announced at the Hort Connections 2023 conference, which will be in Adelaide next month. It is great to have that conference here. I wish Shane all the best in these awards, and I have no doubt that he will represent our state with great distinction.

I want to take this opportunity to also congratulate all award nominees across the six different categories. It was wonderful to see a large number of individuals nominated in their respective fields for the outstanding contributions that they make to the horticulture industry. Thank you also to Jordan Brooke-Barnett and his team at AUSVEG for the work they put into organising the event. An event of this stature does not simply happen without a high level of planning and collaboration, and I congratulate them on another successful awards night. I look forward to continuing to be able to assist the horticulture industry and working closely with them.

### **RIGHT TO PROTEST**

**The Hon. R.A. SIMMS (14:46):** I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of the right to protest.

Leave granted.

**The Hon. R.A. SIMMS:** There are many examples in our history where civil disobedience has led to significant positive social change. For instance, the global suffragette movement ran numerous campaigns that involved women chaining themselves to railings, large-scale marches and public demonstrations. It is widely accepted that without the women's suffragette movement we would not have women in our parliaments today.



In 1955, both Claudette Colvin and Rosa Parks famously refused to give up their bus seats to a white man in an act of civil disobedience. These events sparked the Montgomery bus boycott led by Martin Luther King and resulted in the prohibition of racial segregation on public buses in Montgomery. In the 1950s, Nelson Mandela initiated several protests against apartheid. Attended by tens of thousands of people, these events built the antiapartheid movement in South Africa.

In 1969, the Stonewall riots in New York were a series of spontaneous protests by members of the gay community in response to a police raid. One year later, on the anniversary of this event, the first gay pride marches took place in Chicago, Los Angeles, New York and San Francisco, and gay pride events now take place across the world.

Closer to home, the Aboriginal Tent Embassy in Canberra was first established in 1972 to call on the federal government to give that group land rights and cultural protections. While the original tent embassy was formally evicted under laws designed to prohibit it, the ACT Supreme Court later ruled against using those laws to prohibit the embassy. In 1982, the blockade at the Franklin Dam, led by former Greens leader Bob Brown, resulted in the Hawke government moving to save precious wilderness in Tasmania. In Adelaide, on 16 February 2003, 100,000 people marched on our streets against the war on Iraq.

This morning on ABC radio, the Premier and the Leader of the Opposition foreshadowed their intention to move to increase fines and introduce imprisonment for protesters who cause community disruption and obstruction of the public space. My question to the Attorney-General therefore is: does the Attorney-General support the right to protest in our state, and if these historic figures engaged in this conduct today, would they be subject to fines and imprisonment under Labor's antiprotect laws?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49):** I thank the honourable member for his question, and I note the honourable member's interest in this area and the leadership the honourable member has taken in many areas of public debate. We have introduced legislation that has now passed the lower house in relation to increasing the fines available to courts for breaching section 58 of the Summary Offences Act.

The intention of these changes isn't to increase the scope of these laws—that is, to capture more people whose behaviour could be caught by section 58, which has been in place since 1990-ish and the last time the penalty was updated, I understand, was 1998. What the changes to the law do seek to do, however, is significantly increase the penalties that the courts can impose after conduct.

In the last few days I think it is the first time that I have had members of the public stop me and want to talk to me about the problems that they have seen and the disruption that has been caused from protests to them over recent days. One thing I would absolutely hate to see is protests that block thoroughfares that actually end up causing harm to a person, for example if an emergency services vehicle wanted to get to a hospital.

We are increasing the fines that are available to courts for people who breach a law that has been in the Summary Offences Act, as I have said, since 1990. As I say, if someone's behaviour hasn't been caught by this before, it is not the intention of these changes to broaden it to capture them but certainly to give the courts more discretion in the fines that they impose. I note that other states in recent times, I think both New South Wales, if I remember correctly, and also Victoria, have significantly increased their fines for similar things that have included much longer jail terms.

I also note that the fines that are in place now and the fines that will be in place, should these changes go through, will be maximum penalties. They won't be the penalties that apply for any sorts of breaches of these; they will be the maximum penalties. Maximum penalties are often imposed for the most egregious breaches of the kind. Sometimes you find rarely that the actual maximum penalty is imposed but is reserved for that theoretical worst sort of breach of these fines.

I do completely understand the honourable member's question. I do completely appreciate the significant wins that have been made in civil rights and a whole range of other areas in society by those who have protested. I have taken part in protests, in rallies, in demonstrations in the past, and I suspect I will continue to do so in the future.

But when things can lead to such significant public disruption—and I don't think any of us would want to see either emergency services personnel who are attending these protests or those who are impeded by these protests have situations where even lives could be put at risk. I don't think that would be a desirable outcome. Certainly, I don't want to see things stand in the way of seeing progressive democratic change as we have seen in decades and centuries gone by.

#### RIGHT TO PROTEST

**The Hon. R.A. SIMMS (14:52):** Supplementary: has the minister participated in protests that have involved the obstruction of the public space, and is he concerned that were he to engage in such protests in the future he would fall foul of Labor's draconian laws?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53):** I thank the honourable member for his question. I am trying to recall everything that I have been a part of over the preceding few decades. I am not sure that I would have been part of any rally, protest or demonstration that would have seen me fall foul of section 58 of the Summary Offences Act. Certainly, I have never been arrested, charged with, prosecuted or convicted of a breach of section 58 of the Summary Offences Act. Given that we are making changes to the penalties, I am not sure I will.

I know that many protests that are organised by various groups today often go through local councils to seek approval for the protests. Many protests or rallies or demonstrations have a police presence because there has been that approval process through local councils and are quite successful in winning over hearts and minds in that sort of way. Rallies like the marches during NAIDOC Week, those sorts of rallies do block off King William Street and approvals are sought from Adelaide City Council.

We have seen rallies on the steps of Parliament House where approval, as I understand it, is sought from parliament. These are very effective tools in terms of advocating for changes in our society. Long may they continue and long may we hear the will of the people through these sorts of protests, particularly those that have those sorts of permissions and are done in a safe way. I certainly wouldn't want to see people's lives or a risk of injury through more extreme forms of protest.

#### RIGHT TO PROTEST

**The Hon. R.A. SIMMS (14:54):** Supplementary: is it the minister's view and is it the view of the Malinauskas government that only protests approved by government are acceptable in our state?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55):** I think there are a whole range of ways that people express themselves, which have been done and will continue to be done.

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

#### RIGHT TO PROTEST

**The Hon. F. PANGALLO (14:55):** Would these laws have covered the Black Lives Matter protests during COVID, when laws were broken—not that I had any objection to it?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55):** I thank the honourable member for his question. If I remember correctly, during those protests there was a police presence. I might stand corrected, but I think that at the time an exemption was given for those protests by the police commissioner, but I will double-check that. Certainly, the intention is not expanding the scope of what has been covered by section 58 of the Summary Offences Act in the past.

#### RIGHT TO PROTEST

**The Hon. F. PANGALLO (14:56):** Who did the Attorney-General consult before rushing through this legislation, or was it just merely the Premier and the Opposition Leader listening to bleaters on talkback radio or on online platforms?

**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.

As I have said before, it is not as characterised by the honourable member. This is the first time I have been stopped by members of the public in the city as I have gone about my business, to talk about their concerns about protests and the dangers that might be involved for others. This certainly for me, and I suspect for other members, has been a very significant area of community concern.

#### RIGHT TO PROTEST

**The Hon. C. BONAROS (14:56):** Supplementary: not withstanding the response of the Attorney, is he aware of concerns raised about unintended consequences of this proposal by very senior and eminent legal commentators in recent hours?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57):** No, I am not aware of what the honourable member is referring to, but when this bill finds its way to this chamber I am sure the honourable member will agitate those—I have no doubt.

#### RIGHT TO PROTEST

**The Hon. R.A. SIMMS (14:57):** Supplementary arising from the original answer.

**The PRESIDENT:** Last supplementary question, because I suspect we will be debating this bill in this place.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Simms, I will listen to your supplementary question.

**The Hon. R.A. SIMMS:** Is the minister concerned about the potential for workers, particularly in the Public Service, to be captured under these new laws should they engage in protests and industrial action? In particular, I am thinking of those in the transport space.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57):** I thank the honourable member for his question. It is not an unreasonable question but, as I have said, this does not intend to increase the scope. It certainly absolutely and unapologetically does intend to increase the range of fines a court can impose, but that is not what it intends to do to extend that scope in relation to something people have been doing before. I know people are concerned that public sector workers, particularly those in the emergency services, occasionally put themselves at risk with the actions of some protesters.

#### SUSPENDED SENTENCES

**The Hon. D.G.E. HOOD (14:58):** I seek leave to make a brief explanation before asking questions of the Attorney-General regarding suspended sentences and non-parole periods in South Australia.

Leave granted.

**The Hon. D.G.E. HOOD:** This week in the District Court, Jacob Anthony Donhardt pleaded guilty to two counts of causing harm with intent for stabbing Nicholas Feast and Jordan Feast on 6 September 2020 during a fight between their feuding families over a game of pool in a hotel. He also broke a pool cue over one of their heads with such force it snapped in half, I believe. Donhardt was sentenced to eight years and three months in jail, with a non-parole period of four years and eight months for his convictions.

It gets worse, because just four weeks prior to committing these offences Donhardt had been given a suspended sentence for committing a robbery using a knife—possibly even the same knife, one might speculate, although I don't know that. My questions are:

1. Is the Attorney-General concerned that criminals who have brandished dangerous and offensive weapons—in this case, knives—in previous offences are being given suspended sentences and therefore putting the community at substantial risk, in this case just four weeks before this crime, stabbing two people?

2. Is the Attorney-General concerned that the non-parole period of Donhardt's sentence represents an almost 50 per cent reduction in actual time to be served for such a serious and brutal crime, especially given the individual is a repeat offender?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59):** I thank the honourable member for his question and acknowledge his interest in the safety of the South Australian community. He often and regularly raises issues of community safety. In relation to this particular case, I am not aware of the reasons for the sentence that was handed down.

Certainly, as I think I have said a number of times in this chamber before, the sentencing of people who are convicted of an offence takes into account a whole range of different things and things that this parliament and parliaments of the past have set down as criteria and considerations. Certainly, there will be a whole range of matters that are taken into account when a sentence is formulated.

If a sentence is deemed by the police or the DPP, who prosecute the offence, as manifestly inadequate given the circumstances, appeals are lodged. It is a feature of our system that sentences that are manifestly inadequate will be considered by the police or the DPP and appeals can be lodged. They are, as they find their way through the appellate system, occasionally upheld and sentences are increased.

I have confidence that when the whole judgement is read, all the things are taken into account and if there is thought to be some error of things taken into account or not taken into account and it is a manifestly inadequate sentence, as regularly happens, an appeal would be lodged. As I say, I am not familiar with all the aspects and I don't have them before me and I would never seek to substitute my judgement on an individual matter like this for that of a judge who has had the benefit that I haven't had today of understanding all the matters that were before them.

#### SUSPENDED SENTENCES

**The Hon. D.G.E. HOOD (15:01):** Supplementary: the Attorney may want to take this on notice, but can the Attorney provide to the chamber a breakdown of how often the DPP appeals manifestly inadequate sentences in South Australia?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02):** I am happy to take that on notice. I am not sure if that is something that is kept routinely as a statistic, but to the extent that I can find an answer for the honourable member I am happy to go away and see if I can.

#### ARE YOU SAFE AT HOME? DAY

**The Hon. J.E. HANSON (15:02):** My question is to the Attorney-General. Will the minister inform the council about Are You Safe at Home? Day?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02):** I thank the honourable member for his question and I am very happy to inform the council about Are You Safe at Home? Day. On Wednesday 10 May this year, Embolden, a peak body for domestic, family and sexual violence services in South Australia, partnered with Safe and Equal, an equivalent Victorian body, to mark Are You Safe at Home? Day 2023.

To mark the day and facilitate safe and respectful conversations, these two organisations held an online forum where people could join to discuss the important role that colleagues and workplaces play in recognising and responding to family violence. This critical conversation was led by Lived Experience Program Officer Rebecca Carro and the Strategic Projects and Engagement Manager, Emma Morgan, both from Victoria's Safe and Equal service.

The facilitators were able to focus on domestic and family violence supports for South Australians and Northern Territorians while exploring exactly what family violence is, what it can look like and who it can impact, and some suggested ways about how to go about having safe and respectful conversations on these topics.

Safe and Equal first developed the Are You Safe at Home? campaign back in 2020 off the back of the increased risk of family and domestic violence during the COVID-19 pandemic. Together with Embolden, Safe and Equal have built a series of tools and resources, both for people experiencing such violence and for others to help navigate sensitive conversations and to safely support someone experiencing family or domestic violence.

Embolden is an alliance for women's equality and respect, and work to lobby and advocate for women's rights to respect, safety and self-determination. Formerly called the Coalition of Women's Domestic Violence Services SA, for over 40 years the organisation, now called Embolden, have fought for women's safety and offer many specialist domestic, family and sexual violence services, such as representing providers of specialist services in those related sectors, including Aboriginal specialist services and services that work with men who use violence against women.

The alliance also does work to consult and collaborate with both government and non-government on issues around domestic family and sexual violence and women's safety more broadly through providing policy, advice and submissions. I would like to take this opportunity to acknowledge and thank Embolden and Safe and Equal for facilitating the Are You Safe at Home? online event, generating potentially life-saving conversations, and for the important work they continue to do in this space.

I would also like to acknowledge all the people who have worked in this sector for their tireless efforts over many, many years advocating and helping people experiencing such circumstances and to stamp out this form of violence in our society.

### REGIONAL AIR SERVICES

**The Hon. C. BONAROS (15:05):** I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question about regional airlines and their importance to regional South Australia.

Leave granted.

**The Hon. C. BONAROS:** Rex Airlines has announced it will scrap its Whyalla to Adelaide flights from 1 July blaming an impasse with Whyalla council, which it says wants to impose a devious and underhanded passenger screening security charge of between \$35 and \$40 per passenger on the route. In a statement, Rex has accused the council of forcing the airline to pay new charges despite the federal government classifying Rex's regional aircraft routes do not need to have passenger security screening.

While the council announced the charges yesterday, saying costs were being passed on to airport users, including those flying with Rex Airlines and Qantas, after federal funding for mandatory screening at the airport ended, Rex said the impost was, and I quote:

...a devious and underhanded attempt by [the council] to force Rex to subsidise the...screening costs of Qantas whose services are legally required to be screened.

Mayor Phil Stone hit back saying that the council was not in a position to be able to absorb the additional costs and didn't think it was fair that it be passed on to ratepayers.

Whichever way you look at it, it's been described as another kick in the guts for regional South Australia, particularly given the state government's plan to build a green hydrogen hub in Whyalla and the extra demand for flights to the region that will bring. My questions to the minister are:

1. Has the government been approached by the council seeking financial support to ensure Rex doesn't pull out of Whyalla?
2. As the Minister for Regional Development, what options are available to her to ensure this crucial service is not axed?
3. Given Rex Airlines flights to Whyalla are used extensively for fly-in fly-out workers at the Whyalla steelworks and mining operations in the regions, what is the government doing to ensure flights to and from Whyalla are maintained at current levels?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:07):** I thank the honourable member for her question. It is very disappointing to hear that Rex has announced that they will no longer be operating their Whyalla to Adelaide service from 1 July 2023.

I understand that the Whyalla council has been advocating to the federal government to resolve concerns around ceased funding for security screening at regional airports. I wrote a letter of support in March of this year on behalf of the state government in regard to Whyalla council's predicament, calling on Minister Catherine King to address this issue.

I am advised that Minister Bettison's office has engaged with Rex directly on this issue this morning and we certainly hope that the commonwealth government will continue discussions with Whyalla council to ensure that regional airports are properly supported.

### REGIONAL AIR SERVICES

**The Hon. C. BONAROS (15:08):** Supplementary: in addition to that correspondence and the representations being made by Minister Bettison, are there other options available to you, minister, to ensure that this crucial service is not axed?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:08):** I thank the honourable member for her supplementary question. We work as a team in government and so today, when it became evident what Rex Airlines' announcement was, I discussed this matter with a number of my ministerial colleagues and it was agreed that Minister Bettison would make those initial calls. I also raised this in a recent meeting with Minister Catherine King when I was in Canberra before, obviously, the announcement by Rex yesterday.

