LEGISLATIVE COUNCIL

Tuesday, 30 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.

Bills

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (FEES) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

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

Assent

His Excellency the Governor's Deputy assented to the bill.

Condolence

EVANS, DR A.L.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:20): By leave, I move:

That the Legislative Council expresses its deep regret at the recent death of Dr Andrew Lee Evans OAM, former member of the Legislative Council, and places on record its appreciation of his distinguished public service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

In speaking to the motion, Dr Andrew Lee Evans was born on 17 June 1935 in India to parents Tom and Stella, who were working there as missionaries at the time. He lived there for the first 11 years of his life before returning to South Australia to complete primary school at Wallaroo Primary School and then moving on to Woodville High School, which he attended until leaving school to undertake a carpentry apprenticeship.

Whilst an apprentice, Dr Evans joined his union. This experience provided him with a great respect for the union movement, as he outlined in his first speech to this place. Dr Evans made the decision to attend night school and to complete the equivalent of his high schooling and, upon completion, joined the commonwealth Public Service, where I am informed he thought he would work until retirement.

Instead, in his early adulthood, Dr Evans followed his life calling and went to Brisbane to study Christian Ministry at the Assemblies of God Commonwealth Bible College. There, he graduated with a Diploma in Theology before being ordained to the ministry in 1963. Dr Evans served seven years as a missionary in the remote East Sepik province of Papua New Guinea. He started a number of literacy schools in the area, as well as parental clinics.

Upon his return to Australia, Dr Evans served as senior pastor of what was then the Klemzig Assembly of God church. The church grew exponentially under his leadership, prompting the church to move from Klemzig to a purpose-built venue in Paradise with a capacity of some 3½ thousand people. His leadership was recognised in 1977 when he was appointed as Australia's national Superintendent of the Assemblies of God ministry.

Dr Evans retired from Paradise Community Church in the year 2000 and, despite having many lifetimes of community service under his belt already at that point, his next chapter of public service was about to begin. Dr Evans founded the Family First Party in 2001 and was elected to this

place at the 2002 election. During his time here, he advocated for better education and health care, to give a voice to victims of child sexual abuse, and for many other groups in society.

In 2003, he was awarded an Order of Australia Medal for his services to the church. Dr Evans retired from politics (from this place) in 2008. The Family First Party has since given a platform to several members in this chamber. The party gave rise to the political career of the Hon. Dennis Hood, who sits opposite the government today, and rebirthed the career of the Hon. Robert Brokenshire, who once sat as a Liberal member in the other place. The contributions of these individuals to public life all form part of Dr Evans' considerable legacy.

Dr Evans sadly lost his wife, Lorraine, to cancer in 2011, after many decades of marriage. He then married Del in 2013. Dr Evans also leaves behind two children and five grandchildren. Whilst we, on a number of issues, sat on the opposite side of the political spectrum, Dr Evans is owed a great deal of respect for his many years of service to the public and his firm commitment to the values that he held dear. On behalf of the government, I extend my sympathies to his family, who will, I am sure, be remembering a life well lived. I commend the motion to the council.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): The Hon. Dr Pastor Andrew Lee Evans MLC is indeed worthy of the motion put forward by my honourable colleague the Attorney-General. Let me begin by expressing, on behalf of my team, condolences to Pastor Andrew's family. To his children, Ashleigh and Russell, his grandchildren and to his wife, Del, you have the warmest sympathies from the Liberal Party of South Australia.

Born in the Poona District of India to missionary parents in 1935, Pastor Andrew lived his life with mission and purpose. Richard Nixon was once told by his spiritual adviser, 'How little the mightiest of us can hope to accomplish and how much we have to leave to God.' He was attempting to aphorise a lesson from Rabbi Tarfon, a first-century sage from Judea, who taught, 'Do not flinch from a task which by its nature can never be complete.'

Pastor Andrew understood well that his work would never be finished. There would be no tick of the box, no mission complete, and yet he persisted with diligence and perseverance. He had an unshakable faith in the Bible and it would be his guide for life. As a co-founder of the Family First party, he sought to return the family to the centre of public policy. While he endeavoured to affirm the values of a Judeo-Christian informed moral compass, Pastor Andrew recognised that many faith groups shared similar values and concerns that much of modern politics attempts to pull us away from our democratic equity.

He also understood that every Australian, religious or not, has a right to our basic democratic freedoms. I personally share his beliefs that healthy families make for healthy communities. To paraphrase Pastor Andrew, he believed that when families do well, individuals thrive and society thrives. He had strong stances on child protection and tough prosecution of offenders, on advocating that homeless shelters are connected to secure housing services and programs, on a school curriculum based on reading, writing and arithmetic, and to resourcing our palliative care programs. These issues are continuous, and I repeat, 'Do not flinch from a task which by its nature can never be complete.' Society will always need strong voices like those of Pastor Andrew.

Pastor Andrew graduated from the California Graduate School of Theology in 1981 and later, in 1994, was awarded a Doctor of Ministries from the School of Theology, also in California. Pastor Andrew was awarded the Order of Australia Medal in January 2003 for his service to the Christian church and for further services to the community through welfare services, teaching, training and leadership of not-for-profit organisations. His colleagues and peers often noted that he worked beyond the call of duty, consistently giving his all to build a strong social fabric with families at the core.

I believe one of his greatest achievements was starting a new political party from scratch, in his lounge room, with, again, the tenacity and perseverance for which he was renowned. He was the co-founder of the Family First Party, an elected member of the Legislative Council of South Australia from 2002 until 2008. The bulk of his efforts was investigating, critiquing, and pulling apart legislation that he believed posed a detriment to South Australians.

Pastor Andrew believed his job was to defend families from legislation that eroded our society's culture, values and freedoms. He believed, as I do, that institutions established by faith should be able to hire people of that faith. He believed, as I do, that families are core and the family unit must be protected, and he believed, as I do, that we are stewards of the world and should protect our lands and waters. Pastor Andrew was a man of conviction, a man of principle, and one who did not flinch from a task no matter how enduring. I am honoured that the South Australian Liberal Party has been a stable for his protégé, my friend and colleague, the Hon. Dennis Hood MLC.

I, along with my colleagues, acknowledge the great loss Pastor Andrew's passing brings to the Australian Christian Churches (ACC) movement. His 30 years of continuous ministry and leadership at the Paradise Community Church led to the largest gathering of faith in Adelaide. Our spiritual landscape has been made forever stronger by his work, both locally and apostolically, throughout South Australia.

I will be proud to vote in support of the motion of condolence for the Hon. Andrew Evans MLC, known as Pastor Andrew to thousands. I finish with a verse from the Bible, John, chapter 14, verse 27:

> Peace I leave with you; my peace I give to you. Not as the world gives do I give to you. Let not your hearts be troubled, neither let them be afraid.

The Hon. D.G.E. HOOD (14:29): I rise to support the motion and I start by thanking the Leader of the Government and the Leader of the Opposition for their excellent contributions regarding my dear friend Andrew, who I will very sorely miss. My contribution will focus more on my relationship with him and maybe a few anecdotes that people would not be aware of in this chamber, rather than the achievements of his life, although there were many, because, as I expected, the Leader of the Government and the Leader of the Opposition have done a pretty good job of outlining those. There will be a little bit of repeating, so forgive me for that.

As was said, he was born in India, which is unique in itself for an Australian parliamentarian, in a place called Kirkee in the Poona district in India and he was born into what we would consider today almost abject poverty. His parents were Christian missionaries, as was indicated by one of the previous speakers, and they literally lived hand to mouth. They did not have an income of sorts. They farmed their own food, as such, and relied on the generosity of the churches around them.

Because of that, his upbringing was what we would consider very simple today. He went to eight different schools in two countries over his life. Not many kids could say that today. I was the son of a military man. When I tallied it up, I went to six different schools in one country, so eight different schools in two countries is significant as well.

As the Leader of the Government said, he came back to South Australia to do year 7 at Wallaroo Primary School, which is true, but I think the significant thing is that his parents returned to India to continue their missionary work and he was left here in care. It is a very significant thing to leave one's own children at that tender age. He went on to go to Woodville High School, a local school that has become quite a famous school. Some other members of this place went to Woodville High School. I think the picture that should be painted is that these were public schools. There was certainly no wealth in this family. It was a very humble beginning.

As I think the Leader of the Government said, he started an apprenticeship as a carpenter. He said, 'If Jesus was a carpenter, it is good enough for me.' He was always talking about his carpentry skills, sometimes even as I sat in that chair over there in this chamber. Then he went on to a significant thing, as I think the Leader of the Government said: he went to work in the commonwealth Public Service, and he genuinely did expect that was going to be his career forever. He said he had a good job for life and that is what he was going to do with it. He had no inclination that he would work in the church or found a church at all. In fact, I think he even said to me that because of his experiences growing up that was something furthest from his mind at this relatively young age.

But something changed in the early fifties and that was that he joined the Salvation Army—quite by accident. He befriended somebody who was a part of the Salvation Army, and he started going along to their social groups and youth groups. He was of that age, and it was not uncommon at that time for people to be involved in a church social group. He became absorbed with it and said

it was really just for the friendships. If you think about it, he was away from his family, so it was a really good way for him to engage with people and to have people around him, and he loved it.

He turned to music. He started learning several different instruments and would call them the Oompa-Loompas as they would pound along, playing their Salvation Army band music. He learnt a whole lot of instruments and was actually quite gifted musically, which some people may not know. Later in that decade, his faith started taking on more seriousness and in 1957 he made what he considered a decision to commit to the Christian faith, which in itself is unique because of course he was brought up in that environment and, in his own words, had not really committed in a formal way or deeply, if you like, until then.

He then went to theological college, as the Leader of the Government mentioned, in Queensland. It was during that time that he began to question his faith and people may be surprised to hear that. He began to question the legitimacy of his faith. I remember having this conversation with him. He decided to look at it from a purely factual point of view: what can he learn about this faith compared to other faiths? How can he compare them to determine which one he believed to be the right one, as I do? He firmly centred on Christianity, as his life clearly shows, but I think it is important to acknowledge that there was a period of questioning for him and, rather than spiritual matters, he turned to matters of fact that he could ascertain were true.

It was then that he really decided that he was going to work in the church, become a pastor and build a church, so he tried that. As I said, he went to college in Queensland. He started a small church in Brisbane, and it was moderately successful. He was enjoying the work, but life was not changing, and then he felt a sense to move to Adelaide. He could not really explain it. He would describe it as a call, if you like, and he moved to Adelaide and lived at Elizabeth.

He would have been in his—I hope I get this right—late 20s-ish at this stage. I am piecing this together from stories he told me over many years. He started a church there that just a handful of people attended—literally half a dozen or so people. In fact, he said on some Sundays it was him and Lorraine, his wife, so it was not exactly changing the world.

He thought he had to get more people in there—otherwise, he would not have anything to do on a Sunday—so he went around doorknocking in his neighbourhood. He produced some little flyers and put them in letterboxes and just went around doorknocking, saying, 'Look, I run a church down the road. We would love you to come. If you're free, please do.' He figured if he knocked on enough doors there would be enough people who said yes, and eventually they did. That church grew to have a couple of hundred people, I understand, over a few years. It was a method that worked, but still on a relatively small scale.

Then there was a sense, as I think the Leader of the Opposition mentioned or maybe the Leader of the Government, that he had work to do in Papua New Guinea, so he did that. He took his wife, Lorraine, and himself over to Papua New Guinea where, again, they lived in very difficult circumstances. It was very remote, actually, this particular region of Papua New Guinea.

When he got there he realised pretty quickly that none of the people, or almost none of them, could read or write their own language, let alone English, so he decided to teach them. He had to learn those skills himself, get the people in to help, and they did. So he would have a class of 100 at a time, in each class, trying to learn how to read. That in itself would be incredibly difficult, you would imagine, but they persisted with that for a number of years and literacy rates in the area exploded. All of a sudden people could read and write in that area, almost solely because of the work that he and his small group were doing, again just living off small donations and in very humble circumstances.

In fact, so successful was that episode in Papua New Guinea that the Papua New Guinean government at that time formally accredited him to run a full primary school there, which they did, and for the first time ever, I am informed, kids in that region could go to school. That, in itself, I think, is a significant achievement and it really has changed that region, as I understand it. That school, I understand, was very successful and was able to teach so many people how to read and write and all of the other things that we learn at school.

After a while of living in those difficult circumstances—I am not sure how many years it was, to be honest, but let's say it was about half a dozen or so—things were getting hard. They were living in very basic circumstances and things were hard. Distance was a problem, of course, and then one night a very significant event took place. Lorraine, who was really struggling with the circumstances they were in, woke up one night—they lived in a hut with open rafters—and a huge snake was wrapped around the rafter directly above her bed. Andrew described it to me: the snake would have been as big as your thigh. It was a huge snake wrapped around the rafters.

Lorraine had had enough. She wanted to come back home to Australia and settle down—which does not sound unreasonable, does it?—where they could raise their boys, Ashley and Russell. That is exactly what they did. They came back to Australia. Andrew got a job with what was then Klemzig AOG, which I think the Leader of the Government and the Leader of the Opposition mentioned. At that stage, there was a church of about 200 people, and he said, 'I was incredibly successful, because I turned that 200 people into 150 after the first 12 months.'

It was not good at all, and he started questioning if he was really doing the right thing with his life. He said to me, 'I learnt a couple of things, and one of them was the value of persistence.' So he persisted. He just persisted. He got together with people; they prayed. They knocked on more doors, just like he did in Elizabeth. They just made themselves available.

Andrew's carpentry skills came in handy. He told me a story of how he was walking past a fence in that area in Klemzig that was decrepit and needed repair, and he knocked on the door and said to the lady in the house, 'I'm happy to help. Can I help fix your fence?' She could not believe it. She said, 'Sure, please fix my fence.' She became a member of that church as a result of Andrew's generosity.

That is really what he did; it was as simple as that. Then that church exploded. I have some numbers here. Just through his acts of generosity and loving his community, if I can put it that way, the numbers went from about 150 , which he had got it down to, to about 700 people within about 18 months. Then they were having four services every Sunday with about 700 people attending. So it was really exploding.

They did not have the room for them. They simply did not have the room, and there was pressure on them to find a place for them all to go on Sundays and worship, so they built the Paradise Assemblies of God out at Paradise that I think most of us would know. At that time, that particular building was the biggest single auditorium in South Australia.

The Entertainment Centre did not exist at that stage, so until the Entertainment Centre was built and opened it was the Paradise Assemblies of God church—as it was then known—that was the single biggest auditorium in South Australia. I think it seated about 3½ thousand people but, again, there were multiple services so that you would get many more thousands than that there every single Sunday.

There were other things that people would not know about Andrew. He was also appointed to the world executive of the Pentecostal movement, which is a group of about 500 million people, the second biggest Christian denomination in the world after Catholicism, which has about a billion or so. He was on the board of that 500 million representative group, which is in itself very significant.

It just went from strength to strength. He was invited to speak all over the world and he accepted invitations but, in the end, he said to me, 'I decided not to travel the world and speak', because really he felt that his responsibility was his home church, so he spent much more time there than he did anywhere else. I could talk forever about his church life, but I need to get onto the other stuff otherwise I will be here all day and I do not want to do that.

As was said, he was first elected to this place in 2002 on about 4 per cent of the vote. It was a bit marginal but enough to get elected. It was a complete what he would call 'faith step', in that he did not really know anything about politics. He used to tell me, 'I didn't know anything about politics. I didn't know anything about preferencing. I didn't know how to raise any money. I didn't understand the parliament.' He really did not know what he was doing but he felt a real drive to do it.

In that first election, Family First ran four Legislative Council candidates and 27 House of Assembly candidates and, by what is almost a miracle, Andrew was elected that very first time on

just 4 per cent. Of course, I was fortunate enough to be elected myself, very much following in his footsteps and in the shadow that he cast—the very large shadow that he cast—in 2006. I would say that if it was not for the wonderful generosity of Andrew and his time and care for me that there is no way I would have been in this place. I owe anything that I am to his great generosity and his care for me over those years.

What did he do when he was in this place? I think the Leader of the Government and the Leader of the Opposition have done a good job of outlining that, so I will not dwell on that for very long, but I think it is worth highlighting that he was responsible for moving an amendment to the Criminal Law Consolidation Act which removed the statute of limitations on sexual offences prior to 1982. If you had committed a sexual offence prior to 1982—we had what I think is a ridiculous law—that could not be prosecuted.

Andrew, of course, as a pastor had been involved in counselling people for many years and one of his absolute frustrations was that when he would get a victim in front of him who was saying this is what happened and they had the details to prove it, there was nothing the police could do if it had happened before 1982. So he decided to amend that here. I think to all members' credit at that time the bill passed with unanimous support in the Legislative Council. Indeed, credit to the government of the day as well and the opposition because it passed unanimously in the lower house as well.

I think that is a fine achievement. Many of us will be in this place for many years and never be able to point to an achievement as significant as that. Andrew set up the select committee to examine the status of fatherhood because, again, he saw that as something important: the changing nature of fatherhood in our community. I think as both the opposition leader and the Leader of the Government said, he was awarded an OAM on Australia Day in 2003.

This is a man of achievement, of generosity, but of absolute humility. He was one of the single most humble people I have ever known, which is extraordinary given his achievements. It is unusual to have somebody who is successful in two fields in their life. Often my observation is that it happens, but it is unusual. My observation is that usually people are successful in one field, not often are they successful in two, and yet Andrew was obviously very successful at growing churches—internationally so—but also he started a political party. I do not think anyone else in this room can say that they have started a political party. I am just looking around to make sure, and I am sure of that.

We have all made contributions to our parties, of course, but he started one with Ashley, from scratch, and that in itself is significant, and achieved what Family First set out to achieve: to actually get people elected to parliament. He was also a great husband and father and a loyal and generous friend. He always was a terrific friend. I remember we would drive around during the lead-up to the 2006 election when we were trying to get me elected to the Legislative Council. We would drive all day and all night and if they had an opening of an envelope we would be there. Any possible place they would let us speak we would go there and speak.

They would always let Andrew, but, 'Who's this other bloke with him? I don't know, do we want him or not?', but Andrew would always find a way to make it happen. He would always say to me, 'Dennis, never forget, we've got opponents, we haven't got enemies.' That is something that always stuck with me—his love for people, his real generosity towards people, even when they had absolutely firm disagreements on things.

As I bring this motion to a close, just a few closing thoughts: one thing I will always remember from Greek literature when I was younger was that the Greeks had a very interesting way of judging the life of a man or woman. They would not say, 'How much money did they have?', or, 'How many children did they have?', or, 'What achievements did they make in their life?' They would simply ask one question: did they live with passion? Andrew Evans lived with phenomenal passion; he was passionate about everything he did and never stopped trying and working as hard as he could to achieve what he believed were important objectives for his entire life, and that is admirable in itself. He had an absolute exuding passion, and that was demonstrated in everything he did.

I am so grateful for everything he did for me: he was a mentor, he was a friend, and I will really sadly miss him very much, as I know so many people will. I offer my sincere condolences to

his wife, Del, Ashley and Jane, Russell and Samantha, Mark and Lauren, Nathan and Chloe and Benjamin. There are others of course, but I would be here all day.

Just a final thought: the Christian doctrine teaches that no-one is good enough to enter heaven—no-one at all—but we get there by grace. I think Andrew would push that envelope. He was almost good enough in many people's eyes, certainly in my eyes. If I remember him, I remember him as someone who was very kind, very honest and absolutely decent, and my final words to him would be, 'Well done good and faithful servant.'

Motion carried by members standing in their places in silence.

Sitting suspended from 14:47 to 15:00

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Report of the Auditor General—Report 3 of 2023, Gambling harm minimisation
Report of the Auditor General—Report 4 of 2023, Management of Community Wastewater Management Systems

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

Capital City Committee—Report, 2020-21
Reports 2022—
- Department for Education
- SACE Board of South Australia

Fee Notices Under Acts—
- Aboriginal Heritage Act 1988
- Animal Welfare Act 1985
- Associations Incorporation Act 1985
- Authorised Betting Operations Act 2000
- Botanic Gardens and State Herbarium Act 1978
- Building Work Contractors Act 1995
- Community Titles Act 1996
- Controlled Substances Act 1984—Pesticides
- Controlled Substances Act 1984—Poppy Cultivation
- Conveyancers Act 1994
- Crown Land Management Act 2009
- Fines Enforcement and Debt Recovery Act 2017
- Food Act 2001
- Gaming Machines Act 1992
- Heritage Places Act 1993
- Historic Shipwrecks Act 1981
- Labour Hire Licensing Act 2017
- Land Agents Act 1994
- Land and Business (Sale and Conveyancing) Act 1994
- Landscape South Australia Act 2019
- Land Tax Act 1936
- Liquor Licensing Act 1997
- Marine Parks Act 2007
- National Parks and Wildlife Act 1972—
  - Hunting
  - Lease Fees
  - Protected Animals—Marine Mammals
  - Wildlife
- Native Vegetation Act 1991

Pastoral Land Management and Conservation Act 1989
Petroleum Products Regulation Act 1995
Plumbers, Gas Fitters and Electricians Act 1995
Radiation Protection and Control Act 2021
Retirement Villages Act 2016
SACE Board of South Australia Act 1983
Second-hand Vehicle Dealers Act 1995
Security and Investigation Industry Act 1995
South Australian Public Health Act 2011
Strata Titles Act 1988
Tobacco and E-Cigarette Products Act 1997
Water Industry Act 2012

Regulations under Acts—
Environment Protection Act 1993—Fees
Fines Enforcement and Debt Recovery Act 2017—Prescribed amounts
National Parks and Wildlife Act 1972—National Parks—Palaeontological and Geological Sites

Investigation and Review of the Construction Industry Training Fund Act 1993 Final Report April 2023

Remuneration Tribunal Report and Determination Correction No. 2 of 2023—Overseas Accommodation and Daily Allowance International Bar Association Annual Conference—Justice Livesey

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

Fee Notices Under Acts—
Administration and Probate Act 1919
Aged and Infirm Persons' Property Act 1940
Burial and Cremation Act 2013
Co-operatives National Law (South Australia) Act 2013
Coroners Act 2003
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007
District Court Act 1991
Environment, Resources and Development Court Act 1993
Evidence Act 1929
Freedom of Information Act 1991
Gaming Offences Act 1936
Guardianship and Administration Act 1993
Magistrates Court Act 1991
Partnership Act 1891
Public Trustee Act 1995
Relationships Register Act 2016
Sherriff's Act 1978
South Australian Civil and Administrative Tribunal Act 2013
State Records Act 1997
Summary Offences Act 1953
Supreme Court Act 1935
Youth Court Act 1993

Regulations under Acts—
Expiation of Offences Act 1996—Fees
Victims of Crime Act 2001—Fund and Levy

By the Minister for Industrial Relations and Public Sector (Hon. K.J. Maher)—

Fee Notices Under Acts—
Dangerous Substances Act 1979
Dangerous Substances Act 1979—Dangerous Goods Transport
Employment Agents Registration Act 1993

Explosives Act 1936
Fair Work Act 1994
Work Health and Safety Act 2012
Regulations under Acts—
Work Health and Safety Act 2012—Prescription of Fee

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

SA Local Government Grants Commission, Report—2020-21
District Council By-laws—
Franklin Harbour—
No. 2—Local Government Land
Fee Notices Under Acts—
Adoption Act 1988
Child Safety (Prohibited Persons) Act 2016
Disability Inclusion Act 2018
Fire and Emergency Services Act 2005
Firearms Act 2015
Fisheries Management Act 2007
Heavy Vehicle National Law (South Australia) Act 2013
Housing Improvement Act 2016
Hydroponics Industry Control Act 2009
Industrial Hemp Act 2017
Livestock Act 1997
Mining Act 1971
Motor Vehicles Act 1959
Opal Mining Act 1995
Passenger Transport Act 1994
Petroleum and Geothermal Energy Act 2000
Planning, Development and Infrastructure Act 2016
Plant Health Act 2009
Police Act 1998
Primary Produce (Food Safety Schemes) Act 2004—
Egg
Meat
Plant Products
Seafood
Real Property Act 1886
Registration of Deeds Act 1935
Roads (Opening and Closing) Act 1991
Supported Residential Facilities Act 1992
Valuation of Land Act 1971
Worker's Liens Act 1893
Regulations under Acts—
Harbors and Navigation Act 1993—Fees
Heavy Vehicle National Law (South Australia) Act 2013—Expiation Fees
Major Events Act 2013—FIFA Women's World Cup 2023
Mining Act 1971—Rental Fees
Motor Vehicles Act 1959—
Expiation Fees
Fees
National Heavy Vehicles Registration Fees
Planning, Development and Infrastructure Act 2016—
Accredited Professionals—Miscellaneous
General—Miscellaneous
Private Parking Areas Act 1986—Expiation Fees
Road Traffic Act 1961—

Expiation Fees
Miscellaneous—
Fees
Photographic Detection Devices

By the Minister for Forest Industries (Hon. C.M. Scriven)—

Fee Notices Under Acts—
Forestry Act 1950

Petitions

OBSTRUCTION OF PUBLIC PLACES BILL

The Hon. R.A. SIMMS: Presented a petition signed by 402 residents of South Australia, concerning the Summary Offences (Obstruction of Public Places) Amendment Bill which will increase the maximum penalty for obstructing a public place from $750 to $50,000, or three months prison.

The Petitioners request that this Honourable House will oppose this Bill.

Parliamentary Procedure

ANSWERS TABLED

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

Ministerial Statement

DEEPER MAINTENANCE AND MODIFICATION FACILITY PROJECT

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:08): I table a copy of a ministerial statement made in the other place by the Minister for Housing and Urban Development.

Question Time

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development on sheep and goat EID.

Leave granted.

The Hon. N.J. CENTOFANTI: In the *Stock Journal* last week, Livestock SA CEO Travis Tobin said that the federal government's contribution was nowhere near enough for the rollout of electronic IDs and that the government had a responsibility to ensure their decision, made in September last year, was effectively implemented. My question to the minister is: does she agree with these comments made by Livestock SA's CEO?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I thank the honourable member for her question. I have been meeting regularly with various stakeholders in regard to electronic identification of sheep and goats. As members would be aware, the state government is supportive of improvements to livestock traceability that assist with emergency animal disease responses and that also enable maintenance to access of international markets, both of which are very important.

I have answered a number of questions in this place on this topic in terms of currently working through the opportunities to support the industry as we transition to electronic identification for sheep and goats and, as I have said on a number of occasions, once we are able to make some announcements, I look forward to doing so.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:17): Supplementary: will the minister confirm that sheep and goat producers will indeed see how much funding the state government will provide for the transition to mandatory EID tags in the budget on 15 June?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:17): I have indicated that as soon as we have finalised the arrangements, I will make an announcement.

SOUTHERN ZONE ROCK LOBSTER FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:18): My question is to the Minister for Primary Industries and Regional Development regarding southern zone rock lobster. Can the minister confirm that the Malinauskas government will not be providing further fee relief to southern zone rock lobster licence holders this coming financial year, despite no change in the export situation with China?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): I thank the honourable member for her question. She, of course, is referring to the fact that the Malinauskas Labor government, whilst we were still in opposition, made an election commitment to provide fee relief for one year to the two rock lobster fishers who were affected by the downturn in China.

I am very pleased that we have seen, on the federal scene, some positive steps. The federal Minster for Trade, the Hon. Don Farrell, was in China recently and there has been a reasonable amount of media coverage of that. Shortly after that, we saw the tariffs on timber being lifted, which is a positive sign. I am hopeful that in the not too distant future we might see similar lifting of tariffs or other impediments to trade with China and that would include, for example, for our wine industry as well as for our rock lobster industry. The fee relief was for one year.

SOUTHERN ZONE ROCK LOBSTER FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:19): Supplementary question: has the minister met with any of the southern zone rock lobster industry representatives about this issue, and when was the decision communicated to licence holders?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19): I have had a number of meetings and other communications with various stakeholders—and I think I have said in this place before that I don't think it's appropriate to name each of them and so on—but I think it's clear, given that the commitment was for a one-year fee relief, it would be fair to say that they knew over a year ago that that is what it would be for. I am not sure if the fee notices have gone out as yet but, if not, they will be going out in the very near future.

SOUTHERN ZONE ROCK LOBSTER FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:20): Supplementary question: given the fact that there is no change in the export situation with China, why was the decision made not to continue with fee relief for this financial year?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): As I mentioned, the fee relief was only ever spoken about as a one-year fee relief. I think it's fair to say that the industry has done what it can in terms of diversifying its markets, as well as—as I understand it anecdotally—some increase to domestic supply. I think that's clearly the reasoning; it was only ever intended to be a one-year fee relief.

SOUTHERN ZONE ROCK LOBSTER FISHERY

The Hon. C. BONAROS (15:21): Supplementary: does the minister acknowledge that those benefits from fee relief could be all undone if the cost-recovery review process does not make recommendations that support those industries she has outlined?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:21): I'm not quite sure it arises from the original answer but I am obviously going to be guided by you, Mr President, on that. The cost-recovery review was another commitment announced by the Labor team when we were in opposition and it is underway at the moment. I have spoken before in this place about the cost-recovery reviews. I have also indicated that any outcomes from those reviews would not affect the 2023-24 fee structure but will obviously be considered for any potential changes going forward after that.

FOX BOUNTY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:22): My questions are to the Minister for Primary Industries and Regional Development regarding the fox bounty. Can the minister confirm that the fox bounty program will be cut as of October this year? Does the minister concede that scrapping the fox bounty will result in either more 1080 use, a potentially fatal poison to other mammals, or more foxes? Why is the Malinauskas government not continuing to fund this important feral animal control program?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:22): I thank the honourable member for her question. Decisions around the continuation or otherwise of particular bounties are always made with reference to the current situation. I am happy to be able to come back to the chamber if there is some additional information. I think most of us are concerned about the destructive nature of foxes. There is destruction both in terms of farmed animals and in terms of the environment. That is a particularly difficult impact that we see. I am happy to get some more advice from the department and bring back an answer to the chamber.

NATIONAL INSTITUTE FOR FOREST PRODUCTS INNOVATION

The Hon. I. PNEVMATIKOS (15:23): My question is to the minister—

Members interjecting:

The PRESIDENT: Order! I would like to hear the question.

The Hon. I. PNEVMATIKOS: My question is to the Minister for Forest Industries. Will the minister inform the chamber about the outcomes of the recent NIFPI round 3 funding announcements?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:24): I thank the honourable member for her question and her interest in this matter. I was delighted to recently be able to announce additional funding for forest and wood product innovation through round 3 of the National Institute for Forest Products Innovation (NIFPI) Mount Gambler committee for project investment.

The Mount Gambier centre for NIFPI aims to grow Australia's forest and forest products industry by exploring and facilitating innovation in the plantation forest products sector. In total, more than $6 million of new research will be funded through the Mount Gambier centre of the National Institute for Forest Products Innovation and eight new projects will be conducted out of Mount Gambier, the funding for which comes from both state and commonwealth governments, along with investment from industry.

The Mount Gambier committee, assessing round 3 projects, has ensured successful applicants have proposed research priority areas for funding that include the development of new products, safe and efficient workplaces, precision management, tree growing, social licence issues, robotics, and automation and artificial intelligence.

The eight projects that have been successful and will be conducted out of the NIFPI centre in Mount Gambier include a Central Queensland University project that addresses the safety risks of multiple in-cab driver assist devices in the Australian forest industry, with approved funding of just over $173,000; a University of South Australia project that will work towards the development of a program for future revision of AS/NZS 4063.1:2010 characterisation of structural timber, part 1, test methods, with approved funding of $250,000; and a University of South Australia project to enhance

softwood and hardwood plantation site productivity and subsequent operational efficiency by use of an innovative clean-row establishment system, with this project being granted over $456,000.

Flinders University has been successful in their project proposal, which is for an evaluation of remote sensing approaches for plantation health surveillance, with this particular project being awarded $563,000. The University of South Australia will also be awarded $246,000 for a project that looks at weed identification using remote sensing and $358,000 for a project looking at plantation water use estimation and measurement for plantation forests.

The University of Tasmania has been awarded $356,000 for research, development and validation of eight-star rated architectural products maximising the use of out-of-grade timber. Finally, Tree Breeding Australia has been awarded $450,000 to research developing more productive plantation trees to be better adapted to changing environments.

All of these exciting projects will be undertaken right here in South Australia in the home of the forest industry in our state: Mount Gambier. The outcomes of this research will benefit not only the South Australian forest industry but more broadly across Australia and indeed the rest of the world. Of course, this is just the latest round of funding. I have no doubt that this significant investment will lead to further advancements in the industry that will see the industry continue to flourish. I look forward to continuing to be able to update you in this place as Minister for Forest Industries about our continued investment in the research and development of the forest industry.

SA HEALTH

The Hon. S.L. GAME (15:27): I seek leave to make a brief explanation before addressing my question to the Attorney-General, representing the Minister for Health and Wellbeing, on the findings of an investigation into SA Health.

Leave granted.

The Hon. S.L. GAME: The ICAC commissioner in his 2019 report, Troubling Ambiguity: Governance in SA Health, found a professional culture that enables corruption in which misconduct and unmitigated conflicts of interest are commonplace and private interest is placed ahead of public interest. My questions to the Attorney-General, representing the minister, are:

1. In the absence of a follow-up ICAC investigation into SA Health, what evidence can the Minister for Health and Wellbeing provide to assure the public that the issues identified in the 2019 ICAC investigation into SA Health have been fixed?

2. Will the minister commission a second ICAC investigation into SA Health's problems with management of records, conflict of interest, clinical trials, special purpose funds and procurement?

3. Does the minister believe that South Australians get value for money when senior public servants in SA Health receive $400,000-plus salaries but cannot deliver pillows, clean bed linen and bandages for patient use in hospitals?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): I thank the honourable member for her question and her interest in this area and I will refer that question to the Minister for Health in another place and bring back a reply.

FORESTRY INDUSTRY

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:28): I seek leave to make a brief explanation before asking the Minister for Forest Industries a question on forestry.

Leave granted.

The Hon. J.S. LEE: In recent weeks, it has been reported that trade in Australian timber has resumed with China. Australian stakeholders have expressed varying points of views on this matter. My questions to the minister are:

1. Which industry organisations has the minister engaged with on this issue?

2. What is the South Australian government's response to the lifting of the trade ban by China?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:29): I thank the honourable member for her question. Indeed, as I actually answered in response to a previous question, just today we have been very pleased to see some positive signs coming out of the engagement by the federal government with China in terms of potential lifting of tariffs and other barriers that are impacting trade.

The response has been generally positive. I don't think I have had any correspondence or had it raised in any meetings that the resumption of trade, or potential resumption of trade, with China in the forestry sector has been perceived negatively. We know that throughout the recent years we have continued to have export of chip to China. I am assuming the honourable member is asking in regard to structural timber, although she didn't actually outline that specifically. At this stage, the response has been overwhelmingly positive.

VICTIMS OF CRIME PAYMENTS

The Hon. R.B. MARTIN (15:30): My question is to the Attorney-General. Will the Attorney-General please inform the council about the recent changes made to the victims of crime regulations, which will make applications for compensation easier for regional victims of crime?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:31): I thank the honourable member for his question, and I am very happy to do so. I was very pleased with the recent changes that were able to be made to a minor part of the operations of the victims of crime scheme, which will make the application process for compensation more accessible, particularly for victims of crime living in more remote communities in South Australia.

Currently, when victims of crime apply for statutory compensation through the Victims of Crime Act 2001 they need to provide certified copies of two different forms of photo identification. This involves the prospective applicant having to find either a legal practitioner or justice of the peace to certify their identification documents as required by the operation of the scheme pursuant to the regulations.

For many people living within metropolitan Adelaide this wouldn't necessarily be an onerous task; however, if you are living in a remote or regional community it may well be more difficult to locate either a lawyer or a justice of the peace in your local area, potentially forcing travel of a significant distance for those services.

The Commissioner for Victims' Rights, Bronwyn Killmier, has shared her knowledge of numerous cases where victims of crime applicants have had to embark on round trips of many kilometres in order to get those documents certified by the required authorities. This had placed a burden and a potential barrier for regional and remote victims of crime and has now been rectified with changes to the way the scheme operates, having updated the requirement so as now to also allow sworn police officers to certify these application documents for the purposes of the victims of crime scheme.

I am very pleased that in working together with the Commissioner for Victims' Rights, who first raised this issue with me, we have now been able to make this small but important practical change for victims of crime that will hopefully make the process of lodging an application for compensation an easier one.

In addition to this requirement update, a further change will be made to see that only one of the two forms of identification required in an application will need to be photographic ID, where formerly both identification documents were required to be photographic. This change has also been made in an effort to make compensation applications more accessible for victims of crime who may not have a driver's licence or passport. The second form of ID can, as I said, be supplemented with other standard forms of ID used in a standard 100-point identification check, such as a birth certificate or Medicare card.

Both of these changes to the victims of crime scheme were developed in response to feedback from both the Commissioner for Victims' Rights, Bronwyn Killmier, and the Crown Solicitor's Office. I would like to thank the commissioner and the Crown for their collaborative efforts on these small but meaningful changes to the victims of crime scheme in this state.

MORRISON, MR W.F.

The Hon. C. BONAROS (15:34): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs on the coronial inquest into Wayne Fella Morrison.

Leave granted.

The Hon. C. BONAROS: Earlier this month, Deputy Coroner Jayne Basheer handed down her findings into the death of Mr Morrison, a proud 29-year-old Indigenous man who died in the Royal Adelaide Hospital in September 2016, three days after he was pulled unresponsive from a Yatala Labour Prison van surrounded by guards. Ms Basheer was scathing in her findings of the failings of the Department for Correctional Services, which were so numerous it cannot be trusted to 'remedy its own failings and independent oversight is required'.

I note that I have asked a similar question on this issue before, but during the inquest counsel for the Morrison family provided detailed submissions directed at the Australian Human Rights and Equal Opportunity Commission report into Aboriginal deaths in custody and the 2017 report of a review by the National Indigenous Australians Agency and related matters. Reference was made to that report, which concluded that systemic failures to implement the Royal Commission into Aboriginal Deaths in Custody recommendations had occurred in South Australia which, had they been implemented, could have prevented Mr Morrison's death.

Counsel for the Morrison family submitted the court should recommend the implementation of particular commission recommendations which are said to arise from these proceedings, and while the Deputy Coroner agreed that the matters raised were clearly important, she did not make any such recommendation as she believed they were not central to the inquiry and would not, and I quote, 'necessarily require a whole of government approach'. As such, my questions to the minister are:

1. Does the government have any plans to implement any of the Deputy Coroner's recommendations?

2. If so, which ones and does that include the Deputy Coroner's recommendations that an independent board of inquiry be appointed by the government to undertake a comprehensive review of the key findings and to make recommendations to government with particular reference and emphasis on but not exclusive to the content and delivery of restraining training to correctional officers at Yatala, the content and delivery of training for supervisory roles, performance review processes and record-keeping requirements, with particular emphasis on records relating to risk assessment, and the feasibility of moving from paper-based to electronic systems?

3. Why hasn't an audit into that implementation of recommendations been done to date?

4. Will the minister now give a guarantee that such an audit will be undertaken?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:37): I thank the honourable member for her important questions related to this area. The implementation of the recommendation falls to the corrections minister, the Hon. Joe Szakacs, the member for Cheltenham, but of course I took a very strong interest when the report was handed down. Certainly, on the day it was handed down, I read the recommendations that were contained in that report and a lot of parts of the report.

I note that there have been changes implemented since the tragic death of Wayne Fella Morrison back in 2016 and, noteworthy amongst those—and I know the honourable member has been a driving force of this—has been the prohibition of the use of spit hoods in areas of detention that has occurred in South Australia as a direct result of the tragic death of Wayne Fella Morrison and the advocacy of a number of people in this chamber.

It certainly has been placed by South Australia on the agenda of the meetings that happen a few times a year of attorneys-general from around Australia to inform them of what we have done in South Australia and the reasons why we have gone down the route of legislated bans on the use of spit hoods.

In relation to a number of other recommendations, particularly (I think) the honourable member referred to processes of intake and training of officers, I know that the minister for corrections is looking at all the recommendations that were handed down and how the government will respond to those, and the Department for Correctional Services, which overwhelmingly the recommendations are aimed at.

I think the honourable member talked about an independent board of inquiry. That will form part of the deliberations of the government. I think, if I am remembering correctly, that recommendation suggested that that be from outside the corrections department, and that is certainly something that is a matter for broader government to look at, while most of the others are for corrections themselves to look at.

I think the final part of the honourable member's questions were in relation to the Royal Commission into Aboriginal Deaths in Custody, and all the recommendations that were made—I know there were yearly or two-yearly audits that happened for a number of years after those recommendations of the royal commission were handed down. I think they were undertaken by an external agency, one of the big auditing firms.

It was some years ago, if my memory serves me correctly, that the last audit report was handed down, but certainly looking at ways to reduce the incidence and possible occurrence of Aboriginal deaths in custody is something this government is interested in doing and certainly something that this chamber had an interest in doing when we had legislation in the last term before us for a custody notification scheme, which we now see as part of the regulations.

FORESTRY INDUSTRY

The Hon. J.M.A. LENSINK (15:40): My question is to the Minister for Forest Industries regarding forestry exports. Has the minister met with the South Australian Timber Processors Association and discussed with them their concerns that only excess sawlog should be exported to China due to the housing shortage in Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:40): As I have mentioned before, I meet regularly with a number of stakeholders across all my portfolio areas. The issue to which the honourable member is referring is a longstanding one, and isn't simply due to the difficulty in accessing housing construction materials at the moment. In fact, Australia has been a net importer of forest products for some time, which is why increasing our plantation estate and investing in South Australia's forest-related industries is crucial to meeting our future timber needs.

That, of course, was reflected in our government's election commitments, which included, for example, a new forestry centre of excellence, development of a forest products domestic manufacturing and infrastructure master plan, as well as our Trees on Farm Initiative. Of course that is in stark contrast to the lack of policy in the forestry area that we saw from the former government, including going into the last state election. I think development of the domestic manufacturing and infrastructure master plan is a key part of ensuring that we do maximise the value-adding opportunities that are here in South Australia and indeed Australia. All of those are important factors to consider.

In general, as I mentioned, the recent announcement by China's ambassador to Australia, that the Australian log import ban has been ended, has been widely covered and, in general, welcomed, notwithstanding caution by some industry representatives. I am advised that the federal Department of Agriculture, Fisheries and Forestry is awaiting further clarification from the General Administration of Customs of China regarding the resumption of log exports to China.

FORESTRY INDUSTRY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:42): Supplementary: what is the minister doing to ensure water allocation plans don't hinder further forestry plantations in South Australia?

The PRESIDENT: I don't remember you talking about—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: I didn't hear anything about water allocations in the answer.

Members interjecting:

The PRESIDENT: Order!

FORESTRY INDUSTRY

The Hon. J.M.A. LENSINK (15:43): Supplementary: is the minister aware that the local South Australian industry has expressed very specific concerns which are at variance with what her general expression has been in her answer?

The PRESIDENT: Minister, would you like to attempt an answer to that?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:43): If the honourable member would like to be more specific in her question, I can be more specific in an answer.

FORESTRY INDUSTRY

The Hon. H.M. GIROLAMO (15:43): Supplementary: what consultation within the timber industry has the minister done, and what outcomes is she hoping to see for the industry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:44): I am glad the honourable member has some interest in the industry. As I have mentioned, I have frequent consultation and meetings with various stakeholders across the industry. In terms of what I am doing to support the industry, we are implementing our election commitments, of which there were many for the forest industry.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Of course, one of the very important ones was the—

Members interjecting:

The PRESIDENT: Order, the Hon. Ms Girolamo!

The Hon. C.M. SCRIVEN: —domestic master plan, which I have mentioned already and which is about, among other things, ensuring that we are doing extra value-adding here in South Australia wherever possible.

Another thing we are doing for the industry is the centre of excellence, which will ensure we have the capacity for long-term research within this state. South Australia is renowned not only for its industry itself but also the research that we have conducted, and I would particularly like to acknowledge, for example, Tree Breeding Australia, which I mentioned in answer to a previous question today, which has been successful in gaining some additional research funds for an important project.

We are very, very fortunate to have superb organisations such as Tree Breeding Australia but also other research capability and amazing expertise here in South Australia. The policies that we took to the election that we are now implementing are among some of the many ways we are supporting the industry going forward.

STERILE INSECT TECHNOLOGY

The Hon. J.E. HANSON (15:45): Thank goodness they are not going to keep chipping away at that. My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on the expansion of the Port Augusta Sterile Insect Technology facility?

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:45): I thank the honourable member for his very important question. As members in this place would be aware, the South Australian government is committed to retaining our fruit fly free status and we continue to apply significant efforts to eradicate the pest from the outback sites in the Riverland.

We know that fruit fly is one of the world's worst pests and that the farmgate value of the South Australian horticultural produce that is vulnerable to fruit fly is $1.3 billion. That is why we need to do everything we can to ensure that we protect commercial fruit and vegetables, along with backyard growers, from the pest.

Just one piece of fruit infested with larvae can result in an outbreak that could potentially cost millions of dollars. Sterile Insect Technology, known as SIT, forms a vital part of the ongoing eradication efforts. SIT programs are acknowledged worldwide as a highly effective tool for managing outbreaks of fruit fly. South Australia has shown significant leadership in the development of SIT as an operational tool in Australia and we now manage the only facility in Australia that is capable of rearing large numbers of sterile Queensland fruit fly. We have deployed hundreds of millions of SIT fly in the Riverland in recent times.

I am delighted to advise that construction has begun on the expansion of PIRSA's Port Augusta Sterile Insect Technology facility to double the production of the sterile Queensland fruit fly from 20 million flies per week to 40 million flies. The original SIT fly facility was constructed in 2015 and I understand has reached its operational capacity of producing 20 million sterile flies a week. Construction is expected to be completed around August 2023 with flies ready to be deployed over the current Riverland outbreak area for the spring campaign.

The expansion will occur next to the existing building using prefabricated materials securely joined to form the rooms that are required. I am advised that the construction of the expanded site will have little impact on the ongoing production of SIT flies at the site in the meantime. The $3 million expansion of the site is being funded under the National Building Resilience to Manage Fruit Fly Package which supports Australia's national fruit fly management efforts.

Another advantage to this expansion is the opportunities it presents to use the SIT flies for outbreaks around the country on an as needs basis potentially in the future. Previously, before the expansion of SIT technology, management of these outbreaks has been reliant on insecticides but this technology offers a long-term more sustainable management solution to controlling Queensland fruit fly, according to my advice.

This SIT facility will provide a critical service to help eradicate Qfly in pest-free areas across the Riverland and reduce pest pressures in key production areas, particularly in the Riverland. Another advantage of SIT technology is that it contributes to reduced pest damage and cost to producers who must treat their produce before it can be exported.

I would like to thank both the commonwealth government and Minister Murray Watt—along with Citrus South Australia, in particular the chair, Mr Doecke—for their commitment and financial support in joining with the state government in delivering this project. I look forward to visiting the expanded site once it is complete in a few months' time and being able to update the chamber on the progress.

STERILE INSECT TECHNOLOGY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:49): Supplementary: has the minister contacted her federal colleagues to request an update on the approval of the promised irradiation and fumigation facility for fruit fly in South Australia?

The PRESIDENT: I can draw a link because you mentioned your federal colleagues, but you can answer it.

The Hon. C.M. Scriven: It is a pretty tenuous link, isn't it?

The PRESIDENT: I am in a generous mood today, but it's up to you, minister. You provide an answer, if you see fit.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:49): It is always wonderful to have such a generous President, and I think all of us would agree that we are privileged to have one such as you, Mr President. I have been in frequent contact about the various issues in regard to fruit fly, including the one mentioned by the honourable member.

HUMAN RIGHTS CHARTER

The Hon. R.A. SIMMS (15:50): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of a human rights charter.

Leave granted.

The Hon. R.A. SIMMS: On International Human Rights Day last year, over 150 organisations and individuals signed a statement calling for a parliamentary inquiry into a human rights act in South Australia. The call was led by the South Australian Council of Social Service (SACOSS), the Rights Resource Network of South Australia and Australian Lawyers for Human Rights. The signatories stated that, and I quote from their document:

> We want to help build a society based on a culture of respect for human rights across government, parliament, the courts and our communities.

Those 150 signatories called for a framework to protect human rights that requires the South Australian government to consider everyone's basic rights when it designs new laws, regulations or policies. On 17 May 2023, following the protest actions of Extinction Rebellion, the police commissioner, Grant Stevens, told FIVEaa that, and I quote:

> We can't just, as much as we might like to, cut the ropes and let them drop.

Just a few days later, on 21 May, opposition leader David Speirs stated in a media conference, and I quote from his remarks to the ABC:

> If you…march down King William Street in a planned protest supported by the police…I think we're doing pretty good. There are some countries where your head would be cut off for doing that sort of protest.

My question to the Attorney-General therefore is: is the Attorney-General concerned by these comments? In particular, does he share the opposition leader's belief that being able to walk down the street without being beheaded is a sign of 'doing pretty good'? Does the Attorney-General think it is acceptable for the Commissioner of Police to refer to cutting the rope on protesters, and would the Attorney-General support a charter of human rights to ensure that the basic human rights of all South Australians are protected?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:52): I thank the honourable member for his questions. In relation to the first two questions and comments that others have made, I will leave that for them to talk about the comments they have made and why they have made them. In relation to the third question, in relation to a human rights charter, it certainly is something that has been raised, and a number of the groups mentioned by the honourable member have made representations to the government about this and a whole range of other matters—particularly recently—not just from our just over 12 months in government but our time in opposition.

Protecting human rights is an important thing that governments should be concerned about. We have, since 1975, federal racial discrimination laws. We have an Equal Opportunities Act that applies in South Australia. In relation to legislation for human rights, we are open to receiving representations, but we don't have a policy to advance legislation on that matter at this time.

HUMAN RIGHTS CHARTER

The Hon. R.A. SIMMS (15:53): Supplementary: does the Attorney-General not want to use this opportunity to disavow the comments of the Leader of the Opposition?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:53): I think the Leader of the Opposition is big enough to defend any comments he makes himself. I might say that it is not language I would choose to use.

FORESTRY INDUSTRY

The Hon. H.M. GIROLAMO (15:53): I seek leave to make a brief explanation before asking a question of the minister for forestry about exports.

Leave granted.

The Hon. H.M. GIROLAMO: In response to the federal government's announcement on the resumption of trade of forest exports with China, South Australian Timber Processors Association boss David Quill said only excess raw material should be exported to China. He said, and I quote:

> China may have lifted the ban on importing timber logs from Australia, but anyone who takes advantage of this would display a complete lack of regard for the Australian processing industry.

He told the *Financial Review*:

> Any saw log exported would come at the expense of the future survival of that industry…Let's face it—we didn't plant these trees 50 years ago just to satisfy the Chinese market. Australia is not at all rich in terms of timber resources.

Forestry Australia chief executive, Jacquie Martin, whilst welcoming the lifting of the trade ban, also cautioned that Australia remained a net importer of forest products. She said, and I quote:

> This is not sustainable given the current housing crisis. We are, in effect, exporting our forest management challenges to other nations when we have highly skilled professionals and scientists who are more than capable of appropriately managing our resources.
>
> We look forward to working with the government to make sure we are no longer dependent on timber imports.

My question to the minister is: in light of Australia's net import of forest products and the current housing crisis, what steps will the government take to ensure sustainable forest management and reduce dependence on timber imports?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:55): I thank the honourable member for her question and I refer her to my earlier answers, which are also relevant in terms of what we are doing, which is fulfilling the various election commitments that we made. One of the key ones there—

The Hon. H.M. Girolamo: How is that even answering the question?

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —is in regard to a forest products domestic manufacturing and infrastructure master plan. I would refer members to, again, a little bit of a hint in that title, 'domestic manufacturing'. Domestic manufacturing means here in South Australia. I think it is incredibly important that we are able to add value wherever possible, and I have been very encouraged by the various conversations and interactions that I have had with industry—over a long period of time, I might add.

I think it's in all of our interests to be able to value-add here in South Australia. We want to make sure that, to the extent possible, we are supporting local jobs and that we are supporting sustainable resources. We should all know that timber is, as some would phrase it, the ultimate renewable in terms of being the sort of product that we want to be able to use in construction of buildings and, indeed, other applications as well.

That's one of the reasons why I went to Queensland recently and was looking at some of the high-rise timber buildings that are in existence there. Members may or may not be aware—I suggest those opposite are probably not aware because they haven't expressed much interest in forestry in recent years, but they may be aware, some of them might be aware—that I think it was around about 2015, the National Construction Code was amended to enable taller buildings to be built out of timber products. I was able to see some of that that had been constructed.

Members may also be aware—or indeed they may not—that there is a building in Kent Town that has also been constructed of the type of future-thinking products that we are looking at. Cross-laminated timber and glue-laminated timber form an important part of that, and I am delighted that in the South-East of our state, at Tarpeena, later this year, Timberlink will be opening a manufacturing site that is going to be producing CLT and GLT. If I recall correctly, it will be the only facility in Australia that will be producing both of those.

Sustainable forest management was part of the question. I am really pleased that Australian and particularly South Australian forests all adhere to sustainable management practices. It is an important part of the accreditation that they need to be able to not only satisfy the expectations of customers, both domestic and international, but also the international accreditation requirements. I think it's an exciting space. It's a very sustainable area that has a lot of potential and I am very proud that the Malinauskas Labor government is committed to the forestry industry and has so many commitments in place, and developing that will support this important sector.

FORESTRY INDUSTRY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:58): Supplementary: will the minister commit to an industry code of practice, which is being called for by some stakeholders and I believe was in the Labor election commitment policy document?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:59): Discussion of a code of practice was one of the topics that I discussed with the Queensland minister when I was in Queensland recently, and I am continuing to have those discussions with my other state and territory counterparts. It's something that certainly has the potential to provide benefits, and we want to ensure that it is something that would be useful that would be applicable. It is something that ideally would be pursued on a national basis, hence my discussions with my counterparts—federal, state and territory—because I also raised this in my meeting with minister and Senator Murray Watt when I met with him in Canberra recently as well.

FORESTRY INDUSTRY

The Hon. H.M. GIROLAMO (15:59): Supplementary: is the minister concerned about a potential decline or lack of supply of timber across South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:00): I'm very keen that we continue to try to supplement the supply of timber. When we are looking at things like radiata pine, which of course is the main structural timber in South Australia, what we needed to do was plant more trees 30 years ago. However, that is not something that any of us here have had any opportunity to effect, but what we can do is look at what we are able to do in terms of either increasing plantations or even perhaps, more importantly, given the constraints that exist, how we can better utilise the plantation areas that we have.

Some of the exciting research that I referred to in an earlier question today, as well as other research, is all about how we can get better outcomes in terms of production capacity from our existing plantation areas. In some ways, some of those things include, for example, better tree genetics, and I mentioned Tree Breeding Australia and some of the amazing work that they have done over the years and that they are continuing to do. That is about how we can maximise the value of the timber that is used.

There have been remarkable advancements in the recent decade in terms of being able to maximise the value of every part of the tree. That is important in terms of utilising the resource that we have, which we know is a scarce resource. There are many other research projects, as well as currently, of course, looking at opportunities to increase small-scale plantations on farm, and the

project—which was also a Malinauskas Labor government commitment—of Trees on Farms, which is progressing.

That is about, amongst other things, really being able to quantify the benefits to farmers to have small plantations but also to ensure that they have an opportunity to then not only have those plantations managed over what is the very long time period necessary—30 years, roughly—as well as then have an appropriate opportunity to have that resource processed by a processor.

They are some of the issues that have existed in the past when there have been programs to try to increase planation areas or, indeed, to have trees in areas that are not being run by commercial foresters. That is a barrier and a challenge and it's something that we are continuing to address through the Trees on Farms Initiative. Other aspects of that is to be able to communicate with farmers in a way that is reliable and credible, and the potential opportunities around carbon, if they are incorporating small-scale plantation trees on their farming properties.

I am really delighted that there are so many different avenues that we have to be able to support the forestry industry. It is something that the Malinauskas Labor government is very committed to, and I look forward to continuing to update the chamber on the various initiatives as they continue to evolve.

DEM MOB

The Hon. T.T. NGO (16:03): My question is to the Minister for Aboriginal Affairs. Can the minister tell the house about South Australian hip-hop group DEM MOB and the upcoming opportunity to showcase their work on the global stage?

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:03): I can't.

The PRESIDENT: Not in this place he can't.

The Hon. K.J. MAHER: If the interjection was heard and recorded, and if it was parliamentary to interject, I suspect it would be misleading the chamber, quite frankly. I thank the honourable member for his question and his interest and support of Aboriginal people and Aboriginal affairs, and his longstanding interest in hip-hop music culture generally. Thank you, the Hon. (DJ) Tung Ngo in the house.

DEM MOB are a hip-hop group hailing from the APY lands, Mimili in particular, and are the latest Aboriginal Australian music act to catch international attention as they make their way over to Europe after being invited to Primavera Pro. For the past 22 years, Primavera Sound has been one of Europe's landmark music festivals. Since 2020, it has been held in conjunction with the festival as a global gathering for the music world to bring together professionals and artists who are shaping the present and future of the music industry.

Held in Barcelona, Primavera Pro this year will host 3,500 professionals and artists in the music industry hailing, I am informed, from 68 different countries to connect, share knowledge, generate ideas and generate a platform that fosters talent internationally.

DEM MOB, made up of Jontae Lawrie, Elisha Umuhuri and Nason Lawrie, found hip-hop as their storytelling vessel to communicate their stories, struggles, culture and stories of their land. Being the first major hip-hop artists to record in the Pitjantjatjara and Yankunytjatjara languages, DEM MOB have generated a lot of attention and respect within the Australian music industry, particularly in the South Australian music scene, after winning Best Hip-Hop Act at the South Australian Music Awards in 2021 and 2022, as well as placing as finalists in Best Regional or Torres Strait Islander Artist in 2021 and 2022.

Primavera Pro have invited DEM MOB as the Australian representatives to share the role of music to communicate and transform lives and also to share their story regarding Spain's own conversation surrounding its First Nations responsibilities and history.

DEM MOB are this week making their way to Barcelona to take part in the conference showcase, as well as to facilitate another project called the Primaveres Experiencies or simply PE. The aim of the DEM MOB PE experience is to explore using music as a cultural tool for students aged 16 to 20. This will be done through students' active listening to life experiences told through music and songs that have been important during DEM MOB's career and lives. It's about listening to music together, while hearing about their perspective of music and its influence on our culture. Elisha has reflected on what music means to their culture. He explained that:

> Music is the last link we have to our culture. Everything in our world has a dreamtime story, a song to teach procedures. If we lose our dreamtime stories, we will lose our culture…Music is everything to us. This is why we do what we do.

We are at an exciting time where local Aboriginal talent from South Australia is being showcased on a global level. The conversations our state is having regarding our First Nations responsibility and history are being echoed and used as an example for the rest of the world to build on their own culture, knowledge and understanding of First Nations people.

I am very pleased to have been kept informed and help where I can with DEM MOB's opportunity that will see this hip-hop outfit from Mimili's voices grow louder and echo further than ever before. I would commend the chamber to do yourselves a favour and check out the music of DEM MOB.

ICAC, DIRECTOR OF INVESTIGATIONS

The Hon. F. PANGALLO (16:08): I seek leave to make a brief explanation before asking the Attorney-General a question about ICAC's Director of Investigations.

Leave granted.

The Hon. F. PANGALLO: *The Advertiser* on the weekend ran a prominent advertisement calling for applications for the position of Director of Investigations at ICAC. The current or former Director of Investigations—and I say that because I'm not sure whether he is still in the role or has left—is Mr Andrew Baker, who as we know was in charge of the flawed investigation into former Renewal SA Chief Executive and highly respected public servant John Hanlon and an executive at Renewal SA Georgina Vasilevski, as well as other failed prosecutions.

Mr Baker was one of two ICAC staff who travelled to Germany as part of their pursuit of Mr Hanlon to take statements without getting the necessary international approvals which they had known about before leaving. There was also a failure to disclose vital information that would have cleared Mr Hanlon of the wrongdoing he was accused of.

The investigation is now the subject of an independent review by the Inspector of the ICAC, Mr Philip Strickland KC. My questions to the Attorney are:

1. What are the circumstances behind the vacancy?

2. Is Mr Baker still working for ICAC or has he moved on or been moved on?

3. When will you receive a copy of Mr Strickland's report, and when will it be tabled in parliament?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:09): I thank the honourable member for his questions. In terms of personnel at ICAC, that is a matter for the ICAC. I know that there are various committees of parliament that can ask about matters to do with the ICAC, but that is not something that I have responsibility for in terms of what ICAC does in terms of employment practices. I am happy to see if there is anything that I can say about this in response to the question about employment within ICAC itself.

In relation to the ICAC Inspector's look at the Hanlon matter, which is a matter of public record and was referred by me as Attorney-General to the ICAC Inspector, as is provided for in the

ICAC legislation, I think it is within the coming weeks, certainly within the next month or not much more. If that is different, I am happy to bring back a response, but I think it is due to wrap up within the coming weeks. But if that is not the case or it's going to be radically different, I'm happy to let the honourable member know.

INSTANT ASSET WRITE-OFF

The Hon. B.R. HOOD (16:11): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the instant asset write-off.

Leave granted.

The Hon. D.G.E. HOOD: Farmers are required to receive and install new assets prior to 30 June 2023 in order to qualify for the instant asset write-off; however, global supply constraints mean that many are still waiting on their machinery. National Farmers' Federation President Fiona Simpson has stated that some farmers are still waiting on delivery of their equipment three years after purchasing the assets.

Due to forces outside their control many farmers are set to lose out on significant tax savings unless an extension is granted to the federal government's instant asset write-off scheme. The cost of farm machinery assets are usually in the six-figure range, and while the extension has been granted it is only on assets valued at up to $20,000.

My question to the Minister for Primary Industries and Regional Development is: has the Minister for Primary Industries and Regional Development spoken with or written to her federal counterparts to advocate for reconsidering the $20,000 limit on assets within the extension of the instant asset write-off on behalf of South Australian farmers who are still waiting on machinery ordered before the 30 June 2023 deadline?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:12): This is an important matter. It does, of course, relate to the federal government and our taxation regime. My understanding is that there has been frequent advocacy and strong advocacy by peak bodies, particularly national peak bodies such as the National Farmers' Federation. In regard to federal matters, I suggest that that is being done very well by those advocacy bodies.

I know the National Farmers' Federation has certainly done a number of initiatives in recent times. I was fortunate to meet with the National Farmers' Federation several times this year at a number of different events and forums. I must say that, whilst perhaps the National Farmers' Federation and my side of politics are not necessarily often closely aligned, I have been very pleased with the level of engagement that they have been able to have with both myself as minister for the South Australian jurisdiction and, as I understand it, also with Senator Murray Watt, the federal minister. I'm sure they are continuing in their good work.

INSTANT ASSET WRITE-OFF

The Hon. B.R. HOOD (16:13): Supplementary: does the minister agree with the extension from the federal government only applying to assets up to $20,000?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:13): I think the details of the asset write-off and the thresholds have been discussed in some detail. I don't always agree with everything the federal government does, and I would imagine that those opposite also didn't always agree with what the former federal government did when they were in government. I think it's an important matter that I would encourage the peak bodies—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —to continue to advocate on.

INSTANT ASSET WRITE-OFF

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:14): Supplementary: will the minister commit to writing to her federal counterparts to advocate for South Australian farmers on this matter?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:14): I think it's probably fair to say that I am constantly advocating on behalf of South Australian farmers.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! I want to hear the minister's answer.

