

LEGISLATIVE COUNCIL

Thursday, 1 June 2023

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

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

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): My question is to the Minister for Aboriginal Affairs regarding the Federal Voice. Can the Minister for Aboriginal Affairs advise if the state government will be using taxpayer funds to promote the yes campaign for the Federal Voice to Parliament and national referendum?

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, the Hon. Ms Girolamo, the honourable Leader of the Opposition, I would like to listen to the Attorney-General.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:19): I thank the honourable member for her question. I am happy to inform the honourable member and the chamber that what we are concentrating on is the State Voice, the State Voice that was passed at the end of March by this parliament, and recent regulations promulgated that set down the boundaries for the six regions, and also announced the dates of the elections for the State Voice, the date of the election being Saturday 9 September, as has been publicly announced, with, I think, the nominations opening on 17 July.

I know that both the Electoral Commissioner and the Commissioner for First Nations Voice, as well as their offices, have already started and will be continuing with work to have those elections carried out, to let people know, Aboriginal and Torres Strait Islander peoples in South Australia, those elections are occurring, and encourage people to both nominate and participate in those elections. That is what we are concentrating on in South Australia, on what will be a historic Australian first to have a legislated First Nations Voice to our South Australian parliament and to our government.

Similarly to what is being proposed in the wording of proposed new section 129 of the Commonwealth Constitution, our Voice, like the proposed federal constitutional alteration, is a Voice to our parliament and our executive, and that is the work we are undertaking and I think those have been steadfast in undertaking that work.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): Supplementary: will you confirm that the state government will not be focusing on using taxpayer funds to fund a yes campaign for the Federal Voice and national referendum?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:21): I thank the honourable member for her question. I am not aware that any state funds have been used for that purpose. But, as I have said, what we are doing and quite unapologetically, because it is an exceptionally important thing South Australia has done, is making sure that we have these first elections for our State Voice.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. L.A. HENDERSON (14:22): Supplementary question: can the minister advise if there will be educational information—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter! The Hon. Mrs Henderson, start your question again.

The Hon. L.A. HENDERSON: Can the minister please advise if educational materials will be distributed throughout South Australia in the lead-up to the state election?

The PRESIDENT: Now you can answer that if you want, Attorney.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:22): I thank the honourable member for her question.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bonaros, you are not helping. I actually want to listen to the Attorney, not you—not you!

The Hon. K.J. MAHER: I thank the honourable member for her question. What I can say is there absolutely will be, as I have said, work done by both the Electoral Commissioner and the Commissioner for First Nations Voice about making sure that there's awareness of our State Voice. I think that's a very good thing to do and I would hope everyone in this chamber agrees that's a good thing to do.

The Hon. L.A. HENDERSON: Supplementary question?

The PRESIDENT: No. The honourable Leader of the Opposition, your second question. I'm not having multiple, multiple supplementaries today.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs regarding the First Nations Federal Voice.

Leave granted.

The Hon. N.J. CENTOFANTI: On 31 May 2023, we have been advised by staff that the Commissioner for First Nations Voice in South Australia, Mr Dale Agius, has been visiting workplaces to deliver a keynote promoting the national yes vote in the upcoming referendum. My questions to the Minister for Aboriginal Affairs are:

1. Can the minister explain why the commissioner is not focused on South Australian work?
2. How is this part of the commissioner's scope of work?
3. How is this allocation of resources appropriate?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:24): I thank the honourable member for her question. What I do know is our First Nations commissioner is extraordinarily focused on our State Voice. I've got to say, I know the opposition might think it's funny and clever—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —to besmirch a very well-respected Aboriginal leader in South Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —but we don't. We don't think that.

Members interjecting:

The PRESIDENT: No, it's not even time for a supplementary question. We haven't heard—

An honourable member interjecting:

The PRESIDENT: Order! We haven't heard the answer in its fullness. However, I would like to be able to actually hear what the Attorney-General is saying, so please listen in silence. If you've got a further line of questioning, by all means, but I want to hear the answer.

The Hon. K.J. MAHER: I want to take this opportunity to thank and pay tribute to our Commissioner for First Nations Voice and the team. They did extraordinary work over the course of last year, and probably a bit more. I think it was the most extensive and thorough consultation that has ever been undertaken with Aboriginal and Torres Strait Islander South Australians: two rounds of consultation that went from the APY lands to Mount Gambier, Port Augusta, Ceduna, Port Lincoln, Oodnadatta, Coober Pedy and many other places in between. The first round of consultation, that very sensitive consultation, went out and looked at what might be the building blocks or the foundations of a First Nations Voice in South Australia—what are the elements that the Aboriginal community wants to see in that?

Having submitted a report to government, we drafted some draft legislation and the commissioner and his team went out for a second round of consultation, again traversing the length and breadth of this state, going out with that draft legislation and asking, 'Well, this is how we've translated what we heard the first time into legislation. How did we do? Have a look.' As a result of that, there were changes made.

I've got to say, I am very proud to stand here today as the South Australian Minister for Aboriginal Affairs, having played a role in seeing the very first Aboriginal Voice to Parliament anywhere in this country, and I have extraordinary praise for the work that the commissioner has undertaken.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. C. BONAROS (14:26): Supplementary: the member opposite asked why he would be undertaking that work. I would like the Attorney to elaborate on why not.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:26): The Commissioner for First Nations Voice is again undertaking a very extensive round of work to make sure people know what's happening in South Australia. I think it would be a ridiculous state of affairs if they weren't.

PUBLIC SECTOR EXECUTIVES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking a question of the Attorney-General about KPIs for public sector chief executives.

Leave granted.

The Hon. N.J. CENTOFANTI: It was reported in *The Advertiser* that emergency department staff at the Riverland General Hospital, in my home town of Berri, were attacked by a violent patient who started throwing punches at them, held chairs and repeatedly hit entry doors until they were cracked, with no security guard on site. Nurses on that overnight shift on Sunday night were forced to call South Australia Police at 4am, whilst ducking punches and projectiles, and wait until they arrived and apprehended the man.

The Australian Nursing and Midwifery Federation Association (South Australia Branch) Chief Executive, Elizabeth Dabars, has been calling for the implementation of a 24/7 restraint-trained security guard at the Berri hospital. She said, and I quote:

Sluggish bureaucracy is to blame for a failure to implement the 10-Point Plan to End Violence and Aggression, which has been endorsed by the state government. We need action now—before our members are subjected to the next terrifying incident.

Ms Dabars has written to the Attorney-General, seeking his support in making occupational health, safety and welfare a key performance indicator for public sector chief executives. My question to the Attorney is: do you support the calls of Ms Dabars, and will you commit to making occupational health, safety and welfare a key performance indicator for public sector chief executives?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:28): The short answer is: yes, we are happy to look into it, and we are looking into it. It's something I have received correspondence about, but more than that, it was raised with me by Ms Dabars at a meeting I had with many union leaders. We have union round tables a couple of times a year, which I attend, and it was raised personally with me there.

Work health and safety is a critically important issue. We go to work and we expect to come home in the same state that we left in that morning. We think it's critically important. I think it's a very worthwhile thing to look into, and that's what we are doing. Here is a fundamental difference between us and the other side: if it had been the Liberal government under the Hon. Rob Lucas, I am sure it would have been very unlikely to have been looked into. In fact, the Hon. Rob Lucas might not have even known the name of the union leader he was referring to, as we know in here. He might not have even known their name.

The Hon. H.M. GIROLAMO: Point of order: we are going into debate rather than actually answering the question. Answer the question on what is a very important issue.

Members interjecting:

The Hon. H.M. GIROLAMO: You are—for goodness sake.

The PRESIDENT: Sit down. Continue please, and then conclude.

The Hon. H.M. Girolamo: You're politicising what is an important issue.

The PRESIDENT: Order!

The Hon. K.J. MAHER: I can understand how embarrassing it is and that they want to try to run protection when they don't even know the names of the union leaders they are referring to. As I have said, that's the stark difference between this side and that side. As I have said, I have had a meeting with the unions. I have had this raised in person with me. It's a stark difference to the other side and how it would have operated under them. It's given away completely by the fact that they don't even know their name.

THRIVING COMMUNITIES PROGRAM

The Hon. I. PNEVMATIKOS (14:30): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the announcement of the first round of successful Thriving Communities grant recipients?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I thank the honourable member for her question. I am very pleased to be able to announce the first round of successful recipients of the state government's \$600,000 Thriving Communities Program. The Thriving Communities Program is dedicated to projects that build resilience, increase participation and create opportunities for groups across the state to build upon their incredible work in providing services to their regional communities.

It is another way in which our government is working to make regions more livable, inclusive and able to support regional communities and their interests. Of course, this is ever more important as more and more South Australians realise just how good their lifestyle can be by moving to one of our many great regions and as community groups within those regions work hard to provide access and inclusivity across a range of interests and activities.

The successful projects announced in this round of funding are diverse in their scope and interests. I think that is important as we seek to ensure as many community groups and associations as possible can have the opportunity to access funding if their projects meet the criteria for the Thriving Communities Program.

In no particular order, this round of the program will see the following projects funded: the Bundaleer Forest Community Areas Association, \$50,000 for wayfinding and directional signage for safety, amenities and attractions; Orroroo's 54 31 Collective, \$44,379 towards a range of measures to assist the community, including establishing a community garden, holding a series of resilience workshops and introducing an annual rural women's celebration event; the Glencoe Woolshed Branch, National Trust, \$36,000 towards the construction of upgraded toilet facilities, including disability toilets; the Naracoorte District Men's Shed, \$21,000 towards stage 2 of its new engine shed. We know how important—and really incredibly important—men's sheds are to their communities, and I am very pleased that the Naracoorte men's shed will benefit from this program. And there is \$28,802 for the Millicent Golf Club that will go towards constructing wheelchair and disability access.

I take this opportunity to congratulate the successful recipients and to inform community associations and registered charities that they can still apply for grants ranging between \$20,000 and \$50,000 under the Thriving Communities Program until 30 June this year, unless the program funding is expended prior to that date.