### REGIONAL AIR SERVICES

**The Hon. R.A. SIMMS (15:09):** Supplementary: in order to address the ongoing transport issues in the regions, what action has the minister taken to advocate for regional rail?

**The PRESIDENT:** I am not sure how you can get rail out of airlines. No.

### WATER BUYBACKS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:09):** I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development regarding South Australian horticulturalists.

Leave granted.

**The Hon. N.J. CENTOFANTI:** In response to a question from the Hon. Tung Ngo in this place yesterday, the minister correctly described our horticultural industry as contributing over \$200 billion a year and batting above its average. On 27 April 2023, in an InDaily article, it was reported that the government's own River Murray Commissioner, Mr Richard Beasley, believed that, and I quote, 'governments must buy water back rather than waste time and money on efficiencies.'

There are concerns amongst horticulturalists and other basin stakeholders that the government entering the market to acquire the 450 gigalitres of environmental water recovery targets before the 1 July 2024 would cause a substantial increase in the price of water, which has the potential to cripple the horticultural industry into the future. My questions to the minister are:

1. Has the minister consulted with sections of the horticultural industry who obtain their water from the consumptive pool specifically about buybacks?
2. Does the minister have any concerns regarding the proposal for a mass buyback of water rights before 1 July 2024?
3. Can the minister guarantee that a mass buyback of water rights in the basin will not impact the price of water for South Australian irrigators?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11):** I am happy to take those questions on notice and refer

them to the relevant minister in the other place, the Minister for Environment and Water and bring back a response.

### WATER BUYBACKS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:11):** Supplementary, Mr President.

**The PRESIDENT:** I will listen to it.

**The Hon. N.J. CENTOFANTI:** Has the minister even discussed the effects of buybacks in the water market on irrigators with the Minister for Environment and Water?

**The PRESIDENT:** Minister, you can answer if you want, but it couldn't possibly come out of the original answer.

### SNAPPER FISHERY

**The Hon. R.P. WORTLEY (15:12):** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the state government's snapper restocking program and why is it important to help the snapper fishery rebound?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:12):** I thank the honourable member for his question. As part of the decision taken last year to keep the snapper fishery closed until 2026, the state government announced an \$8.8 million package with a range of measures aimed at giving the species the best chance to recover, as well as measures aimed at easing the impact of the ongoing closure on the commercial and recreational industries due to the species' importance across all fishing sectors.

Along with the significant \$5 million science program and \$2.4 million in fee relief, one of the key measures was the \$1.2 million snapper fingerling program run out of the SARDI headquarters at West Beach. Nearly one million fingerlings are expected to be released across the Gulf St Vincent and Spencer Gulf over the next two years and I am pleased to be able to say that the first 100,000 of those will be released near Port Pirie next week.

It was great to join Dr Mike Steer, Research Director Aquatic and Livestock Sciences at SARDI's West Beach facility this morning, along with RecFish SA Executive Officer Asher Dezsery, to take a look at the baby snapper that will soon be swimming the waters of the Upper Spencer Gulf as part of our government's efforts to have a sustainable snapper fishery once again.

I am pleased that RecFish SA are taking an active role in the release next week on behalf of the recreational fishing community. They will be assisting in the fish loading at SARDI West Beach into what SARDI called the 'fish transporter' that can control temperature and oxygen levels while en route which, in itself, is a very impressive piece of equipment, and they will also be assisting with the release near Port Pirie.

The broodstock for this batch of fingerlings was collected from the Spencer Gulf and have been conditioned in controlled environments for spawning and rearing more snapper, outside of their natural spawning season, to release another batch into the Spencer Gulf later in the year, before the program moves to breeding snapper from and for the Gulf St Vincent next year. After seeing the broodstock this morning in their large tank, they are absolutely striking fish, the kind and size that we hope to see many more grow to in their native environment in years to come.

Interestingly, the fingerlings' ear bones have been marked with purple dye, so that if sampled in years to come they can be discriminated from wild fish. The juvenile snapper will be transported to their new home next week in batches of up to 30,000. They will be released into muddy seagrass areas that provide a natural habitat for young fish and that gives them the best chance to develop into the adult snapper that the fishery needs in order to rebound over time.

I would like to thank the dedicated team at SARDI, who have developed the snapper restocking program, and as they continue to refine it to get as many snapper back safely into the water as possible. It is another example of the expertise and scientific capability that our state is very fortunate to have at SARDI West Beach.

### ADELAIDE BEACH MANAGEMENT REVIEW

**The Hon. T.A. FRANKS (15:15):** I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of the Adelaide Beach Management Review.

Leave granted.

**The Hon. T.A. FRANKS:** In April 2022, the Malinauskas government announced that the planned construction of a sand recycling pipeline between West Beach and Semaphore South would be halted. Instead, a comprehensive review of all available coastal sand management options is being initiated by the Department for Environment and Water to 'ensure a long-term solution is found, which puts community and the environment at the core.'

The review being undertaken by community engagement specialist URPS and coastal engineering specialist Bluecoast Consulting Engineers will include consideration of how to manage sand on Adelaide's beaches to achieve the following two goals: minimise disruption for all communities and avoid environmental harm.

However, it has been brought to my attention that there has been a failure by the department to adequately engage local communities. Local Port Adelaide Enfield councillor Peter McGregor has noted, and I quote him:

[The] engagement mailout was to only those residents from Esplanade to Military Road—those living in the first block off the foreshore. Those living east of Military Road will not be notified and must read about it in *The Advertiser*.

Community members have also complained about the contents of the survey, with many saying:

It is so heavily loaded that it is not a survey at all. The assumption is that the pipeline will go ahead, and the public will only have a say in the disruptive fluff around it.

I attended a full meeting in the local cinema where many of these complaints were also aired, and I have heard from dozens in the community that they have found this survey impossible to put their views forward to because it only gives them a limited range of options. Our beaches support a much wider community than those that live on the first block on the foreshore. It is a concern that they have not been adequately informed. My questions to the minister are:

1. Have residents on the eastern side of Military Road and further east been consulted directly and received information to participate in this process?
2. If they haven't, how can the department justify that limited notification?
3. Will the minister undertake to ensure that views of residents or the community completing the survey reflect their inability to actually only be given three options to choose from rather than provide more direct information from their personal experience?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18):** I thank the honourable member for her questions and her interest in this area. Obviously, attending forums, the honourable member has heard directly from the public and is putting forward in this chamber concerns that constituents have put to her, and so we do take those very seriously.

As I have mentioned before in this chamber, there is an independent review of Adelaide beach management underway. That was a commitment from this government before coming to government. The review is being overseen by an independent advisory panel and not by the government directly. I have respected the independence, which I think is appropriate. I haven't sought to insert myself in terms of how surveys or questions or forums are run; I think that is better left to the experts rather than to politicians to do that. I will pass on the concerns the honourable member has raised to the independent advisory panel that is overseeing the review.

Firstly, the question the honourable member had about the breadth of consultation. I am aware that, in all of these sorts of things, wherever you consult to there will be someone on the other side of a road or in the next suburb who isn't included in whatever level of consultation is decided for wherever the boundary is drawn, and that is always a necessary feature of any sort of consultation that is done. There will be some people who, if there is a boundary—whether it's a road or a suburb



or on one side or another of those—I accept that as a limitation, otherwise on every issue you would be consulting every single South Australian.

*The Hon. T.A. Franks interjecting:*

**The Hon. K.J. MAHER:** Yes, I will put that concern directly to the independent review panel. I think the honourable member said Military Road was a boundary where a particular form of consultation occurred. I don't know, but I suspect it was where residents were contacted directly to ask for views or information, whereas those, I suspect, that fall over the other side of the road weren't precluded from putting views forward but may not have had the same level of contact as those on the other side of that boundary, being the road.

I will also put forward the concerns the honourable member has raised in relation to how questions in a survey are written. My understanding is—and I will check this and bring back further information if I need to—that there was a survey. As I said, I haven't sought to have any involvement in how a survey is worded as I think that is best left to the independent review and the independent advisory panel overseeing the review.

My understanding is that I think there were nine questions, and at least the last one had an ability for participants in the survey to put any of their views forward that wasn't a tick-a-box question. I have had representations recently about one of the questions but I can't remember what number question it was. If I remember correctly it basically asked, 'Do you think there should be the level of intervention in the management of sand at our beaches at the current level? Do you think there should be more intervention or less intervention?' It was a choice of those three.

I don't know if that is the same question the honourable member has had people expressing concern about. I certainly will put that to the independent review panel, but my understanding is there is certainly an opportunity, as part of that survey, to put forward any other matters that either weren't included in the question or were different from the question asked. I thank the honourable member for her question and I can assure her that I will put the two particular issues she has raised in front of the independent review panel.

### *Bills*

## **SUPREME COURT (DISTRIBUTION OF BUSINESS) 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 Supreme Court Act 1935. 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.

I introduce today to the chamber the Supreme Court (Distribution of Business) Amendment Bill. This bill is a product of a request from the Chief Justice, who raised issues regarding the inflexibility afforded in the Supreme Court Act 1935 in assigning work to members outside the division of the Supreme Court to which they are appointed.

Section 47 of the Supreme Court Act currently allows for the distribution of business through agreement between the Chief Justice of the Supreme Court and the President of the Court of Appeal. Specifically, section 47 allows for the assignment of a judge from one division of the Supreme Court to another for a period of time not exceeding 12 months. Agreement between the Chief Justice and the President is made on the basis that it is convenient for the purposes of the proper administration of the court. The relevant judge must also agree to the assignment.

Clause 3(1b) of this bill extends the circumstances in which a judge may be assigned to another division of the Supreme Court to also include the assignment to a specified proceeding. Accordingly, clause 3(1b) of the bill proposes that a judge may be assigned to another division either

for a period of time, as is presently permitted, or for a proceeding, which is currently not specifically provided for. The basis and requirements upon which the assignment occurs remain unchanged.

Clause 3(1) of the bill specifically allows the Chief Justice to assign a judge of the Court of Appeal to the general division of the Supreme Court to preside over a particular proceeding; however, the Chief Justice must first be satisfied that the assignment is necessary due to the limited availability of judges in the general division to preside over the proceeding in addition to the complexity of the specific proceeding.

Clause 3(1) of the bill also requires the Chief Justice to consult with the President of the Court of Appeal prior to assigning a judge from the Court of Appeal to the general division. The bill requires that this consultation occur in accordance with a protocol approved by the judges of the court at a council of judges. Where a judge of the Court of Appeal has capacity to preside over a particular matter in the general division and the workload of the general division is such that no judge of the general division is available, the mechanism which allows for the Chief Justice to assign a judge from the Court of Appeal to that matter is now available.

The flexibility afforded by this bill is expected to lead to efficiencies in improved case flow management, which is a compelling reason for such flexibility. I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

These clauses are formal.

##### Part 2—Amendment of *Supreme Court Act 1935*

###### 3—Amendment of section 47—Distribution of business

This clause amends section 47 to allow greater flexibility in managing the distribution of business in the Court and in particular to allow for judges to be assigned from the Court of Appeal to the General Division, or vice versa, for the purposes of particular proceedings (rather than just for a set period) where the Chief Justice, the President of the Court of Appeal and the judge agree. In addition a new power is inserted for the Chief Justice (after consultation with the President of the Court of Appeal) to assign a judge in the Court of Appeal to hear and determine proceedings in the General Division where the proceedings are complex and there is limited availability of judges in the General Division.

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

### **ABORIGINAL HERITAGE (MISCELLANEOUS) AMENDMENT BILL**

#### *Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26):** Obtained leave and introduced a bill for an act to amend the Aboriginal Heritage Act 1988. Read a first time.

#### *Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27):** I move:

That this bill be now read a second time.

This bill implements the Malinauskas government's election commitment to increase penalties under the Aboriginal Heritage Act 1988 for offences, including by introducing powers for the courts to make remedial, compensation and profit forfeiture orders against offenders who have breached the act's offences of damaging Aboriginal heritage.

The now government's heritage policy committed to legislate to increase protection of Aboriginal heritage. Specifically, it committed to increase financial penalties for serious breaches of Aboriginal heritage laws so that penalties for destroying the past are not just seen as the cost of

doing business. Since that policy was announced, the Supreme Court judgement in *Bilney & Ors v Kelaray Pty Ltd, Premier of South Australia* [2002] SASC 91, a judicial review of an authorisation granted under the Aboriginal Heritage Act, was delivered on 25 August 2022.

That decision created significant uncertainty not just for government but for other land use proponents that hold or seek to hold an authorisation under that act to damage, disturb or interfere with Aboriginal heritage to enable development projects. Early in 2023, the government consulted publicly on draft legislation not just to increase the penalties in the act in line with our election commitment but also to address the uncertainties arising from the first instance Kelaray decision by enshrining in the act clear requirements for reporting discoveries of Aboriginal heritage, which includes discoveries of new information about heritage.

Mining exploration company Kelaray Pty Ltd appealed that Supreme Court decision that invalidated the authorisation under section 23 of the Aboriginal Heritage Act. On 11 May 2023, the Supreme Court of South Australia Court of Appeal in this matter allowed the appeal and held that the authorisation was valid. Importantly, the Court of Appeal confirmed that the requirement in section 20 of the act to report discoveries of Aboriginal heritage immediately to the Minister for Aboriginal Affairs and the ability of the minister to make an urgent direction under section 24 of the act to protect the discovered heritage still applied to the holder of an authorisation to impact heritage within an authorisation area.

The government's proposed reforms that arose from considerations in the Kelaray case are needed to enshrine certainty into the act around the requirements of reporting a discovery of Aboriginal heritage, whether it is in an area where the impacts of heritage have been authorised or otherwise.

As mentioned, discoveries of Aboriginal heritage will now also include discoveries of significant new information about known heritage. This will help South Australia avoid tragedies such as we saw in Juukan Gorge in Western Australia in 2020. There, the discovery of significant new information about an outstanding and irreplaceable Aboriginal heritage site could not be used by the minister to save it because the information was discovered after an authorisation had already been granted.

This bill amends the proposed mandated time lines for ministerial notification and response in relation to heritage discoveries. This is to address any potential concern about open-ended work stoppages and create greater certainty for all users. The bill will also amend the act to make explicit the accepted principle, confirmed again in the Court of Appeal in Kelaray, that section 21 and 23 authorisations may be granted to classes of persons and cover all heritage in the area.

The bill amendments provide for mandated notification processes for Aboriginal heritage that is discovered within an existing authorisation area, including the submitting of details or methodologies on how it is proposed to manage the discovered heritage. This process will allow the minister an opportunity to consider protecting the discovery where a proposed methodology for managing the discovery is assessed as insufficient—for example, for discoveries of extraordinary importance that cannot be relocated or avoided—without lengthy consultation notifications currently required under sections 13 and 24(4) of the act.

The notification processes will require the developer or other proponents to pause work near the discovery for up to five business days for Aboriginal sites or objects or up to 10 business days for Aboriginal remains to allow the minister to respond to such notification. During this time the minister will assess the importance of the discovery and the proponents' proposed methods for dealing with it and whether any urgent action needs to be taken to protect the discovery, as opposed to the current situation where proponents generally decide what to do with a discovery before reporting it to the minister.

In practice, any works pauses upon heritage discoveries are likely to be for a lesser time than the statutory maximums. In concert with the State Aboriginal Heritage Committee, the government intends to develop detailed guidelines for promulgation under the act addressing what is required for a heritage management methodology to be approvable. These guidelines will be made public and provided to proponents whenever seeking an authorisation.

Given the discovery management methodology will apply within the context of an authorisation to impact Aboriginal heritage, in most cases, unless there is an extraordinary discovery like I mentioned before in the case of Juukan Gorge in Western Australia, proponents will be able to continue work without having to observe the full legislated pause work period. In this way, the newly legislated process will help to formalise and continue some of the current practices under heritage discovery protocols which are often imposed as conditions in authorisations.