The Hon. C.M. SCRIVEN: I have been very fortunate to have an excellent working relationship with many, many different stakeholders as well as state, territory and federal counterparts. I think advocating particularly for those measures within the opportunities that we have nationally, across both state and territory jurisdictions, is incredibly important. That's one of the reasons why I was so pleased that, under the relatively new federal government, the agricultural ministers meetings were reinstated, something that happened rarely—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —if ever, under the previous Liberal government.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I thought it was quite fascinating that the former federal Liberal government didn't think it was important to be able to have a forum where all the jurisdictions could get together. I would imagine that had they been more inclined to do that there would have been some far better outcomes across the country for farmers and others.

Bills

SUMMARY OFFENCES (OBSTRUCTION OF PUBLIC PLACES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 May 2023.)

The Hon. J.M.A. LENSINK (16:17): I rise to make some comments in relation to this bill, which is supported by the Liberal Party. Indeed, we were the party that initiated the drafting of amendments that would address what many people in our community view as an important balance and safeguard.

I cannot claim to speak for everyone in this chamber, but I do assume that we all support the right to protest as an important action in our community for us as citizens to express our opinions on matters that are important to us. Protests are often held for our most deeply held beliefs, which spark the gathering together of people with a common view, whether it is anger and outrage, profound sadness, or support of a particular issue. The issues can be many and varied.

Many of us have participated in rallies, vigils and protests over the years. These rallies can be large or small, loud or quiet, well attended or with just a few people. It is well understood that the catalyst for this legislation has been the persistent and disruptive protests that took place earlier this month by Extinction Rebellion, which caused a lockdown in parts of the city in protest of a meeting of Santos.

The question is: at what point does one person's right to protest enable them to infringe on the rights of others, and that is what I believe this bill seeks to address. By way of example: quite poignantly, there were people at our largest public hospital who were stuck at the hospital. No doubt some of our essential workers were there too. As someone who has had to take a close family relative to the Royal Adelaide—someone who can only be transported via access cab—and as a result have had to spend hours there, I can only imagine how the delays added to individual stress levels of some of the patients and their families.

No-one doubts the sincerity of everyone's beliefs, including those who are protesting, but there has been a lot of concern raised by opponents to this bill reflecting a concern that the right to protest is under attack, and I acknowledge that I have received a very large number of emails from people who are concerned about this bill. However, I disagree with the legal interpretation.

There is nothing in the clauses of this bill that is retrospective, mandatory or provides for a fixed minimum. Clause 2(1) of the bill amends section 58 of the act, deleting the word 'wilfully' from section 58(1) in relation to the offence and substituting 'intentionally or recklessly engages in conduct'. This change reflects more contemporary language.

Clause 2(2) increases the penalty provision for obstruction of public places from $750 to $50,000 or imprisonment for three months. It is not a new offence; it is an increase in the penalty to act as a deterrent. Clause 2(3) of the bill inserts subsections (1a) to (1d). Subsection (1a) would establish that the person can be found guilty of an offence against this section if the person's conduct 'directly or indirectly obstructed the free passage of a public place'.

The following two subsections establish how evidence regarding the cost and expenses of an entity having to deal with the obstruction may be tendered in evidence. This provides for the capacity of a court to order reimbursement for cost of emergency services, which is certainly one of the issues that has been raised in the public domain as a matter of significant concern.

It is to be noted that these are maximum penalties that need to be issued by a court, where each case should be determined on its merit. However, that fact does not provide comfort to some opponents of this legislation who, I understand, probably do not trust the courts, and a range of other authorities as well. However, that is the system we have operated under for some time. I also note comments from the Ambulance Employees Association sub-branch of the Labor Party, which states:

> The proposed laws by State Parliament are far too broad and could see peaceful protests that obstruct public places criminalised.

I do not see how their arguments stand up, but they for one are not an organisation that stands the test of public credibility, especially considering that obstruction is a longstanding offence and the Public Assemblies Act of 1972 allows that people cannot be charged or held liable if the protest falls within the provisions of that act, and it is an act of parliament that was specifically designed to facilitate the capacity for people to protest.

In summary, the right to peaceful protest is a longstanding right that we all value. However, boundaries need to be drawn, and I believe this bill draws an important distinction in the rights of various parties.

The Hon. S.L. GAME (16:22): I rise to speak briefly in opposition to the Summary Offences (Obstruction of Public Places) Amendment Bill. On 17 June 2020, in the House of Assembly, the Hon. Tom Koutsantonis of the Labor Party said:

> The party I am in was formed out of a right to protest…out of right to speak up against inequality and a right to assemble en masse, often in breach of the law, often illegally.

And that he has a problem when the parliament seeks to take away the right of assembly. What has changed since then?

Let's be clear: I support cracking down on climate extremists who are causing unnecessary paranoia and fear among our young people. Disruptive protests that obstruct and hinder our emergency services do not align with our values, as they undermine the safety of our communities. However, we do not sit here today as elected members to simply do our own thing and ignore the communities who elected us. I cannot support a bill that essentially was agreed on national radio,

with virtually no consultation, and passed through the House of Assembly in 22 minutes—a bill that has evoked the clear objection and unhappiness of myriad echelons and organisations.

The significant increase in fines and jail terms has resulted in a potentially bankruptcy-inducing fine. Is it not ironic that the Liberals put up this bill to restrict protesting, while simultaneously protesting against a cardboard cut-out of Senator Hanson on our staff door. The result of not getting their way to Senator Hanson being removed has resulted in the defacing of the sign with a black moustache and a follow-up attack with blue paper cut-out glasses stuck on with Blu Tack.

The PRESIDENT: That is not really relevant—stick to the issue, please.

The Hon. S.L. GAME: I suggest that the Liberals busy themselves with listening to the many messages of objection that have been addressed to all members in parliament, 24 of them being Liberals, rather than these intimidation tactics. The Law Society has raised many concerns with me, particularly regarding the broad and vague language used in the bill.

Clarity and specificity are vital in legislation to ensure that the intended actions and consequences are clearly defined. Inconsistent application of the law will impact our rights and freedoms, and the public has lost confidence in the fair application of the law after the pandemic. Will, for example, protests against climate change be treated with the same level of enforcement as that against COVID mandates? Will the Walk for Life campaign be allowed to continue?

We need to engage in thoughtful deliberation and consultation to develop a fair and effective bill and this involves discussions involving stakeholders from various sectors including experts, activists, legal professionals, and most importantly the public, not a sudden announcement on the radio and expedition through the chambers.

The Hon. R.A. SIMMS (16:25): I move to amend the motion as follows:

Leave out all words after 'that' and insert the phrase 'the bill will be withdrawn and referred to the Legislative Review Committee for its inquiry and report'.

I indicate from the outset that the Greens are not supportive of the Summary Offences (Obstruction of Public Places) Amendment Bill. I have made that very clear. We are seeking to refer the bill to a parliamentary inquiry.

One of the reasons why I will move to do that, when I conclude my second reading remarks in some time, is because there has not been appropriate scrutiny of this bill. Like the Hon. Ms Game, I was quite horrified when I discovered that this bill was on the horizon. It was cooked up through talkback radio commentary. I had agreed to speak on the 891 program with David Bevan about the Residential Tenancies Act and the government's poor management of that reform piece.

I was waiting on the line to do that interview when I heard the Leader of the Opposition come on the phone and indicate that he would be introducing a private member's bill to crack down on protesters, following the peaceful protest of Extinction Rebellion. He was talking about the imposition of fines of up to $50,000 and three months in jail.

I thought to myself, 'Here we go: the typical populist Liberal Party, the typical reactionary politics that we have seen in places like New South Wales.' But I thought, 'At least that is not going to happen here in South Australia because we have a Labor government. At least that is not going to happen here because we have a Labor government, and I know a Labor government will at least stand up for workers. I know a Labor government will at least stand up for workers and at least stand up for the right to protest and at least defend the social movements that have been the lifeblood of the Labor Party.'

Well, I was wrong, because just a few minutes later I heard the Premier, the Hon. Peter Malinauskas, call in to talkback radio and indicate not that the Labor government would be dismissing this bill, as they should have done, not that they might just even look at it. No, they were on board with the reform holus-bolus. He basically said, 'Sign me up.' That is what the leader of the Labor Party had to say—a unity ticket with Labor and the Liberals to stampede the right to protest in our democracy—and it is despicable.

It is an appalling piece of legislation, not only in process but also in its form, and I will talk through the myriad issues with the bill in some detail tonight. One of the significant problems comes,

of course, through that rushed process, because you had the government announcing they were going to do this off the back of a phone call that had come from David Speirs as the Leader of the Opposition.

Suddenly, this bill was tabled in the parliament and it had passed by lunchtime without any consideration of the views of the community, without even asking the views of key organisations like the Law Society, without asking the views of any of the key civic and political organisations in our state. No-one had even had the opportunity to see the bill. I had people ringing me and asking had I seen the bill. I had not even had an opportunity to view it as a member of parliament. More importantly, the community did not have an opportunity to view it because it had not been uploaded to the parliament's website. That was a pretty appalling turn of events.

I was initially disturbed when I heard about the bill. My initial reaction was, of course, to be against any effort to try to curtail the rights of protest, but as more details have come to light my concerns have intensified because it is clear that the government has just not thought this through. It is sloppy decision-making, and that is one of the reasons why the Greens want to forward this through to a parliamentary committee, the Legislative Review Committee, so that the implications can be considered.

I do not understand what urgency there is for dealing with this bill. I do not know why this has been fast-tracked when other bills have continued to languish on the *Notice Paper*. I have spoken at great length in this place about the crisis in our rental market, the ongoing issues that people face in our housing system—the fact that we have people sleeping in tents, sleeping in cars, and sleeping on the street—the urgency with which we require that crisis to be addressed, and yet the government's legislation has still not come to this place despite passing the lower house some time ago. Why has this been given priority? These are some of the questions that I intend to explore during the committee stage.

One of the reasons the Greens are so opposed to these changes is that our party was founded through the protest movement. We came through the Tasmanian dam protests but also through the Green Bans protest movement that Jack Mundey was pioneering in New South Wales, where workers from the Builders' Labourers Federation worked with environmentalists to prevent projects that were going to be destructive of the environment and destructive of heritage.

It is in our roots as a political party to support the right to protest. It is also in the roots of the Labor Party, which was founded on the struggle of workers and the union movement. Sadly, they are turning their back on that tradition today. Another important principle of the Greens is grassroots participatory democracy. We believe that real progress comes when enough people believe it is possible to make a difference and decide to do something about it. When good people come together, that is when we are able to change things.

The legislation that we are seeing today is an attack on the fundamental principles of democracy. The Summary Offences (Obstruction of Public Places) Amendment Bill increases the maximum penalty of obstructing a public place from $750 to $50,000 or imprisonment for three months. This is an increase of over 60 times the original penalty, a 60-times increase in the penalty that was fast-tracked through the House of Assembly in just 22 minutes, as was remarked today at a press conference I participated in with the Hon. Connie Bonaros, the Hon. Tammy Franks, the Hon. Frank Pangallo and key civic and political leaders.

As was remarked today: 20 minutes; it takes longer to do a load of washing. It is a pretty sad indictment on our democracy that a bill with such far-reaching consequences has been fast-tracked in this way, and that is why it needs to go to a committee. It is also worth noting that, in addition to anyone being charged under this offence, they would also be liable for the costs of a relevant entity which deals with the obstruction. That could entail police, ambulance, or any other service that is deemed relevant.

These provisions, in and of themselves, should be of great concern to South Australians. They are a kneejerk overreaction. The penalties are disproportionate with other offences, and there is widespread concern about their application. In addition to these concerns, there is also a real danger that this legislation could have a series of unintended consequences that could impact on a whole range of people who the government says were not in their contemplation, yet they expect us

to simply take their word for it and to put our faith in the Commissioner of Police, who has said that the protesters—well, he would like to cut the rope on them.

It is no surprise that the Greens are not supportive of this bill. We do not believe that this offence is worthy of such a high penalty. We have grave concerns about the way this penalty could be applied to vulnerable groups, as well as people who are exercising their right to protest. In understanding the implications of this bill, I think it is important to consider it in a historical context, and in particular to consider the genesis of our democracy, so I will talk through some of the fundamental principles that underpin our democracy and illustrate the way in which this bill offends those basic principles.

The right to protest is fundamental to our democracy. By its very definition, democracy allows the people a voice in charting the course of their government and their future. Participation is not just voting on election day, although this is surely its most notable form. Equally important are public debate, town meetings and peaceful protests, among other things. Protests hold the government to account, and it is often said that a society without protest is a society without progress. Protest action makes our country and our state better.

I will say that so many of us here in this place are the beneficiaries of protest action. We rely on protests and social movements for our basic civil and political rights. Sometimes protests are inconvenient. I am sure the suffragettes were an inconvenience. I am sure those who were protesting against apartheid were an inconvenience. I am sure those who were out there rallying for the idea of five days a week and two days' rest were considered an inconvenience as well. It does not mean that we silence their right to speak out. It does not mean that a government should be able to step up and intimidate those voices that it does not like. It is very sad in our democracy when an opposition aids them in that task.

The right to protest is a make-up of three important rights: the first is the right to freedom of assembly, the second is the right to freedom of association and the third is the right to freedom of speech, which is a right that everybody is entitled to to ensure that all voices are heard and there is equality, inclusivity and freedoms for all. Protests come in a range of different forms. I will touch on some of the ones that I have been involved with over the years later in my speech and share some of my reflections on those protests and why this law could potentially impede on their capacity to operate effectively.

Protests come in many different forms, such as marches, sit-ins, boycotts and strikes from the job. It is a really important way in which people can speak truth to those who are in power. A key element is disrupting everyday activity to gain attention or to highlight injustice that is occurring. This could involve disrupting everyday routines that impact on the greater population.

By doing so, people are making a noise. They are getting the attention of people in power. That is how great changes are made. It is the parliament that makes the laws in our democracy. It is the community that leads social change, and the change is led by the people who are on the streets, people who are rattling the chains, people who are actually pushing for change. It is not made by those who sit meekly by and stay silent, as the government seems to wish those who have an axe to grind should behave in our democracy.

As seen through history and in present society, the right to protest has not only been the driving force behind many social movements that call out injustice and abuse, demanding change and hope for a better future, but in many instances it has succeeded in achieving the very outcomes that protesters have been seeking.

Let's consider the role of protests in the birth of democracy. The ancient city of Athens is widely regarded as the birthplace of democracy from which we derive our system. What is not always so widely known is that there would not have been a democracy in ancient Athens had it not been for the Athenian revolution of 508 to 507 BCE, when the people of Athens rose up, took to the streets and protested the oppressive system that governed their lives.

Prior to democracy, Athens was an oppressive oligarchy ruled by a series of aristocrats that were known as archons, who used their position of power to benefit themselves and their families at

the expense of an overwhelming majority of people in the city who were not only excluded from political life but were actually struggling against extreme inequality.

By the seventh century BC, social unrest had become so widespread that Draco, for whom the term 'draconian' was named—draconian is actually a term that has been used in relation to these anti-protest laws, and with good reason. These draconian reforms ultimately failed to quell the conflict, and the ruling class eventually understood that a democratic system would quell the revolt and issued reforms that established democracy. That was the foundation of our democratic system. It came actually from protest. I am sure Draco thought the protesters were inconvenient. I am sure Draco would welcome the reforms that the Labor Party has fast-tracked through the other place and is seeking to ram through the Legislative Council; I am sure Draco would like that, but it is not in keeping with the principles of our democracy.

That brings me to the secessio plebis, which was the withdrawal of the commoners, or the secession of the plebs. That was an informal exercise of power by Rome's plebeian citizens, similar in concept to a general strike. During this plebis, the plebs, as they were known, would abandon the city en masse in a protest and leave the patrician order to themselves. Therefore, a secessio meant that all shops and workshops would shut down and commercial transactions would completely cease—so a strike, in effect, one of the early forms of strike. I know the Labor Party members in this place would be very interested in this as people who have worked through the union movement and should actually value the principles of industrial action.

This was an effective strategy in the conflict of the orders due to strength in numbers. Plebeian citizens made up the vast majority of Rome's populace and produced virtually all of their food resources, while a patrician citizen was considered a member of the minority upper class, the equivalent of the landed gentry of latter times. Authors report different numbers for how many secessions there were. Indeed, historians Cary and Scullard state that there were five between 494 BC and 287 BC.

It is worth noting that the first secession occurred in 494 BC. Beginning in 494 BC and culminating in 493 BC, the plebeian class of Rome grew increasingly unhappy with the political rule of the patrician class. At this time, the Roman city-state was governed by two consuls and the senate, which performed executive and most of the functions of the legislature in Rome. Both of these governing bodies were composed only of patricians, who were generally in a wealthy minority in the Roman populace.

In 495 BC, the plebeian populace of Rome began to raise significant concerns about debt and the circumstances that they faced were not that dissimilar to today in terms of growing inequality and the concerns that they had. After much anticipation about the consul or the senate action to address popular debt concerns, the consul Appius worsened the situation by passing unpopular decrees that reinforced the debtors by creditors. This outrage, further compounded by continued senate inaction, resulted in the plebeians seceding to the sacred mountains over three miles from the city. The plebeians then established basic defences in the area and they were waiting for the senate action.

After the secession, the senate finally took action to address the issue. Negotiating with three envoys from the plebeians, the senate finally came to a resolution. The patricians freed some of the plebs from their debts and they conceded some of their power by creating the office of the Tribune of the Plebs. This office was the first government position to be held by the plebs. I do not like the term 'pleb', but it is the term that was used at the time. At this time, the consul was held by the patricians solely and the plebeian tribunes were made personally sacrosanct during their period in office, meaning that any person who harmed them was subject to punishment by death.

This brings me to the second secession. I will be moving from ancient Rome soon, but I do think it is relevant to talk through some of the implications and understand how protest is so integral to our democracy and how enshrined it is in the fundamental elements of our democracy, and, indeed, the traditions that we take for granted today. The second secessio plebis of 449 BC was precipitated by the abuses of a commission. That was by the Latin for 10 men, and it involved demands for the restoration of the plebeian tribunes and the right to appeal, which had been suspended.

In 450 BC Rome decided to appoint the decemviri which was tasked with compiling a law code, and the commission was given a term of one year during which the officers of state were suspended. This group were also exempted from appeal, and in 400 BC they issued a set of laws but did not resign at the end of their term and instead held onto power—an abuse of their office. They killed a soldier called Claudius Crassus who had criticised them, and they tried to force a woman, Verginia, to marry him. To prevent this, her father stabbed her and cursed Crassus and this sparked riots which started when the crowd witnessed the incident and spread to the army. The crowd then went on to the Aventine Hill.

The senate eventually pressured the decemviri to resign, but they refused. So the people decided to withdraw the authority, as they had done during the first secession, and the senate blamed the decemviri for the new secession and managed to force their full resignation. The body selected two senators and they met with the people to go and try to negotiate. Those gathered demanded the restoration of both the tribunes and the right to appeal, as they had been suspended during that term. The senate eventually agreed to the terms and they returned to the Aventine Hill and they elected their tribunes.

These two men became the consuls for 449 BC and they introduced new laws which increased the power and added to the political strength of the plebeians. The Valerio-Horatian laws stipulated that the laws passed by the plebeian council were binding on all Roman citizens despite the patrician opposition to the requirement that they adhere to the universal law. However, once they were passed, these laws had to still receive the approval of the senate, and this meant that the senate had the power of veto over the laws that were passed by the plebeians.

Lex Valeria Horatia de senatus consulta ordered that the senatus consulta (and again, I am sorry about my pronunciation) had to be kept in the temple by the plebeians. This meant that the plebeian tribunes and the aediles had knowledge of these decrees, which previously were considered to be privileged knowledge, and thus the decrees entered into the public domain.

I feel it would be remiss to move on from ancient Rome without also just working through some of the issues connected with the third secession which was also, I think, quite influential in terms of some of the democratic traditions that we rely on today. As part of that process of establishing our democracy, there were 12 tables of Roman law that were established. The second placed severe restrictions on the plebeian order, including a prohibition on the intermarriage of patricians. One of the tribunes of the plebs in 445 BC proposed that this actually be repealed, and rightly so; it was a wrong law. There was opposition to Canuleius, arguing that the tribune was proposing nothing less than Rome's breakdown, and the city was then placed under external threats.

But Canuleius reminded the people of the many contributions of the Romans and pointed out that the senate had willingly given Roman citizenship to defeated enemies, even when maintaining that the marriage of patricians and plebeians would be detrimental to the state. He then proposed that, in addition to restoring the right, the law should be changed to allow this group to hold onto their consulship, and all of the other tribunes supported this measure. So eventually there was a compromise that was reached.

There is a theme that runs through here, and that is actually people testing the boundaries, people testing the boundaries of the established order, pushing back against authority.

The Hon. T.A. Franks: Pushing back against the status quo.

The Hon. R.A. SIMMS: The Hon. Tammy Franks interjects, 'Pushing back against the status quo,' and I agree. I will move away from ancient Rome and onto another protester who will be familiar to many in this place because we start each day with the Lord's Prayer, a practice which I disagree with but a practice that we adhere to. Jesus, I submit to you, Mr Acting President, was a protester. His history and story evokes strong opinions depending on who you talk to and in what context.

Protesting is often seen as being apathetic or dangerous, but Jesus Christ himself was a protester. Sometimes he did this quietly and other times he engaged in provocative or disruptive behaviour that was about challenging the established order of the day. There is no doubt that Jesus was a radical. He was somebody who was arrested, beaten and sacrificed on a cross because of his values and his words.

When he stormed into the temple courts and interrupted the proceedings by overturning tables, yelling and driving people and animals out of the room, he was condemning the greed and corruption of religious hypocrites because Jesus was a protester. This is John section 2:13-25. Jesus boldly stood up and spoke in the synagogue. Many he would speak to proclaiming things that were considered counterculture and radical, but he got people fired up and engaged.

It is worth noting as well—and I mention it because this parliament insists on beginning each day with the Lord's Prayer, which draws on Christian tradition, and it is therefore relevant I think to note that tradition—the Protestant Reformation of 1517. This reformation was a major movement within Western Christianity in 16th century Europe. It posed a religious and political challenge to the Catholic Church and in particular to papal authority arising from what was perceived to be errors, abuses or discrepancies by the Catholic Church at the time.

The Protestant Reformation began in Germany on 31 October 1517 when Martin Luther, who was a university protester and a monk, published and nailed to the door of a German church a document that he called 'Disputation on the power and efficacy of indulgences: the ninety-five theses'. The document was a series of 95 ideas about Christianity that he invited people to debate with him.

These ideas were controversial because they were directly contradicting the Catholic Church's teachings. Luther's statements challenged the Catholic Church's role as an intermediary between people and God, specifically when it came to the indulgence system, which in part allowed people to purchase a certificate of pardon for the punishment of their sins. Luther argued against the practice of buying or earning forgiveness, instead believing that salvation is a gift God gives to those who have faith.

I might move ahead somewhat in my time line to a more contemporary world that is 1773, where we look at the Boston Tea Party and some of the relevant events that happened at that time. On 16 December 1773, a group of colonists destroyed a large British tea shipment in Boston Harbor. This was an act of defiance. It lit a fire that led to American independence within less than a decade and for years Americans refused to buy British tea because it included a tax that was levied on tea drinkers, a thought that repulsed the colonists who did not believe that they should be taxed without a representative sitting in the British parliament to voice their concerns.

Instead, Americans bought tea that was smuggled into the colonies, but in May 1773, the British parliament gave the East India Company a tea monopoly in America that also made British tea much cheaper than smuggled tea. It sounds very inconvenient to me. It sounds like that would have been a terrible inconvenience. I am sure people were not happy with the actions that were being taken at that time, but again this is how change happens: people push boundaries.

The animosity had been brewing among the American colonists for months and on 16 October 1773, a group of Philadelphia patriots decided to tell the British Crown that it would mount a boycott of tea, months before a similar act in Boston. The publication of a document from the meeting called the Philadelphia Resolutions triggered public protests in Boston and Philadelphia. The resolutions said:

> …the claim of Parliament to tax America is, in other words, a claim of right to levy contributions on us at pleasure…the duty imposed by Parliament upon tea landed in America is a tax on the Americans, or levying contributions on them without their consent.

The resolutions also made it clear that the group thought the money raised by the tea tax through the Townshend Acts would be used by the Crown to eliminate local governments run by the colonies, and the group called on Americans to prevent a violent attack upon the liberties of America by stopping the unloading of tea shipments and any tea sales.

Three weeks later, a similar group met in Boston and they adopted what became known as the Philadelphia Resolutions, and I will quote from that document. I think it is relevant to the discussion. The Boston group said two months later in Boston:

> That the sense of this town cannot be better expressed than in the words of certain judicious resolves, lately entered into by our worthy brethren, the citizens of Philadelphia.

Three ships arrived with 342 chests of tea, and this became known as the Boston Tea Party. It was a party of men who were dressed as Native Americans, and they dumped the tea chest contents into Boston Harbor after Governor Thomas Hutchinson refused the demands for the ship to depart peacefully.

In late December 1773, one ship with 698 cases of tea attempted to land in Philadelphia, but it was turned away, and a group of 6,000 Philadelphians met at the State House to discuss the situation. This was the largest mass gathering in the colonies. The tea shipments were also blocked in New York and Charleston.

The violent protests in Boston Harbor were met with a direct response from Great Britain. In April 1774, the British parliament passed the coercive acts, which punished Massachusetts for the tea party incident. The acts not only took away some of the home rule for the people of Massachusetts but it also forced all Americans to board British troops in occupied buildings. At the same time, Franklin wrote a letter in London, under an assumed name, that made it clear how he felt about parliament, adding:

> …the Flame of Liberty in North America shall not be extinguished. Cruelty and Oppression and Revenge shall only serve as Oil to increase the Fire.

The other colonies saw the act as a punishment targeted at them and by September 1774 the First Continental Congress met in Philadelphia to determine an appropriate response. Finally, the 13 colonies gained independence from Great Britain in the American Revolutionary War of 1775 to 1783.

I want to touch on the French Revolution and some of the issues around that, but at the moment I would also like to talk through some of the issues in more contemporary times, that is, the 1800s, looking at the eight-hour working day protests of 1856. When the first convicts arrived in Australia in 1788 there was little protection for them around their working conditions. Typically, convict labourers worked from sunrise to sunset, with a part day on the Saturday. Sunday was a day of rest, but they had to attend church. This was the expectation at the time.

Labour in the colony was considered part of a punishment for the convict—they were actually seen as a free labour force. I know this will be of great interest to members of the Labor government, given their advocacy for working people and the origins of the Labor Party in the struggle of workers. The first industrial action, in 1791, was when convicts went on strike demanding daily rather than weekly food rations.

In the early years of the colony the relationship between employers and employees was governed by the British Masters and Servants Acts, and after 1828 the equivalent New South Wales legislation, which was weighted heavily in the interests of employers. Employees could be prosecuted for a range of contraventions, including drunkenness, absence without leave and inattention to duty. Penalties could range from deduction of wages to imprisonment. These were only enforceable through the courts, but since magistrates were of the same class group as the employers most cases were found in the employers' favour.

In 1822, the convict shepherd James Straighter was sentenced to 500 lashes or one month's solitary confinement and five years' servitude for inciting the servants to combine for the purposes of obliging him to raise the wages and increase the rations. On 4 February 1853, the United Operative Masons was reformed at a meeting in Clarke's Hotel, Collingwood, in Melbourne.

The union had suspended their operations because so many members had had to move to the goldfields for what was happening there. The resurrection of this operative mason society is actually viewed as the start of the eight-hour movement in Australia, because the committee was formed to confer with building contractors on the introduction of the eight-hour working day. The sentiment of that movement was captured by the slogan 'Eight hours labour, eight hours recreation, eight hours rest.'

Those principles came out of advocacy of working people. They did not come because people just sat on their hands and said, 'Can we have permission to raise concerns? Can we ask the permission of the governing class or the government of the day? We are not going to raise our

concerns unless you grant us permission.' They came because people pushed hard and they pushed the boundaries.

The union put forward three main arguments for a shorter working day. The first was that Australia's harsh climate demanded reduced hours. The second was that labourers needed time to develop their social and moral condition through education. The third was that workers would be better fathers, husbands and citizens if they allowed adequate leisure time.

On 26 March 1856, which is actually my birthday—I was not around in 1856, although it feels like it sometimes—workers called a public meeting at the Queen's Theatre to make a stand on improving working conditions. At that meeting, it was announced that:

> …the time has arrived when the system of 8 hours should be introduced into the building trades and that after the 21st of this month we promise to work 8 hours and no longer.

That was the pledge. Negotiations between the union and the building companies broke down and on 21 April 1856 the stonemasons, which were led by Stephens, downed tools at the construction site of the law faculty building at Melbourne University. They walked off the job. Stephens said:

> …it was a burning hot day and I thought the occasion a good one, so I called upon the men to follow me to which they immediately consented.

Stonemasons from other construction sites along the way joined the march until they eventually reached the Belvedere Hotel where a banquet was organised for the event.

In the months to come, negotiations with employers and the government continued until agreement was reached. Initially, there was only a minority of workers who were involved but eventually most workers—including women and children—generally had been working longer hours for less pay and so the fight for those conditions really broadened, and that continued throughout the 19th century.

It was in 1916 that eventually you saw the Eight Hours Act that was passed in Victoria and New South Wales, but it would not be until 1948 that the commonwealth arbitration court approved a 40-hour five-day working week for all Australians—again, demonstrating the power of collective action protest movements.

One of the concerns I have with this bill is that it is impinging on the capacity of people to engage in collective organising. It is impinging on people's capacity to gather in the public space, creating an environment where this sort of activism would be very difficult. I think that is really concerning, particularly given it has been advocated by a party—the Labor Party—that has its foundations in the labour movement.

I would expect this from the Liberal Party. I would expect it from the party of John Howard, the party of Peter Dutton, the party that cracks down on dissent, but I do not expect it from the party of Gough Whitlam and the party of Don Dunstan, which actually stood with people who took action to protest and fight for better conditions and human rights and advances in civil liberties. I do not expect it from that party and that is one of the reasons why it is so disappointing and why I think it is important to put on the public record these issues so that the full implications can be properly considered.

It would be remiss of me in talking through the implications of this bill—and in rebutting some of the claims that have been made about Extinction Rebellion, for instance, and the so-called inconvenience that they cause—if I did not talk about women's suffrage. We would not have women in parliament if not for women's suffrage or the actions of the suffragettes. This was achieved in Australia after decades of peaceful yet difficult campaigning, including peaceful protests by thousands of women.

The Commonwealth Franchise Act was granted in 1902 and it granted most Australian men and women the right to vote and stand in elections. Australia was the first nation in the world to grant women these rights. You might have seen an ad in today's Adelaide *Advertiser*, signed by a range of key civic and political groups—the South Australian Council of Social Service, Amnesty International, Human Rights Watch—pointing out that when the suffragettes wanted equal rights to

men they did not just politely ask, they took to the streets and actually fought for their rights and engaged in acts of civil disobedience, so the nexus with this bill is clear.

Overseas, the fight for universal suffrage in the United Kingdom included the women's coronation procession, which was a suffragette march through England on 17 June 1911, just before King George's coronation. The march was organised by the Women's Social and Political Union. It was the largest march of its kind in Britain—40,000 people marching from Westminster to Albert Hall. That brings me to the women's suffrage parade in the United States, where more than 8,000 women gathered in Washington DC on 3 March 1913.

How inconvenient that must have been for people going about their daily lives at the time; how inconvenient and disruptive that must have been. How the government at the time would have wanted to crack down on their right to gather. Indeed, many of these women faced significant sanctions for engaging in this conduct. The huge parade was spearheaded by Alice Paul and the National American Women's Suffrage Association. It was held on 3 March 1913. Riding atop a white horse, lawyer and activist Inez Milholland led over 5,000 suffragettes up Pennsylvania Avenue.

The organisers of that parade maximised the attention on the event by strategically hosting it just one day before the inauguration of the president. Sounds very inconvenient—sounds a lot like trying to do a protest when the red carpet has been rolled out for Santos, does it not? While it took another seven years for the 19th amendment to be ratified in 1920, the women who marched on this day achieved their overarching goal and they actually reinvigorated that movement.

But it is not just the women's suffragette movement that has drawn on these traditions of civil disobedience and protest that this bill seeks to infringe on. It is people like Gandhi, and I refer to the Gandhi Salt March. That was an act of nonviolent civil disobedience that occurred in India, led by Mahatma Gandhi back on 12 March to 5 April 1930. It was a direct action campaign of tax resistance and nonviolent protest against the British salt monopoly.

Salt production and distribution in India had long been a lucrative approach for the British. Through a series of laws, the Indian populace was being prevented from producing or selling salt independently. This affected the great majority of Indians, who were poor and could not afford to buy it, so protests started occurring.

In 1930, Gandhi mounted a very visible demonstration against the repressive salt tax by marching through what is now the Western Indian state of Gujarat, to the town of Dandi. He set out to do that on 12 March and was accompanied by lots of followers: a peaceful march and a peaceful protest. Hundreds of people joined that march and protest.

Again, it would have been very inconvenient, I am sure, for some of the populace, but that is the nature of peaceful protest, that is the nature of civil disobedience. Those things are sometimes inconvenient; that is the nature of it. No arrests were made, but Gandhi did continue with his protest actions. This Salt March protest was a really strong influence on some of the things we saw unfold in the United States.

When we are talking about civil disobedience, we really need to look at the fight for people of colour in the 1960s and the actions of Martin Luther King Jr, his actions of civil disobedience under American civil rights. I will go through just a few of those examples, because I think they are relevant to the discussion, and then I want to talk a bit about some of the gay rights protests we have seen over the years and touch on how this bill might impede those protests.

The American civil rights movement really started to gather strength in the 1950s and the 1960s, but all of us in this place would be familiar with the story of Rosa Parks and the Montgomery bus boycott in 1955. Rosa Parks was arrested for refusing to give up her bus seat to a white passenger in the area of Montgomery, Alabama. So the local community banded together to boycott the bus system in 1955. The boycott lasted more than a year and it only ended once a court order actually forced the buses to integrate. The protest thrust Martin Luther King into a significant role in leadership as a civil rights leader. Again, civil disobedience, peaceful protest, these things are part of our democracies and we rely on them to get the rights and freedoms that we all enjoy today.

I want to mention the Selma to Montgomery march in March 1965. That was when you saw, again, a bunch of peaceful activists who were led by Martin Luther King Jr trekking from Selma,

Alabama, to the state's capital of Montgomery in 1965, calling for an end to the suppression of black voters. Protesters were met with violence from white supremacist groups and local authorities during that time, but it eventually led the Johnson administration to sign the voting act of 1965. These brave people put their lives on the line to advocate for their civil and political rights, and they did so engaging in peaceful protest.

I am wearing my gay rights pin—it is actually the Gay South Australia pin—in the chamber today, which I do often wear.

The PRESIDENT: The Hon. Mr Simms, you are not referring to a prop, are you?

The Hon. R.A. SIMMS: Well, it is a—

The PRESIDENT: No, I didn't think you were.

The Hon. R.A. SIMMS: It is a fashion accessory, Mr President.

The PRESIDENT: And very fashionable too.

The Hon. R.A. SIMMS: It is often part of my outfit choice in this chamber. One of the reasons why I wear that pin is as a reminder of the struggle of LGBTI rights activists. The reality is: if not for their activism, there would be no chance of me ever being a member of parliament. As a gay man, I certainly would never have been elected to this parliament. When I was growing up I had a bit of an interest in politics, but I never thought I would ever have an opportunity to be elected because I was a gay man.

Society has changed a lot in the last 20 years, and a big part of that has been the work of activists who have taken to the streets, who have built support for queer people like myself and who have actually raised the visibility of LGBTI people. That actually started with the Stonewall riots back in 1969 when, on 28 June, in the early hours of that day in New York, police conducted a raid on a gay bar that was called the Stonewall Inn and patrons of the Stonewall fought back for days when the police became violent.

Those riots were considered a watershed event that transformed the gay liberation movement, and really that was when you saw this rising consciousness around LGBTI rights that exists still today. It really started what became the boost and the momentum for gay rights. It is worth noting some of the things that were happening around that time. During the 1960s, there was a campaign to rid New York City of gay bars, and that was in effect at the order of Mayor Robert F. Wagner. He was really concerned about the image of the city and wanted to purge the city of gay bars. Again, it was the gay community who came together to try to resist these events.

Of course, we saw these events in Australia as well with the first Mardi Gras, which happened back in 1978. There is often discussion around the 1978ers who were at that event. This was planned as an addition to the morning demonstration to mark the anniversary of the Stonewall riots. At the time, the lesbian and gay community in San Francisco were fighting the Briggs initiative, which was a push to remove anyone who supported lesbian and gay rights from the school system. It is interesting to remark actually, fast-forward, and we are still seeing these debates with the efforts to purge gay teachers from religious schools, which enjoy protection under anti-discrimination laws in our country, but that is a discussion for another time.

The lesbian and gay community in San Francisco reached out to these communities around the world, also in Sydney, and they asked people to host these solidarity events, and that is how the Gay and Lesbian Mardi Gras came about. There were about 500 people participating. Not a huge number, but enough to make an impact, and that has always been the story of protest; small groups of people working together collectively. Through visibility, momentum builds.

We saw that today when we saw people protesting on the Plaza. I saw the Hon. Connie Bonaros was there and the Hon. Tammy Franks. The Hon. Frank Pangallo was there. I saw the Hon. Irene Pnevmatikos was also there—people who came to hear the concerns of the protesters and show their solidarity with the protesters. There were people there from the labour movement as well who were pushing these issues, and this is how you build momentum for change.

Some people at that time—going back to the gay solidarity events and the first Mardi Gras—wanted to have a night-time celebration because many lesbian and gay men were reluctant to have a daytime event because they were concerned that if they were seen that could impact on them, they could face discrimination, and so on. The event ended up being a night-time event.

What was originally intended to be a fun event was dramatically altered because there were some brutal bashings by the police. At 10pm that night, people began to assemble at Taylor Square. Some people wore outfits. The intended route was to move down Oxford Street and to stop for a while at Riley Street and then continue on to Hyde Park. While the parade moved down Oxford Street it was festive, but then things started to turn ugly.

I should point out, and it is very relevant to this debate, the organisers of the event actually obtained a permit to assemble and march, but the police kept forcing the truck to speed up, and it became clear that the police did not want the party to happen. They were using their powers to try to intimidate the protesters. This is one of the reasons why so many in our community are alarmed about this parliament, this Labor Party, this Liberal Party, giving SAPOL more power to manage protests, giving them further legislative opportunities to intimidate and control protesters, because we know throughout history that that has happened.

Police blocked off both ends of Darlinghurst Road, and they started arresting people and throwing them into police wagons. There were 53 arrests at that time, and there were a number of bashings—significant police bashings. Indeed, on 26 June, the *Sydney Morning Herald* published the names, the addresses and the occupations of those people who were arrested. I mean this would have been a shocking act for those people, confronting the homophobia at that time, having their names listed in that way and being demonised.

It is interesting to go through some of these events and to reflect on the parallels we see today with the treatment of protesters. Whatever people may think of the actions of Extinction Rebellion, is it acceptable to have in our state masthead a front-page article referring to somebody who was engaged in protest as a 'loser', which I think was the term that was used? Is it acceptable for the Commissioner of Police to say, 'Let the rope drop'? I mean, really? 'Cut the rope'? Is this acceptable as a way to demonise people who seek to get issues on the agenda?

Of course, we in the Greens are supportive of the need for taking action on climate, and we recognise that activists are going to try to highlight that issue in the public square. However, whatever people may think about individual protest actions or individual tactics taken by protesters, surely we should be better than simply having these people being demonised in that way. It is worth noting, looking back at these events, that a total of 178 protesters were arrested between June and August back in 1978.

I heard the bells ringing. I hope that does not mean the other place are packing up, Mr President. How lazy!

The PRESIDENT: The Hon. Mr Simms, don't reflect on the proceedings of the other place.

The Hon. R.A. SIMMS: Don't worry, Mr President, I have a long way to go; there is no laziness in this place, don't worry.

The PRESIDENT: The Hon. Mr Simms, bring it back or I am going to have to sit you down.

The Hon. R.A. SIMMS: There is no laziness here; there is no laziness in this place. If only the lower house had not been so quick to discharge the bill they were dealing with—

The PRESIDENT: The Hon. Mr Simms, don't reflect on the other place.

The Hon. R.A. SIMMS: —after just 22 minutes, we would not have to go through this bill with such detail, but alas, there was no scrutiny of that legislation. That is why we find ourselves in this situation of needing to consider the broader historical context of this bill. Members in the other place might like to reflect on that because they did really fail in their duty—

The PRESIDENT: The Hon. Mr Simms!

The Hon. R.A. SIMMS: —to appropriately interrogate the bill.

The Hon. T.A. Franks interjecting:

The Hon. R.A. SIMMS: It is a relevant point.

The PRESIDENT: The Hon. Ms Franks, interjections are out of order.

The Hon. R.A. SIMMS: I will move away from the Mardi Gras, Mr President, but I think my point—

The PRESIDENT: To South Australia, or—

The Hon. R.A. SIMMS: My point is—

The PRESIDENT: Are you moving to South Australia?

The Hon. R.A. SIMMS: I will get there, but there are a few other issues that we need to touch on before we do. I did want to mention, coming off the back of the Stonewall events and the Mardi Gras was the formation of the Gay Solidarity Group, and that led to the formation of Mardi Gras, which continues to this day. I actually went over this year and participated in the Mardi Gras with my family, a peaceful protest and an enjoyable event. Mardi Gras is still a peaceful protest. I believe a permit was obtained by the organisers, so it would not offend the sensibilities of the Labor government.

The Hon. T.A. Franks: I believe it still stops traffic and you can't get across the road.

The PRESIDENT: The Hon. Ms Franks, you are interjecting again.

The Hon. R.A. SIMMS: The Hon. Tammy Franks is right; I hear her interjection. She is right. It must be very inconvenient actually for people who are there wanting to move around, stuck on the other side. The Hon. Ms Franks should not say it too loudly: maybe members will be seeking to target these sorts of protests that have been part of our lifeblood for years. That brings me, though, Mr President, to—

The PRESIDENT: South Australia, no?

The Hon. R.A. SIMMS: —the Franklin Dam. I will get to South Australia.

The PRESIDENT: I am sure you will.

The Hon. R.A. SIMMS: These laws have been brought in in Tasmania and New South Wales as well, though, so there is a link in terms of the way in which we are seeing governments at all levels trying to target protesters. That brings me to the Franklin blockade of 1982, one that many in the Greens party will be familiar with. It was a key issue for us in the Greens party.

From 1982 to 1983, many had derided the Greens as being a party of protest, but our political party has its roots in some of those protests. In 1978, the Tasmanian Hydro-Electric Commission announced their intention for the Franklin River for hydroelectricity, proposing two dam sites: the Gordon, below Franklin Dam, which was a few kilometres below the Franklin-Gordon confluence; and Dam 2, which was the end of Mount McCall Track.

Both of the major parties in Tasmania, the Liberals then and the Labor Party, backed at least two dams that would have flooded a large region of the Franklin catchment, but they also resulted in the destruction of habitat for endangered species and the loss of important Aboriginal rock art that was later discovered in 1981.

Support for the 'no dams' campaign exploded across the country in 1982 and protest action spread to mainland states. It was then that Bob Brown—who went on to become leader of the Greens—and other members of the Wilderness Society travelled to the country to try to raise awareness. Volunteers from the society were encouraging people Australia-wide to make the Franklin Dam a federal issue, for people to think about when they were voting in federal elections. Many people wrote 'no dams' on their ballot papers that year.

Using every means at their disposal, conservationists lobbied both influential figures and the public to become more involved in the Franklin Dam. On 14 December 1982, action against the dam moved into a new phase. Led by Bob Brown and members of the Wilderness Society, a blockade of

the Franklin began at Warners Landing, drawing about 2,500 people between December 1982 and March 1983.

The blockade was designed to disrupt clearing and building works, and violent conflict occurred between dam supporters, construction workers and protesters. About 1,400 people were arrested and jailed, including members of the federal and state parliaments as well as Bob Brown. That conservation movement gained a victory when a member of the House of Assembly in the seat of Denison, Norm Sanders, resigned to stand for the Australian Senate. In a countback of votes for his seat, Bob was elected to replace him.

After its election, the Hawke government, spurred on by the dam protesters, introduced new regulations under national parks and wildlife conservation and they passed the World Heritage Properties Conservation Act 1983 that protected the Franklin Dam, which was listed as a UNESCO world heritage site in December 1982. Protests work, Mr President. There is a reason why people still engage in peaceful protest to bring about change. As I said before, it is the parliament that makes the laws, but it is the community that drives the social change. People actually getting out there and highlighting the issues, that is how you bring impetus to an issue.

Despite this, the Tasmanian government continued to work to dam the Franklin, insisting that the federal government had no right to involve itself in state business. In May 1983, the federal government took the Tasmanian government to the High Court to force them to stop the work, and they were successful and eventually the project was stopped. But it was those protesters who lit that fire, so to speak. The movement saved a key wilderness area in Tasmania and created a political precedent for raising issues of environmental concern in parliaments.

There had, of course, been environmental pressures happening in 1972 with the formation of the United Tasmania group, which was a precursor to the Greens party, but the Franklin Dam was the thing that really led to that greater awareness, and it was involving those environmental groups that achieved that.

Mr President, you certainly were interested, I think, in issues to do with South Australia, and so I may, for your benefit, reference a document that has been prepared by the government of South Australia, the History Trust of South Australia, that addresses some of the issues that will be of interest to you around the history of protests in our state. I will draw on a few of those sections from the document, and I thank you for drawing my attention to it.

Working conditions in the early days of colonisation of Australia were, as we know, not like they are now. One of the things that is really interesting—and I am reading excerpts from this report—is that South Australia became the first territory in the British Empire, including Britain, to legalise trade unions, with the formation of the Trade Unions Act in 1876. Again, this should be a matter that is of great interest to members of the Labor Party in this place.

Unions continue to play a vital role in driving social change and fighting for better conditions for working people in our state. It is very interesting to note that SA Unions are against the bill that the government is putting forward because they recognise that it impedes their right to gather and to organise and to protest and to achieve benefits for working people as we have seen throughout history.

It is also worth noting the formation of the Adelaide Women's Liberation Movement in 1968 by women who were frustrated by the male domination they experienced in labour and anti-war movements. This group published a women's liberation manifesto in 1973 and opened the Women's Liberation Centre at Bloor House. This group played an active role in establishing women's health centres; the Adelaide Rape Crisis Centre; the Working Women's Centre, which endures today; the Women's Studies Resource Centre; and the women's studies program at Adelaide and Flinders universities.

That is a snapshot of some of the issues. It would be remiss of me, though, in talking about this if I did not highlight some of the more recent protests that we have seen here in our state. I remember that in 2003 there were huge anti-war demonstrations that we saw on the streets of Adelaide, when 100,000 people from a cross-section of our community took to the streets to protest the Howard government's illegal war on Iraq. It was a really powerful thing. I note some of the media

reports at the time. I note an article from *Green Left* weekly, where it was observed at the time, and I quote from the article, that:

> Many more people could not get into the city because buses, trains and trams were packed and were not stopping at stations or bus stops.

Sarah Hanson, who I now know as Senator Hanson-Young, was Adelaide University Student Union President and she told the crowd at the time that the war was about advancing US foreign interests and she was absolutely right on that. One of the things that is interesting, though, is it did stop traffic. It was disruptive. That is the nature of protest in our democracy, and it is that principle that is being infringed by the bill we are debating today.

I should also highlight some of the history of protest during the 1970s. I was not around at that time. Some members here may have been involved in the student protests during the 1970s. The one that I am most familiar with is the one at Flinders University that was in, I believe, 1972, where there was a sit-in to try to get the university administration to consider engaging students in developing the curriculum. Students today still have the opportunity to be consulted on what the curriculum should be on their campus.

I was involved in an occupation myself at Flinders University in 2004. It was a sit-in. I was involved, I should say, with many members of this parliament, who were also involved in that protest at that time and similar protests at other campuses. The Howard government at the time had sought to deregulate university fees. They passed legislation in the federal parliament that allowed universities to charge whatever they wanted for university fees. As student activists, we said, 'We are going to try to disrupt the meeting of the university council so they actually need to consider the views of students.'

We did stage a mass sit-in, a student occupation. We prevented the meeting from going ahead. I was part of the Flinders University education action collective that was involved in organising those demonstrations at the time. We organised similar demonstrations on different campuses around the state at the time to try to get the universities to engage with students—to cause some disruption but to force them to actually come to the negotiation table with students, to engage with them around their fees and what that actually meant for their experience at university.

It does really concern me, the chilling effect that these draconian laws could have on student protest, because students have been a key part of protest movements not just in our state but right across the country. Students were a big part of the anti-apartheid movement. They have been a really big part of protest action over many years and it does concern me some of the impacts that this might have.

I would like to come back to some of the history of protest a little bit later in my concluding remarks, but I think it would be good to now turn my attention to the precise provisions of the bill and some of the concerns that we have, and not just the Greens but that have been raised by a range of other organisations.

As I mentioned in my introductory remarks, this bill was introduced really as a kneejerk reaction to a protest that occurred not even two weeks ago, when a resident of South Australia, Meme Thorne, was arrested for abseiling from the Morphett Street Bridge. Ms Thorne was arrested and she was charged with disturbing the peace and obstructing a public space. Under the existing Summary Offences Act 1953, a person who disturbs the public peace can be sentenced to a maximum penalty of $1,250 or imprisonment for three months. A person who obstructs a public place can see a maximum penalty of $750.

After Ms Thorne's release on bail, *The Advertiser* on 17 May reported that 'release was granted over the objections of police prosecutor Andrew McCracken, who said Ms Thorne's antics warranted a prison sentence'. This bill proposes to introduce a higher penalty and three months' imprisonment for obstructing a public space.

I will turn my attention to the issue of imprisonment first and the concerns that the Greens have in that regard. In the case of the bill we are responding to, Ms Thorne had already been charged with an offence that carries the potential for three months' imprisonment. While that is a matter for the courts to determine, it shows the police have a series of offences that are already at their disposal

under the Summary Offences Act that could carry various penalties, including a period of imprisonment. It is therefore unnecessary to introduce new options for imprisonment for obstruction of a public place if the offence of disturbance of the public peace already carries such a penalty and is already potentially in use.

I do not understand why the government needs to increase the penalties. I find the fact that the penalties have been increased by more than 60 times absurd. Given there are other avenues available under the Summary Offences Act, I do not understand the urgency of the government in pursuing this. That is something I intend to raise in the committee stage as part of the series of questions I have that I will put to the Attorney.

If we turn our minds to the penalty increase, it is worth considering whether a penalty of $50,000 fits the offence of obstructing the peace. If we consider the other offences and their penalties, we do consider how disproportionate that is. I did have a look through the Summary Offences Act, and I considered some of the penalties. I will go through them because I think it is relevant to note where this sits in the broader act and how out of step it is. I will go through the sections of the Summary Offences Act and the potential penalties for you so that you can see the inconsistency and the disproportionality of the penalty that is being proposed.

I reference the brief penalty summary, Summary Offences Act 1953. If you look at the description of the offence, section 6(2) refers to hindering or resisting police. That carries a penalty of $2,500 or six months in jail; violent disorder, 6A, a $10,000 fine or two years in jail; disorderly/offensive behaviour, $1,250 or three months' imprisonment; fight in a public place, $1,250 or three months' imprisonment; offensive language, $1,250 fine or three months' imprisonment; carrying an offensive weapon, $2,500 fine or six months' imprisonment; carrying an offensive weapon in the vicinity of a licensed premises, $10,000 or two years' imprisonment; manufacture, supply or possess a dangerous article, section 21C(2), $7,500 as the maximum penalty or 18 months' imprisonment.

For being unlawfully on premises (primary production premises), section 17(a1), the basic offence is a $5,000 fine or six months' imprisonment, or the aggravated offence is a $10,000 fine or 12 months' imprisonment. Unlawfully being on premises, section 17(1), where the unlawful purpose is an offence punishable by a term of imprisonment of two years or more, the penalty is two years, or for any other case the penalty is a $2,500 fine or six months' imprisonment.

What about trespassing on premises? That is a $5,000 fine or six months in prison. What about disturbance of farm animals? That is a fine of $2,500 or six months' imprisonment. Unlawfully possessing or transporting liquor for sale: if you commit a first offence, it is a $20,000 fine; a second offence is a $40,000 fine. If you unlawfully possess or transport that liquor for sale, a first offence is $20,000 while the second is $40,000.

As to commercial benefits from unlawful possession and how those are derived, the first offence is $20,000 and the second is $40,000. For supply of liquor in certain areas, the first offence is $20,000, the second offence is $40,000; indecent language, a $250 fine; indecent behaviour, $1,250 or three months' jail; grossly indecent behaviour, $2,500 or six months' jail; urinating in a public place, $250 fine or an $80 expiation fee; humiliating or degrading filming, one year in prison; distribute invasive image, a $20,000 fine or four years' imprisonment if the person is under the age of 17, or in any other case it is a $10,000 fine or two years' imprisonment; pass a valueless cheque, a $10,000 fine or two years' imprisonment; and unlawful possession of goods suspected of being stolen, a $10,000 fine or two years' imprisonment.

If you steal a dog you could be fined $50,000 or spend two years in prison. I think this is a reform that was brought in recently, following the election. If you throw a missile with an intent to injure, annoy, frighten or damage, it is two years' imprisonment, or if it is reckless it is one year. If you make a false report to police, it is a $10,000 fine or potentially two years' imprisonment. Creating a false belief: a $10,000 fine or two years' imprisonment. What if you remain in or re-enter declared public precincts? Well, that is a $1,250 fine. Then, of course, there are the more serious offences that carry much more significant penalties.

What strikes me, though, looking at that, is just how disproportionate the penalties are that have been proposed in this case, they are really out of step with some of the other provisions in the

act. The Premier in the other place, when he introduced this bill into the lower house and it was skyrocketed through, described this bill as creating a strong deterrent for similar actions as were seen two weeks ago.

The bizarre thing is that we have seen the most impactful changes. Indeed, I think I have demonstrated that through some of the cases that I referred to earlier—and I will go back and highlight others further down the track. Some of those I have talked about so far demonstrate that, actually, some of the most impactful changes in our democracy have come from acts of civil disobedience much more extreme than what we have seen, much more extreme than just simply blocking off a lane of traffic.

Do we really want to deter South Australians from engaging in something that is so integral to our democracy? Are we so afraid of the public in this parliament that we want to control their behaviour through such extreme penalties? What is the government afraid of? Why are they trying to intimidate these protesters?

It seems to me that what we saw the other week when we saw these climate protesters, who are calling out the fossil fuel companies, drawing attention to the acts of the fossil fuel companies and the gas conference that was occurring, was a group that is actually highlighting what is wrong with our democratic system—a system that is far too responsive to the needs of the big fossil fuel industry and not listening to the needs of everyday people. That was what the protesters were seeking to call out. This bill is just about shooting the messenger and demonising those who are actually trying to highlight what is wrong with our political system.

I also want to touch on some of the problems that we have with the changes to the terminology in the bill. There are some issues with the combination of terms and some of the potential unintended consequences that may flow. Firstly, clause 2 of the bill amends section 58 to remove the word 'wilfully' so it would then read:

> (1) Subject to subsection (2), a person who intentionally or recklessly engages in conduct that obstructs the free passage of a public place is guilty of an offence.

That change of language in this clause increases the offence to consider not just the intent of the person but also the recklessness of the obstruction.

Proposed new subsection (1a) introduces the words 'directly or indirectly' to the offence. The combination of the word 'reckless' with 'indirectly' could have consequences that we have not yet fully understood. There are myriad circumstances that could be collected within the combination of these two words in the offence. This is some of the stuff that I think is really alarming about this bill, because those implications have not been properly thought through.

The Hon. Connie Bonaros and I have some amendments that will seek to ameliorate some of these problems and provide greater clarity in terms of the interpretation of the bill, but it is still so fundamentally flawed that we will not be in a position to support the bill even if those amendments are successful. But we will advance them nonetheless, because the Greens believe we do have a responsibility to try to improve legislation, even when the legislation is as bad as the kind that the government and opposition are seeking to advance in this place today.

To look at some of the examples of some of the issues that are potentially wrong with this bill, you have homeless people who are sleeping on the street who could be moved on from a major sporting event. They could be using this offence. You have people who are attending live music, queueing outside a venue on the street, who could be potentially captured. This is the legal advice that we have seen—young people gathering in a group outside the local supermarket in a regional town.

As someone who has been a long-term advocate for people who are homeless, I am concerned that we could potentially see this bill being used, as we have seen in other places around the world, where if we are hosting a major event or activity SAPOL is given additional powers to move people on or, even if they do not use those powers, that they could be a disincentive for people being on the public space. That really worries me.

I am also worried about the potential for young people who might gather to be impacted as well. We have often seen young people demonised in public discourse. When people see a group of

young people congregating, there is often this narrative that they are up to no good. There could be a desire by police to move those people on and to demonise those people, and because the bill is so broad I am not given any assurance from the government that that potential will not happen. It just seems to be, 'Oh, well, we trust the police.'

While I understand why that would be a position the government would take, I do not think we can have a bill that is so broad that it gives the police such sweeping powers in our democracy. There are also some significant issues around the definition of a public place, because that is also really broad, much broader than some of the context that people have talked about in the media commentary around this where people have said, 'This is just applying to blocking off a lane of traffic; people who are really doing the wrong thing, disrupting a major event.' That has been the narrative. But actually, 'public place' is much broader than simply closing off a lane of traffic. It includes, and I quote from the act:

(a) a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; and

(b) a place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and

(c) a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that that road, street, footway, court, alley or thoroughfare is on private property.

What does that mean in practice? What spaces are we talking about? This means potentially you could be charged with an offence that carries a maximum penalty of $50,000 or three months' imprisonment if you are blocking public space in any of these places: universities, music festivals, theatres, food courts, shopping centres or foyers of buildings.

I mentioned the student sit-in activities that I was involved in back when I was at university as part of peaceful protest. They would certainly fall within the remit of this legislation and this will have a very chilling effect on our universities as students seek to protest myriad issues: climate crisis but also the links that our universities have with weapon companies like Saab and so on. It is really concerning to me to see the sweeping changes being proposed here without any consideration by the opposition at all. They have just facilitated this through the lower house and have given a very short speech with very little explanation or consideration of the implications of the bill.

There is the government who have not thought through the implications and have not provided any explanation around how these things will work in practice. These are the things that the Greens will explore in the committee stage. When people go into these places, is it reasonable for them to think that they could be charged with obstructing—either directly or indirectly—a public place and that they could be found to be guilty of this?

The government will argue—and I know that they have said this in their commentary—that this offence has always been there. It does not capture anyone it did not capture before. That is not the case. The word 'indirect' when paired with the term 'reckless' means this definition of public space could capture people that the previous bill did not include. Add to that a changed definition along with a much more extreme penalty and there is a real recipe for disaster.

That is not the only issue. You are also required, potentially, to pay for the cost of any action taken by a relevant entity in response to your obstruction of the public space, bearing in mind this is not just a protest action: this is any obstruction of public space. In the bill, a 'relevant entity' is defined as SA Police, an emergency service organisation, or any body or person prescribed by the organisations. If you directly or indirectly cause the obstruction, you will not only have to pay the penalty, but you will have to pay whatever response someone else deems necessary.

Let's say you are one person who obstructs a kerb on the edge of the road. That is beyond your control. If the police decide for the safety of the public they must close all the lanes on the road and it takes six police vehicles and numerous officers along with an ambulance, you could be liable for thousands and thousands of dollars. Even worse, if you look at the note under subsection (1a), you are not only responsible for the obstruction that you have caused but you are also indirectly responsible for the obstruction caused by the relevant entity.

While there is a reasonableness test in the clause about the cost that you will be required to pay, you are not in control of the costs of response even though you are liable for it. It is a really poor state of affairs when you are liable for something that is totally out of your control. This puts all of the power in the other party and not the individual who is subject to these laws.

The definition of a 'relevant entity' is open to the whims of the government of the day. Under the bill it is defined as SA Police, an emergency services organisation, or—and this is one of the sections I think is really concerning—a person or body prescribed by the regulations. One can only imagine what the government may do with those regulations. Thankfully, they would be disallowable by the parliament, but this could end up being a rather broad definition. People could be required to pay the costs to whatever this relevant entity is, and the sum the potential offender is now liable for could skyrocket to be totally disproportionate to the crime of obstruction.

What is considered a 'reasonable cost'? The bill allows for a reasonable cost or expense to be recovered from the offender. If this bill passes in this place that will be for the courts to determine; however, it is concerning they are even considering asking offenders to pay that cost, let alone the onus of proof being shifted in this way.

Once the costs have been incurred in dealing with the offence, the bill requires a certificate to be signed by the chief officer to certify the cost of dealing with that. We have been advised that the proposed subsection (1c) is a reverse onus of proof, so the defendant would then have to prove that the costs or expenses were not incurred or were unreasonably incurred.

What this law is actually asking—and again, I will explore this further with the Attorney in the committee stage—from my understanding of this bill, is it is now asking the defendant to go further, to prove that a service over which they have no control did not incur those expenses. Given the difficulty of obtaining such proof this is a complicated provision that would put the defendant on the back foot; we are expecting the defendant to do the work, to find out how much it might cost to hire a cherry picker to cut someone down, or whatever it might be.

Let's consider, in practical terms, how this bill—

The Hon. T.A. Franks interjecting:

The Hon. R.A. SIMMS: The Hon. Tammy Franks asks a very important question—

The PRESIDENT: Order, the Hon. Ms Franks! Interjections are out of order.

The Hon. R.A. SIMMS: It is a very good point the Hon. Ms Franks raises and one I think we should explore in the committee stage, one of the numerous scenarios we can present to the Attorney for his counsel, because as chief law officer I expect he has turned his mind to these scenarios, because this is how the bill is going to play out in the real world.

Let us consider how this bill could affect freedom of speech and assembly. The Law Society has provided some information to the Attorney-General and, indeed, to members of parliament, relating to that:

> Any reassessment of section 58 of the act must give appropriate weight to the right to protest and the potential for chilling implications for freedom of association and political communication. It is difficult to conceive that such consideration was given in the 24 hours between announcement and passage of the bill.

Of course; that is a statement I think every member of the community would agree with. How could consideration of these issues have been given, given that the bill was literally announced and passed on the same day through the other place? However, there has been some passage of time now, and I would expect that the Attorney has turned his mind to these scenarios and will be able to provide clarity in this place.

According to the political dictionary, a 'chilling effect' is a situation in which rights are restricted because of indirect political pressure or overboard legislation. It is frequently used to describe ways in which free speech is impacted by our institutions or those who hold power.

Sitting suspended from 17:59 to 19:47.

The Hon. R.A. SIMMS: I thought it might be helpful, given that we have just had a recess, to do a brief recap of some of the issues I covered prior to the dinner break, just to refresh members'

memories. Prior to the dinner break I moved a motion on behalf of the Greens to refer this bill off to a committee, the Legislative Review Committee, but I also suggested and talked through at length some of the concerns the Greens have with the process that has been adopted in the lower house, which really was totally inappropriate for a bill of this scope and implication.