I do really look forward to seeing all of these projects come to fruition and once again congratulate all involved. The Thriving Communities Program will remain an important part of the Thriving Regions Fund and will no doubt lead to many more great outcomes for eligible community groups, associations and registered charities.

THRIVING REGIONS FUND

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): Supplementary: will the minister guarantee to the chamber that the remaining \$14.4 million allocated to the Thriving Regions Fund will be carried over to the next financial year?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): I thank the honourable member for her supplementary question. The Thriving Regions Fund is a \$15 million per annum commitment from the Malinauskas Labor government, and it is to strengthen regional communities. It places a greater emphasis on projects—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —that act as enablers to regional industries to grow jobs and strengthen regional communities.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Some of the long-term outcomes that we are seeking from this \$15 million per year fund is improved quality of life for regional communities; thriving, resilient and sustainable regional communities that attract and retain people to live and work; a pipeline of regional leaders providing a voice for their regions, and I mentioned yesterday I think it was in question time—

Members interjecting:

The PRESIDENT: Can the two leaders either go out the back and have a conversation or be quiet.

The Hon. C.M. SCRIVEN: —or certainly earlier this week about some of the leadership programs that this has been assisting with—

The Hon. K.J. Maher: She's trying to provoke me, sir.

The PRESIDENT: I know who is doing the baiting.

The Hon. C.M. SCRIVEN: —and regions creating job opportunities and improved career options by capitalising on regional growth potential and overall stronger regional economies. I am delighted that we have been able to announce this round, and I look forward to further announcements in the future.

MOTORCYCLE RIDER TRAINING

The Hon. C. BONAROS (14:35): I seek leave to make a brief explanation before asking the Attorney a question about motorcycle rider training.

Leave granted.

The Hon. C. BONAROS: I was somewhat heartened to learn yesterday about the launch of a new SAPOL road safety campaign—I acknowledge this is the Minister for Police's portfolio—attended by the Minister for Police, aimed at reducing the number of motorcyclists who have lost their lives or have suffered serious injuries on our roads. Those statistics are shocking. So far this year, there have been nine motorcyclists who have lost their lives on SA roads (all being male riders), compared to 13 deaths for the entirety of last year.

The new campaign, created to reduce speeding amongst motorcycle riders, pleads for those riders on thrill-seeking rides to back off before their thrills turn to grief. One person who truly knows the pain of these statistics is Anne-marie Taplin, whose son, Harry, lost his life in a motorcycle accident in the Adelaide Hills in 2020, and she has since led the charge to overhaul motorcycle laws to ensure young riders undergo more training, which makes yesterday's announcement a little surprising.

In 2021, the Motor Vehicles (Motor Bike Driver Licensing) Amendment Bill was passed in parliament with amendments we made to address the inadequacy of the current scheme for both new learner riders and returning riders who have not held a licence in the preceding five years. Those amendments specifically referred to compliance with motorbike training prescribed by regulations. I am sure everyone who was here at the time would be familiar with them.

At the time, we were told by the previous government that it was already working on an improved scheme. In fact, we were given a firm undertaking it would be done as a priority. Since then, over a year ago, it has been handballed between ministers and departments no less than five times. Recently, we were told, 'We just need cabinet approval,' and an announcement was imminent—followed by crickets. My questions to the Attorney are:

1. Where is the improved scheme this government has promised?
2. Why have they been delayed?
3. Will the new improvements be introduced before more motorcyclists lose their lives on our roads due to a lack of suitable training?
4. Have details of the scheme, and how it will be implemented, been signed off by cabinet and, if not, why the delay?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): I thank the honourable member for her question. Of course, road safety is committed to the Hon. Joe Szakacs, the member for Cheltenham, and often with licensing schemes there is an element of transport involved, which would be the Hon. Tom Koutsantonis, the member for West Torrens. I am not aware of exactly where this is up to, so I wouldn't want to try to guess and get something on it, so I am very happy to take that question away and to seek a response between the two ministers who have responsibility in these areas.

ABORIGINAL AFFAIRS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:38): I seek leave to make a brief explanation before directing my question to the Attorney-General about Aboriginal affairs.

Leave granted.

The Hon. J.S. LEE: One of the state government commitments listed in the Aboriginal Affairs Action Plan document was to establish an Aboriginal reference group to advise State Records and other archive institutions on the implementation of a response to the Tandanya-Adelaide Declaration. Briefly, the declaration recognises colonial states have created, in academia and government, a tremendous volume of records concerning Indigenous peoples. These records have been disseminated and stored without the input of the affiliated Indigenous communities.

There is a need for affiliated Indigenous peoples to gain a degree of control over the access to information created by state-directed governance and cultural authorities. The lead agency to establish a State Records Aboriginal reference group falls under the responsibility of the Attorney-General's Department and the lead minister is the Attorney-General. My questions to the Attorney-General are:

1. Has the Aboriginal reference group been established to look into the volume of records concerning First Nations people?
2. Who are the members of the South Australian working group? Can the minister name them?
3. What work has been done so far?

Members interjecting:

The PRESIDENT: The Hon. Ms Franks!

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks, stop it!

Members interjecting:

The PRESIDENT: Order! I would like to hear the question. Please continue, the honourable deputy leader.

The Hon. J.S. LEE: I will continue:

4. Has the Attorney-General and Minister for Aboriginal Affairs been recently briefed on this matter?
5. Will the Malinauskas Labor government commit to work with State Records of SA and stakeholders on the implementation of the response to the Tandanya-Adelaide Declaration?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): I thank the honourable member for her question. Obviously, it was like most of the former government's Aboriginal Action Plan and it was some empty words that they clearly had no intention of implementing. If the honourable member had no idea if this has actually happened, I think about two-thirds of that action plan were things departments were doing anyway. It was money spent on a glossy document for an Aboriginal affairs action plan.

In relation to the question, there is a State Records and State Library reference group. Not only am I aware of what they are doing but I have met with them. It is chaired by Tim Agius and I think other members of this chamber have met with them. I am gathering the honourable member who asked the question hasn't met with them because she didn't know there was anything of the sort. Thank you.

ABORIGINAL AFFAIRS

The Hon. T.A. FRANKS (14:41): Supplementary: is the Minister for Aboriginal Affairs aware of the fact that the digitisation of these records has not occurred and that is what is largely restricting access? What is being done to ensure digitisation of the records?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I thank the honourable member for her question. That certainly was a matter raised when I personally met with the reference group. We are looking at not just how to do that but also issues of better access to historic records is the other thing we are looking at as well. I thank the honourable member for her interest and her up-to-date knowledge in this area.

RECONCILIATION BREAKFAST

The Hon. R.B. MARTIN (14:42): My question is to the Minister for Aboriginal Affairs. Will the minister please update the chamber on the recent Reconciliation Breakfast?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I thank the honourable member for his question. I acknowledge that at the breakfast there were quite a number of members of this chamber and of the other chamber who were at that event. Last Friday morning, on the significant occasion of Sorry Day, I had the privilege of attending the annual South Australian Reconciliation Breakfast.

The breakfast marks the beginning of National Reconciliation Week, which runs from the end of May to the start of June. As it is every year, the breakfast was a sold-out event and provided an opportunity for those in attendance to reflect on the importance of reconciliation while also commemorating National Sorry Day.

The breakfast commenced at 7am with guests being invited to their seats with the yidaki performance from Isaac Hannam. It was followed by a warm welcome from Kurna representative Robert Taylor. I would like to particularly acknowledge Marcellus Enalanga, who was the MC for the day and did a fantastic job with a crowd of some 2,000 people at the Reconciliation Breakfast this year.

Breakfast attendees were provided with performances by many First Nations acts, including a powerful performance from the Strong in Culture, Strong in Voice youth choir, an acoustic duet from renowned artists Nancy Bates and Corey Theatre, who once again showed the strength of their musical talents, and Dusty Feet Mob, who danced to a language-translated version of the song *We Are Australian*.

One of the highlights, and possibly the highlight for me, was the inclusion of Professor Peter Buckskin as a lifetime patron of Reconciliation South Australia. It added another welcome layer of significance to this breakfast. Professor Peter Buckskin has been, for close on 20 years I think, one of the chairs of Reconciliation South Australia, and it was read out the number of other co-chairs that Professor Buckskin has served with, as well as the chief executives of Reconciliation Australia over the long time that Professor Buckskin has been chair.

Professor Buckskin has spent his working life predominantly in the area of education, particularly Indigenous education. He has a background as a schoolteacher and has spent years in the Australian public sector and also the South Australian public sector, being for some time the head of the Aboriginal affairs department in South Australia, as well as being a professor at the University of South Australia, and I congratulate him on his achievement as a lifetime patron of Reconciliation South Australia but also on the significant work he has undertaken for his Aboriginal community.

I note the very strong representation from Narrunga people who have contributed to education in South Australia, along with Professor Peter Buckskin, names like Professor Irabinna Rigney; Irabinna's mother, Alitya Rigney; Clinton Wanganeen, who worked in TAFE and pioneered lots of roles for Aboriginal people in the TAFE sector—a tremendous contribution. Replacing Peter Buckskin as co-chair of Reconciliation South Australia is Jeremy Johncock. It was very fitting to have Jeremy present Professor Buckskin as a lifetime patron. I wish Jeremy all the best in his new role and, as Jeremy stated in his speech, to take on the role straightaway, head on.

It was also a privilege to have Reconciliation Australia chief executive Karen Mundine provide a keynote speech. Karen spoke to her views on the importance of enabling voices in Aboriginal communities, particularly what we have done in South Australia, and the need to constitutionally recognise Aboriginal and Torres Strait Islander peoples in our federal constitution through a Voice. The theme for this year's National Reconciliation Week is 'Be a Voice for Generations' and, importantly, it echoed the sentiment of many of the Aboriginal and Torres Strait Islander leaders in the room about the importance of Voice.

I would like to congratulate Reconciliation South Australia on again putting on another successful breakfast. I know that each year many people from this chamber and the other chamber join what is now this year almost 2,000, and I understand the biggest event of its type anywhere in Australia in Reconciliation Week.

CODE OF ETHICS

The Hon. T.A. FRANKS (14:47): I seek leave to make a brief explanation before addressing a question to the Minister for Industrial Relations and the Public Sector on the topic of the Public Sector Code of Ethics.