However, to further lessen the uncertainty associated with these requirements to pause work, and in particular to encourage proponents to engage early with traditional owners, the amendments in this bill provide that this legislated pause works period need not apply to those proponents who engage with traditional owners early. The new provisions encourage proponents to identify Aboriginal heritage in their areas of interest and to develop appropriate methodologies to manage them in consultation with traditional owners before they apply for an authorisation.

Developing heritage management methodologies before works begin is best practice and is common within Cultural Heritage Management Plans. However, in cases where proponents do not currently seek to engage with traditional owners or to develop such plans before applying to damage Aboriginal heritage under the act, now where early engagement occurs and an appropriate discovery methodology is developed, the minister can approve it at the same time as the authorisation is granted.

While discoveries would still have to be reported to the minister so that the minister can consider taking protective action under section 24, proponents could manage the discovery in accordance with the pre-approved procedures. Compliance with the pre-approved heritage discovery methodology will be a condition of authorisation. The minister's urgent protective directions power under section 24 will apply in this scenario to ensure the minister can intervene if compliance with those conditions becomes relevant.

In relation to the penalties for offences against the act, the existing penalties in South Australia's Aboriginal Heritage Act are significantly less than those under equivalent legislation in other Australian jurisdictions. Also, the offences have been difficult to successfully prosecute. The bill will implement the government's election commitment to increase penalties for Aboriginal heritage offences by significantly increasing penalties for knowingly damaging Aboriginal heritage. At present, the maximum penalty for destroying Aboriginal heritage in South Australia is \$50,000 for a body corporate and \$10,000 or six months' imprisonment for individuals.

There has yet in South Australia to be a successful prosecution, due in large part to the requirement to prove that the offender intended to damage Aboriginal heritage. Under the changes, a separate offence will be created where a defendant would need to prove they did not know and could not reasonably have been expected to know the site was an Aboriginal site. This low-level offence is designed to make it easier to successfully prosecute the damage heritage offence in appropriate cases.

In addition, penalties for the offence where the defendant was either reckless or intended to damage Aboriginal heritage will be increased to \$2 million for organisations and \$250,000 and/or two years' imprisonment for individuals. The bill will also introduce powers for the court to make remedial compensation and/or profit forfeiture orders against offenders who have breached the act. These are modelled on similar provisions in interstate-equivalent acts and on the environmental harm offences in section 133 of the South Australian Environment Protection Act 1993.

The bill will expressly provide that monetary penalties and/or forfeiture order amounts, ordered in favour of the court, be paid into the Aboriginal Heritage Fund established under section 19 of the act. Broad public consultation was undertaken on a draft bill earlier this year, from early March to April 2023. In addition to the government's election commitments, and these responses to the Kelaray case, the bill was developed within the context of the currently proposed national reforms to Aboriginal heritage legislation being considered by the Australian government that were particularly in response to the Juukan Gorge disaster.

The broad commonwealth review of Aboriginal heritage protection legislation across Australia is now underway in partnership with an alliance of peak Aboriginal representative groups. This process is expected to make recommendations for more extensive reforms to national

Aboriginal heritage protection later this year, including in respect of Aboriginal decision-making, heritage damage offences and penalties, national consistency, enhanced early management and due diligence requirements for proponents seeking to impact Aboriginal heritage.

The amendments in this bill are broadly consistent with those reforms being considered at the national level, and are appropriate precursors to those broader improvements, the protection of Australia's cultural heritage. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

These clauses are formal.

##### Part 2—Amendment of *Aboriginal Heritage Act 1988*

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

This clause updates a reference to the *Petroleum and Geothermal Energy Act 2000*.

###### 4—Amendment of section 6—Delegation

This clause makes a consequential amendment.

###### 5—Amendment of section 10—Confidentiality of archives

This clause increases the maximum penalty for an offence against section 10 of the principal Act.

###### 6—Amendment of section 13—Consultation on determinations, authorisations and regulations

This adds exceptions to the need to consult on certain decisions etc under the Act, where the decision either contains its own requirements, or is consequential on decisions for which consultation had already occurred.

###### 7—Amendment of section 14—Authorisations subject to conditions

This clause increases the maximum penalties for an offence against section 14 of the principal Act.

###### 8—Amendment of section 18—Offences

This clause increases the maximum penalty for an offence against section 18 of the principal Act.

###### 9—Amendment of section 19—The Fund

This clause makes a consequential amendment to section 19 to allow certain monies payable under new section 37DA to be paid into the Fund.

###### 10—Amendment of section 19L—Interaction of Division with other provisions

This clause clarifies that the Division in which section 19L of the principal Act sits does not limit the operation of section 20.

###### 11—Amendment of heading to Part 3 Division 1

This clause makes a consequential amendment to the heading of Part 3 Division 1 of the principal Act.

###### 12—Amendment of section 20—Discovery of sites, objects or remains

This clause increases the maximum penalties for offences against section 20 of the principal Act, and makes consequential amendments reflecting the inclusion of new sections 20A and 20B.

###### 13—Insertion of sections 20A and 20B

This clause inserts new sections 20A and 20B as follows:

###### 20A—Activity occurring under authorisation to cease on discovery of certain sites, objects and remains

This section requires persons acting pursuant to a Ministerial authority given under section 21 or 23 who discover certain Aboriginal heritage to cease work until the earlier of the matters stated in subsection (1)(c) to (e) occurs. The section sets out Aboriginal heritage to which that obligation does not apply, including where a person has, in consultation with traditional owners and in accordance with the section, prepared a management methodology to deal with Aboriginal heritage discovered while so acting.

20B—Reporting discovery of sites, objects or remains discovered while acting under authorisation

This section requires persons acting pursuant to a Ministerial authority given under section 21 or 23 who discover certain Aboriginal heritage while doing so to report the discovery to the Minister. Similarly, employees etc of the person (including traditional owners) are required to report discoveries to the person.

14—Amendment of section 21—Excavating sites, objects or remains

This clause increases the maximum penalty for an offence against section 21 of the principal Act, clarifies that an authorisation under the section can be class-based, and makes consequential amendments reflecting the inclusion of new sections 20A and 20B.

15—Amendment of section 22—Access to and excavation of land by authorised persons

This clause increases the maximum penalty for an offence against section 22 of the principal Act.

16—Repeal of heading to Part 3 Division 2

This clause deletes the heading to Part 3 Division 2 of the principal Act.

17—Substitution of section 23

This clause substitutes a new section 23, increasing the maximum penalty for an offence against the section, clarifies that an authorisation under the section can be class-based, and makes consequential amendments reflecting the inclusion of new sections 20A and 20B.

18—Amendment of section 24—Directions by Minister restricting access to sites, objects or remains

This clause modernises section 24 of the principal Act, reflecting the new provisions inserted by this measure and clarifying the relationship between directions under the section and other authorisations or instruments.

19—Amendment of section 25—Directions by inspector restricting access to sites, objects or remains

This clause amends section 25 of the principal Act to retain consistency with amended section 24.

20—Amendment of section 26—Failure to comply with directions of Minister or inspector

This clause increases the maximum penalty for an offence against section 26 of the principal Act.

21—Amendment of section 28—Care of Aboriginal objects

This clause increases the maximum penalty for an offence against section 28 of the principal Act.

22—Amendment of section 29—Control of sale of and other dealings with objects

This clause increases the maximum penalty for an offence against section 29 of the principal Act and provides that authorisations under the section can be class-based.

23—Amendment of section 32—Surrender of objects and records

This clause increases the maximum penalty for an offence against section 32 of the principal Act.

24—Amendment of section 35—Divulging information contrary to Aboriginal tradition

This clause increases the maximum penalty for an offence against section 35 of the principal Act.

25—Amendment of section 36—Access to land by Aboriginal people

This clause increases the maximum penalty for an offence against section 36 of the principal Act.

26—Insertion of Part 3A

This clause inserts a new Part 3A into the principal Act. New section 37DA allows a court that has found a person guilty of a contravention of the Act to order the person to pay compensation or take other action, or to account for profits, in relation to the contravention.

27—Amendment of section 38—Interference with signs

This clause increases the maximum penalty for an offence against section 38 of the principal Act.

28—Repeal of section 44

This clause deletes section 44 from the principal Act.

29—Amendment of section 45—Commencement of prosecutions

This clause makes a consequential amendment following the increases in maximum penalties under the measure.

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

**RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (FEES) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 4 May 2023.)

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:38):** I rise as the speaker for the opposition on this bill. In 2011, the Council of Australian Governments agreed that the national regulators for rail safety, heavy vehicles and commercial vessel safety would move to full cost recovery from each of these sectors. Since then, the Office of the National Rail Safety Regulator has consulted widely with industry to create a new fee schedule, one based on cost recovery, with six tiers aligned with individual rail operations risk factors.

Rail operators will be allocated a tier number, tier 1 being the highest risk and tier 6 being at the other end, and their fees will be scaled accordingly. There is a significant change from the flat \$15,000 annual fee and variable additional fee based on track kilometres. Application fees for new rail operations will sit outside this six-tier structure.

Additionally, we appreciate the exemption of three types of railway operations that will not be included in the six-tier risk profile cost-recovery model, and will have their own costing arrangements, the first being railway operations carried out by the tourist and heritage sector. These have a fixed annual fee of \$2,000. This bill, we understand, removes the requirements for such operators to pay additional annual accreditation and registration fees as, for many tour and heritage operators, fees are generally paid for by the government anyhow.

Another railway operation exempt from the six-tier model are those undertaken on low-speed sections of railway tracks running off the main lines, known as private sidings. These can be utilised for unloading, reloading or storing carriages and train vehicles. The new definition of 'private siding' will include rail infrastructure managers of some privately operated freight terminals. These require less regulatory oversight and therefore attract a lower fee of \$5,500.

The final type of railway operation exempt is defined as, and I quote, 'less complicated railway operations'. It sounds like a catch-all, but our understanding is that the eligibility criteria will be set out in the amended national regulations. The new fee for operations falling in this description will pay an annual registration fee of \$20,000—higher than the current average paid in accreditation but still much lower than if they were included in the new six-tier model.

The rail industry employs over 165,000 Australians nationally. It contributes over \$30 billion to the Australian economy and demands for rail services in Australia increase by about 2 per cent annually. It is important we have a financially sustainable rail industry into the future. The opposition supports this bill, which has been led by industry consultation and recommendation.

**The Hon. R.B. MARTIN (15:41):** I am pleased to rise in support of the Rail Safety National Law (South Australia) (Fees) Amendment Bill 2023. This bill proposes a new methodology for calculating the annual fees payable by a rail operator. Currently, an accredited operator is required to pay a fixed annual fee of \$15,000, as well as a variable annual fee that is based on track kilometres managed, travelled or, in fact, both.

Under the new model, an accredited operator will pay an annual fee that is based on the operator's risk profile and the regulatory effort required by the regulator to oversee the rail operator. A tool has been developed by the regulator in consultation with the industry to determine the risk profile of an operator. This risk metric takes into account inherent risk, management, control, safety and performance. Once operators have been assigned a risk profile, they are then ranked and placed in one of six categories, spanning from highest risk to lowest risk.

Those rail operators in tier 1, which are determined to have the highest inherent risk, will pay the highest annual fee. The rail operators in tier 6, which have the lowest risk, will pay the lowest fees. Importantly, rail operators that do not agree with a determination made by the regulator about where they sit within the six-tier scheme have a right of appeal.

This bill also creates a separate fee scheme for railways operated by the tourism and heritage sector. Currently, heritage and tourism railways are charged a reduced annual fixed fee of \$2,000 as well as the variable usage charge. However, the fees paid by these operators cover very little of the cost of the regulatory effort the sector attracts.

In order to remedy this, the responsible ministers have agreed to fund a total of \$4.9 million per annum towards the cost of regulating the tourism and heritage sector. As a result of this decision, this bill will remove the requirement for tourism operators to pay annual accreditation or registration fees. The removal of the fixed fee and usage charge will contribute significantly to the sustainability and viability of the heritage and tourism rail industries, which play a particularly important role in South Australia.

Other categories of rail operations that will attract an overall reduced level of fees and charges are less complex rail operations and private sidings. This bill represents a fair and reasonable approach to our important rail network. In particular, the fee structure proposed by this bill is an equitable and transparent method for ensuring that the operators that have the highest risk and pose the highest burden pay the most. This will also ensure the continued sustainability of Australia's rail networks.

I would also like to speak briefly on the improvements this bill will deliver to our important heritage and tourism rail industries. Heritage railways hold a special place in the heart of all South Australians. So many of us in this chamber would have childhood memories of a ride on the Cockle Train or the Pichi Richi Railway.

The viability and sustainability of our heritage railways is something that is particularly important to this government. To bolster the central position of these railways and to ensure that the next generation of South Australians can continue to enjoy the unique experiences these train journeys have to offer, the Malinauskas government recently committed \$8.9 million for remediation works to the SteamRanger.

This state heritage listed tourism attraction provides 70,000 passenger journeys each year, running between Mount Barker to Victor Harbor, and includes the popular Cockle Train. The SteamRanger is run by a dedicated team of volunteers who maintain the trains and passenger service. It has contributed \$18.5 million of economic activity to the regional economy over a five-year period. The SteamRanger and other historic railways represent an iconic and unique South Australian experience and I am proud to be part of a government that is preserving them for the future.

In wrapping up, in many respects this bill reflects the platform that Labor took to the 2022 election. It is a bill that is aimed at delivering efficiency and fairness without increasing the financial burden on industry or the individual. It is about working together to reach outcomes that benefit both industry and the individual. I commend the bill.

**The Hon. R.A. SIMMS (15:45):** I rise to indicate the Greens' support for the Rail Safety National Law (South Australia) (Fees) Amendment Bill. The Greens believe that high-quality national freight and passenger rail is essential to our modern economy and our society. Many in this place know of my ongoing interest in rail as a mode of transport, particularly in regional areas. Rail transport is accessible, it is low emission and safe.

This bill establishes a new cost-recovery method to fund the Office of the National Rail Safety Regulator. This model will align accreditation fees with the risk profile and regulatory effort expended by the regulator. These provisions will create a more equitable fee structure for rail operators. Furthermore, heritage and tourist rail operators will be exempt from accreditation and registration fees.

Currently, these operators are charged an annual fee of \$2,000, which is sometimes covered by the government as a community service and usually only covers less than 5 per cent of regulating the sector. There are a number of these heritage and tourism operators in South Australia, including the mostly volunteer-run Pichi Richi Railway and the SteamRanger.

I actually went on the Pichi Richi Railway many times as a kid and I was surprised to know that they were paying a fee. These organisations are preserving the heritage of our rail networks and



it is welcome news that they will now be exempt from these fees. The Greens support these changes, which will create a model with equitable fees as agreed by the Council of Australian Governments and the transport ministers. The introduction of a more proportionate fee structure to fund the Office of the National Safety Regulator is a positive step forward.

I want to use this opportunity to urge the government to look seriously at rail, particularly rail in the regions. As you would know, Acting President, I was chair of the parliamentary inquiry into public and active transport. I have not yet had an opportunity to meet with the transport minister. He has not responded to any of my requests to meet. I would welcome the opportunity to talk to him about the myriad issues in the transport portfolio, particularly relating to rail.

This bill plays an important role in addressing one issue but there are a whole heap of other issues that could be addressed. Of course, the Hon. Connie Bonaros asked questions today about the end of Rex in some of the regions. There are regional communities that are at risk of being cut off and they really rely on rail as a way of connecting them with the broader South Australian community. I urge the government to dust off that report and to meet with me so that we can discuss what might be done.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:48):** I would like to thank the Hon. Nicola Centofanti, the Hon. Reggie Martin and the Hon. Robert Simms for their contribution on this. As has been mentioned, the aim of this bill is to allow the Office of the National Rail Safety Regulator to be funded by way of a new cost-recovery model. The proposals have been consulted widely with industry on the new cost-recovery model and the associated changes. There is an expectation that these will be introduced and operate from 1 July this year. I therefore seek the support of members for this bill.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:51):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Motions*

**AFFORDABLE HOUSING**

**The Hon. R.A. SIMMS (15:52):** I move:

That this council—

1. Acknowledges that housing is unaffordable for the most vulnerable South Australians with the 2023 Anglicare Rental Affordability Snapshot reporting for the weekend of 18 March 2023 that:
  - (a) zero rental properties were affordable and available for a single person receiving a Jobseeker, Youth Allowance, or a parenting payment;
  - (b) two rental properties were affordable and available for a couple receiving Jobseeker; and
  - (c) nine rental properties were affordable and available for a single person on the minimum wage.
2. Notes that the government has undertaken a review of the Residential Tenancies Act where:
  - (a) public consultation ran from 15 November 2022 to 16 December 2022;
  - (b) 5,565 survey responses were received; and
  - (c) 155 written submissions were received.
3. Calls on the Malinauskas government to publicly release the submissions to and the report of the review of the Residential Tenancies Act.