Then I talked about how that contradicted some of the democratic principles that started in ancient Rome, but then have been cemented through protest action through the ages. I talked about some of the examples of those acts of civil disobedience—the Stonewall riots, the Mardi Gras, I talked about the Franklin Dam and then, at your request Mr President, I spoke about some of the local South Australian matters, which I knew you were particularly interested in. Then I worked through some of the specific provisions of the bill the Greens had concerns with. I was at the point before the break of going through some of the concerns of the Law Society. I will return to those now. In its submission, the Law Society noted that:

> Any reassessment of section 58 of the Act must give appropriate weight to the right to protest and the potential for chilling implications for freedom of association and political communication. It is difficult to conceive that such consideration was given in the 24 hours between announcement and passage of the Bill.

I agree with that. That is certainly the view of the Greens. There was inadequate consideration of those issues.

I have talked a lot about my concern about this bill having a chilling effect on protest, and a chilling effect on democracy itself. I thought, therefore, it might be useful to examine what I mean when I talk about a chilling effect, and how that operates on the ground when we are looking at protest. According to *Political Dictionary*:

> A 'chilling effect' is a situation in which rights are restricted…because of indirect political pressure or overbroad legislation.

Is it ringing any alarm bells for you, Mr President? I submit to you that this is legislation that is overbroad. It does potentially create a situation where someone's rights could be restricted because of indirect political pressure being applied by the government. It is frequently used to describe ways in which free speech is impacted by our institutions or by power. I have not heard the government give us a compelling reason to stifle freedom of speech and public assembly within this bill.

On the federal government's Attorney-General's website, it states, and I quote from that document—it is publicly available, but it would be useful to record it for the benefits of *Hansard*:

> The right to peaceful assembly protects the rights of individuals and groups to meet for a common purpose or in order to exchange ideas and information, to express their views publicly and to hold a peaceful protest. The right extends to all gatherings for peaceful purposes, regardless of the degree of public support for the purpose of the gathering.

Regardless of the degree of public support for the purpose of the gathering. I think that is a really important point to make because we have heard a lot of media commentary, people really vilifying the Extinction Rebellion group and saying they do not agree with their actions. What if, though, this were relating to a protest that they do agree with? That is actually what would happen. It is not just a law to deal with the actions of one particular protest group; it is one that affects them all, but not just the right to protest. It impacts on any public assembly.

We need to address the real concern that these proposed laws may discourage individuals from exercising their right to protest due to fear of severe consequences, thereby stifling dissent and suppressing democratic participation itself. Surely this is not the intention of this Labor government. If so, that would be a terrible indictment on the Labor Party indeed. If it is not their intention, then it is concerning that they have not properly considered the implications that can flow from this bill.

As I indicated earlier, the history of protest has shown us that civil disobedience is crucial to advancing social change, social change that many of us here in this chamber would be the beneficiaries of. By introducing a jail sentence for people who are exercising their democratic right, this bill is likely to have a chilling effect on peaceful assembly here in this state. There are also some human rights considerations here. The right to publicly assemble and the right to participate in public life have both not been given sufficient consideration in the other place, and so I do want to tease those issues out a little bit more because they were not addressed in the lower house when this bill was rammed through in lightning speed.

Queensland, Victoria and the ACT have human rights acts or charters. The Victorian human rights charter protects the right to gather for a common purpose or to pursue common goals, and on their website, under the right to peaceful assembly and freedom of association, the Victorian Equal Opportunity and Human Rights Commission says: 'Democracy relies on people being able to gather peacefully to share their beliefs and opinions.'

Sadly, we do not have a sufficient human rights framework here in South Australia, and I will say I think that is very concerning. I was very concerned to hear the comments of the Leader of the Opposition, when he implied that it is some sort of amazing boon to live in a society where your head is not cut off if you engage in peaceful protest. That is a very low bar to apply to human rights. I thought that was an absurd comment for him to make, and I was very disappointed that when I asked the Attorney-General about it in question time today he did not disavow those comments.

I am sure he does not share them, but he did not disavow those comments, and I thought that was disappointing because it was a ridiculous thing for the Leader of the Opposition to say. But it does point, I think, to a culture of disrespect for human rights in our state, and this law is part of that culture. That is why I think a human rights charter would be a very beneficial addition. I will talk about that tomorrow in private members' time because I have a motion before this house to talk about it then. I am sure you will look forward to that. I will be working on it overnight and, yes, it will be good.

In Queensland, Victoria and the ACT, this bill would have come under scrutiny within the context of a human rights framework. It is a problem that we do not have any mechanism to address those issues in South Australia. Ideally, and this is one of the reasons why I want this to go to the Legislative Review Committee, what you would do is refer this bill to the committee and then say, 'Let's consider all the human rights implications, the compliance with other bills and the like.' Indeed, should that motion succeed today, then there is an opportunity to consider that.

One of the questions I would ask myself, and indeed you may be asking yourself as well, Mr President, is: how did we find ourselves here? How did we get here? Why are we here? Well, really, it is a time to reflect on the process that has led us here to this chamber and consider whether this is good governance or best practice for our democracy.

On 18 May this year, these events were spurred by talkback radio and they began with the Leader of the Opposition, David Speirs, appearing on FIVEaa at 8am the day after Ms Thorne was arrested and the day there was a civil action in Flinders Street protesting against the use of fossil fuels in relation to the damage of climate. On radio, the Leader of the Opposition said, and I will quote because I think it is useful to understand the intention of the bill to go back to what the architect of the bill said at the time when he fomented the idea on talkback radio. He said:

> Well, the penalties are pathetic and thanks for having me…I think your listeners would be on the same page as me with this one. $750 is all that Meme will have to pay and I think you [have to] build that into your disruption plan, really. You can whip around your mates and say, 'I'm going to go and clog up the city and cause some chaos for the cause of climate change' and that may be a worthy cause [for some people] but it is…not in the minds of others.

He then continues, when asked if it was possible for him to bring an influence to the issue, 'Certainly is.' Well, he was right about that. He has had a great deal of influence as the ghost writer for the Hon. Peter Malinauskas, the Premier of South Australia. He has come up with this bill, he is the architect of this bill and he has suggested this idea to him, and the Hon. Peter Malinauskas has just taken the idea up. He said in his response:

> Certainly, we've drafted that amendment, it was quite a simple one. Josh Teague, my shadow attorney-general has drafted an amendment to section 58 of the act, Obstruction of Public Places, and that's where the fine currently sits at $750.00. We want to lift it to $50,000 or 3 months' imprisonment.

Three months' imprisonment. He continued:

> Now, that sounds like a huge leap, but we think we need to give the judiciary the flexibility to be able to take into consideration really serious obstruction.

They are the Leader of the Opposition's words, not mine. I think it is very useful to get the background because it informs the government's thinking on the bill, and he continued:

…judges need to have greater equipment in their toolkit, so to speak, when looking at what they can hand down, so we've drafted this amendment and I hope the Labor Party supports it. I get on with Peter Malinauskas [the Hon. Peter Malinauskas, the Premier of South Australia] pretty well. I hope that he takes a pragmatic approach to this. If he supports it and I support it [we can roll it] through the parliament.

The Leader of the Opposition is a soothsayer. I suspect when he made those comments he did not anticipate that he would find such compliance with the Labor Party. He then continued to make some comments about Ms Thorne, which I think are totally inappropriate, where he said:

There's no doubt about that, and that woman, Meme from Willunga, she looked belligerently into the camera…[and said], 'I'd do it again' because I'm sure she's got, [she's the kind] of person that would be sitting…on…superannuation. I don't know her specific circumstances, but she looks like that person to me, and let me tell you, she looks like that person to most of your listeners and it's about time someone like her was slapped with a $20,000 fine so she thinks about it twice before she does it again.

That is the nature of political debate in our state. That is the political debate that has informed this bill that has been rushed through this parliament. What an insulting way to refer to a constituent and what an inappropriate way to refer to someone who is exercising their democratic right and doing so because they have an issue of concern to them—that is, the future of our planet.

It goes on. At 8.45 the same morning, 45 minutes later, the Premier appears on the same radio station to comment on the opposition's position, and he says, and I quote:

I haven't had a chance to read the transcript or hear what the Leader of the Opposition said...but...if there is an opportunity for the Parliament to act quickly...I think we should, I've spoken to the Attorney-General this morning and asked him to draft up a piece of legislation to see if we can't get it into the Parliament today to try to respond to this because the idea that people would abuse what is...sacrosanct...in our State to enjoy peaceful protest but then take it beyond that to...disrupt others...is something we won't abide by and I think there's an opportunity...for bipartisanship with the Opposition to see if Parliament can't respond too quickly. We're on the case and we'll see what we can get through to Parliament today...

Well, they were on the case. If only the Labor and Liberal parties were willing to work together to deal with the climate crisis or the cost-of-living crisis or the housing crisis or the myriad other challenges we face, rather than just working together to ram through anti-protest laws like this. I do not know what the rush was. I can only imagine that this was some attempt to try to control the media narrative for the day. If that is the case, then I think that is very disappointing.

The conversation continued on ABC radio. I will quote again from the Leader of the Opposition because, again, I think it is very useful to understand what his interpretation was and why he put the idea forward—because it is his idea. The Leader of the Opposition said:

Magistrates and judges in this State, all they've got in...their toolkit are fines, it's $750 to throw at these people and I am proposing an amendment to the Summary Offences Act for Obstruct of Conduct to increase that $750 to $50,000 or 3 months imprisonment.

It is actually not correct. Whilst it is true that magistrates can only apply a maximum penalty of $750 for obstructing a public place, there are a number of offences under the Summary Offences Act that are used to charge people who conduct civil disobedience. In the case of Ms Thorne, she was in fact charged with two charges; I understand these to be obstructing public space and disturbance of the peace. So it is incorrect to say that there are not other options available to magistrates. Again, this leads me to question: what is the urgency with this bill? Why not refer it to committee? Why not consider the implications? To go back to breakfast radio, the Leader of the Opposition continued:

The Act doesn't cut it today and I'm hoping for bipartisan support in this one or something that we can negotiate with the Government…

The ABC then took a call from the Hon. Peter Malinauskas, Premier of South Australia, who again affirmed that he was wanting to rush some legislation through. He said:

I think the leader of the Opposition is right. I think there's an opportunity here for the Parliament to respond to this action quickly and we can't have a situation where…people...are...just trying to serve the community are having their lives and their incomes...disrupted through the acts of people who abuse the right to protest...I've asked the Attorney-General this morning to work with the Opposition to draft up a piece of legislation that...we can get into the Parliament today...

The Premier was then asked about the proposed changes to penalties, and he replied:

I think it's 750 [dollars] going to 50,000 and then up to three months imprisonment. I think there's a few different other areas that we should contemplate in law reform in this regard but the measure the Opposition is proposing this morning I think has merit and I think it's an opportunity for the Parliament to respond to quickly...

The Premier then went on to make it clear that he believes there is a distinction between some appropriate protests and some that are inappropriate. He said:

There is a fundamental difference between someone protesting at Parliament, peacefully, with placards and articulating their beliefs...absolutely appropriate—

versus people closing off a lane of traffic. That takes us to 9am of that morning. While radio continued on the issue throughout the day, the government were racing behind the scenes, it seems, to deliver on their promise of rushing something through the parliament on that very same day. By 12.05 the same day (18 May), standing orders in the other place were suspended to enable the introduction of a bill without notice and passage of all stages without delay.

Three members gave second reading speeches: the Premier, the Leader of the Opposition and the shadow attorney-general. By 12.26, the bill went straight through the committee stage and had passed the House of Assembly by 12.27. There were no questions at the committee stage at all—no questions, no scrutiny.

Let's do the maths on this. At 8am, the Leader of the Opposition proposes a policy. By 12.25pm, it has been supported by the government and the opposition and legislation has been introduced and passed through one house of parliament—four hours and 27 minutes, with just 22 minutes of parliamentary debate for a wideranging law that could have serious implications for our state.

When the Leader of the Opposition said he wanted to work together with the government, I am sure that was not what he was expecting. He must have been clapping his hands when the Hon. Peter Malinauskas, the Premier of South Australia, came to him and said, 'Let's just get this through and make it happen at lightning speed.'

Not only was there no parliamentary scrutiny but as members of the upper house we did not even see the legislation until it was tabled in this place and here we are, just seven days later, with the government and the opposition working together to get it through this place. It is very good that we have the crossbench here to raise the issues through the committee stage, to talk about the issues through the second reading stage and to really ventilate the issues that have been raised with us in the broader community.

In addition to the lack of parliamentary scrutiny, I think it is important to highlight the fact that the community itself, the voting public, had no opportunity to see the bill until it actually passed. There was no time for stakeholders to consider the bill, to form a position or to provide any feedback to members of parliament.

This is an issue that I would really like to take up in the committee stage, to understand who the Attorney-General engaged with in developing the bill and what the consultation process was in the four hours between when it was announced that morning on talkback radio and when it was passed in the House of Assembly, because I think that is very important for us to understand.

Why was the government trying to rush it through so quickly? Questions have been raised by human rights law professionals about the constitutionality of this bill, and again that is a question I intend to explore in the committee stage. In a letter from the Human Rights Law Centre dated 24 May 2023, concerns were raised, and I quote from their document. The concerns include that the bill could be:

…unconstitutional and struck down by the High Court as an impermissible burden on the implied freedom of political communication. The Human Rights Law Centre has been involved in successful legal challenges to anti-protest laws in other jurisdictions. We consider it highly likely that the Bill would be challenged in the High Court given the significant chilling effect it would have on advocacy and democratic participation across the state.

The letter from the Human Rights Law Centre also claims that there could be implications for international human rights law. The letter states:

We are concerned that the Bill is inconsistent with well-established principles of international human rights law. Australia is a party to the International Covenant on Civil and Political Rights (ICCPR), and South Australia must

act consistently with our international legal obligations under the ICCPR. Article 21 requires protection of the right to peaceful assembly and article 25 recognises everyone's right to take part in public affairs. The breadth of the Bill and the 60-fold increase in penalties means the Bill unreasonably and disproportionately limits both.

These are serious concerns. They need to be considered by a parliamentary committee like the Legislative Review Committee. That is the appropriate body that this parliament could charge with the responsibility to consider these issues. If you are in any doubt about that, Mr President, I think it would be helpful for me to highlight the terms of reference of the committee.

The PRESIDENT: No, I am not in any doubt. It is okay.

The Hon. R.A. SIMMS: You may not be, Mr President, but others may be, and to inform their consideration I think it is useful to hear what the terms of reference are of the Legislative Review Committee. The terms of reference include to inquire into, consider and report to the parliament on the following matters referred to the committee under the Parliamentary Committees Act 1991: (i) any matter concerned with legal, constitutional or parliamentary reform or with the administration of justice, excluding standing orders or rules of practice of the parliament and (ii) the acts or subordinate legislation in relation to its expiry.

It is the appropriate forum to fully delve into the implications of the bill. Given it has been rushed through the other place and now this place, and the potential for broad-reaching implications and unintended consequences, we need to give the bill proper scrutiny. I know that I am the first of my colleagues to speak, and all of us will touch on various important elements of the bill over this evening and potentially coming days. The Legislative Review Committee is the proper place to do this.

The government is in hot water over this bill. It is unusual for unions to unite against the Labor Party, but this is what we are seeing here. I really urge the government to refer this bill to the committee, to ensure that we can consider what the bill means in practice. Does it do what it intends? Does it have broader implications? Does it have unintended consequences? Has it been subject to appropriate scrutiny? If it is not the wish of the chamber to refer the bill to the Legislative Review Committee, then I foreshadow that I will be moving some amendments. I have filed two sets of amendments, but I will only be moving those in the second set.

I will now talk a little bit about what these amendments seek to do and their genesis. The amendments seek to do the following. Amendments Nos 1, 2 and 4 in my name create a sunset clause for this bill to ensure that provisions of the bill expire after 12 months.

If we accept the government's argument here that it is vital that this bill be dealt with this week, which I do not accept, but if we do accept that argument, then it is entirely appropriate to say, 'Let's apply a sunset clause so that we can see how it plays out in practice so that we can see whether the government's assurances around the impact on human rights, the impact on the peaceful right to protest, the impact to gather in a public space, are in fact live issues. Let's have a trial and we can revisit it in 12 months.'

Amendment No. 3 inserts a reasonableness test into section 58 by adding the words 'without reasonable excuse'. This would bring us into line with other jurisdictions with respect to similar anti-protest laws. It would limit the number of people who could be inadvertently captured by the offence. For example, it has been argued by some of the legal experts who have informed my consideration of this bill that there is a risk that people suffering from a health incident or, potentially, homeless people could be captured by this bill because they are obstructing a public space, so adding in the term 'without reasonable excuse' would make it clear that people in those circumstances would no doubt be deemed to be obstructing the public space for reasonable reason. This is an important inclusion to ensure that we are protecting people who may be inadvertently caught in the net of this bill.

Amendment No. 5 would establish a review after 12 months. The previous amendment established a sunset clause. This one would establish a review. It would be very important that we look at the effects of the bill, how the offence is being used in practice. The amendment requires the Attorney-General to carry out a review.

I have talked about my concerns around the bill in terms of how it offends the principles of democracy and I have talked through some of the specific principles of the bill, but I now want to draw your attention to some of the community feedback that I have received. I thought it would be useful to get a sense of the breadth of concern there is in the community, so I will go through some of those concerns with you that I have received.

I will go through some of them now. One is from a phone call from a longstanding Labor Party member who rang my office and wanted these comments noted. She said:

> This dirty politics…is not just about kicking…the Greens who care about climate change, but it also kicks…the people who got them elected…

This is said of the government. Continuing:

> This is dirty politics that has deep roots. My Labor Party card is kryptonite in my hand. I'm hurt. It stinks. Thousands from all arms of Labor are angry. This bill breaks every law of democracy in this country.

This is another one from a concerned constituent:

> Good afternoon, I'm emailing as I am very concerned about the changes to the anti-protest laws passed by the lower house.
>
> While I am someone who cares very deeply for our environment, I haven't had personal involvement with groups like Extinction Rebellion. However, I am strongly opposed to these changes.
>
> I am a mother with young children, and over the last few years, several times we have talked about how good it is that we live in Australia, where we are free to protest and have the freedom to loudly and publicly criticise and oppose government and business decisions. We've spoken about how this is something very important and very special, and is not something that is allowed in other countries around the world…
>
> I was so shocked to read the news over the last few days, and to read the public comments from some of our elected members.
>
> I truly expected better from some of our South Australian parliamentarians as I've always been proud of the leadership and progressiveness of South Australia…These rules have been rushed. These changes haven't been done with consultation. These changes are a huge step backwards for democracy, civil liberties and human rights in SA. And they go along with a lot of awful commentary about people who are putting everything they can into trying to avert the climate crisis.
>
> These are unprecedented times of massive environmental change and when we are on such a tipping point, we need to be fostering as much positive environmental action and pressure on businesses and those that wish to maintain the status quo as possible.
>
> The last federal election was seen as an election on climate…and yet we are ignoring the strong level of community support for climate action, by taking away our rights to strongly demand change. I would appreciate you using your position to block these changes in the upper house. Otherwise, could you please explain to my kids (aged 5 and 9) why you are restricting human rights and civil liberties here in South Australia during a climate emergency.

I think it is a very fair point that the constituent has raised. I have another email from Nicola Dean who said:

> I am writing to you in regards to the proposed changes in the protest laws in South Australia. Although it is inconvenient when individuals who feel strongly about issues obstruct traffic or the 'free passage of public place', the benefit of having a robust democracy cannot be understated. South Australia has a strong history of democracy.
>
> As a South Australian woman, I am so proud that SA was the first state to allow women to be elected to parliament and one of the first in the world to allow women to vote. These changes would never have happened without the brave protests of the suffragettes. What about Martin Luther King in Alabama, or Gandhi? Granted, they were arrested and detained multiple times for obstruction of free passage…but are South Australians so conservative that they are saying that this is a good thing? Are we to degenerate into a repressive police state like Hong Kong?
>
> I am a doctor who migrated to South Australia in 1998 and I work full-time in the public hospital system. You will find no greater advocate of our city and the wonderful benefits of living here. But this is wrong. [Do not let this change] go through.

This one is from Rick Mason:

> Dear members of the Legislative Council,
>
> I write with considerable concern at the recent Anti Protest laws passed by the lower house. This legislation is draconian and does not meet democratic processes. New bills should not be passed in just 20 minutes

without…consideration and debate. If we are to remain a democratic society then we need to do better than to behave in such an autocratic manner.

I agree with that. We should not be rushing bills of this magnitude through. He says:

Under our democracy we have a right to peaceful protest. Inconvenience is not a rational reason to ban protests…We the people of SA and the people of Australia deserve better.

This one is from Jayne Jennifer:

Dear Robert,

I am alarmed at the plan to rush through legislation to increase penalties against protesters. The right to protest is fundamental to our democracy. There are many significant changes that would not have happened if there had not been protests on the streets.

The climate emergency is already causing major disruptions with much more to come. A vote for disproportionate penalties against peaceful protesters would be a significant mistake for the SA Parliament. Please continue to speak out and vote against this legislation…

There are many of these emails from people from across the community who have concerns who have taken the time to write to me with their personal emails, and I think they have done so to many members of parliament.

The Hon. F. Pangallo: Well, let's hear them.

The Hon. R.A. SIMMS: Alright, thank you, Mr Pangallo, I will keep going; there are a few others. This is from Ann Doolette:

The honourable members of the South Australian Legislative Council, I implore you to not pass the Summary Offences Amendment Bill. This is heavy-handed. It's a disproportionate response to community accepted protests in civil society. Frankly, it smacks of bullyboy tactics and suggests a government and opposition that are in with the oil and gas industry. It saddens me that a government can pass legislation on a day when the oil and gas industry is inconvenienced, yet governments pass and prevent, and dawdle and prevaricate endlessly about protecting our environment.

This is the fundamental problem, isn't it, with our democracy, when the penalties flow to those who are belling the cat on the climate crisis and when we have governments that are actually shooting the messenger.

That is what this is: it is shooting the messenger, penalising the people who are speaking out about what is wrong with our society. First it is penalising those who speak out about climate. Is it next going to be penalising those who speak out against the economic crisis or the housing crisis that we face? This bill potentially captures all those things. At a time of increased pressure in our society, these democratic principles should be protected, and I am very concerned that they are being undermined.

The Hon. F. Pangallo: Trampled on.

The Hon. R.A. SIMMS: The Hon. Mr Pangallo says 'trampled on', and I agree. They are being trampled on, and it is a really terrible turn of events. I will return to some of the community feedback I have received because I think it is very relevant, but I do want to change tack for a little bit and talk about some of the broader feedback that I have received. Indeed, I did request people to provide me with feedback over my Facebook page. I asked members of the community for their views, if they had anything they would like to feed in. They have provided some for me. Thomas Marlin said:

This is not a left or right issue. This is about democracy. The left and right will often protest for different reasons. One does not have to agree with their point of view to understand the importance of upholding this right. Labor in name only.

Danielle Duffield-Sorell:

The Labor Rank and File will vote with their feet—goodbye letterboxing, corfluting and election day volunteers.

Happy for you to highlight the chalking parents did to save their schools as an act that would potentially jail us or cost us a house in fines…

Rhys James:

…this move by the [Malinauskas] Government is filling our youth with a feeling of hopelessness in a time when we need hope more than ever. Passing an undemocratic Bill in 22 minutes to also hold the ideology that we cannot rapidly and swiftly act adequately on our biodiversity and nature crises is beyond disappointing.

Graham Smith:

The Labor movement was built on the right to protest. This is a betrayal of all of the years of struggle by our grandfathers and great-grandfathers.

Rick Sarre, a former Labor candidate, said in InDaily—this is an excerpt:

…while UniSA Emeritus Professor of Law Rick Sarre described the legislation as regrettable from a civil libertarian point of view.

This is what he said to InDaily—a former Labor candidate:

It is another example of governments wrongly thinking they can make problems go away simply by 'getting tough.'

I fear a knock-on effect that will stifle future public discourse and deter protests by those seeking to bring public attention to their legitimate grievances.

Justin Hanalla:

…who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: 'I agree with you in the goal you seek, but I cannot agree with your methods of direct action'; who paternalistically believes he can set the timetable for another man's freedom;…

They are some observations from Martin Luther King in his Birmingham jail letter. But it is not just constituents who have been speaking out, and their views are obviously vitally important to us here in this place, but there is a range of civil groups and political groups that have also added their concerns to this debate.

Indeed, earlier today, the Hon. Frank Pangallo, the Hon. Connie Bonaros, the Hon. Tammy Franks and I held a press conference with key leaders from civic and community life in our state. They included the head of SACOSS, Ross Walmsley, the head of the Conservation Council, Craig Wilkins, a range of other people from the Human Rights Law Centre, Amnesty International, a range of key civic and community leaders, including Anne Bainbridge from the Youth Affairs Council of South Australia—all of them very concerned about what we are seeing here in this parliament.

I will also read some excerpts from the feedback from the Law Society, because I did say this was not a left and right issue. The Law Society does not have a reputation as being a hard left organisation. They are not considered a hard left organisation. They are a measured, expert group that provides advice to all sides of politics in a dispassionate way—legal experts—but they are very concerned about this bill, very concerned.

I believe all members of parliament would have received feedback on this. In their submission to us they make a number of points. They say that their concerns with the bill are significant and relate to its substantive content and potential consequences, as well as the pace at which the bill was passed through the House of Assembly. The society strongly opposes the bill. The society understands the bill will be before the Legislative Council and urges the parliament to delay the bill's passage to enable it to be considered.

That is what I am seeking to do, not in giving this speech but in seeking to refer the matter to the Legislative Review Committee so that all of the consequences can be appropriately considered. They say that passing a law without consultation with relevant stakeholders at such a rapid pace is a practice that should be condemned in the strongest possible terms. The Law Society states:

The purpose of consulting on such matters allows scrutiny, expert opinion and the receipt of alterative views on the merits and particulars of a given law. It may be accepted that in rare instances (such as a war, pandemic and natural disaster) the legislature may have to act very swiftly to prevent personal injury or other damage but the occasions for that kind of action should be few and far between.

Is this a wartime measure? Are the actions that we saw on the streets of Adelaide two weeks ago, where some climate protesters engaged in peaceful protest, so serious that they required a response

of the magnitude that we have seen from the government and the opposition who have worked in lock step to rush these laws through the House of Assembly?

Parliamentary Procedure

VISITORS

The PRESIDENT: While you are having a sip of your water, the Hon. Mr Simms, I acknowledge in the gallery the former President, the Hon. John Dawkins.

Bills

SUMMARY OFFENCES (OBSTRUCTION OF PUBLIC PLACES) AMENDMENT BILL

Second Reading

Debate resumed.

The Hon. R.A. SIMMS (20:25): It is lovely to see the honourable member back here, Mr President. The Law Society also states:

> For the Parliament to seek to pass a Bill in the way demonstrated in the House of Assembly on 18 May 2023 not only seriously undermines the ability of the Parliament (and by extension the general public) to receive considered and appropriate advice on proposed new laws, but it also undermines the democratic process. This is particularly concerning where the laws contemplated may have implications for individuals in criticising or assembling to oppose or criticise the actions (or inaction) of Government.

They go on to note—and this is a fair point that I have made myself—that:

> The public did not even have the opportunity to review the content of this Bill or Parliamentary debate relating to it, before the Bill passed a House of Parliament. At the time the 'debate' on the Bill occurred, it was not even possible to locate the Bill using the Legislative Tracker.

They go on to state the important point that:

> The Society understands the origins of this Bill were in a talkback radio appearance by the Opposition leader. The proposed reform was subsequently supported and adopted by the Government. Shortly after being Tabled in the House of Assembly, the Bill progressed through the House and on to the Legislative Council where there appears to be every intention to progress the Bill at a similar pace in the next Parliamentary sitting week.

I am pleased to say that is not what has occurred. We have already passed the 20-minute mark of the debate that was shown by our colleagues in the other place, and I think that is good. That is at least one action that this council has acted upon. But I do urge members of the council to take on board the other feedback of the Law Society with respect to the Legislative Review Committee and the substantive concerns that they have with the bill.

They talk about those at length, and they are similar to the issues that I take up with the amendments that I have lodged on behalf of the Greens. I know that they are also similar themes that the Hon. Connie Bonaros will touch on with her amendments because she has also drawn on a number of those themes. I think it is fair to say that the Greens and SA-Best have worked very closely on developing amendments to ensure that we cover the range of issues that has been raised with this bill.

They talk about a lot of the issues here. The nature of modifying the offence, the issues around the definition of a 'public place', the substantive content of the bill in terms of the increased penalties and the cost-recovery expenses are all issues that they talk about. They also look at the impediment to free speech and the right to protect. It is a very important submission, and I would urge members of parliament to read it.

The Hon. F. Pangallo: Are you tabling it?

The Hon. R.A. SIMMS: I do not know that I need to table it in this instance because I think members of parliament already have it, but I would take your advice, Mr President.

The PRESIDENT: If it is a publicly available document there is no need to table it.

The Hon. R.A. SIMMS: They also issued a press release and I think it is worth hearing what they had to say in that press document. They said:

Rushing legislation and bypassing scrutiny is not how good laws are made.

I agree. They went on to say:

The Law Society has serious concerns at the manner in which the Summary Offences (Obstruction of Public Places) Amendment Bill 2023 was rushed through the House of Assembly on 18 May.

This is not how good laws are made.

Good laws undergo a process of consultation, scrutiny, and debate before being put to a vote.

The public did not even have a chance to examine the wording of the Bill before it passed the House of Assembly.

This is particularly worrying in circumstances where the proposed law in question affects a democratic right...

They go on to make some of the points that are contained in the body of the document, but it is important to highlight that. There have been a number of people who have spoken out about this. What I think has caused people's surprise is not just the swift and disproportionate nature of the response, which has been breathtaking, but the substance of what is contained within the bill.

Sarah Moulds is a senior lecturer in law, justice and society at the University of South Australia and director of the Rights Resource Network in SA. Sarah is somebody who does a great deal of work on this issue. She makes the point that this is not the first time that legislation has moved through parliament at breakneck speed:

Every time it happens it sends a message to South Australians that their parliamentarians are not interested in what they think about lawmaking.

She goes on to say, and it is a fair point:

These protesters believe their actions to be justified by the climate emergency our community faces, and the flow on implications for our health wellbeing and prosperity. This crystallises a moment that will continue to define the challenges posed by climate change to our democratic polity and institutions. Sadly, our Parliament has decided to respond to this moment in a way that is highly reactionary and uninspiring.

This is true. We are at a moment of significant challenge, where we are facing a series of crises: the climate crisis, rising inequality, and we are in the middle of an inflation crisis. When society is facing these moments of pressure, that is when the citizens will seek to protest, to demonstrate.

It is incumbent on us, as members of this place, to listen to what the community has to say, to ensure that the laws we put forward address their concerns, not to simply try to silence them, not to say, 'It was inconvenient for us to listen to you, and we are going to make it difficult for you to express your view.' That is not what we should do in a democracy like ours.

This is something that has attracted national media. It was a leading story in *The Guardian*, and there was a lot of concern around this—a lot of concern. As I say, *The Guardian* carried the story, and I have read quite a bit from their coverage of the issue, but I also want to highlight to you some of the concerns that the Human Rights Law Centre have raised. I have not touched on their views yet, but I think they are very relevant to this debate.

The Human Rights Law Centre have made a submission, which I believe has gone to members of parliament. They say:

The freedom to assemble and protest allows Australians to express their views on issues important to them and to press for legal and social change. Attending a protest is a way for people to have their voices heard and participate in public debate.

Australia has a proud history of protests leading to significant change, including the preservation of Tasmania's Franklin River, the apology to the Stolen Generations, and the advancement of LGBTIQ rights by groups like Sydney's '1978ers'…

I talked about that earlier in relation to their role with the Mardi Gras parade. They touch on some of the issues that the Law Society has touched on. They express a number of the concerns:

…the Bill makes defendants criminally responsible for their direct obstruction of a public place, but it also intends to capture conduct even if it indirectly causes obstruction of a public place.

The Bill provides an example of what this may include, namely, if police or other emergency services need to restrict access to the public place to, 'safely deal with the person's conduct'. In other words, a person may be found

guilty of an offence for the acts of police or other emergency services if they obstruct a public place while they respond to the defendant.

It is not clear from the text of the Bill what level of connection, proportionality or appropriateness is sufficient for police and emergency services to 'safely deal' with a person's conduct under this new provision but there is a risk that under this provision, a person may be found guilty of an offence for the acts of police or other emergency services which are outside of their control.

That is a real worry. They also talk about the establishment of the offence of obstructing a public place. They say that this amendment that is being promoted by the government and the opposition, as they worked in concert to rush it through the lower house, would make an offence of obstructing a public place much easier to establish. They say:

Currently, under the Act, to establish the offence of blocking a public place, the conduct must be wilful.

Under the new laws that have been proposed, blocking of a public place would have to be intentional or reckless, and yet legally there is a distinction between what is wilful and what is considered intentional or reckless. I am reminded of my time at law school when we learned about the actus reus and the mens rea—the guilty mind in Latin.

The Hon. C. Bonaros interjecting:

The Hon. R.A. SIMMS: That is right, the element of intent as the Hon. Connie Bonaros has stated. The intention requirements in this bill have been significantly altered and that has implications when one accompanies that also with some very serious new penalties. It is a significant change to the bill, as the Hon. Connie Bonaros states, not just simply keeping things as they are, which is what the government is trying to advocate.

I know that the Hon. Connie Bonaros has some amendments in this regard and will no doubt tease out this issue further. I certainly indicate the Greens are supportive of those amendments if our push for a committee is not successful. I am hoping by giving this long explanation that I will convince members of the need to refer the bill on to a committee. I can see there is a lot of interest in that proposition from members here and I am hopeful they will get behind it.

What have other organisations said about this bill? What have other groups said? Amnesty International has come out as have the Australian Services Union (SA and Northern Territory), South Australian Council of Social Service, Extinction Rebellion, Australian Democracy Network, and CounterAct. Human rights advocacy groups are certainly sounding the alarm after what has been rushed through the state parliament. Here are just some of the comments that have been made. I think it is useful to reflect on those. Amnesty International campaigner Nikita White said:

The South Australian upper house must reject the Bill, which will unfairly restrict people exercising their rights to freedom of expression and assembly.

This crackdown on the right to protest means all our ability to fight for human rights and combat the climate crisis are under threat. People shouldn't face huge fines, and even prison sentences, just for standing up for what's right.

These harsh penalties on those protesting peacefully are part of an unacceptable trend in Australia which has seen the right to protest stymied in recent years.

In a moment, I am going to talk about what some of those threats are, to position this bill within that broader not just national context, but international context, because I think that is quite relevant. The South Australian Council of Social Service CEO, Ross Womersley, said:

Protest, including peaceful disruptive protests have been key to achieving many of the welcome changes and improvements in our community and the rights that we all take for granted.

Disturbance and interruption are the things that invite and cause us all to stop and to reconsider. Being punished unreasonably seems completely at odds with our democracy and the community we would like to continue to build.

What did the Australian Services Union SA and NT Branch Assistant Secretary Scott Cowen have to say? He said:

The right to protest is fundamental to our democracy. Union members are proud to stand up for our rights at work and for justice in the community.

What about the South Australian Extinction Rebellion? They note that:

> The South Australian government's decision to choose protest suppression over climate action reveals its complicity in the industries that are driving the climate crisis.

The Australian Democracy Network campaigner Ray Yoshida said:

> This is a completely disproportionate response from the Malinauskas government to peaceful community protest, and disappointing that they would rush it through without proper scrutiny. We urge the Government to reconsider its approach and we call on the Legislative Council to reject this draconian bill.

What about CounterAct's Nicola Paris? She says:

> Protest is essential for democracy. Ramming through increased penalties without scrutiny that are 66 times higher than the original fine for a minor (summary) offence and adding a jail sentence is not democracy. Inconvenient, disruptive, peaceful protest has changed the world for the better.
>
> Fossil fuel driven climate change has killed and disrupted millions worldwide, and displaced thousands locally—and yet the ALP said this week that they were 'at the disposal' of this industry…that's been made devastatingly clear.

I think these are very fair points that have been raised by these key leaders in the community and they are really sounding the alarm about what the government is doing here. They are really sounding the alarm. The Australia Institute has also raised some concerns. Bill Browne, Director of Democracy and Accountability at the Australia Institute, has observed that:

> Harsh new penalties for peaceful protests, including jail terms, represent an alarming threat to civil liberties and a healthy democracy in South Australia. The proposed changes in South Australia are the latest in a worrying trend towards harsher anti-protest laws, following changes in NSW that saw a climate protester jailed.

Well, it is very true: it is part of an alarming trend. This is not just a view that has been remarked on by these civil and political groups but also, might I reference, the Australian Nursing and Midwifery Federation have noted these concerns as well. They say in their letter to members of parliament:

> Despite the government's assurance that these amendments do not criminalise any behaviour that is not captured by the current provisions, these amendments are not focused or targeted; they are broad.
>
> It is clear that as a whole these amendments represent a significant change to and an expansion of the offence. It is clear that many of the actions that have been taken by unions in the past could be taken to contravene these laws.
>
> We are dismayed by the lack of consultation with any stakeholder and the haste with which this legislation was presented to and passed by the House of Representatives.

We have an opportunity to put that right today, if we refer the bill on to a committee so that all of these groups have an opportunity to appear before the committee to put their case so that the issues can be meaningfully examined and worked through rather than us trying to truncate a debate late at night to meet the government's time line.

The Conservation Council has also raised some concerns, and they also issued a media release which I might return to a little bit later. I was really interested to note as well that the City of Mitcham has passed a resolution in relation to this. I think that is a really interesting thing to note. They have heard some feedback from their constituents that their residents are concerned about the speed at which the proposed amendments to the Summary Offences Act passed through the lower house and the possible unintended consequences of these amendments. I can understand their concerns.

I also want to draw your attention to the Women's International League for Peace and Freedom (SA branch), who wrote to the Hon. Tammy Franks and myself. They said they were writing to us about the bill, the summary offences bill, which they regard as posing a number of threats to our system of representative democracy, disproportionately restricting our freedom of assembly and protest. These are the elements that are fundamental to our democracy, yet this bill is disproportionately impacting on those.

I have spoken a bit about the community concern in relation to this bill. I have spoken about the specific provisions and the historic context in which the bill sits, but I also think it is worth looking at what other jurisdictions are doing to see where South Australia sits. Really, I think when one considers the interstate and international context, it is very concerning indeed.

In 2019, the Queensland government passed the Summary Offences and Other Legislation Amendment Act. Four United Nations special rapporteurs said the laws were inherently disproportionate and could criminalise peaceful protest. The Queensland government consulted a mining lobby group, the Queensland Resources Council, on the laws—totally inappropriate.

In New South Wales we saw the parliament passing new laws bringing in harsher penalties against protesters. Penalties of $22,000 or two years' jail could be enforced. The laws apply around the port of Newcastle, the port of Kembla and the port of Botany, but the government intends to expand them. The legislation was supported by the Labor Party, unfortunately, but it was slammed as undemocratic by the Greens.

The New South Wales parliament passed these new anti-protest laws. That is a real worry, but I note that the fine that has been proposed in South Australia, along with the changes to the intention requirements, actually make the South Australian laws potentially more heavy-handed. That is really disappointing. I note the comments of the New South Wales Labor leader at the time, who is now the Premier, Chris Minns. He said that he supported the legislation as it was important for the safety and security of New South Wales. That is really disappointing.

I want to quote from my colleague, Greens MLC at the time, David Shoebridge, who is now a federal senator for the Greens. He is pushing for federal protest laws to protect the right to protest, at a federal level, to stop the erosion of these rights at local state jurisdictions. He said:

> That's not just bad policy, it's deeply anti-democratic. This move to target political and environmental campaigners may well be in breach of the constitutional protections for political communication and we can anticipate a [court] challenge on them very soon.

Fair comment.

The Human Rights Law Centre came out against those laws over in New South Wales, as did the Aboriginal Legal Service, the NSW Council for Civil Liberties, and the Environmental Defenders Office. Again, as we have seen in South Australia, a broad cross-section of the community is being mobilised against these laws.

I want to touch on Tasmania, where we have seen really alarming anti-protest laws rushed through there, as well, back in 2002. This was leading Tasmanian and national civil society organisations, that were quite active on that. In that context, a community member who obstructs access to a workplace as part of a protest could face 12 months in prison, and a community member obstructing or protesting the destruction of old-growth forest on a forest site could face penalties of up to $13,000 or two years in prison. There was a range of concerns expressed, but I would like to mention the words of Bob Brown from the Bob Brown Foundation, who said:

> There are many more than me, and many younger than me, who will not be deterred from peacefully protecting Tasmania's seas, forests and wildlife. The government, bowing to corporate thuggery, is criminalising effective peaceful protest while legalising seal shooting, owl destruction and parrot extinction. It is up to all citizens to determine for themselves what to do in this age of such deliberate destruction of nature.

Rodney Croome, President of the Equality Tasmania group, said:

> Tasmania is a more inclusive place for LGBTIQA+ people thanks to three decades of protest, so [we are] very concerned about the adverse impact of this bill. We are glad the upper house voted down the clause restricting protest in public places. But overall, the bill will still have a chilling effect on protest and the reforms that flow from it.

Victoria has also gone down this path because of the concerns of the timber industry—and I am pleased to say that the timber industry is becoming obsolete over in Victoria, and that is a good thing—but that bill has very concerning elements. I should make it clear I am referring to the logging of forests when I am referencing the industry there. Those are some of the concerns that the Greens have been mobilising on for many years, and it was the timber industry there that advocated for these tough anti-protest laws to be put in place. A lot of concerns were raised by those groups.

I think it is worth noting some of the things we have seen overseas as well. I note that over in the UK recently there was a move initiated by the Tory government to criminalise protesters who were seeking to demonstrate in relation to the coronation of King Charles. It was very concerning to me to note that that jurisdiction is going down that similar path.

There has been a move in the United States, as well, to try to curtail the rights of protesters. Peaceful protesters are being undermined by the Republican Party. Indeed, since January 2017 the US has seen a wave of bills introduced by state and federal lawmakers that would limit the rights of people to protest.

These anti-protest bills are often introduced in response to prominent protest movements, including movements for racial justice, for campaigns against new oil and gas pipelines, demonstrations on college campuses and protests supporting better working conditions for teachers. Anti-protest bills undermine the First Amendment right to freedom of assembly. This is what they have remarked on, and it is a fair point.

Marco Rubio, a Republican in Florida, has also introduced significant penalties for protesters on interstate highways. He says that a bill introduced on 13 September would prohibit deliberately delaying traffic, standing or approaching a motor vehicle or endangering the safe movement of a motor vehicle on an interstate highway with the intent to obstruct the free, convenient and normal use of an interstate highway, with an offence punishable by up to $10,000 and 15 years in prison.

I guess the reason I highlight these things to you, Mr President, is that there is a broader debate I think at the moment happening around democracy. Democracy itself is coming under significant pressure. We are seeing the rise of the New Right, we are seeing the Trumpian ideology getting traction overseas and democracy itself is coming under attack and facing sustained pressure. In that context, I suggest that maintaining the right to protest is fundamentally important, it is vital, absolutely vital, yet it is being eroded throughout the world.

I want to highlight some of the comments that have been made. I mentioned some of the issues that have been raised by members of the community, but I think it is worth looking at the views of some famous people with respect to democracy and their perspectives. Let's have a look at those. What have people of note had to say about the right to protest and the importance of protests? One of my favourite poems, which I think is relevant in this context, is from Martin Niemoller:

> First they came for the socialists and I did not speak out—because I was not a socialist.
>
> Then they came for the trade unionists and I did not speak out—because I was not a trade unionist.
>
> Then they came for the Jews and I did not speak out—because I was not a Jew.
>
> Then they came for me—and there was no-one left to speak for me.

It is a relevant poem because a lot of people have said, in the days following the Extinction Rebellion protest and the draconian laws that have been rushed through the other place, 'I don't like Extinction Rebellion, so therefore I'm okay with the laws'. This is what some people have said. But what if it is a protest that they do agree with, that they care passionately about? That is why it is so important, whatever one's political views, to defend those fundamental principles in our democracy, because we can all find ourselves on a different side of that debate.

Let's consider some of the famous points that have been made: Nelson Mandela—'It is only through disciplined mass action that our victory can be assured.' Noam Chomsky—'If we don't believe in freedom of expression for people we despise, we don't believe it at all.' Mahatma Gandhi—'Civil disobedience comes as a sacred duty when the state has become lawless and corrupt.' Vaclav Haval—'A society that has no place for dissent and protest is not truly free.' Angela Davis—'I am no longer accepting the things I cannot change, I am changing the things that I cannot accept.' Malala Yousafzai—'When the whole world is silent, even one voice becomes powerful.' Desmond Tutu—'If you are neutral in situations of injustice, you have chosen the side of the oppressor.' Ruth Bader Ginsburg—'Protest is the lifeblood of democracy.' Ai Weiwei—'The right to speak freely is the foundation of all other freedoms.'

I think it is also worth looking at what some members of this place have said—not this chamber, but that this parliament have said about the right to protest in the past. I will mention some comments from the Hon. Tom Koutsantonis in that regard. He says, and I quote from *Hansard* on 17.6.20:

> The party I am in was formed out of a right to protest, out of a right to withdraw labour, out of a right to speak up against inequality and a right to assemble en masse, often in breach of the law, often illegally. That is how we got the eight-hour day. That is how we got women the right to vote. That is how we have now these rights that we all

believe are inalienable: the freedom of the press, the right to assembly, the right to join a union, the right to withdraw your labour.

He goes on to say:

> What you do not do is use statute in the parliament to take away democratic rights.

Really? Very interesting comments from the Hon. Tom Koutsantonis, given in a very different context to this one, but true words, although given in a very different context. Very interesting. They were not appropriate in the context in which he gave them, but they are relevant to this particular debate. It is not just the Hon. Tom Koutsantonis in the Labor Party who has expressed concerns regarding this, and I do want to put some of those concerns on the record because I have had so many people who have contacted me in recent days.

I remember hearing the Attorney-General when he introduced the bill into this place last week remark that he has had people coming up to him on the street, I think, to talk to him about the bill. I, also, have had people coming up to me on the street to talk to me about the bill—obviously quite different conversations that I have had than the honourable member has had. The feedback I have had has been very different. People have said to me that they are appalled that the Labor government is doing this and that they are so disappointed that this is the direction that they are going in because this is not what they thought they were going to get.

I think one of the areas where this is most clear is in the comments of the ambos union secretary Leah Watkins, who highlighted the then opposition Labor Party's support for an AEA-organised protest on 1 April 2021, which called for greater ambulance resourcing. She said this at the rally today. I was there. I heard it, along with Hon. Connie Bonaros, the Hon. Frank Pangallo and the Hon. Tammy Franks. We all heard it, and it has also been reported in InDaily. What she said was:

> We blocked both sides of North Terrace. Labor, the Greens, SA-Best and many independent MPs stood with us in protest of the then-dismissive Liberal government.

She told the rally:

> Later that year on the 17th of November, we rallied on North Terrace again, as we tabled our petition calling for adequate ambulance resourcing and an end to ramping.
>
> Again, they rallied with us. Our rallies were big, they caused disruption, they closed roads and they stopped trams…obstructing a public place to peacefully protest for a safer community for all.

Watkins said the Labor Party's strength in government and opposition was always its willingness and openness to listen to the community and to listen to workers. 'Listen to us now,' she says, 'Vote down this bill.' Will the Labor government listen to the community today and vote down this bill? They have an opportunity to change course. They are hurtling off a cliff, but they have an opportunity to change course.

We on the crossbench have offered them an opportunity to change tact. They can support the committee that we are proposing as a way of getting themselves out of this mess. It is an offer that is on the table today to the Labor government if they support the motion that I am putting forward, made in good faith, an offer to say, 'Let's take this off the table. There are so many issues. You can try to resolve them by looking at it through a committee.'

It is also worth pointing out some of the other views of people in the Labor Party. It has been reported in InDaily that the Labor Party State Council passed a motion after new laws passed the lower house to call for consultation on the bill. This is the Labor Party itself calling for consultation on a bill of the Labor government.

> The motion states that the council 'supports the fundamental right to protest and the right of citizens to exercise this' and 'notes that citizens have a right to safety within our community'.
>
> 'State Council…requests that the State Labor Government institute a process to ensure consultation with the community so that all implications of the Summary Offences (Obstruction of Public Places) Amendment Bill…are duly considered by the Parliament prior to its implementation to ensure that the right to protest is not unreasonably curtailed,' the motion states.

That is a state Labor Party council resolution published in InDaily calling on this state Labor government to change course. I think it is a pretty compelling piece of evidence if the state Labor

Party council is saying this Labor Party has got it wrong on this issue. I think this Labor government has done some really good work. I have been proud to support a lot of the good ideas that they have put forward. I recognise the really good work that has been happening in the autism space, under the leadership of the Hon. Emily Bourke, the really good work that has been done with the Voice to Parliament, the national leading legislation that has been initiated by the Attorney-General and I recognise his really good work and commitment on that. There are lots of really good things that this Labor government has been progressing in the parliament.

I am trying to be kind; I do not want them to go away feeling too upset with me but I make the point that they have done some good things but they are damaging their credibility by going down this path. There is an opportunity to have a committee to move away from the direction that they are seeking to go on.

Do not just take my word for it, what about the views of former Labor minister Steph Key? She is a really good community activist. She has done a lot of work in the community. She says that she referenced this motion that was passed by the state council and she said there was really no excuse for this legislation. She said that the ALP council last week wanted to make it clear that members wanted to make sure that the ALP council had a very clear position on this bill. She said:

> I think that was unanimously supported by the people that are supposed to advise the Labor government and the Labor Party about what [their position] is. So, really, there is no excuse for this legislation. The only ad I can give them is they've got no experience of campaigning except for themselves.

I do note from this article in InDaily that the government talks about potential amendments. We will seek amendments, and I will talk about those when we get to that stage, but our concern is, of course, that the bill is so deeply flawed that even if those amendments are successful, we will still not be in a position to support the bill.

I am drawing towards a close of my comments on the bill. I am happy to elaborate a little bit further. The Attorney-General has queried my desire to finish up. I am happy to talk in a bit more detail about the bill but I am conscious that other members would also like to make a contribution. Just to summarise the position of the Greens, we are appalled that this bill has been rushed through. We are appalled that this bill has been prioritised above other pressing priorities, such as the climate crisis, such as reform of the Residential Tenancies Act, which we have been pushing for some time in this place and still have not seen the bill progress to the upper house.

We are concerned about the appalling process that has been adopted here in this parliament and the effect that this bill could have on not just protesters but a whole range of people in civic and political life. My view is that all of us rely on social movements and protest for our political rights. Therefore, when you attack those rights, you attack us all. It is an attack on workers, it is an attack on LGBTI people, it is an attack on women, it is an attack on all of those people who rely on social movements and protest movements for the advances that we have made on social and political rights.

People say they do not like protests, but they certainly like the five-day working week, they certainly like the right to vote, they like the right to be treated equally before the law, and they like the right to marry. Marriage equality is one of those examples of a long-term campaign that was achieved through protest action when you had the parliament being recalcitrant and you had actually the community driving the change.

At the end of the day, protest is what drives change. Without protest, there is no progress. I do just want to make a little remark. A number of young people have contacted me, contacted my office and I have seen a lot of their comments on social media, and I just want to say to them: do not lose hope in your advocacy, particularly around the climate crisis. We need their passion, we need their enthusiasm in the social movement to drive the changes that we need. I just want them to know that there are people here in this place who will continue to fight for them and also make it clear that the Greens will do everything we can to overturn these laws.

If this bill does end up being passed by the parliament, we will be doing what we can to try to overturn those laws. In the interim, I really urge members to support my push for a parliamentary inquiry, because I think that does give the government an opportunity for a reset, an opportunity for all of the issues that have been raised by the vast array of groups, to put those issues on the public

record and give the community an opportunity to have their say because they have been shut out of this process. Consultation is all that they are asking—consultation and the opportunity for a bad law to be averted.

I think it would be disastrous for this parliament to be progressing down this road of potentially passing a bill like this tonight when there has not been the opportunity for all of the issues to be appropriately considered by a parliamentary committee. With that, I commend my motion.

The Hon. F. PANGALLO (21:08): I commend the Hon. Robert Simms for his strong, passionate address to the parliament tonight and the very salient points he has made about this poor legislation that we are having to debate this evening and, most likely, into the early hours of the morning. We must consider ourselves fortunate in South Australia that we do have two houses of parliament and that we are able to scrutinise legislation and are able to try to move changes that could improve bad legislation. It is not the first time that we have done that.

It pains me to say this, but I rise in the chamber to say that I am ashamed to be an elected member for the people of South Australia in the Fifty-Fifth Parliament with the likely passage of this bill that is a fundamental attack on one of our democratic pillars: our basic right to freedom of expression and the freedom to do it and be heard on our streets, in our community, in public places. It is called the Summary Offences (Obstruction of Public Places) Bill, and I for one find it offensive. I am sure that my colleague does and I know that the Greens do.

In this place, we frame laws for our citizens to live and work in harmony with one another. We do so after listening, talking, engaging, thinking, acting and analysing, to look at the big picture and say, 'How will this law affect all of us?' before making a critical judgement for the greater good. This did not happen at all with this disgraceful piece of populist style of legislation that was cooked up on a Thursday morning by a Premier, with his Attorney-General in tow, to appease some loudmouths in the media and on talkback.

This was an intolerant police executive to negate the hateful hysteria the Leader of the Opposition was whipping up to get himself a rare front-page headline and a few grabs on the lead story on the evening news, and also for the Premier to maintain his image as 'popular Pete', the bloke who wants to please everyone, except that when the captain coach walked into the party room with the draft tucked under his arm the team had no idea what the game plan was—no idea what was in the works. 'It's flying through,' they are told, no questions asked. The feeble opposition were on board, even if it was their own ham-fisted idea.

Yet, to their credit, I am told that there were a handful who questioned it and expressed their reservations in the Labor party room. However, democracy was a serious caucus casualty on this occasion. This is from the same party that takes to the streets to champion our labour force each year, a party that was founded on a shearers' strike in the late 19th century.

I am now approaching my 69th year. I have been working since I was 18. I have had constant close contact with many people from the Labor side of politics over my professional career in the media, and many of those people have become legends of the Labor Party. They had humble beginnings. They were shearers or they worked in factories, or whatever, people like Jack Wright, Clyde Cameron and Don Dunstan, many, many Labor stalwarts I have crossed paths with over the years.

I was always impressed by their compassion, their passion for their community, their passion to be able to be heard and for the right for the people they represented to be heard, even if they had to take to the streets or the wharves, or whatever it was. The Labor Party stood tall, stood strong with the community, the blue-collar community and the people that they represented, but now we are seeing a switch and that really disturbs me.

I doubt very much whether the Premier himself had enough time to carefully scrutinise the draft bill or whether he sought other informed views about the consequences, not just from his own flock but externally, because if he had he would have been shown where it was so flawed and that it could set such a dangerous precedent.

I have to say I cannot recall in my four years in this parliament where we have debated a bill where I have just seen so much wholesale opposition to a piece of legislation from sections of the community who are informed, who know what laws and legislation are about—the legal fraternity—

The Hon. R.A. Simms interjecting:

The PRESIDENT: The Hon. Mr Simms, I reckon you have had your go.

The Hon. F. PANGALLO: —the very fraternity that the Hon. Kyam Maher—

The Hon. R.A. Simms: I am supporting the honourable member.

The PRESIDENT: Interjections are out of order.

The Hon. R.A. Simms: Apologies, Mr President.

The Hon. F. PANGALLO: So you just have this wide section of the community—respected members of the legal profession, from other areas, from the civil area, the union area—many influential voices in unison saying, 'This is wrong. Premier, you actually got it wrong.' But what are we getting? Tin ears.

Lawyers, academics, civil libertarians, intelligent and informed members in the community have all seen through this. Not so the Premier who keeps defending his actions as: nothing really to see here, protesting is not being banned. No, it is not, but you have put things in here, like a hefty $50,000 fine and three months' jail, that have the chilling effect of deterring destructive activism. If police determine whether someone is wilfully or recklessly obstructing a public place, it will be their discretion—and we have often seen how different laws can be interpreted or misinterpreted.

As a human rights violations bill, as it stands now, it also potentially opens the door to a High Court constitutional challenge. Labor does not need any reminding of the last time it pushed a piece of populist-inspired legislation—Mike Rann's well-intentioned yet ill-conceived anti-bikie laws that were resoundingly rejected by the High Court in 2010. It reminds me of this quote from American historian and philosopher, Howard Zinn:

> Protest beyond the law is not a departure from democracy; it is absolutely essential to it.

That sums up what democracy is all about. You actually need to be able to protest, to be able to be heard, so that democracy is actually shown to be working.

The Liberals obviously did not read it carefully or understand it either. They were happy to tag team with the Premier and score a bit of a victory that they can crow about, something they have not been able to savour so far in the term of this new government.

Then it all passed in just 22 minutes with a clutch of feeble speakers you could count on one hand. Not even the hands on the clock in the House of Assembly were tested, such was the rush. There were no questions during the third reading of the legislation—no questions at all. It just went through.

I can understand not hearing from the crossbench in the other place because they would have been unaware of the tactics until it all unfolded before them, but where were the other opposing voices in our democratic parliament? Deafening silence—probably because they did not want to rock the party boat and go against the grain of the seething sentiment that was being fanned by talkback radio or in the toxic and hateful posts on social media by some annoyed individuals who had been disrupted and delayed by an Extinction Rebellion protestor, hanging over the Morphett Street Bridge while making a peaceful point about climate change and the fossil industry. It was quite peaceful, just hanging there. There was nothing violent about the whole situation.

Instead, we have members afraid of attracting negative publicity, even when they know they should be standing up for a strong principle. They know, quietly; they all know that this was wrong—most of them would know it was wrong—but of course they were too afraid to speak up because they would face consequences. They should all hang their heads in shame should this bill pass in its current form—but not if us here on the crossbench can help it.

This is a piece of legislation that plays right into the hands of law enforcement hierarchy frustrated by having to allocate their resources to sticky, disruptive but nonviolent situations like this

one here was. The South Australian police commissioner, Grant Stevens, made his own feelings known about what he thought of the protesters, and I quote:

> The ropes are fully extended across the street. So we can't, as much as we might like to, cut the rope and let them drop.

How could he even make such a provocative statement like that, which appears to advocate for a dangerous resolution and which demonstrates a degree of bias? Perhaps it was said in the heat of the moment and he too was infected by the vitriol whipped up in the media, yet I am still waiting for him to withdraw and apologise for those remarks. The opposition leader reckons it is fortunate that protesters in this country do not lose their heads over it. All I can say is that you are playing into the hands of the baying mob.

One of my concerns is the direction our country is taking with laws designed to control what people do. We only have to remember the huge anti-COVID marches of 2019, when 150,000 people took to the streets of Melbourne alone at that time, much to the chagrin of law enforcement and the government of the time. By tweaking laws here and there, just like this one, governments are sleepwalking us towards authoritarianism. It will not happen here you say. I hear the Premier saying that, 'No, no, that will never happen here,' but take a look at some of the other so-called democracies in Europe, South America, Africa and Asia, where the stick came out to quell demonstrations—look at Britain.

My colleague the Hon. Robert Simms mentioned the attempted protests during the coronation of King Charles III. I think I mentioned here a couple of weeks ago how draconian that legislation was that was passed by the British government. They were supposed to be anti-terrorism laws designed to quell violence in the streets, but what happened there? We saw the police suddenly overreaching. There were about 50 protesters and all they had were placards expressing their opposition to the monarchy, and they were rounded up and chucked in the stir.

Along with that, a woman from South Australia, who just happened to be talking to one of the protesters, got rounded up with them. No excuses, no time for her to make an explanation: 'No, no, no, you are coming with us. We are locking you up,' and they spent hours in the lock-up before being released with no charge. To me, that is the beginning of a police state emerging here. We should never forget Tiananmen Square where thousands of pacifists—dissatisfied Chinese students and citizens—were literally crushed by tanks. Look at what China did in Hong Kong to quell dissidents who had enjoyed living under a democracy.

But back to Premier Pete: today, he was on radio again defending himself and his legislation in the face of a storm of criticism from the likes of the Law Society, which says that the public should never rely solely on government assurances that a law is in the public's best interests. The proof should be in the law itself. Well, it is not in the public interest: it is actually against the public interest. It is against fundamental, basic human rights to speak out without fear of being jailed or even bankrupted.

I want to refer to some of the comments on radio today by the Premier when he was interviewed on FIVEaa after 8 o'clock by David Penberthy and Will Goodings. They were asking him about the legislation and the laws that were being proposed, and whether he had people in his party taking him aside and saying, 'Look this was done in haste, maybe we need to rethink?' This is what the Premier replied:

> Look I think there are people in the broader Labor movement, David, that have watched the debate unfold and have a degree of reservation around it but whenever I've had the opportunity to be able to step people through it, I think there's an understanding that there is a problem that needs to be fixed here, and what the government is seeking to do is do that thoughtfully, in a balanced way and that's why what we're doing is we are not creating any new offences.

'When I step people through it'. He did not even step his own people through it. That is the irony here. He has to be asked first, and then he steps people through it, but he did not do that in the other place. Then he goes on to say, 'There's not any attempt to catch the people's activity in a way that isn't already captured by the law.' That's precisely it. We do actually have those laws already that capture the kind of conduct that can be deemed disruptive or perhaps violent or where it causes property damage.

In fact, we saw, after the protest by Extinction Rebellion, that one of the protestors who allegedly had thrown paint at the Santos building was given a seven-day jail term and a hefty fine, so the laws are there already to deal with that type of conduct. Now we have, of course, the abseiler who is also facing a pretty hefty fine. If this was law and the abseiler was subjected to that law, she could face the fine of up to $50,000, three months in jail, and then be liable for all the costs incurred for all the emergency services—the police, the firies, the ambos and everyone who was called there—not to mention any other costs that somebody might want to inflict on that person, simply for hanging over a bridge to make a point. The Premier goes on to say:

> We're just simply giving the courts more flexibility to provide a harsher sanction for people who literally put other people in danger or cause massive inconvenience or do the sort of actions that Extinction Rebellion were doing a fortnight ago.

Of course, as I have said, what he is saying is not quite true, because it opens the door for other innocent behaviour to be penalised, like standing on a footpath, roads, thoroughfares, alleys, blocking a road.

He also mentions Extinction Rebellion there, of course, so quite clearly this is a law that has been framed specifically to try to suppress the actions of Extinction Rebellion. As we have seen, they are the ones who have been able to cause some disruptions in the CBD, and gluing their bums to the road and other actions that caused them to receive a lot of attention, along with the delays that may well be in the process. Nonetheless, it is clearly targeted at Extinction Rebellion. In actual fact, it is basically 'Let's make Extinction Rebellion extinct'. That is the inference here. He says it is okay to go out and protest, but we do not want Extinction Rebellion doing what they have done. Then he says:

> The problem we have as it stands is that people are breaking the law repeatedly with impunity, knowing the worst thing that can happen is a $750 fine, and many of those extreme activist groups are crowdfunding that $750 so people can break the law recklessly with wilful abandon and I don't think that is satisfactory for everyone else in the community who just wants to be able to get on with their lives.

You should not be crowdfunding to pay your fines. Maybe there might be a law to prevent that as well.

The Hon. R.A. Simms: Don't suggest it, Frank.