Leave granted.

The Hon. T.A. FRANKS: As many of us in this place would be well aware, there has been an email account called 'Upset Unionist', which has been using a proton email address—

The Hon. R.A. Simms interjecting:

The PRESIDENT: The Hon. Mr Simms!

The Hon. T.A. FRANKS: You won't like what I have to say—which has been using a proton email address to circulate information in the past year and has leaked documents, including schedules of Labor caucus seminars. It has now been reported in the newspaper—*The Advertiser* and I believe elsewhere—that the source of the information is thought to be a junior Liberal staffer, who was mistakenly added to an email distribution list of Labor MLCs and their staff. I understand that has now been corrected, through correspondence from the Premier to the Clerk of this place, and it has been found to be a PNSG error. My questions to the minister are, however:

1. Will the investigation into this matter include whether or not any staffers or members of this parliament have breached the Public Sector Code of Ethics?
2. Does he have any further information for this place about the security of our information?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member for her question. I will have to take it on notice to bring back a more complete answer, but certainly there are standards and codes of ethics that apply to everyone who works in the public sector. The application of those is not always as direct for employees strictly under the Public Sector Act as those who work in this place.

However, how you handle information and what you do with information of which you weren't the intended recipient is an important area to look at, and I will certainly make inquiries to see if—I am not sure if there are criminal offences that might have been committed—in relation to the Public Sector Code of Ethics there have been any breaches and what possible sanctions there might be if, for example, information has been handled in a way that breaches such code of ethics.

CODE OF ETHICS

The Hon. C. BONAROS (14:49): Supplementary: will that inquiry go further than just the code of ethics and any other workplace policies, procedures or guidelines that apply in relation to the sharing of that sort of information?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): I thank the honourable member for her supplementary question and, no, I am happy to get some advice on just beyond a code of ethics but for the circumstances and the incidents that the Hon. Tammy Franks asked about to see if there is anything further than just a breach of code of ethics that may or may not have occurred in that instance.

AUTISM

The Hon. J.M.A. LENSINK (14:50): My question is to the parliamentary secretary for autism. In last year's budget there was a government target that all agencies would be signed up to the autism charter. I understand there is some four weeks until that deadline. Can the parliamentary secretary reveal how many agencies have signed up to the autism charter?

The Hon. E.S. BOURKE (14:50): I thank the honourable member for her question and, as she is aware, I am not the minister looking after this area but I am very pleased that as a

government—and I am happy to take that question on notice and provide it to the appropriate minister.

As the parliamentary secretary, I am always happy to talk about the incredible work we are doing in this space because it is a first for our state that we are delivering a charter here in South Australia and this has been a really important part of our consultation process that has been undertaken by the community. So when we went out—

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: —and consulted on our strategy, it was a really important part of that strategy process that we seek feedback on what that charter should be looking like as well. I am very proud of what we are doing here in South Australia, and also I look forward to what differences that could be making in our government agencies.

As I have said before in this chamber, there is a really big knowledge gap in our community. This has been identified by the autistic community. I believe I have been advised that 84 per cent of people know the word 'autism' but only about 29 per cent have great knowledge about what autism is, and if we are going to bridge this gap and start making any change in our community we need to be looking at what we can be doing. I think this is a really good step in the right direction.

AUTISM

The Hon. J.M.A. LENSINK (14:52): Supplementary question: I appreciate that the parliamentary secretary may need to take this on notice, but can she advise when she was last briefed on the charter and the recipients and agencies?

The Hon. E.S. BOURKE (14:52): I receive many briefings, but I am not in the position of the minister. I am not the minister. I am not the department responsible for delivering on this commitment. It is a really significant part of our policy commitments and I look forward to working with all ministers and the departments that are relevant to this commitment.

AUTISM

The Hon. H.M. GIROLAMO (14:52): Supplementary: I appreciate you taking it on notice. When will those responses come back, along with the other six that you have taken on notice from me? I would appreciate a response by next sitting week.

The PRESIDENT: It's not really a supplementary question arising from—

Members interjecting:

The PRESIDENT: Order!

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order! Supplementary questions are to arise from the original answer. Okay?

Members interjecting:

The PRESIDENT: Order!

WORLD GIN DAY

The Hon. J.E. HANSON (14:53): My very important question is to the Minister for Primary Industries and Regional Development.

The Hon. N.J. Centofanti: She won't answer it.

The Hon. J.E. HANSON: You will be fascinated in the answer, I am sure. Will the minister inform the chamber about how the South Australian spirits sector is celebrating the upcoming well-known World Gin Day and the spirits sector's continued growth in our state?

Members interjecting:

The PRESIDENT: Are you finished?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54): I thank the honourable member for his question and his ongoing interest in gin and spirits. Saturday 10 June 2023 is World Gin Day, a global celebration that is held on the second Saturday of June each year. It's a great opportunity—or maybe it's an excuse, I am not sure—for gin lovers and enthusiasts to visit distilleries, participate in tastings and indulge their passion for gin in a range of ways.

There have been exciting trends and developments in South Australia over recent years, with a number of craft and boutique distilleries arriving on the scene and doing extremely well, I might say, on the national and international stage, winning awards and acknowledgements here and abroad.

It has led to the emergence of a vibrant and fast-growing spirit sector that is becoming yet another reason for interstate and international visitors to come to our state. I myself was pleased to visit the Sunny Hill Distillery whilst in the Yorke Peninsula earlier this year and it's very easy to see why places such as these are bringing in people in large numbers to experience their relaxed atmosphere, the exceptional drinks, food and events throughout the year.

More and more, these businesses are becoming destinations that other regional travel and overnight stays can be built upon, which is of course a good thing for regional communities which lend themselves so well to these kinds of experiences. World Gin Day will be marked by a range of events across the state. Some of these will include Ambleside Distillers in Hahndorf going head-to-head with Imperial Measures Distilling, with a curated cocktail menu each, free tastings, a make your own gin and tonic station, live music and a food truck.

The following day, the Sunday, there will be an event at Imperial Measures Distilling where they will return the favour and host Ambleside Distillers for a recovery event. Just some of the other distilleries getting in on the celebrations include Barossa Distilling Co., Never Never Distilling Co., Prohibition Liquor, Threefold Distilling and 23rd Street Distillery, which of course is proudly from Renmark.

As I mentioned previously, the spirit sector in South Australia is undergoing a period of rapid growth, which is being driven by investment in high-quality spirit production by distillers across the state. To sustain this long-term growth, the state government late last year committed \$200,000 over the next four years to support the appointment of an executive officer for the South Australian Spirit Producers' Association. After an extensive recruitment process, I am advised the association recently announced the appointment of Ali Lockwood to the executive officer role. Ali has many years' experience working in marketing and market development with Wine Australia and, most recently, with the Department for Trade and Investment.

The South Australian Spirit Producers' Association continues to work closely with PIRSA and across portfolios within the state government to continue to develop capability and capacity across the spirit sector in our state. I look forward to this growth continuing and more and more South Australians being involved in the exciting developments and opportunities available within the spirit sector for those who are willing and able to give it a go.

I would encourage anyone interested in enjoying the festivities of World Gin Day to check out local event listings and social media for events near them or get in touch with local distillers by going online to www.sadistillerytrail.com.au. I am sure we will all have our spirits lifted if we do.

WORLD GIN DAY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:57): Apart from employing an executive officer, what is the minister doing to help the distilling industry, which has had to bear the brunt of a record hike in spirits excise tax in 2022, which the Australian spirit industry describe as crippling and is stopping industry growth?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:58): If the honourable member had been listening, I mentioned

in my answer that the state government is working with the South Australian Spirit Producers' Association across portfolios—

The PRESIDENT: No, don't read it all again.

The Hon. C.M. SCRIVEN: —to continue to develop capability and capacity across the spirit sector in our state.

WORLD GIN DAY

The Hon. C. BONAROS (14:58): Supplementary: will the minister be kind enough to use this opportunity to give the fine people at Never Never Distillery Co. of McLaren Vale an extra special shout-out for me and also Ben from the cellar, who has made a point of only sourcing South Australian gin in our dining room.

The PRESIDENT: The Hon. Ms Bonaros, the Clerk is glaring at me with regard to that non-supplementary question.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I am happy to answer though, Mr President.

The PRESIDENT: If it's brief, you can answer it.

The Hon. C.M. SCRIVEN: I would particularly like to pay tribute to Never Never Distillery in McLaren Vale and also to Ben here in Parliament House for ensuring that South Australian drinks are a good part—in fact, I think the only part—of our menu here in Parliament House.

There are, of course, a number of other distilleries I am also aware of: Sinkhole Gin in the South-East, which is also worthy of note, as are many across the state. I encourage members to be involved in World Gin Day and to look at the website that I mentioned in order to help support all those distilleries across the state.

The PRESIDENT: I'm not sure that many of our members need that encouragement. The Hon. Ms Game. Let's keep moving.

GENDER UNICORN

The Hon. S.L. GAME (14:59): I seek leave to make a brief explanation before addressing a question to the Attorney-General, representing the Minister for Education, regarding the current year 7 curriculum content.

Leave granted.

The Hon. S.L. GAME: My office has been investigating various content from the current South Australian public schools' curriculum. One part of the year 7 curriculum relating to resilience and mental wellbeing drew attention to gender being a choice and something everyone should consider, but it's not something biologically assigned at birth. This is taken straight out of the Health and Physical Education's unit on 'Personal, social and community health', titled 'Adolescence—a time of change.' It states that children should learn to, and I quote:

Define the terms gender and sex and develop an understanding of gender and sexual diversity. Discuss the fact that we live in a diverse world and individuals are very different and complex. In discussions, refer to the GENDER UNICORN and if time permits, complete the Gender Unicorn Activity.

The gender unicorn is a cartoon picture that students fill in as they consider whether the gender in their mind matches the gender in their heart, and if it matches their physical genitalia.

The trans student resource group who developed the gender unicorn say it is used to explain the difference between gender identity, gender expression, sex assigned at birth, the gender they are physically attracted to and the gender they are emotionally attracted to. This is aimed at 12-year-old students. It's embedded as part of the public school curriculum.