The motion that I am proposing today is a simple one. It notes some of the latest concerning data relating to the housing crisis but it also calls on the Malinauskas government to release all of the submissions received as part of its review of the Residential Tenancies Act and to release the findings of the review that the government has conducted.

The government opened up public consultation in November and December of last year and it is very curious to me that the government would conduct a review, invite members of the community to participate and then have those submissions just disappear into the ether somewhere. The government, I understand, has received more than 5,000 responses on the YourSAy website and over 150 written submissions. Surely those submissions should be published on the government's website so that members of the community could access them.

It is interesting to observe that during a debate the other day there was some discussion in this place about submissions, and the Hon. Clare Scriven referenced submissions relating to the national inquiry into banking. The minister would not be able to make a similar rhetorical comment in relation to submissions on the government's inquiry into residential tenancies because none of the submissions have been published on the website. It is not clear who actually has made a submission. The Greens made a submission outlining some of our concerns and the issues that we wanted to see addressed as part of this review of the Residential Tenancies Act, but it is not clear to me who else is engaged with the process.

The other important point to make here is that the government requested that the Commissioner for Consumer and Business Services, Dini Soulio, conduct this review. They have concluded the review. I am assuming they have made recommendations to the government. What are those recommendations? We do not know. What we have seen is a bill dealing with the rental crisis that has been proposed. It has passed the House of Assembly and it is coming to this place fairly soon. But that bill does not go far enough in terms of dealing with the scale of the rental crisis that we confront.

The government's bill looks at banning rent bidding, but only partially banning rent bidding. What the government is proposing is that landlords will not be able to advertise a property for rent within a range, but if a prospective tenant goes to the real estate agent and says, 'I am going to offer more than the asking price', that is okay. That does not seem to me to be a satisfactory approach.

I would like to know what submissions advocated such a feeble approach to such a complex issue, and I would also like to see what level of community support there is for dealing with the other issues in the rental market; that is, the need to end no-cause evictions, the need to legislate in favour of renting with pets, and the need to crackdown on some of the unfair practices that have been exposed within the real estate industry, things like lack of disclosure of conflict of interest.

Has there been advocacy around the need for an independent body to advocate for tenants? These are all issues that the Greens intend to explore when the government's bill comes before this place, but I think it would be very useful if the government were to heed the call of the Greens, release the report, the findings of this review, along with the submissions, so that all members of parliament, and indeed the broader community, have the benefit of access to this information. With that, I conclude my remarks.

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

### **SHORT-TERM RENTAL MARKET**

**The Hon. R.A. SIMMS (15:58):** I move:

That this council—

1. Notes that South Australia's rental market is under extreme pressure with:
  - (a) a decrease in vacancy rates below 0.5 per cent;
  - (b) a rise in median rental prices of 12.9 per cent in the 12 months prior to January 2023; and
  - (c) 83,821 vacant homes in South Australia at last Census night.
2. Acknowledges that:
  - (a) short-term accommodation affects supply in the long-term rental market; and

- (b) other jurisdictions such as London and Berlin have introduced regulations to limit short-term accommodation to a maximum of 90 nights per annum.
3. Calls on the Malinauskas government to regulate the short-term rental market by:
- (a) capping the number of nights a property can be rented as short-term accommodation;
  - (b) capping the number of properties that can be rented for short-term rental accommodation; and
  - (c) incentivising the return of short-term accommodation to the long-term rental market.

The motion that I am moving today also relates to the rental crisis engulfing our state, but in particular it relates to the need to regulate the short-term rental market. In particular, it calls on the Malinauskas government to cap the number of nights a property can be rented as short-term accommodation. It calls for a cap on the number of properties that can be rented for short-term accommodation, and it also calls for the government to look at incentivising the return of short-term accommodation to the long-term rental market.

In making the case for action, I want to highlight to this chamber some of the key statistics. The waitlist for social housing now in South Australia has grown to more than 17,000 people. The availability of long-term rental accommodation continues to diminish. In fact, according to the latest figures from property research firm CoreLogic—and these were released back in January; I think it has actually got worse since then—the rental vacancy rate in Adelaide has dropped to just 0.4 per cent.

There are high rates of rental stress. On Census night, 30.5 per cent of all renter households, or 58,177 renter households in South Australia, were paying more than 30 per cent of their household income on rent. Rent prices are spiralling out of control, and what is the Malinauskas government doing?

Access to safe and secure housing is one of our most basic human rights, yet here in South Australia we have people sleeping in cars, tents and on the street because of a lack of available rental accommodation. This is particularly an issue in regional South Australia where we have some properties that are sitting vacant for six months of the year while we have people in those communities sleeping in tents.

A few years ago now, when I first started in this role, I travelled to Port Lincoln and met with a number of community groups. One of the issues that they are confronting at the moment is the lack of affordable rental accommodation in that community. The cause of that was the COVID-19 pandemic initially because during that time of course there was not interstate or overseas travel. A number of South Australians elected to travel intrastate—that is, to engage in travel from, say, Adelaide over to Port Lincoln or other regional centres—and therefore a number of landlords found it more desirable to move their accommodation from the long-term rental market into the short-stay market as they could make a lot more money.

That has resulted in a shortage of affordable rental accommodation in those regions, and it is contributing to the turbocharging of the market that we are seeing at the moment. That is why the Greens are suggesting that there should be a cap on the number of nights that a property is on Airbnb. We are suggesting that there be some incentives put on the table as part of the Malinauskas government's second budget to encourage those who own Airbnbs to move those into the long-term market. That would be a really good outcome.

Another issue I should highlight that the Greens have been looking at is the need to target vacant dwellings. On Census night back in 2021, there were 83,821 vacant homes in South Australia. Some people will say, 'Look, a lot of those might be that you were staying with a friend, or visiting mum and dad or whatever,' and that may well be the case, but even if only half of those properties were vacant on Census night, that is a lot of vacant property in our state, particularly when we consider we have almost 20,000 people on the social housing waitlist, not to mention the thousands of South Australians who are now experiencing housing stress and cannot afford a place to live or a place to rent.

In terms of looking at how to regulate this area, I would encourage the Malinauskas government to look at Berlin. Back in 2016, they implemented some of the world's strictest laws for

vacation rentals. It prohibited homesharing, except for people wanting to rent out extra rooms or who received one of a small number of government permits. Official reports by the end of 2017 noted that they had returned about 4,000 apartments to the long-term rental market and collected \$3.2 million in fines.

Amsterdam has also looked at this. They have set limits of 30 nights per year that a home can be booked out on Airbnb. Beyond this time, planning permission is needed to change the use of the property. This measure resulted in 80 per cent of properties previously listed on Airbnb being returned to the long-term rental market. New Orleans has zoning laws that restrict holiday rentals to certain locations. Scotland has recently introduced similar laws requiring permission for short-term lets in certain planning control areas.

Let's also not forget that a lot of these properties are being charged a residential rate by their councils, yet they are operating potentially a private business, so there is an area for further regulation. That is why the Greens are calling on the Malinauskas government to regulate the short-term rental market in South Australia by capping the number of nights a property can be rented as short-term accommodation, capping the number of properties that can be rented for short-term rental accommodation, and incentivising the owners of those properties to return them to the long-term market.

I thank you for your indulgence, Mr President. That is all from me on the rental market for today. I will be revisiting the issue when parliament resumes, and I know everybody will be engaging in that debate.

Debate adjourned on motion of L.A. Henderson.

#### **WADE, THE HON. S.G.**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:04):** I move:

That this council—

1. Notes the recent retirement of the Hon. Stephen Wade MLC after 16 years of service to the people and Parliament of South Australia;
2. Recognises his leadership as Minister for Health and Wellbeing throughout the COVID-19 pandemic; and
3. Wishes him well in his retirement from parliament and the years ahead.

I rise to acknowledge and celebrate the tremendous contribution that the Hon. Stephen Wade made to this chamber as well as to the people of South Australia. Prior to entering parliament, Stephen studied law and economics at Adelaide University. He then worked as a parliamentary adviser at a state and federal level and worked in corporate governance, serving on a number of boards, including as chair of Julia Farr Services Inc., and was a fellow of the Australian Institute of Company Directors.

The Hon. Stephen Wade entered the Legislative Council in May 2006 through a casual vacancy caused by the resignation of then member Angus Redford. Stephen quickly entered the shadow ministry in 2007 and held a range of shadow portfolios for the next decade until the election of the Marshall Liberal government in 2018, which saw him sworn in as Minister for Health and Wellbeing.

As Minister for Health and Wellbeing, Stephen quickly earned a reputation for his humility, approachability and incredible work ethic. He was also well known for his 4.30am starts. Less known are his seven briefcases of files and cabinet papers that he would take home each Friday or the three to four cases that accompanied him daily. According to close sources, he read every word.

Departmental officials were astounded when questions would come back on their briefs, letters would be marked up or he would phone a contact officer with a question. This was not an approach officers were used to, with former ministers often only interacting with very senior officials. I am reliably informed that several contact officers would have to pick their jaws up from the ground when they realised it was indeed the minister on the phone.

This diligence and attention to detail quickly earned him a great deal of respect throughout the health system. Some of Stephen's staff recall a Friday afternoon when they were preparing for a

gene technology national meeting and were struggling to understand the more technical details. Stephen decided to speak directly with the key staff, so they headed downstairs to the fifth floor to meet with them. As they entered, silence came over the entire area as they were shocked to see the minister on the floor not for a populist walk-through but actually to meet with staff, engage and understand the issues.

Stephen will no doubt be remembered as the health minister who guided South Australia through COVID, but his legacy is much, much more. He saved the Repat and ensured its development to a thriving health precinct. He upgraded hospitals after a disastrous downgrade under the Labor government through Transforming Health. After the former Labor government twice promised The Queen Elizabeth Hospital upgrade but failed to progress, Stephen ensured that western suburbs residents would finally get improved health infrastructure.

During COVID, he was a calming, steady leader at a time of heightened anxiety and uncharted waters. Stephen invested in building bigger and better hospitals through the \$3 billion building program. Stephen and the Marshall Liberal government were delivering upgrades to Modbury Hospital, Lyell McEwin Hospital, The Queen Elizabeth Hospital, Flinders Medical Centre and Noarlunga, as well as building a brand-new Women's and Children's Hospital. Under Stephen's stewardship, our state had more beds, doctors, nurses and ambulance staff than ever before, over 2,800 more than at the 2018 state election. Amongst all of this, he was constantly striving to do better, to learn more and to continue to listen to the people of South Australia.

Stephen's contribution to this chamber and more broadly should not just be acknowledged, it should be celebrated. The Hon. Stephen Wade may have retired from this chamber; however, we know that no matter where he is and no matter what he is doing, he will continue to make a contribution to this state and to the South Australian community more broadly.

Debate adjourned on motion of Hon. I. Pnevmatikos.

#### **DUNCAN, DR G.I.O.**

Adjourned debate on motion of Hon. I.K. Hunter:

That this council—

1. Acknowledges that 10 May 2022 marks 50 years since the murder of Dr George Ian Ogilvie Duncan;
2. Notes the long-lasting impacts of Dr Duncan's death on law reform and the LGBTIQ community;
3. Recognises the risks of discrimination and violence still faced by LGBTIQ people today; and
4. Resolves to continue to work toward safety and equality for all LGBTIQ people.

(Continued from 4 May 2023.)

**The Hon. I. PNEVMATIKOS (16:10):** I rise in support of the Hon. Ian Hunter's motion. The murder of Dr George Duncan would be familiar to many South Australians and, as we have approached the 50<sup>th</sup> anniversary of his death, his story has been the subject of renewed interest. Dr Duncan travelled from his native London to take up a position as a law lecturer at the University of Adelaide. The banks of the Torrens were a well-known meeting spot for gay men and, subsequently, became a well-known spot to South Australian police for targeted harassment of those men.

On 10 May 1972, Dr Duncan was thrown into the River Torrens by a group of men and drowned. He was 41 years old and had been in Adelaide barely six weeks. Reports of police involvement in his death resulted in the trial, but ultimate acquittal, of two South Australian police officers. His death forms part of an epidemic of gay bashings, murders and disappearances that plagued Australia in the second half of the 20<sup>th</sup> century. There is no shortage of unsolved murders of gay men, with some of these cold cases being reopened in recent years as we confront this dark part of our history.

Dr Duncan's senseless murder and the investigation into his death created momentum for criminal law reform in South Australia. The Dunstan government became the first in Australia to decriminalise homosexuality. In an upsetting contrast, this state also bears the shame of being the last jurisdiction in Australia to abolish the gay panic provocation defence. This defence could be used

to downgrade a charge of murder to manslaughter where the defendant could prove they were provoked by a homosexual advance. It is astonishing to think that as recently as 2020 we had a criminal defence which supported the notion that a same-sex advance was a valid justification for taking someone's life.

The changes made in LGBTIQ law reform since the death of Dr Duncan have been hard won. Many of these fights were won more recently than the public would imagine, and there are fights still on the horizon. The rights of same-sex couples to adopt and their rights to access assisted reproductive technology are relatively new achievements at law, having only occurred within the last 10 years. The damaging practice of conversion therapy, promulgated by some religious groups, still has no legislative ban in South Australia despite such bans being in place in Victoria, Queensland and the ACT.

The death of Dr Duncan was the catalyst for a process of legislative change that is ongoing. Those members in this chamber and those individuals outside of this chamber who seek to turn back the clock in terms of reform are no more than continuing to perpetuate and encourage an ideology of discrimination and violence.

**The Hon. R.A. SIMMS (16:14):** I also rise to speak in support of this motion. May 10 this year marked the 51<sup>st</sup> anniversary of the drowning and murder of Dr George Duncan. Dr Duncan, who was 41, had returned to Australia from London to take up a lectureship in law at the University of Adelaide, teaching in Roman law. He was an extremely shy, intensely private man, and he may never have publicly identified as a homosexual. Dr Duncan had only been in Adelaide for six weeks when he was thrown into the River Torrens near Kintore Avenue. The River Torrens was a well-known meeting place for gay men at that time and on the night that Dr Duncan ventured down to the riverbank male homosexual acts were still illegal in all Australian states and territories.

The law effectively criminalised gay men because of who and what they were. The law made gay men the targets of violence. At around 11pm on 10 May 1972, Dr Duncan was thrown into the river by a group of men. Dr Duncan was unable to swim and he drowned. The events that followed are well documented, but it is important to note that this event was a catalytic event for our state. The death of Dr Duncan was not isolated, many gay men at that time were victims of homophobic violence and hate crimes, but his death did spark a public outcry and eventually led to several attempts to reform the law, to decriminalise homosexuality, and led to South Australia being a leader in this space.

I want to honour the work of Don Dunstan, as Premier at that time, and Peter Duncan, who it should be noted is no relation to Dr Duncan, who introduced a bill to reform those oppressive laws. I often remark, when I talk about the death of Dr Duncan and the gay law reform project, on how lucky I am as an out and proud gay man to have been a beneficiary of the changes that have been made over many years.

The Hon. Ian Hunter is not here today but I acknowledge that he has been a long-term advocate for gay law reform in this state, and someone who has been out and proud in public life for many years. As a result of the advocacy of people like Mr Hunter, and gay men of his generation, society has changed for the better for people like myself, so I am really appreciative of that.