The Hon. F. PANGALLO: You cannot put it past them. But then Mr Penberthy says:

> But is there a danger that by broadening out the scope for what constitutes dangerous—

dangerous I get, but obstructionist—

> …critics have said you could have rounded up the suffragettes and said, 'These dangerous women are out there lying in front of horses and carriages'?

They not only did that, they actually chained themselves to the House of Commons. The Premier says:

> Well, it's the adaption of those completely irrational extremists' arguments that I think does a disservice to what the debate is actually about here because we are not creating any new offences, David, and I can't stress that point enough. So, just to give a bit of context to your listeners, we have an act here in South Australia that governs the way the process operates. It's called the Public Assemblies Act. It's from 1972. It was introduced by the Dunstan government. There are zero changes to that and what that act does is afford citizens in an implicit way the fact that there is a right to protest, to demonstrate, to disrupt even, a right to block streets, but it's got to be done in a way that ensures that we don't unreasonably inconvenience emergency services, for instance, and that's a very simple process that is laid out in that act and none of that is changing, so, in fact, more than the Public Assemblies Act makes it clear that people participating in protests are essentially immune from criminal prosecution for participating in that process or even civil liability.

As I pointed out, we have seen penalties already handed out for people, so you are not actually immune from criminal prosecution. Then he says:

> There is a simple notification and there are three different authorities that can choose to knock it back and that essentially does not happen.

This is after Mr Penberthy said, 'Is there a proviso in there to run a protest plan past police?' The police commissioner delegates his authority. I heard an extremist say the other day:

What happens if you have a crazy, extremist, authoritarian police commissioner who wants to suppress protest? Within that act, you can take it to a court and say the police commissioner is not approving my protest. It just does not happen.

I have just given you an example of where it happened in Britain. It does happen and how long is it going to take to go to court to challenge a decision by the police commissioner that he is not going to give you the right to protest in the streets? How long is that going to take? How much is that going to cost? This bill is designed to basically scare the bejesus out of protesters so they do not take to the streets. The Premier goes on to say:

The only thing that is changing is for those people who aren't protesting but rather deliberately breaking the law so as to shut down a street, glue themselves to the pavement or abseil off a bridge in peak hour traffic. For those people who are doing it in such a way that has a nefarious or deleterious impact on other people in the community wanting to go about their lives, then they will now be subject potentially to a high penalty if a court deems that it is unacceptable behaviour, unlawful behaviour and particularly if they have got a repeat offender-style rap sheet. So this is a proportionate, thoughtful response. And I think some of the arguments against it haven't been grounded in fact I think it's been grounded in an attempt to inflame a degree of outrage which I just don't think accords with people who want to see an appropriate balance here in our state.

There are people who want to see balance—an appropriate balance. It is a disproportionate reaction to that, and we have heard that from leading figures in our community.

The Prime Minister was in town overnight, delivering the Lowitja O'Donoghue Oration. On ABC radio this morning he was asked again about this legislation that is currently before us. The Prime Minister said:

Of course free speech is important but it's also important to exercise responsibility as well and some of the depiction of shutting down a whole city in a dangerous way can be an issue—

Shutting down a whole city—a whole city was not shut down; half of it probably was. He continued:

...it doesn't actually help the cause either. I have marched many a time, as have I'm sure most member of political parties, it's important that people be able to express their views, but it's important also that they don’t alienate the public while they’re doing it.

I just want to say that it was not dangerous. The abseiler certainly was a person who has had extensive experience and was merely dangling over the Morphett Street Bridge and was safely harnessed. That was quite clear, yet the police blocked off half the city and then waited for a response. It took hours for that response to happen. When it did, I think one of the MFS vehicles and their cherry picker were not even working at the time. There was almost a touch of levity there while watching this whole thing play out.

I want to commend the SA Unions as well for the stance they have taken. It is a bold, brave stance, courageously speaking out against the very party they support. Dale Beasley was on ABC radio today, as he was also speaking at the rally at the Festival Plaza. Here is what he had to say, some of the comments he made on radio today. I will quote Mr Beasley:

I think the real issue with the Government’s protest crackdown is it's not really targeted in any way. These laws could be used on all sorts of activity from people handing out pamphlets in Rundle Mall to protesting on the footpath outside State Parliament all the way through to picketing a work site in the wake of a workplace death and what we are asking for is for the Government to slow down. We want them to stop rushing, there's no reason we couldn't take another few weeks or as long as it takes to keep consulting on this bill but instead what we are seeing is the Government intending to try and push it through the Legislative Council today.

Further on, he says:

...the Government’s changes aren't targeted. They are very expansive and it’s clear that they make action in public places that is currently lawful potentially unlawful, and we need to make sure that doesn't get passed into law.

It is not just the unions that are telling the Premier and the Labor Party and the opposition that there is the potential for deeming actions to be unlawful that are currently lawful. It is not only them who are telling the government and the opposition; it is also leading members of the legal fraternity in South Australia.

They have all had a look at it—from the Law Society through to the Bar Association, you name it. Some highly credentialled, highly respected legal minds in this state, including former judges, have all found holes in this legislation, yet 'nothing to see here' says the Premier. He knows

it all. I am not sure whether he does have a law degree. I certainly do not, which is why I certainly rely on the knowledge of the Law Society; when we are going through legislation, we always tend to seek their counsel on various aspects. My colleague the Hon. Connie Bonaros of course has a law degree; the Hon. Robert Simms has a law degree. The idea is that we need to inform ourselves and be able to consult, engage and learn what it is all about before we make a judgement.

Then he goes on to comment in relation to the fact that other unions were also concerned about what was going on, and there was a concern that there seemed to be a pattern after the Return to Work legislation that raised some serious issues. Mr Beasley goes on to say, and I quote him again:

> Absolutely—what I'm most concerned about is the impact on union members in South Australia. Unions take action in public places all the time. That's how we get employers and the Government to listen when they've stopped listening. I'm really reliably advised that these laws will impact on union members and our ability to do that job and it's a big concern that I have.

That may actually be pleasant news for the Liberals who, as we know, have a very strong anti-union sentiment about themselves, so they will probably be happy to know that it could also prevent unions from being able to protest. He then says:

> We would have expected the Government to consult on laws like this but I think what's been borne out in the way this story has evolved is that the laws were…produced and passed through Parliament very quickly. They went through the Lower House in 22 minutes. So the ability to consult with anyone, let alone unions, just wasn't there.

I note here that there was a wag on ABC radio who made some reference about the speed of the ICAC legislation—my legislation that went through the house. It was passed by both houses within 24 hours. There is an intrinsic difference between that legislation and this, and I point out that that legislation had been introduced and was sitting in the parliament for almost four weeks. Every member in this place knew what the bill was about and had been consulted and engaged in that bill before it went to a vote.

Everybody knew all about that, so if anyone is going to try to point the finger at me and say, 'Look at him, having a go at the speed of legislation when the ICAC went through,' I can tell you that we did engage, that we did consult and that all members had an opportunity to view that bill. It was there. But back to Mr Beasley, where he says:

> We just don't know what's going to happen if the laws in their current form get passed today, and that is why lawyers and human rights groups, the Law Society and the Bar Association, have come out with a long list of questions and general opposition to the law proceeding because we just haven't had an opportunity to properly work out the full extent. We've had these laws for a week—

Well, we have not because it is not law yet, but we have had them in transit between houses for a week—

> and a bit and the only thing that's happened is more and more expert opinion is mounting about how flawed they are. The government needs to slow down, take a breather, and not try and push these things through the Legislative Council today. Take a step back and consult.

Then of course afterwards the Premier was taking calls on radio from people, as well, trying to explain what was going on.

As I said previously, this legislation really is against the public interest, and the more that people are learning what is in it the more they are starting to realise how unfair it is or how unfair it could become eventually. I just want to go through some of the correspondence I have been receiving as well and what others had to say to us today as there was a large gathering at the Festival Plaza, expressing our democratic right there today.

This is one I received only today, late this evening, actually, from Ray Yoshida from the Australian Democracy Network. Mr Yoshida—I think he may well be sitting in the gallery; he says he may well be sitting here with other civil society groups—has written to me with some reflections comparing this bill with the Tasmanian anti-protest laws, and he has invited me to draw on his correspondence, and I will, because I think I will find it quite useful. This is what Mr Yoshida said:

> I would like to draw some comparisons with an anti-protest law in another jurisdiction. The Police Offences Amendment (Workplace Protection) Bill 2022 repeals the Workplaces (Protection from Protesters) Act 2014 ('the 2014 act') and makes amendments to the Police Offences Act 1935. The bill was proposed in reaction to a High Court

decision, Brown and another v The State of Tasmania [2017] HCA 43, that certain provisions of the Workplaces (Protection from Protesters) Act 2014 were invalid, as they impermissibly burdened the implied freedom of political communication, contrary to the constitution.

The object of the amendments of the bill, as it was originally proposed, were to provide:

- appropriate aggravated penalties where a court is satisfied that a trespass obstructed a business or undertaking and clarify the elements of the trespass offence;
- appropriate aggravated penalties where a court is satisfied that a trespass caused a serious risk to the safety of the trespasser or another person; and
- appropriate penalties for the existing offence of public annoyance and clarification that this offence includes unreasonable obstruction of the passage of vehicles or pedestrians on a street.

Sounding familiar? He continues:

I am going to focus on that third aspect, regarding the public annoyance offence, because of the parallels with what the South Australian government is ostensibly trying to do with its obstruction of public places bill.

The Tasmanian Police Offences Amendment (Workplace Protection) Bill 2022 sought to update the existing public annoyance offence by adding a clause, 'unreasonably obstruct the passage of vehicles or pedestrians on a street', into the definition of 'public annoyance' in the Police Offences Act 1935. The amendment also increases the maximum penalty for the offence in section 13(1) from three penalty units, which is $519, up to 10 penalty units ($1,730). The amendment made no change to the currently allowable maximum period of imprisonment.

The Tasmanian government sought to link these changes to an alleged increase in the number of protests which cause an obstruction of the passage of vehicles or pedestrians on a street.

First of all, it is worth noting the quantum of the penalties. The Tasmanian government, a Liberal government no less, only sought to increase the penalties threefold. By comparison the SA Labor government, in cahoots with the Liberals, is seeking to increase the penalties for obstruction in a public place by more than 60-fold. Secondly, and perhaps more importantly, the Tasmanian Labor opposition was steadfastly opposed to the provision of this bill. Labor was opposed to it.

I quote the Leader of Opposition Business in the Tasmanian Legislative Council, who said this in their chamber on 24 August 2022:

> …there is a new public annoyance offence that people can be charged with that will capture a whole range of protest action. You can argue around permits and discretion of police and all of those things as long as we like, but the bottom line is there is still a new public annoyance offence that will provide another way for people to be charged when they are participating in those types of protest action where an obstruction is caused.

Mr Yoshida says:

I would argue that people should be allowed to cause an obstruction. Often that is the point of protest. If you are not causing an obstruction you are not being heard. That is why people protest and that is why often people protest in the way that we do. As other members have noted, that is how we have achieved a whole range of really positive social change that has made us the society we are now.

It has also become clear throughout the course of the debate on the bill that the primary reason the Tasmanian government included this clause in the bill was to address one supposed problem and that one problem only: the occurrence of protests on Helilog Road, a remote public road in the Tarkine which was the singular road which trucks could access an area of the Tarkine that was being logged.

One of the reasons why some of the crossbench members of their Legislative Council chose to vote to have this clause removed from the bill—and these crossbenchers represent fairly conservative portions of Tasmania—was because they believed it was not appropriate for the government to seek to address a relatively isolated number of incidents with an increase in penalties for obstruction that would apply across the entire state.

The Tasmanian upper house, including the Labor opposition and including the MLC whose electorate encompasses Helilog Road, which was the site of a number of protests, ultimately rejected the clause in their bill regarding obstructing passage of vehicles or pedestrians. I think it is important to highlight this because of the parallels with the bill currently before this chamber.

The South Australian government seems to be trying to limit a certain type of protest in certain limited locations with an offence that applies across the entirety of the state. In fact, the application of section 58 of the South Australian Summary Offences Act is much, much broader than the amendments to the Tasmanian public annoyance provisions that I have been referencing. The Tasmanian amendments would only have applied to the obstruction on a street. In Contrast, section 58 of the Summary Offences Act applies to all public places. This even includes private property where members of the public have access.

It is clear that the right thing to do here would be to follow in the footsteps of the Tasmanian parliament and not allow for the increase of penalties on an obstruction offence that would have such broad application across this state.

It is signed: Ray Yoshida, Democracy Campaigner. I thank Ray for sending that document to me. He has also sent me a copy of the bill, the Police Offences Amendment (Workplace Protection) Bill 2022. I seek leave to table that correspondence from Mr Yoshida, along with a copy of the bill.

Leave granted.

The Hon. F. PANGALLO: I wish to go on to some other correspondence I have received in the last couple of days. I have one from Georgia Thain:

Dear members of the Legislative Council, I write to you in regard to the Summary Offences (Obstruction of Public Places) Amendment Bill 2023. This bill has captured the attention of national and international human rights organisations, legal experts and unions for its intention to undermine the right to freedom of assembly. As you enter the sitting week I hope you reflect on the broadness of the proposed changes, as well as any intended and unintended consequences that will occur due to these changes that have not been subjected to any review, advice or consultation.

I also wish to raise with you all a number of sentiments current members of the Legislative Council have shared about the right to freedom of assembly previously, concerning the Health Care (Safe Access) Amendment Bill 2020, which sought to establish a mere 150-metre zone where protest designed to threaten or intimidate those seeking health care is limited. Members shared their passionately-held passion to protect the right to freedom of assembly above facilitating access to health care.

At the second reading stage for the bill, on 30 October 2019, the Hon. Clare Scriven MLC plainly stated, in their opposition to these changes:

> I am a member of the Labor Party and something that we have always supported and advocated for is freedom of assembly. To say that people cannot assemble because you do not like what they are saying goes quite contrary to that in my view.

The same member expressed opposition to the bill's aim on a basis that it could limit industrial action saying, on 14 November 2019:

> There are also a number of issues around the precedent of stopping freedom of assembly. I note the comments of the Hon. Rob Lucas. I may be slightly misquoting him, but the gist is the same. He would be quite pleased to see laws that set a precedent for preventing freedom of association. I do not mean to slander him in the way I am putting this, because that gives the opportunity potentially to prevent industrial protests in the future at other premises. For all these reasons I think that this bill is flawed.

That from the current primary industries minister and a prominent member of the cabinet. As I just said previously, the Liberals of course would be joyous at any bill that would stifle union protests—they would just love that. Georgia Thain goes on to say:

Also during the second reading debate on 31 October 2019 the Hon. Russell Wortley MLC stated:

> I want to put my views to the council. Firstly, I support freedom of speech, people's right to know and people's right to protest. I have done that for most of my life and I will probably continue to do it for the rest of my life. I have no problem with people protesting.

That was the Hon. Russell Wortley. I am not sure whether Mr Wortley was one of those few Labor members who got up in the party room to object to what was going on, but quite clearly he seems to be quite passionate about rights, and he is a former unionist himself. Georgia goes on to quote the Hon. Dennis Hood on 11 November 2020. The Hon. Dennis Hood spoke about fundamental democratic rights saying:

It, the bill, impinges upon the right to peaceful protest, freedom of expression and freedom of speech. It targets otherwise law-abiding citizens and says you cannot behave in a way that is legal and acceptable in any other setting but not in this defined zone. Furthermore, if you do protest there, potentially even silently, you face the prospect of arrest and a $10,000 fine or imprisonment for up to 12 months.

I argue that this bill is unnecessary because we already have laws in place that deal with this harassment, intimidation and coercion if, in fact, it occurs.

That same day, the Hon. Nicola Centofanti MLC shared their views on limiting, threatening or intimating protest within prescribed zones, saying, and I quote:

I reiterate, as I stated previously, that I do not support and fervently oppose any situation in which a protest is violent, aggressive or of a harassing nature. I can see the motivation behind this legislation: to protect people who are having to make extremely difficult decisions. However, we have current rules that govern protesters of all causes,

rules that balance the rights of those inconvenienced and, more importantly, laws prescribing harassment and assault…

These laws already exist to protect our citizens from harassment, and further laws such as these do nothing more than to threaten to protect the value of freedom of expression.

Other bills in the past have also seen members of the Legislative Council share their concern for the fundamental right of freedom of assembly. During debate on the Electoral (Regulation of Corflutes) Amendment Bill 2021 on 12 October 2021, the Hon. Kyam Maher MLC said that the bill was not being properly considered as the House of Assembly members were only given five minutes per clause during the committee stage. Further, the now Attorney-General stated about the bill:

These are anti-democratic measures being conducted in an anti-democratic way.

It is incredible how the definition of democracy tends to change from when you are in opposition and then suddenly when you are in government.

The Hon. R.A. Simms: It's funny that, isn't it?

The Hon. C. Bonaros: It's funny.

The Hon. F. PANGALLO: You get a different definition of democracy.

The Hon. R.A. Simms: It's really funny that happens.

The Hon. F. PANGALLO: Isn't it, and this is where what you have said in the past will come back and bite you on the bum.

The Hon. R.A. Simms: It always does.

The Hon. F. PANGALLO: Doesn't it.

The Hon. C. Bonaros: Always.

The Hon. J.M.A. Lensink: You guys, too. You're not so pure.

The Hon. F. PANGALLO: We're not, but you know what, we're not pure, but we admit when we make mistakes.

The Hon. D.G.E. Hood: It's a completely different bill.

The Hon. F. PANGALLO: It does not matter if it is a totally different bill; it is all about freedom of expression. That is what it was all about.

The Hon. D.G.E. Hood: Completely different, Frank.

The Hon. F. PANGALLO: No. Lastly, on the Animal Welfare (Jumps Racing) Amendment Bill 2022, on 15 June 2022, the Hon. Nicola Centofanti claimed, and I quote:

Those of us on this side of the chamber, as Liberals, believe in the fundamental right to freedom of choice and freedom of the individual.

It does not matter what bill you are debating. That is a quote, that actually is an expression about the freedom to be able to have your say. It does not matter what you relate it to, that is what you are standing up for. That is your principle. We have not seen those principles in play from either Labor or the Liberals in this debate. Back to Georgia's well-researched letter to me and other members. And she says:

The above quotes from various members of the Legislative Council allude to elected representatives within both major parties that not only understand, but are committed to protecting democracy and fundamental rights for assembly, association and expression. I sincerely hope the positions articulated by members above were not expressed solely for political gain, and that the principles members purported to have remain even when it is not convenient.

'Even when it is not convenient'. Where are their principles? Well, we have not seen it. We have not seen it in the House of Assembly from either side, and we have not seen it in the Legislative Council from either the government or the opposition. The people who are expressing their support of the principles of democracy are the Greens, SA-Best and One Nation—the crossbench. That is signed,

'Kind regards, Georgia Thain.' We are supporting it. It is a very good email. I seek leave to table that document.

Leave granted.

The Hon. R.A. Simms: It's a good email, Frank.

The Hon. F. PANGALLO: It is an excellent email—an excellent email that highlights the hypocrisy in this place, seriously.

On 29 May, the Legislative Council members, the parliament here, received a letter from Dr Heather Holmes-Ross, the Mayor of the City of Mitcham, which is actually my council area. I thank Dr Heather Holmes-Ross for taking such an active interest in this debate, along with her council. In fact, I met one of the councillors at the protest today at the Festival Plaza. They took the time to look at what is being proposed here. The mayor has written, and I quote:

> Council at a special meeting held on 29 May 2023 considered a motion regarding the proposed amendments to the Summary Offences Act 1953. Council's recent resolution on this matter is as follows: that council write to both houses of the South Australian parliament to inform the members that council has heard from residents concerned by—
>
> 1. The speed at which the proposed amendments to the Summary Offences Act 1953 have passed through the lower house; and
>
> 2. The possible unintended consequences of these amendments which may limit people's inclination to attend peaceful protest rallies on issues of importance to their community and respectfully request parliament to delay the passage of these amendments to fully debate refinements to this legislation and to allow input from interested stakeholder groups and the wider public to be considered.
>
> Yours sincerely, Dr Heather Holmes-Ross, Mayor, City of Mitcham.

I seek leave to table that letter that has been sent to the Legislative Council and members of parliament.

The ACTING PRESIDENT (The Hon. R.B. Martin): The Hon. Mr Pangallo, did you read that document in its entirety?

The Hon. F. PANGALLO: No, I did not; apart from a couple of lines.

The ACTING PRESIDENT (The Hon. R.B. Martin): I just think if you have read it into *Hansard* it is as good as—

The Hon. F. PANGALLO: I did read it into *Hansard*, but I think it should be tabled should anyone wish to actually seek the actual document. It is an important document.

Leave granted.

The Hon. F. PANGALLO: As we have heard from the Hon. Robert Simms, the Law Society has taken an extreme interest in this legislation. On 26 May, they sent 21 questions that parliament should answer before voting on the Summary Offences (Obstruction of Public Places) Amendment Bill. I quote from the statement from the Law Society:

> Members of parliament who introduced and supported the Summary Offences (Obstruction of Public Places) Amendment Bill have not adequately explained the urgency, rationale or operation of the law. This is deeply troubling. The public should never have to rely solely on government assurances that a law is in the public's best interests. The proof should be in the law itself.

The Hon. Robert Simms has referred to that correspondence but he did not refer to the questions that were raised, which I would like to go through. The Law Society has written to both major parties asking 21 questions to which the society believes the public deserves candid and detailed answers. I am sure we will find in the third reading stage whether these questions have been answered. I quote:

> 1. Did all members of parliament have a chance to see a copy of the bill before it was introduced?
>
> 2. If so, how long did they have to review it? If not, what is the rationale for denying them a chance to review the bill?
>
> 3. Did members of the public have a chance to view the wording of the bill before it was introduced?

4. What was the specific urgency that necessitated the fast-tracking of this particular bill?

5. How was the maximum penalty arrived at, being $50,000 or a prison sentence of three months?

I would just like to note here that I have seen the penalties for fines for similar offences in other states. Ours is easily by far the highest penalty of any state. I do not know how they arrived at $50,000, who gave the Attorney-General that figure or how they came to that figure, but that certainly needs to be questioned. It is interesting about fines in South Australia. When you look at speeding fines, you look at stamp duties, you look at land tax and all these other penalties and fines and levies, we are actually the highest in the country for everything.

The Hon. R.A. Simms: Is this a revenue measure? Will it be in the budget?

The Hon. F. PANGALLO: Could it be a revenue measure? Who knows. That was question 5: how was the maximum penalty arrived at? I would be interested to know how they settled on that magical figure of $50,000. The questions continue:

6. Was the severity of the proposed penalty assessed by comparison with other offences that carry similar penalties?

Quite clearly, it has not, and I think the Hon. Robert Simms has given us some clarity on that and some obvious examples. It is totally disproportionate to some other offences, even some more serious offences—ridiculous. It goes on:

7. How was it assessed whether the proposed maximum penalty was proportionate to the seriousness of the offence?

8. Although it has been publicly stated that this bill only increases penalties and does not alter the offence itself, what was the rationale for changing the wording of the offence?

9. The bill includes a notation that reads, 'A person may be found guilty of an offence against this section whether the person's conduct directly or indirectly obstructed the free passage of a public place.' What, if any advice, did the government and opposition receive as to whether the wording would broaden the types of activity that could be captured under this bill? If advice was received, what was the nature of that advice?

10. Given the broad definition of 'public place', does the government accept that numerous peaceful safe protests staged in South Australia—

that is the entire state, as Ray pointed out in that email to me—

do result in some form of a restriction to free passage that might technically fall foul of section 58?

11. Does the government and opposition consider that people who participate in these protests should be liable for penalties up to $50,000 and three months' jail?

12. What kind of behaviour is intended to be deterred by significantly increasing penalties for breaching section 58 of the Summary Offences Act?

13. Does the government and opposition consider that the proposed penalties may have a stifling or chilling effect on freedom of political speech?

14. What is the rationale behind increasing the financial penalty 66 fold and introducing a jail term to activities that may obstruct access to public place, rather than proposing increased penalties specifically for actions that endanger the safety of the public?

15. Was consideration given to how the amended offence will interact with other existing offences that could apply to the same type of behaviour?

16. Has there been a review into the adequacy of alternative offences that deal with similar conduct?

17. If so, which offences were considered and why are they not sufficient?

18. The bill empowers the court to order the convicted person to pay the reasonable costs of any action taken by emergency services to deal with the obstruction caused. What accountability processes are in place to ensure the costs incurred are calculated fairly and that the certificate presented by the chief officer is accurate?

In other words, how are you going to determine the costs and how are people going to know that it is a fair indication of what the costs were? How do you put a dollar value on all that? How are you going to determine that? These are interesting and important questions that had to be put even before the bill passed the lower house. The questions continue:

19. Has parliament received advice on whether the proposed bill is compatible with the implied constitutional right to freedom of political communication, noting the test for whether a law violates the implied freedom is as follows:

(a) Does the law effectively burden freedom of political communication?

(b) Is the purpose of the law legitimate in the sense that it is compatible with the maintenance of the constitutionally prescribed system of government?

(c) Is the law reasonably appropriate and adapted to advance that purpose in a manner compatible with the maintenance of the constitutionally prescribed system of government?

Point 19 is quite crucial, quite important, because it actually points to some serious fundamental flaws in the drafting of this legislation, and that is that it is susceptible to a constitutional challenge, as I have pointed out, to the High Court. The Law Society has identified this. Other lawyers have identified this. I just cannot understand why the government, with an army of lawyers at their disposal, could not have considered that and put it to them and thought, 'Are we treading on thin ice here?' It is quite clear that, as it stands in this place at the moment, it is. The questions continue:

20. Does parliament have figures that indicate how many people in the past 12 months have been prosecuted for an offence against section 58 of the Summary Offences Act 1953?

21. Why did the government choose not to consult on this bill?

These are questions that I hope will be answered during the committee stage of the legislation. I also received a letter from Mr James Marsh, the President of the Law Society of South Australia, dated 19 May, again stating the serious concerns that the Law Society has and some quite pertinent comments. Mr Marsh writes:

While the bill seems destined to pass the legislative assembly, the Law Society still plans to closely examine the bill, and for the sake of transparency and accountability to the public the society urges parliament to do the same.

I was quite impressed by the turnout on Friday evening on the steps of Parliament House at such short notice, led by advocates for freedom of expression, people like Amnesty International and other groups. There were Extinction Rebellion people there and others passionate about the freedom of expression, freedom to be able to take to the streets and express their views. It was quite colourful and loud and, I have to say, a rally that I found very informative and also one that encapsulated the voice of so many people out there. I enjoyed taking to the streets with them. I have not protested myself for a long time.

The Hon. J.M.A. Lensink: Shame.

The Hon. F. PANGALLO: No, it is a shame. But I will change that. Maybe the Hon. Michelle Lensink would like to take to the streets as well one day.

The Hon. J.M.A. Lensink interjecting:

The ACTING PRESIDENT (The Hon. R.B. Martin): Order!

The Hon. F. PANGALLO: I want to pay credit to the organisers of that rally on Friday night and also to the organisers of the rally today at Festival Plaza. We saw the ad that was placed by Mr Womersley from the South Australian Council of Social Service, which was a full-page ad and a message to the South Australian parliament, where he stated that South Australians have had a long and proud history of peaceful protests. He went on to talk about the women's suffrage, the eight-hour work day or decriminalising same-sex relationships—peaceful protests that have shaped the South Australia we have today. Of course, he then admonished sections of this bill that are totally punitive and harsh.

But what impressed me was the list of people who are supporting this ad that was put in by Mr Womersley today. I want to read through some of the impressive names of organisations and groups and individuals who have spoken out about what is going on here:

- Amnesty International Australia;
- Australian Conservation Foundation;
- Australian Democracy Network;

- Australian Education Union;
- 350 Australia;
- Adelaide Campaign Against Racism and Fascism;
- Adelaide Park Lands Association;
- Adelaide School Strike 4 Climate;
- Anti-Poverty Network SA;
- Australian Lawyers for Human Rights;
- Australian Marine Conservation Society;
- Australian Parents for Climate Action;
- Australian Religious Response to Climate Change;
- Australian Youth Climate Coalition;
- Bike Adelaide;
- Cedamia;
- Climate Action Network Australia;
- Climate Justice Network;
- Comms Declare;
- Community Alliance SA;
- CounterAct;
- Doctors for the Environment Australia (South Australian Committee);
- Don't Dump on SA;
- End Rape on Campus Australia;
- Environmental Defenders Office;
- Extinction Rebellion South Australia;
- Australian Services Union—SA and NT Branch;
- Conservation Council of SA;
- Human Rights Act for South Australia;
- Human Rights Law Centre;
- Flinders University Students Association;
- Fossil Free SA;
- Friends & Residents of North Adelaide;
- Friends of the Earth Adelaide;
- Friends of Willunga Basin;
- Grata Fund;
- Greenpeace Australia Pacific;
- Healthy Rivers Lower Murray;
- Independent and Peaceful Australia Network—South Australia;

- Josephite SA Reconciliation Circle;
- Kensington Residents' Association Incorporated;
- Kidical Mass Adelaide;
- Mac and Co Lawyers;
- Mt Barker & District Residents' Association;
- Nature Conservation Society of South Australia;
- No Nuclear Subs SA;
- Our Roads SA;
- Protect our Heritage Alliance;
- Religious Society of Friends SA and NT;
- Rights Resource Network SA;
- SA Genetic Food Information Network;
- SAGE;
- Human Rights Watch;
- NTEU SA Division;
- South Australian Council of Social Service (SACOSS);
- The Australia Institute;
- Sea Shepherd Australia;
- Seeds of Affinity: Pathways for Women;
- Sex Industry Decriminalisation Action Committee;
- Socialist Alternative;
- Solidarity;
- South Australian Abortion Action Coalition;
- South Australian Parents for Climate Action;
- South Australian Rainbow Advocacy Alliance;
- Spirit of Eureka—South Australia;
- St Peters Residents Association;
- Sustainable Prosperity Action Group;
- Tearfund Australia;
- The National Justice Project;
- The Wilderness Society (South Australia);
- Trees for Life;
- Uni Students for Climate Justice;
- Voluntary Assisted Dying South Australia;
- Wage Peace;
- Western Adelaide Coastal Residents' Association;

- Women Lawyers Association of South Australia Inc;
- World Animal Protection Australia New Zealand; and
- World Wide Fund for Nature Australia.

The reason I have gone through all those is that you actually need to consider how many members belong to those organisations and the influence those members will have on other members of the community. We are talking about hundreds of thousands of people who would be unhappy with this legislation. Forget about Joe from Pooraka who rings up FIVEaa and others who vented their spleen on talkback radio. This list represents a very broad cross-section of the South Australian community, of particular interest groups and of others who have an interest in the affairs and the conduct of this state. That is a very powerful and influential lobby—very powerful.

I cannot see how the opposition leader and the Premier seem to think that the public is actually on their side. I have not mentioned the legal fraternity and all the others who have come out against it as well. We are talking a huge number of people who have expressed their dissatisfaction with what has gone on here. That can translate into votes, and it may well translate into votes the way that this government seems to be trampling on the democratic rights of people in our community. It is an important list of supporters and those who are agitating against this legislation and it is not to be taken lightly.

I have mentioned the Australian Lawyers for Human Rights. They have also slammed the laws here, and they are deeply troubled by the South Australian government's attempts to rush through new anti-protest laws that threaten to breach Australia's international human rights law obligations. They say:

> The Summary Offences (Obstruction of Public Places) Amendment Bill 2023 (the Bill) seeks to introduce a number of changes, including increasing the penalty for the offence of obstructing public places to a maximum fine of $50,000 or three months imprisonment and broadening the scope of the offence.

The ALHR President Kerry Weste said:

> These laws will have a chilling effect on people's freedom to engage in protest action throughout South Australia. We cannot overstate the fact that in a democracy like SA, laws that have a human rights impact should, categorically, not be rammed through the parliament without [proper] scrutiny or consultation with the community.

Kerry went on to say:

> Every single adult and child in South Australia has an internationally-recognised human right to peaceful assembly. The right to peaceful assembly protects the right of individuals and groups to meet and to hold a peaceful protest. This is a fundamental right that extends to all gatherings for peaceful purposes regardless of the degree of public support for the purpose of the gathering. Importantly, the right to peaceful assembly can only be legally limited in ways that are necessary and proportionate. By introducing this Bill, without any adequate consultation whatsoever, and then ramming it through the House of Assembly within a matter of hours—

I will correct that: it was a matter of minutes—

> it is impossible for the Malinauskas Government, or any member of parliament, to properly establish that the Bill meets these necessity and proportionality thresholds.
>
> This Bill has the potential to impact a wide range of protest activity: students, healthcare workers, First Nations people and their allies, environmental campaigners, disabled campaigners or any South Australian resident who directly or indirectly obstructs a public place in order to campaign for their rights face a life-changing prison sentence and crippling fines. This is neither necessary nor proportionate.

Ms Weste emphasised:

> Without the right to assemble en masse, disturb and disrupt, to speak up against injustice we would not have the eight-hour working day, and women would not be able to vote. Protests encourage the development of an engaged and informed citizenry and strengthen representative democracy by enabling direct participation in public affairs. When we violate the right to peaceful protest we undermine our democracy.
>
> ALHR urges members of the Legislative Council to oppose the Bill and ensure its human rights impacts are properly inquired into, including through public consultation. This Bill and the way in which it has been rushed with so little scrutiny, lays bare the dire need for a South Australian Human Rights Act.

I will address that a little bit later on, but I point out here now that Australia is the only liberal democracy that does not have a human rights bill. Back to the ALHR and Ms Weste, who said:

The people of this state deserve to have their rights to peaceful assembly and freedom of expression protected in law. They deserve a law that requires the SA Government to properly consider everyone's rights.

I will not worry about tabling that because I have read most of it in. I then have another letter I received from Thomas Feng of the Human Rights Law Centre. They are calling on the South Australian Legislative Council to block this legislation, and they also point out what we have already pointed out in here about the punitive penalties that are being proposed. Mr Feng points out:

In the last five years, New South Wales, Tasmania, Victoria and Queensland have all passed anti-protest laws which impose severe penalties on people for engaging in peaceful protest. South Australia's proposed anti-protest laws would carry the harshest financial penalties in Australia.

David Mejia-Canalese, Senior Lawyer at the Human Rights Law Centre, said:

Two days after the Malinauskas government told gas corporations that the state is at their service, the SA Government is making good on its word by rushing through laws to limit the right of climate defenders and others to protest….protestors at an annual fuels conference, is yet another attack on people's right to protest.

The right to protest is fundamental to our democracy; from First Nations land rights to the eight-hour workday—protest has been crucial to achieving many important social changes.

This knee-jerk reaction by the South Australian government will undermine the ability of everyone in SA to exercise their right to peacefully protest, from young people marching for climate action to workers protesting for better conditions. The Legislative Council must reject this bill.

That was from the Human Rights Law Centre. The Hon. Robert Simms did not get back to the Conservation Council, but I want to get to the comments they have made to us. Again, the peak environmental body will join other members of civil society, including unions, law and human rights groups to campaign against this bill. We saw that today with Craig Wilkins at the plaza speaking again very passionately and emotively about what was going on here. To quote Mr Wilkins in this release:

The bill which was rushed through the lower house of state parliament with extraordinary, unseemly and unnecessary haste is designed to intimidate community members seeking to protest on public streets.

As I said previously, it is to scare the bejesus out of people from going onto the streets and having a say.

The Hon. R.A. Simms: A chilling effect.

The Hon. F. PANGALLO: In fact, that is what he says. He says:

It is intended to have a chilling effect on community action at a time when community concern about human and labour rights and the lack of action on climate change is growing.

I want to point something out here. It just goes to show you the effect on recent protests that have gone on in relation to climate change in recent years. A few years ago, there were plenty of climate deniers everywhere, particularly in both federal and state parliaments. Gradually, we saw the protest movement by various climate change activists take hold everywhere around the world, even here. They were starting to get a lot more traction and were being heard a lot more. They were getting more publicity.

Then we started to notice a change at corporate level. Suddenly, they were taking notice. Now we see more corporate citizens taking notice of these activists, paving the way for change that has been advocated for, and that only happened because people were prepared to protest. They were prepared to be heard and they were prepared to be active in their submissions to a lot of these companies, to the point where boards of these companies had to listen or fear repercussions within the community because more people in the community are now advocating for companies to take action in not only reducing their emissions but in trying to achieve high standards and targets in climate. Mr Wilkins from the Conservation Council says:

However inconvenient it is for the oil and gas industry and the state government and opposition, climate protesters like Extinction Rebellion calling attention to the climate emergency are actually on the right side of history and history will judge them.

Just like history is going to judge Peter Malinauskas and the Labor government and David Speirs, the opposition leader, on this issue in years to come. They will be judged on this. People will come back and have a look. Future politicians, interested researchers and others will look back at this

draconian piece of legislation and give it as an example of why we need human rights in South Australia and Australia and a bill to do that.

As I mentioned, a group of people contributed in such a short space of time by expressing their condemnation of what has gone on here. We are talking about people of influence and that has a domino effect, given how many more people they know and can influence, and that leads to hundreds of thousands of people who would be in support of them and that equates to hundreds of thousands of votes.

Amnesty International's Nikita White said that the crackdown on the right to protest means our ability to fight for human rights and combat the climate crisis are under threat and that people should not face huge fines and even prison sentences for just standing up for what is right. I will quote Nikita:

> These harsh penalties on those protesting peacefully are part of an unacceptable trend in Australia which has seen the right to protest stymied in recent years.
>
> Everyone should be concerned about increasing repression and anti-democratic laws in Australia. Peaceful protestors should not be met with the threat of thousands of dollars in fines or imprisonment.

This is from Scott Cowen, the Assistant Secretary of the Australian Services Union SA and NT Branch:

> The right to protest is fundamental to our democracy. Union members are proud to stand up for our rights at work and for justice in the community.
>
> The South Australian Government's heavy handed increases to penalties for protesting are outrageous and as union members we stand strongly against them. We call on the Malinauskas Government to withdraw this attack on the right to protest.

Let me quote Extinction Rebellion SA:

> The South Australian government's decision to choose protest suppression over climate action reveals its complicity in the industries that are driving the climate crisis. It shows our government is in denial about the urgency and seriousness of the climate crisis.
>
> Both major parties have decided to treat peaceful protest as the problem, rather than rising to the challenge of facing and responding to the existential threat of the climate emergency. In doing so, they are continuing to fail to act to protect their own citizens from the terrifying future the world's scientists warn is coming as well as undermining the democratic rights of citizens who might call them to account.
>
> Extinction Rebellion is part of a proud tradition of nonviolent civil disobedience focused on bringing a better world into being. Unlike earlier movements, however, Extinction Rebellion is using civil disobedience because science makes it clear that all life on earth is at risk.
>
> This week, Extinction Rebellion drew attention to one of the industries that threatens life as we know it: the fossil fuel industry. Instead of responding with policies based in science, or acting in line with our state's declaration of a climate emergency, the major parties have co-operated to bring in ill-conceived legislation that massively penalises peaceful protest and undermines democratic rights for all.

CounterAct's Nicola Paris said:

> Protest is essential for democracy. Ramming through increased penalties without scrutiny that are 66 times higher than the original fine for a minor (summary) offence, and adding a jail sentence is not democracy. Inconvenient, disruptive, peaceful protest has changed the world for the better.
>
> Fossil fuel driven climate change has killed and disrupted millions worldwide, and displaced thousands locally—and yet the ALP said this week they were 'at the disposal' of this industry at the APPEA conference—that's been made devastatingly clear.
>
> Counter Act recently coordinated an open letter representing 250 organisations and millions of members speaking up to protect protest nationally.

Another letter I received, titled 'Justice, Opportunity and Shared Wealth for all South Australians', is from SACOSS. I have already mentioned Mr Womersley and his impassioned plea to the government about this. They write:

> SACOSS is concerned both by the potential unintended consequences of changes to legislation around South Australians' rights to peaceful protest, and the speed with which these changes are being made.

South Australia's record of progress arising from the work of the labour, environmental, and civil society movements is an enviable one. And peaceful protest has often been vital in helping achieve this progress.

Disturbance and interruption can invite and cause us to have to stop and reconsider. Being punished unreasonably seems completely at odds with our democracy and the civil society we would like to continue building and live in.

We urge the Legislative Council to stop this ill-considered attack on civil liberties, community rights and, ultimately our democracy, from passing into law.

We have seen full page ads, of course, in the newspaper. They were just some of the correspondence that myself and my colleagues in this place have received in relation to that. Again, as I have pointed out, they represent a lot of people in our community.

I just want to give you a quote from John F. Kennedy:

Those who make peaceful revolution impossible will make violent revolution inevitable.

Just think about that. That was in 1962. What the late president was saying was that, clearly, if you suppress the masses they are going to revolt against you, so do not, whatever you do, try to suppress their views or their rights in the community.

It is reprehensible and draconian legislation like this which can cause things to tumble towards incivility. We do not want to see that but, as history shows, you can only push people so far. It is unedifying to think that the government sees no wrong in what it has done and in the face of a storm of informed advice. I would not even call it a storm. I am going to call it more than that, a maelstrom—that is what it is—of informed advice. It is massive.

The sign of great leadership is to admit when you have made a mistake. It is not a sign of weakness; it is actually a sign of strength. To admit you are wrong is a quality that builds trust. I would hope that both the Premier and the opposition leader take some time and reflect upon this, once their appalling pact on this is concluded, and perhaps think seriously about supporting the Hon. Robert Simms and the Greens and referring this to a committee.

I will say to the Premier—and, like the Hon. Robert Simms, I do have some admiration for the Premier and what he has done to this point. In fact, I think I recognised about two years out before the election that he was going to be the future Premier of this state, such was his powerful persona and presence. It is still my view—I have not quite gone away from it—that Premier Peter Malinauskas does have the makings of perhaps one day being one of the great Labor premiers in this country, but he does not want history to judge him harshly on this type of legislation and to continue thinking that you can do this with other pieces of legislation. What I am suggesting is: Premier, do not allow hubris to cloud your judgement.

I would just like to remind both the Premier and the opposition leader—because there is no point in just getting stuck into the government here, because they are in cahoots with all this and that is why we are having to be here tonight to do what they did not do in the other place—but I would just like to remind them both of this quote by Martin Luther King:

One may well ask: 'How can you advocate breaking some laws and obeying others?' The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws.

We all would. It continues:

One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that 'an unjust law is no law at all'.

Martin Luther King. This will be an unjust law, carrying the heaviest penalties in the nation, dreamed up to quash Extinction Rebellion and others who are passionate about being activists for climate change—for saving the earth, for saving the human race, because that is what they are doing. For political change, for social justice, equality and for all things that matter in our democracy.

History demonstrates that you can never suppress the voice or the will of the people. People power is very persuasive. As reggae warrior and human rights activist, Bob Marley once sang—and I am a fan of Bob Marley, and I think I once shared the story of how I chauffeured him around the streets of Adelaide. Again, a human rights activist—and it is in his music—he sang:

Get up, stand up, stand up for your right

Get up, stand up, don't give up the fight

Protests have heralded enormous social change and political upheaval for centuries. It will never stop. I want to take you through the history of public protests and how they changed the course of history, both here in this country and elsewhere, because in many of these instances had they occurred under this proposed law they would have faced jail, a huge fine and a massive bill for the costs of putting it on. But first, I want to go back to that day, a couple of weeks ago, that precipitated this kneejerk reaction and some examples of how the media have been reporting this, because I think the media has only just started to wake up to what has gone on here.

This is a piece by Matthew Abraham in InDaily. Matthew and I go back many decades. In fact, we are of the same generation as journalists. We started around the same time. I have an enormous respect for Matthew as a political pundit. He is probably one of the best political pundits produced at *The Advertiser* and then went on to a career at the ABC. He is now in retirement but still very active. I have to say he just has not lost it. He is very perceptive in his political appraisal of what goes on in this state and this country.

He wrote this very good opinion piece that featured a hilarious photograph of the Premier abseiling down from one of the chandeliers in the House of Assembly. Let me just read a bit of what Matthew had to say. The heading in InDaily was 'Premier abseils into uncomfortable wedge':

A wedge in politics is not to be confused with a wedgie, although they're both painful.

A wedgie—

Members interjecting:

The Hon. F. PANGALLO: He gets to the point pretty quickly, doesn't he, Matthew—

is an 'act of pulling up the material of someone's underwear tightly between their buttocks as a practical joke' according to the strait-laced Oxford dictionary definition.

It is in the Oxford dictionary, but whether we can keep a straight face is another matter. But again, as he says:

It's hard to write those words without laughing.

And he has had us bursting into laughter. It continues:

But a political wedge is no laughing matter. It works something like this. Your political opponents dream up a policy play that forces you to respond to a hot-button issue you'd much rather ignore and hope it goes away.

If your response isn't at least as strong as the stand taken by your opponents, you look weak. So the tendency is always to overcompensate, trying to go one better. This might shut them up, but it runs the risk of infuriating your grassroots members and, worse still, a substantial slice of your own party room MPs.

This is the Wedge, where you are manoeuvred to taking a stance that drives a 'wedge' between your party and its traditional values. And that's precisely what Liberal leader David Spiers has done to his highly-fancied opponent…Peter Malinauskas, on the government's proposed draconian penalties to crack down on protesters.

The new penalties came hot on the heels of last week's Extinction Rebellion climate protests, that saw city traffic banked-up for kilometres by a protester dangling from the Morphett Street bridge…simply trying to ensure nobody got hurt.

Until now, the government has tut-tutted about the provocative antics of Extinction Rebellion, and the courts doubly so. But last Thursday morning, Opposition Leader Spiers declared his party would introduce that same afternoon legislation 'beefing up' existing public obstruction laws to deal with 'mindless protesters who selfishly cause community chaos and risk public safety'.

He wasn't mucking about, revealing the Liberals had the previous afternoon drafted legislation to massively increase penalties under the Summary Offences Act 1953, section 58—Obstruction of public places. Spiers wanted parliament to increase the current maximum penalty from $750 to $50,000—a 66-fold increase—or three months imprisonment, while also allowing police and state emergency service responders to recover their costs.

'It's an eye watering hike in penalties,' writes Mr Abraham. He says:

Put aside the $50,000 ceiling and the threat of jail time, the cost of police and emergency teams alone can run into tens of thousands of dollars. Cops don't come cheap.

Quoting Mr Spiers, he said:

These types of protests are getting out of control and we are sick and tired of seeing groups and individuals receive nothing more than a slap on the wrist.

Mr Abraham continues:

Surprise, surprise; a few short hours later, the Premier and Attorney-General [the Hon.] Kyam Maher unfurled their legislation that was effectively a word-for-word copy, with a $50,000 maximum penalty or three months in the slammer, and provisions to allow prosecutors to apply for a court order that the defendant pay the reasonable costs and expenses of the emergency services' called to manage protests.

The government's bill also updates the offence by changing the term 'wilfully' obstruct to 'intentionally or recklessly', and to make clear that 'the obstruction can be caused directly or indirectly'. With Liberal support the bill set a new land speed record for passing the House of Assembly' and now awaits passage in the Legislative Council, where the combined weight of Labor and Liberal votes easily delivers the numbers.

The knee-jerk reaction by both major parties has set off a chain-reaction among outraged civil libertarians and, of course, people who enjoy protesting. InDaily reports that an Amnesty International Australia 'protest against the protest laws' rally today—

which was last Friday night—

will bring together a Who's Who of the civil liberty and climate change fraternity. That's tricky for the Labor Premier, because these groups are traditionally part of Labor's happy hunting ground, but it's not his biggest worry. The state's peak union body, SA Unions, was one of the first to fire up, arguing the increased fines were designed to intimidate people out of challenging those in power. SA Unions Secretary, Dale Beasley, said the right to assembly and protest exists so that people can disrupt injustice. 'Disruption is the point', he said, but stopping blatant disruption to the lives of ordinary South Australians getting to work, hospital appointments or day-care pick-ups is the very point of these new laws.

Both Labor and the Liberals know the protest crackdown goes down a treat in the outer suburban seats that deliver election wins, in suburbs where paying power bills and keeping a roof over your head trumps gluing yourself to the street or redecorating the headquarters of a major employer like Santos. Not so for the Premier. For several months now political journalists in this town have been getting anonymous emails from a person or persons known only as 'Upset Unionist'.

The Hon. R.A. Simms: There's a lot of those.

The Hon. F. PANGALLO: There's starting to be a lot more. Mr Abraham continues:

Labor dismisses these as 'black ops' work from inside the Liberal camp, but if so they seem extraordinarily well-informed about the inner workings of Labor caucus, including distributing printed copies of agendas and Labor love-in itineraries.

They look legit to me.

Last week's 'Upset Unionist' epistle carried the subject heading 'The rebellion within', a play on the Extinction Rebellion title.

Rushed legislation to target protesters with new laws upset many in our party. The left, led by Susan Close, were furious, and the last minute caucus meeting yesterday got heated. Ultimately the power men of the right made the call. The rest of us were told to live with it for the greater good, whatever that means.

The email said:

The internal heartburn will make for 'some interesting conversation' at the rescheduled caucus seminar at Rydges Pit Lane, the hotel at The Bend Motorsport Park in Tailem Bend.

Helpfully, 'Upset Unionist' attached the agenda for the two-day shindig, including that the Premier's office had made the central booking, all meals to be provided, so the only cost to MPs was overnight accommodation at $149 for a King's room.

To the casual viewer of ABC TV News on Wednesday night, Peter Malinauskas seemed all over the place. Asked by journalist Rory McClaren if the government would consider amending its crackdown legislation before the upper house, he said, 'We won't rule that out, that's for sure', as he was open minded to thoughtful suggestions.

What made him open his mind, I wonder. He continues:

But, in the next breath he insisted the laws governing public protest in South Australia would be untouched by not one word, not one comma, not one full stop.

Liberal leader Speirs kept the pressure on. 'I hope Peter Malinauskas sticks to his guns on this one, because when I'm out and about in the suburbs, like Hallett Cove and Sheidow Park that I represent down in the southern suburbs, people are saying to me, 'That was good legislation', he said.

The Hon. R.A. Simms: Who's he talking to? No-one's saying that.

The Hon. F. PANGALLO: Not only was he talking to them, did he explain it to them? Do they know what was actually in it? Surely they didn't, they wouldn't, because if you explained to them what we have outlined tonight, they would be horrified, they would be absolutely horrified at what is going on. Back to the article:

> Mr Speirs seemed to be enjoying the moment. It looks like the Opposition Leader is starting to get the hang of the job. In the government's initial media release on the new laws, the Premier acknowledged the efforts of the opposition in working with the government on this matter in a bipartisan fashion. He could have said he acknowledged the efforts of the opposition in thinking of it first and wedging me. Getting your undies in a knot at The Bend? Sounds most uncomfortable.

That from Matthew Abraham, again another informative and very enjoyable article from one of our best political pundits. InDaily has been very active in running balanced stories, I have to say. I am disappointed that the morning newspaper has not really latched on to the impacts of this legislation. I think they are just happy to kowtow to the government, for whatever reason, and they have not properly analysed and scrutinised it all, as one would expect they could and would, and have a legitimate hard look at it all.

If I was the editor of the paper, that is what I would be saying to one of my reporters: 'Go out, have a look at it and then go and get some balance to it. Explain to us what's in it. Are there things that we should be fearful of? Are there things that the community will be fearful of?' I have not seen that, and I am disappointed. I am disappointed because it is a major piece of legislation, believe it or not.

Anyway, InDaily have done some tremendous articles on it. Here is one: 'Rushed SA protest penalties an assault on our democracy'. Another one: 'Mind-blowing: 22 minutes to ignore a century of Labor history'. This one here is a very good article by Dale Beasley, and I will just refer to some sections of it:

> The Upper House [is going to] consider [the] Malinauskas Government legislation to massively boost penalties for disruptive protest and broaden the offence, after its high-speed passage through the Lower House. SA Unions secretary Dale Beasley says the 'odious' Bill's wording and intent stands against what the Labor Party has achieved—and how it achieved it.

He goes on to give us a history:

> Life was tough for working people in the late 1800s. This was a time before the eight hour work day, when many people worked gruelling hours across six to seven days a week. There was no minimum wage, no Medicare or modern medicine, no social security, little education for working people, living conditions were cramped with no modern sanitation. For workers, the stakes were high…
>
> It was in those years that workers and their unions worked out that to win better pay and conditions, better safety at work and security for their families, they needed to be organised. They needed broad community influence and political influence.
>
> So in January 1884, 13 unions came together at what is now the Franklin Hotel and formed the United Trades and Labor Council of SA. One hundred and thirty nine (and a half) years later and I am proud to be leading that organisation today.
>
> But we didn’t stop there. In 1891, the United Trades and Labour Council of SA helped sponsor the creation of the South Australian Labor Party, beginning an enduring partnership designed to ensure working people had power and influence to win decent conditions in their workplaces, and decent laws in Parliament House.
>
> The Labor party was born from the protest movements of the late 1800s, and the impact of those protests remain imprinted on our national consciousness. Every time you whistle Waltzing Matilda, remember that Banjo Paterson wrote that piece while staying at Dagworth Station in 1895, recounting the Great Shearers’ Strike of the 1890s.
>
> The shearers' strike began in Queensland in 1891 when employers sought to introduce a reduction in pay rates. They were backed to the hilt by the right-wing government of the day. The shearers stuck together for months. In Barcaldine more than 1300 came together to march in Australia’s first May Day rally. But repercussions were fierce. The strikers were literally read the Riot Act, and their leaders were arrested at bayonet-point. At Dagworth Station, a swagman was pursued by the authorities. But rather than be captured, he took his own life on the banks of a billabong.

Hence the song, of course, *Waltzing Matilda*. The article goes on:

The joint efforts and protests of the union movement and Labor Party has been the basis of the extraordinary social progress and change that's been achieved since those times.

Mr Beasley then moves on to 1916:

While war engulfed Europe, Australia grappled with two referendums on whether to introduce conscription for overseas military service. The union movement united with ALP politicians in a massive protest campaign leading up to the referendums. The national secretary of the union campaign against conscription was John Curtin, future Labor [prime minister].

In the 1970s, Australia was again gripped by dissent over our involvement in the Vietnam War and conscription. The resulting Vietnam moratorium protests would be the largest in our history at the time. Dr Jim Cairns, the prominent Labor MP and deputy to Labor PM Gough Whitlam, was one of the leading figures of the anti-war movement.

Dr Cairns helped to organise giant moratorium marches, like those here in Adelaide where thousands of protesters [including myself] occupied the streets and brought our city to a stand still. In our democracy, we use our rights to assembly and protest to confront and disrupt injustice. Disruption is the point.

Just as an aside in relation to those Vietnam moratoriums, I remember them quite clearly. Many of the protesters were students at Adelaide University. A lot of their lecturers there also attended. They were fearless, they were courageous but also there was resentment from the police at the time. I think there was a lot of intimidation against these students. I think we felt a bit intimidated and that they would actually come at us.

I clearly recall seeing the civil rights protests in the US on television at the time and thinking, 'Wow, will they do the same thing to these students and other protestors to the Vietnam war moratoriums as what they were doing in the United States?' Not only were police attacking them, but as we saw at Kent State, they were killing them, they shot them. People were being shot for expressing their democratic right, their right to protest.

When these marches were going through the streets of Adelaide at the time, they were doing so in a courageous fashion and intent on getting the message across that that war had to end and that we had to bring our soldiers home and that conscription had to end. What were we doing in a country where we did not belong? We should not have been there. These protests ended up being very, very effective. It is not that they led to the end of the war, but there were changes in legislation in relation to conscription. They were very successful marches, and I witnessed them.

The Premier would not have even been born then, neither would the Leader of the Opposition, so they would have no inclination or even memory of what had gone on at that time. They were a young generation trying to forge a strong sense of antipathy to government policy that was impacting on a certain generation within our community.

I was thinking today about what those attitudes at the time did unfortunately to those returned servicemen from Vietnam. I do not think there was any intention at the time that the protests would reflect badly on what those young soldiers had gone through in Vietnam. It was not a protest against them, although that was how they were made to feel when they returned because then even the government washed their hands of them.

I am just hoping that we do not see the same thing happen with our veterans from Afghanistan, Iraq and other theatres of war in the Middle East because I am getting the impression that it is starting to happen now, particularly when the head of defence wants to take their medals away from them. I can tell you what, I will be joining if there are any protests against what is being proposed.

The Hon. R.A. Simms: Don't block traffic, Frank.

The Hon. F. PANGALLO: We should. What would happen in South Australia if these laws passed and those veterans—and I will call them heroes—protested? We have no understanding of the type of warfare they undertook, just like we have no understanding of what the World War I veterans went through and the PTS they suffered on their return and had to bottle up over decades, over generations, or what our World War II veterans had to endure and then what our Vietnam veterans had to endure. Now we are starting to see that with veterans from those campaigns in Afghanistan, Iraq and other places in the Middle East. There is a high suicide rate amongst them, and they are not getting the help that is needed for them.

In the event that the Department of Defence and Angus Campbell succeed in taking away their service medals, it will be the most shameful episode I would have seen in Australian defence history, that you are actually taking medals away from young men who had risked their lives in a war zone, fought for democracy in those places and fought for the rights that diggers before them fought for—and to think that they now want to take their medals away from them. If there are protests on the streets of Adelaide, I would join them for a start, and if there are disruptive protests from servicemen about that they run the risk of three months' jail, a $50,000 fine. Where are we getting to?

I mentioned the Vietnam War and the marches through Adelaide, and of course around the same time we had the Whitlam dismissal. I was only a young reporter at the time and I remember it quite vividly. I was not in Canberra; I was working in Melbourne, and I certainly recall the massive protests around the country. The union movement and other democratic organisations had mobilised tens of thousands of people to hit the streets.

In fact, I think there was a fear at the time—it was probably an unfounded fear—that these protests could become so violent that they could almost replicate similar situations we had seen in countries, banana republics and other countries, where regimes had been toppled and the populace had risen up and taken to violence. We saw what happened in places like Argentina, and we saw it happen in Africa and other places.

There was a genuine concern, because of all the hysteria that was being whipped up around the country about what had happened—that an elected government had been booted out of office, something we had never seen in this country before—that it could actually lead to massive civil unrest. It did not quite get that way on 6 January in the United States, but you could detect there was that strong feeling around the country. Nonetheless, thousands of Australians and South Australians took to the streets, took to the squares, anywhere, to express their feelings, to listen to political figures like Jim Cairns.

I can still remember seeing Jim and Don Dunstan and Gough Whitlam. Jim always had this habit of rolling his sleeves up, looking like he was a committed, dedicated person, his sleeves rolled up. Those protests, again, caused disruption in the City of Adelaide. They closed down Victoria Square at one point. Again, if it was today, look at the penalties those people would face.

In fact, if you had a time capsule and went back and spoke to Don Dunstan and Gough Whitlam and Bob Hawke and Jim Cairns and all those other big Labor heavyweights and said to them, 'Boy, you don't want to be in the 21st century, in 2023 in South Australia, where the Labor government there is going to effectively put the kibosh on public protests if you cause a disruption,' they would have been appalled by the whole thing—absolutely appalled. Getting back to Mr Beasley's piece, he says:

> Aside from disruption, protest is also about supporting people who have been wronged. In 1998 when the Howard government were chipping away at our workplace rights and took aim directly at waterfront workers, Kim Beazley visited the pickets regularly and supported the workers, as did other Labor MPs such as Simon Crean. Standing at the Fremantle docks, Beazley told gathered MUA members that he was there 'to declare our support for your struggle to get your jobs back'. During the Waterfront Dispute, Labor stood with workers against greedy corporations and the protest crushing Howard government.
>
> Today we take many of our democratic rights for granted, but it's only by looking back that we are reminded that they did not always belong to us. And in the last fortnight we have been reminded by our own Labor government, that they can easily be taken away. In 22 minutes on the floor—

He says here 'of the House of Representatives', but that is a literal that should have been picked up by a subeditor. It should read 'of the House of Assembly'—

no less.

> With their anti-protest laws, the SA Labor government have put themselves at odds with their proud history of protest and demonstration—

Mr Beasley says:

> Through much of our state's history, the union movement and Labor have celebrated the ability of people to bring about change and for the passionate engagement of active citizens to strengthen our society. We were the first to legalise…the right to vote for women…

> This rich history is what makes SA government's…Bill so odious.

That is from Mr Beasley in InDaily. Another article, 'Union backlash grows over Govt anti-protest law', states the ambos' union announced that they would join the protest and also the education union. Another excellent opinion piece in InDaily—again, InDaily seems to be setting the agenda for debate on this—is by Dr Sarah Moulds, senior lecturer in law, justice and society at the University of South Australia and a director of Rights Resource Network. To quote some of the article by Dr Moulds:

> Some hardworking Adelaideans have had their lives impacted and inconvenienced because of the actions of Extinction Rebellion protesters last week.
>
> These protesters believe their actions to be justified by the climate emergency our community faces, and the flow on implications for our health wellbeing and prosperity. This crystallises a moment that will continue to define the challenges posed by climate change to our democratic polity and institutions. Sadly, our Parliament has decided to respond to this moment in a way that is highly reactionary and uninspiring.

Dr Moulds writes:

> This could have been a moment for our elected members of Parliament to reach out to their communities and listen to the voices and perspectives of their constituents—not just those whose views are reflected in mainstream media reporting or in trending social media posts, but also to the people who quietly but just as importantly have thoughts to share.
>
> Many of these constituents may well agree that the Extinction Rebellion protesters 'went too far' on Wednesday. It is possible to hold this view and strongly defend the freedom of association that underpins the right of the people to raise their voices in response to what they consider to be significant threats or concerns.
>
> Sadly, our Parliament did not embrace this moment for consultation. It did not want to have a conversation about how the law should respond to protests in the face of climate change. Instead, legislation was rushed through the lower house that increases the penalty for the existing offence of obstructing public places by more than 60 times.
>
> This is not the first time legislation has been moved through the South Australian parliament at breakneck speed. Every time it happens it sends a message to South Australians that their parliamentarians are not interested in what they think about lawmaking.
>
> The details of the Bill were not made available to the public, or even to members of the upper house of parliament, before it was passed in the lower house. No scrutiny of the legislation for its impacts on human rights was undertaken. No consideration of its effectiveness at minimising disruption that might arise from protest or its impact on those seeking to engage in authorised protest activity was undertaken.
>
> No comparison with other laws in States and Territories was made available to parliamentarians before casting their vote.

I have just detailed what happened in the Tasmanian parliament. None of that was ever shown. Members on the other side were not made aware of it. The article continues:

> No explanatory material that would assist the community to understand why the Government considered this to be necessary, proportionate, and effective law was provided. No legal analysis of its constitutionality considering the implied freedom of political communication could occur.

Why did that not occur to them? Why did they not see that aspect in that legislation? The article continues:

> This is not the first time legislation has been moved through the Australian parliament at breakneck speed…Regardless of your view on the actions of the protesters on Wednesday, we must resist the temptation to rush in with reforms that could silence and alienate. We need to actively seek out information and evidence that ensure our laws are the best they can be—effective, proportionate and practical. Enacting Human Rights Act for South Australia that includes a shared statement of rights and responsibilities that are important to our community would be a critical step towards this goal.
>
> It's clear we need to put some boundaries in place when it comes to kneejerk lawmaking in our State, or else everyone stands to lose something more than commute time.

That excellent article was by Dr Moulds, who has taken an active interest in what has been going on here and has given us some pretty salient, sage advice about how it needs to be amended by the upper house.

I think I have also mentioned Amnesty International. I will not go through them again. I have already quoted them. Again, they have written an excellent article that was published in InDaily that tried to balance out the hysteria that was going on. I will give you an example. This is what disappoints

me about the morning newspaper, our only printed voice in this state. They have chosen to go down the sensationalist path.