I have heard from hundreds of parents who are concerned about this teaching. They believe that the teaching of morals and ethics should be parent and family-led, not directed by teachers at school. My questions to the Attorney-General, representing the Minister for Education, are:

1. Does the minister agree that the teaching of morals and ethics primarily belongs to the families of the children they are raising?
2. Does the minister agree that the gender unicorn is inappropriate for 12 year olds in a public classroom?
3. Does the minister agree that school education should be knowledge-based and rigorously dealing with language, maths and science and that we should steer clear of this woke agenda?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I thank the honourable member for her question. I am not sure I actually need to refer it to the minister in another place. These are the same sorts of arguments, I think, we would have heard generations ago against teaching sex education in schools. We don't hear that now because it is a reasonable thing to do.

In terms of how one chooses to express themselves, I am amazed at how often people want to get into how other people do that. We had a motion before this chamber just yesterday that touched on some of these issues that was comprehensively voted down in this chamber.

WORKERS COMPENSATION PREMIUMS

The Hon. H.M. GIROLAMO (15:02): I seek leave to provide a brief explanation before asking the Attorney-General a question about workers compensation premiums.

Leave granted.

The Hon. H.M. GIROLAMO: Last year, this parliament rushed through the legislation relating to the Return to Work (Scheme Sustainability) Amendment Act. The Return to Work scheme has the legislative target to achieve an average premium below 2 per cent. On 23 May this year, via a media release, the Attorney-General announced that the premium fixed for the coming financial year will be set at 1.85 per cent. This represents an increase of 0.05 per cent to the rate. My questions to the Attorney are:

1. The premium has increased to 1.85 per cent in the first year of the revised legislation. Is the Attorney still confident that the target of 2 per cent will be achieved?
2. What is being done to ensure it doesn't go above 2 per cent?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I thank the honourable member for her question. I've got to say I am loving question time today. Most of these questions could well have been written by members of the Labor Party.

A bit of context here, a little bit of context about return to work and the average premium rate. When the government changed in March of last year, what was being faced was the policy of the former Liberal government, the policy of the Hon. David Speirs, and what the Liberal policy was was to do nothing in relation to the Summerfield decision. What that would have meant, what the advice was that we got—the same advice that David Speirs' cabinet would have got—

The PRESIDENT: The Hon. David Speirs.

The Hon. K.J. MAHER: —the Hon. David Speirs' cabinet would have got—is that nothing being done would have seen the premium rates likely go to 2.2 or above. So the Liberal Party policy was to ensure that there was going to be about \$250 million a year of extra costs for businesses across South Australia. That was the Liberal Party policy.

We came to government and got the same advice that the Hon. David Speirs, when in cabinet, and his party had, and it wasn't an easy debate. We spent many hours here, and I got glaring looks from many of the crossbench, and after many hours of debate—a challenging but necessary debate—we made changes to the Return to Work Act. What those changes did was to enshrine in legislation the principle that was at the core of the Summerfield decision for combination injuries.

What it also did was to raise the whole person impairment threshold from 30 to 35 per cent. They were essential changes for a very difficult circumstance we found ourselves in, a circumstance

that the Liberal Party didn't want to change. As I said, their view was: let businesses pay a quarter of a billion dollars a year more—a quarter of a billion dollars more every single year. That was the Liberal Party's choice; that's what the Hon. David Speirs wanted for South Australian businesses.

This government, and consequently this chamber and the other chamber, as a parliament, made those changes after many hours of debate and negotiation—sensible compromise changes. At the time I think it was stated, from the actuarial advice that was received, that the changes should be capable of seeing premiums kept to under 1.9 per cent as a result of the changes. What we saw was a decision from the WorkCover board for the average premium rate for the year ahead to be set at 1.85 per cent—under the 1.9 per cent. And do you know what? We are even hearing the Liberal opposition complain about that.

They are complaining that it was kept under 1.9 per cent. It is ridiculous to hear complaints about it being kept under 1.9 per cent when their policy was to see it skyrocket to at least 2.2 per cent. We are very glad that we were able, as a parliament and a government, to handle this in a constructive way that saw changes made that have seen such a low increase to the premium rate and that don't impose that quarter of a billion dollars on businesses that was the Liberal Party policy, while also maintaining an ability to have injuries combined under the Summerfield principles.

Members interjecting:

The PRESIDENT: Order! I want to hear the Hon. Mr Ngo's question.

VOLUNTARY ASSISTED DYING

The Hon. T.T. NGO (15:07): My question is to the Attorney-General. Will the minister inform the council about being a witness before the United Kingdom Health and Social Care Committee's inquiry into voluntary assisted dying?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I thank the member for his question and the interest that he has shown in this matter over some time. For the Voluntary Assisted Dying Act that commenced at the end of January this year, although committed to the health minister, I have been pleased to have been able to play a role as the Attorney-General in some of the legal areas that have come up as a consequence of that. I also have a very keen interest in that area generally, having been a part of the committee that people like the Hon. Dennis Hood were a part of in the last parliament, and of course the debates on that legislation in the last parliament.

Last year, I was contacted by the respective parliaments of the United Kingdom, the Isle of Man, and Jersey, who invited me to make written submissions to their parliamentary select committee process on voluntary assisted dying—very similar to the process that our end-of-life joint parliamentary committee undertook in the last parliament. In that submission, I was able to highlight some of the points that were put before the committee that we had in the last parliament, as well as some of the points that were debated as the bill that passed went through the committee stage in this place and in another place.

I was able, in that written submission, to talk about the evidence that had built up from Victoria—which was the first place in Australia to have a voluntary assisted dying scheme, and it has been in for some years—and the safeguards that were contained in the Victorian legislation that were translated into the South Australian legislation. I was able to reinforce the evidence that VAD materials alone, just being admitted for the scheme—the evidence showing the effect that it had on the wellbeing of patients' state of mind who are suffering at the end of a terminal illness.

Following that written submission to the United Kingdom parliament, I was pleased once again to be invited to be a witness to that actual parliamentary committee alongside—presenting at that committee from Australia via the magic of electronics—Professor Brian Owler, who is a consultant neurosurgeon at the Children's Hospital at Westmead, the Sydney Adventist Hospital, Norwest Private Hospital and Westmead Private Hospital. Professor Owler is also a former national President of the Australian Medical Association, and he has very extensive experience in voluntary assisted dying, specifically as the chair of the ministerial advisory panel in Victoria, which ultimately translated into that jurisdiction being the first in Australia to pass that legislation.

Also contributing was Professor Roderick MacLeod, a senior consultant and senior medical specialist in palliative care in New Zealand, and Dr Gary Cheung, Associate Professor and old age psychiatrist from the Department of Psychological Medicine, University of Auckland.

It was a privilege to be able to present to a committee from a jurisdiction, the United Kingdom, who are considering the sorts of changes that now every state in Australia has considered and passed. We benefited, when we were considering these difficult issues in South Australia, from the experience of other jurisdictions, so to be able to do that for a jurisdiction that is now considering these things was something that was a very worthwhile thing to do, to pass on the experiences we had in drafting and passing the legislation and also the first few months of operation.

DIRECTOR OF PUBLIC PROSECUTIONS OFFICE

The Hon. F. PANGALLO (15:11): I seek leave to make a brief explanation before asking a question of the Attorney-General about the turmoil and workplace culture at the Office of the Director of Public Prosecutions.

Leave granted.

The Hon. F. PANGALLO: Last week, I received a copy of an extremely troubling email sent by the director to around 40 staff who work under him in the Attorney-General's Department, SAPOL, ICAC and the Courts Administration Authority. I do not doubt its authenticity. It was marked 'Official' and sent on 23 May 2023 at 8.58am. It follows what appears to have been a meeting he had with the CEO of the Attorney-General's Department, Caroline Mealor, and Rosslyn Cox to discuss the results of an ODPP workplace experience survey and meetings staff have had with Ms Cox.

From the tone of Mr Hinton's disturbing remarks it is plainly obvious there continues to be a toxic, chaotic and shambolic workplace culture he is overseeing and for which he accepts some alarming responsibility and blame. I just would like to read a portion of that email. Mr Hinton writes:

What I became aware of on Friday is just how much there is to analyse and understand, and I want to ensure that what happens next is considered and looks to the short, medium and long term.

My first priority will be to address the stress and distress that many of the people in the Office of DPP are currently experiencing.

Mr Hinton then goes on to say he is heading overseas and expects the report to be released on his return, but it is the closing statement by Mr Hinton that it is extremely concerning. I quote:

I can say one thing. I have become aware of things that I have said and the way in which I have conducted myself which have worked to compound the pressure many of the members of the ODPP, and likely some who have recently left us, are experiencing or experienced. I apologise unreservedly for this. It was never my intention. I will do better and look to you all to hold me to account.

It is signed off as 'Martin'. I seek leave to table a copy of the email.

Leave granted.

The Hon. F. PANGALLO: But here is what is truly astonishing about this shocking revelation: it's been going on for years, all under the watch of Ms Mealor and also the previous DPP, the Hon. Adam Kimber, now a judge; the previous Attorney-General, Vickie Chapman; and it seems now under you, too, Attorney, if you are aware.

I recently obtained a copy of the Office of the DPP's 2017 wellbeing program report prepared for Mr Kimber and dated 27 November 2017. I understand Ms Mealor was at the time working in his office. Until now, this damning assessment of the wellbeing of staff has not seen the light of day. I now seek leave to table that report.

Leave granted.