The other day was International Day Against Homophobia, Biphobia and Transphobia, and that is also an opportunity to reflect on how far we have come on the road for equality and justice for LGBTI people. I mentioned that it is a lot easier these days being in public life as an out gay man, but I was recently reminded of some of the terrible discrimination that still exists in the community and that gay men can face, even in parliaments, when I saw the despicable comments made by Mark Latham in New South Wales in relation to Alex Greenwich, who is an out and proud gay man in that parliament.

Those despicable comments—hateful, revolting comments—really were a reminder of the discrimination that gay men can still face. I still hear reports of gay men experiencing homophobic abuse out on our streets, people being scared of coming out in their workplaces and people being scared of revealing their sexuality to their friends and their families, so there is still lots of work to do.

The death of Dr Duncan is a reminder of how far we have come. It is an opportunity to recognise his legacy and the legacy of those gay rights activists at that time, and it is also a time for us to strengthen our resolve to keep on fighting and to overcome homophobia and discrimination wherever we confront it.

**The Hon. F. PANGALLO (16:19):** I thank the honourable member for bringing this motion to the chamber, 51 years since the death—a suspected murder or manslaughter—of Dr George Duncan in the River Torrens close to Kintore Avenue. This was a watershed moment in gay hate crime in South Australia. Homosexuality was still outlawed and it would be another five years before the then Premier Don Dunstan changed those discriminatory laws.

Homophobia was rife in Australia, particularly in the 1970s. Such was the shocking intolerance, gay men risked violence and abuse in the community should they be identified. In 1972, Dr Duncan had only recently returned to Adelaide to take up a post as a lecturer at Adelaide University. On the evening of 10 May, he attended a well-known gay beat at the time on the banks of the River Torrens near Jolleys Boathouse. It was also an area frequented by gay bashers—usually men looking to rough up gay men and then throw them in the river for a lark.

Three unidentified men, accompanied by another, attacked Dr Duncan, along with two others in separate incidents, throwing him and them in the river. Dr Duncan could not swim and subsequently drowned. In 1972, I had just started work as a copyboy at *The News* on North Terrace. It was common knowledge among journalists, particularly those who covered police rounds or the courts where I worked, that vice squad police would also visit the area and, after having a few drinks at a nearby pub, would toss gay men into the river as if it was a fun-filled pastime.

I will share this story that has not been reported, nor was it reported at the time, but seemed to fill some staff where I worked with some merriment. As *The News* was being readied for its first city state edition on 11 May, the report had come into the office of a body being fished out of the River Torrens. The chief of staff dispatched a reporter and photographer to the scene. At the same time, other news teams from television, radio and *The Advertiser* newspaper rolled up. By this time, Dr Duncan's body, twisted in rigor mortis, was lying on its back on the bank of the river with police and forensic pathologists, including the notorious and unqualified Dr Colin Manock, present.

It should have been declared and prepared as being a major crime scene, but such was the lackadaisical approach by police at the time—and perhaps a sign of their own homophobia—they acceded to a bizarre and rather unethical request from the waiting media. They got there too late to record the police and scuba divers retrieving the body from the river and asked whether they could put the body back in the water and bring it out again. The police, with most likely the imprimatur of their chief forensic pathologist, duly obliged. The media got their pictures, much to the appalling indignity of the deceased and his family.

Although there were witnesses that night, they were reluctant to come forward, fearing they could be targeted. The assailants were never identified, but years later one witness came forward claiming he saw three police officers attacking Dr Duncan, reporting that he had also heard bones being broken. After throwing him into the river, one of the assailants apparently stripped his clothes and went in looking for Dr Duncan, with no success. There was also a fourth person with the policemen who was never identified, although rumours swirled about the person's identity for years.

Police Commissioner Harold Salisbury called in detectives from New Scotland Yard to investigate the crime. Detective Chief Superintendent Bob McGowan's report, which was not made public until tabled in parliament in 2002, indicated that vice squad officers Francis John Cawley, Michael Kenneth Clayton and Brian Edwin Hudson had taken part in the three assaults. The inquiry described the crime as 'a high-spirited frolic that went wrong' and that it had failed to find sufficient evidence to prosecute any of the officers due to a lack of witness testimony.

The detectives were called upon to give evidence at the inquest but had refused to answer any of the questions put to them and were subsequently suspended from duty and eventually they resigned. The Coroner returned an open finding on 5 July 1972, which led to the Crown Solicitor announcing on 24 October 1972 that he had decided against proceeding with any prosecution.

On 30 July 1985, former vice squad officer Mick O'Shea, who had resigned in 1981, told *The Advertiser* that the group involved in Duncan's death were vice squad officers and that there was a cover-up to protect them. On 5 February 1986, Cawley, Clayton and Hudson were charged with the manslaughter of Dr Duncan. Cawley and Clayton eventually went to trial in 1988, with both being acquitted of the charges on 30 September after refusing to testify.

During the trial, O'Shea made specific allegations that it was a common practice for vice squad officers to throw homosexual men into the river, that certain members assaulted homosexual men and that on one occasion they had chased an individual while firing shots. A further allegation was later raised that there had been an attempt to influence a juror to find the two officers charged not guilty. A police task force was set up, reporting to the SA Parliament in 1990 that there was insufficient evidence to charge any person with the murder. Repeated calls for a royal commission have been ignored.

In 1985, while I was at *The News*, and then years later with Channel 7, I spoke at length on a number of occasions with Mick O'Shea. I found him to be credible and truthful in his accounts. The corruption he observed within SAPOL in his time made him totally disillusioned. At the time, the SAPOL hierarchy tried to dismiss and discredit him as a malcontent with an axe to grind. A compliant Adelaide media swallowed the police versions hook, line and sinker.

I also contacted two of the police officers allegedly involved, one of whom had gone on to work in a crash repair business in Perth. They rejected any involvement or ever being involved in gay bashings. One claimed he had evidence that would clear his name locked away in his safe should he ever face charges again. I do not recall that evidence ever being presented to a court.

The crime remains unsolved. Dr Duncan's assailants remain free, but South Australia and Australia are now a far more tolerant and inclusive society. Dr Duncan's cruel and tragic fate is perhaps the legacy left behind in righting the terrible wrongs that existed at the time. I commend the motion to the chamber.

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

### **INTERNATIONAL DAY AGAINST HOMOPHOBIA, BIPHOBIA, INTERSEXISM AND TRANSPHOBIA**

Adjourned debate on motion of Hon. I.K. Hunter:

That this council—

1. Recognises International Day Against Homophobia, Transphobia and Biphobia on Tuesday 17 May that is also known as IDAHOBIT;
2. Notes that, since its first celebration in 2004, IDAHOBIT had drawn attention to the violence and discrimination experienced by lesbian, gay, bisexual, transgender and intersex people and all other people with diverse sexual orientations, gender identities or expressions and sex characteristics; and
3. Congratulates the Malinauskas Labor government on its opposition to conversion therapy and its commitment to make sure that this practice does not occur in South Australia.

(Continued from 4 May 2023.)

**The Hon. T.A. FRANKS (16:28):** I rise as the Greens' spokesperson on gender and sexuality to speak in strong support of this motion in its totality. I thank the Hon. Ian Hunter for bringing this day of public importance to the attention of this council. The Greens believe that all people have the right to their self-identified sex and gender. We do not tolerate the harassment, abuse, vilification, stigmatisation or discrimination against a person simply because they are or are perceived to be intersex, transgender, bisexual, gay or lesbian. These are not issues of conscience for the Greens. They are issues of our policy, of common sense and, of course, of human rights.

On 17 May, the International Day Against Homophobia, Transphobia and Biphobia, IDAHOBIT, marks the day in 1990 that homosexuality was finally removed from the international classification of diseases of the World Health Organization and yet, over 30 years later, too much prejudice and intolerance remains in our society.



It is our responsibility as legislators to dismantle the institutions of discrimination wherever we find them. Our community is broad and varied. No two people are the same. No-one should be discriminated against for their gender, their sexuality, or for any other reason. Trans and gender diverse people often do experience discrimination at every turn: from family rejections, to school-based bullying, to street harassment and violence, all against a backdrop of the politics fuelling how they can choose to live their own lives.

Pre-pandemic research shows that one in three trans and gender diverse people in our country has experienced discrimination in their employment, resulting in an unemployment rate of 19 per cent. That is more than three times the national average. Additionally, one in four report discrimination in accessing health care, ranging from misgendering to outright refusal of care. Three in five have experienced verbal abuse and one in five has been physically assaulted for being trans or gender diverse.

Unsurprisingly, this constant and unrelenting stigma and discrimination has a detrimental impact on mental health and a 2021 study found that nearly half of Australia's trans and gender diverse population has attempted suicide, revealing the depth of the problem facing gender and sexuality diverse communities. Since the onset of the pandemic, the trans community has struggled significantly with job loss and financial strain, disruptions to their health care and social isolation from their support networks.

Most staggeringly, during the pandemic 61 per cent experienced clinically significant symptoms of depression and 49 per cent reported thoughts of self-harm or suicidal ideation. As I and many others have said before in this council, we do have to recognise the work of South Australia in leading the nation as the first state to decriminalise homosexual acts back in 1975. Of course the 1972 murder by drowning in Adelaide's Torrens River of Dr George Duncan raised public awareness of the widespread harassment of the gay community and resulted in that push for law reform, but we should not need murders to push for law reform.

This does not of course take away from the challenges still faced by the LGBTIQ+ community. That community and their allies are still deeply concerned about harmful and damaging conversion practices that are currently continuing legally in our state even today. A 2021 survey of over 600 LGBTIQ+ South Australians by the South Australian Rainbow Advocacy Alliance, known as SARAA, found that 85 per cent of respondents rated ending conversion practices as extremely important.

Psychological research has produced overwhelming clinical evidence that practices aimed at the reorientation of LGBTIQ+ people not only do not work but are extremely damaging to their long-term health and happiness. A 2018 joint report by the Australian Research Centre in Sex, Health and Society and the Human Rights Law Centre shares the voices and lived experience of 15 people with experiences of conversion therapy. It found that all those participants shared experiences of deep grief and, in some cases, anger over being told that they were broken and needed fixing. All have experienced a profound sense of loss at the lives they have had taken away from them.

More broadly, research shows that survivors of conversion practices commonly experience PTSD symptoms related to religious trauma, difficulty forming relationships and severe mental health difficulties, including the increased likelihood of thinking about self-harm, enacting self-harm, thinking about suicide and, of course, attempting suicide. With legislative bans on conversion practices now in place in Victoria, Queensland and the ACT, it is time for South Australians to step up and protect all in our community from harm.

This week, I attended the SARAA event for IDAHOBIT where they premiered their *Rainbow Realities II* video. *Rainbow Realities II* is a short film featuring four South Australians discussing their lived experience of discrimination, and how we, as allies, can take action against it. It is a short watch but an important watch, and I recommend it to all in the council. It does indeed have a South Australian victim survivor of conversion practices speaking. They have had their identity shielded, but their words are incredibly powerful for us as legislators and give hope to other victims or victim survivors that change is coming.

That film has been produced to support conversations about how individuals, organisations, governments, parliaments, and the community as a whole can support the LGBTIQ+ community

here in our state and, of course, more broadly. I do encourage all members of parliament to watch it, practise active listening, and reflect on how we can all work together to make South Australia a safer and more inclusive place.

As part of IDAHOBIT, we celebrate all we have achieved, and we are rightly proud of what we have achieved in this state, but we also take this time to reflect on the work that still needs to be done. That work includes banning conversion practices. We need to strengthen our antidiscrimination laws and we need to continue to call out human rights abuse of the LGBTI community. Everybody deserves to feel safe and respected in our state. I have some small amendments, which I now move:

Paragraph 1—Leave out 'Tuesday'

The date 17 May fell on a Wednesday this week, so I have simply removed the day, but I have kept the date.

Paragraph 3—Leave out 'therapy' and insert 'practices'

This is a far more substantial amendment that I move, and I will explain why. Conversion practices are underpinned by ideologies that view LGBTQA+ people as broken, and they assert that they can be healed to live supposedly healthy, heterosexual lives or with a gender identity consistent with their sex assigned at birth. They encourage people to live sexually pure lives through celibacy or abstinence, and ultimately they aim for people to change their orientation, gender identity or de-transition.

These practices are damaging. They are not at all therapies. They are not therapeutic. Therefore, the community has asked that we use the term 'conversion practices', and certainly I would hope that members of the council will be willing to make that particular amendment in this motion. I also note that clinical or therapeutic formal methods of conversion practices such as conversion organisations, behavioural and psychoanalytic therapies, and clinical interventions have now largely ceased after being denounced by numerous professional health and human rights bodies, including the Australian Psychological Society and the Australian Medical Association (AMA), so indeed the use of the word 'therapy' is not at all appropriate when describing these particular practices.

I do note that there is a mooted amendment to remove the reference to the Malinauskas government promise and pledge to ban conversion practices. The Greens will not be supporting the amendment to remove those words. Indeed, we find that that is the most important part of this motion: the action that still needs to be taken. We congratulate the Malinauskas then opposition and now government for their promise. We look forward to them putting that promise through this parliament, and legislation to ban conversion practices being imminent.

The Premier has promised the people of South Australia he will keep all his election promises. I look forward to this one being here before we celebrate the next IDAHOBIT day and giving us one more thing to celebrate in this state. With that, I commend the motion.

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

### **SOUTH AUSTRALIA POLICE**

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

That this council—

1. Recognises that 2023 marks the 185<sup>th</sup> year of the South Australian Police (SAPOL), making it the oldest centrally controlled police force in Australia;
2. Acknowledges the significant role SAPOL plays in protecting and reassuring individuals and communities across South Australia; and
3. Gives thanks to all past and present SAPOL officers, staff and volunteers for their service.

(Continued from 4 May 2023.)

**The Hon. E.S. BOURKE (16:39):** I rise in support of this motion and support the amazing work that SAPOL officers, staff and volunteers do. When moving this motion, the Hon. Reggie Martin noted the many achievements of South Australia Police and the ways in which SAPOL has led the

way in innovative policing. In true South Australian tradition, SAPOL was the first to implement so many practices that have become commonplace for policing around Australia.

SAPOL was the first police force in Australia to use bicycles for patrols, the first to use fingerprinting systems, and the first to use videotape interviews with suspects. One very significant first was the appointment of a female police officer with the full powers of arrest and equal pay with her male counterparts. Not only was South Australia Police the first police force in Australia to do this but the first in what was then known as the British Empire.

The first women to be sworn in to the South Australia Police were Kate Cocks and Annie Ross on 1 December 1915. Two other women police had been enlisted six months earlier in New South Wales, but they did not have the same powers or pay as the male officers. The appointment of Cocks and Ross occurred after petitioning by community groups who were concerned about women who had been widowed during the war and who were finding themselves without financial support.

The Crown Solicitor at the time, Charles Dashwood, gave advice that there would be no barriers to appointing female officers but they had to be given the same pay and authority as a male officer. Not everyone was in favour of this, so the Labor government at the time, led by Premier Crawford Vaughan, amended the act so that every word of the masculine gender would be construed as including the feminine gender, and then the term 'policeman' went on to be used, which, again, could be seen as a very big debate in what we see as gender neutral now.

The amendment to the act removed the need for a vote or debate about the necessities or virtues of women police or whether they should receive equal pay. Kate Cocks was appointed to the position of principal woman police matron, and Annie Ross was her assistant. They were essentially responsible for safeguarding the moral welfare of women. Over time, the team grew to have 12 policewomen, and Kate Cocks was instrumental in resolving cases, including drug smuggling and the poisoning of children.

SAPOL is also leading the way when it comes to inclusive practices today. In 2022, SAPOL commenced autism awareness training for all its officers through Autism Spectrum Australia, as part of SAPOL's Disability Access and Inclusion Plan. This is also important because not every witness or suspect will behave in a way that might be expected of them. Many autistic people do not like making eye contact, a characteristic that police officers might have thought was someone being evasive or a sign of guilt. The training helps officers understand that everyone thinks and behaves differently and that there may be other reasons behind their characteristics.

The Malinauskas government is working hard to increase community knowledge, understanding and support for autistic people. We are doing this through developing the state's first Autism Strategy, guided by extensive consultation with the autistic and autism communities, and by working with the public sector, agencies and departments to sign up to an autism charter. The fact that SAPOL is already implementing strategies to ensure its policing practices are sensitive to the needs of autistic people is testament to their culture of continuous improvement and an example to other organisations.