The quote from the opposition leader, David Speirs, dominates the front page story. The article states:

> Meme Caroline Thorne is an actor but her bridge protest yesterday did not get rave reviews. Opposition leader David Speirs said she was a 'greenie, leftie loser' for holding up nurses going home from night shift.

A greenie, left loser—it suddenly becomes a personal attack, an insult, for somebody who was actually—

The Hon. R.A. Simms: Protesting—

The Hon. F. PANGALLO: Not only protesting—

The Hon. R.A. Simms: —trying to stand up for climate change: action on climate—

The PRESIDENT: The Hon. Mr Simms, I will send you home.

The Hon. F. PANGALLO: —but her cause was to activate for—

Members interjecting:

The PRESIDENT: No. Interjections are out of order. No-one is going home.

The Hon. F. PANGALLO: Anyway, I think it is taking it a bit too far when you start making statements like that. Again, it is quite clear what the opposition leader is doing here: it is basically to lift his own sagging profile in the polls and to appeal—

Members interjecting:

The Hon. F. PANGALLO: Well, he is trying to appeal to the masses, isn't he? He is trying to appeal to the group that would not normally vote Liberal.

The Hon. R.A. Simms: Ninety per cent of the population don't vote Liberal.

The PRESIDENT: The Hon. Mr Simms!

The Hon. F. PANGALLO: I guess he would not like being name-called, would he? He would not like to be name-called after the last election. I mean, what were they? They were losers. The Liberals were big losers.

Members interjecting:

The Hon. F. PANGALLO: Well, you did—you lost. Then in the letters page of *The Advertiser* of 18 May, some interesting letters were published. The following letter was from Andrew Humphreys:

> While not supporting the methods of Extinction Rebellion—

and then he quotes the article in *The Advertiser*—

> I understand their passion and sense of urgency.
>
> However I would like them to have a greater focus on the terrible extinction rate of Australian plants and animals.
>
> Most of our small ground-dwelling mammals have vanished and predation by cats and foxes compounded by habitat loss are the main cause.
>
> As for the Greens proposal to desex all unwanted cats…

That was the lead letter on that opposite the editorial. The heading was 'Protesters have a fine time with pathetic penalty'. Let me just read some of that editorial:

> Extinction Rebellion has done itself no favours, won itself no fans and earned no respect by its stunt in Adelaide yesterday.
>
> Whatever concerns protesters have about the environment, while masquerading as self-serving look-at-me activists, their affect on ordinary people is intolerable.
>
> When abseiling protester Meme Caroline Thorne faced court, prosecutors deemed her actions 'mass disruption'—a fitting term for the chaos that unfolded.

Blocking traffic on two major CBD arterials at peak hour is nonsensical enough, and hurts the community.

But some of those trapped in the unnecessary gridlock were emergency services and hospital workers trying to get home after extremely long night shifts caring for our most vulnerable.

I feel for them if they were, but I do not know exactly how many there were. They were the sorts of passions that were being flamed during the hysteria. The editorial goes on to say:

How does Extinction Rebellion provide any service to the community whatsoever by increasing the stress on such people?

It is not a case of actually providing a service to the community, their role is alerting the community. That is what their role is, whether you agree with it or not. The article continues:

Ms Thorne, by her own admission, cares little for such concerns.

'Why should I feel remorse? I've harmed no-one,' she said outside court after being released on bail.

She did not harm anybody at all. She disrupted people. She stopped people from getting to and from work but no-one was hurt. The article goes on:

'There are people who will always be annoyed when someone stands up for those who cannot speak,' she said.

As many have asked, how does this group bolster its cause by trapping people in their idling cars for hours, creating the very pollution it claims to oppose?

Extinction Rebellion says it stands for all of us but it would be interesting to see what a jury would make of a protester's actions if brought to trial.

Unfortunately, that will never happen, as Ms Thorne—who has pulled such stunts twice before—is facing only summary charges that will never go before a jury.

It is of great concern that 'mass destructions' to our way of life are punishable by, at maximum, a $1,250 fine and three months' jail.

Extinction Rebellion and other groups know their actions will not result in heavy penalties so are prepared to take the very small risk of facing court in order to 'make a point.'

If these activities are to continue, consideration must be given to increasing penalties in order to bolster deterrence.

Otherwise, mass disruptions could well become a regular occurrence—further souring the public's attitude toward important causes and their self-styled, self-important crusaders.

Ms Thorne says she feels no remorse—hopefully the [legislators] are listening.

You know, I can just see the Premier that morning munching on his Weet-Bix or corn flakes or whatever and then suddenly choking and saying, 'We've got to do something about it.' Of course, he probably picked up the phone, he may have spoken to the Attorney and others to get legislation ready for that day. But, again, you have the morning newspaper that calls for that penalty and then they had such inflammatory headings like 'Idiot law bid to extinct the rebellion with fines and jail.' That was published on 19 May after the announcement that there would be legislation.

Then another story that flowed on another page, 'Climate warriors feel the heat,' and then going through that type of legislation. Then there is a comment piece here from Caleb Bond. As we know, Caleb is firmly entrenched on the right side of politics. Caleb says:

Enough is enough. These Extinction Rebellion nutjobs have done their dash.

It was almost funny to begin with. Blue rinse-haired grannies glueing themselves to the road was amusing, even if annoying.

But once you reach the point of suspending yourself from a bridge, and paint bombing not only buildings but police officers and family-run cafes in the name of global warming, then you have lost the plot.

Harsher penalties are undoubtedly needed. Increasing the maximum fine for obstructing a public place from $750 to $50,000 is sensible. As is forcing the protesters to pay the costs of emergency services such as police and fireys attending.

…you can always earn more of it—that is if you can hold down a job, which I imagine many of these people cannot.

How does he know that? How does he know what their backgrounds are? How does he know what they did in their life? Many of them, I would say, are probably now retirees or whatever. It goes on, 'The others are geriatric and left the workforce long ago. The abseiling ass, Meme Thorne, is 69.' I will be 69 this year: does that make me geriatric? The article goes on to state, 'The youngest of the four people charged on Thursday was 49. Two of them were 66 and 68.' Well, good on them. Good on them at that age, that they are prepared to go out, make their feelings known and protest. I am 68 and this just sounds again like an age discrimination opinion, does it not? Getting stuck into the old brigade.

I am glad the old brigade is actually active and taking an interest in it and probably trying to stir up other boomers, people from my generation, into becoming active and becoming interested in what is happening to their world and how their world is facing a catastrophe for future generations, for their great-great grandchildren and others who are going to follow. Good on them that they are doing it. They were probably doing it in the sixties and seventies and now they are doing it in the 21st century—good on them. Mr Bond says:

> They need something to do, I suppose.
>
> But these people need to be taught a real lesson.
>
> If you want to dangle from the Morphett St bridge, go for your life. We'll just block a lane 10m in each direction and let you hang.
>
> Want to glue yourself to the front door of the Santos building? No problem. Enjoy the motion sickness that ensues from it opening 1000 times a day for people who are actually contributing to the country.
>
> Affix yourselves to the road? All good. The coppers can put some bunting around you and let the traffic flow on either side.
>
> Actions have consequences.
>
> When a group of climate activists glued themselves to the concrete floor of the Porsche pavilion at a German Volkswagen dealership last year, the staff simply left at the end of the day, turning off the lights and heating.

That was that, okay, fine. They made their point. Vitriol then followed in the opinion pages of the newspaper. This one here is from Lesley Bretag—I hope I have it right—from Warradale:

> Several correspondents have decried the shocking actions of Extinction Rebellion in their climate action protests. Suggestions have been made about quiet and respectful protests as a preferable alternative.
>
> I remember peacefully protesting, to no avail, about Australia's involvement in the Vietnam War. My conscripted peers are still suffering more than 50 years later and Vietnam is now a friend and trading partner.
>
> Together with hundreds of thousands of fellow Australians I marched quietly, protesting against Australia's involvement in the 'coalition of the willing' and the invasion of Iraq. We now know that war resulted in the rise of ISIS.
>
> The behaviour of Extinction Rebellion is indeed shocking and confronting. However it seems that peaceful, polite protest has been ignored, to our cost, over decades.

Erik Cornelisse says:

> Governments haven't listened to the vast majority of people regarding climate change. People are desperate for change; the planet is desperate for change.
>
> In a democratic society the only thing we have is our voice and you will weaken that with these rushed new laws. ('Climate warriors feel the heat' *The Advertiser,* Friday).
>
> Also since when has a non-disruptive protest led to a meaningful outcome in South Australia?

Point taken. Continuing:

> Remember the huge protest here for the Iraq and Afghanistan war. That was peaceful, numbered in the hundreds of thousands and yet we fought in a hopeless war for two decades.
>
> I'm sick of our society being so influenced by money and power. We now live in an oligarchy controlled by powerful companies and corporations.

Again, here are just some of the comments in the paper. Jan Thomas from Seaford states:

> The Grey Army is working.

Probably most of the people who take the time to write a letter to the editor are usually of the generation Mr Bond was attacking. In this one, Jan Thomas from Seaford says:

Caleb Bond, I am offended!...You used the term 'geriatrics' in a very derogatory way. True though our mid-70s age bracket puts us in the geriatric range, not all have left the workforce, just the paid sector.

Indeed if the grey army went on strike the government and you the taxpayer would be seriously out of pocket.

For example: Meals on Wheels, friends of national parks, charity op shops, Red Cross transport drivers...I could go on.

Freedom of speech and protest is essential. We don't have to agree with the sentiment or methodology. You have every right to object to the manner of the protest used, but you do not have the right to insult all the older generation. I won't judge all journalists by your actions.

Well done, Jan. She has mentioned the areas in which that generation are quite active. You would not have volunteers in our community if you did not have that generation, because you will not get the younger generation taking part in it. It is always left to the older generation to pick up the slack.

Here is a another letter I want to read out, 'History Lesson':

Extinction Rebellion and similar protesters who recklessly block roads and cause chaos could learn a thing or two from the UK suffragettes of last century, who used similar tactics to try to achieve votes for women. They shouted down speakers, smashed shop windows and set fire to unoccupied buildings. One even threw herself under the leading horse in the 1913 Derby, but although these acts led to much publicity, they did not impress UK legislators. British women were not granted full voting rights until 1928.

By contrast, SA women won not only the right to vote but also to stand for parliament in 1894. By the power of persuasion, they were led by women such as Mary Lee and Catherine Helen Spence and were greatly assisted by the Woman's Christian Temperance Union, whose members went door-to-door obtaining 8,268 of the 11,600 signatures on the suffrage petition now adorning a wall in the House of Assembly.

Of course, it is not the petition itself but a work of art. That letter was written by Roslyn Phillips in Tea Tree Gully.

Allan Shepard from Payneham South wrote:

I find the justification for the proposed new rushed laws to control the Extinction Rebellion to be extraordinary. It is interesting that the message of the protesters is invariably ignored with the coverage of their actions. The draconian measures coincide with the release of a report from the World Meteorological Organization, stating that for the first time the world's temperatures will exceed 1.5 degrees. The consequences of this are catastrophic not just for our children and grandchildren but for the next few years.

Mary-Anne Higgins of Rose Park congratulates the Extinction Rebellion protesters:

Your bizarre, extremist and destructive acts have achieved the attention you crave. Unfortunately for you and your supporters, it's not the attention you desired. You have managed to incite the wrath of the public and joined Labor and Liberal leaders in bipartisan support for condemnation of your actions, resulting in the passing of more punitive laws for your lawless actions. You have become pariahs in a society which rejects anarchy, lawlessness and Marxism.

In more recent days, we have seen letters to *The Advertiser* that have attacked the protest laws, these laws that have been introduced. You get a wholesale set of views. Mr Penberthy wrote an opinion piece, 'Deluded extinction Rebellion protesters were wasting our time'. I have some press releases here.

I am just looking at some of the news broadcasts from that day of 18 May when the Extinction Rebellion protests were in the city and some quotes from various parties involved. Energy minister Tom Koutsantonis says he does not deny their right to protest outside the national energy conference at the Convention Centre, but they could have gone about it in a less disruptive way. Mr Koutsantonis said:

These people are not garnering mass sympathy for the important work that needs to be done to decarbonise. I think they are turning people off, and they are giving the climate deniers a bogeyman to point out. They are giving them a point of ridicule. I think it's reckless. I think it's dangerous. I think they do nothing to advance their cause. I think in fact they are hurting the cause. I think if I was completely blunt they are doing more damage to the environment than any good. [the minister said]

The Premier tells David and Will:

> Moves are already underway to introduce legislation to parliament. [I am quoting him.] If there's an opportunity for the parliament to act quickly here, I think we should. I've spoken to the Attorney-General this morning and asked him to draft up a piece of legislation to see if we can get it into parliament today and try and respond to this.

He has called the honourable Attorney-General that morning, having breakfast, and asked him to draft up the legislation. There would have been hurried calls to parliamentary counsel, 'Get me this bill so we can introduce it. I need to take it into the party room,' and in it went. Rushed!

The Hon. T.A. Franks: It didn't go to the party room first.

The Hon. F. PANGALLO: Well, that is what you would have thought. You would have thought it would have gone to cabinet as well, wouldn't you? But that did not happen. Then the police commissioner, Mr Stevens, was particularly scathing, saying:

> There is a way to do it to get the message across and there's a way to do it and [to quote him] piss people off.

I do not know why he uses that salty language. He also indicated that it is likely they will be made to pay for the time and cost of the emergency services involvement. Where did he get that one from, because the legislation had not been passed (to me) and that certainly was not in the legislation—correct me if I am wrong, but that aspect was not in there.

It is obvious, it looks like the Premier and/or the Attorney-General have called the police commissioner and thought, 'What do you think? Where should we go with this?' The police commissioner wants people to pay for those services. Where will it go? Where will it end up eventually with using police resources? Will they charge for police to go to the Adelaide Oval when there are footy or cricket matches, or whatever? Is that going to be the situation where suddenly we are going to have to be paying to use police resources for all sorts of events?

The Hon. T.A. Franks: They have given that one a go before.

The Hon. F. PANGALLO: They did want to go that way before but this is, again, the start of the slippery slide. This is how these things begin and, in the end, who knows, governments might say, 'Okay, if you want a police presence at the Adelaide Oval, if you want a police presence at the V8s or the Supercars or whatever, at concerts, you are going to have to pay for them, if you are going to have that sort of involvement.' We need to resist that. The Hon. Mr Speirs was on FIVEaa on 18 May and made a comment to Mr Penberthy:

> Well, the penalties are pathetic and thanks for having me. I think most of your listeners would be on the same page as me with this one. Seven hundred and fifty is all that Meme will have to pay and I think you can build that into your disruption plan really. You can whip around your mates and say 'I'm going to go and clog up the city and cause some chaos for the cause of climate change' and that may be a worthy cause in the minds of some people but it is not in the minds of others and that level of care that was created yesterday blocking up the city. I was able to jump on the train yesterday and get in, but it took me 30 minutes from the southern suburbs, but I had mates who are tradies driving in from Hallett Cove for jobs on the other side of the city and it took them nearly two hours to get out to Prospect. Never mind emergency services [and blah blah blah].

So off he goes, whipping up a frenzy on radio to justify the legislation. Of course, we do not know who they discussed it with. I do not know—did they discuss it with their own party in their party room? They probably did and everyone just went along with it.

The radio people also spoke to Frankie, the owner of the Bluprint cafe, and I feel for Frankie and for the loss of business that was caused to them. Of course, the penalties are there. The penalties are there for the damage that was caused and also probably for the loss of business, so that is going to happen. So the Premier had listened to Frankie there and said:

> …it's hard not to feel for someone who's just working their guts out trying to make a living and look after customers and I haven't had a chance to read the transcript or hear what the Leader of the Opposition said this morning, but for one, if there is an opportunity for the Parliament to act quickly here I think we should, I've spoken to the Attorney-General this morning and asked him to draft up a piece of legislation to see if we can't get it into the Parliament today to try to respond to this because the idea that people would abuse what is a sacrosanct privilege in our State to enjoy peaceful protest but then take it beyond that to the extent of…disrupt others, in a genuinely harmful way, is something we won't abide by and I think there's an opportunity here for bipartisanship with the opposition to see if parliament can't respond too quickly.

Well, Premier, why just the opposition? Why would you not come to the crossbenchers in both houses and say, 'What do you think about this?' before rushing in to what they did? They knew it was all about getting one up on the opposition leader. They had the numbers in the lower house. 'We get the legislation in; we will get it through. The Liberals will just follow us, and then we will go to the upper house and, of course, we've got the numbers there. It will get through.'

It was not the other way round where the Attorney, perhaps, in what we would normally expect is for him to introduce it in the Legislative Council, where we would have given it proper scrutiny. But they did not want proper scrutiny. That is why it went down to the House of Assembly. That is why it went there—because they knew that they had the numbers. They knew the opposition would not really put in much of any scrutiny at all. They did not want to put any scrutiny at all on it. They hardly even spoke about it. The Premier said, 'We're on the case and we'll see what we can get through to Parliament today if anything.'

Again, as a journalist, this is what really galls me about my profession. They are all happy to jump on the hysteria bandwagon and get these nasty rascally extinction rebellionists. 'Let's go after them with legislation' and whatever. You have the Premier on air and of course the opposition leader saying, 'We are going to get it through today. We are going to get it through today if anything.'

But no-one asks them: 'What's in the legislation, Premier? What have you put in there? Should people be actually having a look at it first? Have you consulted? Have you gone out to the community? Have you gone out to the respective organisations? Have you gone to the legal fraternity? Have you gone to the Law Society? Have you gone out and had a look and shown this legislation?'

No, because it was a furphy that the Premier was floating, the same furphy that the opposition leader was floating: 'All we're doing is increasing the penalty. That's all we're doing; we're increasing the penalties.' That seemed to go across okay, but of course, as we all know, the devil comes in the detail, but no members of the media at the time bothered to ask or scrutinise or get somebody to even have a look at it and say, 'Is this okay?' or 'What are going to be the consequences? Are there unintended consequences in all this?'

No-one questioned them. The media did not even put them under the proper scrutiny they should have. The hard questions were not asked, and that really disappoints me. Since then, we actually are starting to see it, after everyone has woken up to what was going on.

The Hon. T.A. FRANKS: Mr President, I note that we are about to hit midnight, and I move:

That the debate be adjourned.

The council divided on the motion:

The PRESIDENT: We have a small problem in that we were under the impression that the Hon. Mr Pangallo may have finished speaking but I do not believe that was the case. Hon. Ms Franks, you cannot actually move an adjournment while the Hon. Mr Pangallo is speaking.

The Hon. Mr Pangallo can seek leave to conclude his remarks and then there would be a question put there. We should not have accepted the motion. The question is that the matter be adjourned.

Ayes 4
Noes.....14
Majority 10

AYES

Bonaros, C.	Franks, T.A. (teller)	Pangallo, F.
Simms, R.A.		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.

Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Maher, K.J. (teller)	Martin, R.B.
Ngo, T.T.	Scriven, C.M.	

Motion thus negatived.

The PRESIDENT: I call the Hon. Mr Pangallo to continue.

The Hon. F. PANGALLO: Thank you very much, Mr President. While I have an audience here I will continue. As I was saying, the opposition leader and the Premier suddenly colluded and formed this unusual pact for this legislation. It came as the hysteria was being whipped up on radio programs. There were callers being put to air who were adding fuel to the hate speech that was going on about Extinction Rebellion and others. This one here for instance is a women who calls in to FIVEaa and says:

> Maybe you guys might like to join me. We will go round and paint bomb their houses and see how much they like what they get.

Another caller:

> I'm so pissed off with what happens to them—not that I call them people, they're not people, they need to get a life.

And on it went, with all this stuff that was going on on talk radio. That was on FIVEaa.

On ABC radio, there were public responses to the interviews that the Premier and Mr Speirs had been giving that day. Mr Bevan says, after 9 o'clock:

> Lots of texts coming in about the interview…with David Speirs—he was saying you have a right to protest, but when your protest steps over a line and causes massive disruption to the city with potentially serious consequences, there have to be better penalties and he says we need to legislate to ramp up the penalties…the Premier was listening and he rang in and said I reckon Speirs is onto something here…we can get something through Parliament…One listener says, 'What is going on in South Australian politics? Any time a difficult issue emerges, eg protests, road users, or drug use or whatever, their first step is to bring in legislation to suppress people. We are genuinely moving towards an oppressive right-wing state. And both the Libs and Labor are as bad as each other.' Glenn has called…what are you making of this?

Glenn says:

> Interesting, isn't it? We live in a country which has the right, because of democracy, to demonstrate. I totally agree with that. The only thing I have, which was a problem related to near hospitals…they have won because we are talking about the biggest issue that is going to affect all of us all…which is climate change. The publicity which is on climate change which has been rather forgotten lately so I think in this purpose they have won the argument and good on them, because I believe as long as it's peaceful, what is wrong with demonstrations? Because the demonstration is designed to disrupt…otherwise it's not a demonstration.

Mr Bevan goes on to say:

> The lady who was dangling from the bridge…came out of the Magistrates Court…and she was asked do you regret what you did or something, and she said no. She's clearly going to continue to do this sort of action. So what is the point of a penalty which does not deter the action? That's the whole point of a penalty.

Glenn says:

> I think people like herself have extended far too much of what her beliefs are. I think there has to be some holding back on that issue. But I find it interesting with the media too because we have this huge demonstration, but the media were all pro disruption there. Why is it different when it happens relating to climate change…the biggest issue we face in the world?

I do not know if the media at the time were all pro disruption. I think it was actually the other way around. Then Stephanie calls in:

> I'd like to know if these heavy fines would apply to neo-Nazis demonstrating and marching through Adelaide streets as they did recently in Melbourne? I'd like to alert people that more than one such march was given permit in Paris recently, whilst the left wing was punished…and the danger is that governments will punish ecologists but not the right wing.

I will talk more about Paris a bit later on and what has been going on there with the violent protests over the French government's or the President's decision to lift the age of retirement from 62 to 64. France, I guess, is one of the birthplaces of liberty, democracy and whatever through their French Revolution. They are going through a pretty torrid situation at the moment, but I will get onto that later on. Stephanie then goes on to say:

> The trouble is that neo-Nazis know this and they will behave impeccably, but they will still carry their banners and their obnoxious slogans, and do Nazi salutes and get away with that if we're not careful.

Mr Bevan then comments:

> I think there are all sorts of people who want to get rid of Nazi salutes and things, but the point is, if you want to protest, that's fine...nobody's trying to take away your right to protest as long as you don't cross a line. So if you want to be a Nazi and protest…that's okay, you can protest, and likewise, an ecological warrior—just don't cross the line. You can't see everybody gets a right to protest, just do it without upsetting people?

Stephanie says:

> I just cannot agree with you on your comment that it's okay for neo-Nazis to meet in our streets...

Bevan says:

> So you want to choose who can and can't protest?

Stephanie says:

> I don't think neo-Nazis should be allowed to protest…

As much as we may well dislike them, we are living in a democracy and to suppress them I guess would again raise issues about freedom of expression but, nonetheless, they should not be allowed to cross the line. Then Mr Bevan refers to text responses to interviews with the Premier and David Speirs, and he says—and I will try to put on my David Bevan voice:

> Lots of texts coming in regarding this outbreak of agreement between the Premier and the Opposition Leader—that is, cracking down on protesters who cause big disruption to the public, such as what we saw yesterday...what Malinauskas and Speirs are agreeing on is that yes, the law should be changed to upgrade offences that cause big disruption. Lots of texts coming in…some people saying totally agree with David and Peter—we're on a first name basis now…with respect to more power to hold these protesters to account…

And then the Hon. Robert Simms was on air, and of course—

The Hon. R.A. Simms: He was good.

The Hon. F. PANGALLO: He was quite good. There is no point me going through what he said because he has already put us through a few hours of what he feels about all this. Alex Ward, a well-known lawyer around town, called in to FIVEaa:

> …we can have a look at how the law is…as it works…it's interesting listening to the callers and listening earlier to the views raised by the opposition that it has the exact opposite effect which is sort of what I see here so that you and I aren't talking about the significant problems of global warming and how they should be addressed. We are talking about these protesters having the exact opposite effect of the message they want to get across. And so I don't…understand it what's the motivation you said they are passionate about the cause but they are not helping the cause.

So this discussion went on with Matthew Pantelis in relation to the Public Assemblies Act and what sort of legislation and what penalties were in place but, of course, at that time we still were to see what legislation was going to be passed in parliament.

It brings me to the Attorney-General, when he appeared on ABC radio. He was interviewed by Stacey Lee and she introduces him:

> Let's go [to] the state's Attorney-General, the one who drafted this legislation and also member of the Legislative Council which will be voting on this legislation soon. Good morning, Kyam Maher. Is this something you thought of, at least some lawyers are saying it could indirectly affect people who are sleeping rough or handing out flyers or school children.

Then the honourable member says:

> I've got to say I think that's pretty far-fetched, I don't think that touches on the arguments that we're talking about here. I think the examples that were given, there would have been no hindrance if that's what this was intended to apply to for that to already happen. The examples that were given, if that was the intent of [the] law, there would

have been nothing stopping people being charged, prosecuted and fined already under the law, that doesn't change the ability for the examples that were given and that hasn't happened in the many decades that this has already been a law and it doesn't increase the police powers 60 fold. I can't imagine a scenario where someone sleeping rough would either be, attract police attention under section 58 of the Summary Offences Act, let alone a prosecution in court for it.

Then Mr Beilharz says:

But the argument is that it's a possibility. You're saying okay, well it probably wouldn't happen but the argument is, it could under this legislation.

The Attorney-General says:

Yes. It could…Nikolai, if you accept [the] argument you've got to accept that, it's been a possibility and it could have happened since at least 1990 and the predecessors to how this legislation has looked…could have already happened. It hasn't happened. I'm not aware of a single arrest, let alone a prosecution, let alone a conviction for any of the examples that [have] been given in all the decades this [legislation has] been in…

Perhaps he can provide those figures when we are going through the bill. Again, the Attorney makes it clear that, yes, it is in the legislation; it could happen. I think what we are saying is that it should not be in there. That is the whole point of it. You have it in there but who knows if one day it could actually be exercised by an officious police officer, or whatever, who happens to come across a homeless person in the street who perhaps might be mentally affected, or whatever, and is sleeping rough, as we have seen in King William Street. Who knows? Yes, it is there and it should not be there, and he is not aware of any single arrest. Stacey Lee then says:

But that's what the government's been saying about this [for] the last few days, because that's all we've had to look at because of the way it was done so quickly that it only increases the fine, but that's not the case because reading the legislation, Attorney-General, it actually inserts a new section about directly or indirectly obstructing a public place, so it's not purely about the fine.

Suddenly, the hard questions are being asked, and the Attorney says:

Sure, and the directly or indirectly isn't updating of the language used that we think already is the case but we want to make it very, very clear. For example, the person abseiling off a bridge who's not actually on the road…I don't support that sort of action, that will block traffic and it's not just the inconvenience but it's the actual…

It is just going blah, blah, blah here, Attorney, because you did not answer the question, quite simply. It was just trying to throw Stacey Lee off the scent, but she comes back:

Yeah, and it might be that the indirect or direct has been inserted to sort of capture these people because, as you say, although the abseiler wasn't directly on the road, so many people were obstructed by it because certain roads were closed and a lot of people were inconvenienced by it at the time; however, that means it has been broadened to be able to capture someone like that and so while it might not be the intention of the law for someone sleeping rough to be fined, what the Human Rights Law Centre is saying, that even though it's not the intention, someone reading this legislation could [interpret] it that way.

The Attorney then says:

The legislation almost certainly covers that direct or indirect already, we just want to make it abundantly clear to take out any chance of confusion so it almost certainly covers, as it's currently written already, we just want to clarify and make it very clear that that is the case and as I say, the examples given, if someone was going to be charged for that…they already could have been in the decades this law's been in place.

Again, the Attorney is not answering the question to that. He is saying, 'Well, we just want to take out the confusion.' What has actually happened is that the legislation has created even more confusion with this whole thing. Mr Beilharz says:

When you see groups like the Human Rights Law Centre, a number of unions, uni students, a significant cohort of the community saying we are worried about the speed with which this has gone through, does that give you pause to think…we are pushing this through too quickly, maybe we do need to take the foot off the accelerator a bit and try and address the concerns that have been raised.

The Attorney then says:

It certainly it's passed the lower house of parliament that was last week, next week the upper house sits…there will be further debate and consideration of this legislation.

'There will be further debate and consideration of this legislation'—by whom? He must have been looking into the crystal ball because the further debate and consideration has only come from the crossbench so far. The Attorney then goes on to say:

> People who have been have views have certainly contacted me and my door is always open to anyone who wants to talk to me, has views or concerns and there have been plenty of people representing themselves or groups who have taken that opportunity this, during the course of this week and also last week that's occurred.

I will give credit to the Attorney-General: his door is always open and he is always available to discuss legislation, any potential risks in legislation, or unintended circumstances or whatever, but, clearly, it did not happen in his own party. Stacey Lee then asks him:

> And will you be taking those concerns on board, will there be any changes to the legislation or as you see it as the Attorney-General is this it and this is how it will be voted on?

The Attorney then replies:

> We have a position that our government, our caucus has landed upon and decided so that is our position but it will be debated next week no doubt in the upper house.

Lee again asks:

> What about you personally, do you agree with the legislation?

The Attorney says:

> I have got to say yeah I do and I'm concerned about the risk, my biggest concern is the risk that some of the actions we have seen lately and they are different from the protest actions I think we have seen in the past. My parents were involved in moratorium marches during the Vietnam war era, I think some of the actions we have seen from protestors, whose view and what they are standing for I agree with I think we need to address global warming we need to decarbonise but when you put other people at such significant risk I think you have gone too far and not only do you damage the cause that I think is plainly very worthy but you put other people at risk of injury or even more seriously and I just don't agree with that so sending a strong signal that that shouldn't be tolerated I think is important.

What the Attorney was saying was that there was some sort of danger here, that people were being put at significant risk. I cannot recall what the significant risk was of Meme hanging there. Perhaps if the police commissioner did go there and think, 'I am going to cut this rope,' or whatever, that would have been a significant risk, but I did not see that there was a significant dangerous risk there at all that could justify what was going on.

Again, this all goes back to it being just a kneejerk reaction. It was a kneejerk reaction to all the hysteria that was being whipped up in the media, on talkback radio, by the opposition leader going on the offensive to get some coverage. That was the name of the game. The name of the game was also to get one up on the opposition leader and show that, 'We are on the front foot in government. We will answer the call if people think that things need to happen in this.'

By 25 May, we started to see a different complexion come over the debate, when people were starting to see the flaws and the holes in this legislation. Sarah Moulds—

The Hon. C. Bonaros: A smart woman.

The Hon. F. PANGALLO: A very smart woman. Thank you, the Hon. Connie Bonaros. She was on Sonya Feldhoff's program on the ABC. Sonya asked, 'What do you think?' This is what Dr Moulds said in relation to the speed at which it passed through. She had some serious concerns about that and she felt that it fell short of the expectations of the community for representative democracy. She said:

> I think we would all agree that there'd be times when an MP wouldn't have the chance to have careful look or would rely on other colleagues when it comes to making their call on how to vote but I think we would all expect and hope and definitely our system was designed from that historical perspective that people would listen to and understand what they're passing and in fact that's what we mean when we say tabling part of the law with the opportunity to put it on the table and then we talk about reading it because it used to be the case that you'd have to read the words aloud so that everyone in Parliament would know that they're voting for. So, that's definitely the starting point—expectations on our democracy I think.

Dr Moulds is saying if you are going to bring legislation into parliament it needs to be read out, that people need to understand it. People need to take in just what the contents are. She points out that

this is the starting point of our democracy. This is how we deal with legislation in this place. Then she goes on to say:

> Well, it passed through the house of Assembly in 22 minutes, and that was unusual, and they had to suspend the normal process, they had to suspend the standing orders to make that happen. I think what you hope to see is an opportunity where there's a pause moment for the law to be looked at in more detail, and that's what we usually see happen and in the case of these protest laws, we might still see that happen in the Upper House, but South Australia doesn't have many of the same safeguards that we see in other Parliaments to slow that process down. So, usually what we hope to see is there's a proposal that's considered in Cabinet, they then give notice to the Parliament that they're going to introduce the law, usually at least a day before they do it.
>
> They then show everybody what the words say, give people the chance to think about that before they offer their speeches on the law, and then if it's really an important law, like many would say this one is, it goes on to a separate committee where parliament can hear from experts or the community about what the law before they pass it is.
>
> So all of those stages were compressed in this case and I think we need to see in our democracy the chance for people to be able to contact their MP and say, 'Hey, I've got something to say about this,' and the MP would be able to listen to their constituents. That's the kind of minimum that we need to see if we are going to give meaning to the ideals of the democratic promise that our constitution is built on.

She puts it succinctly, perfectly. She is talking about what our job is in this place. This is what we do in here, and clearly it was not done with this legislation.

They raise the ICAC legislation but, as I pointed out, that actually sat in this place for nearly a month and every member in this place had an opportunity to have a look at the bill and the amendments that were put there. You cannot compare this to that legislation. Dr Moulds goes on to talk about the bikie legislation that was moot very quickly. She said:

> Sometimes I think there is some justification for it, but often the problem is when it is rushed so quickly mistakes are made or the design of it fails to do what the politicians want anyway. So often we hear the Premier or the minister who wants to change the law tell the community something but if the law doesn't match what they are saying is the problem. You know, the idea is to slow it down, so we can test: does this law actually do what you are saying? Can we make it better? Can we make it stronger? Can we check what you are actually changing here?

I agree with that. The reflection that, if that process is truncated, what happens is people get cynical about whether or not our politicians care what we think. They get cynical. She makes an excellent point here about the process that has gone on with this legislation. She is saying you hear the Premier say one thing, you hear the Attorney-General say one thing, stridently in defence of what they have done, but when you have a look at the legislation, when you read through it, you see there are problems. Others have seen the problems, yet they still maintain this bold face publicly that there is nothing wrong—nothing to see here, do not worry about it.

But what Dr Moulds is saying is that this is what our Westminster system is all about . It is all about consensus, it is all about consultation, it is also about analysing, scrutinising, going through it, slowing the process down so that you can improve upon it, you can make some changes. We do have amendments to this bill. Both SA-Best and the Greens have amendments that can go a long way to improving what essentially is a faecal sandwich, because that is what it is.

An honourable member interjecting:

The Hon. F. PANGALLO: That is fine. It was not a four-letter word. I am fine with that, aren't I, Mr President? That is the description that has been said to me: it is a faecal sandwich. We have some amendments that will go a long way to making this a lot more palatable and probably avoiding a constitutional challenge to the bill, trying to make it a bit fairer for people in the community and not impose these punitive punishments that are intended to prevent or stifle or frighten people from taking part in active protests.

I cannot imagine what students in high schools are thinking. We saw their very powerful, colourful climate protests here on the steps of Parliament House where they overflowed out onto the street. What is going to happen with the education department when students want to conduct a protest and take to the streets? It may cause destruction. What will the education department say to them? Will they instil some kind of fear into those students, 'You had better be careful because you might be liable for fines or jail.' God forbid.

I do not think that will happen, but you never know because it is there in the legislation, it is there. So there is the risk that they will run. They will run the gauntlet of this legislation. You can just see the school will be saying, 'You had better be careful about what's going on here.' Again, it might instil some fear in them that they may be afraid to express themselves. I hope they do not, and we will encourage them not to.

Then Sonya Feldhoff talked to Dr Moulds about what the upper house is really all about, 'There is some time for the Upper House to look at it,' said Sonya. 'Isn't that what the Upper house [does]…the Upper house is [there] for as you know consideration…a place for consideration to iron out some of those issues?' asked Sonya. Dr Moulds then replied, 'Well, I think bicameral Parliaments…The idea of having 2 houses is [a] very, very important safeguard in our democracy and Queensland doesn't have 2 houses.'

Let me point out here: let's not forget what one Labor premier wanted to do to this place. If Mike Rann had his way, he would have got rid of this house of review because that is what Labor wanted. They wanted to bulldoze everything through in one house, which would have happened if we did not have this house. It would have just gone straight through into legislation in 22 minutes, but we do have a bicameral system here and I am thankful for that. As Dr Moulds said, it safeguards our democracy. She said:

> …and Queensland doesn't have 2 houses. They can move through things in 22 minutes, done and dusted. In South Australia we have those two 2 houses and so there is that potential from what I understand it's not clear whether the Upper House will refer this to a committee to have the conversation or whether they will also move through quickly.

I can assure you we are not going to be rushed in moving it quickly, are we, and we certainly want to move it to a committee. We do want to move it to a committee because we think that is the appropriate place for it. That is where we think you will get a better outcome, but of course the government and the opposition do not want to do that. As Dr Moulds then said:

> We have to wait and see but one of the challenges with this example and possibly with the other ones I mentioned too is that because it moves through the house so quickly without the usual debate, without the Government explaining their purpose, setting out it's impact the Upper House doesn't really have those materials to help them either and neither does the community so you don't have much in terms of debate in the Lower House. We don't have much analysis and because the Government of the day has the numbers in the Lower House I guess that adds a political dimension to it as well. So I dearly hope that this [is] a moment for pause where the community will get their say through something like a committee enquiry because that will enable us to check, does this law do what we think it does or does it have any unintended consequences? So I agree that it is important in the upper house stage.

Then it looked like they had a text message come through from their listeners. Here is one of them. I love the texters on the ABC. They seem to have a massive flurry of those at the text line. People are angrily texting almost constantly. I do not have time when I am in the shower and I want to text something. I do not know how people actually find the time to sit there and be able to send text messages because they take so much time, but clearly there are a lot out there in the ABC land who like to get their message to the ABC on the text line. They get lots of text messages. I always hear them promoting their texting. Here is one from one of the texters on Sonya Feldhoff's show. It states:

> Passing a bill in a day is nothing short of poor government and lazy politicians ready to grandstand on what they think will appease the voter. Disgraceful behaviour.

Let me just reflect on that. This is something that disturbs me in a way because of the job that I do. Constantly, I see in our community that the standing of politicians is at such a low ebb. It is things like this that continue to tarnish the standing and image of politicians in our community. I would have thought we would have got to a point, either federally or statewide, where we had a really good, hard look at ourselves and thought: what is the best way of lifting the standard—lifting the image—of politicians in our community? What is the best way to go about this so that the public have a greater respect for the positions we hold here, rather than contempt?

Let's be quite truthful. I am going to be like my name—Frank—about all this: they hold us in dire contempt. I love this job. I have been in it for four years. I love advocacy. I love working with my constituents. I love the fact that I can get around the state. I can see a lot of things. I can meet a lot of people. I speak to people in industry and in business and in small business. I get a whole new perspective on what is happening in our community, totally different from what I had in the 46-odd

years that I worked as a journalist. I was quite thankful for that because it gave me a wider understanding of life and what was going on in our community and I was able to listen to people, but I also like to listen to people in this job and work for them and help them.

But what I find a distraction and an annoyance is when you get legislation like this and other things that happen in politics that tend to drag your reputation down—and when I say 'your' reputation, that is all of us—to below cattle level, to be quite honest. There was a time when car salesmen were the bottom rung as far as respect was concerned and journalists were just the next step up. Politicians had a little bit of a way to go, but now it has just gone the other way.

I wonder whether politicians sit back and reflect on their actions, what they do, how they perform, how the government performs, how the opposition performs, the expectations of the community and the expectations of the electors. Do they sit back and think about what they can do to get us to like them and to appreciate the work they are doing, rather than accepting that we hold them in total contempt?

I was reading about why Mark McGowan decided to step down as the Premier of Western Australia. I think they called him a rockstar in *The Australian*, and that is what he was: a rockstar politician. The Premier here can also be touted as a bit of a rockstar politician. Mark McGowan decided enough was enough, that he was tired of the world that he lived in, the adversarial nature of politics, the toing and froing, the politicking, the pressure.

Let's not beat around the bush: I think being a Premier of any state, including this one, is probably the hardest job of all. Mr McGowan, even though he has a vast majority in that place, felt the pressures of working in public life, the scrutiny that politicians are put under. He had finally had enough and decided, 'I need to have a life.'

Again, I am appealing to members in this place: think about what you do and how you say things. Think about the work that you put in. Think about your constituents. Put them first. Do not put your party principles first.

The PRESIDENT: Let's get back to talking about the bill.

The Hon. F. PANGALLO: I want to get back to this; thank you, Mr President.

The PRESIDENT: That would be great.

The Hon. F. PANGALLO: I know that, but I think it is important. We have been ridiculed as a result of this legislation. Our standing in the community is being questioned. Again, I am just appealing to people in this place and in the other place to be more considerate about the job you do and about the reputation and try to lift the standard of the work that you do.

Anyway, George from Waikerie texted in to Sonya's show, and he says things like this:

> It's about time something has been done to deal with these selfish fools—

he is talking about Extinction Rebellion—

> they can protest all they like just don't encroach on the lives of others. That is Emergency Services people trying to work unlike these people, who have nothing better to do.

According to another texter, 'Are we supposed to wait while the city is closed down by protesters?' Sonya says, 'There is no doubt that in some quarters at least the change will be very welcome in some parts of South Australia.' Sarah Moulds then goes on to tell Sonya Feldhoff:

> Well I think all of those views definitely should be taken into account by the Parliament and people should be able to express strongly what they feel to be inconvenience and anger and disappointment about a whole lot of things but I guess the thing that I'm focusing on is that if we don't know what the law says until after one of the houses has passed it, if we can't even read what the words are as members of the public then we can't ask whether it works. So, for example the law that's been drafted to respond to the protests, we need to check whether it actually will work in that context or whether it might, say for example, capture other people like people experiencing homelessness or other activities in the city. We need to check that.
>
> So even if you really agree that there needs to be a response to protestors you want a good law that works that the courts are going to be able to apply easily. That's not going to be challenged on constitutional grounds and that can still happen quickly so often you can have a notice that you're going to introduce it. The next day you table it so that everyone can see it, then you have the chance for all MPs to say something and then have the opportunity for

say maybe a 3 or 4 day inquiry into the Bill where people and legal experts and others in the community can put forward their ideas. You could still have that happening quite rapidly and in any case the protestors involved had already been charged with the existing laws so I think there are times when you need an emergency response and there are times when it's really important to get the law right and when we're dealing with human rights and constitutional law I think that's one of the times when you do need to get it right but I think there's valid views in the community on this and all I think is we want to uphold a system that enable everyone to talk about it first.

She could not have put it more clearly and the summation of what has been happening here. We want clarity and that is what the community expects. They want clarity, but they are only starting to discover that now after the concerns that have been raised by all the various protest groups, the unions and other individuals and particularly the lawyers who have raised the issue strongly and said, 'You know something, you've got it wrong here. Let's go back and try to get the whole thing right.' That has not happened, unfortunately. That has not happened at all.

While we are talking about all these protests that are going on, I want to refer to items of great interest to this debate which emphasise the importance and relevance of disruptive protests, even quiet and peaceful ones. Just to give an example of how protests actually do work in our society and what they do achieve—and they can be disruptive. If you go back to some of these protests in history, if you went back with those laws that could apply here—and would have been applied then—there would have been outrage even then.

Remember, even at those times, and the thinking of those times, what was going on then was still quite antagonistic to the authorities. There were many instances—and I think the Hon. Robert Simms went through one—but I was going through *Time* magazine and they were listing their five most influential protests in history. The top of the list was Gandhi's Salt March. For those of you who are not familiar with the Salt March, I will give you a brief run-through of it.

> Under British rule, Indians were prohibited from collecting or selling salt—Britain had a monopoly on that staple product and taxed it heavily. Gandhi assembled his supporters in 1930 to march 240 mi. from his ashram to the Arabian Sea to collect salt from the ocean. The crowd snowballed along the way; more than 60,000 Indians were arrested for breaking the salt law. It was an ideal method of protest because collecting salt was a completely non-violent activity and involved a commodity that was truly important to Indians. The protest continued until Gandhi was granted bargaining rights at a negotiation in London. India didn't see freedom until 1947, but the salt satyagraha (his brand of civil disobedience) established Gandhi as a force to be reckoned with and set a powerful precedent for future nonviolent protesters including Martin Luther King Jr.

Just imagine that. Imagine if that happened today: you had 60,000 people protesting and taking this long march because they were being denied a commodity by the law of the land. Think of the penalties that would have been imposed upon people like that. No. 2 on their list is the march on Washington and this was in 1963:

> …African Americans had been freed from slavery for a century yet continued to live lives burdened by inequality in every realm of society.

The *Time* article says:

> The March on Washington for Jobs and Freedom was intended to push lawmakers to pass legislation that address these inequalities, and its organizers were so successful that more than 200,000 supporters turned out for the action—double their estimate. Martin Luther King Jr. delivered perhaps the most famous speech in American history—

probably world history, I would think; it would certainly rank right up there—

> his 'I Have a Dream' address, at the base of the Lincoln Memorial, and the leaders met with President Kennedy afterwards to discuss their goals. The march was credited with helping build support to pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and its messages of the hard work to build equality are echoed today from the Ferguson protests to President Obama's recent speech in Selma, Ala[bama].

Dr King had given a sermon, the apostle Paul's letter to the American Christians. It is the speech he gives to all the people in Montgomery four days after Rosa Parks had been arrested. At the end of the speech he says, 'One day they're going to tell a story about a group of people in Montgomery, Alabama, of black people who stood up for their rights and when they stood up for their rights, the whole world changed.'

So this is the whole message. This is what protesting does, when you stand up, even though the general community at the time—and remembering of course in divided America, between white and blacks, blacks were prevented from going on certain buses. They were prevented from going to

certain schools. There was this awful division in that community. White Americans thought that they were the majority; they had the majority say in the politics and government of their day.

It is no different from what is going on here today, where the majority seem to think that their views will apply in relation to these protest laws that are going through. They seem to think they are on the right side of the law against Extinction Rebellion, which actually is just trying to deliver a message in a way that attracts some kind of attention on an issue they are extremely passionate about and want the rest of the community to listen to.

No. 3 on *Time's* list is *Lysistrata*. As *Time* says:

> Though Aristophanes' comedy was fictional, it held real-life lessons for future generations…

This is going back to ancient Greece. Attorney, were you are scholar of ancient history? I certainly was—ancient history and ancient Rome were my two favourite subjects. Again, while this was a fictional play it does have symbolism, not only for the ancients but also for the modern day—for what is happening today. *Time* continues:

> In the 5th-century-BC play, the protagonist organizes Greek women to agree not to have sex with their husbands and lovers until they can forge peace and end the Peloponnesian War. Silly as the concept may sound, sex strikes have been used as peacekeeping measures in modern societies from Colombia to the Philippines. Perhaps most notably, women in Liberia included a sex strike in their Women of Liberia Mass Action for Peace that successfully ended the 13-year Second Liberian Civil War—and got a female president, Ellen Johnson Sirleaf, elected. Sirleaf and organizer Leymah Gbowee won the Nobel Peace Prize for their work.

No. 4 on *Time's* list is the self-immolation of Thich Quang Duc:

> The Vietnamese Buddhist monk did not invent the act of burning oneself to death, but his self-immolation on the street in Saigon in 1963 to protest the treatment of Buddhists in South Vietnam shocked the world and created a horrific new genre of political protest. Like many forms of suicide, self-immolation proved contagious. Other Vietnamese monks followed suit, as did an American in Washington D.C. to protest the war. Tunisian fruit vendor Mohamed Bouazizi is credited with sparking the Arab Spring uprising in 2010 with his self-immolation to protest his treatment by the oppressive government, and more than 100 Tibetans have self-immolated in the last five years in protest at Chinese rule.

No. 5 on *Time's* list is Take Back the Night:

> Since the 1970s, events under the Take Back the Night umbrella have protested violence against women in the form of marches and rallies around the world—

including here—

> often in direct response to specific murders of women. The movement set a precedent for future actions concerned with female safety and sexuality, like SlutWalk, a march that began in 2011 to oppose a statement made by a Toronto Police Constable that 'women should avoid dressing like sluts in order not to be victimised'.

I know there is a bit of distance between that and what Commissioner Stevens said, but this gives an example of when police officers use that kind of language. 'Women should avoid dressing like sluts in order not to be victimised'; that is what a police constable said. We had our own police commissioner here saying, 'Well, we would have liked to cut the rope we couldn't.'

So there are parallels with those kinds of comments: one came from a police officer in Canada, and we had our own police officer here, frustrated and annoyed that his charges were stuck at the west end of town. Again, I just want to say that there are parallels that can be drawn from past experience to the present, to what is happening here, and I have just given an example. This is what happens. More recently, a Columbia student, Emma Sulkowicz, protested her university's decision to allow her alleged rapist to remain on campus with the project Carry That Weight, in which she hauls her dorm mattress everywhere she goes.

The Hon. Mr Simms mentioned that the Boston Tea Party is something of a misnomer, as while it did indeed feature tea it was definitely not a party. On a cold December evening, protesters gathered in Boston Harbor to reject the latest shipment of tea from the East India Company. They were speaking out against the Tea Act, which allowed the East India Company to sell its tea at a reduced cost, thus giving the British government controlled company an effective monopoly.

As the story goes, the colonists stormed the ships as they pulled into the harbour and chucked some 46 tonnes of tea overboard. The real issue at hand, of course, was the colonists' lack

of representation in the British parliament. That night, their cries reverberated near and far and helped spawn the movement that would see the states gain their independence from Mother England.

I mentioned the Civil Rights March of 1963 and how significant it was, and the Hon. Robert Simms mentioned Stonewall in 1969 and what happened there with the gay community and the police raid on New York's Stonewall Inn. There was another significant protest in the United States in 1969 on November 15: the moratorium against the Vietnam War. I still remember the images of this. It was not long after Woodstock—the Hon. Tammy Franks, you might recall Woodstock, which was in 1969—

The Hon. T.A. Franks interjecting:

The Hon. F. PANGALLO: Many people in this place weren't born then.

Members interjecting:

The Hon. F. PANGALLO: We wish we were born; well, it was an interesting period growing up and it was an interesting year. Not only did we have Woodstock but we also had a man land on the Moon.

In the frigid fall of 1969 more than 500,000 people marched on Washington to protest the US involvement in the Vietnam War. It remains the largest political rally in the nation's history. While President Richard Nixon was said to have spent the day watching college football inside the White House, to the rest of the world the protest successfully provided that the anti-war movement comprised more than just politicised youth.

The November rallies were part of a string of demonstrations that took place around the world in 1969, with groups from San Francisco to Boston and London petitioning for peace. Despite their cries, the war toiled on for six more years, ending with the fall of Saigon on 30 April 1975. That sparked this anti-war movement, these massive protests that erupted around the world everywhere, particularly in countries involved in the Vietnam War, like Australia.

In 1979 the Maryam protests in Iran: Iran is an interesting place; we can see what has been going on, not only in decades gone past but what is going on in Iran right now. We can see what happens in a country where democracy does not exist, an autocracy run by a religious fanatic. We have seen young students who have been murdered, we have seen students who have been attacked, students who have been kidnapped—their parents do not know where they are—because they took up the right to protest about what was going on in their country and against the murder of one of their young students.

Back in December 1978, two million people took to Tehran's Shahyad Square to call for the overthrow of the Shah at the time, Mohammad Reza Pahlavi, and the return of the Grand Ayatollah Khomeini from exile. By 11 December, somewhere between six to nine million, or roughly 10 per cent of the entire population, had taken to the streets in Maryam protests. In a victory for the people, the embattled leader agreed to step down later that month. If you fast forward to today, they probably regret having a religious leader in charge.

People power in 1986—it was a narrative scripted for Hollywood: an innocuous housewife brought down a dictatorship, when Corazon Aquino's husband, Benigno, a much-loved pro-democracy Filipino politician, was slain in 1983, allegedly by agents of the repressive regime of Ferdinand Marcos. She could have chosen to remain in comfortable exile in Boston, but Corazon Aquino returned to the Philippines and took up her husband's mantle. Months of activism and pressure compelled the Marcos regime to hold a snap election on 7 February 1986. That declared Marcos the winner amid widespread reports of vote rigging and voter intimidation.

Anger at the blatantly fraudulent result set off mass protests, with Aquino the smiling dissenting figurehead. Hundreds of thousands turned out in the streets of Manila, many garbed in yellow, the Aquino signature colour. The massive demonstrations gave the world the phrase 'people power' and were buttressed by key defections from Marcos's camp. A mutiny within the Army compelled him to step down and go into exile. Aquino would sensationally become the president of a new democratic Philippines.

Remember that that was the start of the term 'people power', and we are seeing people power to the fore today. We saw people power to the fore during the COVID era in anti-COVID demonstrations, when pretty harsh laws were put in place by various state governments. In the end, people became disenchanted with having to live their lives boxed into their own homes, and they had to break out, let their feelings known. We had the anti-vaxxers become something of a force in themselves because what they then decided to protest for was freedom. They wanted to have a right to say what happened to their bodies.

I mentioned this earlier, but this event perhaps is the hallmark of what we covet the most in our society, the democracy that we live under: Tiananmen Square. I think we all remember the photo of that nameless rebel in front of a line of government tanks. That is probably one of the most powerful protest images you could ever imagine. If you can still see that person, I think he was holding a bag, standing in front of the tank, the turret aimed directly at him—the act of total defiance that this person had shown.

I think there were attempts to try to find out who this person was or what eventuated and what happened to him, but you can be assured that just as the sun will come up tomorrow—sorry, today—as sure as the sun will come up today, the Chinese regime, the brutal Chinese regime, would have executed him. The events that took place in Tiananmen Square that day in the spring of 1989 captured both the bravery and the horror.

Weeks before the crackdown, peaceful crowds had gathered to mourn the death of Hu Yaobang, an ousted official who had championed political and economic reform throughout China. As crowds swelled to 100,000, similar gatherings across the country added to their pleas for change. On 4 June 1989, the government gave the green light for troops and tanks to open fire on the square. Although the exact number of people killed was never revealed, the image of the unknown rebel, unwavering in the face of government machinery, helped reshape the way the world saw the People's Republic of China, and it still speaks to the crowning power of peaceful protest in the wave of an oppressive regime.

The images from 1989 still are very clear in my mind. At the time I worked for the Seven Network. It was a story that resonated around the world, and even here I think it drew Prime Minister Bob Hawke to tears. In 2008, I was fortunate enough to be able to work for the Seven Network at the Olympic Games in Beijing, and one of the first places on my list to visit was Tiananmen Square, to be near the place where that rebel had stood because it was such a powerful image and a reminder to me about the democracy that we savour in our world, and I have to say I was completely moved going to Tiananmen Square.

I do not know if other members have been to Beijing or Tiananmen Square to see the enormity of that square; it is huge. It is absolutely huge, and today it would just be jampacked with people and tourists and whatever. On that particular day, there were hundreds of thousands of people who were there sitting or whatever, and you could see those tanks lined up on that main boulevard that cuts through the square. You have the Forbidden Palace on one side and then you have Tiananmen Square, and the lines of tanks.

I walked that line. I stood where that rebel, that protester, was and the thoughts just came into my mind of how brave that person would have been, and the courage that it would have taken to be so defiant in the face of one of the most oppressive regimes imaginable. That is the power of protest. One individual can have as much impact as thousands or hundreds of thousands. That is how powerful that is.

Then there was the Purple Rain protest in Cape Town in 1989:

> The Purple Rain Protest is as famous for its iconic imagery as for its role in stopping apartheid in South Africa.

Again, the power of protest. Continuing:

> When thousands of anti-apartheid activists took to the streets of Cape Town four days before parliamentary elections, police turned a water cannon with purple dye on them in an effort to halt the demonstrations and mark the protesters for identification and arrest. The plan backfired, however, when one protester hijacked the nozzle from a police officer and sprayed office buildings and the local headquarters of the ruling National Party.

Ring a bell? Continuing:

In addition to galvanising resistance at home, the image of protesters standing in front of a purple torrent became a defining symbol of civil disobedience worldwide.

Purple Rain—I imagine that is probably where the Prince song came from. But does it ring a bell? Remember the blue paint that was sprayed at the Santos building by the Extinction Rebellion protesters. Again, the power of protest here and what it led to. Egypt 2011:

An entire generation of Egyptians had never known a time when Hosni Mubarak was not their President. After 30 years in the top spot, Mubarak received his first serious challenge…when more than a million protesters, fuelled by political unrest, massive unemployment and social-media organization, assembled in Tahrir (Liberation) Square. For the next two weeks they held their ground as pro-Mubarak forces attacked them with rocks, tear gas and even a camel cavalry charge. Journalists continued to broadcast despite the assaults, and the world watched as Egyptian soldiers occupied the square. But rather than fire on their fellow countrymen, they kept the two sides at bay until Mubarak finally stepped down on Feb. 11.

They still march in the United States more than 50 years after Dr Martin Luther King was assassinated, after he:

…called for a 'revolution of values' in America, inviting people who had been divided to stand together against the 'triplets of evil'—militarism, racism and economic injustice.

The triplets of evil are still around today.

Preachers, editorial boards and fellow civil rights leaders condemned King, saying that his vision was too radical. But thousands of poor people—black, white, brown and Native—embraced his vision and built a Poor People's Campaign. One year later to the day, Dr King was assassinated while standing with black sanitation workers in Memphis who were fighting for higher pay and safe working conditions.

The fights for racial and economic equality are just as inseparable today as they were half a century ago. And it is this connection that compels [people] on the anniversary of Dr King's assassination to join the…Movement for Black Lives.

On 4 April they do not simply remember Dr King's assassination but they continue to remember the work that brought him to Memphis and other places in the United States.

Even as people re-imagine a moral movement for the 21st century, the Americans are facing a crisis now. The forces of white supremacy and corporate greed and gained new-found power and influence in the democracy. As Dr King said in 1968:

America may go to hell if we do not listen to the cries of the poor and hurting among us. People across this land are crying out in defiance and for change. Our future as a people depends on America seeing and hearing them.

There have been a lot of protests in recent years against racism in the United States and here in Australia. We have seen Black Lives Matter. You may well recall there were 5,000 people who attended the Black Lives Matter protest during COVID. I think the Hon. Tammy Franks was among them, and the Hon. Robert Simms. You may recall at the time that there were threats that were made that if these people took to the streets there were going to be implications, but particularly also for the organiser of the march.

The threats came from the emergency coordinator at the time. That was the police commissioner. He was only doing his job, I guess, enforcing laws that had been imposed by this place, but, nonetheless, 5,000 people thought it was important to take to the streets and express their views about black lives. Black lives were being taken. Of course, we know that the Black Lives Matter protests were the result of incidents in America, where African-Americans like George Floyd were killed by police officers. Racism has been and continues to be a major problem here and elsewhere in the world.

Talking about the Black Lives Matter rally, there was one in particular in the United States involving tennis player Coco Gauff. She was only 15 when she beat tennis superstar Venus Williams at Wimbledon. She gave her speech when she was 16 at the Black Lives Matter rally in Florida. She said at the time, and let me quote her:

We must first love each other, no matter what. I have spent all week having tough conversations and trying to educate my non-black friends about how they can help the movement.

Second, we need to take action. I am not of the age to vote—it is in your hands to vote for my future, my brothers' future and for your future so that is one way to make change.

> Third, you need to use your voice no matter how big or small your platform is, you need to use your voice. I saw a Dr [Martin Luther] King quote that said 'the silence of the good people is worse than the brutality of the bad people'.

Former US President Barack Obama was the first and only black President of the United States—something I never thought I would see in my lifetime. I clearly remember when he was elected and then I clearly remember being totally mesmerised by the powerful speech he delivered after being elected.

I still find Obama not only one of the finest politicians and leaders in the modern era but also one of the finest orators, and a great leader for his people. He gave a speech online directed to people of colour. Let me give you a couple of quotes from that. This is what he said:

> When I go home and I look at the faces of my daughters, Sasha and Malia, and I look at my nephews and nieces, I see limitless potential that deserves to flourish and thrive. You should be able to learn and make mistakes and live a life of joy without having to worry about what's going to happen when you walk to the store or go for a jog or are driving down the street or looking at some birds in a park.
>
> I hope that you also feel help hopeful, even as you may feel angry, because you have the potential to make things better and you have helped to make the entire country feel as if this is something that's got to change. I want you to know that you matter. I want you to know that your lives matter, that your dreams matter.

George Floyd's brother, Terrence Floyd, at a memorial for his brother, whose death started the US protests, spoke to the crowd and asked them to use their vote to make a difference in some of the protests in America that have seen violence and looting. He asked people to stop. It was a compelling message:

> In every case of police brutality, the same thing has been happening: Y'all protest, y'all destroy stuff, and they don't move. You know why they don't move? Because it's not their stuff. It's our stuff, so they want us to destroy our stuff. So let's do this another way…Let's stop thinking that our voice don't matter and vote.
>
> …Let's switch it up, y'all. Let's switch it up and do this peacefully, please…I know [George] would not want y'all to be doing this.

I am just going to go back to the protest here in the city. It was peaceful. A person was just dangling by the bridge, and that was it. There was no violence. Sure, we saw some action at Santos, but what happened in the city—because that is what precipitated this legislation—what we saw there was peaceful. In the words of Terrence Floyd, do things peacefully and you can get results as well.

I did not think I would ever mention her in this place, but there is an occasion for me to do so—the Duchess of Sussex, Meghan Markle. You would think: 'How the hell would he get something that would be linked to this debate?' Well, there is something that I have found. Meghan Markle was asked to give a virtual speech to her old senior school, ahead of a graduation. She spoke about her experience of the LA riots in 1992, when she was younger, and the impact that it had on her. I quote the Duchess of Sussex:

> …the first thing I want to say to you is that I am sorry. I am so sorry that you have to grow up in a world where [racism] is still present. I was 11 or 12 years when I was about to start Immaculate Heart Middle School in the fall and it was the LA riots, which was also triggered by a senseless act of racism…And those memories don't go away…The other thing though that I do remember about that time was how people came together…we are seeing people stand in solidarity. We are seeing communities come together and to uplift. And you are going to be part of this movement…You are going to lead with love, you are going to lead with compassion and you are going to use your voice.

Again, I am going to draw a parallel here to what happened on Friday and what happened today in relation to the protests outside Parliament House and in the Festival Plaza: people standing in solidarity, coming together, communities coming together. We saw communities come together. We saw unions come together. We saw the workers from health care come together. We saw the education sector come together. We saw people, ordinary people, come together. They came together to express their views on what was going on here.

Of course, as I said earlier, a persuasive voice certainly does—or persuasive voices certainly do—have impact, and you can see that through history. There is a story here written by Kai Xin Koh. She has written about persuasive speeches that people need to hear. She wrote this article on 12 March 2019:

Across eras of calamity and peace in our world's history, a great many leaders, writers, politicians, theorists, scientists, activists and other revolutionaries have unveiled powerful rousing speeches in their bids for change. In reviewing the plethora of orators across tides of social, political and economic change, we found some truly rousing speeches that brought the world to their feet or to a startling, necessary halt. We've chosen 40 of the most impactful speeches we managed to find from agents of change all over the world—a diversity of political campaigns, genders, positionalities and periods of history. You're sure to find at least a few speeches in this list which will capture you with the sheer power of their words and meaning!

There are no prizes for guessing what is top of the list: 'I have a dream' by Martin Luther King. Just to give you a snippet of Martin Luther King—and I could never go anywhere near the impact that his voice had on that massive throng in Washington on that day, if you can get that vision in your mind. This man was the most powerful of orators. I will not even go anywhere near, because I could not possibly give much justice to what he had to say, but I will give you just a snippet of what he had to say:

I have a dream that one day down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of interposition and nullification—one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

I have a dream today.