The Hon. F. PANGALLO: Nothing has changed. Nothing has improved. In fact, it seems to be going backwards and, by the reports I am receiving from the legal fraternity, it is negatively impacting on the administration of justice in this state, causing delays of cases. Things are so bad that a parliamentary inquiry is warranted and long overdue. My question to the Attorney-General:

1. When did he become aware there are serious and systemic workplace issues in this very important department and has his chief executive and the DPP told him what has been uncovered in the latest audit of staff?
2. Why did Ms Mealor and the previous DPP keep secret the embarrassing 2017 report, and has he seen it?
3. Were there others that followed and, if so, where are they?
4. When can we expect to see the 2023 ODPP workplace experience survey tabled in this place?
5. Considering the damaging workplace surveys, does he have confidence in Mr Hinton and Ms Mealor and that the toxic and unhappy culture is not contributing to delays and failures in prosecutions?
6. Can he provide figures to this chamber of how many cases prepared by the Office of the Director of Public Prosecutions have been pulled or have fallen over since 2015, and the reasons?
7. How many staff have left the office since 2017, and were reasons for their departure given?
8. How many staff who work or worked at the Office of the Director of Public Prosecutions have claims for injuries caused by workplace stress, bullying and sexual harassment?
9. Will he and the government support an urgent inquiry by a parliamentary committee?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I thank the honourable member for his question. From the outset, I do recognise that the work that many, not just the legally trained people—the prosecutors and solicitors—undertake at the DPP is difficult, stressful and sometimes distressing work.

What we read in the newspaper sometimes are the results of cases and you get a glimpse of the horrific circumstances that humans inflict on other humans, and I know that there are many officers in the DPP who come into work and day after day deal with some of the worst elements of humanity in terms of what they have to see, the evidence they have to go through to prepare and present to court.

I do understand and appreciate just how horrific and difficult some of the work is that some of the people do day after day. This is often work that, at the end of the day, is aimed at keeping the rest of us safe by prosecuting, obtaining convictions and often incarcerating people who do horrific things to other people. I do acknowledge that the very nature of much of the work that the Office of the Director of Public Prosecutions and their staff undertakes is difficult and distressing work.

I am aware that there are workforce difficulties, not just in the DPP but across many sectors of not just the public but the private sector. There are workforce shortages right across professions and trades right around Australia at the moment, with record unemployment rates, and I understand that lawyers within government are no exception to that. It is not an easy thing in any area to have the right trained staff when there is such a shortage right across areas.

In relation to specific questions about matters relating to the Office of the Director of Public Prosecutions at the moment, I am happy to go away and get some advice. I understand that not just the Office of the Director of Public Prosecutions but regularly across the public sector there are reports or evaluations on wellbeing of staff and looking at better ways that staff can be supported, better ways that staff can be retained, and better ways that staff can be attracted. I am happy to go away and find out details for the honourable member.

*Bills***EVIDENCE (ABORIGINAL TRADITIONAL LAWS AND CUSTOMS) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 4 May 2023.)

The Hon. T.A. FRANKS (15:20): I rise on behalf of the Greens, as the spokesperson for Aboriginal affairs and reconciliation, to support this bill. As noted by the Attorney, in 1986 the Australian Law Reform Commission released the Recognition of Aboriginal Customary Laws report. The report presented a wideranging set of recommendations to provide recognition of Aboriginal customary laws.

Specifically under this report, the commission, along with the New South Wales and Victorian law reform commissions, assessed whether the admissibility of evidence requirements should be relaxed to make it easier for Aboriginal and Torres Strait Islander witnesses to give evidence about their own traditional laws and customs.

The commissions found two main difficulties in proving traditional law and customs: firstly, the distinction between matters of fact and opinion, known as the opinion rule; and, secondly, the insistence on firsthand evidence based on personal knowledge of matters of fact, known as the hearsay rule. In the application of these rules, the commissions noted:

The Australian experience in the courts and in land claims demonstrates the importance of Aboriginal testimony about their customary laws. Such testimony has its difficulties...

The commissions concluded that deficiencies and uncertainties in the application of the rules of evidence to traditional laws and customs should be remedied. The recommendations included that evidence given by a person regarding the existence or content of Aboriginal customary laws is not inadmissible merely because it is hearsay or opinion evidence if the person has special knowledge or experience of the customary laws of the community in relation to the matter and would likely have such knowledge or experience if such laws existed.

Evidence of Aboriginal and Torres Strait Islander traditional laws and customs is not limited to land claims but also to areas of law, including criminal law, sentencing, coronial matters, succession, family law and placement of children. Peter Gray, previously the Aboriginal Land Rights Commissioner and Deputy President of the National Native Title Tribunal, noted:

Perhaps the greatest clash between Aboriginal and Anglo-Australian systems of knowledge is in relation to the form knowledge takes. Oral traditions and history are usually the basis of Aboriginal connection with land and, accordingly, are of major importance to land claims and native title applications. As well as the dreamings, genealogies, general historical stories and land use information will be transmitted orally in most Aboriginal communities.

And yet our laws fail to recognise these traditions when giving evidence. The case of *De Rose v State of South Australia* provides an example of evidentiary problems associated with oral histories. In this case, Justice O'Loughlin found that, under the ordinary rules of evidence, it would not usually be possible to prove the place of birth of older generations through oral evidence; however, many Aboriginal and Torres Strait Islander people, particularly those living in remote communities, have no written records of their birth.

While courts sometimes apply the hearsay rule flexibly with respect to evidence of traditional laws and customs, the preference of the written over the spoken word still negatively impacts the assessment of Aboriginal oral historical evidence. This bill is an important recognition of First Nations laws, customs and culture and the recognising that the best placed persons to give such evidence are First Nations people themselves. The Greens are happy to support this bill and look forward to further legislative reform which helps empower First Nations communities and promotes self-determination.

The Hon. J.M.A. LENSINK (15:24): I rise to place some remarks on the record in relation to this bill, which amends the Evidence Act 1929 and which was introduced in this place on 4 March this year. By way of background, the rules of evidence generally require that a witness providing expert evidence must do so based on that person's expert qualifications or experience in the relevant

field. Without such qualifications evidence would be inadmissible according to the opinion rule or the hearsay rule.

The law of evidence in South Australia is the subject of both common law and statute. Some jurisdictions in Australia have codified the law of evidence by statute, and this is known as the 'uniform' Evidence Act. The uniform Evidence Act includes exceptions to the rules of evidence in relation to evidence of traditional laws and customs of an Aboriginal group. This bill will provide an exception to the rules of evidence in the case of evidence given by an Aboriginal person of traditional laws and customs from an Aboriginal group.

Clause 3 of the bill inserts a section which will have the effect of providing an exception to the opinion and hearsay rule where an Aboriginal person gives evidence relating to the existence or non-existence or the content of traditional laws and customs of an Aboriginal group. It will also allow the court to make orders or other arrangements that it sees fit, having regard to Aboriginal traditional law and custom.

The bill will incorporate rules along the lines of those applicable in the uniform Evidence Act jurisdictions but will apply those exceptions only to such evidence given by an Aboriginal person and not limit the scope of the exception to the person's own group respectively. I understand there is some case law relevant to this matter that is quite contemporary. With those comments, I indicate support for this bill.

The Hon. E.S. BOURKE (15:26): I rise to speak in support of the Evidence (Aboriginal Traditional Laws and Customs) Amendment Bill 2023. The inadmissibility of hearsay and opinion evidence are long-established principles of common law. Our legal system says that evidence from a witness is only admissible if it is something they have personally experienced, seen or heard. The hearsay evidence rule prevents a witness telling the court what someone else has told them. Similarly, opinion evidence is only admissible if it is from a recognised and suitably qualified expert.

These essential rules of our legal system are inconsistent with the rich oral history traditions of Aboriginal culture. As we all know, the Aboriginal and Torres Strait Islander people of Australia have the oldest continuing culture on earth. This is a source of pride for many Australians. Aboriginal culture has been able to continue for thousands and thousands of years due to customs and laws being passed down orally.

This bill is the result of representations to the Attorney-General by the Aboriginal Legal Rights Movement and the Law Society of South Australia and comes after the Australian Law Reform Commission's Report 102, published in 2006. The report considered, among other things, whether the uniform Evidence Acts, which are in place in other Australian state jurisdictions and the commonwealth, should be amended to allow admissibility of evidence of the Aboriginal and Torres Strait Islander laws and traditions.

As a result of the Australian Law Reform Commission recommendations, the uniform Evidence Acts were amended to allow Aboriginal people to give hearsay or opinion evidence. If this bill is passed, similar changes will be made to South Australia's Evidence Act. The Mabo case helped pave the way for these changes. During those proceedings over 30 years ago, the Meriam people faced great difficulty in submitting evidence of their traditions and customs. Over 300 objections were made to Eddie Mabo's evidence of what his grandfather had told him about the Meriam people's connection to the land on the grounds that it was hearsay.

Since then, courts have been more willing to take into account the customs and laws of Aboriginal traditions, particularly in relation to the native title claims. However, the laws of evidence still present a barrier to admissibility of that evidence. A strict application of the hearsay and opinion evidence rules would make it nearly impossible for the courts to understand the culture and laws of Aboriginal people.

The Law Reform Commission's report noted that, in addition to native title claims, oral history of Aboriginal laws and customs is relevant to criminal law defences and sentencing, succession, family law (including the placement of children) and coronial matters. For example, evidence on traditional punishment such as spearings or banishment might be taken into account in sentencing

submissions, and the importance of maintaining a connection to culture is relevant to family law and child protection matters.

However, without statutory amendment, the risk remains that evidence of Aboriginal traditional laws and customs will be treated inconsistently by the courts. Admission of the evidence is often contested by opposing counsel, and judges can take very different approaches regarding its admissibility.

It should be noted that this bill does not seek to give special weight to Aboriginal oral history evidence. Courts will still be required to weigh up evidence and find the facts in the way that they normally would. These amendments simply allow the court to reach a proper understanding of traditional Aboriginal customs and laws.

It is significant that we are debating this bill during National Reconciliation Week. It is one more step in recognising Aboriginal people as the custodians of this land and the importance of Aboriginal laws and customs to them. The bill also shows exactly why we need a Voice to Parliament, because plainly some of our laws do have a specific impact on Aboriginal people about which they should be consulted. I commend the bill to the chamber.

The Hon. T.T. NGO (15:31): I rise to speak in support of the Evidence (Aboriginal Traditional Laws and Customs) Amendment Bill. As a member of the Aboriginal Lands Parliamentary Standing Committee in this Fifty-Fifth Parliament and during the previous parliament, I have a deep interest in all matters that affect our Indigenous people.