I commend SAPOL for leading the way in this space. I also thank Mark Carroll, the president of the police union, and also the team at the police union for their interview recently and contribution to their local magazine, so that we can further share knowledge about what is important to the autistic community.

Lastly, I want to express my personal gratitude to all the SAPOL officers who put their lives on the line every single day to protect South Australians. There are not many people who go to work in the morning knowing that they could be walking into an environment that is dangerous or threatening. This was seen just recently at Crystal Brook a couple of weeks ago, and it was a very strong reminder to us all of the sacrifices that police officers and their families make in order to keep the rest of us safe.

My thoughts are with Brevet Sergeants Ian Todd and Jordan Allely, who were injured that day. Thankfully, Brevet Sergeant Allely was able to be discharged from hospital after being treated for his injuries, and we had the excellent news that on Monday night Brevet Sergeant Todd was

released from hospital and is also on the road to recovery. I know that SAPOL, as well as the Police Association, will provide the support and guidance that they need through this time. In closing, I congratulate SAPOL on 185 years of service and commend the motion to the chamber.

**The Hon. F. PANGALLO (16:45):** I rise to speak in support of the motion and to congratulate SAPOL on 185 years of dedicated and exemplary service to the people of South Australia. Frontline police continue to serve us admirably and bravely in the face of challenging times and confronting issues in our society. Suffice to say policing today is a far more dangerous occupation than it was 185 years ago, unless you were in Victoria or New South Wales, where bushrangers the like of Ned Kelly would not hesitate to turn their guns on police.

Sadly, too often in recent times, we have seen police officers killed, seriously wounded and assaulted in the line of duty to protect communities. In Queensland earlier this year, two police officers were shot dead while bravely doing their job. More recently, two police officers were stabbed and injured in Crystal Brook. We all wish them a speedy recovery.

Community trust and confidence in our frontline police continues to be high. Our expectations of them are also high, sometimes too high. However, I am not sure the public have a true understanding of how tough and demanding the job is, not only in confronting violent and unpredictable criminals and individuals but also in the toll the job can have on their mental health and social and emotional wellbeing.

They are not robocops: they are humans. They have families and loved ones they go home to after each shift. The pressures of achieving a healthy work-family balance are immense. In interactions I have had with police officers of all ranks over the years, I have found them to be persons of great character and resilience: sensitive, caring and compassionate. I have heard of the damage and hurt their job has caused them.

They continue to cry out for more support and understanding from within and outside. Just consider the risks they are exposed to daily, the trauma they witness, their hypervigilance—the feeling of constantly having to be on alert to everything and everybody—and the intense scrutiny on their performance in public and by their superiors and colleagues.

The South Australian Police Association's excellent booklet, *A Cop in the Family*, covers the many personal sensitive areas that today's serving police must face. It points out that the job can be all-consuming, with long and often unpredictable hours, putting at risk personal relationships with partners, kids, other family and friends. Mental health and being able to deal with it at home and in the workplace is perhaps the single most significant issue within the police community. Because there can be a stigma attached to it, there are police officers who might be reluctant to come forward and seek help. As the booklet says, a mental health issue does not mean you are soft: it means you are human.

A national report compiled by the Western Australian branch of the police union reported that the suicide rate among police in Australia has more than doubled since 2000. New South Wales had the highest number between 2000 and 2020, while Tasmania and South Australia recorded the highest rates. The figures also reveal around 83 per cent were male, at an average age of 44, and who had an average of 21 years' service.

The PTSD bill I have reintroduced is designed to recognise this acute condition as a presumptive mental health disorder, but more about that some other time. In the meantime, the Premier's task force, set up last year at the behest of PASA, is yet to report on submissions and recommendations to boost dwindling recruit numbers, improve resourcing and the contentious district policing model that has been pushed by Commissioner Stevens in the face of stiff and vocal opposition from rank and file officers as well as PASA.

The DPM has created four police districts with 48 dedicated teams in the north, south, east and west, and it is designed to spread the workload and resources across those districts to achieve faster and more effective outcomes. The architect of the model is Assistant Commissioner Noel Bamford, who claimed in 2018 in an article in the *Blueprint South Australia Police Magazine* that there had been a reduction in crime in recent years—a statement that simply does not stack up today where crime against persons, violent crime, is high and climbing while SAPOL has failed to achieve

better than 50 per cent of its recruitment target, with just as many leaving the job. The road toll is also alarming.

The model revolves around the State Crime Assessment Centre, which is a receiving point for reports made to police and then they are farmed out in order of priority and availability of patrols. But, as one police officer pointed out to me, how much time are you going to waste having to get to an incident in the northern district if the only patrol available is in the south? PASA President Mark Carroll says that, by the most objective measures, SAPOL is a significantly weaker police force than it was eight years ago and labels the DPM as an abject failure, compounded by chronic staff shortages, record resignations and an epidemic of low morale, because of what he describes as 'SAPOL's disastrous policies'.

This is not just union speak, it is from the feedback from its members, and they have more than 98 per cent of the force on their membership books. Mr Carroll says for the DPM to work an extra 470 officers are needed, and that could take years. Currently, his members are overworked, overburdened and overstressed.

Commissioner Stevens claimed a huge amount of research analysis and development went into constructing the model. I have been asking through freedom of information for SAPOL to produce all that information, the model, relating to the DPM for months with no success and beyond the statutory requirement under section 14 of the FOI Act. On 5 May, the FOI officer at SAPOL—and I will point out here that in the past they have been quite efficient and forthcoming in previous requests—has asked for a further extension until September. I am unclear why we need to wait that long, unless of course it may coincide with the release of the task force report.

Our state owes a debt of gratitude to the hardworking men and women in our police force, but it is vital that our government and the SAPOL hierarchy recognise the need to have and embrace a harmonious workplace culture that remains loyal and committed to their objective of protecting our community. I commend the motion.

**The Hon. L.A. HENDERSON (16:53):** I rise today to speak in support of the motion and to indicate that the opposition will be supporting this motion. This year marks the 185<sup>th</sup> year of our state's police force, commonly referred to as SAPOL. They have played a significant role in protecting and reassuring individuals and communities across South Australia. Their willingness to step in and fill the gaps of what is required and needed in service to protect the community is evident when you look at SAPOL's history.

In 1836, when the colony of South Australia was proclaimed, authorities at the time did not anticipate crimes to occur. Following concerns of felons from neighbouring colonies entering the new colony, a South Australian police force was formed on 28 April 1838, being the nation's first centrally organised police force.

Today, it is the oldest centrally controlled police service in Australia and one of the oldest in the world. The beginning of the South Australian police force consisted of 10 mounted constables and 10 foot constables under the command of an inspector. They provided policing services to approximately 6,000 people in the colony of South Australia in 1838.

As the colony began to be established and grew, there was also an increased need for public services, particularly emergency services. The police force stepped in and began providing fire services, until the SA Metropolitan Fire Service was formed in 1867. They also operated the civil ambulance service for over 70 years, until it was handed over to the St John Ambulance Brigade in 1954.

The heart of service of the police force to their community is continuously demonstrated by their willingness to take on miscellaneous duties when needed. In the first 100 years, some of these included the register of services for births, deaths and marriages, being funeral undertaker, mail courier services, sanitary inspection, sheep inspection and others. Many of these eventually became established public services that we know today.

Most recently, we saw their response during the COVID-19 pandemic, which included border controls, compliance and hotel security, a time in which our frontline workers were relied on like never before. The South Australian police force has also historically displayed a spirit of innovation in

adopting ideas and initiatives. In 1880, SAPOL became the first police force in Australia to adopt the use of camels for police transport as a safe, efficient and effective means of transport in the remote outback areas of South Australia.

In 1884, SAPOL formed the first police band in Australia, initially comprised of 14 volunteer police musicians; today, it is a full-time unit. In 1893, SAPOL became the first police force in Australia to use bicycles. In 1894, SAPOL pioneered the fingerprint system in Australia. In 1915, two female officers were appointed in SAPOL. While there were other female officers in the world, they were the first female officers in the British Empire to be employed with equal pay and arrest authorities as their male counterparts.

In 1960, SAPOL was the first police force in the nation to adopt the Sillitoe tartan cap band, an initiative of the then SA Police commissioner to help distinguish police officers from other organisations wearing a similar uniform. In 1987, SAPOL was the first police force in the nation to introduce videotaping of suspect person interviews.

Today, the South Australian police force consists of 6,000 employees of officers, constables, specialists, administrative staff and volunteers. They continue to provide a host of services that serve to protect and reassure South Australians. As we await the outcome of the Premier's task force that is looking at police resourcing, we have seen reports in the media about police and community safety concerns. There have been reports of the toll of the combined effects of chronic understaffing and additional duties of enforcing COVID restrictions and the impact this is having on the wellbeing of SAPOL officers.

There have been reports of support lacking for the police department's district policing model, with 81 per cent of the 1,349 officers who took part in the Police Association's workplace survey saying they did not support the model and 78 per cent saying they believed it should be abolished. There have been reports of severe resourcing issues due to poor recruiting and high attrition rates. Mark Carroll was reported in *The Advertiser* to have said:

Our members are experiencing severe staff shortages across many, many areas. The worst of these shortages are on frontline response patrols and district policing teams. We are now at the stage where police simply cannot meet community demand when people call for assistance. There are just not enough police to cope with the daily workloads.

We must continue to honour and value the services of the police force for the invaluable work they do. We here in this place must always strive to do all we can to ensure that they can undertake their work safely with the support that they need. I look forward to seeing the outcomes of the Premier's task force in this incredibly important space. I commend the mover for bringing this motion, and reiterate my support for police, who sacrifice so much to keep us safe.

**The Hon. R.B. MARTIN (16:59):** I will start by thanking members for their contributions made today: the Hon. Ms Bourke, the Hon. Mr Pangallo and the Hon. Mrs Henderson. I also note Mrs Henderson's family connection to policing and I thank them for their service to South Australia as well.

We are very fortunate in South Australia to have a dedicated and professional police service; we have had them for 185 years. They make an enormous contribution to society and, as the Hon. Mr Pangallo pointed out, it is a dangerous occupation. I think it is one of the most amazing things that you can see: when there is an emergency, the natural inclination of people is to run away from it, but police and emergency responders run towards the trouble. I think that is one of the most meritorious things that people can do, and I congratulate them on their service. They have served this state commendably for 185 years.

I was very glad to hear that, earlier this week, the second and the last remaining of the two policemen who had been injured in the Crystal Brook incident has been released from hospital. I am sure we all join in sending our best wishes to the officers and their families as those two officers continue to recover from that horrendous incident. I again thank honourable members for their contributions and I commend the motion.

Motion carried.

## INTERNATIONAL NURSES DAY

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

That this council—

1. Recognises that 12 May 2023 is International Nurses Day;
2. Observes that the theme for the 2023 International Nurses Day is 'Our nurses. Our future.'; and
3. Acknowledges that nurses are integral to the healthcare system and commends all nurses and nursing staff for their commitment, dedication and tireless efforts to maintain public health.

(Continued from 4 May 2023.)

**The Hon. I. PNEVMATIKOS (17:00):** I rise today in support of this motion to acknowledge and celebrate all the nurses around the world who have been working tirelessly on the frontlines of health care. According to the Department of Health and Aged Care, there are around 450,000 registered nurses and midwives in Australia. This means that the nursing profession makes up over 50 per cent of our health workforce.

It goes without saying, then, that nurses are the backbone of the healthcare industry. Alongside providing compassionate care and support and comfort to patients and their families, they are also at the forefront of innovation, research and education. International Nurses Day is celebrated every year on the anniversary of Florence Nightingale's birthday as a homage to the British nurse dubbed the founder of modern nursing.

Whilst we can acknowledge the significance of Nightingale in improving future health and sanitation standards and professionalising nursing roles, it is important to recognise that nurses have come a long way from those primitive times. No longer is the nursing profession centred around metaphysical qualities and women's virtues of endurance, obedience and cleanliness like Nightingale believed.

Now, nurses are a trained, professional workforce. Nursing roles involve tertiary study, qualifications and extensive training. They face an ever-evolving and fast-paced working environment. They are constantly having to adapt in pace with scientific advances which bring new methods and research. It is fitting that this year's theme for International Nurses Day was 'Our nurses. Our future.' This highlights the critical role that nurses play in shaping the future of health care into a more accessible, efficient and equitable system. It also advocates for an improvement to the working conditions in the nursing profession, which is essential in ensuring our nurses can do the best to the best of their ability.

As I have stated before in this chamber, I require dialysis three times a week, a life-saving service for people with renal dysfunction and kidney disease. That is 24 hours a week, in my own time, that I spend dialysing, all of which is attended to and facilitated by nurses. In fact, nurses are critical and essential in many high-risk and important areas, such as radiology, midwifery, mental health, and aged care. Therefore, it is vital for nurses to be engaged as highly trained and skilled professionals.

Inadequate staffing in health care impacts nurses greatly. It leads to inordinate hours of work and high-stress environments. These conditions, where not matched with appropriate remuneration in line with their contributions, undermine nurses' ability to provide quality care and present dangers to patient safety.

As the world continues to face significant health challenges, including an ageing population, chronic diseases, and emerging infectious diseases, nurses' roles in patient health and preventing illness has become increasingly critical. They are the key to healthier communities, responsive societies and thriving nations, so it is important to ensure that nurses are valued and supported and that their work is well resourced.

We must recognise the contributions that nurses make to our society. We must also acknowledge the challenges that they face and work towards supporting them. We must ensure that nurses have access to the resources and the support they need to provide the best possible care to their patients, including adequate personal protective equipment, mental health resources and, of course, fair pay.

Finally, I want to congratulate the nurses and midwives in the South Australian public sector on successfully negotiating a new enterprise bargaining agreement, which will see a well-deserved pay rise and other benefits.

**The Hon. R.A. SIMMS (17:05):** I rise to speak in favour of this motion. I want to thank the Hon. Mr Martin for putting this forward. It is a worthy matter for this chamber to discuss and a good opportunity for us to reflect on the huge contribution that nurses make to our state.

Every year on 12 May the world comes together to celebrate the nursing profession on International Nurses Day. The nursing profession has had a long and tumultuous past few years, with the onset of COVID-19 and all the challenges that has posed for our health sector. International Nurses Day is a time to reflect and to celebrate the breadth of skill and contributions that nurses make to their communities.

Nurses play an essential role in society. They play a central role in delivering health care. Nurses advocate for health promotion and educate patients and the public on the prevention of illness and injury. They provide care, they assist in cure, they participate in rehabilitation and they provide support. No other healthcare professional has had such a broad and far-reaching role. But nurses do much more than just care for individuals, they have always been at the forefront of change in health care and in public health.

Nurses innovate. Florence Nightingale, who the Hon. Iren Pnevmatikos talked about earlier, is regarded as the founder of modern nursing and remembered as The Lady with the Lamp. Yet, she also collected data to prove that the main cause, by far, of fatalities in the Crimean War was not enemy fire but infections attributed to improper sanitation. She was a pioneering statistician and possibly the first person in history to use graphs and charts to persuade politicians to act.

Nurses provide ongoing assessment of people's health. Their round-the-clock presence, observation skills and vigilance allow doctors to make better diagnoses and propose better treatments. Many lives have been saved because an attentive nurse picked up on an early warning sign of an upcoming crisis such as a cardiac arrest or respiratory failure.

The theme for this year's International Nurses Day is A Voice to Lead: Our Nurses. Our Future. Set by the International Council of Nurses, the 2023 theme addresses the global health challenges exacerbated by the shortage of nurses. Nurses are crucial in all parts of health care, whether it be acute, preventative, primary or community care.

Even before the COVID-19 pandemic, Australia faced critical nursing shortages, caused in part by the shrinking supply of nursing school graduates and a significant decline in the number of nurses who have been able to migrate from other countries. I note the government has announced some initiatives in that regard in recent days and we certainly welcome that.