I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed and all flesh shall see it together.

This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day, this will be the day when all of God's children will be able to sing with new meaning 'My country 'tis of thee, sweet land of liberty, of thee I sing. Land where my father's died, land of the Pilgrim's pride, from every mountainside, let freedom ring!'

As I said, unsurprisingly, the speech comes up as the most inspiring of all time, given the harrowing conditions of African-Americans in America at the time.

At number two Ms Koh lists the Tilbury speech by Queen Elizabeth I. I will just give you a couple of snippets of that:

My loving people,

We have been persuaded by some that are careful of our safety, to take heed how we commit our selves to armed multitudes, for fear of treachery; but I assure you I do not desire to live to distrust my faithful and loving people.

Let tyrants fear. I have always so behaved myself that, under God, I have placed my chiefest strength and safeguard in the loyal hearts and good-will of my subjects; and therefore I am come amongst you, as you see, at this time, not for my recreation and disport, but being resolved, in the midst and heat of the battle, to live and die amongst you all; to lay down for my God, and for my kingdom, and my people, my honour and my blood, even in the dust.

So while at war with Spain, Queen Elizabeth I was renowned for her noble speech, rallying the English troops against their comparatively formidable opponent. Using brilliant, rhetorical devices like metonymy, meronymy and other potent metaphors she voiced her deeply held commitment as a leader to the battle against the Spanish Armada, convincing the army to keep holding their ground and upholding the sacrifice of war.

Eventually, against all odds, she led England to victory, despite their underdog status in the conflict, with a confident and masterful oratory. You may note again a parallel with Queen Elizabeth II. There were similarities in her speech in what she was going to do for her country. Members may recall that she was going to serve until the very end.

The PRESIDENT: The Hon. Mr Pangallo, I am listening intently but I am really struggling to find the relevance here. Can you bring it back, please?

The Hon. F. PANGALLO: I am just trying to paint some parallels—

The PRESIDENT: I think they need to be a little bit narrower.

The Hon. F. PANGALLO: Okay; I will get back to it. As I said, there are a number of emotional speeches that had enormous impacts on the protest movements around the world in days gone by; people we have mentioned like Winston Churchill, John F. Kennedy, Martin Luther King, Dwight Eisenhower and Nelson Mandela, as the Hon. Robert Simms has mentioned. There was a notable lecture by Mother Teresa, another important—

The Hon. C.M. Scriven interjecting:

The Hon. F. PANGALLO: Sorry—am I keeping you awake? I just want to find this reference here to notable speeches by Indigenous Australians—which, again, I found quite moving. It includes Jack Patten's opening address at the first Day of Mourning protest to Lowitja O'Donoghue's call for Aboriginal recognition in the constitution. There are been some powerful speeches from the long campaign for Indigenous rights, and I would like to go through a snippet from Jack Patten's opening address to the Day of Mourning protest on 26 January 1938.

Mr Patten was born at Moama in New South Wales, on the New South Wales side of the Murray River, in 1905, and went to school at Cummeragunja Reserve, later becoming the first president of the Aborigines Progressive Association. He delivered his speech at the Australian Hall on Elizabeth Street in Sydney at the first Day of Mourning protest. In part, this is what he said:

> On this day the white people are rejoicing, but we, as Aboriginals, have no reason to rejoice on Australia's 150th birthday. Our purpose in meeting today is to bring home to the white people of Australia the frightful conditions in which the native Aboriginals of this continent live. This land belonged to our forefathers 150 years ago, but today we are pushed further and further into the background. The Aborigines Progressive Association has been formed to put before the white people the fact that Aborigines throughout Australia are literally being starved to death.
>
> We refuse to be pushed into the background. We have decided to make ourselves heard. White men pretend that the Australian Aboriginal is a low type who cannot be bettered. Our reply to that is: give us a chance. We do not wish to be left behind in Australia's march to progress. We ask for full citizen rights, including old age pensions, maternity bonus, relief work when unemployed and the right to a full Australian education for our children. We do not wish to be herded like cattle and treated as a special class.

That was in 1938. How relevant is that even to this day? Again, it will be empowering First Nations people as we move towards a Voice in the federal parliament. We have already done that here in South Australia, much to the credit of the Malinauskas government and the honourable Attorney-General.

I want to say that at this event some other people were there. It was the first formal Aboriginal civil rights gathering in Australian history and quite a significant event. Amongst some of the people who were there—I did not know this until I actually did some research—were Jack Kinshular, Selina Patton, Pearl Gibbs, Jack Johnson, Mrs F. Ardler, Bert Maher, Frank Roberts, Tom Peckham, Henry Noble, Jack Kinsheller, Bert Rose, Bert Maher, Ted Duncan, Robert McKenzie, Tom Foster and Pastor Doug Nicholls, our first Aboriginal Governor in South Australia.

Faith Bandler, at the Talkin' Up Reconciliation Convention in Wollongong in August 1999: Faith Bandler, of South Sea Islander decent, was a leading activist for the Aboriginal Rights Movement from the 1950s and a central campaigner for the 1967 referendum. She died in 2015. In 1999, she gave this speech about where the fight for Aboriginal equality had come from since the referendum. Just a couple of sentences from it:

> My learning was rather hard and slow. It took some time for me to understand, when there are millions in the world today who are hungry, millions who are homeless, millions who are without work, the wrongfully imprisoned, the deaths in custody, the tortured, the mass murder of women and children, why in the name of creation our differences should matter. Why is it so hard to find our commonalities?
>
> The most commonly voiced opinions of some who are willingly blind is that we focus on the failures and faults and too little praise is given. But if praise must be given it ought not to be given to the powerful but rather to the powerless, who patiently bear the brunt of many misdeeds and indecency.

In 2008, on 26 January, Dennis Walker was at an Invasion Day rally, and that was a very large rally—again, the power of protest. We have seen them—they march down Sydney Harbour Bridge and everywhere. Dennis Walker was also known as Bejam Kunmumara Jarlow Nunukel Kabool. He is the son of poet and activist Oodgeroo Noonuccal and co-founded the Brisbane Branch of the Australian Black Panther Party in 1972. He began his speech to the Invasion Day rally outside

Queensland parliament with, 'Thank you, I won't bore you with the statistics of the devastation being wreaked upon us'. Then he continued:

> …just in case you think I'm arrogant—I know I'm arrogant, but as arrogant as I am, I could never be as arrogant as a white man in this country and don't say you as individuals aren't responsible for it, you pay taxes so your police forces, your legislators and your courts do the dirty work for you. So, don't say you haven't got a hand in this, you helped pay for this coming down on us. Don't forget that it's not just us they're coming after. we are the convenient scapegoats to get the uranium out so the state can keep the power. Your youth deaths rates are up too, they come for us today they'll be coming for you tonight.

Somebody who I think commands enormous respect in the First Nations community in this country is Lowitja O'Donoghue, who was honoured by a speech by the Prime Minister at the opening of the National Congress of Australia's First People on 8 June 2011.

Ms O'Donoghue, a Pitjantjatjara Yankunytjatjara woman, is one of the most revered public figures in Australia. She is a former chair of the now-disbanded Aboriginal and Torres Strait Islander Commission and, in 1992, was the first Aboriginal Australian (she objects to the term Indigenous) to address the UN General Assembly. I will give you a couple of paragraphs of what she said:

> Since the 1967 Referendum, Australia has been living a lie. It has patted itself on the back as a fair country, one that treats its citizens equally and, especially, protects the vulnerable. Don't get me wrong. I am proud to have helped to secure the 'Yes' vote that recognised us as citizens and more than mere flora and fauna. It was important. But it also pains me to know that the Constitution still contains a potential discriminatory power, which can be used by the Commonwealth against our people or, indeed, any other race. And that it still lacks any explicit recognition of us or our place as the First Australians.

Another person who I actually met a few times and found him an incredible character to speak to, was Charlie Perkins. Of course, I had not realised the influence that Charlie had on civil rights in Australia, but I also knew him as a very talented soccer player, and he played here in South Australia. I do not know whether you knew that, Mr President, but he was a very talented soccer player.

As I have said, I just want to take members through the historical importance of being able to protest in democracies or in our societies. Incredibly, the Hon. Robert Simms started in Ancient Greece, where it all started.

The Hon. C. Bonaros: It is where everything started.

The Hon. F. PANGALLO: Well, it may well have, but I have actually found evidence in research that it began in Ancient Egypt, so that is how far back it goes. When you look at the history, there have been some important ones, but one of the most important ones was in 1215. Are there any historians here who can remember what happened in 1215?

Members interjecting:

The PRESIDENT: I would be really interested as to how this has anything to do with the legislation we are looking at, the Hon. Mr Pangallo. Come on. How about sticking to the legislation.

The Hon. F. PANGALLO: I am just talking about the Magna Carta, Mr President, and there is actually one in the library. I am happy if you would like to consider having a short break, and then I can come back and conclude my remarks. Would you be happy to do that?

Honourable members: No.

The Hon. F. PANGALLO: No, you want to keep going? Okay. If you want to keep going I will not necessarily edit some of the stuff that I was going to do. I will continue and get my point across, but I will get to something that is quite relevant.

The PRESIDENT: Something of relevance at some stage would be good.

The Hon. F. PANGALLO: Yes, I will; I will get to something that is quite relevant to what we are doing here. I have already mentioned many of these important protests that have gone through history and the importance not only of that but the impact that they have had on communities. As you can see, Mr President, we have done a lot of research into this subject. I just want to give you some figures. This is from Amnesty International:

> Usually taken for granted or not recognised as a right, the right to protest is under threat, leading to injustice and the silencing of crucial voices.

In the Amnesty article it talks about what is the right to protest. It states:

> The right to protest is the makeup of three important rights; the right to freedom of assembly, the right to freedom of association, and the right to freedom of speech. It is a right that everyone is entitled to ensure that all voices are heard and that there is equality, inclusivity and freedoms for all.

This legislation is heading down a path that is quite restrictive and non-inclusive. We know that:

> Protests come in many different forms, like marches, sit-ins, peaceful, boycotts, sit-ins, or strikes from jobs. It is an important way in which people can speak the truth to those in power.

Martin Luther King said:

> Every man of humane convictions must decide on the protest that best suits his convictions, but we must all protest.

Why do governments—and I include this one here—want to stop the right to protest? Because, in effect, this legislation is going to be putting the brakes on the right to protest. It is going to deter people. It is likely to do that. As Amnesty says:

> Leaders and government bodies across the globe are finding new ways to oppress protest and pivotal voices.
>
> A key element of protest is disrupting an everyday activity to gain attention or highlight the injustice that is occurring.

This is what Extinction Rebellion were doing: gaining attention to their cause. It continues:

> This can involve disrupting everyday routines that impact the greater population.

It happened here. It was not the greater population, it was a section of the city commuters. Continuing:

> By doing so, protesters are making noise, getting those in power's attention.

They certainly did get the attention of those in power to act almost impetuously, as it would seem. It goes on:

> However, governments want to avoid this disruption to everyday life because it then reflects on them when things are not running smoothly. By extinguishing individuals' right to protest they are benefitting themselves and taking control of situations, rather than allowing people to voice their concerns and highlight injustice.
>
> Governments fear the power people can have when banding together.
>
> 'Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.'

These are some of the stances that Australian states have on the right to protest. According to the Amnesty International Human Rights Barometer of 2021, Australians support the right to protest. The overwhelming majority of respondents to their survey supported the right to vote (86 per cent), freedom of speech (83 per cent), and the right to protest (68 per cent). The report states:

> Many Australians don't realise that the right to protest is not protected under federal law.

Did you know that? The right to protest is not protected under federal law, which I think is what others have been alluding to, that it is time to do that, as the Hon. Robert Simms pointed out. The report continues:

> 53% of respondents believed freedom of speech [is] protected by Australian law.
>
> While the High Court has ruled the existence of an implied freedom of political communication, it is not explicitly protected under the Australian Constitution. The current common law precedents operate as an avenue available to free oneself from government restraint, rather than a right that is directly conferred on the individual.
>
> Many states have introduced anti-protesting legislation:
>
> - NSW—protestors can face up to 2 years of jail and a $22,000 fine if protests are disruptive

But there is no mention of incurring those costs that they want to impose here. None of that is included in the New South Wales legislation. It continues:

> - Tasmania—[Tasmanian] can face up to 2½ years in jail and receive up [to] $11,000 in fines, double that for a second offense
> - Victoria—targeting climate protestors can spend 12 months in jail and receive up to a $21,000 fine

A lot of money to stand up for what is right.

But, of course, in South Australia, it is $50,000—and that is a lot of money to stand up for what is right. Not only that, the prospect of going to jail and the prospect of being sent bankrupt when the government decides to bill you for sending out the police or the fire appliances or the ambos or whatever and holding up the proceedings for that—who knows what that could be. The report continues:

Why is the right to protest [so] important?

As seen through history and present society, it has been the driving force behind many social movements that call out injustice and abuse, demanding change and hope for a better future. It is an issue that tackles the right to be free of discrimination based on age, race, gender identity and other factors. Protest is the most equal opportunity for political action.

The right to protest has made a great impact throughout the world with social movements born from protests including:

- The Black Lives Matter Protest (2020)
- #MeToo movement (2017)
- African American civil rights movement (1950s)
- Indigenous Australian land rights movement (1960s)
- Marriage equality (1990s)
- Women's rights (1960s)
- Climate action
- And many more

In 2019, governments and schools threatened expulsion for students who attended the climate rally. Students became frustrated that their voices would be suppressed.

This is the same situation that probably these students are going to be facing again with this legislation. I have not seen that explained. Is there a prospect that South Australian school students could again be threatened with expulsion for attending a climate rally in the city? A student said:

As school students, we're sick of being ignored. We're sick of our futures being turned into political footballs. We feel sick when we see the climate impacts that are already devastating communities here and around the world. It's time for our politicians to stop making decisions about us without us.

That was student striker Harriet O'Shea Carre when she was 14. The article continues:

The right to protest means that people can fight for a better future for themselves and others that those in power may not be able to see. Without the right to raise our voices in protest, the world would be a very different place.

Amnesty fighting to keep the right to protest.

We can't afford to be silenced now. To create change and equality we need to protect the right to protest to fight injustice.

To ensure the right to protest is protected, we will;

- Pressure Australian governments to repeal anti-protest laws so that Australian laws respect the right to protests,
- Advocate for laws that protect peaceful protest—including a federal Human Rights Act,
- Protect people exercising their rights, making sure police behaviour is proportionate and peaceful protest is safe for people to attend,
- Challenge harmful anti-protest rhetoric in the media, and
- Pressure governments around the world to end the growing crackdown on peaceful protests and ensure activists and human rights defenders can continue to safely campaign to make the world a better place.

Amnesty calls for help to ensure that our rights to protests are not threatened by those in power, so that change and progress can happen. They say:

Protect the right to protest.

In 2022, protesters are once again taking to the streets to call for justice, equality and human rights. This should not be stopped by enforcement, fines, or restrictive legislation.

Although this suppression of human rights is worrying, we won't give up. All around the world, ordinary people continue to come together to stand up against those in power and make real change happen. It's up to us to challenge injustice where we see it.

Together we can ensure everyone can safely stand up for what's right.

Stand up and fight. Stand up. As Bob Marley said, stand up.

Mr President, you will be glad to hear that I am getting close to winding up, but there is something that I do want to touch upon. That includes something that the Hon. Robert Simms raised. It is the fact that we do not have a bill for human rights. About three years ago, I asked an intern from one of the universities to do some research. It was a project that we all have either given to us or that we take upon ourselves, using students from the various universities.

I just wanted to be able to actually talk to this and also be able to publish, because it is a brilliant piece of work by the University of Adelaide student, Sophie Murgatroyd, who did my project in 2019. I asked her to do some research on whether South Australia does need a bill of rights. She did a fantastic job. Sophie introduces it by saying:

Australia is the last remaining liberal democracy without a codified bill or charter of rights. With ongoing arguments as to whether the current patchwork of mechanisms sufficiently protects rights, the necessity and appropriateness of a comprehensive codification of rights and protections continues to be debated. Due to apparent longstanding federal resistance to an entrenched constitutional or legislative instrument, some states and territories, such as the ACT, Victoria and Queensland, have enacted their own instruments enshrining various iterations of international human rights norms into their jurisdiction's legal framework. While there is substantial literature and discourse on this topic, this report will specifically address whether South Australia needs to institute a dialogue model legislative instrument, protecting human rights by looking at the operational efficacy of these instituted models.

She goes on to give a background that the last 50 years of legal activism in Australia has centred on the domestic institutionalisation of human rights obligations under the international law in Australian municipal law.

The 2009 NRHRC's report, which recommended the adoption of a dialogue model for a federal bill of rights, was rejected by the then government and continues to be a point of public debate in contention. Historically, there has been substantial federal, state and territory debate on the efficacy of current rights protections with only three Australian jurisdictions incorporating rights norms into their statute. Current protections in Australian municipalities without a bill or charter are considered patchworks whereby the operation of the common law and the democratic mechanism of parliamentary supremacy ultimately provide individual protection from rights curtailment.

Whilst in the international sphere Australia is considered as being committed to rights realisation, unsurprisingly the current political climate in Australia suggests that most people are not convinced that legislative powers are distributed and controlled equitably and that responsible government and the common law sufficiently protect and promote their human rights. Many rights advocates have criticised the lack of comprehensive articulation of rights protection, arguing that a HRA would strengthen democracy and foster a fairer and more inclusive society.

Others have argued that a HRA—human rights—especially a dialogue model, would fetter legislative action, thereby undermining the longstanding institutionalised reliance on responsible government for accountability. Further, others have argued for rights of institutionalisation as a matter of international political necessity, as human rights have been widely institutionalised throughout the globe.

I want to get to where Sophie talks about South Australia. Here she speaks on the South Australian context, South Australian human rights protections:

Rights protections may take a multitude of shapes with varying degrees of legal enforceability. In Australia rights are primarily protected through the parliamentary model, meaning state parliaments have almost exclusive responsibility for protecting rights outside of the common law and state and federal constitutions. South Australian human rights protections are provided by a range of legal sources that differ in substantive rights protected and their mechanisms for enforcement.

This section considers these protections and their efficacy at protecting the inalienable rights of South Australians. So the legislative instruments, protection is conferred primarily from the common law and the traditional functions of parliament which were founded on the principles of self-government, such as responsible government and democracy, where accountability is the pinnacle of checking and balancing power.

Legislative instruments are operationalised in conjunction with other mechanisms, therefore their effectiveness is determined by reference to all protections that constitute the statutory framework. Key legislative instruments that protect rights include the Equal Opportunity Act, the Public Interest Disclosure Act, the Racial Vilification Act and some provisions within the Civil Liability Act.

The RVA provides that a person must not, by public act, incite hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of their race where enforcement mechanisms can arise under criminal or civil jurisdiction. The CLA also provides a civil offence where someone engages in a public act of racial victimisation, including inciting hatred, serious contempt or severe ridicule of a person or group on the ground of their race.

Federally there are four statutes that expressly protect human rights in the form of racial, age, sex and disability discrimination. These legislative protections are of severely limited use as they only pertain to those specific types of discriminatory rights curtailment rather than broader protections offered by international human rights norms.

Andrew Wilkie MP in his second-reading speech for the current Australian bill of rights in 2019 makes the argument that putting in place more anti-discrimination laws will only further restrict rights and prompts consideration of the efficacy of producing legislation to promote and secure rights for some groups of people rather than all people.

Sophie points out that:

South Australia does not have any formal legal mechanisms where parliament can be alerted to the implications bills can have on human rights. According to Grenfell (2006, page 368):

> This absence affects rights to deliberation in parliament by not fostering transparency and public involvement.

South Australia has the Legislative Review Committee; however, there is no constitutional protection, as there is under the Australian Constitution, that the legislative power is subject to human rights considerations.

The Parliamentary Committees Act provides that the functions of the committee are to inquire into, consider and report on any matter concerned with legal, constitutional or parliamentary reform or with the administration of justice but also establishes other committees with purviews confined to their subject matter. For example, the Social Development Committee can inquire into and consider and report to parliament on matters of importance to the people of South Australia. These include issues concerning health, welfare and quality of life. Whilst the committee reports are not binding they are tabled in both houses of parliament, and a response is required by the minister that covers recommendations and how and why they have chosen to undertake actions they have decided upon.

I am just going to finish up on the conclusions in Sophie's comprehensive report: 'The normative arguments for disrupting the status quo'. She goes on to say:

Whilst Australia is a relatively stable liberal democracy, the current system operates to provide a certain level of protection that omits necessary and fundamental articulations of the rights and freedoms of the people, meaning government does not provide answers to questions on the rights afforded to the people.

According to Lacey (2017, page 19):

> The current patchwork of protections that impact on states such as South Australia would arguably be sufficient for the majority of Australians but not for the minorities and the marginalised, whose treatment represents the measure of democratic health.

This is especially important, considering that it is the minority groups who are more likely to have their rights curtailed by government and those with significant bargaining and decision-making power.

As seen in the case studies, the creation of a rights culture in government and in the public sphere is paramount to rights realisation. Submissions to NHRC in 2009 persuasively argued parliament cannot legislate for goodwill, thereby necessitating the need for a systemic cultural shift from the grassroots. Placing a comprehensive articulation of rights at the centre of administrative and political decision-making means rights are considered a fundamental consideration in the functioning of South Australia's public sphere.

I will just wind up on the conclusions and recommendations. There are not many of them; it's only a few lines, but I think it is important to get Sophie's work into the parliamentary record. Among her recommendations and conclusions are that:

South Australia's current fragmented rights protection framework is failing to realise the rights of its people; therefore, South Australia needs greater human rights protections and a dialogue model. A legislative Bill of Rights may achieve this. To determine whether South Australia needs a Bill of Rights can only be done through a model-

specific lens; thus, the model must be agreed upon prior to discussion on what rights and mechanisms will be included in the enactment.

The dialogue models two key literary pillars of rights. Institutionalisation and operationalisation should be carefully considered to not only create legal protections of rights, right-centred policy, programs and education initiatives but also a government rights culture where our human rights are at the forefront of administrative and parliamentary decision-making.

Rights education by legislative bodies like the EOC with powers such as VEOHRC may significantly improve rights literacy and therefore empower the people to address rights issues before curtailment. This would lead to less stress in the courts and firmly place the ultimate onus of rights protection on parliament, which is considered across the board as the most favourable method of achieving rights realisation.

The operational efficacy of a non-entrenched dialogue model can only be determined once the rights and their operational mechanisms have been determined. Once achieved, community consultation is a matter of political pragmatism; however, it is recommended that further information be sought to determine the impacts the model will have in South Australia as reliance on rights theory and discourse is not practically effective for rights realisation.

I think what Sophie has been alluding to, and saying in her report, is that it is time that parliament actually considers one and that we actually work together, collaboratively, with all parties, to develop a model that we can then put to a committee and those recommendations then be considered.

I would like to table Sophie Murgatroyd's report because I think it is significant, and we will probably end up having to get to discussing and even putting together a Bill of Rights soon. She has done a considerable amount of work, and it is only right that we acknowledge her excellent work. She did a hell of a lot of research into this and put together a very good report that shows we definitely have a need for this. I seek leave to table that report.

Leave granted.

The Hon. F. PANGALLO: I am getting towards the end of my address, Mr President.

The PRESIDENT: You're teasing us.

The Hon. F. PANGALLO: I am getting towards to the end, but I will ad lib a bit.

The PRESIDENT: We've heard it before!

The Hon. F. PANGALLO: In closing, I want to reflect more on my own participation in protest movements. I have already explained what happened during the Vietnam moratorium protest when I was just a young man, and I also remember the PROSH Day marches—do they still do PROSH at university these days? I do not think they do, do they?

Members interjecting:

The Hon. F. PANGALLO: They would begin the university year, I guess. It would be the time when uni students would start at uni, and then they would have these very colourful, disruptive events right through the city.

The Hon. R.A. Simms: Muck up day.

The Hon. F. PANGALLO: It was a muck up day, that is basically what it was, a muck up day, but they ended up being quite controversial, and I can tell you that the authorities, the police, certainly did not like them and what they got up to. I think I do recall that there was even a PROSH Day newspaper produced at the time. With those activities you would often see university students going through the city, involved in various issues of the day that were important to them as well.

I mention also the Whitlam dismissal protests that we had through the city of Adelaide at the time. People like the Premier at the time, Don Dunstan, and other politicians were active participants, as well as a couple of cabinet ministers in the Whitlam government at the time who attended here. There were massive rallies in the city of Adelaide. I have a vague recollection of one of the old Jack Mundey visits to South Australia, because there were green bans that were imposed by the BLF around the country. I think there were a couple of places here in Adelaide, from memory, where—

The Hon. R.A. Simms: The House of Chow.

The Hon. F. PANGALLO: That might have been a later one. I think one of the earlier ones was a park in Tea Tree Gully, which was probably one of the first recipients of the green bans, and

then shops on Unley Road were others. But I just want to get back to the first protest I was involved in. I think I would have been at the time 10, 11 or 12 years old and I was attending Thebarton Primary School.

The headmaster at the time, Mr Gent, banned cricket in the school. That was because of an accident involving a young lad, a Scottish immigrant, who picked a bad time to be playing red rover in the schoolyard while left-handed master batsman David Hookes was at the crease. Unfortunately, the nose of the young Scottish immigrant collided with a cricket bat of David Hookes, and it resulted in a badly busted nose and a few teeth flying through the schoolyard at Thebarton Primary School. As a result of that, the headmaster decided they would ban cricket at the school.

That caused enormous uproar amongst the kids, because there were only a couple of things you could actually do in the bitumen schoolyard at Thebarton. It was either that you played red rover, or a taggy game, or you played cricket. But, because space was restricted there, unfortunately the red rover field tended to cross over into the cricket playing area. On this occasion the young lad was badly hurt and, as a result of that, an impetuous decision was made by the headmaster to ban cricket, without consultation.

Again, I draw the parallels to these kneejerk reactions that happen when people, pardon the pun, get their noses out of joint. On this occasion the headmaster decided he was going to ban cricket in the schoolyard and it caused much consternation amongst the young kids there, as it was their escape during the day from lessons and whatever and they enjoyed mixing with it. As a result of that Hooksey—I used to sit next to him class—said to me, 'We're going to protest.' I said, 'Well, what are you going to do Hooksey?' He said, 'Well, I think we're going to do a sit down protest.' Now, this was before Extinction Rebellion came up with glueing their bums to the asphalt of our roads. He said, 'We are going to do a sit-down protest.' I said, 'Well, how many are we going to get?' He said, 'Don't worry, we'll get a few guys. We'll go and do a sit-down protest.' I said, 'Where do you intend to do the sit-down protest, Hookesy?' He said, 'We are going to do it right outside the office of Mr Gent, and he's not going to be able to get in and people aren't going to be able to get into his office.'

Again, I will draw the parallel to today. We were obstructing a public place, and there was not the threat of arrest or a fine, there was actually a threat of the cuts from Mr Thomas, who was not impressed by the fact that we were doing it. We conducted our protest over a period of about two or three days outside his office. By the third day, Mr Gent became quite annoyed and he decided to call us into his office. We sat down and we discussed a possible resolution to the problem.

Rather than accept this ban that would mean that dozens of kids in the schoolyard could not enjoy the game, or whatever, we worked on a resolution that cricket would be allowed to be played but that we needed to have specific areas, pitches, with cyclone fencing set up, so that we could do that. I think it may have meant removing some bicycle hangers or whatever, but we came to an arrangement. We engaged, we consulted, and we agreed that that would be the best solution: that there would be two or three pitches set up, that cricket could resume, and we would not conflict with any of the other games that were being played there. Everybody would be happy.

The moral of that story is that our protest worked. It was a peaceful one; it was not an angry one, but it just showed you the power of protest, the power of being a persuasive voice. I can tell you that David Hookes was a very persuasive voice, and that is the reason why he was such a successful sportsman; he captained South Australia, as we know, and he played for Australia in later years. Persuasive voices do effect change. It is a pity that the government and the opposition did not bother to engage with us. We may have had a persuasive voice that could have effected change. In saying that, I seek leave to conclude my remarks.

The PRESIDENT: Is leave granted?

Honourable members: No.

The PRESIDENT: I am sorry, the Hon. Mr Pangallo, but leave is not granted. Please continue.

The Hon. F. PANGALLO: Divide?

The PRESIDENT: No, there is no division.

The Hon. F. PANGALLO: Alright. I am just trying to work out how long we have been here.

The Hon. R.A. Simms: Five.

The Hon. F. PANGALLO: Is it five hours? I am not going to break my record, unfortunately, although I could have. I will conclude by saying that obviously we at SA-Best strongly oppose this legislation. We have a number of quite considered amendments to this bill. My colleague, the Hon. Connie Bonaros will be able to go through them and explain what they do and how they go a long way to try to improve what is in here.

I hope that, while we take the time to consider this bill, the opposition and the government will look favourably at what has been proposed. It would go a long way to appeasing all the groups, organisations and others that have raised their serious concerns about what has happened here.

I just want to finish on what I said earlier. I think it is time that politicians in this place tried to lift their own game and lift the standing of this profession in our community. With that, I thank you for listening, Mr President, and others in the council.

The Hon. C. BONAROS (02:29): I rise on behalf of SA-Best to speak in opposition to this offensive and hideous piece of proposed legislation. In doing so, I echo the sentiments of all my crossbench colleagues—no pressure on me. I thank them for outlining in such detail the importance of civil liberties and our democratic right to protest, without fear of having our heads chopped off. How lucky we are, according to the Leader of the Opposition. My oath, we are lucky because we have not had the crappy laws that the geniuses in the two major parties are trying to lump on us in this place this week—today, in fact.

Imagine how different a process this could have been; imagine how differently this debate could have played out if we did have the opportunity for considered and consultative debates and processes, but we have not had that opportunity.

Can I start by saying to all those individuals, groups, unions and private citizens who have taken the time to brief us, write opinions for us and done all the heavy lifting in this debate, a heartfelt and huge thankyou. We, on the crossbench, in fact this parliament as a whole is indebted to you for all your tireless work and advocacy. We are indebted to you for the marathon efforts to which you have gone to ensure that each and every one of us has before us the important information that we need in this debate, the impacts of this bill, the information that was lacking from both the government and the opposition—the two geniuses that came up with this great piece of work—in the hope that it will make for a more considered debate.

My first question to the Labor government on this bill is: where is your conscience vote now? We see it rolled out on abortion, we see it rolled out on euthanasia, we see it rolled out on gender issues, but on something as fundamental as this you rule with an iron fist. The irony that without the current protections we are all afforded you would not be able to protest freely on those conscience vote issues is certainly not lost on me.

Labor voters should be horrified tonight that their Premier has silenced his MPs into submission. Nobody needs to tell us that. It is here for all of us to see. It is in the corridors. We are all seeing it. We are seeing it played out right in front of our eyes, and it is a bloody disgrace. So I ask you again: where is your conscience vote when it counts, when it really counts, when you really want your members to stand up and say, 'This is what we believe in?' because that is not what we are seeing in this debate this evening.

At the outset let me also say this: I do not care what your politics are; I do not care why and what cause you choose to protest on but what I do care about is your fundamental legal right to protest. What I do care about is your civil liberties, my civil liberties, and your ability to go out, stand on the streets and protest to protect those civil liberties. This is not a leftie's campaign. I am not a leftie, despite the fact that you might have wanted to call me that on social media in recent days. I am not a leftie—far from it.

One of the best things that I saw on Friday night—giggle, it is true; you cannot deny it. One of the best things that I saw at Friday night's rally was the diversity amongst the people who gathered to protest against these laws, and that is something you should have all come out to see. It was a

fine moment in the state for the people of South Australia to see protesters standing shoulder to shoulder and defending their rights to protest on issues that normally would not bring them together. It was a fine moment to see the Iranian flag and the Palestinian flag flying next to the transgender flag, the gay rights flag. Everyone was united and they were united because this is an affront to their civil rights and liberties.

What we know now, as a result of this bill, is that this government, with the backing of their mates in the Liberal Party, are seeking to erode those civil liberties. We know that once a measure like this is in place, once the dust has settled, once the government has tried to deflect and distract and put on another sporting event or whatever it is, with other policies, with whatever our Premier comes up with next, it will take heaven and earth to undo these measures in this place. It is not an easy process; we all know that.

We know that unwinding or winding back legislation is ridiculously difficult and that is why we have spoken since yesterday to try to get all of you to acknowledge the seriousness with which the people of South Australia are taking the laws that you have proposed. We cannot simply come back here tomorrow or next month or next year and hope that all of you would have seen sense and undo these measures. Once they are in, we know that they are going to be in for a while and that is a terrifying thought for the people of South Australia.

On Monday, the Premier said it was a misrepresentation to describe the legislation as anti-protest laws. I will tell you what is a misrepresentation, Premier: going out time and time again over the past week and repeating, in the media and publicly, the descriptions of this bill that are patently untrue, descriptions of current laws that are patently untrue and wrong, and your ministers repeating those same lies to the people of South Australia—that is where the misrepresentation lies.

The Leader of the Opposition and the opposition as a whole have gone out repeating those exact same lies to the people of South Australia, saying, 'We're not doing anything other than increasing the penalty from $750 to $50,000,' a 60-fold increase, but nevertheless, 'That's all we are doing. That's what this bill is about.' Nothing could be further from the truth than that. It is a blatant lie and you have lied to the people of South Australia about this bill.

The Minister for Tourism and Multicultural Affairs responded to questions in news slots. I taped her on TV. I was watching it, it was before my eyes. She said, and I quote, 'This is simply increasing the penalties.' That is what she said, that 'we're simply increasing the penalties'. That is Minister Bettison on the news over the weekend: 'All we are doing is increasing penalties.'

It beggars belief that a minister would repeat these lies. It absolutely beggars belief that she would not take it upon herself to actually figure out what it is that this bill does. Go and ask for a briefing. Go and ask someone, for the love of God, what is it that you are proposing before you go out and publicly comment on it, because that is what we did. We went and got advice. We read every single submission that was given to us by every single legal expert in this state that told us that the Premier, that the Attorney, that the Minister for Multicultural Affairs, that David Speirs are lying to the people of South Australia. That is what we did and that is why you are all here tonight.

If you repeat your lies often enough, then I suppose you might think that either the people of South Australia will believe you or you will believe them yourself. I do not know which of the two it is, but it has to be one of those two things. The bottom line is that you have absolutely treated South Australian voters as mugs, as fools, once again. This collective group here, this party, the Labor Party, and that party, the Liberal Party, have treated South Australians as fools.

The PRESIDENT: Pointing is not part of what we do here. You should know that. Pointing is not something that we do here.

The Hon. C. BONAROS: I will repeat it again without the pointing, if you like, Mr President.

The PRESIDENT: Go your hardest.

The Hon. C. BONAROS: This is a message directly aimed at the Premier: you have betrayed, once again, with the support of your bedfellows on the other side, who I will not point to, your own rank and file members. I do not know how they will forgive you for that.

I expect this from the Liberal Party. I absolutely expect this kind of behaviour from the Liberal Party, but how the Premier, after the changes to the return to work laws earlier this year, can go out again a second time and have a second crack at the same rank and file members who saw him placed in his position as leader of this state absolutely beggars belief. And the fact that the rest of his members of parliament, the rest of his backbench, frontbench, whatever bench it is, can sit there quietly and say nothing about what their Premier is doing is a shame. That is what it is; it is an utter, utter shame.

It is a slap in the face to every single person who went out on polling day and voted for you. It is an absolute slap in the face for them. They do not care what the Liberals do, but they damn well care what the people they voted in do. That is the party that has decided that this is a good measure for the people of South Australia, despite every single group that I could possibly name—and I will name them—telling you that this is crap law, that if there is one time you never should have listened to the Leader of the Opposition it is now.

You have gone in head first. You have jumped in hook, line and sinker. You have taken the bait. According to David Speirs, you have delivered him the golden egg. I do not know how the Liberals could actually possibly consider this a political win. If the Liberal Party considers this a victory, then your party has bigger problems than I thought. Your party has bigger problems than any of us could have imagined, because that little win for you, that so-called little win for you, is going to unwind democracy in this state. We are all going to pay the price for your stupidity. That is the bottom line.

It is not once now, it is not twice. I cannot count how many times it is, but it is not even five or six times that this crossbench, we on SA-Best together with the Greens, have stood shoulder to shoulder, side by side, happily, proudly with that rank and file group that apparently the Labor Party is supposed to represent to say, 'Hey, Mali. Hey, Premier. Hey, Labor. What you're doing is not on. This is not why we voted you in.' They are relying on us up here in the upper house to make a big song and dance about the fact that you have let them down not once, not twice, and God knows how many more surprises you have in store for them. That you should be utterly ashamed of. The Premier was also quoted as saying:

> The government has a responsibility to ensure that South Australians are able to go about their daily lives, get to work on time, not have their small businesses spray painted, emergency services workers being able to do their jobs…But there's peaceful protest and then there's deliberately obstructing people from being able to get on with their lives.
>
> That's where there are laws to ensure that doesn't occur, the penalty regime hasn't been updated for a long time, and that's what this bill seeks to do. That is all we are doing here. That is all this bill seeks to do.

Again, another complete and utter lie sold to the South Australian public with the full backing of the Premier's new comrade from the Liberal Party. That is the rubbish that you have fed the people of South Australia, and thank God they are not as stupid as you seem to think they are.

It has been another complete and utter misrepresentation of our current laws—not just because we all know every legal expert opinion before us, everything that my crossbench colleagues have referred to tonight, anything that probably most of you have not bothered to read in terms of opinions provided to this chamber, tells us clearly and succinctly, articulately, that there are already very serious offences in our current laws that carry very serious penalties. They are taken extremely seriously by the courts. They result in arguments about whether bail should even be granted to someone who is charged with those offences. Those charges, those penalties, already exist in our current laws.

In our current laws, you can be jailed for such offending, but that is not all your bill does, not by any stretch. The Leader of the Opposition has repeated, indeed relied on these mistruths. He has used them to defend the Liberal Party's position. He has said that the abseiler off the Morphett Street Bridge, whom we have all talked about tonight, would have faced a $750 slap on the wrist—patently untrue. Go and check the court records. It is wrong, it is false, you have lied, you have misled the South Australian public again.

Just ask that abseiler, ask her legal representatives, and you would know that she is facing charges that carry a term of imprisonment. You would know that her application for bail was opposed

by the prosecution on the grounds that her offending was so serious in nature, and guess what? We have laws to deal with that already. Lo and behold, there are laws in our statute books that would punish that woman for what she has done, commensurate with her level of offending. That already exists. It already exists, but Mr Speirs says she would have copped a $750 fine. I want him to go out on—

The PRESIDENT: The Hon. Mr Speirs.

The Hon. C. BONAROS: The Hon. Mr Speirs. I do not know how honourable he is today, but the Hon. Mr Spiers—

The PRESIDENT: Injurious reflection—you can withdraw that.

The Hon. C. BONAROS: I withdraw that comment. I would like the Hon. Mr Speirs to go out on the steps of Parliament House and repeat those comments again and again until he is corrected, or rather I would like him to go out and correct those comments publicly. I would like him to go out and say, 'I am sorry, I got the current state of the laws wrong.' I would like the Premier to go out and say, 'I am sorry, I got the current state of the laws wrong, and I also misled the South Australian public about the overreach in this bill. I also misled the South Australian public about the fact that this was simply an increase in penalties,' because nothing could be further from the truth.

You do not have to take my word for it. You do not have to take my word for any of this, because thankfully I have the backing of pretty much every eminent legal expert in the state saying, 'You are right and they are wrong.' The Law Society, the Independent Bar Association, individual lawyers, an opinion from Michael Abbott—the list goes on and on and on—have all said 'Premier, Leader of the Opposition, you are wrong. That's not what this bill does. That's not all that this bill does. It does so much more than that.' I have a post here from eminent barrister Clare O'Connor in this state. She says:

> This is not true. The increase in penalty was not for persons who spark community chaos and risk public safety. It was for the one charge of obstruction of traffic. The police had lots of options, almost all carrying jail for protesters who risk public safety and they use them. I represent ExR from time to time. I know.
>
> The woman who dangled off the bridge wasn't charged with the one count of a $750 fine.

I am reminding you now that we are hearing from the representative of this person. She goes on:

> The charge that is before parliament, where they went to increase the penalty to $50,000 and three months' jail, she was also charged with another offence carrying, you guessed it, three months' jail. Read that anywhere in the Murdoch press? Hear any politician in the lower house say that? Thankfully, we have the minor parties in the upper house—

thank you, Ms O'Connor—

> and thankfully, good press does exist. *The Guardian's* and the ABC's coverage has been on point. It was always a crime to block roads or foot paths without permission. And having a penalty for that crime commensurate with the crime committed is appropriate.
>
> The increase is not because we as a community think the crime of blocking a road for whatever reason is suddenly so serious people should be jailed. It's being increased because those in power want to silence climate protest, those in power want to dissuade protesters from being involved in protests that risk them being charged, those in power want to silence this debate.
>
> Climate action? It won't go away. Fourteen hundred-odd people get arrested in Tasmania in the 1980s to save a river. Many spent time in prison: Bob Brown, David Bellamy, Pierre Slicer, who then became a judge, ironically. I was in the cells too, but only for about 12 hours before being granted bail.
>
> The voices of the young are being heard on climate. Lies in the press don't help to enable them to think the world cares about global warming. Lack of balance in the press is exhausting, and we've seen lots of that this week.
>
> If a thousand people stood where we stood last night complaining about the vaccination lockdown rules it would be front page and properly reported—and photos. Not quoting from either of the two lawyers who spoke, Mary and myself, the politician who spoke—

Rob—

> the Amnesty chair for NT&SA, the education union secretary who spoke, the amazing young activist who spoke is shameful. This was not an XR rally, and proper reporting would have acknowledged the Greens and SA-Best and a Labor politician were all present and supported the sentiments.

Under the new laws Greta Thornburg, sitting each Friday on a pavement as a young protester, would have been arrestable and faced jail.

Come on, SA. You were the first to enable women to stand for parliament, the first in Australia to give women the vote, the second state to endorse a Voice, the first to decriminalise homosexuality, the most progressive social state in the 60s and 70s, the first to reform archaic laws around Aboriginal families and children when Don Dunstan became the minister. He stopped the stealing of children in 1963 and returned many. Labor, you are better than this.

I think many of us echo the sentiments that Ms O'Connor and others have expressed in that post. Regardless of whether you agree with the reasons for protesting and regardless of whether you agree with the causes for which XR, or any other person goes out and protests, the fact is that our democratic system here enables them to do that, and none of us should stand in anyone's way in terms of them going out and protesting and rallying on the issues that are near and dear to their hearts and that are so critically important to the way we grow and progress as a society.

I have before me two media releases, because I am sure that I will be challenged about the claims that the Leader of the Opposition and the shadow attorney-general and the Premier and the Attorney-General have made about the extent of these laws. I am going to read from those releases. First is the Liberal Party release from Thursday 18 May, which says:

The opposition plans on beefing up existing public obstruction laws by increasing the maximum penalty for mindless protesters who selfishly cause community chaos and risk public safety to $50,000 or three months' imprisonment, while also allowing state emergency service responders to recover their costs.

The legislation will be introduced to the lower house at 2pm today.

At the centre of yesterday's Extinction Rebellion protest was a woman who abseiled off Morphett Street bridge above North Terrace, causing traffic gridlock for hours and severing access to the Royal Adelaide Hospital. The woman was released on $500 bail, facing charges of obstructing a public place and disturbing the peace, despite it being the third time she had caused extreme disruption.

In response to her slap on the wrist the opposition yesterday afternoon has drafted an amendment to the Summary Offences Act, section 58, 'Obstruction of public places'. This would allow the current maximum penalty to be increased from $750 to $50,000 or three months imprisonment.

The release then goes on to talk about the fact that—the release does, not the public comments—the bill:

…would also allow the cost of emergency services attendances to be admitted as evidence and provide an avenue for our emergency services to recoup those costs.

Leader of the Opposition, David Spiers, called on Extinction Rebellion and other extreme protesters to 'stop the madness before someone gets hurt. These types of protests are getting out of control and we are sick and tired of seeing groups and individuals receive nothing more than a slap on the wrist. We believe in every South Australian's right to protest, but in a peaceful way that is respectful of those who chose to go about their daily lives.

What we saw yesterday from Extinction Rebellion was outrageous and unacceptable, and under our new laws those who willingly overstep the line with extreme disruption will pay the price up to 50,000 times over. Unfortunately it has come to this.

The protest also caused access to the Royal Adelaide Hospital to be cut off because of traffic jams. What if a person's life depended on travelling through the CBD in the back of an ambulance quickly? We think our laws need work in this area to target those who are deliberately causing mayhem on our streets. The punishment has to fit the crime.

Shadow attorney Josh Teague said that the 'fallout of yesterday's protest was costly.' He said:

When situations and protests like this occur, those responsible must face the appropriate consequences and we hope $50,000 will make them think 50,000 times before selfishly impacting other people's lives. We believe the prospect of substantial fines or jail time for these kinds of disruptive acts will be an effective deterrent.

This is despite the fact that they already exist. He said:

If a person is convicted, they must pay back the money that has been wasted on emergency services attending a situation that should have been avoided. Our legislation means SAPOL, SAAS, and MFS could claim back, through the courts, the money they are owed for attending extreme disruption events.

Then, of course, we have the comments of the Premier in a joint release with the Attorney headed, 'Tough new penalties for dangerous and obstructionist protesters'. It said:

The Malinauskas…government—

taking a leaf out of the opposition's book (that is not in the release; I added that)—

is taking immediate action to address civil disobedience, introducing a bill to parliament [to] allow for jail time with fines of up to $50,000 for protesters who cause huge disruptions and threaten public safety. The bill has passed the House of Assembly with bipartisan support.

This release came out after the bill had already passed the House of Assembly. It continues:

Peaceful public protests have long been an integral part of our vibrant democracy, and the government does not seek to prevent people from having their say. However, there has been an apparent increase in civil disobedience-type activities that cause huge disruption to the general public, and in such a way that severely hampers the conduct of everyday business in our cities.

These events often put the safety of protesters and the public at risk, and tie up emergency services personnel who would otherwise be dealing with genuine emergencies.

Currently, a person who 'wilfully obstructs the free passage of a public place' is guilty of an offence which attracts…$750—

again, no mention of the other penalties that could apply. It continues:

The Summary Offences…Bill seeks to increase the penalty of the offence to maximum…of $50,000 or three months imprisonment. The bill includes provisions to allow prosecutors to apply for a court order that the defendant pay the reasonable costs and expenses of the emergency services who were required to deal with their conduct.

The bill further seeks to further update the offence by changing the term 'wilfully' to 'intentionally or recklessly', and to make clear that the obstruction can be caused directly or indirectly.

That is a message that seems to have been lost on the Premier when he was describing this publicly on radio, TV and in interviews each and every time he was asked. Quotes attributable to Peter Malinauskas include:

Peacefully protesting is a fundamental part of our democracy but some of what we witnessed in the past 24 hours is not acceptable.

Protesters do not have the right to cause huge disruptions to others, damage businesses and put the safety of the public and emergency services at risk.

That's why we are taking swift action to provide a genuine disincentive to those who seek to repeatedly engage in this sort of reckless conduct.

Again, this ignores the fact that these laws already exist. It continues:

I acknowledge the efforts of the opposition in working with the government on this matter in a bipartisan fashion.

You did more than that, Premier. Quotes attributable to the Attorney-General:

This bill sends a strong message to those who seek to make their point by causing harm, disruption and risk to others. These penalties have not changed since the 1990s and, to be frank, are not in keeping with public expectations.

I will tell you what is not in keeping with public expectations, Attorney: your bill is not in keeping with public expectations. He continues:

The bill will give the courts the options they need to ensure that appropriate penalties are applied. The government takes no issue with the vast majority of demonstrators—

Well, thank the Lord for that—

which seek to raise issues peacefully. The ability to protest removes a fundamental part of our democracy.

On talkback radio, just so we can be clear that we are not making this stuff up, the Premier says:

Look, I think there are people in the broader Labor movement, David, that have watched the debate unfold and have a degree of reservation around it, but whenever I've had the opportunity to be able to step people through it, I think there is an understanding that there is a problem that needs to be fixed here, and what the government is seeking to do is to do that thoughtfully, in a balanced way, and that is why we are doing what we are doing, is why we are not creating any new offences.

There is not any attempt to catch the people's activity in a way that is not already captured by the law, we are just simply giving the courts more flexibility to provide a harsher sanction for people who literally put other people in danger or cause massive inconvenience or do the sort of actions that Extinction Rebellion were doing a fortnight ago.

I have to say on that front—and I might skip ahead for a moment and come back to this other point I was going to make—I do not know whether or not the Premier thinks we have a short memory, but certainly we were reminded this morning by Ms Leah Watkins about the protests that took place under the former Liberal government, protests that were backed in 100 per cent by the Labor Party, protests that saw roads and public places (North Terrace) closed off for hours on end, with thousands of people out there, with supporters from the Labor Party out there, with the Labor union movement out there, with members of the Labor Party serving in this parliament now out there, backing in the union for better staffing, for ramping issues, for staff safety at the workplace.

This message that I have just read to you from the Premier about Extinction Rebellion stands in stark contrast to the actions that we saw by this government when they were in opposition and the people opposite were in government, and they wanted to make a point by rallying and protesting and blocking those same streets and roads and causing as much disruption as they could—the very things that they are now criticising Extinction Rebellion for doing they took part in themselves, have taken part in over years on God knows how many occasions, together with their friends in the union movement, and for very good reason.

They did not have any objection to it then, they did not have any objection to it when they were in opposition and fighting to get into government. It is now that they are in government, and Extinction Rebellion is apparently causing them a headache, that they look to the opposition, they look to the Hon. David Speirs, for advice about how to deal with this problem. Now it is a problem. It has not been a problem up until now, it was not a problem in April of 2021, when the ambos protested, it was not a problem in November 2021 when the ambos protested.

In their thousands we had people out there, blocking those same roads, causing that same obstruction, preventing people from getting to their appointments and jobs and whatever else they have said they could not get to in the case of Extinction Rebellion. It was okay then when they were fighting tooth and nail to get into government, but somehow it is not okay now.

While I am at it, I think it is worth this chamber also reflecting on something very important that has been raised in this debate, and that is the proportionality principle. Before I do that, I want to compare for a moment the penalty that the Hon. David Speirs has proposed and the Premier has jumped in and supported, with how that fares with other existing offending and penalties that apply under the Summary Offences Act.

We have been given a nice, neat little summary of just a handful of those laws: selling or supplying prohibited drug equipment, $10,000; carrying an offensive weapon, $2,500; interfering with a railway track, $10,000; driving through a police roadblock, $2,500; killing and eating a dog or cat, $1,250; and obstructing the free passage of a public place, $50,000. That is what the government is proposing, together with the backing of the opposition—$50,000. I could carry an offensive weapon and face a penalty of $2,500 or I could go and obstruct a public place, with all the breadth of the definition that the government has delivered on us with its current proposal, and face a maximum penalty of $50,000 or jail.

The proportionality principle should be at the forefront of our minds when we are making laws. We all know that. Every single person in here ought to know that. Regardless of whether you are legally trained or not, you should know that. This is your job; you are a legislator. We all know that when we go to parliamentary counsel and ask for a bill that includes penalties, there is a scale that is used. We all know because we all want to go above the scale. We are all so eager to increase those penalties, but our enthusiasm is reined back for very good reason.

We always want to ensure that the penalty is proportionate to the offending in question. We are cautioned against setting outlandish, over-the-top penalties for offences (a) because it is not good lawmaking, it is terrible lawmaking, and (b) because it shifts and disrupts that equilibrium that exists within our lawmaking. So important is this notion of proportionality that it is actually included as the second principle of the Human Rights Law Centre's Say it loud: Protecting Protest in Australia policy document. That principle states:

> Any regulation of protest must be limited to what is necessary and proportionate… Under constitutional law and international law, proportionality is the key to working out if a restriction on a right is justified.

There is no question that some of the provisions of the bill are constitutionally shaky at best. Why do we know that? Because every legal expert in the state has told us that. They have told us that the provisions in this bill are constitutionally risky. Not the penalty—there are other provisions in the bill: the ones that the Premier and the Leader of the Opposition have not bothered to elaborate on publicly, and we know that they have raised very serious constitutional validity questions.

We all know protesters who abseil off a bridge or obstruct a public place do so knowing full well that they might be arrested, that in all likelihood they are going to be arrested. I am sure in many of the cases they want to be arrested to send a clear message to the government, the opposition and the crossbench of the day. I am sure that there is an element of that. But, as we have said already, that is why we have existing serious penalties in our current legislative regime. In all cases, there is an expectation that the penalty has to fit the crime. All penalties have to fit the crime—they should fit the crime—and that is what we have now. That is the status quo. That is where we are right now without this bill.

As again, highlighted so eloquently this morning by Ms Watkins, it is not the government that chooses who or when to prosecute under the act. Criminal charges are at the discretion of prosecutors and assurances that this bill will not be used to punish workers protesting for a fair go are completely unreliable. There is another reason you should be concerned about this bill. We are talking now about workers' rights to go out and protest. They too are being undermined by this terrible, terrible piece of legislation.

In addition to everything else, and I am going to say it again because it is important, Leah quite rightly pointed out that unions exist—and I hope the Attorney and the Premier are listening to this because it seems like they need a little reminder of this message. I do not know if she was loud enough for them to hear it up in the Balcony Room but I am going to remind them that:

> …unions exist to uphold the rights and to protect and improve the interests of their members. These laws will criminalise workers' rights to protest for fair pay and conditions and the ability of a union, like ours, to fight for the safety of our community.

As such, she called on this government to take heed of the unequivocal legal opinions that this bill has given rise to. She has reminded us again, and I am going to do it again, even though I have just done it, that in April 2021 we stood shoulder to shoulder with the Greens and the Independents and MPs within the Labor Party and with the Ambulance Employees' Association and the United Firefighters' Union and others and we supported their democratic right to protest, we supported their demands for safety, starting at work. Later that year, we supported their calls for adequate ambulance resourcing.

Much like the XR protests, they were big rallies and they caused disruptions, they closed roads, they stopped trams, they obstructed public places, all in the name of safer communities for all South Australians, and we supported them strongly and loudly and proudly and we will continue. I am sure I speak for my friends on the crossbench here, we will continue to do the same because that is what we believe is the right thing to do. It is absolutely called for now and it is completely at odds for our Premier to be trying to spin the political rhetoric that he is spinning at the moment.

I am sorry, but where was Labor's rage—I am going to say it again, where was Labor's rage—when they were in opposition fighting to get into government and those roads were closed in the names of those ambos and those safety measures at workplaces and staffing levels in hospitals and ambulance services and ramping? Where was Labor's rage then?

I will tell you where it was: it was with those unions and the protests that they were holding. It was not with the opposition. It was not with the Hon. David Speirs, it was with Leah Watkins and every other representative from the unions who were fighting for the rights of their workers to go to work safely and come home safely at the end of the day.

Principle 2 of that document that I referred to earlier says that any regulation of protest must be limited to what is necessary and proportionate. I think it is important to outline—and I will read from the document—that the ability to protest is important:

> To have a right to freedom of expression, peaceful assembly and freedom of association are not absolute rights. These rights may be subject to limitations where these limitations are necessary and proportionate to achieve a legitimate aim.

None of us disagree with that. That is the current state of the law. That is where we are now. We have all accepted that forever and a day and we accept that you do things within the ambit of the law, within the ambit of the limitations that exist around you. Further:

> The legal test of proportionality is used to analyse whether a restriction on protest activity is permissible.
>
> Proportionality generally requires three questions to be asked about the reason for, evidence in support of, and design of, any restriction on a fundamental right:
>
> 1. Does the restriction have a legitimate objective?
>
> 2. Is there a rational connection between this purpose and the restriction (that is, are the measures likely to be effective to achieve the stated purpose?)
>
> 3. Is the restriction necessary and proportionate: does it strike a reasonable balance between the purpose and the means adopted? Factors to consider here include whether there are less restrictive ways to achieve the same [end], or effective safeguards in place to prevent against unnecessary effects on individuals.

Guess what? We already have those other measures in place to protect against those unnecessary effects; we have them in place now, but that is not something that the government or the opposition have been vocal about. They have been vocal about the need to shut down XR-type protests, the exact same type protests that the ambos have said that they took part in a couple of years ago and that we all supported, that the Labor Party supported in their droves.

The rest of that document—and I am not going to read it—but I will just highlight that the rest of that document talks about: 'Protest activities are protected by the Australian Constitution and international law', which is very important. Like I just said, 'Any regulation of protest must be limited to what is necessary and proportionate.' That is something that seems to be lost on us during this debate. It continues: 'As far as possible, protesters should be able to choose how they protest'—something that seems to be lost on us in this debate. 'Laws affecting protest should be drafted as clearly and carefully as possible.' I do not even think the instructions to parliamentary counsel fit that brief. The document continues:

> Laws regulating protest should not rely on excessive police discretion, and where discretion is necessary it should be properly guided by the law.
>
> Lawmakers and governments (including police) should take positive steps to promote freedoms of expression and assembly.
>
> Notification procedures should facilitate, not restrict, peaceful protest.
>
> Lawmakers and governments should not prohibit protest based on its message, except in narrow circumstances where that message causes harm to other people.
>
> Other human rights of protesters must be respected, including privacy, equality and freedom from inhuman or degrading treatment.
>
> The use of force by authorities should only occur in exceptional circumstances and as a last resort.

I am going to seek leave to table that particular document. I have only given the titles and have not spoken to the subject matter, but I think it is important in the context of the debate.

I am going to turn now to advice that has been circulated by the NGOs. At the outset, I thank, in particular, Dr Sarah Moulds for the mammoth effort she has made to ensure that we all have before us, obviously, amongst other legal experts and commentators, the information that we need for a considered debate.

The first point that I will make is that Australia and by extension all Australian governments are party to the International Covenant on Civil and Political Rights. Article 25 of that confers the right to all South Australians to take part in public affairs without distinction or unreasonable restriction. The South Australian government could be in breach of its obligations under article 25 of the ICCPR if we press ahead with this bill in its current form, or, indeed, at all.

The Summary Offences (Obstruction of Public Places) Amendment Bill passed the House of Assembly on 18 May 2023 with extraordinary haste and without any public consultation. It was all done behind closed doors. We did not even see it before it passed the lower house. The bill was originally introduced by the Leader of the Opposition, but supported by the government. A copy of

the text of that bill was not uploaded to the parliament's website by the time it passed the assembly. That, in and of itself, is shocking.

That is absolutely shocking. Nor was the text of the bill available to all members of parliament before the bill passed the House of Assembly. In fact, if we look at the timing of the release, the passage of the bill occurred before the government even had time to sit down and type out a media release to send out to tell us that the bill had already passed the house.

The bill did not contain any explanatory memorandum, nor was it referred to the Legislative Review Committee for scrutiny. I know how seriously our Attorney-General takes the issue of appropriate levels of scrutiny, because just last week in this place I moved an amendment. I will not put words in his mouth, but I think that the justification by the Attorney for not supporting that amendment was that the government needed time to consult appropriately to make sure that we got the law right. That was a pretty straightforward amendment, I have to say. They had more than 22 minutes to consider it. In fact, I reckon they had more than a week to consider it, but in that case we needed more time to consult.

I think earlier this year I recall both the government and the opposition opposing a bill for gender equality action plans in this jurisdiction, and what was one of the reasons given to me by the government? 'We need more time to consult. It's a big measure. We need more time to consult. We need to go out to all those stakeholders and make sure that we have got the balance right. We need to make sure that we don't get this wrong.'

So every time the government wants to buy some time on a change, every time the government does not want to support one of our amendments—maybe because it is not their idea; who knows?—consultation is important. It is critical. We have to do it. We have to go and consult with everybody: the Law Society, the Independent Bar Association, every stakeholder group, the LRM, everyone. Everyone has to be consulted, unless of course we have the support of our buddies who sit across from us and we can ram something through parliament in a record 22 minutes.

It takes me longer than that to do my hair and put my make-up on in the morning, but we can ram a bill through this place in the privacy of that chamber. It was not done in public. It was not done in the public sight. It was done behind closed doors. Nobody had the opportunity to see what was being debated in that chamber. There was no considered debate.

I would hasten to say—and I will ask the Attorney this—I want to know how many members of the executive of the government actually signed off on that bill before it was introduced in the parliament. How many members of the Labor Party knew that the Premier was going to go into the chamber and ram that bill through in 22 minutes? I think someone said today it takes longer than that to order pizza and I think, depending on where you go for pizza, it probably does.

It is extraordinary—extraordinary—that anyone in this place would consider themselves a good legislator if they were happy to take part in that sort of process. It is extraordinary that the leader of this state, the Premier of this state, would consider it appropriate to do what he did without the blessing of his entire party—absolutely extraordinary.

You can tell me you have the blessing of your party. You can tell me that as much as you like, but I walk these corridors and I talk to your members—all of your members—just as much as you do, and I know that is not true. We all know that that is simply not true. It is extraordinary that the Premier would rely on the Leader of the Opposition, who thinks, as I said before, 'This is my big win. This is my golden hour. I am going to get them over a barrel. They have agreed with something that we have finally proposed. We are going to get in the news. We are going to be on the front page of the papers,' for a pathetic proposal that undermines my civil liberties and rights. And the leader of the government thought, 'Oh, good idea. Well done, the Hon. David Speirs. Good idea. Thank you. Let's ram this through in 22 minutes without any debate whatsoever.'

I am not even going to mention the fact that we have had, in this chamber, I reckon it was five minutes dedicated by the opposition to the same debate. Five minutes is what we got on this very same debate, five minutes on something that every single group, organisation, sector other than perhaps your Liberal Party membership has said is a shambolic disaster that absolutely undermines

yours and my civil liberties and democratic rights. That is the win that the Liberal Party is patting itself on the back for. Well done to you, amazing! We are in awe of your abilities in opposition.

I am going to move to the substantive concerns now of the bill and there are many. The first is that no evidence has been presented that explains why the amendments are necessary. Existing offences in sections 58, 7, 18, 18A, 17 and 17A in the Summary Offences Act can all be applied to the type of protest activity described in public commentary on this issue. It is excessive.

Clause 2(1) of the bill increases the penalty for obstructing a public place from $750 to a maximum of $50,000 or a maximum term of imprisonment of three months. This is a 60-fold increase to the maximum financial penalty. The act does not currently provide imprisonment as a penalty. We did not mention that when we spoke publicly, did we? Did we mention when we spoke on radio, on talkback, that all we are doing is increasing the fine to $50,000? That is the line that I remember. That is the line that I remember the Premier saying. That is the line that I remember Minister Bettison saying. That is the line that I remember everyone from the government repeating over and over again when they were asked: 'It's just increasing the penalty to $50,000.' There was no mention of three months in jail.

It is intended that these penalties would have a strong deterrent effect on protesters who block public space. While there are a range of fines that a court can impose, by including such a substantial increase to the maximum penalty potential defendants would be facing the possibility of having much larger fines imposed on them because of these changes as well as, in addition to, terms of imprisonment that did not exist now for this particular offence but we know exist in other areas of our law.

Clause 3(1) of the bill makes defendants criminally responsible for the direct obstruction of a public place, but it also intends to capture conduct even if it indirectly causes obstruction of a public place. The bill provides an example of what this may include, namely if police or other emergency services need to restrict access to the public place to safely deal with a person's conduct. In other words, a person may be found guilty of an offence for the acts of police or other emergency services, if they obstruct a public place while they respond to the defendant. I do not remember the Premier explaining that to us publicly.