For the purpose of providing a summary background in regard to the progression of this bill, in 1986 the Australian Law Reform Commission released Report 31. This report identified that the laws of evidence and procedure adversely impacted on the proof of Aboriginal customary law. It found two main difficulties in the rules of evidence, one relating to the ability to give evidence about matters of fact and opinion (the opinion rule) and the other with firsthand evidence based on personal knowledge (the hearsay rule).

The difficulties with the opinion rule and the hearsay rule are highlighted if we put them in the context of treating evidence presented by an Aboriginal person of traditional Aboriginal laws and customs. If an Aboriginal person provides evidence based on what they have been orally told by older Aboriginal generations, which is the way by which customs and traditional law are passed on, the discord between the justification underpinning the hearsay and opinion rules in the common law system with the Aboriginal and Torres Strait Islander oral tradition of knowledge becomes apparent.

Likewise, restricting Aboriginal people from being able to offer opinion evidence about Aboriginal laws and customs unless they can satisfy the requirements of being an expert by establishing that they acquired this specialist knowledge through training, study or experience is also not appropriate for Aboriginals providing evidence.

Some 20 years after this finding, Report 102 issued by the Australian Law Reform Commission about the uniform Evidence Act noted this same discord between the hearsay and opinion rules in the common law system with the way in which the Aboriginal and Torres Strait Islander oral traditional knowledge is maintained. Recommendations were proposed which resulted in the commonwealth Evidence Amendment Act 2008 implementing sections 72 and 78A to address this discord.

Just to clarify, the uniform Evidence Act is a legislative framework that aims to enhance the administration of justice by providing a clear and predictable framework for the admissibility of evidence including hearsay and opinion evidence. It provides guidelines and criteria for determining the relevant credibility and weight of evidence presented in court.

The provisions sections 72 and 78A now currently operate in Australia's uniform Evidence Act jurisdictions: the commonwealth, New South Wales, Victoria, Tasmania and the two territories. Because South Australia was a non-uniform Evidence Act jurisdiction, these provisions were not adopted in our state. The Attorney-General, the Hon Kyam Maher MLC, introduced this bill amending the South Australian Evidence Act 1929 to enact those provisions similar to sections 72 and 78A of the commonwealth Evidence Act.

This bill will amend South Australia's laws so that evidence will not be deemed inadmissible when it is given by Aboriginal people of Aboriginal traditional laws and customs solely because that evidence is based on what has been told to them by older generations. It will also not restrict Aboriginal people providing evidence with a requirement they show they acquired their specialised knowledge through training, study or expert experience.

This bill also includes a broad discretion for courts to make orders or other arrangements about how it may receive or deal with evidence relating to Aboriginal traditional laws and customs. This inclusion arose out of the consultation process and was sought or supported by the Chief Justice, the Law Society of South Australia, the Aboriginal Legal Rights Movement and the Director of Public Prosecutions. This bill will allow Aboriginal people to provide evidence about their own traditional laws and customs in court. I commend this bill to the house.

The Hon. J.E. HANSON (15:37): I rise to provide some thoughts in relation to this bill, obviously being supportive of it. It will provide a statutory exception to the common law rules against hearsay and opinion, as has been noted by many other members and speakers. What is the importance of that? It is in relation to evidence which will critically be given about laws and customs of Aboriginal people, something which we see at federal level has been amended and really should form part of uniform laws across Australia. However, South Australia is a little bit behind.

These rules of evidence, as they currently operate, will prevent Aboriginal people from giving evidence about their own traditional customs in court. What I would like to highlight is a couple of things. The Hon. Mr Ngo has rightfully already referred to the Australian Law Reform Commission report in 1986, which recommended further evidence be given in courts by Aboriginal people concerning the content and nature of the Aboriginal customary law at that time.

Out of that particular report, if you like, the commissioner made a couple of points that I think are worth highlighting. The commissioner, who was Professor James Crawford at the time, noted that:

It would be odd if the courts were to accept the opinion of outside experts, while declining to accept as expert the opinions of the Aborigines whose customs and traditions were at issue.

It is a fairly pertinent point. He went on to highlight a particular case in regard to that, which is *Milirrpum v Nabalco Pty Ltd*. Without going into the content of that case, it was noted by the commissioner that it was assumed that the Aboriginal clan leaders who gave evidence were not experts. I quote:

Objections to the admissibility of their evidence had to be dismissed on other, special, grounds. If this assumption reflects the common law, clearly some change is needed.

That was in 1986 and here we are today. I move on to another paragraph of that report, where the commissioner further notes:

In practice it is inevitable that Aboriginal witnesses with authority to speak on these matters will be asked to express their view in more general terms. Beyond a certain point, general statements about customary laws, and about their application in a particular case, would be classed as matters of opinion rather than fact, and would therefore be inadmissible unless some other exception to the opinion evidence rule applied.

That is the end of that quote from the report. Opinion rather than fact, making them, of course, inadmissible. That gives some weight to some of the other statements made by members here today in support of these changes, but it is worth noting that that observation was made at a very high level in 1986: there is a problem with our laws.

I further go on to note Commissioner and Professor James Crawford's evidence in his report, which states:

Both overseas and Australian experience (in the courts and in land claims) demonstrates the importance of Aboriginal testimony about their customary laws. Such testimony has its difficulties, but so does anthropological evidence. The best evidence seems to be a combination of both, with expert evidence providing a framework within which the Aboriginal evidence can be understood and assessed. This should provide that evidence given by a person as to the existence or content of Aboriginal customary laws or traditions is not inadmissible merely because it is hearsay or opinion evidence, if the person giving the evidence:

- has special knowledge or experience of the customary laws of the community in relation to this matter; or

- would be likely to have such knowledge or experience if such laws existed.

I think that really gives a fair chunk of context to what it is we are doing today, and that is why I went to that report, and really highlights part of the problem of why it needs to be done and should have been done way before today. That report was in 1986. Those observations were made very strongly in 1986 and it has taken quite some time. While I concede that changes were made in other jurisdictions, including the federal jurisdiction—I think in the federal jurisdiction in 2008—it has taken quite some time for those very clear and wise observations to reach through and be changed in our law.

It is also worth noting in regard to that that this has been raised with former attorneys-general, not least of all former Attorney-General the Hon. Vickie Chapman. On 10 February 2021, the Law Society wrote to the Hon. Vickie Chapman, who was Attorney-General at that time, stating:

I am writing at the instigation of the society's Aboriginal Issues Committee to request your consideration of amendments to the Evidence Act 1929. In our view, amendments are needed to resolve difficulties that arise in state courts exercising federal jurisdiction as to the proof of Aboriginal Customary Law by direct testimony of Aboriginal witnesses, which is severely limited by the strict operation of common law rules that presently apply.

No action was taken by the former Attorney-General in regard to that letter from the Law Society. I am aware also that the Aboriginal Legal Rights Movement wrote to the former Attorney-General outlining similar concerns and no action was taken in regard to their request either.

But here we are today. Despite the fact that in 1986 we had the Australian Law Reform Commission's report and despite the fact that I have no doubt previous attorneys-general have had these concerns brought before them, targeted consultation on the draft bill, which we have here, took place over January and February 2023 and, unsurprisingly, were met with a great deal of support. The proposed amendments enable and empower, I would hope, Aboriginal people to give hearsay or opinion evidence in a court about the traditional laws and customs of an Aboriginal group. As I go back to that 1986 report that was given, I think that pretty clearly outlines why that is important.

These changes will effectively replicate the position as it has existed for several years in the uniform Evidence Act jurisdictions, which of course has prevented much of the injustice around evidence given by Aboriginal people in courts. However, they only include the commonwealth, New South Wales, Victoria, Tasmania, the ACT and the Northern Territory. What we are seeing in regard to the laws we are putting in place here is not a cut and paste of those uniform evidence provisions, because the South Australian Evidence Act differs in structure, style and so on to the uniform Evidence Acts.

Accordingly, the bill has been drafted in a manner that is appropriately adapted to a South Australian context. I will save everyone the very boring reality of going through how; however, I note that that has occurred. It still clearly provides what we are doing here though, regarding if an Aboriginal person gives evidence relating to the existence, non-existence or content of traditional laws and customs of an Aboriginal group, evidence that would ordinarily be inadmissible in line with what was noted in the 1986 report, under either the common law hearsay rule or the common law opinion rule.

I feel it is not appropriate for the laws of this state—and I think many other speakers have made that clear as well—to continue to treat evidence on traditional laws and customs given by an Aboriginal person as being prima facie inadmissible primarily because it is based on what they have been orally told by older generations, when this is the very manner and form in which traditional law and custom is maintained.

Similarly, I feel that it is also not appropriate to restrict Aboriginal people from being able to give opinion evidence about the laws and customs of an Aboriginal group unless they can satisfy the requirements of being an expert by establishing that they have specialised knowledge based on training, study or experience. This bill addresses those concerns too, I feel.

The bill includes, as has been highlighted by the Hon. Mr Ngo (saving me from having to repeat it), a fairly broad discretion from courts to make orders or other arrangements about how it may receive or deal with evidence relating to Aboriginal traditional laws and customs. This inclusion arose, as was noted by the Hon. Mr Ngo, out of the consultation process that I have referred to and

which was sought, or indeed supported, by people no less than the Chief Justice, the Law Society of South Australia, the Aboriginal Legal Rights Movement and the Director of Public Prosecutions.

There is a lot more that could be said about how we have come to this point; however, I think that, under the circumstances, we will treat it all as positive and we will move on. Obviously, I support the bill we have.

The Hon. S.L. GAME (15:48): I rise briefly in opposition to this bill. That is because it is another piece of legislation based on race. While I absolutely support improvement to the court system, it needs to benefit everyone. The rule of law is meant to be followed by all, and this is a system that allows people of certain races to present evidence differently than others.

It is concerning how the worlds of politics and law are merging at the moment. Just last week, a Supreme Court Justice in New South Wales called a member of parliament racist because of his views on the Federal Voice. We are all supposed to be equal under the law, and for this reason I cannot support the bill.

The Hon. C. BONAROS (15:48): I rise to speak on behalf of SA-Best on the Evidence (Aboriginal Traditional Laws and Customs) Amendment Bill 2023. The bill, as we know and as has been highlighted, seeks to amend the Evidence Act 1929 to provide an explicit exemption to the common law hearsay and opinion rules for matters relating to the existence or non-existence of the traditional laws and customs of an Aboriginal group.