We need to increase nurse staffing to patient ratios and skill mixes to ensure that patient safety, better health outcomes, higher recruitment retention, continued professional development and adequate training of staff are all being provided for. InDaily reported last year that nearly 75 per cent of nurses work unpaid overtime and 25 per cent work double shifts.

Our health system is at risk of further nursing shortages due to the longer term impacts of the COVID-19 pandemic. In June 2022, the South Australian Greens called for a one-off \$3,000 thank you payment to healthcare workers in recognition of their heavy lifting during the pandemic. According to the McKinsey 2021 Future of Work in Nursing Survey, one-fifth of Australia's registered nurses say they intend to leave their current role in the next 12 months—one-fifth. Forty-one per cent of these nurses say they are planning to move countries or to leave direct care roles altogether. By 2025, anywhere from 20,000 to 40,000 nursing positions could be left unfilled in Australia and that poses significant challenges for our health system.

Surveyed nurses cited a desire to seek higher pay as the number one reason driving them to leave the profession; however, having a positive work environment, caring teammates, a safe space and a sense of purpose is important to nurses wanting to remain in the profession. Mitigating the risk of severe nursing shortages requires a comprehensive all-of-government approach. We need to redesign the training pipeline to attract greater numbers of potential nurses to Australia and to the



sector. Retention is the most powerful lever we have to address the short-term supply gap; however, merely offering competitive compensation is not enough.

To excite and better engage nurses, stakeholders need to work together to pilot practices to increase nurses' autonomy, to recognise them more effectively and to build goodwill. To attract nursing staff, employers, the health industry and governments need to foster better ways of working for nurses. Employers need to consider the composition and capabilities of care teams to better utilise existing skill sets and qualifications.

We need to learn from the lessons of the pandemic and translate these into actions for the future that ensure nurses are protected, respected and valued. I certainly want to use this opportunity to put on public record my thanks on behalf of the Greens for the great work that nurses have done and continue to do to keep our state safe and healthy. I commend the motion.

**The Hon. C. BONAROS (17:11):** I rise to speak on behalf of SA-Best on this motion celebrating International Nurses Day. I echo the sentiments of other honourable members and, of course, thank the Hon. Mr Martin for putting it forward as well. I begin by extending our sincerest thanks to all our hardworking nurses and midwives who have dedicated their working lives and often more to the care of others. You are the backbone of our healthcare system, often the first and last face a patient will see in their most challenging times.

Today, I intend to speak about one very special nurse and midwife, an exceptional woman by all accounts and, although I did not know her personally, I am reliably informed that Deb Rossi was an amazing midwife who dedicated many years of service to the South Australian multiple birth community. The community was devastated at her recent unexpected passing. I know her family is watching these contributions and I hope these words will give you some comfort as you remember Deb.

Multiple Birth South Australia, a volunteer group that has been providing practical support to multiple birth families for 50 years, has penned the following tribute to Deb, and I quote:

Deb Rossi was a midwife at the Women's and Children's Hospital with 11 years as the Multiple Birth Coordinator.

The Multiple Birth Coordinator role is to support and educate families expecting twins, triplets and more and, until recently, also to organise the Home Help Service for these families.

The free service is unique to South Australia that reaches across the state to provide an extra set of hands for families with young multiples, giving crucial support to these vulnerable families in those early days.

Multiple births only make up 1.4% of all births in South Australia. However, they are high risk pregnancies and about 65% of twins and almost all triplets, quadruplets and more are born prematurely and so are often in need of extra medical support.

Deb Rossi was the caring face of that support for so many families at the Women's and Children's Hospital during an often challenging time in their lives.

She supported them in a practical sense with her medical knowledge but also in a personal and emotional sense, with her caring nature and sharing her experiences of having twins.

She visited expectant mothers on bed rest, gave one-on-one antenatal classes to regional families who would be in the city for the day, she went to great lengths to check up on families who had long NICU stays and often gathered donated baby items to support families who couldn't afford them.

She taught so many parents about becoming a multiple birth parent and helped them feel more comfortable with the crazy idea of being a parent to two or more babies at once.

She retired last year to go on many adventures with her husband and was able to have a trip to Brazil earlier this year.

Unfortunately she passed away last month, the day before her 30<sup>th</sup> wedding anniversary.

She was on a cycling adventure with her husband when she collapsed and was unable to be revived.

The multiple birth community will always remember her caring, compassionate nature and her laugh which made you laugh too.

Thank you Deb for your commitment to multiple birth families and doing everything you could to make their lives better.

Some of Deb's patients have also made touching contributions. From Tahna:

I will always remember her advice and support in transferring my antenatal care when I moved interstate late in my pregnancy.

Her care and commitment to improving the lives of multiple birth families was enduring, and her influence in the healthcare system will have a legacy.

From Nicola:

I was a second time mum when pregnant with my twins, but I was quite nervous about managing the breastfeeding side of things.

I met her when I was about 20 weeks and I immediately felt comfort in her presence.

She was a great help.

My twins are now 8.

From Rajani:

We associated with Deb very closely during our difficult pregnancy with the twins and she was beyond words, warm and wonderful.

In fact, she used to check in on me post delivery and even helped me out with supply issues with an impromptu one on one.

She was so giving and caring.

May we be more like her.

May she rest in peace!

Deb you made a beautiful difference to our lives and I hope you knew that!

Abby has shared this personal memory:

I was lucky enough to be looked out for by her with my twins when they were in SCBU (Special Care Baby Unit) and she always made time to make me feel less alone in what was a hard and scary time.

She made a difference.

Shared anecdotes about her kids and family, talked the talk and walked the walk.

Multi-mum Claire said:

I'll never forget her beautiful presence.

When we were in hospital with the twins she came in on her day off to deliver little goodie bags to all the multi-families staying that day.

She even wrote beautiful inspiring cards to go with it.

We learnt so much from her about being multi-parents.

I just can't imagine what all her loved ones are feeling right now, and hopefully it brings them some comfort to know just how much she is loved and respected for all her years of supporting multiple birth families.

She left a truly impacting legacy which we will continue to honour.

Another mum named Claire said Deb was the first person to make her believe breastfeeding twins was possible, and noted the kindness she showed when her partner was stuck overseas for many months due to COVID border closures. And, finally, this from Sammy:

Dearest Deb,

Heaven has gained a true Angel.

You became part of our family back in 2016 when we found out we were expecting triplets and you had my back from day one of speaking with you.

Thank you for always being in our corner and holding me up on some of my darkest days while I was 500kms away from my family and children and also while celebrating with me when we got to take the triplets all home.

I know I speak for a lot of families and women when I say you'll always hold a special place in our hearts.

You were kind, caring, passionate and inspiring and I know you're up there holding those values true.

May you rest in peace.

Deb was just one nurse who touched so many lives in her line of work so deeply. I have met, and I am sure we have all met through our work and also our personal circumstances, many nurses who have done just that. Their commitment to their patients is immeasurable.

More personally, as a mum raising a young child, as a daughter with a terminally ill mother, and as a sister with a seriously ill brother, I have relied on that caring and calming guidance and advice in a time of need. I am forever indebted to all of our nurses and, more recently, to Emily and Chris. Emily from Ashford ICU, who I would like to give a special mention to for her care of my dad, and not just that but for also carrying our family through what was an impossible time, and I know we are not the first or the last family. I remember a very special moment very recently when I met Emily in person by chance. I took my son to Lenswood Pick Your Own Apples and, as it turns out, Emily and her husband are the owners of that amazing place.

It was only through a very chance meeting with her about apples that we very quickly realised that—in fact, it was her comforting voice that was so familiar—she was indeed the nurse who had cared for my dad for some six or eight weeks in that hospital. The fact that we had Emily in one hospital and her partner, Chris, at the Royal Adelaide Hospital at the same time, caring for my late brother, is not lost on any of our family. Some things might seem a coincidence but this was just overwhelming for all of us.

We thank both Emily and Chris sincerely, and I wish you all the very best at one of our favourite places, Lenswood Pick Your Own Apples. If ever anyone wants somewhere to go and have a good day out, please head up and support Emily and Chris. What they said of their new venture was this:

When you come to our orchard you're supporting us—2 ICU nurses that needed to watch something grow for a change and took the risk to buy a farm with no farming experience. Then we decided to turn it into a tourism operation so that we could share our newfound passion with everyone. This is our second season and we've been blown away with how many wonderful people we've met picking and enjoying our apples.

Chris and Emily do everything themselves, they do all the farming themselves and they run their business themselves, but they also rely a lot on the helpful hand of their family and friends.

As with Deb, there are countless grateful families like mine, and I am sure many in this place as well, who have no doubt been helped through tremendously difficult times, through the births of their children and through the passing of their loved ones. So to Emily and Chris and all the very many nurses and midwives out there, thank you from the bottom of my heart and I wish you a happy International Nurses Day. To Deb's family, once again, I hope our words today provide you with some comfort. We thank Deb for her years of dedicated service. May we be more like her and may her memory be eternal.

**The Hon. B.R. HOOD (17:22):** I rise to support the honourable member's motion on behalf of the Liberal opposition. We thank the honourable member for bringing this motion, and we extend our sincere thanks to South Australia's 33,000-plus nurses and midwives around the state.

Few roles in the community are as impactful to the lives of everyday South Australians than that of a nurse. The diversity of the positions available in the field of nursing extends to the breadth of our health system, with specialities ranging from paediatrics to aged care, and catering to every life stage in between. We all know a nurse, and many of us love a nurse, whether that be a spouse, a family member or a close friend. I certainly fall into this category and will take a moment to acknowledge my wife, who I am so proud of and grateful for. She has been a registered nurse and midwife in Mount Gambier for over 12 years.

Along with celebrating International Nurses Day on 12 May, International Day of the Midwife is celebrated on 5 May. There is not a time, when walking down Commercial Street in Mount Gambier or in the supermarket, that people do not stop and say hello to Elle and thank her for her kindness and passion as a midwife. Midwives like Elle deliver the next generation of South Australians every single day.

For many nurses like Elle, it is their true calling, it is their passion to care for fellow human beings in their time of need. It is often a thankless, gruelling job, physically and mentally laborious, requiring skilful multitasking and adhering to demanding time pressures. Most of us can only imagine

the immensity of the pressure our nursing and wider health workforce has faced during the three years of COVID. It might be easy to think that is all behind us and that a sense of normality has returned to our health system. This would of course be mistaken, as the hangover from the pandemic lives on and a minimal, if any, reduction in workload and time pressures that peaked in recent times.

This year's International Nurses Day theme is 'Our nurses. Our future.' This reflects on this most challenging period for our nurses and healthcare staff. The International Council of Nurses explains that this theme 'urges us to learn the lessons of the pandemic and translate them into actions for the future to ensure nurses are protected, respected and valued'. Many lessons will need to be learned as we find ourselves on the other side of the pandemic, and not all lessons we will agree upon, however I am sure no disagreement can be found with the statement that our nurses must always be protected, respected and valued.

The idea of International Nurses Day can be traced back 70 years to when Dorothy Sutherland of the United States Department of Health, Education and Welfare proposed the concept to President Eisenhower. In 1954, this was taken up in the form of National Nurses Week, which was celebrated on the 100<sup>th</sup> anniversary of Florence Nightingale's mission to the frontlines of Crimea. When Florence Nightingale arrived, she was met with appalling conditions in the hospital, with soldiers dying at an alarming rate due to unsanitary conditions, a lack of medical supplies and poor medical care.

She set to work overhauling the hospital's sanitation procedures, initiating basic hygiene practices and improving the soldiers' diet to ensure that they received the best possible medical care. She was a pioneer and a revolutionary in the field of nursing, utilising statistical data in health care to successfully advocate for reforms in nursing education and hospital design. We now celebrate International Nurses Day annually in honour of Florence Nightingale on the anniversary of her birth on 12 May.

Our modern-day nurses have more tools, technology and training than was afforded to Nightingale in the 1800s, but what remains unchanged is the compassion and tireless, round-the-clock commitment that lives on in our nurses and wider SA Health workforce. Nurses make up one of the largest cohorts of that health workforce and work all hours of the day and night to make a real difference in the care and individual experiences of patients, their families and carers.

I would like to end with a huge, heartfelt thanks to our regional nurses and midwives. For them, the job pressures can be even more acute due to their isolation from the big city and the relative reduction in services and support that can be expected from being near a major hospital. Our six regional local health networks cover an incredible 99.8 per cent of our state and almost one million square kilometres. The positive and lasting impacts of our nurses in the regions make a real difference to their local communities and the 20 per cent of us who live outside the Greater Adelaide metropolitan area.

Thank you to every South Australian nurse and midwife for your unwavering dedication and the care that you provide us day in and day out. You are all angels in blue scrubs. Happy International Nurses Day. I commend the motion to the chamber.

**The Hon. R.B. MARTIN (17:28):** I would like to thank for their contributions the Hon. Ms Pnevmatikos and the Hon. Mr Simms and give a particular thanks to the Hon. Connie Bonaros and the Hon. Ben Hood for their personal stories and contributions in their speeches. I think it goes to show that the profession of nursing touches all of us at many stages throughout our lives at both the good moments and also the troubled moments. The nurses are always there to comfort us and provide support. It is a very noble profession and it does form the backbone, as it was said, of our health community.

We are very fortunate that the skills that nurses bring also are transferable to other areas of our state. I really got to learn that when I met the member for Hurtle Vale from the other place, the Hon. Nat Cook, when I was able to run her campaign to become a member of parliament. She is a very high-quality person with so many skills. I talked to her about her experiences. Paraphrasing her, she said to me, 'Nurses do an amazing job, but they also can make an amazing contribution later in life because of the skills they learned through nursing.'

They work in very stressful environments. They are asked to make snap decisions based on limited information, and they do that really well. They are there to provide comfort to patients, support to patients, but also stern words to patients when they need those stern words. The other thing that I hope she does not mind me saying was that they are also dealing with some pretty big egos of some of the doctors, and that takes a bit of management as well. So she was a perfect candidate to come into politics to help manage some of the perceived egos that could be in the other chamber, of course, but not this humble chamber of servants. Once again, I thank all the contributions by members and I commend the motion.

Motion carried.

### WORLD PRESS FREEDOM DAY

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Recognises that 3 May 2023 marks 30 years of World Press Freedom Day, celebrating the importance of freedom of the press and freedom of expression;
2. Notes that UNESCO has designated this year's theme is 'Shaping a Future of Rights: Freedom of Expression as a driver for all other human rights.';
3. Acknowledges that an independent press and a media-literate public is vital in tackling corruption, abuse of power, disinformation, hate speech, censorship of opinion, exposing human rights violations and poor transparency and accountability and advancing democracy;
4. Recognises that journalists across the world continue to face threats to their safety and liberty in order to silence their reporting;
5. Pays tribute to journalists killed in the line of their reporting duty;
6. Notes that a record number of journalists, including Australians Julian Assange and Cheng Lei, and Evan Gershkovich of the Wall Street Journal, are currently detained while dozens more are being held hostage;
7. Calls on Australians to unite to demand the UK government and the US government cease their persecution of Julian Assange and release him from Belmarsh Prison; and
8. Urges the Australian Prime Minister, the Hon. Anthony Albanese, and Foreign Minister, the Hon. Penny Wong, to work harder and request that Chinese President Xi Jinping intervenes to lift the detention of Cheng Lei.

(Continued from 17 May 2023.)

**The Hon. T.A. FRANKS (17:30):** I am pleased today to rise on this motion observing World Press Freedom Day. I rise to speak in support of this motion. In 1993, the UN General Assembly proclaimed 3 May as World Press Freedom Day. Throughout the past three decades, the celebrations of World Press Freedom Day have brought more attention to the importance of free expression and highlighted various aspects of press freedom. However, it is unfortunate that we are now witnessing a growing threat to media freedom, to journalists' safety and to the right to express oneself freely.

On 2 October 2018, Jamal Khashoggi, a US-based journalist and critic of Saudi Arabia's government, was murdered in the Saudi consulate in Istanbul. A prominent Saudi journalist, he covered major stories, including the Soviet invasion of Afghanistan and the rise of the late al-Qaeda leader Osama bin Laden for various Saudi news organisations.