It is not clear from the text of the bill what level of connection, proportionality or appropriateness is sufficient for police and emergency services to safely deal with a person's conduct under this new provision, but there is a risk that under this provision a person may be found guilty of an offence for the acts of police—not for their own acts, for the acts of police or other emergency services, which are outside of their control. So do not just worry about what you are doing. You had also better be worried about what the police are doing, what the emergency services are doing, because you might be charged with the indirect impact that you have, not just the direct impact that your actions have.

Clause 3(1b) of the bill would allow police and other emergency services to recover their reasonable costs from defendants for dealing with the relevant obstruction. This is on top of another penalty that a court may impose, like a fine or imprisonment—so another one again. When the bill was introduced in this parliament, this amendment was described as one which would provide a strong financial disincentive.

Notably, the amendment concerning reasonable costs also provides that, once a certificate of costs and expenses is provided by police or other emergency services for their responsive action, it is also to be accepted as proof of those costs unless there is evidence to the contrary. It is anticipated that any defendant would be limited in their ability to provide contrary evidence as to costs and the process for challenging any certificate is not outlined in the bill. It is therefore clear that the financial implications are likely to be severe for those guilty of an obstruction offence under the act—another alarming side effect of this bill that no-one bothered to tell us about.

It is disproportionate. The right to freedom of association, including peaceful assembly, is a fundamental human right proclaimed in the Universal Declaration of Human Rights and in the ICCPR. The right is a bedrock which enables the participation of all South Australians in economic and social policy, and while the Australian constitution does not explicitly protect freedom of expression, the

High Court has found that there is an implied protection for the right to political communication as an essential component of the democratic system the constitution established.

The right to freedom of association and peaceful assembly is not absolute and can be limited; however, the limitation must be in pursuit of a legitimate aim and be necessarily reasonable and proportionate to achieve that aim. Furthermore, the limitation must be justified in a free and democratic society—not one where you can get your head chopped off for protesting but in a free and democratic society like the one we live in.

The offence of obstruction of a public place directly targets peaceful protest, which is in essence all about peaceful disruption in a public place. The increased penalties are of particular concern because it is clear that the motivation for the change is deterrence—that is, it is seeking to deter all or most protest activity in SA.

Although the bill's provisions sit alongside provisions that continue to allow people to seek authorisation for peaceful protests, the broad scope of the amendments mean—and this is a kicker—that even if people had authorisation to protest they would still be at risk of being captured by these provisions if relevant entities considered their protest activities to cause a disruption and responded by closing off a street, public place, etc.

No wonder you have every Tom, Dick and Harry out there protesting against these laws. No wonder you have every group imaginable out there protesting against these laws. These are the impacts of this bill—which has not been thought through at all, in the slightest, by the government and the opposition—that the experts are telling us we can expect.

It is poorly drafted. Key terms, for example, 'obstruct free passage' and 'reasonable cost' are not defined in the bill—'We are going to work that out as we go.' The offence is not limited to protest activity; it captures a range of other activity too. The bill introduces the concept of recklessness and indirectly obstructing a public place, which are untested in this context, leading to uncertainty in terms of prosecutorial discretion and judicial interpretation.

The bill reverses the onus of proof when it comes to costs incurred and orders to pay regarding the cost of emergency service responses. The drafting note effectively gives the responding authority the power to determine whether an element of the offence has been made out—for example, a person's conduct may be found to have indirectly obstructed the free passage of a public place if a relevant entity needed to restrict access to the public place in order to safely deal with the person's conduct.

In other words, it is the relevant entity's response that determines whether the conduct directly or indirectly obstructed the free passage of a public place, and there is no requirement—no requirement—that the entity's response be reasonable. There is no requirement that it be reasonable in the circumstances or be the minimum necessary to enable free passage in the public place.

This is extraordinary. These are extraordinary measures. I do not know how many of you have actually sat down and worked through these or bothered to read the legal opinions that we have, but they are extraordinary measures. And we are all just sitting there saying, 'Oh. Oh well.' Except you will be saying that until they impact you or the groups you support.

It does not have to be a protest. You could be at the Fringe. What is the light thing we do, the light show, called? You could be a person in the Mall. You could be a homeless person on the street. You could be any Tom, Dick or Harry and you could be covered by these ridiculous new laws. But we are like, 'Oh, we got a win out of this. It's great.' 'Exceptionally broad in scope', 'unintended consequences', 'the scope of the offence is not limited to protest activity'—there we have it; you do not have to take my word for it, there you have it.

It could include, for example, groups of schoolkids moving along footpaths in a big group, a journalist trying to get a picture or interview with someone on a street, a community event that takes over a park or a footpath, or a homeless person sleeping on the street. This is exacerbated by the definition of a public place, which is:

- a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place;

- a place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and
- a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that that road, street, footway, court, alley or thoroughfare is on private property.

That is the whole state. Find me one place that is not covered by that definition; it applies across the entire state, whether you are in Mount Gambier or Coober Pedy or Andamooka, or I do not know where. It applies everywhere. I am not saying that we do not need those laws everywhere, but your definitions are ridiculous; your definitions are absolutely insane.

Potential constitutional concerns include that in Brown v Tasmania (2017) 349 ALR 398 a majority of the High Court held that key provisions of a Tasmanian law restricting protest are—guess what, Mr President?—invalid because they violate the implied freedom of political communication in the Australian constitution.

Keifel CJ, Bell and Keane held that the relevant provisions of the Tasmanian law were invalid because they impermissibly burdened the implied freedom of political communication contrary to the Commonwealth Constitution. Gageler reached the same conclusion, finding that the burden the impugned provisions imposed on freedom to engage in political communication constituted by onsite political protest was greater than was reasonably necessary to protect Forestry Tasmania from conduct that seriously interfered with carrying out forest operations on forestry land or with access to forestry land on which those forest operations were being carried out.

The majority of justices held that the test for whether a law violates the implied freedom should be framed as three questions, reflecting on the principles developed in Lange v Australian Broadcasting Corporation—does that take you back, Mr Simms?—and Coleman v Power:

1. Does the law effectively burden freedom of political communication?

2. Is the purpose of it legitimate, in the sense that it is compatible with the maintenance of the constitutionally prescribed system of government?

3. Is the law reasonably appropriate and adapted to advance that purpose in a manner compatible with the maintenance of the constitutionally prescribed system of government?

The judges held that the point to be made is not that prosecutions of charges made under the protesters act are likely to succeed if they do proceed, it is that the difficulty associated with identifying the area to which the protesters act applies in the given circumstance is likely to result in errors being made except in the clearest of cases—and we are not going to have the clearest of cases here, I can tell you that.

The result would be that some lawful protest will be prevented or discontinued and protesters will be deterred from further protesting. They will be deterred because it will come to be appreciated, if it is not already, that there is a real likelihood that if they are present on land in the vicinity of forest operations they may be subjected to a direction to leave the area and all the effects which flow from such a direction, even if there is no basis in law for the direction, because the area is not forestry land or because a business accesses that area in relation to that land.

Edelman, although in dissent, observed (and this is at 489) that anti-protest laws would be invalid on constitutional grounds if they were so uncertain and so hopelessly vague—this is sounding terribly familiar, this 'hopelessly vague'—that it is impossible for any court to give it a construction that would permit the court to explain, and therefore any individual to know, whether and when many of the contraventions would occur.

It is important to get that information on the record because, frankly, the government has failed to give us any form of proper advice. We have not had it from the Attorney-General's Office, we have not had someone briefing us and providing us with this level of detail. We have relied on the good people who do this on a pro bono basis for their associations and as individuals because they have grave concerns about the extent of these laws. We rely on them to spit out advice as thorough and detailed as that with their own resources, however they do this, in ridiculously small

amounts of time, so that members of this place, legislators in this council, can have some idea of the laws that we are being asked to pass.

If that does not impress upon you how ridiculous we look right now to the general public and to the legal profession and to every group who oppose this bill, then I do not know what will. We are relying on others to do our work. We have an entire Attorney-General's Department filled with people who should have looked at this bill and told us what the implications will be.

We have a Legislative Review Committee which could have scrutinised this bill and told us what the implications would be, but instead we are relying on the good work of people who have done this on a pro bono basis to make sure that at least we on the crossbench know what it is the government and opposition have got together to ram through this parliament. That is the state of affairs in South Australian politics at the moment—that is an utter disgrace.

I think I asked at one of those meetings that I went to with the Attorney's office the number of cases with an offence against section 58(1), and this is the information that was given to me, that it was 'little used': 1999, one case, withdrawn; 2006, case dismissed without penalty; 2023, yet to be finalised. Three cases is what we have had in relation to section 58(1).

I have spoken about some of the concerns that have been raised in this bill, and I will go back to those in a minute, but I most definitely want to talk about another aspect of this bill that I find absolutely chilling, just as chilling as the commentators have found in relation to the aspects we have already spoken about. Frankly—and I will say it again—it should concern each and every single one of you when the Premier jumps to the support of the Liberal Party to pass a bill in the space of 22 minutes—22 minutes out of public sight, zero scrutiny, no discussion, no debate, nothing for us to consider.

We were told about the bill. We did not even know what it looked like and it had already passed through the chamber in the lower house. We were trying to figure out what this bill is, where it is going, what is happening in here, and it had already gone through. No public oversight of that process! If you think this is a tool that the government and opposition would use only once, then you really are fooled. If they can do it once, then imagine the opportunities this presents for them on issues where there is, not multipartisan, bipartisan support between the government and the opposition.

Imagine when they try this on again with something else, not just the return-to-work changes that we had already seen that went against the grain, the existence of the Labor Party, not now just the protest laws, what is next? We will just sit here and wait. We will sit here and wait for the Premier and the Leader of the Opposition to go to cabinet together, come up with a proposal, ram it through parliament, and we will just sit here and watch them. They will have the support of all their members, who are probably completely in the dark about those matters, just like they have been in the dark about these matters, because, honestly, if any of you actually understood the full extent of these measures and you sat there quietly and did nothing about it, I have no words for you.

I have said that that process is concerning for me because it paints a bigger picture of our lawmaking practices in this state in recent times. This parliament is not known for its good lawmaking practices in recent times. Over recent years, we have eroded those processes more and more, and the outcomes, in my view, have been very alarming. That brings me to the bigger context and lens through which we have to consider this bill. We cannot ignore it. It is here, we all know about it, commentators talk about, and there are papers delivered interstate about it.

I heard there was a session held recently amongst parliaments of all of Australia, and guess which parliament was the laughing stock over their processes when it comes to this? Guess which one. Ours. Ours was the one which was singled out as having these archaic and ridiculous lawmaking practices in place, processes that let governments ram through whatever it is that they like without any public scrutiny whatsoever. I say we cannot ignore it because, like I said, it gets to the heart of how it is that we can ram through that sort of legislation in a mind-blowing 22 minutes in the first place.

I am going to refer members to a report that was tabled in this place by the Legislative Review Committee in relation to legislative instruments. That report said:

In 2020, the Committee inquired into and considered 469 instruments. This included 314 regulations, 25 Rules of Court, 1 rule (other than Rules of Court), 15 by-laws, 6 management plan amendments, 4 notices and 104 fees notices.

A comparison of the volume of delegated instruments made in 2020 compared with primary legislation—the job of this chamber, primary legislation—enacted by the parliament demonstrates the extent to which we should be scrutinising that legislation.

Of the 514 pieces of legislation enacted in 2020, 9 per cent, or 45 enactments, were primary legislation enacted by the parliament. Ninety-one per cent, 469 legislative instruments made by this parliament, were delegated instruments made by the Governor of South Australia or other persons or entities. Of the 3,810 pages of legislative text enacted in 2020, 9 per cent (341 pages) were in primary legislation, while 91 per cent (3,469 pages of text) were in delegated legislation.

And that does not consider other kinds of delegated legislation made in that same year. It does not consider legislation that was not tabled in the parliament and referred to the committee. The making in 2020 of the Uniform Civil Rules 2020 (1,057 pages) increased, in contrast to other years, the proportion of pages of delegated legislation made in 2020 compared with pages of primary legislation enacted in 2020.

To just explain why it is that this should be so concerning to members, I serve on that committee together with the Leader of the Opposition in this place and other honourable members, and members from the other place, and I can guarantee you that at each meeting we have a mountain of regulations that are put before us, and we, frankly, rely on the staff of that committee to tell us which ones might be contentious, because not one of us has the hours available to sit there and trawl through 91 per cent of the legislation that is chucked into regulation.

We ignore the primary legislative-making process, with substantive changes made through regulation, and we rely on regulations. Why is that a problem? I will tell you why it is a problem: because all of us in this chamber do not know what 91 per cent of that legislation actually says or does. We do not know unless it actually impacts us or someone contacts us because they are directly affected by that piece of legislation. We are trying so hard to place substantive pieces of legislation in regulations because we simply do not have the means under the current system to scrutinise effectively that legislation.

As a member of that committee, I can tell you I do not have the means to scrutinise effectively that legislation. That is even before the Attorney of this government or the previous government denies us all sorts of information because apparently it is protected by cabinet in confidence.

That should concern all of you. That means that the bulk of stuff you as legislators are apparently supporting does not make it into this chamber. It is all done by regulation, rubber stamped, and hopefully the Legislative Review Committee will see a little asterisk next to it and say, 'We better take a closer look at that one.' Hopefully, it does not infringe on your civil liberties or any other right. Hopefully, the government is not trying to impose criminal penalties, which they have, via regulation, as opposed to a substantive piece of legislation introduced to this parliament.

This is the sort of behaviour that you are promoting and endorsing when you ram a bill through in 22 minutes. This is the sort of behaviour and lawmaking processes that Dr Moulds and Laura Grenfell came to the committee, on committee hearings, and told us is absolutely laughed at by other jurisdictions, for one, but beggars belief that we would consider this acceptable lawmaking. It is far from. You do not call yourselves legislators if that is the standard that you expect of yourselves.

Serving on that committee is like serving on three committees. I will say it—I am not afraid to say it—it is like serving on three committees. We do a mountain of work. Do you know why we do a mountain of work? Because we want to at least try, at least attempt not to let the government make regulations that impinge on people's rights, that have not gone through the appropriate levels of scrutiny and consultation and process that they ought to. That we can come back to this parliament and report to the rest of our colleagues, to all of you, about the laws that the government is trying to make, that we can tell you that just recently the government, via regulation, tried, has tried, is trying currently to impose criminal penalties via regulation, that we can tell you that the government is also trying to do away with early commencement certificates.

I asked a question about this of the Attorney the other week and I think it is fair to say that he quite proudly said to me, 'Well, we barely use them so we should just get rid of them.' That is not why they were there in the first place. They serve a very important purpose and we are just saying, 'You know what? We ignore them anyway so let's just get rid of them.' We are undermining our lawmaking processes each and every day. It is a tool used by governments. It has been going on for decades.

I remember as a staffer under the former Labor government, I watched it under the Liberal government, and we are seeing it again now and we are just supposed to say, 'That's okay. That's good lawmaking in this state,' and meanwhile the rest of the country, the countries that have bothered to put in place measures to ensure scrutiny, measures to ensure accountability, transparency, human rights, impact statements, they are laughing at us and saying, 'Mate, the Premier in South Australia has gone mad. Those guys walk in there, they sign off on something, they sign off on 9 per cent of the legislation that goes through in their state. The other 91 per cent is again made behind closed doors. Rammed through by the government.'

We have no oversight of that process and that is precisely now what they have tried to do in the lower house and you are all willing to lie down and accept it. I cannot believe that you are just willing to lay down and accept it. It beggars belief, it honestly does. I am speaking to the opposition: this is not a political win. This is terrible for democracy in this state. It is terrible lawmaking practice in this state and you are feeding that frenzy. You are enabling the government to partake in terrible lawmaking processes.

I mentioned the early commencement of regulations, and I am just going to expand on that bit so we all understand what it is that we are trying to do, again via regulation, because that seems like the favoured model of lawmaking in this state. We know that a regulation that is required to be laid before parliament comes into operation four months after the date on which it is made or from such later date as specified in the regulations.

The four-month rule—just so we are clear, on the record—was inserted into the Subordinate Legislation Act in 1992 to delay the commencement of a regulation. There were two reasons for this, mainly. The first reason was to provide the public with notice of a change to the law so that businesses and individuals—fancy this as a concept—affected by a new law have time to make any decisions and adjustments that may be necessary, including changes that have financial implications for individuals and businesses.

The second reason was to provide the parliament—fancy this as another concept—with the opportunity to scrutinise those regulations, unfettered by their commencement. Once regulations come into effect, parliament also has to weigh the consequences of undoing something that has already come into force and any confusion and uncertainty in the law that may result if the regulations were disallowed.

Quite rightly, the committee expressed concern, I think it was in its 1994 report, in fact, about the fact that the benefits of the four-month rule may be undermined by excessive and indiscriminate use of ministerial certificates and undertook to continue to monitor the operation of that provision. As I said, in 2020, 304 of the 314 regulations included a note to the effect that the minister responsible for the regulation had certified an early commencement. So do not worry about notifying business, do not worry about giving them or individuals the time to prepare. Certainly, do not worry about notifying your colleagues in parliament so they can have an opportunity to know what it is that you are trying to do.

In an overwhelming 96.8 per cent of cases, we did away with the need for that requirement. Now—and I bet you would not know this because you are not on the Legislative Review Committee—the government is trying to do away with that requirement altogether. They are saying, 'We don't need that anymore. That's just another piece of bureaucracy that we don't need. Never mind the actual reasons why it was implemented in the first place, we just don't need that.'

What more are you going to give them in terms of free passes, in terms of free kicks, and in terms of crappy lawmaking processes to get what they want? That is what I want to know: what more are you going to give them? We seem to be delivering on a silver platter—it is extraordinary. We have heard in the committee from witnesses—and this is on the public record—who have spoken

quite candidly about their concern, not only about the processes that I have just outlined but also about some of the regulations that the government has sought to change via these processes.

The PRESIDENT: Bring it back to this current bit of legislation, please.

The Hon. C. BONAROS: I will do that, Mr President, but I say that because one of our witnesses, who is the President of the Law Society of South Australia, raised those concerns in relation to the practices around lawmaking generally in this jurisdiction, and also the 22 minutes within which the lower house managed to ram a piece of legislation through parliament. I am sorry if it is 4 o'clock in the morning and I am speaking about this, but that is my right as a member of parliament. I do not forgo my right to speak just because in the lower house they did.

The PRESIDENT: You have every right to speak, just stay on topic.

The Hon. C. BONAROS: I am on topic, thank you, Mr President.

The PRESIDENT: Well, I am not sure about that. Let's talk about this bit of legislation.

The Hon. C. BONAROS: I am talking about this bit of legislation, Mr President. I am talking about it in the context of our lawmaking processes in this state and the underwhelming processes that we have adopted and consider appropriate: the fact that a bill can be rammed through a house of assembly in 22 minutes, without any oversight whatsoever, and the fact that all these processes that I have just outlined—and this is the key, this is the core, this is the critical part of the message—are all done out of public view and out of public sight.

That is the point. That is the point of the picture that I have just painted for you in relation to those early commencement certificates and regulations, and that is the point of the picture that we have all tried in vain to paint for you in relation to the House of Assembly process that took place last week. It did not take place in public sight and in public view. There was no scrutiny. There was no oversight. There was no considered debate. There were no considered deliberations.

It may as well have taken place in the Leader of the Opposition's office, with the Leader of the Government standing next to him, signing off a bill and then handing it out to the rest of us. That is what may as well have happened. It is as good as what happened. You could not even go onto the website and find the bill that was already being debated in the house. We were sitting here not knowing what the heck the content of this bill was and it had already passed the lower house. If you think that is not tied to this process, then again we have bigger problems than I thought.

I am going to seek to table a submission in relation to this around some of the issues that has previously been provided to a previous committee of this place, which has also been documented somewhere, to save you having to listen to me read it out, if you like, given the questions around its relevance. I seek leave to table that.

Leave granted.

The Hon. C. BONAROS: I was given a little book here today, entitled *A little history of the Australian Labor Party*. I know we have been over the history of the Labor Party in this state and across Australia already, but there are some references in here that I think are important in the context of this debate and the outrage. And do not think it is anything less, because it is outrage that the government has caused amongst its own rank and file. It states:

> From early years to present, the ALP has attracted critics from both the Left and the Right who have contested its claim to speak for the common people. It has also attracted friendly internal critics—members, activists and loyal supporters—who've felt part of the Labor tribe, yet also questioned how well the party was performing in its self-appointed mission. This kind of questioning has been more insistent in the last quarter—

This is about your party, not mine, mate—

> of a century or so, as many of the foundations on which the party was built—cohesive local communities, massive and widespread deprivation, traditional blue-collar industries, a large rural workforce, strong trade unionism and working-class identity—steadily eroded. The result has been an almost perpetual sense of crisis, along with a recognition of the need to rethink some longstanding assumptions about the character, structure and purpose of the party.
>
> These debates are not always well informed by public knowledge of the past. A great deal of discussion within and about the ALP is carried on as if the issues at stake were being explored for the first time, instead of being—

as they often are—variations on old themes. Much journalism focuses on a clash of personalities, with little sense of the ways in which individual and group behaviour is shaped and often constrained by the party itself: by its structures, rules, culture and traditions.

The chapter that I am referring to—it is page 16 of this book, if anyone is interested—goes on to make some very interesting points about the Labor history, but I think the point that I want to make is not only is this bill chilling, it is absolutely chilling that a party (not my party) so rich in history has managed to lose sight of its history. It is chilling that in this state the leader of the Labor Party has fed that criticism that is referred to in this book by silencing his own MPs into submission, ruled with an iron fist and made a captain's call in this case that has gone against the grain of all things that are Labor and the union movement.

During the return-to-work debate, I referred to the proposed reforms of this government as the single biggest act of bastardry this state had ever seen. It was an attack on injured workers and an affront to the union movement, but never did I actually expect that the Premier could outdo himself. I did not think that the Premier could outdo that single act against injured workers and his own rank and file, but here we are. I will put my house on it that it has enraged Labor members of this place who had no say, zero say, no idea about what was being proposed, no idea about the deal that had been done with the opposition, no idea about the bill that was being rammed through that place in 22 minutes, before it actually occurred.

Of course, we would all love to know precisely, as I said before, how many members of the Labor Party, of the executive, were involved in signing off on the bill originally drafted by the opposition for the opposition and adopted by the government in the space of 22 minutes. How many still today, a week later, irrespective and regardless of all the points we have tried to impress upon you, do not understand the true implications of this hideous piece of legislation? That is what I want to know.

The Hon. R.A. Simms interjecting:

The Hon. C. BONAROS: Yes, I think we all want to know that. The spirit of the former honourable Mark Parnell—he is still honourable in my eyes—lives on in this debate through a very handy little publication that I found. I think it would be remiss of me not to alert him to the fact that this little handbook that he co-authored may very well need updating after this week. It is *The Law of Protests in South Australia*. It gives a good indication of how far groups like the Environmental Defenders Office will go to make sure that, when people go out and protest, when people go out onto the streets and rally, when they go out there and fight for the things they believe in, they make sure that everyone has the basics.

They know where they stand. They are told. This is a guide to how to do this right. This is a guide to say, 'These are the things you should and probably should not do. These are the penalties you could and probably will get if you obstruct a public place. These are the penalties that currently exist, including terms of imprisonment, that already exist under the law, that you should probably know about before you go out and do something that could see you either land in jail now or cop a fine.' Mind you, if you do it after this bill passes, if it passes, you can expect that fine not to be $750. You can expect it to be $50,000, the highest in the nation, by the way.

None of us have actually said that there is not a place for considered debate around this issue. I think everyone has said, 'We should refer this to a committee. We should all consult on this. There should be an open and public and transparent process where we all get to explore all the options on the table to deal with these sorts of issues that have been raised by the government and the opposition.' Nobody has said no to that. They just asked for appropriate time and processes within which to do that.

Instead, they have been lumped with this bill, and we have been lumped with the job of trying to explain to everybody what it is that this bill will do. Nobody has said that they are against that. Indeed, I think that they have all indicated their openness and their willingness to say, 'We accept that other jurisdictions have changed their laws in this space, but no jurisdiction, not one, has done what South Australia has done.'

Not one has imposed the penalty of $50,000—not one. We are the highest in the nation. That is what we are proposing here—the highest penalty in the nation. We have $20,000—I think a

range of penalties apply—but not one has gone up to $50,000 with that 60-fold increase we have seen here.

Maybe if we had had the opportunity to appropriately consult on this debate, we could have looked at what the other jurisdictions have done. We could have looked at what everyone had done and said, 'Okay, maybe there is room to move here. Maybe the penalties haven't increased in SA for however many years it is that the Attorney or the Premier has pointed to. Maybe there is a bit of scope here for something to change.' We could have done that. We could have gone through that process had we not rammed this bill through in 22 minutes and then brought it here and expected us to deal with the consequences of that.

I am not intending to speak here all night, and I am sure that is of great comfort to you, Mr President, but in addition to the documents I have tabled—and rather than reading all the other documents I intended to rely on—I will seek to table the International Covenant on Civil and Political Rights, the 10 principles for the proper management of assemblies implementation checklist, 'Global Warming: the threat to climate defenders in Australia', the United Nations General Assembly 'Protection of human rights in the context of peaceful protests during crisis situations' and the mandate of the special rapporteur on the promotion of the right to freedom of opinion and expression by the United Nations human rights group.

While I am at it and just because I think my colleagues did an exceptional job of going right back to my ancient Greek roots, I do not intend to go over all the great historical protests of the past that have been so critical to where we are today, but I will seek to also table a report, which I do not intend to read onto the record, entitled *People Power and Protest since 1945: a Bibliography of Nonviolent Action*.

Leave granted.

The Hon. C. BONAROS: I note that we have another speaker who is due to speak shortly so I will start to wrap up. I am sure that is music to everyone's ears who is sick of hearing how terrible this bill is. The reality is we could go all day. There are opinions that have been provided to us. We have advice to SA Unions provided by Michael Abbott KC. We have correspondence from SA Unions. We have the Human Rights Law Centre correspondence. We have the Law Society of South Australia and SA Bar Association correspondence. We have correspondence from SACOSS. We have correspondence from the South Australian Abortion Action Coalition.

That is all I have in front of me. I know there is a lot more. Instead of reading all those documents onto the record, I think it would be appropriate to table those so they are all reflected on the public record. Either that, or I can sit and read them.

Leave granted.

The Hon. C. BONAROS: Earlier today, my colleague the Hon. Frank Pangallo said at a press conference—indeed, I think he repeated it here in the chamber—that what distinguishes a leader from a great leader is the ability to stand up, admit you have made a mistake and then fix it.

The people of South Australia have spoken. The legal fraternity has spoken. The civil and liberties rights sector as spoken. The women's movement has spoken. The environmental sector has spoken. The human rights sector has spoken. We have spoken here in this place today on their behalf, based on the very good advice that they have provided us.

The Premier made a captain's call. That is the reality of where we are. He has made a captain's call and it has gone down like a lead balloon—in fact, worse than a lead balloon. It has lead to his own rank and file members once again campaigning loudly and proudly and angrily against this bill. He has let them down—again.

All they are asking, all that we on the crossbench are asking of the Premier, all that the good people of South Australia are asking of the Premier is to be a great leader. That is what we want him to be. We want him to man up; we want him to admit that he has made a terrible mistake. We want him to admit that he has got this totally wrong, and we want him to fix it. And guess what? If he does that, if he shows that sort of courage, if he shows us that he is willing to do that, then he will actually

show us the true calibre of his leadership and why he deserves to lead this state and why we should back him in now and in the future. That is all we are asking.

We have given him every possible out on this bill. We have frustrated people who work in this building because of the way we have done this, but we have made it impossible for the government to not get out of this mess. Never mind what the opposition are doing. Just focus on all the options we have put in front of you to fix this mess, if not for us then do it on behalf of your own rank and file, who are begging and pleading for you to do it. Show what true leadership actually is. Admit you have made a mistake and fix it. That is all we want. And guess what? If you do it, we will support you. It is that simple. If you actually stand up and say, 'Crap, we got this so wrong; it's cost us. We understand now the severity of what have done and we are listening and we are going to fix it,' we would say, 'Well done, Premier. Thanks for listening.' That is all we are asking.

For every single person who has backed us in tonight and who has provided us with the ammunition that we need, the information and material that we need, that was not available to us through any of the formal procedures and protocols and processes that should apply in this place, I have one final message, the importance of which was impressed upon me many years ago by my former boss, and it is my favourite quote (and I know it was his favourite quote): if you think you are too small to make a difference, then try sleeping in a tent with a mosquito—or in this case, with five mosquitoes—because we are absolutely committed to getting this right.

The much celebrated Adelaide-born suffragette Muriel Matters and Helen Fox didn't chain themselves to the grille in the Ladies' Gallery for fun. Thanks go to former members of this place, Frances Bedford and Steph Key, for their hard work. These are celebrated figures. This is a celebrated woman in this parliament, a South Australian. I think the book refers to her as the darling Australian girl. We celebrate her with great pride and the pride she deserves. We did not win the right to vote by asking politely, as the ad said. Women did not win the right to vote—I am one of them—they demanded it, and when those in power did not listen, they protested.

SA made history as the first state where women could vote. I, for one, and SA-Best are exceptionally proud of our state's rich historical achievements, as I know all of us are. It is not lost on any of us that many of those achievements have been possible only through people power and the power of protest and rallying.

For that, and with that, I end by saying that I stand shoulder to shoulder, that we stand shoulder to shoulder, that the crossbench stands shoulder to shoulder, with every single group that deserves their names to be mentioned—and I will name them—with the Australian Democracy Network, Amnesty International, the South Australian Abortion Action Coalition, the Australian Institute, the Human Rights Network SA, Human Rights Act for South Australia, SA Unions, SACOSS, Ambulance Employees Association, the CFMEU, the firies union, the Law Society of South Australia, the Independent Bar Association, the Women's Lawyers Association of SA, the Working Women's Legal Centre, the Australian Conservation Foundation, and Australian Democracy Network.

The list goes on: Australian Education Union, the Labor Party State Council, Adelaide Campaign Against Racism and Fascism, Adelaide Parklands Association, Anti-Poverty Network, Adelaide School Strike 4 Climate, Adelaide Lawyers for Human Rights, the Australian Marine Conservation Society, Australian Parents for Climate Action, Australian Refugee Response to Climate Change, Australian Youth Climate Coalition, Bike Adelaide, Climate Action Network Australia, Climate Justice Network, Community Alliance SA, CounterAct, Directors for the Environment Australia, Don't Dump on SA, End Rape on Campus Australia, the Environmental Defenders Office, Extinction Rebellion South Australia, I mentioned the ASU, and the Conservation Council of Australia. There is a list here that I am having trouble reading, but I am going to read them because it is important.

The Hon. F. Pangallo: What a reach they have.

The Hon. C. BONAROS: Yes, what a reach they have. I will keep reading from that list, but if my colleague could find me a copy that I could actually read from, that would be really useful. The list goes on: Fossil Free Australia, Flinders University Students Association, Friends & Residents of North Adelaide, Friends of the Earth Adelaide, Friends of Willunga Basin, Grata Fund, Greenpeace

Australia Pacific, Healthy Rivers Lower Murray, Independent and Peaceful Australian Network—South Australia, Josephite SA Reconciliation Circle, Kensington Residents' Association Incorporated, Kidical Mass Adelaide, Mac and Co Lawyers, Mount Barker & District Residents' Association, Nature Conservation Society of South Australia, No Nuclear Subs SA, Our Roads SA, Protect our Heritage Alliance, Religious Society of Friends SA & NT, Rights for Resource Network SA, SA Genetic Food Information Network, Sea Shepherd Australia, Seeds of Affinity: Pathways for Women, Sex Industry Decriminalisation Action Committee, Socialist Alternative, Solidarity.

The list continues: South Australian Parents for Climate Action, South Australian Rainbow Advocacy Alliance, Spirit of Eureka—South Australia, St Peters Residents Association, Sustainable Prosperity Action Group, Tearfund Australia, the National Justice Project, the Wilderness Society South Australia, Trees For Life, Uni Students for Climate Justice, Voluntary Assisted Dying South Australia, Wage Peace, Western Adelaide Coastal Residents' Association, the Women Lawyers Association of South Australia, World Animal Protection Australia and New Zealand, and Worldwide Fund for Nature Australia. I will go back as I think I missed one—CEDAMIA.

If I have missed anyone, I apologise, but the reason I read that list onto the record, Mr President, if I can leave you with this, is because that is everyone who has indicated their opposition to this bill. I do not know if you can find any more South Australians who are not associated with a group that have not said that they are opposed to the bill.

The reason I am thanking those, on behalf of all of the crossbench, on behalf of my honourable colleague the Hon. Frank Pangallo, and the Greens, and indeed the Hon. Sarah Game, is because those groups in all their diversity have said, 'Premier, you have got this wrong.' So I am pleading with you, Premier, show some leadership, show, as my honourable colleague has said, what a true leader looks like, and let's fix this.

The Hon. T.A. FRANKS (04:25): I rise as the second speaker for the Greens to oppose the Summary Offences (Obstruction of Public Places) Amendment Bill this morning, noting that in fact it is now over 12 hours since my colleague rose to do the same. I want to start with the actual offence, obstruction of public places, which is pursuant to section 58 of the Summary Offences Act. I asked, via the parliamentary library, if the Courts Administration Authority could advise me and my office on how many times there has been a conviction under this particular section of the Summary Offences Act in the last five years. The answer is zero.

I am not quite sure why we have identified this particular part of the Summary Offences Act for special attention to have the fines and penalties increased when in fact we have not seen it go through to a conviction once in the last five years. The Hon. Connie Bonaros mentioned, I think, three particular cases where there has been some interaction with it, where it has gotten a little way along, but not a single conviction under this part of the Summary Offences Act, which leads me to wonder why we are taking the advice of the shadow attorney-general, whose idea this was, as he noted in his contribution in that 22-minute debate in the other place, that this was his brainchild, the member for Heysen's brainchild.

Certainly, he was acknowledged by his leader, the member for Black, the Leader of the Opposition, the Hon. David Speirs, that the opposition has been involved for some 24 hours or so in advocacy for legislative reform in this area. Twenty-four hours of a brain fart, really. That is what this is, for a piece of the Summary Offences Act that has actually never successfully seen a conviction in the last five years.

There has also been a lot of talk from the Premier that this does not change the Public Assemblies Act. The Premier has spoken of—and I share with him—his commitment to peaceful assembly. I note that at the protest today, many spoke who would perhaps normally be seen as allies of the Labor Party; in fact, many of whom were members of the Labor Party, some of whom may not remain members of the Labor Party. I note that that peaceful assembly out on what is our Federation Square, which is how that space (the Festival Plaza) has been touted to eventually be used, were not able to secure a permit to have that protest today, so indeed it was an unlawful protest and would fall foul of this particular provision when it is enacted.

At that particular rally that could not secure a permit to hold a peaceful protest near the location of those who they wished to hear their protest, that being the Labor caucus, outside in the Festival Plaza, within hearing distance of the Balcony Room of this parliament of South Australia, I note that some of the speakers were of great interest in terms of really where the Labor movement sits on this. There was SA Unions, there was the United Workers Union, there was the Ambulance Employees Association, the AEU, the Australian Nurses and Midwifery Federation (ANMF), the teachers, the CFMEU, as you would probably expect—a whole raft of unions were there. In fact, it was very well represented in terms of right across the board, the width and breadth of all sorts of industry and workers.

I point out again, they could not get a permit to hold that protest there today. So when the Premier says this particular piece of legislation that we are debating now does not touch not a letter, not a comma, I think was his quote on the news, does not touch the Public Assemblies Act, well that does not mean much if you cannot get permission to assemble lawfully under the Public Assemblies Act. I would have thought that a peaceful protest, in an appropriate place, with people who sought the appropriate permissions would have not been refused. I certainly would like some answers on why that permission was refused.

The Premier also noted, and certainly the Attorney-General has previously remarked in this place, that he and I probably have spent quite a lot of time on Parliament House steps as well as inside this place, at protests, at rallies, as part of what you would call both civil society and also part of protest movements seeking a better world, a fairer world, a more just world. The Premier pointed to the time that he took part in what I imagine those of us who are of a certain age took part in, which was probably the biggest protest that Adelaide has ever seen. That, of course, was the no war coalition organised protest in February 2003 against Australia's entry supporting the supposed coalition of the willing into a war with Iraq.

The gathering was so big it actually had to be split into two marches. It took more than one hour for it to move two city blocks. Thousands of people were still at the starting point when the front of the march reached parliament. That was from Victoria Square. It had wonderful speakers, quite a diversity. My colleagues mentioned the now Senator Hanson-Young, who was then known as the Adelaide University Students' Association President, Sarah Hanson. It also had speakers including Brian Deegan, the father of a Bali bombing victim; Ruth Russell from the Women's International League for Peace and Freedom; veteran trade unionists; teachers unionists; and Mem Fox, children's author. It was an incredibly diverse protest and I remember that day.

In fact, they do estimate that there were 100,000 there. There would have been more, except people could not get the buses, trains and trams because they were packed, they were not stopping at stations or bus stops and, indeed, the rally was told by the police at the start of the day that they were not to walk in the tram tracks, but of course they did. That rally, the one that Premier Malinauskas points to as his involvement in the protest movement, actually defied the instructions of the police, blocked the traffic, not just for 90 minutes but for many, many hours. So Premier Malinauskas perhaps does not quite remember that part of history as clearly as some might. I hope that he reflects upon that when he thinks about his involvement and just how protests actually work in real life.

Indeed, the media reports talk about the police having to bring in officers from Port Adelaide, Holden Hill and from quite far-flung places. Such were the numbers and the need for policing that day that it put an enormous burden, apparently, on the police force of the day. It is, in fact, reported on the front page of *The Advertiser*, if you would like to go and check.

When 100,000 say no to war, are they, in the future, going to be finding themselves falling foul of section 58? That is a question I would like the Attorney-General to answer if, for example, they are directed by the police to stay in certain areas but the size of the rally requires them to actually spill over into a much broader area. Something the Attorney-General would be very familiar with, and a phrase that I often reflect on is: there is no justice without peace. No justice, no peace, and if you do not know justice, you will not know peace.

The right to peaceful protest here is at the heart of our democracy and right now it is under attack. For those who do not have deep pockets, access to politicians who will offer to put the state

at their disposal, or access to public platforms, protests can be the only tool that many in our community can use to be heard and to secure change, to change the world. And yet, anti-protest laws have already been passed in New South Wales, Queensland, Victoria and Tasmania, and here we are, right now, passing anti-protest laws in South Australia, something I would never have predicted a month ago. Yet, here in South Australia, our laws will carry the harshest financial penalties in the nation, and have been rightly condemned by the Human Rights Law Centre for that.

The fact that such draconian anti-protest laws are being rammed through this parliament is something that many South Australians do find deeply disturbing and will find deeply disturbing as they learn about it because this process has actually been so speedy. However, it is still going to be a slow-moving car crash as we watch South Australians learn that their rights were stripped away.

In terms of a South Australian government that has its roots in the labour movement, to have these fundamentally anti-democratic and anti-progressive laws championed in concert with the Liberal opposition does make one wonder if it is the alternative Liberal Party or the ALP that we see on the government benches in this state. It is devastating for our democracy.

It is only two years since the Speaker of the house and the Minister for Education instituted the Muriel Matters Award for South Australian secondary students who show self-initiative and commitment to making a difference in their community. Why is that relevant? Muriel Matters, as many of us know, was an Adelaide-born suffragette or suffragist who fought for women to have the vote in the UK. She was also an educator and an extremely prominent woman and member of the critical mass of people who were advocating for women's suffrage. She was largely active between 1905 and 1924 and she began that life of activism aboard the Women's Freedom League caravan, which toured England's south-east.

Although tirelessly campaigning for women's voting rights in the English counties for many years, Muriel Matters is most recognised for chaining herself to the grille of the Ladies' Gallery in the British House of Commons on 28 October 1908. Why is that relevant? One of the reasons that we have been given that we need to rush these laws through is that the modes of protest have changed over time. But back in 1908, Muriel Matters locked on to a grille in the UK House of Commons, where she then had to be removed still attached to said grille. Indeed, that grille now sits in pride of place in the Centre Hall of this Parliament of South Australia, soon to become known as the parliament of Santos.

That grille is a symbol of the oppression of women in a male-dominated society, and it was her firm conviction in fact that the grille should be removed. She was in the ladies' gallery. Women were not even allowed on the floor of parliament, and indeed her non-violent solution to chain herself to that grille was the centrepiece of a larger protest that was conducted by the Women's Freedom League.

While attached to that grille, Muriel Matters, by the legal technicalities, was judged to be on that floor of parliament and thus the words spoken by her on that day are still considered to be the very first words delivered by a woman in the UK House of Commons. Muriel was jailed for a month for—wait for it—obstruction, and indeed a piece of the grille, as I said, is now in the Centre Hall of this Parliament House and a daily reminder to all of us of the importance of the right of peaceful protest to shape our democracy. What a difference a few years make.

Perhaps we need to remind this government that the Labor movement was born out of protest: women's rights, racial justice, LGBTIQA+ rights, environmental justice, the rights to an eight hour work day; all things gained through the protest movement and the work of unionists. I draw your attention to the union movement in South Australia, which has recognised the threat that this legislation before us today poses to our state. SA Unions Secretary, Dale Beasley, has characterised this bill as 'hasty and reactive legislation', going on to say, 'peaceful but disruptive protests and demonstrations have been integral in achieving so much of what we now take for granted in our society.'

The Australian Nursing and Midwifery Federation has highlighted their dismay at the lack of consultation with any of the relevant stakeholders. The Australian Services Union SA and NT branch assistant secretary, Scott Cowen, has said that these heavy-handed increases to penalties for

protesting are outrageous and that as union members the ASU stands strongly against them. As an ASU member, I thank him.

We must remember, of course, why this bill is happening. We are on the edge of the cliff. Our best scientists are currently telling us we have only seven years left to completely re-tool our economy, green our cities and restore our natural environments before the damage that we as people have caused from greenhouse gases becomes irreversible. That is the danger, and the solutions are of course still within reach.

Those solutions are what the protesters who have forced this issue to the surface are striving for. They are calling for 100 per cent green energy, no new coal mines, a transition to a better future, and justice for First Nations who are already on the front line of climate change and fossil fuel extraction. They are calling for that better world. What do they get? They get the APPEA 2023 conference, a conference of oil and gas professionals, with Minister Koutsantonis stating to them that he is, and this state is, at their disposal and here to help for a pathway to the future—of oil and gas.

The future of oil and gas is one that would create complete climate crisis, fuelled by a constant drive to profit and laws that punish anyone who stands in the way of that. The climate science is undeniable, and the time for action is now. My colleagues and I have said repeatedly in this place—but it seems to be making little impact so far on government policy—that when action from the government fails to materialise it is no wonder that rational, reasonable, and indeed retired, people, are driven to the point of desperation so much that they will tie, glue, lock on, suspend themselves on or over what they think will garner the most attention, in the desperate hope that maybe this time the major political parties will snap back into reality and recognise the terrible climate crimes that they are committing.

When you have a government and an opposition who are more interested in pandering to the corporates and to their donors than they are in looking after the environment, in giving young people hope and in being part of the climate solutions, you know you have a problem and you know that the protesters are not the problem.

We can still create a better future, but only if we urgently demonstrate that we do not accept the status quo, a status quo with irreparable harm to our collective wellbeing and to that of future generations, a scenario in which those who can least afford it will suffer the most. It needs to be made clear that disruption is not violence, and the disruptive protests that we have seen, that have somehow embarrassed Labor into fast-tracking these laws, perhaps because it was the same week in which they were promised the state was at their disposal, are entirely peaceful and consistent with the approach of the successful protest movements throughout our country's history. Without peaceful, disruptive but nonviolent protest we simply would not have many of the things we have today that make our lives worthwhile.

Under the International Covenant on Civil and Political Rights, to which Australia is a signatory, states are required to respect, protect and promote the right to protest. Imposing tens of thousands of dollars in fines and prison sentences on people engaging in peaceful protest does not fulfil these obligations. In honesty, it undermines the right of people to create a better future for themselves and for others.

The Premier has, however, stated that, 'There has been an apparent increase in civil disobedience-type activities that cause huge disruption to the general public.' Have you seen 100,000 people on the streets lately? Have you seen a member of the public chain themselves to the upper gallery of this parliament lately? I would like the Attorney-General to explain this apparent increase in civil disobedience-type activities that have apparently been occurring lately, or whether it is, as it always has been, that part of a healthy democracy sees peaceful protest.

Yet, according to the courts data—so I do look forward to the Attorney-General's answer on that one—as I say, there have been no convictions recorded this year or in the previous four under section 58, the very section we debate today. Just as concerning, however, within this bill that we debate today is the change of language from 'wilfully' to 'recklessly', meaning even those unintentionally obstructing a public place could face charges.

I will also note that it is cruelly ironic to say that, on the same day that the government announced a penalty increase of some 66 times for this offence, the World Meteorological Organization said that there is now a 66 per cent chance that the planet's temperature will climb above 1.5º Celsius of warming above pre-industrial levels for at least one year.

I turn to the inconvenience that has been caused, and I ask: why do people feel the need to protest? They are protesting because they feel the government is not listening to them, so perhaps the solution is to listen rather than legislate. It is distressing that we find ourselves defending our democracy in this way at now, almost 5am in the morning. The right to protest that is restrained to accommodate the political ideology of the ruling party is no right at all. To suggest otherwise is at best a dangerous misunderstanding of a foundational principle of our society, and it should cause this government to hang their heads in shame.

Protest movements are a vital pillar and a force in democracy, and the government does not get to dictate where people can exercise their democratic rights. That is not how good laws are made. Good laws undergo a process of consultation, scrutiny and debate before going to a vote. No-one, not even any members in the lower house, had a chance to examine the wording of the bill before that was passed, other than those few, that select group of Labor and Liberal MPs, and perhaps a couple of staffers, who whizzed this all up in what appears to be around about 24 hours.

This is not the first time legislation has been moved through the South Australian parliament at this speed. Every time it happens, we here in this parliament send a message to South Australians that their parliamentarians are not interested in due and proper process and in having an appropriate debate.

Minister Tom Koutsantonis is firmly in support of these laws and even alluded to the protesters being hypocrites. But I wonder what happened since June of 2020 when in the other place now Minister Koutsantonis said, on protecting those seeking health care from intimidation and harassment in safe access zones, 'The idea that I would vote for any measure that takes away the right to assemble, I have to say, does not sit well with me.' Perhaps he did not quite say it like that, but I have to say that they are his words and they certainly do not sound like his words right now, once he has put the state at the disposal of oil and gas.

He went on to say in that particular speech, 'I have a problem when the parliament seeks to take away the right of assembly. I do not think taking away the right of assembly gets the outcome we are looking for here.' He even said, 'Once the parliament gets a taste of banning protests, it is not that much of a step to take five years from now, 10 years from now, 20 years from now. I repeat: what a difference a few years makes. The Greens are enormously disappointed in the message this sends to our community this morning, particularly to our younger people who will be most impacted by our action or inaction on climate change.

To echo the words of author, Astra Taylor, in her book *Democracy May Not Exist but We'll Miss It When It's Gone,* structural change follows social unrest. There would be no minimum wage, workplace health and safety protections, an eight-hour work day, or the weekend, without the labour organisations, organisers and trade unionists who went on strike. There would be no gay rights without the legendary riots at Manhattan's Stonewall, and there would be no Americans with Disabilities Act 1990 without decades of direct action from impaired activists who blocked inaccessible buses, pulled their bodies up the unwelcoming Capitol Hill steps and even pissed in public to make the point that they could not use regular washroom facilities.

The forward march of democracy resembles a kind of two-step move rulemaking trails open revolt, like sedimentation hardening into rock after a storm. But, just as often, the rule of law has a retrograde function. Regulations created behind closed doors can have the explicit aim of undoing hard-won gains, entrenching the reign of the already powerful instead of incorporating the people's demands. Political structures are devised to guard against further insurrections.

Some will disagree with the tactics of the recent climate protesters, but the overarching point is that people are putting their liberty on the line to make a safe future for everyone. They are the smoke alarm and our house is on fire. It is time to stop trying to shut down the smoke alarm and start fighting the fire.

I will finish by saying that the Greens are not alone in our fierce opposition to this bill and, alongside my colleagues from SA-Best and the crossbench, who have spoken out strongly in this place, I thank all the groups from across civil society who have taken a stand against this piece of legislation. I also thank those many constituents who have called or emailed my office. Please be assured your voices have been heard.

I wish to express my gratitude to those brave activists, volunteers and dedicated grassroots groups who are doing everything within their power to uphold the standards of a democratic society. You are on the right side of history. Keep fighting the good fight.

In conclusion, this bill before us does appear to have been a captain's call. We know that the Premier is oft said to be an average footballer. This time, if this were a political game, he would not even be getting a game in the division 12 ressies this coming weekend. He has made a mistake. He has made an error. A fundamental rule of politics is 'Dance with the ones that brung ya'. He has dumped them at the front door in his pursuit of oil and gas today. He has dumped them at the front door, leaving the dance card free, in pursuit of a Liberal vote that is clearly up for the taking—but he did not have to sacrifice Labor principles to go after that vote.

With that, I indicate I will have an amendment: that this piece of legislation, which looks set to pass, be referred to the Voice. When we set up our state Voice for First Nations people they should be able to have a say on this legislation because I have very little doubt that, should the police wish to use this in a way they have not so far, we will see an impact on First Nations people and protesters.

Again, I note that the Attorney-General and I have been at many of the same protests, and I point to the ones around Wayne Fella Morrison, which would have all violated this particular section that we are probably going to see pass into law today. When we see a death in custody of a First Nations person, that protest should be respected, should be heard, rather than penalised or punished with more imprisonment.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (04:55): I thank all members for their contributions on this bill. It is clear that there are different views and that there are differences of opinion on some of the issues. I accept that some of the behaviours we have seen recently that have caused concern and public debate are for a cause that I think the majority of us here agree and agree fiercely on: there should be more action on global warming. It is something that should be addressed urgently.

There will be different views. I take the view that some of the actions we have seen do not necessarily aid the cause people are seeking to put forward in the type of action that has been taken. That is not a universal view, and people will have different views about that.

I am concerned, though—and there are many who are concerned—at the possibility that people's safety is put at risk by behaviours in some of the instances we have seen. It may not have happened yet, but I think there is the foreseeable potential for that, for emergency services workers to potentially be put at risk or for the blocking of thoroughfares. If North Terrace were blocked off, as we have seen, there is the potential that those seeking medical treatment at a major hospital might be put at risk. These are real and foreseeable concerns.

That gets to the nub the issue here. As has been referred to a number times, the Public Assemblies Act 1972 was brought into place by the Dunstan government, and I will just read a very short part from the second reading contribution made when bringing that legislation into place. The second reading speech from the then Dunstan government remarked that:

> …the safety, peace and convenience of the citizens depends upon the maintenance of public order. The expression of dissent can never be allowed to interfere with the rights of others to an unreasonable degree. The right to use the streets to demonstrate dissent must therefore be clearly restricted in the interests of the public generally.

That is exactly what we are debating here today, that balance and interaction between those two competing needs.

There was reference made by speakers today, I think a couple of times, to the 21 questions that were in a media release statement on Friday afternoon from the Law Society. I believe those were responded to Saturday afternoon and distributed on Sunday, I think, to Law Society members.

So that it is in here on the public record, I seek leave to table that document, the government's response to those 21 questions.

Leave granted.

The Hon. K.J. MAHER: I want to quickly address something that the Hon. Tammy Franks, in particular, raised in relation to permits under the Public Assemblies Act. I just read out a very brief excerpt from the second reading speech when that was introduced by the Dunstan government in 1972. The preliminary advice we have had is that there is no record of a permit ever being refused. The preliminary advice from the Eastern District and Emergency and Major Events sections in SAPOL, which I am advised are the most closely involved in the regulation of public assemblies, do not have a record of refusing a permit.

Under the Public Assemblies Act as I read it I think it says four days' notice, so I am sure there will be times when a permit is applied for in a lesser time period than that. My guess is that it is not actually refused, but my understanding of the way it operates is that you are not actually granted the permit but the police commissioner, their delegate or the local council can put in an objection or refusal of that permit.

As I say, the preliminary advice from SAPOL is that they are not aware of a record of it being refused, but it might be the case that, if there were not four days' notice, something indicating approval, although I am not sure that that is what is done. In addition there is the ability, it is a judiciable decision. If there was a rejection of a permit—and we are not aware of one being refused—the Courts Administration Authority has also checked and cannot find records of court proceedings against something that was refused.

I do take the honourable member's point into account, but I suspect there was not a refusal, but if that is the process there may not have been an approval. I suspect—and I think it is the case—that where there is not a permit the police effectively treat it as if there were a permit. There are many protests the police facilitate. I think examples have been given of a protest that might occur on the steps of parliament, where more people attend than the organisers originally thought and the police facilitate that by helping, keeping a lane of traffic open, even though a permit has not been applied for.

In relation to constitutional issues that have been raised, if the law as it currently stands does not offend the constitution, then we do not accept that the law as amended will necessarily offend the constitution. I know that a number of members have raised the increase in penalties, both the monetary penalty and the inclusion of the possibility of a three-month jail penalty. I know it has been traversed before that these are maximum penalties that the court has the ability to go up to, and generally maximum penalties are reserved for the most egregious breaches of whatever the offence being applied is.

In relation to the penalties—and I think the Hon. Connie Bonaros referred to it a number of times—the advice from Michael Abbott KC that was sought and received by the union movement (I have it in front of me now) contains a paragraph that addresses the increasing penalties, and it reads:

> Relevantly to the penalties are that advice: whilst these penalties have increased considerably, they remain relatively moderate and commensurate with the maximum penalties for other minor regulatory offences under the Summary Offences Act.

The advice the union movement sought in relation to the penalties concluded that they are relatively moderate and commensurate with the maximum for other minor regulatory offences. That is one person's view of it; there are other views and, like much of what we are seeing here, if you ask a number of different lawyers the same question you often get a number of different answers. I do accept that is just that view in the advice received, but that is one legal view that has been received: they have increased considerably but remain moderate and commensurate.

I know questions were asked about what processes, who voted for things. I do not think it will surprise anyone who asked those questions in the second reading debate that I will not traverse the internal processes. I would be departing from certainly all attorneys-general and every minister who does not traverse internal processes in the executive or departmental development of the legislation. I know questions have been asked and, if they are asked again, I do not think members

will be surprised that the same answers will be proffered, that I will not traverse internal processes. Having said that, I look forward to the committee stage in the consideration of this bill.

The PRESIDENT: The first thing we are going to do is we are going to put the Hon. Mr Simms' amendment that the words proposed to be struck out stand as part of the question. This will also determine whether the bill is read a second time. When I put the question, if you are supporting the Hon. Mr Simms you will vote no. If you are supporting the government you will say aye.

The council divided on the question:

Ayes 13
Noes.....4
Majority 9

AYES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

NOES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Simms, R.A. (teller)		

Question thus agreed to; bill read a second time.

Committee Stage

In committee.

Clause 1.

The CHAIR: This bill has two clauses. There are a number of amendments beginning after clause 1. Are there any contributions at clause 1?

The Hon. R.A. SIMMS: Just some questions for the Attorney-General of a fairly general nature about the way that protests might be managed. I am keen to understand the level of consultation first that occurred in the window of time, I think it was four hours, from when the bill was announced on ABC radio and when it passed the House of Assembly. Could he explain what level of consultation occurred in that time period, in particular with key people from the legal fraternity and how their concerns were integrated?

The Hon. K.J. MAHER: As I outlined in my second reading sum up, I am not intending to go in great detail into the ins and outs of exactly who, what, where, when. I can say certainly that we have had the benefit, in the lead-up to the bill coming before this chamber, of many, many representations, whether it be from the legal profession, trade union movements, or members of civil society—that is telephone conversations and written correspondence. In total, if you include a number of groups or individuals in meetings, at least a dozen if not dozens of meetings as well.

The Hon. R.A. SIMMS: Just to be clear, I was talking about that period from when the bill was announced to when it was actually tabled in the parliament. I am keen to understand what level of engagement there was during that period. For instance, did the minister meet with the Leader of the Opposition? Obviously, this was his idea. Was that the catalyst or how exactly did this come about?

The Hon. K.J. MAHER: I thank the honourable member for his question but as I said I am not going to, and I do not think other ministers have done this before, go into exactly where, when and what and the internal time frames. As I have indicated, certainly we have had the benefit of

many, many representations—written, over the phone and in-person meetings—before considering this tonight.

The Hon. R.A. SIMMS: I accept the minister's point that he is not going to go into some of those discussions, but given the urgency with which the bill was introduced, and I think the Law Society have referenced a potential wartime approach to policymaking, can the minister outline why exactly there has been such an urgency? Obviously, we are being kept here until 5.30 in the morning in order to deal with this. Can the government explain what the actual urgency is? What are those wartime provisions?

The Hon. K.J. MAHER: I understand that is the characterisation the honourable member chooses to put on it. That is not how I would characterise it. I do not accept the characterisation but I do thank him for his question. Certainly, some of the concern that led to the development of this bill was as I outlined in my second reading sum up, a concern, and a legitimate concern, that other people may be at risk from some of the behaviour that I think we have seen, whether it be the potential for first responders, emergency service workers, when people put themselves in precarious positions to be at risk or the potential that people wanting to get somewhere, such as a major metropolitan hospital, might be delayed.

The Hon. R.A. SIMMS: I am deducing from the minister's response that the catalyst for this was the Extinction Rebellion protest that occurred I think it was on the Wednesday. The bill was announced on the Thursday. Did the government have any engagement with Santos before announcing this bill?

The Hon. K.J. MAHER: As I said, I am not going to go into the exact who, how, what, where, when. I am not aware of any engagement, and certainly I have not had any engagement with Santos. As the honourable member points out, that week there were events and protests that caused disruption. I think, from memory, there were some on the Tuesday and then they continued throughout the week—from memory, but I am happy to double-check that.

The Hon. R.A. SIMMS: Is that a standard approach when developing and presenting a bill to the parliament? An event happens on Tuesday and by Thursday there is a bill that has been introduced into the House of Assembly and passed the House of Assembly. Indeed, I think standing orders were suspended to enable that to occur. Can the minister explain what was so vital about that particular scenario that necessitated that approach?

The Hon. K.J. MAHER: I think there are different approaches that are taken to the circumstances we find ourselves in with different bills. But, certainly, I think the not unreasonable concern that was foreseeable that there could be risk to people, as I have outlined before, certainly was the catalyst for the bill and the introduction.

The Hon. R.A. SIMMS: Has Santos made any representations to the government after the bill has been announced? Have they welcomed the bill?

The Hon. K.J. MAHER: Again, I am not going to go and traverse things, but it is certainly not something I am aware of.

The Hon. T.A. FRANKS: Was the police commissioner or SAPOL shown the bill before it was tabled in the parliament?

The Hon. K.J. MAHER: Again, I am not going to traverse the internal, as I do not think ministers have before and, certainly, attorneys-general have not before, but, certainly, as I have said, there has been quite a lot of debate and representations in the lead-up to today.

The Hon. T.A. FRANKS: When you reference internal, usually the standard process is that cabinet-in-confidence is respected. Are you now saying that the Liberal Party and the police commissioner are part of the Labor cabinet? Cabinet-in-confidence is what you are relying on here. Internal means something very different to whether or not SAPOL and the police commissioner saw this.

The Hon. K.J. MAHER: No, I am not saying that characterisation from the honourable member.

The Hon. C. BONAROS: Just to be clear: was the draft consulted on at all before its introduction into the lower house?

The Hon. K.J. MAHER: I thank the honourable member for her question, but I will just repeat what I said before: we have had the benefit of many, many representations in the lead-up to it being considered tonight, but I am not going to traverse the internal processes as ministers before me have not either.

The Hon. R.A. SIMMS: Does the Attorney-General not think the community has a right to know who the government engaged with on this bill, given the urgency with which this legislation is being advanced in the parliament? For instance, if the government engaged with Santos or if the government engaged with the police commissioner, surely the public has a right to know.

The Hon. K.J. MAHER: I could only repeat what I have said before.

The Hon. C. BONAROS: Again, just for the record, can the Attorney confirm, whatever his answer is, whether or not the government or members of the government engaged with the opposition prior to the introduction into the lower house?

The Hon. K.J. MAHER: I stand by the answer I have previously given to very similar questions.

The Hon. F. PANGALLO: I will just get back to the genesis of this bill from the government and I will just refer back to 18 May and an interview the Premier did on ABC radio. I will quote him again:

> I think the leader of the Opposition is right. I think there's an opportunity here for the Parliament to respond to this action quickly and we can't have a situation where innocent people who are literally…trying to serve the community are having their lives and their incomes completely disrupted through the acts of people who abuse the right to protest in our state. I've asked the Attorney-General this morning to work with the Opposition to draft up a piece of legislation that hopefully we can get into the Parliament today along the lines that the leader of the Opposition just referred to.

Can the Attorney-General tell me what time he got a call from the Premier that morning and what the nature of that call was?

The Hon. K.J. MAHER: I am happy to repeat that I am not going to traverse those internal notices.

The Hon. C. BONAROS: Can the Attorney at least confirm whether there are any differences between this bill and the draft bill proposed by the opposition, and indeed whether that draft bill was used as the model for this bill?

The Hon. K.J. MAHER: Again, I just repeat the previous answer that I have given.

The Hon. F. PANGALLO: It is almost looking like an audition for *Hogan's Heroes* here: 'I see nothing.'

The Hon. R.A. Simms: We've certainly heard nothing.

The Hon. F. PANGALLO: We have heard nothing. Quite clearly, the Premier has said on public radio that he called you that morning. Did he call you or did he not call you? You cannot just shrug your shoulders. The Premier said he called you. Did he call you?

The Hon. K.J. MAHER: I thank the honourable member for his question, but as I have said, ministers have not before me and I do not propose to set a precedent talking about the internal development of these things.

The Hon. R.A. SIMMS: How precisely did the government arrive at the penalty provisions that are in the bill? Did it consider what was applied in other jurisdictions? What is suggested in the South Australian legislation are much harsher penalties than those that are seen in other jurisdictions. Did that come from the Leader of the Opposition? That was the comment that he made in the media. Was that where the $50,000 figure came from?

The Hon. K.J. MAHER: Again, I will repeat mainly what I have said before: I am not going to traverse internal development of the bill matters. However, I do note that the honourable member

is talking about financial penalties in other states, like New South Wales and Victoria. I cannot remember which one is which, but I think the jail times in those states are one and two years respectively. I cannot remember which is New South Wales and Victoria for similar offences. I think the financial penalties are tens of thousands, but not as much as $50,000, but the jail time that applies is four or eight times more.

The Hon. R.A. SIMMS: What advice would the Attorney-General give to the people of South Australia who are concerned about the passage of this bill and concerned about its genesis? Simply saying 'I am not going to reveal operational matters' does not really deal with the issue. What advice would be given to constituents who are concerned? I would like to know where this is coming from. It has been dealt with in such urgency and I still do not have an answer.

The Hon. K.J. MAHER: I am happy to say again, concern about people potentially being put at risk.