It will allow a magistrate or judge the opportunity to listen to oral accounts which may otherwise be ruled inadmissible. It will allow a magistrate or judge to hear evidence about traditional hunting, fishing and gathering rights; criminal law and sentencing and other local justice mechanisms; as well as family and kinship groups and property matters, before deciding what weight, if any, should be given to that evidence. Evidence may—and I think this is a very critical point to make—then be tested during cross-examination or by a rebuttal witness.

The amendments recognise the distinct contrast between what has been referred to as the Anglo-Australian legal system and Aboriginal traditional laws, customs and cultures. One is well documented, while the other relies heavily on stories and accounts which have been passed down through generations.

We also know not all Indigenous Aboriginal groups are the same. As respected elder, Nunga Court member and Ngadjuri woman Patricia Waria-Read, Aunty Pat as she is most commonly and better known to all of us, told ABC news recently:

We're not all the same, we're all different clans, we've got our own special certainties in our culture.

This change gives the magistrate a chance to listen to and respect the person that sits in the court and enhance their idea about how we should talk about a sentence.

If Aunty Pat says these changes are needed, then I for one accept that they are.

The Hon. K.J. Maher: You'd be in trouble if you didn't—a lot.

The Hon. C. BONAROS: She is a very influential woman, Aunty Pat. There have been many other expert stakeholders and people with lived experience calling for these changes for a number of years. The difficulty in catering for the uniqueness of Aboriginal customs and traditions was canvassed nationally as far back as 1986—and I think that is also another very critical point to make in this debate—when the Australian Law Reform Commission first gave consideration in the context of native title.

The ALRC report gave further consideration in 2006, triggering an update of commonwealth laws soon after, in 2008, which is another very critical point to make in this debate. Other jurisdictions have since followed suit, and I believe that we are now one of the last to amend our laws consistent with those changes. I am not entirely sure why it has taken so long for these laws to come before our parliament. I think we may have some theories about that, but perhaps the Attorney might be in a position to shed some more formal light on that in a moment. Nevertheless, we are pleased to see that they have.

The second part of the bill contemplates the need to ensure flexibility in the way in which evidence is given, received and published. I understand this was not in the draft bill originally circulated to stakeholders but nevertheless received the blessing of the Chief Justice, the Law Society, the ALRM and the DPP.

I make the point again that the examples which have been provided to us include allowing more than one person to give evidence at the same time, making orders permitting only a particular gender to be present at certain times, permitting evidence to be given through song and dance and, while powers already exist for closed courts, the exclusion of certain people from a courtroom and conducting matters off site.

We appreciate that this bill seeks to make it crystal clear, and I note once again and impress upon all members of this place that this is not a situation that is by any stretch of the imagination unique to South Australia. Indeed, there are other, similar provisions that apply in relation to other areas that do not necessarily have anything whatsoever to do with Aboriginal traditional laws and customs but do nevertheless have similar qualifying provisions.

I make the point once again, and impress upon members of this place, that we are one of the last jurisdictions to do this and that the recommendations of the ALRC date back as far as 1986, 2006 and then, obviously, their implementation federally in 2008. This is not a new concept. We are—

The Hon. T.A. Franks: Who was the Attorney-General back then?

The Hon. C. BONAROS: Who was the Attorney-General back then the member interjects. This is absolutely not a unique situation to South Australia. If anything, I would say it is bringing our laws up to date with other jurisdictions and the commonwealth, a modernising of our laws if you like in relation, in this instance, specifically to Aboriginal traditional laws and customs. For those reasons, and with those words, I confirm our support for the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:55): I thank members for their contributions during the committee stage, and I thank members who reflected on how important changes like this are, reflecting something that has been an omission from our body of evidence law in South Australia. Many other states have these provisions, and I am pleased that this parliament is now considering and, hopefully from the contributions, will update this.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I advise the council that we would like to foreshadow that we would like the Attorney to take consideration of a matter between the houses for when this bill is discussed down there. We were considering an amendment, which I will read as follows, and would appreciate if the Attorney would take that on board for consideration. This relates to incorporating the uniform evidence exceptions as follows:

Admissibility of evidence relating to Aboriginal traditional laws and customs

- (1) This section applies to evidence given relating to the existence, or non-existence, or the content, of the traditional laws and customs of an Aboriginal group.
- (2) If a member of an Aboriginal or Torres Strait Islander group gives evidence of a kind to which this section applies in respect of the group—
 - (a) any evidence that would otherwise be inadmissible under the hearsay rule at common law is admissible as evidence of the fact stated; and
 - (b) any opinion evidence that would otherwise be inadmissible under the opinion rule at common law is admissible to prove the existence of the fact about the existence of which the opinion was expressed.
- (3) If any person gives evidence of kind to which this section applies—

- (a) any evidence that would otherwise be inadmissible under the hearsay rule at common law is admissible as evidence of the fact stated.

The Hon. K.J. MAHER: I thank the honourable member for her contribution, and I can say that I would be most happy to have a look between the houses at anything that would usefully add to the effectiveness of this bill. Of course, we want this to be as effective as possible. I have not had the chance to properly consider what the honourable member has put forward. It might be that there are some differences. We will look in the spirit of collaboration to see if it is something that we will add to the bill, but it is different from what the commonwealth provisions apply.

The commonwealth, as well as New South Wales, Victoria, Tassie and the territories, are uniform evidence law jurisdictions and so there are some differences to what we see apply in those, but we are happy to have a look at that and if it adds to what we are doing we will be most happy to discuss that with the honourable member and the member for Heysen, the shadow attorney-general, between the houses.

The Hon. T.A. FRANKS: I would just like to say that this is the second time we have had an Aboriginal affairs related bill where the Liberals have said that they are going to do amendments in the other place. I remind them that there is a crossbench, not just the government. If they are going to have these conversations between the houses, they should remember that both of the houses are different in their composition and perhaps in the future be more respectful of the crossbench.

The Hon. J.M.A. LENSINK: I am happy to take that on the chin for the honourable member. It is not intentional, but this is just something that slipped through the radar.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:01): I move:

That this bill be now read third time.

Bill read a third time and passed.

Motions

RESTAURANT & CATERING AUSTRALIA

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:02): I move:

That this council—

1. Notes that Restaurant & Catering Australia (R&CA) is the peak industry body representing over 57,000 restaurants, cafes and catering businesses across Australia;
2. Congratulates R&CA on celebrating its 100th anniversary in 2022 and notes that it has been supporting and advocating on behalf of owners and operators within the hospitality industry since its establishment;
3. Acknowledges the social and economic contributions of South Australia's hospitality industry; and
4. Recognises the valuable work by R&CA Board and its Awards for Excellence program to give restaurants, cafes, and caterers well-deserved recognition for their hard work, exceptional food offerings and outstanding service in the industry.

It is a great honour to have the opportunity in parliament today to highlight the significant contribution of Restaurant & Catering Australia, also known as the Restaurant & Catering Industry Association, to the hospitality sector, our community and the Australian economy.

The restaurant and food service industry is integral to Australia's economy. The hospitality industry provides a large number of employment opportunities for Australians and, in tandem with the tourism industry, contributes significantly to Australia's gross domestic product. The industry

encompasses restaurants, cafes, fast-food chains, franchises and takeaway services, as well as other types of hospitality businesses, including function centres.

We are fortunate to be living in a multicultural country where some of Australia's most popular and delicious cuisines from around the world include Thai, Chinese, Indian, Mexican, Italian, Greek, Japanese and Korean food, with the food services industry also seeing an increase in plant-based foods availability across Australia in recent years. As the peak body, Restaurant & Catering Australia is a key voice for the 57,000 restaurants, cafe and catering businesses across the country it represents. It is with immense privilege that I congratulate Restaurant & Catering Australia on the momentous celebration of its 100th anniversary in 2022.

When the organisation was founded in 1922, Australia was recovering from the devastating Spanish flu 100 years ago. The hospitality industry demonstrated remarkable resilience then and it has risen to the challenge once again a century later to be even more resilient recovering from the COVID pandemic. The pandemic forced many restaurants and food services to rethink their business strategies, with many investing in food delivery, as well as streamlining front-of-house automation, contactless ordering systems and digital payment systems.

Over the last 100 years, Restaurant & Catering Australia supported its members in Australia through various resources as the industry underwent economic, social and legislative transformation. The national peak body, with a chapter in South Australia, has been an unwavering advocate on behalf of owners and operators within the hospitality industry since its establishment. As members of this chamber are aware, the hospitality industry was the hardest hit whenever there was a new wave of COVID variant or increased cases of infection.

The service industry involving human-to-human interactions and direct contact was, unfortunately, the first to suffer in lockdown and the last to lift restrictions after infection cases subsidised. During the high of the pandemic the organisation passionately advocated to government for extended support for the hospitality industry. I am proud to mention that the former Marshall Liberal government moved decisively to protect local jobs and safeguard the economy by providing many businesses with financial supports and stimulus packages as part of our strong COVID response plan.

Businesses operating in the hospitality sector benefited from additional cash grants and multiple rounds of grants, together with more Great State vouchers and CBD dining out vouchers, which were key elements of the business support packages. The former Marshall Liberal government's support package was about helping businesses keep their doors open and creating a spending flow-on across cafes, restaurants, bars, pubs and retail.

In January 2022, it was reported that South Australia's unemployment rate of 3.9 per cent was the lowest since monthly records began in 1978, along with having the fastest growing economy in the nation. This speaks volumes about the good people of our state. During the unprecedented pandemic, I am incredibly proud that South Australians have done an incredible job of working together as one community and continue to pull together to support our hardworking local restaurants, cafes and small businesses, which are the backbone of our state economy.

The former Liberal government worked with the City of Adelaide to deliver a city-wide activation program called ADL Unleashed and also provided a Streetside Activation Grant scheme. Many CBD restaurants benefitted greatly from grants up to \$5,000 to activate the area immediately outside their premises in the CBD. During the challenging and uncertain times of the COVID period, I commend the Restaurant & Catering association for providing practical help to the industry by supporting the launch of initiatives and campaigns, such as Takeaway Tuesday and Eat Alone Together, to encourage the community to support hospitality businesses by ordering takeaway.