For decades the 59 year old was close to the Saudi royal family and also served as an adviser to the government, but he fell out of favour and went into self-imposed exile in the US in 2017. From there he wrote a monthly column in *The Washington Post* in which he criticised the policies of Crown Prince Mohammed bin Salman, the son of King Salman and Saudi Arabia's de facto ruler. His last column, received the day after he went missing, was about the need for free expression, not just in Saudi Arabia but everywhere that authorities try to suppress and intimidate journalists. He called for, and I quote him:

...a modern version of the old transnational media so citizens can be appropriately informed about global events.

The threat to press freedom is a global problem and it is getting worse. According to data compiled by the Committee to Protect Journalists, 1,455 journalists have been killed around the world since 1992, 1,979 have been imprisoned and 69 have gone missing. Even as they attack reporters, many of these countries profess support for United Nations norms and offer pledges of human rights.

Australian commentators can be quick to point to China or Turkiye or anywhere else in the Middle East as regions that do not enjoy press freedom, but the sad reality is that right here at home we have our own significant attacks on press freedom to contend with. The Australian Federal Police admitted to illegally accessing journalist metadata.

A 2022 study by Deakin University found that recent legislative reforms of the data retention act 2015, the assistance and access act 2018, the international production orders act 2020 and the identify and disrupt act 2021 have cowed whistleblowers into silence. Journalists in this study were critical of the current journalist information warrant authorities must get before accessing their data. Many said they had no trust in the procedures used to attain the warrant or the protections it affords journalists.

Under the mask of criminal cybervilification, anti-terrorism, cybersecurity and so-called fake news laws, more than ever governments are stifling journalists and concealing inconvenient truths. Even more recently, in fact just in this last week, a UK journalist, Richard Felgate, has told how a police officer ripped off his press credentials and arrested him for covering climate activists who were protesting during the King's coronation.

In fact, I do not know that they were climate activists, although it says it here on my speech notes. I watched the video. I am pretty sure they were just protesting the coronation, but perhaps they had a climate message as well—it seems to be the flavour of the month right now or the flavour of today.

Felgate said he was detained at a police station for 18 hours—18 hours—after he was arrested on suspicion of conspiracy to commit public nuisance, a new offence brought in especially under that government's new draconian protest ban laws. With the new anti-protest laws that have been brought in, we are told that they are to stop disruption, but really on the ground they are used to stop people's freedom of speech and to infringe on freedom of the press. 'This is the third time I've been arrested for filming', said Felgate.

As a democratic society we have a responsibility to guard against the misuse of power through fundamental freedoms, including the freedom of speech and the freedom of the press. Julian Assange's case is also an example of the importance of protecting those kinds of freedoms. As the director of WikiLeaks, Assange exposed the war crimes of the United States to the world and he was charged with violating the Espionage Act. Julian has spent over three years now in maximum security in Belmarsh Prison in the UK and, if he is convicted, he could potentially spend the rest of his life in solitary confinement.

All the evidence indicates that his health has deteriorated from these years of arbitrary detention, and he has been forced to endure what many could not. The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment found:

In addition to physical ailments, Mr Assange showed all symptoms typical for prolonged exposure to psychological torture, including extreme stress, chronic anxiety and intense psychological trauma.

As WikiLeaks wrote in their statement responding to the extradition news, Julian Assange's freedom is coupled to all our freedoms. The Greens will always support a journalist's right to speak truth to power. Every threat to a journalist is a direct attack on freedom of information, opinion and expression—fundamental rights that belong to all. I would like to quote the United Nations High Commissioner for Human Rights:

The safety of journalists is not just a question of personal security, it is a question of the safety and health of entire societies. It is a moral imperative—for the future of all of us—that we do everything possible to protect it.

Fine words. I note that one of the other contributors, the Hon. Russell Wortley, noted a particular journalist of relevance to my life, Juanita Nielsen, who of course we know was murdered, whose body has never been found, who ran a little local paper in the area I grew up in. We all knew, we

were all chilled by the fact that, if you spoke up and spoke out, be it against developers or organised crime in the city of Sydney, you may find yourself just like Juanita Nielsen.

It is for people like Juanita Nielsen that we should use our positions to stand against injustice where it occurs. Unfortunately, on this day, I do not believe this parliament has done that and, while I look forward to an imminent debate on the right to protest, I note that human rights are universal and indivisible, and to lose one right means we lose all rights. With that, I commend the motion.

**The Hon. F. PANGALLO (17:38):** Thank you to members who contributed and were in praise of the work carried out by journalists in promoting free speech, transparency and accountability, not only in this country but also overseas. It is a profession that comes with risks. Journalists are killed, targeted for their reporting of corruption in government and human rights abuses and, as we know, can be jailed without charge.

I am disturbed at the direction democratic governments, which we expect to uphold free speech and a free press, are taking, as has been pointed out by the Hon. Tammy Franks. The UK has introduced laws that are being abused by their police to quell protesters having a say. It looks like we are getting them here. I note that the government and the opposition today came out with their sledgehammers to change the Summary Offences Act to include jail terms, higher fines and a cost recovery for protesters disturbing the peace following yesterday's extreme rebellion disturbance.

This kneejerk reaction today of rushed populist legislation in the other place, without proper discussion or engagement, really worries me, my colleague the Hon. Connie Bonaros, obviously the Greens—the other crossbenchers—and it should worry every civil libertarian. I will not be voting for it in this place unless I am convinced it will not impede basic human rights and a right to express freedom, which is what this motion is all about.

This is the beginning of the slippery slide into autocracy playing out, as in the UK where innocent bystanders and peaceful protesters at the King's coronation were rounded up and thrown in the nick, only to be released hours later with no charge. This is silencing dissenting voices. We do not want to see that happening here, but I fear we are heading that way, creating a scenario for violence on our streets when police intervene. What next? Tear gas? Rubber bullets? Water cannons?

I do not think the Premier and the opposition leader are old enough, or were even born, to remember the wild and woolly days of the Vietnam moratoriums on our city streets or confrontational Builders Labourers Federation strikes. As the Hon. Robert Simms so perfectly pointed out, the history of democracy is punctuated by the formidable will and persuasive voices of people power. This is free speech working.

Seriously, extreme rebellionistas are largely harmless, grey-haired old rebel hippies and boomers with a modernist cause to pursue: climate change activism. I also noticed our police commissioner felt the need to use salty language to vent his frustration about yesterday's events—understandable in a private setting, but the words used publicly were unnecessary and provocative, and not becoming of a public servant of his standing.

I do not recall the police commissioner going off his tree the same way when 5,000 Black Lives Matter protesters vowed to defy the COVID restrictions on public gatherings that he was responsible for a couple of years ago, nor did I detect outrage and/or police action after Indigenous protesters plastered parliament with red paint palm prints in a deliberate act of vandalism which cost taxpayers a hefty bill for the clean-up. Will they crack down on rowdy, disruptive union protests, or a mentally deranged person bringing the city to a standstill threatening to jump off a city building?

Police already have the powers to step in quickly and they should use them promptly, not allow the scenes to play out until everyone has had a gutful. Property damage: we have laws for that, too, already, so use them. Courts can impose maximum penalties, but they never do it for offences like this. They need to reflect public sentiment then. Yet, in an act of utter populism, the Premier and the opposition leader are appeasing the mob mentality, bleating on talkback radio and on online platforms by rushing through legislation without consultation or considering the unintended consequences. I want to go back to World Press Freedom Day and my motion.

**The PRESIDENT:** Thank you, the Hon. Mr Pangallo, that is good.

**The Hon. F. PANGALLO:** That is fine, Mr President. You can say that, but it is actually relevant to my motion.

**The PRESIDENT:** No.

**The Hon. F. PANGALLO:** Well, it is.

**The PRESIDENT:** Well, I will say it is not, okay? So please conclude. Please continue.

**The Hon. F. PANGALLO:** Obviously, I will not be supporting any of the amendments if they are passed. I will be opposing my own motion in that regard. It is disingenuous of members in this place to talk up press freedom yet conveniently sidestep the elephants in the room, which are the very shining symbols today of the abuse of a free press, namely Australian journalist Julian Assange, Chinese Australian journalist Cheng Lei, and Palestinian Al Jazeera correspondent Shireen Abu Akleh, who was murdered a year ago last week by an Israeli soldier sniper. Nobody has mentioned those heinous crimes against free speech and a free press.

I just want to say that the truth is that the relationship between journalists and politicians of any persuasion has always been frosty at best—they only just tolerate each other. I will point out that Mr Assange's wife will be speaking at the National Press Club on Monday, so please tune in. There will also be a rally in Sydney on Wednesday.

I wish to finish with a Latin credo that we should all aspire to: in veritate victoria (victory in truth).

**The PRESIDENT:** I am going to put the Hon. Ms Pnevmatikos's amendments first. The first amendment is that paragraph 6, proposed to be struck out by the Hon. Pnevmatikos, stand as part of the motion.

The council divided on the question:

Ayes .....4  
Noes.....14  
Majority .....10

AYES

Bonaros, C.  
Simms, R.A.

Franks, T.A.

Pangallo, F. (teller)

NOES

Bourke, E.S.  
Hanson, J.E.  
Hood, D.G.E.  
Martin, R.B.  
Scriven, C.M.

Centofanti, N.J.  
Henderson, L.A.  
Lee, J.S.  
Ngo, T.T.  
Wortley, R.P.

Girolamo, H.M.  
Hood, B.R.  
Maher, K.J.  
Pnevmatikos, I. (teller)

Question thus resolved in the negative.

**The PRESIDENT:** The question now is that new paragraph 6, as proposed to be inserted by the Hon. Ms Pnevmatikos, be so inserted.

The council divided on the question:

Ayes .....14  
Noes.....4  
Majority .....10

AYES

Bourke, E.S.

Centofanti, N.J.

Girolamo, H.M.



Hanson, J.E.  
Hood, D.G.E.  
Martin, R.B.  
Scriven, C.M.

Henderson, L.A.  
Lee, J.S.  
Ngo, T.T.  
Wortley, R.P.

Hood, B.R.  
Maher, K.J.  
Pnevmatikos, I. (teller)

#### NOES

Bonaros, C.  
Simms, R.A.

Franks, T.A.

Pangallo, F. (teller)

Question thus agreed to.

**The PRESIDENT:** The next question is that paragraph 7, as proposed to be struck out by the Hon. Ms Pnevmatikos, stand as part of the motion.

Question resolved in the negative.

**The PRESIDENT:** The next question is that new paragraph 7, as proposed to be inserted by the Hon. Ms Pnevmatikos, be so inserted.

Question agreed to.

**The PRESIDENT:** The next question is that paragraph 8, as proposed to be struck out by the Hon. Ms Pnevmatikos, stand as part of the motion.

Question resolved in the negative; motion as amended carried.

#### *Bills*

### **SUMMARY OFFENCES (OBSTRUCTION OF PUBLIC PLACES) AMENDMENT BILL**

#### *Introduction and First Reading*

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

#### *Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:56):** I move:

That this bill be now read a second time.

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

**The PRESIDENT:** Is leave granted?

**The Hon. T.A. FRANKS:** No, leave is not granted.

**The PRESIDENT:** Leave is not granted. Minister, you are going to have to read it.

**The Hon. K.J. MAHER:** The bill I introduce today is the Summary Offences (Obstruction of Public Places) Amendment Bill 2023. The bill amends the obstruction offence in section 58 of the Summary Offences Act 1953. The current offence provides that a person who wilfully obstructs the free passage of a public place is guilty of an offence. The current penalty is a fine of \$750.

In recent times, there has been an increase in these types of protest activities about various issues that have caused disruption for the general public and in such a way that severely hampers the conduct of South Australians. Irrespective of the causes that the protest is aimed at, the way that protests are conducted puts the protesters' safety and the safety of the public at risk and means our emergency service personnel can be tied up dealing with these persons who often choose to put themselves at risk.

Because of increases in these types of actions, the adequacy of the current obstruction offence has been examined and it is clear that improvements can be made to make the offence more effective in being able to be used to deal with the type of conduct we are seeing.

The bill I introduce today makes changes to that obstruction offence. It increases the penalty of the offence to a maximum fine of \$50,000 or imprisonment for three months. This provides a strong deterrent for those who are considering engaging in that type of dangerous conduct. There is a range of fines that a court can impose, including much larger fines.

The bill inserts provisions that will allow the prosecution to apply to the court for an order that the defendant pay the reasonable costs and expenses of the emergency services that were required to deal with the conduct. This provides a strong financial disincentive to those persons who might be considering engaging in this type of conduct. I commend the bill to the chamber.

Explanation of Clauses:

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of Summary Offences Act 1953

2—Amendment of section 58—Obstruction of public places

This clause amends section 58 to provide for reckless conduct, to make it clearer that conduct may be captured by the offence even if it only indirectly causes obstruction of the public place, to increase the penalty for the offence and to provide a mechanism for recovery of costs of police and other emergency services required to deal with the obstruction.

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

*Parliamentary Procedure*

## VISITORS

**The PRESIDENT:** Before I read my next message, can I please acknowledge in the gallery Mr Johnathan Davis MLA, who is here visiting from Canberra.

*Bills*

## TOBACCO AND E-CIGARETTE PRODUCTS (TOBACCO PRODUCT PROHIBITIONS) AMENDMENT BILL

*Final Stages*

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

No. 1. New clause, page 2, after line 5—Insert:

1A—Commencement

This Act comes into operation on a day to be fixed by proclamation.

No. 2. Clause 2, page 2, lines 9 to 14 [clause 2(1)]—Delete subclause (1) and substitute:

(1) Section 4(1), definition of *health warning*—delete the definition

(1a) Section 4(1)—after the definition of *premises* insert:

*prescribed packaging requirements* means—

- (a) the requirements for the retail packaging and appearance of tobacco products in the *Tobacco Plain Packaging Act 2011* of the Commonwealth; and
- (b) the provisions of the *Competition and Consumer (Tobacco) Information Standard* made under the *Competition and Consumer Act 2010* of the Commonwealth prescribed by the regulations for the purposes of this definition; and
- (c) any other requirements prescribed by the regulations;

No. 3. Clause 3, page 2, line 18 to page 3, line 2 [clause 3(1)]—Delete subclause (1) and substitute:

- (1) Section 30(1)(b) to (d) (inclusive)-delete paragraphs (b) to (d) (inclusive) and substitute:
  - (b) a person must not sell a tobacco product unless it is enclosed in a package that complies with the prescribed packaging requirements;

No. 4. Clause 3, page 3, after line 6—Insert:

- (4) Section 30-after subsection (1) insert:
  - (1a) In subsection (1)(b), a reference to a tobacco product enclosed in a package includes a tobacco product that is enclosed in 2 or more packages.

No. 5. Clause 4, page 3, lines 9 to 20 [clause 4, inserted section 31]—Delete the section and substitute:

31—Requirements for packaging tobacco products

A person must not package tobacco products for retail sale in a manner that the person knows or ought reasonably to know does not comply with the prescribed packaging requirements.

Maximum penalty: \$50,000.

No. 6. Clause 4, page 3, lines 28 to 29 [clause 4, inserted section 32(c)]—Delete paragraph (c)

No. 7. Clause 4, page 4, lines 1 and 2 [clause 4, inserted section 33(2), definition of *prescribed tobacco product*, (b)]—

Delete 'requirements of the *Tobacco Plain Packaging Act 2011* of the Commonwealth' and substitute 'prescribed packaging requirements'

No. 8. Clause 4, page 4, after line 2—Insert:

- (3) In proceedings for an offence against subsection (1), if it is proved that the defendant had possession of a prescribed quantity of prescribed tobacco products, it is presumed, in the absence of proof to the contrary, that the defendant had possession of the prescribed tobacco products for the purposes of sale.

Consideration in committee.

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

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

For the benefit of members, given that these have just been circulated, these are amendments that were the subject of negotiation with the government. Members will recall that when we introduced the bill we did indicate that there may need to be amendments. It was a skeleton; it was a concept. The government went away and consulted with the Crown and its department to make sure that what we ultimately agreed to in this place could actually be implemented and effective and so the purpose of these amendments as a package is to actually ensure that the bill does operate as we intended in the first place.

Motion carried.

At 18:02 the council adjourned until Tuesday 30 May 2023 at 14:15.