The Hon. R.A. SIMMS: The Commissioner of Police made a reference to cutting the rope of a protester. Much of the advice that the government has given in the second reading stage of this bill relies on the idea that SAPOL can simply be trusted to administer the bill appropriately and administer the offence appropriately. Does the Attorney-General recognise that those comments may give some people in the South Australian community who engage in peaceful protest cause for alarm, and is that an issue that he will be raising with the commissioner?

The Hon. K.J. MAHER: As I said, I think it might have been during question time, but certainly in this chamber—it might have been, I think, during question time this week—I am sure the police commissioner can speak for himself on statements he makes.

The Hon. F. PANGALLO: This is in relation to the police commissioner, and again I go back to comments that the police commissioner made on 18 May on radio, where he was particularly scathing, saying that 'There is a way to do it to get the message across and there is a way to do it and piss people off.' He has also indicated that it is likely they will be made to pay for the time and cost of the emergency services involvement. That is not in the existing legislation. Where did that come from and did the police commissioner have discussions with either you or the Premier in relation to including that in the legislation?

The Hon. K.J. MAHER: Once again, the police commissioner can talk about comments he has made. I am not going to, as I am invited to, although it is a very kind invitation, speak to the motivations or otherwise of what the police commissioner has said.

The Hon. F. PANGALLO: Whose idea was it to include that penalty then? Was it your idea? Was it parliamentary counsel? Was it the Premier's? How did it get in there? It does not just appear by magic.

The Hon. K.J. MAHER: Again, I thank the honourable member for the very kind invitation to traverse internal matters, but it is not something that I am going to do.

The Hon. C. BONAROS: Does the Attorney accept that there is only one difference between the government bill and the draft opposition bill—I think it is at subclause (1d)—and that in order to have precisely the same bill in all other respects introduced there would have to be consultation between the opposition and the government? We know by way of practice that parliamentary counsel would not disclose to the government a draft bill belonging to another political party unless of course they had the approval of that other party. I hope we are not suggesting by any stretch of the imagination that in this instance that information was disclosed to the government without the authority of the opposition.

The Hon. K.J. MAHER: Once again, I thank the honourable member for the kind invitation to traverse these internal matters, but as tempted as I am to do it, I shall not be doing that.

The Hon. R.A. SIMMS: I will ask a few questions around the general provisions of the bill. I looked at some of the similar offences in other jurisdictions, and some of those have an inclusion of a 'without reasonable excuse' clause. I am keen to understand why that has not been included in the South Australian legislation. I think it is in the New South Wales act.

The Hon. K.J. MAHER: I thank the honourable member for his question. I think he has filed an amendment to that effect that we will traverse later on or maybe this will save us from doing it as fully as we might when we get there. We do not know how all the amendments that have been filed by members of the crossbench will go yet, but if the bill remained as it was and there was just that put in there, I think the advice is that would be a narrowing of the application of this law, and that is not something we intend to do.

The Hon. R.A. SIMMS: Is it the intention of the government then to capture people who engage in an obstruction even if they have a reasonable excuse for doing so? Is this not one of the main issues that has been raised by a number of the organisations, this concern that there might be a class of person captured by this law that is maybe not envisaged by the government? Would such a provision not provide some certainty to the broader community?

The Hon. K.J. MAHER: I thank the honourable member for his contribution and his question. I accept and understand his motivation here; however, it is the government's view that this is not necessary and that the amendment that is going to follow is not necessary, considering there is the immunity available under the Public Assemblies Act for participants involved in approved proposals. As I said, I am sure many potential defendants would seek to run an argument that they had a reasonable excuse, but we think that the immunity provided under the Public Assemblies Act makes this not a necessary amendment.

The Hon. R.A. SIMMS: What are the implications for organisations that conduct authorised protest in terms of people who may operate outside of the approved process? This is an issue that has been raised with the Greens and I suspect with some of the other crossbenchers as well. Just to assist the Attorney in answering the question, there has been some concern expressed that an organiser of a protest could be liable if somebody in the protest steps outside of the remit of the permit, for instance.

The Hon. K.J. MAHER: I thank the honourable member for his question. The immunity under the Public Assemblies Act 1972 that I read from the second reading speech earlier gives that immunity from civil liability and criminal prosecution when conforming with the conditions of the authorisation.

The Hon. T.A. FRANKS: Does a person have to be protesting to find themselves subject to the penalties of this provision, of this section?

The Hon. K.J. MAHER: I thank the honourable member for her question. My advice is that the obstruction offence does not necessarily apply to protests only.

The Hon. T.A. FRANKS: How many times has this provision been used when it has not been applicable to somebody protesting?

The Hon. K.J. MAHER: I thank the honourable member for her question. I think she outlined that this is not used extensively. I do not have information about the nature of how it has been applied in the times it has been applied in the past.

The Hon. R.A. SIMMS: I understand that the minister is not willing to reveal the motivation behind the bill but, given that most of the media commentary has been around protesting and it has been tied to the protest events that occurred on the Morphett Street Bridge, if it is not just aimed at protestors, who else is the government aiming the bill at? Can you explain what scenario or class of person you expect the bill to apply to, if not just to the protest scenario?

The Hon. K.J. MAHER: I thank the honourable member for his question. We do not have a specific class of person for this. Whoever the bill has applied to before, the bill will apply to afterwards. I just might say, too, that some of the commentary has talked about the new classes of people that this will apply to. I have heard of people having a picnic in a park and someone was crossing the road with a couch—if that had been something that the new provisions would have applied to, it is quite likely it would have applied to previous ones. I am not aware of some of these scenarios—these hypotheticals—being applied to previously.

I am obviously not going to be in a position to answer a question about a specific hypothetical scenario. That is why issues and facts often take days, and many witnesses are put before the courts

to understand all of those. So I am not going to step in and try to be a judge and say, 'This is what would happen' in three or four sentences, but I can indicate that to the honourable member.

The Hon. R.A. SIMMS: I note the Attorney's response. I would make the point that it is one of the reasons why it is good to subject these sorts of laws to a committee so that these sorts of issues can be worked through and properly considered, rather than rushed. The question I have for the Attorney is: does he accept that the inclusion of 'recklessness' and also the inclusion of 'direct' as well as 'indirect conduct' broadens the potential scope of the legislation so that there is a broader class of person that could be impacted? That is why you have organisations such as, say, the Human Rights Law Centre, which has raised concern around the potential for people who are homeless and sleeping rough on the street to be captured, and a range of other scenarios.

The Hon. K.J. MAHER: I thank the honourable member for his question, and I accept that they are arguments that have been put forward. I note the honourable member particularly traversed in his second reading contribution—as I think he has alluded to again—the interaction of the word 'reckless' with 'direct' and 'indirect' being a concern that he and others have raised. Certainly, it is not the intention of the bill to expand that scope to drastically increase to a further class of people but it is something that will be traversed as we go through amendments.

The Hon. R.A. SIMMS: If it is not the intention of the bill, then why wasn't a narrower definition applied to avoid some of these issues?

The Hon. K.J. MAHER: There are a number of amendments that go to this and perhaps we can address those when we get there.

The Hon. F. PANGALLO: I just want to get to the issue of costs. How will costs be determined for emergency services involvement, and who will do that?

The Hon. K.J. MAHER: I am advised it will be the chief officer of whatever particular emergency services but it will still, at the end of the day, be up to the court to determine if they are reasonable.

The Hon. F. PANGALLO: What about the permits? Is there going to be a cost for getting those permits?

The Hon. K.J. MAHER: I am assuming that the honourable member means under the Public Assemblies Act. This does not in any way affect the procedures under there, how permits are applied for. I do not know if there is a cost; I think there probably is not, but I do not know that for sure. I am happy to go away and check and come back to the honourable member, but this does not propose to influence any of that in any way.

The CHAIR: Just before we go to the Hon. Mr Simms, the costs really come under clause 2, so they should not really be sorted out at clause 1.

The Hon. R.A. SIMMS: This is a question on how this bill interacts with other pieces of legislation. I think the minister referenced the Public Assemblies Act. Can the Attorney outline how this would interact with loitering offences that already exist? For instance, would it be possible for somebody to be charged with both loitering and obstruction if they were at the same event?

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that it is very common that one set of behaviour could attract different provisions, even of different acts. It might be behaviour that parliaments that have come before us have determined ought to attract a criminal sanction. My advice is that it is not at all uncommon that one behaviour could attract various breaches that parliaments have decided ought to have sanctions applied to them.

The Hon. C. BONAROS: They may choose not to answer, but I have a question of the Leader of the Opposition or the member responsible for the passage of this bill. Would you be willing to clarify, for the record, whether your party provided a draft copy of your bill to the government in order to progress its passage through the other place?

The Hon. J.M.A. LENSINK: I am happy to attempt to answer the question but as honourable members would be aware—because I am sure they all missed me while I was away for a week on a study tour—all of this took place while I was in Europe. I really do not have the details on the specific

events on how that came about. I have been briefed by the shadow attorney about the provisions of the bill but, on those specifics I do not have answers for those, I am sorry.

The Hon. C. BONAROS: Do we accept that there was a draft bill that was prepared by the Liberal Party which is, bar one provision, identical to the bill we have debated that we are trying to get some clarification on?

The Hon. J.M.A. LENSINK: I can confirm that an advance of a bill with an identical name was prepared for the member for Heysen. On my reading of a comparison between the draft prepared for the member for Heysen and the bill that we have before us, there is a difference in one clause in that subclause (3)(1d) that is in the bill before us—as in the government's bill—is not in the draft prepared for Mr Teague. Beyond that, my understanding is that they are identical.

Clause passed.

New clause 1A.

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

Amendment No 1 [Simms–2]—

New clause, page 2, after line 5—Insert:

1A—Commencement

(1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.

(2) Part 3 comes into operation 12 months after the day referred to in subsection (1).

To be clear on the reason for the amendment, this makes clear when the act comes into effect, when it is assented to by the Governor. However, I would submit the most important aspect of this is that it indicates that then a subsequent section of a new Part 3, which in effect strikes out the new provisions, comes into operation 12 months after the bill becomes operational.

So, in effect, it is a sunset clause. I recognise, based on the discussion we have had, that there may not be the numbers to defeat the bill—it looks very likely that it is going to succeed. Therefore, this would be an important safeguard provision and it would ensure that, if the bill does progress, if there are unintended consequences—as I am not persuaded by the advice I have heard in the committee stage thus far—of the kind that have been identified by a range of organisations such as Human Rights Watch, Amnesty and a range of other key organisations in this space, there would then be an opportunity for the parliament to revisit it in 12 months' time. I think it is a fairly straightforward, simple proposition.

The Hon. K.J. MAHER: I thank the honourable member for his contribution and his amendment, but I indicate the government will be opposing this amendment and noting that it is consequential with, I think, Nos 2 and 4 from the honourable member, if we are reading that correctly.

In opposing this amendment, I foreshadow that we will oppose the consequential amendments as well as they are all inter-related. It is the government's view that the effect of these three amendments, as we understand them operating (and I am sure the honourable member will correct me if I am wrong), will allow, should the new penalties be imposed, effectively after 12 months for it to revert automatically to the old penalties in the bill as it stands, meaning it will revert back to the $750 fine. I understand and accept the honourable member's view that he is opposed to this generally and this seeks to revert it back to how it would be after 12 months of operation. For the reasons I have outlined in putting the bill forward, we do not support reverting back to how it was.

The Hon. J.M.A. LENSINK: For the sake of expediting all of the amendments, I indicate that the Liberal Party will not accept any of the amendments, so that should make it easier for everyone to know where we stand.

The Hon. C. BONAROS: For the sake of clarity, I indicate we will be supporting all the Greens very well considered amendments and support, obviously, this one.

The committee divided on the new clause:

Ayes 4

Noes.....13
Majority 9

AYES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Simms, R.A. (teller)		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

New clause thus negatived.

The CHAIR: The Hon. Mr Simms, the next amendment is amendment No. 2 [Simms-2], which is consequential. I understand you are not going to move that?

The Hon. R.A. SIMMS: I think those amendments become obsolete, Mr Chair, given they were consequential.

Clause 2.

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

Amendment No 3 [Simms–2]—

Page 2, line 9 [clause 2(1)]—before 'intentionally' insert ', without reasonable excuse,'

This is one of the key amendments for the Greens. It is one of the key issues that has been raised with us by a number of organisations. That is the inclusion of the term 'without reasonable excuse' before the term 'intentionally' appearing in the clause. This would bring South Australian law into line with other jurisdictions. I cannot understand in what circumstances the government would not want to include this.

I cannot understand why they would want to have the class of persons potentially impacted by this bill being exceptionally broad, given the range of issues that have been raised by organisations around the potential to affect people who are homeless, people who are sleeping rough, young people, groups of people gathering in public spaces, and so on. A very easy way to resolve that would simply be to add in this phrase 'without reasonable excuse', which would make it very clear that there is a level of discretion for the courts.

The Hon. K.J. MAHER: I thank the honourable member for his explanation and the amendment. I do not have much more to add as we traversed this at clause 1. As I have said, it is the government's view that considering there is immunity available under the Public Assemblies Act we do not think it is necessary. We take the view that this would limit the scope of the current offence, which is not what the government is supporting.

The committee divided on the amendment:

Ayes 4
Noes.....13
Majority 9

AYES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Simms, R.A. (teller)		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

Amendment thus negatived.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 2, line 9 [clause 2(1)]—Delete 'or recklessly'

Everyone should be familiar with this concept by now, but the amendment effectively seeks to delete the words 'or recklessly' from the proposed changes to section 58—Obstruction of public places.

In a nutshell, the bill proposes to delete the word 'wilfully' from section 58(1) and substitute that with the words 'intentionally or recklessly engages in conduct that obstructs the free passage of a public place'. The word 'wilfully' I think is used in another couple of places in the bill.

The additional provision of recklessness, according to the advice that we have all received, substantially lowers the threshold of criminal intent that the prosecution are required to prove in order to convict a person of this offence. Whilst, I acknowledge the point that was made during the second readings in the other place that 'wilfully' is now considered an outdated term to describe the mental element of an offence, it does not include conduct that is reckless. The language has, according again to those second reading contributions, been updated to ensure that the offence covers not only conduct that is intentional but also conduct that is reckless.

Recklessness is not defined in this bill but it is certainly, I think it is fair to say, the most chilling aspect of this bill introduced by the government. It is the one provision that has caused the most angst amongst legal commentators because of the lowering of the threshold of criminal intent and has given rise to a number of potential unintended consequences and overreach in terms of what the government assured us their position was and indeed what, in fact, we are ending up with.

In one of the opinions that has been provided, we have been told that in contrast to other sections of the Summary Offences Act which provide for reckless conduct but clarify within the section what is meant by 'recklessness' for the purposes of this provision, that is something that can be dealt with. In this instance, we simply do not know because there is no definition. Similarly, in the Criminal Law Consolidation Act, recklessness, again, is a defined term. In that particular case, we define it as:

> a person is reckless in causing harm to another if the person—
>
> (a) is aware of a substantial risk that his or her conduct could result in harm or serious harm (as the case requires); and
>
> (b) engages in the conduct despite the risk and without adequate justification;

Again, it may very well be that a similar interpretation is given to the use of that term in this particular instance, but the fact remains that we simply do not know, and the fact remains that this is probably the single most concerning element of the government's bill.

I think it is worth noting, and perhaps by way of explanation for members, that the way that these amendments have been drafted is to also delete the words that follow 'recklessly' and that is covered in a further amendment. But what we are actually proposing, and we are giving the government and the opposition—it does not look like the opposition is going to take it—the opportunity here to consider the advice that has been provided and act in accordance with that, that those words in their entirety should be struck out.

Ordinarily, if this was not a contentious debate, we would have one amendment that deals with the whole lot. What I am trying to say is that we have broken it down into separate amendments to give the government the opportunity—every opportunity possible—to address this amendment

appropriately. The first opportunity is now removing the word 'recklessly' and, in a subsequent amendment, I will also move to delete the four words that follow 'recklessly' in an effort to provide more clarity around the intention of the bill. I just impress upon members, again, that every meeting, every discussion, every briefing we have had with every legal expert has said these words need to go.

The Hon. K.J. MAHER: I thank the honourable member for her contribution and her amendment. Whilst we do not agree with the entirety of her characterisation and the way she has framed that and the assertions—that is that the nature of debate sometimes—we do understand the rationale behind the amendment. I think, as the Hon. Michelle Lensink rightly pointed out in her second reading contribution, the words in here are designed to update the language that is used. 'Wilful' is not used as a term in drafting today.

There are differing legal views and, as I have said previously, you get a few lawyers and you will get a few different views about how things work. The removal of the word 'reckless', in our view, does not in any way narrow the scope for how the law currently already applies. As I said, although we do not agree with exactly how the honourable member has characterised how 'reckless' would operate, we do not think it does harm, out of an abundance of caution, to clarify and have that word removed. We think it does not do anything to reduce the scope of what is already there, so on that basis we are prepared to support this amendment.

The Hon. R.A. SIMMS: The Greens will support this amendment and we certainly welcome that. It is a bit of an antidote to the reckless lawmaking we saw in the other place, might I say. It is a shame that that recklessness could not have been removed as well.

The CHAIR: The Hon. Mr Simms!

The Hon. R.A. SIMMS: This is an issue that we have been quite alive to within the Greens. The same concerns that were raised with the Hon. Connie Bonaros have been raised with me. Indeed, we had been looking at a similar amendment. When we learnt that the Hon. Connie Bonaros had advanced it, we were supportive of that. Certainly, the overwhelming consensus from the legal community seems to be that that is an important amendment, so that is something of course the Greens will support.

I also take this opportunity to indicate that we will support all of SA-Best's amendments, but I just restate, as I have made clear on many occasions, whilst we will support the individual amendments, we consider this bill to be so fundamentally rotten that we will not be supporting it at the final stage.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–6]—

Page 2, line 9 [clause 2(1)]—Delete 'engages in conduct that'

I have already spoken to this amendment. It is the four words that precede 'recklessly' that we are also seeking to delete, albeit in a separate amendment, to make sure that we are all crystal clear about how this will work. We are removing the entire phrase 'recklessly engages in conduct that' as a result of this amendment.

The Hon. K.J. MAHER: I rise to indicate for very similar reasons to previously that we will support this amendment. Again, I want to state that we do not agree with the characterisation on the previous amendment, but on the basis that we do appreciate there are different views, and in updating the language, we have not sought to capture behaviour that was not captured before, so out of an abundance of caution we are happy to support this amendment.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–2]—

Page 2, line 11 [clause 2(2)]—Delete '$50 000 or imprisonment for 3 months' and substitute:

$5,000

The amendment seeks to delete the $50,000 fine or imprisonment for three months penalty and substitute that with a $5,000 fine. I think we have well and truly made out the case for this amendment this evening, the $50,000 fine of course being the highest monetary penalty in the nation and a 60-fold increase from what exists already.

In relation to the term of imprisonment, I think the point has been well made this evening that there are already in the current laws penalties that carry a jail term that would apply regardless of this bill. It is not consistent with the political rhetoric from the government or the opposition in relation to what this bill does. We are imposing a new penalty where there are already other existing penalties that carry imprisonment terms that will already apply to the sorts of scenarios that have been highlighted by the government and indeed the opposition.

The Hon. K.J. MAHER: I rise to indicate we will not be supporting this amendment. I have outlined in response to an earlier amendment from the Hon. Robert Simms and during the second reading contribution the government's views on that. I will just reiterate the relevant excerpt from the Abbott legal advice that I believe was provided to the unions when they were considering the new penalties that this bill encompasses. The conclusion was whilst these penalties have increased considerably, they remain relatively moderate and commensurate with the maximum penalties for other minor regulatory offences under the Summary Offences Act, so we will not be supporting the amendment.

The committee divided on the amendment:

Ayes 4
Noes.....13
Majority 9

AYES

Bonaros, C. (teller)	Franks, T.A.	Pangallo, F.
Simms, R.A.		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

Amendment thus negatived.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–3]—

Page 2, lines 18 and 19 [clause 2(3), inserted subsection (1a), Note]—Delete 'a relevant entity needed' and substitute 'it was reasonably necessary for a relevant entity'

In section 58—after subsection (1), there is a note that reads:

For example, a person's conduct may be found to have indirectly obstructed the free passage of a public place if a relevant entity needed to restrict access to the public place in order to safely deal with the person's conduct.

My amendment seeks to delete the reference to 'a relevant entity needed' and replace that with the words 'it was reasonably necessary for a relevant entity'. This, again, is in line with the advice that we have all now had the benefit of considering in relation to the effects of that note in the bill. Certainly, the advice we have had is that this would be a much more palatable way of dealing with this provision and overcoming some of the very serious concerns that have been raised with us by the legal fraternity.

I just note that I accept that the Attorney is saying that if you get a dozen lawyers that you will probably get a dozen different answers, but I can tell you now we have had more than a dozen lawyers and they have all provided pretty similar advice on all of these amendments. In fact, they are the drafters, in essence, of these amendments and so I would again impress upon members that, whilst we do not think any of this makes this a palatable outcome in terms of the bill overall, we think these are very, very necessary improvements to the current framing of the bill.

The Hon. K.J. MAHER: I rise to indicate that we think this is not an unreasonable amendment. The phrasing is 'a relevant entity needed'. If you are talking about blocking North Terrace, for example, what you needed to do in relation to the obstruction or the person dangling from a bridge or whatever the problem is, as it currently stands it talks about what the relevant entity—the emergency services or whatever it may be—needed to do.

To describe it as 'it was reasonably necessary for a relevant entity' we think is a very similar test, but it imports a reasonableness. So if an emergency service was being unreasonable in how they were restricting and sought to have that as part of this, we think this is, as I said, not an unreasonable change to make. Of course, it is a drafting note. It is part of the legislation but, just to be clear, it is a drafting note to help interpret the legislation. Throughout many parts of legislation there is a reasonableness test that allows a court to decide that.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–4]—

Page 2, lines 21 to 31 [clause 2(3), inserted subsections (1b) and (1c)]—Delete inserted subsections (1b) and (1c) and substitute:

> (1b) On convicting a person of an offence against this section, the court may order the convicted person to pay a reasonable sum for the expenses of or incidental to any action taken by a relevant entity in order to remove the obstruction caused by the convicted person.

This amendment seeks to delete inserted subclauses (1b) and (1c) and substitute those with a new (1b), which reads:

> (1b) On convicting a person of an offence against this section, the court may order the convicted person to pay a reasonable sum for the expenses of or incidental to any action taken by a relevant entity in order to remove the obstruction caused by the convicted person.

Again, for the record, we have had a number of concerns raised in relation to the proposed provisions in the government's bill, which currently read:

> (1b) A court finding a person guilty of an offence against this section may, on application by the prosecutor, order the defendant to pay the reasonable costs and expenses of any action taken by a relevant entity for the purposes of dealing with the obstruction caused by the defendant.

So we are replacing that—

The Hon. K.J. MAHER: The evidentiary certificate basically.

The Hon. C. BONAROS: Yes—that with this new one. Again, members would by now be aware of the rationale behind this as they have been read onto the record during the second reading debate, and we say are worthy of support.

The Hon. K.J. MAHER: I thank the honourable member for bringing this amendment to the chamber and for her numerous explanations for the amendment. I can indicate that the government will not be supporting this amendment. We think the use of an evidentiary certificate is a reasonable thing to do, and also the change in wording, I think, confuses the concept in the honourable member's amendment of 'reasonable sum', whereas the concept of 'reasonable cost' is more widely used, I am advised, in legislation in the courts awarding costs.

However, at the end of the day, under what is already in the bill that is before us, a court would still need to assess whether or not those costs were reasonable, and the court still bears the ultimate discretion to make the order. For those reasons, we will not be supporting the amendment.

The committee divided on the amendment:

Ayes 4
Noes.....13
Majority 9

AYES

Bonaros, C. (teller)	Franks, T.A.	Pangallo, F.
Simms, R.A.		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

Amendment thus negatived.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–6]—

Page 3, after line 3 [clause 2(4)]—Before inserted subsection (3) insert:

(2a) A person does not commit an offence against this section if the person acts in conformity with approved proposals under the *Public Assemblies Act 1972*.

This is the amendment I was referring to earlier, which I have pretty much given an explanation for. We are preserving those protections and making it explicit in this bill, and everyone seems to be indicating that they are on top of this, that they know what it does. I am urging the Attorney to support this very important and sensible amendment.

The Hon. R.A. Simms: Hear, hear! Absolutely. Why wouldn't they support it?

The Hon. C. BONAROS: Absolutely, especially given the discussions that we have had with the union movement over this particular provision and the concerns that they have in relation to the preservation of those protections under the Public Assemblies Act. Do you want me to keep going?

Members interjecting:

The Hon. C. BONAROS: I could do that.

The CHAIR: Let's not complicate it.

The Hon. C. BONAROS: Let's not. For those following at home, perhaps we should read out the amendment:

(2a) A person does not commit an offence against this section if the person acts in conformity with approved proposals under the *Public Assemblies Act 1972*.

The Hon. K.J. MAHER: The government will be opposing this amendment.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: The existing Public Assemblies Act immunity, I am advised, is wider than the immunity provided for here. I am advised that the Public Assemblies Act specifically allows

a participant to position himself, proceed over any portion of a public place and conform with an approved proposal and immunities, both civil and criminal liability. It also applies to any other act or law regulated in the movement of pedestrians or traffic or relating to the use of an obstruction of a public place, which is clearly much wider than solely obstruction. As the immunity created by this amendment may be narrower in scope than what is already provided for in the Public Assemblies Act, we will not be supporting the amendment.

The committee divided on the amendment:

Ayes 4
Noes.....13
Majority 9

AYES

Bonaros, C. (teller)	Franks, T.A.	Pangallo, F.
Simms, R.A.		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

Amendment thus negatived.

The CHAIR: The next indicated amendment is amendment No. 3 [Bonaros-6].

The Hon. C. BONAROS: This is a consequential amendment, so I will not be moving it. I move:

Amendment No 1 [Bonaros–5]—

Page 3, after line 13 [clause 2(4), inserted subsection (3)]—After the definition of *emergency services organisation* insert:

public place has the same meaning as in the Public Assemblies Act 1972;

This amendment also goes back to the issue of the Public Assemblies Act. Again, the very firm and crystal clear advice that we have had by way of all the legal bodies we have engaged with and consulted with has been that a much better approach would be to use the definition of 'public place' as defined in the Public Assemblies Act, so this amendment seeks to ensure that when we are talking about a public place in this bill, that is consistent with the definition that applies in the Public Assemblies Act.

I do not intend to go over again all the reasons for that. I think they have been well made out during the second reading debate, but I will refer honourable members, who I know have at their disposal the same advice that I do—there is the Michael Abbott advice. There is advice from the Law Society. It is very clear, based on those opinions, that it is unclear how this bill interacts with other legislation and regulations, including the Public Assemblies Act.

The Public Assemblies Act provides provisions whereby any person who is engaged in the organisation of a public assembly or proposes to participate may give notice in accordance with the act at least four days before the proposed assembly. There is an objection process. There is an exemption process. Indeed, the advice goes on to provide details of some precedents in this context.

I think, overall, given the questions that have been raised and consideration that has been given to case law and also to the current interpretations and the uncertainty that this particular bill gives rise to, the consensus is that it would be better to use the definition that applies currently in the Public Assemblies Act, so we all know the lay of the land in effect—that is what we are saying. Again,

I just impress upon the Attorney in particular that advice that we have all been privy to and the very important reasons for this amendment.

The Hon. K.J. MAHER: I indicate that the government will not be supporting this amendment. We understand the honourable member's motivation to bring the two definitions of public places that appear in two different acts into line. The definition in the Summary Offences Act includes one extra part which is not in the Public Assemblies Act. They are the same except for the insertion of paragraph (b) in the Summary Offences Act, which includes 'a place to which the public are admitted on payment of money, the test of admittance being the payment of money only'. Our advice is there are places that could be public places even though you pay money to enter and that is how this offence has been before, and we do not want to narrow the scope of the offence.

The committee divided on the amendment:

Ayes 4
Noes.....13
Majority 9

AYES

Bonaros, C. (teller)	Franks, T.A.	Pangallo, F.
Simms, R.A.		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

Amendment thus negatived; clause as amended carried.

New clause 2A.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 3, after line 17—Insert:

2A—Referral to State First Nations Voice

> On the commencement of the *First Nations Voice Act 2023*, this Part is referred to the State First Nations Voice for their consideration and the State First Nations Voice may, if it thinks fit, provide a report to the Parliament in relation to this Part in accordance with section 41 of the *First Nations Voice Act 2023*.

This inserts a new clause at page 3 after line 17. It simply provides a mechanism where the parliament provides to the First Nations Voice, for their information, this legislation for consideration. It does not compel the First Nations Voice necessarily to provide a report, but it certainly puts this on their radar.

The Hon. K.J. MAHER: I thank the honourable member for her amendment. I do appreciate and I think it is important that in the amendment are the words 'may, if it thinks fit'. I think it is important that we are not legislatively compelling the First Nations Voice, 'You have to consider this. You have to provide a report.' Certainly, the way the legislation is drafted is they do not have to consider things.

However, we will not be supporting the amendment, although I completely understand the motivation for doing it. It may well be something that the Voice wants to consider, but our view is we are keen, once this body is set up after the 9 September elections, to allow that body some time to decide what its priorities are and what sorts of things it wants to look at. It does not mean that it is at all precluded. This may well be something that the Voice chooses to provide us a report on or not,

but although we appreciate and understand the motivation for it we are keen to let the Voice make that decision itself as to what it wants to do.

The Hon. C. BONAROS: For the record, I obviously indicate our support for this very important amendment.

The committee divided on the new clause:

Ayes 4
Noes.....13
Majority 9

AYES

Bonaros, C.	Franks, T.A. (teller)	Pangallo, F.
Simms, R.A.		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

New clause thus negatived.

New Schedule.

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

Amendment No 5 [Simms–2]—

New Schedule, page 3, after line 17—Insert:

Schedule 1—Review

1—Review of Part 2

(1) The Attorney-General must cause a review of the operation of Part 2 of this Act to be conducted and a report on the review to be prepared and submitted to the Attorney-General no later than the day on which Part 3 of this Act commences.

(2) The Attorney-General must cause a copy of a report submitted under subsection (1) to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

Very briefly, this is a really simple amendment. It requires the Attorney-General to conduct a review of the operations of the act and provide a report to both houses of parliament. The reason for putting this forward is we have heard a lot of comments from the government in the second reading stage—not many because there obviously have not been many contributions from the government or the opposition on the bill despite them working in tandem to rush it through the lower house.

One thing we have heard is that their intentions are pure; they do not intend all of these other issues to eventuate. If that is the case, why not simply commit to a review in 12 months' time and provide an opportunity for the parliament and the community to see how these measures are working. I am still very concerned that a lot of the sensible amendments that have been put forward by the crossbench have not been supported. That gives me real cause for alarm. I think having a simple review clause makes perfect sense.

The Hon. C. BONAROS: I indicate our support for this amendment. It is almost like a fail-safe fallback amendment that we have used time and time again in this place. I am extremely disappointed, obviously, that the amendments that the crossbench as a collective (the Greens and us) have put up did not get supported, but it is not just their support, I think this amendment is really

critical in terms of testing the amendments that did get up and testing the operation of these provisions overall.

I would be absolutely shocked—I do not know if I would be shocked, actually, at this time; there is still more room for shock—by how the government could possibly justify not supporting this amendment. Given the number of times they have very willingly supported it into other pieces of legislation where something is just untested and unknown, it would really beggar belief if the government chose not to support this amendment.

The Hon. K.J. MAHER: The government will not be supporting this amendment. I will not take long, but as we have traversed earlier, many protests happen under the auspices of the Public Assemblies Act. As I said, we could not find an example of where one has been rejected. We are not sure that 12 months would be long enough or even necessary as a review at all, given the application of the Public Assemblies Act to many of these things.

The Hon. T.A. FRANKS: In response to the Attorney-General saying he could not find circumstances where a permit application had been rejected, could he take on notice—and I am not expecting an answer now—where Falun Gong have applied for permits to hand out materials or peacefully demonstrate that have been approved and potentially rejected? My understanding is that they have had those applications rejected or subjected to undue scrutiny in order to be allowed to practise their religion and put their views forward in a peaceful way.

The Hon. K.J. MAHER: I would be happy to do so. I am more than happy to take that on notice. As I said earlier, it is preliminary advice, so I am happy to seek some more complete advice, but the preliminary advice was from the Eastern District and Emergency and Major Events sections in SAPOL, which I am informed are the most closely involved in public assemblies. I think local councils can also be applied to. I am not sure I can get all the data from local councils, but I can see what I can provide.

The committee divided on the new schedule:

Ayes 4
Noes.....13
Majority 9

AYES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Simms, R.A. (teller)		

NOES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

New schedule thus negatived.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (06:45): I move:

That this bill be now read a third time.

The Hon. R.A. SIMMS (06:45): I do not want to reopen the whole debate.

The PRESIDENT: Because I will not let you reopen the whole debate.

The Hon. R.A. SIMMS: No. I did just want to make a few reflections. Obviously, the Greens are opposing this. We have made that clear throughout and the reasons have been outlined, but I want to highlight my disappointment with the process that has been adopted in this place; that is, the insistence by the Labor and Liberal parties that we sit for what has been 14 hours to deal with this bill when there has been absolutely no urgency to do so.

I do not know why a different process was adopted for this bill from what is adopted for other bills. It has forced members of this place to stay here through the entire night, but of course also staff in the building. I want to put on record my appreciation to all of the staff in the building who have been here throughout the last 14 hours, which is a pretty challenging work environment, particularly the staff in Hansard but also your staff, Mr President, who have been here throughout the process. I want to thank them.

I also want to acknowledge the huge amount of work that has been done within the crossbench offices in order to prepare us for this parliamentary sitting period, because we have been under a huge amount of pressure to be able to raise the nature of the issues that have been brought to our attention. I want to thank my staff but also recognise the huge amount of work that has been done by all the crossbenchers.

I also want to remark on the fact that this process really does demonstrate the value of the Legislative Council. Whilst I have been very disappointed that the Greens' amendments have not been supported, and I am disappointed that this bill is going to go through the upper house, I do think the process that we have subjected it to over the last 14 hours is a significant contrast to what we saw in the other place. It is our role to review legislation, it is our role to amplify the views of the community, and I feel very proud role of the role that the crossbench has played in that regard.

I also want to thank all the community groups who have invested a huge amount of time and energy in this process. I have been involved in politics for a long time. I do not think I have ever seen such a strong response from across a broad section of the community. There is so much concern around what the parliament is about to do in adopting these laws. I really regret that it does not appear that the major parties have listened, and for us in the Greens we are going to keep on fighting. We will be pushing to repeal this law, but I do just want to reflect on the process that we have adopted.

The Hon. C. BONAROS (06:48): Can I echo all of the sentiments expressed by the Hon. Robert Simms and also acknowledge that, firstly, there was absolutely no reason for this debate to go for 14 hours tonight. We could have come back and done this in a timely manner.

Members interjecting:

The Hon. C. BONAROS: Not because we spoke.

Members interjecting:

The Hon. C. BONAROS: No, we asked, and we have every right—

The PRESIDENT: Order! Just conclude.

The Hon. C. BONAROS: —to stand in this place and speak. We made up for the lack of speeches in the lower house. We made up for the lack of consideration and due diligence, transparency, scrutiny of the lower house. That is what this chamber stands for. That is what we did. We did your job.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C. BONAROS: We did your job in this chamber tonight. We did the due diligence that the government should have done before jumping into the Liberal camp and supporting one of their proposals. That is what we did tonight and we did that on behalf of the good people of South Australia and those dozens and dozens of groups that were named in here, who have provided countless hours of support to our officers, and indeed advice to your officers to make sure that you know the implications of the laws that you have passed.

This bill falls on your respective heads. We have done our bit and we will continue to do our bit, and we will watch how this legislation progresses and how it operates in practice. I should not need to say this, but it should be crystal clear to everybody that, together with our crossbench colleagues the Greens, we remain vehemently opposed to this terrible, terrible piece of legislation, which is an indictment on our democratic processes and civil liberties.

The only other thing I would add to that is I do not like singling people out, but I will single out Dr Sarah Moulds, who has been exceptional in terms of the advice she has provided to all of us, in addition to the dozens of other groups and individuals. I would like to thank her in particular for her tireless efforts in terms of preparing us for this debate.

The council divided on the third reading:

Ayes 13
Noes.....4
Majority 9

AYES

Bourke, E.S.	Centofanti, N.J.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hood, B.R.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.		

NOES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Simms, R.A. (teller)		

Third reading thus carried; bill passed.

Parliamentary Committees

STANDING ORDERS COMMITTEE

The House of Assembly appointed Mr Basham to the committee in place of Mrs Hurn.

SOCIAL DEVELOPMENT COMMITTEE

The House of Assembly appointed the Hon. D.G. Pisoni to the committee in place of Mr Whetstone.

At 06:55 the council adjourned until Wednesday 31 May 2023 at 14:15.

Answers to Questions

NUCLEAR WASTE

243 The Hon. D.G.E. HOOD (22 March 2023). Can the Minister for Energy and Mining advise:

How many storage facilities for low and/or medium level nuclear waste currently exist in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Energy and Mining is not responsible for this matter.

Notwithstanding, this requested information is publicly available.

ENERGY AND MINING DEPARTMENT EMPLOYEES

255 The Hon. H.M. GIROLAMO (26 March 2023). Can the Minister for Energy and Mining, advise:

1. What are the names, titles and salaries of departmental staff working in the minister's office at any stage between 24 March 2022 and 22 March 2023?

2. What are the names, titles and salaries of ministerial staff working in the minister's office at any stage between 24 March 2022 and 22 March 2023?

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

1. Nil

2. This information is publicly available.

MINERAL EXPLORATION

257 The Hon. H.M. GIROLAMO (26 March 2023). Can the Minister for Energy and Mining

1. Provide a breakdown of the number and titles of staff within the department responsible for approving mineral exploration licences?

2. Provide a breakdown of the number and titles of staff within the department responsible for the ongoing monitoring and regulation of granted mineral exploration licences?

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

Executive Director Mineral Resources; Deputy Executive Director Mineral Resources; Director Mineral Exploration; Director Mining Regulation; Director Resource Policy and Engagement; Mining Registrar; Manager—Exploration Assessment; Senior Geologist—Exploration Assessment; Exploration Assessment Officer—Exploration Assessment; Assessment and Compliance Officer; Manager, Exploration Data; Exploration Project Officer; Manager Exploration Regulation; Principal Assessment Officer (Mining and Exploration); Senior Environmental Officer (x2); Environmental Officer; and Senior Geoscientist.

MINING INDUSTRIES EMPLOYEES

258 The Hon. H.M. GIROLAMO (26 March 2023). Can the Minister for Energy and Mining, advise:

1. How many people are directly employed in the mining industry in South Australia?

2. How many people are indirectly employed in the mining industry in South Australia?

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

1. Reports are readily available on the internet from the Australian Bureau of Statistics.

2. Reports are commissioned by the sector including industry bodies such as the South Australian Chamber of Mines and Energy, which are generally available on the internet.

MINERAL EXPLORATION

259 The Hon. H.M. GIROLAMO (26 March 2023). Can the Minister for Energy and Mining, advise:

1. For each financial year since 2013-14, in relation to mineral exploration licences (ELs):

(a) How many ELs have been granted by the Department for Energy and Mining?

(b) What was the average processing time for EL applications?

(c) How many ELs have sought variations to their works programs on more than two occasions?

(d) How many ELs have been revoked

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

(a) This information is publicly available.

(b) This information is publicly available.

(c) In relation to how many ELs have sought variations to their works programs, this has occurred on two occasions since 2013-14.

(d) ELs are not revoked, they can be surrendered or cancelled.

ENERGY INDUSTRY EMPLOYEES

260 The Hon. H.M. GIROLAMO (26 March 2023). Can the Minister for Energy and Mining, advise:

1. How many people are directly employed in the energy industry in South Australia?

2. How many people are indirectly employed in the energy industry in South Australia?

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

1. Reports are readily available on the internet from the Australian Bureau of Statistics.

2. Reports are commissioned by the sector including industry bodies such as the South Australian Chamber of Mines and Energy, which are generally available on the internet.

EXPLORATION LICENSE

261 The Hon. H.M. GIROLAMO (26 March 2023). Can the Minister for Energy and Mining, advise:

1. For each financial year since 2013-14, in relation to petroleum, geothermal or gas storage exploration licences (PEL, GEL or GSELs):

(a) How many exploration licences have been granted by the Department for Energy and Mining?

(b) What was the average processing time for exploration licence applications?

(c) How many PEL, GEL or GSELs have sought variations to their works programs on more than two occasions?

(d) How many PEL, GEL or GSELs have been revoked?

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

(a) This information is publicly available.

(b) On average, if there are no complex land issues and/or native title considerations, an assessment and grant of an exploration licence may take up to 12 months. In the cases of more complex land issues, an assessment and grant of an exploration licence may take up to 18 to 24 months.

(c) This information is publicly available.

(d) PELs, GELs and GSELs are not revoked, they can be surrendered or cancelled.

PUBLIC HOUSING WAITLIST

268 The Hon. R.A. SIMMS (3 May 2023). Can the Minister for Human Services advise:

1. How many people are currently on the public housing waitlist?

2. How many category 1 people are on the public housing waitlist?

3. How many public houses will be built by the government over the next five years?

4. How many public houses will be refurbished and returned to the public housing stock over the next five years?

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

As at the end of April 2023, there are 15,761 households on the public and Aboriginal housing register, including 3,253 in category 1.

The SA Housing Authority anticipates building 901 new homes by 30 June 2026, including an extra 564 new homes linked to the Malinauskas Labor government's investment of an additional $232.7 million in public housing during this term of government. The government's plan for 'A Better Housing Future', released in February 2023 also included stopping the planned sale of 580 public housing properties. Additional building activity may also be planned

for periods after June 2026 or to align with the commonwealth's proposed $10 billion Housing Australia Future Fund and Housing Accord.

The SA Housing Authority undertakes maintenance and upgrades on vacant homes prior to their allocation to a new tenant. In addition to this ongoing work, the Malinauskas Labor government's commitment of an extra $232.7 million for public housing includes funding to upgrade an additional 350 vacant properties and return them to public housing rental stock. The program commenced in July 2022 and has so far returned 51 homes. A further 30 homes are currently in various stages of upgrade, which are expected to be completed prior to the end of the financial year. The remaining upgrades (269 homes) will occur before June 2026.

HOMELESSNESS

269 The Hon. R.A. SIMMS (3 May 2023). Can the Minister for Human Services advise:

1. What is the response time for outreach homelessness services under the SA Homelessness Alliance model?

2. What was the response time for outreach homelessness services before the SA Homelessness Alliance model was introduced in 2021?

3. Can the minister verify that the Hutt Street Centre had an outreach response time of four days before the SA Homelessness Alliance model was introduced?

4. Does the minister believe that the SA Homelessness Alliance model has been successful in improving outcomes for people experiencing homelessness?

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

Assertive outreach services under the SA Homelessness Alliance model are predominantly delivered across the City of Adelaide. Outreach services coordinated by the Toward Home Alliance (THA) in the City of Adelaide deliver up to three coordinated outreach shifts each day.

Toward Home: Wardli-Ana' is an Aboriginal-specific homelessness service that delivers a mid-morning outreach shift between 10.30am and 12pm five days a week, in coordination with the Department of Human Services.

The 'Toward Home: Resolve' team deliver a morning outreach shift between 7:30am and 9:30am, as well as an afternoon shift between 4:30pm and 6:30pm seven days a week every day of the year. After becoming a formal partner of the Toward Home Alliance in July 2022, Hutt Street Centre staff have been embedded within the 'Toward Home: Resolve' team.

Prior to each shift, the THA coordinates outreach activities using information and referrals from Street Connect (web-based rough sleeper reporting tool), Adelaide City Council, Department of Human Services and Homeless Connect (24/7 homelessness support phone service). The maximum response time to this information is 12 hours, with workers able to be despatched faster in response to high-risk situations, although response times prior to 2021 are not available.

Through the alliance model, several collaborative assertive outreach responses have been activated in communities outside the inner city, including Mt Barker, Holdfast Bay and Port Adelaide. These responses are important to try and better support people in-community experiencing homelessness, and to reduce the necessity for people to travel into the inner city to access services and supports.

Prior to becoming a formal partner of the THA in July 2022, Hutt Street Centre had not operated an outreach response since November 2017 although data on response times for this service are not known.

Staff across the alliances and the broader homelessness sector are passionate and caring people who deserve our support and thanks. Prior to the introduction of the alliance model in July 2021, the then Labor opposition raised serious concerns about the impact of the procurement process on the sector and the very short transition period that presented significant challenges for establishing service models and client handover. Despite these challenges, the alliances have performed well in the face increasing demands on homelessness services.

GLENELG COMMUNITY HOSPITAL

273 The Hon. R.A. SIMMS (3 May 2023). Will the minister commit to funding the upgrade of the Glenelg Community Hospital sterilisation department to ensure compliance with new national standards?

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

In 2017, the Australian Commission on Safety and Quality in Health Care (the commission) advised all Australian health facilities that sterilisation departments would have until December 2021 to comply with AS/NZS4187 for commonwealth accreditation purposes.

The commission has revised the date for compliance twice since that time, from December 2021 to December 2022, and finally to December 2024.

In July 2022, SA Health approved an application from Glenelg Community Hospital to alter the sterilisation department to comply with the standards. The hospital board was advised at that time that the government was not in a position to provide funding to support the alteration, and this remains the case.

ALCOHOL SALES RESTRICTIONS

In reply to **the Hon. J.M.A. LENSINK** (22 February 2023).

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

1. Hon Andrea Michaels MP, as the Minister for Consumer and Business Affairs, is responsible for the administration of the Liquor Licensing Act 1997. She has been briefed through the Liquor and Gambling Commissioner regarding the current and potential locations of the restrictions.

2. The Minister for Consumer and Business Affairs has been informed of the impact on harm in areas where the restrictions have been recently imposed.

The decision whether or not to impose liquor restrictions sits with the Liquor and Gambling Commissioner pursuant to his powers under the Liquor Licensing Act 1997 to impose conditions on a liquor licence on public interest grounds or by consent of the licensee.

The commissioner's decisions to impose liquor restrictions in any region, including the decision to vary or extend liquor restrictions are subject to review of the Licensing Court.

The commissioner has informed the minister of his engagement with service providers, South Australia Police, Aboriginal communities and local councils in the affected areas to monitor the effectiveness of the restrictions. Evidence to date has suggested that in Port Augusta there has been a reduction in antisocial behaviour, including public intoxication, property damage, domestic violence and assaults.

NATIONAL PAEDOPHILE REGISTER

In reply to **the Hon. S.L. GAME** (23 February 2023).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Attorney-General has advised:

The government made a commitment, during the 2022 state election campaign, to implement a child sex offender public disclosure model based on the model currently in use in Western Australia.

Work on implementing the model is currently being progressed by the Attorney-General's Department in consultation with the South Australia Police.

In 2022 the government introduced and passed the Statutes Amendment (Child Sex Offences) Act 2022. This act raised the maximum penalties on various child sex offences to ensure they matched community expectations for these terrible crimes. The act also updated the list of child sex offences that make a person registrable under the Child Sex Offenders Registration Act 2006, and clarified how several offences and sentencing principles operate when the 'child' victim was an undercover adult who the perpetrator believed was a child.

On 9 March 2023 the Attorney-General introduced the Statutes Amendment (Sexual Offences) Bill 2023 into the Legislative Council. This bill lowers the sentence discounts available to offenders who plead guilty to offences of possessing child exploitation material and child sex dolls, and ensures that authorities properly take into account the gravity of these crimes when considering bail for persons facing these charges.

SUICIDE PREVENTION

In reply to **the Hon. C. BONAROS** (9 March 2023).

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

1. The state offers specialist older persons mental health services both in the community and in our hospitals. In addition, urgent mental health assistance for people in distress is provided through the Mental Health Triage phone line and through the Urgent Mental Health Care Centre. An emergency response is also provided by the SA Ambulance Service.

Further to this, the Suicide Prevention Act 2021 requires the development of a State Suicide Prevention Plan to be developed by the Suicide Prevention Council. The plan, currently in development with the support of Wellbeing SA, will outline the strategies for preventing suicide for all South Australians, including priority population groups such as older people. In addition, prescribed government authorities will be required to develop action plans describing actions to be undertaken to prevent suicide for workers and community members.

2. The Office for Ageing Well is established under legislation to support South Australians to age well, and facilitates this via a range of services, programs and grant opportunities. The Adult Safeguarding Unit, located within the office, is a dedicated, statewide service with a legislative remit to respond to reports of abuse or mistreatment

of adults who may be vulnerable. In some instances, this may include supporting an older person to transition into aged care to ensure their care needs are being met. The office also has responsibility for the administration of the Aged Care Assessment Program, through the local health networks. This assessment is required to enable older people to access a range of aged-care services, including residential aged care.

3. There are few if any waitlists, with occupancy rates at around 90 per cent.

ADELAIDE OVAL LIQUOR LICENCE

In reply to **the Hon. F. PANGALLO** (9 March 2023).

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

SAPOL advises that the decision to intervene with the Adelaide Oval Stadium Management Authority's (AOSMA) application was made solely by the officer in charge of Licensing Enforcement Branch. The application, and the process of handling the application, was consistent with how other such applications are managed by them.

As to whether Assistant Commissioner Fellows had a conflict of interest is now the subject of an internal investigation and is subject to confidentiality provisions relative to section 45 of the Police Complaints and Discipline Act 2016 (the PCDA).

SAPOL further advises that the decision to engage with AOSMA and discuss their variation to a licence condition is consistent with normal business practices under the LL Act.

PRIMARY PRODUCE EXPORTS

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (21 March 2023).

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

The South Australian government has been working with the Simplified Trade System Taskforce as they engage a range of stakeholders on their national reform agenda.

South Australian Senator, and commonwealth Minister for Trade and Tourism, the Hon Don Farrell, is the chair of the task force—capably advocating on behalf of South Australia and the nation's trading interests.

The Department for Trade and Investment (DTI) made a submission to the task force in late 2022 and is continuing to engage with the task force to advocate for the interests of South Australian industry.

Membership of the Simplified Trade System Industry Advisory Council is managed by the Australian government. A number of companies represented on the council have business interests in South Australia and the department continue to enage with them to explore additonal South Australian oppourtunities.

Minister Champion has also represented South Australia's interests on a national platform at the most recent Ministerial Council on Trade and Investment, hosted in Townsville, ensuring South Australia's voice is heard as we seek to increase trade and export of South Australian produce and goods from our state.

AUTISM SERVICES

In reply to **the Hon. H.M. GIROLAMO** (21 March 2023).

The Hon. E.S. BOURKE: The Malinauskas Labor government is committed to making South Australia a leader on autism inclusion.

One of these commitments is to work side by side with the autistic and autism communities in developing our state's first Autism Strategy. From the extended 12-week consultation period we received more than 1,000 YourSAy submissions, receiving feedback on a range of concerns, challenges and areas of greater need.

I look forward to continuing to work with the minister and Department of Human Services in collating all of this feedback and I look forward to the delivery of the state's first Autism Strategy—a document that will not just sit on a shelf, but will help guide future autism policies.

The Minister for Education, Training and Skills has also advised the Malinauskas Labor government has worked in partnership with the commonwealth government to offer 112,500 fee free TAFE and VET places, including for courses in allied health, mental health and nursing. The minister has also advised that a memorandum of intent between the state government and South Australia's three universities will provide greater opportunities for allied health students to undertake practical work experience in our public schools.

RIVER MURRAY FLOOD RESPONSE

In reply to **the Hon. S.L. GAME** (22 March 2023).

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

The SES expended a total of $737,000 on accommodation, which is inclusive of meals expended with the individual proprietors. SAPOL spent $56,321.

Multiple accommodation options were explored and engaged, with a number of budget accommodation types, including motels and caravan parks. Standard rooms are always secured and utilised in the first instance, pending availability.

The decision to book the accommodation was to ensure people in river communities, whose primary place of residence had been made unlivable, could keep safe and stay in their community. The decision also provided an economic stimulus to river communities by providing a financial boost for commercial accommodation providers and their staff who were suffering due to cancellations.

GLADSTONE GAOL

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (22 March 2023).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Climate, Environment and Water has advised:

1. Important repairs and maintenance have been underway since the Gladstone Gaol was closed to the public in June 2022 when the site's caretaker licence ended. While the state government-funded roofing, stormwater management and flooring repair work is being undertaken, the Department for Environment and Water have continued to provide access to the National Trust of SA to enable the Silver to Sea Way project to progress.

2. Supported by the Department for Environment and Water, the minister has committed funds from the Government Owned Heritage Fund to complete priority repair works on various gaol buildings as soon as is practically possible. While the repair work is intended for completion by June 2023, this work may extend into later 2023 due to the current nature of delays in the building industry and seasonal considerations. Further, the department has been working with the National Trust of SA to secure further repair works as part of the Silver to Sea Way project. This is likely to focus on the tower/lookout section of the gaol.

Concurrently, the Department for Environment and Water has commenced an update of the 2005 Conservation Management Plan for Gladstone Gaol, which includes an audit of more than 2,000 historical objects at the site. The outcome of the audit will inform possible listing of the objects as state heritage objects, providing additional protection and recognition of their significance.

3. The Silver to Sea Way project is funded by the Australian government and project managed by the National Trust of SA. The state government continues to support the National Trust of SA through providing access to the site and ongoing discussions regarding the future management and facilitation of public access to the site. The state government funded maintenance works, undertaken as part of the Government Owned Heritage Funding, are on track despite some delays due to a shortage of contractors.

4. The state government has been working closely with the National Trust of SA and was actually on site with the trust on 8 May 2023. The National Trust of SA have advised that they have secured an extension of time for their commonwealth grant and both parties are working collaboratively to ensure the project funding will be expended at Gladstone Goal this year. Unlike the previous government, we will continue to work closely with the National Trust on this and other related matters moving forward.

DAVENPORT COMMUNITY

In reply to **the Hon. L.A. HENDERSON** (22 March 2023).

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

1. The government is addressing the concerns raised by Davenport community members about youth services by providing extra funding to the Port Augusta Youth Centre to extend its hours of operation by an additional three days per week. This means the centre will be open Tuesday to Saturday 6pm to 10pm, with transport available from Davenport Community and home again. The government also provided additional funding over the summer holiday period to make sure the centre was open and available to young people.

The Department of Human Services (DHS) is working with youth service providers in Port Augusta to expand recreational and diversion activities available to families from the Davenport Community. DHS will also partner with a non-government organisation to support young people in the community to access and participate in sports through grants towards registration fees, costs associated with uniforms and equipment purchase.

The state government is in the final stages of implementing a partial alcohol dry zone at Davenport, something sought by the community for many years. The dry zone model was co-designed by the community and will provide a health-focused response for problem drinkers, directing them towards support and recovery rather than the criminal justice system.

2. In addition to increases in government funding for the above, the DHS, as the government agency leading the Safety and Wellbeing Taskforce, is rolling out the following programs across Port Augusta and Davenport:

- Port Augusta Intensive Youth response

This response aims to bring together key agencies including SAPOL, Education, SA Housing Authority, Child Protection, Safer Family Services and Youth Justice to provide intensive case management support for young people who are regularly interacting with the criminal justice system. This coordinated approach aims to improve outcomes for children and young people in Port Augusta and Davenport who are a risk to themselves and/or the community, and to identify practical responses to systemic issues.

- Youth outreach service

This program will consist of outreach workers and a bus patrol that is able to support at-risk young people who are unsupervised in public places after school hours. Outreach workers will drive and walk around Port Augusta and Davenport engaging with young people and transporting them back home or to a safer place. The outreach team are also able to help connect young people through referrals to support services and programs.

3. The government provides funding to the Aboriginal Lands Trust to manage the land under its care and control. The trust has recently advised the state government that the Davenport Community Centre is currently in good condition. The trust has appointed an external manager under the Aboriginal Lands Trust Act 2013 to manage Davenport trust land. The manager and the trust work together to ensure that Davenport Community is safe and clean.

4. The Port Augusta Community Outreach Response is led by DHS, which provides a whole-of-government response to address antisocial behaviour associated with visitors to the Davenport Community from remote Aboriginal communities.

The government is currently seeking to establish an Implementation and Monitoring Working Group to oversee the commencement and operation of the Davenport Dry Zone scheme. Local leaders will work with community service providers, SA Police and Drug and Alcohol Services, the commonwealth government, the trust and others to implement this health-based approach to assisting both problem drinkers and the Davenport Community.

The underlying social and economic challenges in the Davenport Community and First Nations people in the region are longstanding and complex. Addressing them effectively is an iterative process that takes time, persistence, and a holistic community response. The state government will continue to ensure responses are multi-agency, collaborative, coordinated and flexible. The government's responses will always seek to embed Aboriginal community leadership, cultural authority, and appropriate cultural frameworks.

HOMELESSNESS

In reply to **the Hon. R.A. SIMMS** (23 March 2023).

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

Preventing homelessness, or helping people to exit homelessness, requires action across the housing market. At the 2022 election, Labor recognised the challenges faced by too many people in the housing market and committed an extra $177.5 million for public housing. This funding was designed to deliver 400 extra new homes (later increased to 437), upgrade 350 vacant properties so they could be homes again for people in need, and do extra maintenance on 3,000 further homes. We also committed an additional $6 million to homelessness services in the Adelaide CBD including the Hutt Street Centre, St Vincent de Paul and Catherine House.

Following the election, we recognised that more action was needed and we recently announced comprehensive reforms, including:

- Another $55.2 million for 127 new public housing properties, bringing our total additional investment to $232.7 million from 2022 to 2026 to build 564 new homes. This will be the first proper increase in public housing since 1993.
- Stopping the planned sale of 580 public housing properties.
- The single largest release of residential land in the state's history to support 23,700 homes in Dry Creek, Concordia, Hackham, and Sellicks Beach.
- Establishing the Office for Regional Housing in Renewal SA.
- Doubling the length of time that affordable homes are listed exclusively for low and moderate income buyers on HomeSeeker SA from 30 to 60 days.
- Expanding the Private Rental Assistance Program by lifting the maximum weekly rent for a home from $450 to $600 and increasing the asset limit from $5,000 to $62,150 so that more people can get help with bond and rent in advance.
- Changing the threshold for private rental bonds for the first time since 1994. For 29 years, once weekly rent was $250 or more then bonds could be six weeks' rent instead of four. This threshold has now increased to $800.

- Expanding low deposit loans through HomeStart Finance.
- Partnering with the new federal Labor government on the $10 billion Housing Australia Future Fund and Housing Accord that, together, will support 50,000 social and affordable homes around Australia over five years from mid-2024.
- Reviewing the Residential Tenancies Act 1995 with more than 5,000 responses and submissions received and moving legislation on priority reforms, including:
- Banning rent bidding so rental properties can no longer be advertised with a rent range or put up for a rent auction. Agents will be banned from soliciting offers above the advertised price;
- Stronger protections of tenancy information by requiring its destruction after a prescribed period;
- Prohibiting seeking of prescribed information to minimise discrimination against tenants; and
- Prohibiting third parties from charging fees related to rental applications.

This work is in addition to ongoing programs and services, including:

- The provision or oversight of approximately 46,000 social housing properties covering public housing, state owned and managed Indigenous housing, community housing and remote housing.
- The Emergency Accommodation Program, costing approximately $11 million per annum, to provide last resort motel accommodation for between 150 and 200 households per night.
- Funding statewide Specialist Homelessness Services (SHS) totalling approximately $72 million per annum.

With regard to First Nations people in particular, responses are provided via mainstream and targeted services.

Out of approximately 52,000 people who reside in around 33,000 public and Aboriginal housing properties in SA, more than 12,000 are Aboriginal—along with nearly a quarter of those who access SHS. This reflects both a disproportionate demand for these services by Aboriginal people but also a disproportionate benefit to Aboriginal people by making additional investments.

Within SHS, key priorities include: decision-making is culturally informed; homelessness services are culturally informed and person-centred; service reform of exit pathways from institutions and care reduces First Nations over-representation in the system; and crisis and transitional housing meet the needs of First Nations peoples.

The Wali Wiru (Good Homes) program was established by the SA Housing Authority in 2020 as a long-term strategy to support Aboriginal tenants to maintain successful tenancies and to reduce reports of antisocial activities that could place tenancies at risk. The Wali Wiru team specialises in working with remote Aboriginal people from APY, WA and NT communities who are first language speakers. The team has expanded and now consists of one program manager, two tenancy practitioners and two housing officers. All members of the team have extensive lived and/or work experience with remote Aboriginal people.

The Wali Wiru program aims to provide a level of service that is more intensive and has the ability to respond and escalate where needed. Wali Wiru also work closely with the Department of Human Services' Assertive Outreach Team (who are able to provide additional tenancy support or assistance with return to Country), the Exceptional Needs Unit, NDIS, health and education providers. This complements Wali Wiru's aim of remote Aboriginal people achieving self-determination.

In addition to work by the SA Housing Authority, the Department of Human Services operates an Assertive Outreach Team to work with people from remote communities while they are in Adelaide or regional centres. This service links multiple government agencies and community organisations across health, justice and housing to address a range of community needs.

More recently, the Port Augusta Community Outreach service was established in November 2022. This is supported by funding of $1.2 million over four years and works with people from remote communities, as well as Port Augusta residents, to create a safer community by linking people to support, helping people return home where appropriate and providing a single point of contact for those who need help or have concerns.

ELECTORAL FRAUD

In reply to **the Hon. J.M.A. LENSINK** (23 March 2023).

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

It has been publicly reported that the Electoral Commissioner is investigating irregularities found in three of the 2022 periodic council elections: the City of Adelaide; the City of Marion; and the City of West Torrens. Whether, and how, any comment is made on these reviews is of course a matter for the commissioner to determine.

I have been advised that the Minister for Local Government meets periodically with the Electoral Commissioner to discuss various matters relating to council elections and is aware that the Electoral Commissioner continues to investigate these matters.

As the Electoral Commissioner is appointed by parliament, the minister has confidence that any matters before the Commissioner are thoroughly investigated, and, importantly, independently from any direction or influence.

It has also been reported that three candidates sought to challenge election results through the Court of Disputed Returns. Following the commencement of the court process, it has also been publicly reported that Mr Rex Patrick, a candidate for Lord Mayor, has withdrawn his challenge. The other two cases remain before the court.

I am also advised that the Electoral Commissioner will undertake a review of the 2022 periodic council elections, as is customary. This review will identify any improvements, including legislative changes, that may need to be made to council elections to ensure that they meet the highest standards of integrity.

ADELAIDE DOLPHIN SANCTUARY

In reply to **the Hon. T.A. FRANKS** (4 May 2023).

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

In October 2022, the state government implemented temporary arrangements under section 79 of the Fisheries Management Act 2007. These arrangements required recreational fishers to bring in their hand line, rod and line, or teaser line, if they were within 50 metres of a visible dolphin within the sanctuary. This measure was designed to protect ADS dolphins during kingfish season, a peak time for fishing effort conducted with larger gear within the sanctuary.

The public consultation period on recreational fishing in the Adelaide Dolphin Sanctuary ran for four weeks between late September and late October 2022. I received feedback on this consultation in late November 2022.

Once the temporary section 79 arrangements concluded in late January 2023, it has been necessary to consider how those arrangement worked in practice, and further consideration is now being given to the permanent arrangements moving forward.

FARMER WELLBEING

In reply to **the Hon. H.M. GIROLAMO** (17 May 2023).

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

That there has been no cut or decrease to the Family and Business (FaB) mentors or the states contribution to the Rural Financial Counselling Service.