As we come out of COVID, things are starting to bounce back to normality for the industry. We are seeing more and more customers coming out with confidence to wine and dine, supporting local businesses that have paved the way for successful recovery. However, the hospitality industry is now facing other ongoing challenges, including the rising costs of doing business, interest rates going up, rising costs of electricity, rent and insurance, inflationary pressures and the serious impact of worker shortages. As the shadow minister for tourism and hospitality I am committed to working

with Restaurant & Catering and operators to address these important issues in a changing landscape within the hospitality industry.

I want to take this opportunity to highlight how important the hospitality sector is as an economic driver. Statista Research quantified that, in 2022, the annual revenue of cafes, restaurants and takeaway food services in Australia amounted to over \$58 billion, employing around 350,000 people. If the food services industry continues its trend of steadily increasing in revenue, as it did before the impact of the pandemic, then the future of the industry's success is expected to continue to increase.

The number of cafes and restaurants operating in Australia has increased in recent years. Australians spent an average of \$126 on hotels, cafes and restaurants each week, coming in behind basics such as housing, food and health expenses. Takeaway food is also popular in our country, with well-known delivery services like Uber Eats and Menulog taking the most online food delivery bookings in 2022.

Restaurants, cafes, catering and takeaway businesses are the largest employer in the tourism and hospitality industry. The industry is the largest employer of young people, with 43 per cent of the industry being 15 to 24 years of age. Ninety per cent of cafes, restaurants and small businesses generally employ about 19 people or less. Collectively, the industry employs thousands of people, around 350,000 people around Australia.

For many young people, the hospitality and tourism industries provide them with their first job. Many young people have benefited from the work experience that paved the way to either keep working in the industry or equip them with skills that would take them further into other careers. As a young teenager I worked at a local restaurant and developed my passion for the service industry and deeply recognised the tangible and intangible values that it brings.

The greatest social economic impacts of the hospitality sector are increased employment, improved living standards, greater tax revenue to our state and local governments, and growth in local retail sales and ticket sales to entertainment venues. The industry also helps to generate community pride, supporting local sports clubs and community groups, and helps fund infrastructure developments of our local communities. In terms of indirect impact, the hospitality sector also helped to sustain jobs created in the supply and delivery industry, including marketing or in the farming industry.

Restaurant & Catering supports the sector through training, industrial relations and members' resources, which helps small business operators stay informed and engaged with industry requirements. I commend Restaurant & Catering for its outstanding work to ensure its variety of accreditation programs are both accessible and affordable for hospitality business operators to upskill their businesses, particularly during the current skills shortages in difficult times.

Through the association's annual benchmarking survey, hospitality business owners are provided with valuable data to understand the key trends and challenges within the industry. Leadership is crucial to ensure the industry is sustainable, and Restaurant & Catering is fortunate to be led by board members, management and staff with decades of experience in the industry.

I want to take this moment to acknowledge a number of these leaders today. Mr Suresh Manickam was appointed to the role of CEO in December 2022. He brings with him a wealth of knowledge and experience in the leadership role. Mr Michael Palmer, National President of Restaurant & Catering, brings with him over 40 years of experience in the industry. He currently serves as the operating partner of Outback Steakhouse. Vice President Mr Chris Edwards is the CEO of Australian Catering Services. South Australia, of course, is well represented in this national industry body by Mr Greg Hobby as the treasurer. Mr Hobby also served as the chair of the South Australian council.

Anyone who has the pleasure of meeting Greg will agree with me that he is a wonderful gentleman: one of the friendliest faces in the industry, and always greeting everyone with his signature smile. Greg has a very noticeable passion and knowledge for the industry. It is always great to catch up with Greg alongside with the Hon. David Speirs, Leader of the Opposition, on a

regular basis at various meetings and events following my appointment as the shadow minister for tourism and hospitality.

Greg is one of the owners and CEO of Taylor and Holmes and affectionately known as the 'chief eating officer'. I think he has the best and most enviable job title in South Australia. Who does not want to be the chief eating officer every day of the week? His business, Taylor and Holmes, founded by Greg's wife, Kate, is a fine food catering company that expanded into cafes and restaurants, with locations at SAHMRI, Flinders Medical Centre and the Bridgewater Mill.

Congratulations to Greg and Kate on their successful operations, along with all businesses in the restaurant and catering industry, for serving the South Australian community, from metropolitan areas to regional South Australia. At this point, I also wanted to take the opportunity to thank all the staff and management of the Restaurant & Catering Industry Association, particularly Amy Teakle, policy and campaigns adviser, for her assistance in providing my office with information that assisted me in my speech today.

I had the honour to be invited to attend the restaurant and catering awards for excellence, together with the Leader of the Opposition, held last year at the Adelaide Oval. It was an uplifting evening celebrating the remarkable resilience, achievements and excellence of the restaurant and catering industry. The awards shine a spotlight on the best of the best of the hospitality industry and certainly give restaurants, cafes and caterers well-deserved recognition for their hard work, exceptional food and outstanding service in this vibrant industry.

Once again, it is a great honour to move this motion and I just want to convey my heartfelt congratulations to everyone involved in the industry. I would also like to take this opportunity to encourage South Australians to nominate a restaurant or cafe or food business that they love and provide the opportunity to shine a spotlight on the finest and coolest wine and dine places that deserve prestigious recognition for the upcoming 2023 South Australian Awards for Excellence. I look forward to what I am sure will be a great and amazing award ceremony this year.

It is indeed a great privilege to be working alongside the Hon David Speirs, the Leader of the Opposition, to support this remarkably resilient industry and be able to speak very diligently about their contributions to South Australia. A very happy belated hundredth anniversary to Restaurant & Catering Australia. It is a great honour to again acknowledge the social and economic contributions of South Australia's hospitality industry. I commend this motion.

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

BRUMFITT, MS T.

Adjourned debate on motion of Hon. H.M. Girolamo:

That this council—

1. Congratulates Taryn Brumfitt, body image activist, director, writer and speaker on her 2023 Australian of the Year award;
2. Highlights the outstanding contribution Taryn has made to educating young people and their parents around the world to foster body positivity; and
3. Recognises the impact that body image has and how it can influence how we engage with our world.

(Continued from 8 February 2023.)

The Hon. I. PNEVMATIKOS (16:18): I rise to speak in support of the honourable member's motion on behalf of the government. We wish to wholeheartedly congratulate Taryn Brumfitt on her incredible work founding and leading the Body Image Movement since 2012.

South Australia was incredibly proud to see her announced as Australian of the Year this January. Born and raised in Adelaide, her Body Image Movement is headquartered here and has grown to reach millions across the world. Through educational resources, speeches, documentaries and three bestselling books, Ms Brumfitt aims to promote positive body image and combat toxic messaging in the media.

The Butterfly Foundation reports that a million Australians live with an eating disorder. A national survey undertaken in 2018 found that one in three Australians were unhappy with the way they looked. The results showed that we are placing immense pressure on ourselves to look a certain way. The psychological impacts of this pressure can be enormous. The survey also found that over 40 per cent of people are dissatisfied with how they look; 73 per cent of people wish they could change how they look; 66.6 per cent of people remember being bullied or teased for their appearance at some point in their life; and 41 per cent of people most of the time or always compare themselves to others on social media.

Many people are prevented from participating actively and fully in society due to the hatred they feel for the bodies they live in. The reality is that people who are overweight, who look different or are differently abled are not afforded the same considerations by our society as those who fit the standard of beauty. Often, society conflates beauty with goodness. This leads many to subconsciously ascribe positive attributes to those they deem beautiful and negative attributes to those who do not fit the norm. The impact of this over a lifetime is profound.

Ms Brumfitt's Body Image Movement aims to empower people to think differently about their bodies and in doing so embrace their lives fully. The role that advertising and media plays in teaching us to hate our bodies cannot be overstated. It is widely accepted that women's dissatisfaction with their bodies is exploited to become a major source of revenue for companies and corporations. Feelings of guilt, shame and anger towards our bodies are stoked from a young age for the profit of others. Seventy per cent of Australian kids cite body image as their number one concern.

As Australian of the Year, Ms Brumfitt is spending much of her time campaigning for greater resources to address body image issues amongst children and young people. For young people, the onslaught of online content telling them how they should feel about their bodies and how they should look can feel relentless. Researchers at Griffith University studying the impacts of image-centric videos on young people, found that watching seven minutes of what is called 'beauty content' on TikTok and Instagram is enough for young people to experience significant shame and anxiety about their appearance.

Growing up can be hard enough for kids. We do not need to teach them to be hating their bodies too. Ms Brumfitt's Embrace Kids program focuses on combating this societal problem. The program works to improve general health, nutrition and psychological wellbeing, enhance media literacy and reduce teasing and bullying in schools. This program also helps parents and teachers to sit down and have meaningful discussions with their kids. If we can change the way young people think about their bodies, hopefully those lessons can last a lifetime. At the very least, Ms Brumfitt's programs counteract a damaging media narrative fed to our young people.

Your body sustains you through your life. To waste time and energy hating the very thing that sustains us is a fate we should want to spare as many in our society from as possible. As Ms Brumfitt herself said, 'It is not our life's purpose to be at war with our bodies. Your body is not an ornament, it's a vehicle to achieve your dreams.'

The Hon. T.A. FRANKS (16:23): I rise to speak with some pleasure today on behalf of the Greens in support of this motion and to shed light on the remarkable achievements of the 2023 Australian of the Year, Taryn Brumfitt. She is an Adelaide-born body image activist. Taryn went viral—as they say—in 2013 after posting what is seen to be an unconventional before-and-after photograph on social media, capturing the attention and hearts of millions. The viral image depicted her transformation from a bikini competition-ready physique to one that embraced curves and self-acceptance. The photograph sparked a global movement and empowered individuals to love and embrace their bodies, irrespective of societal norms or unrealistic expectations. She said:

Which is crazy in itself, right? A woman learns to embrace her body, and it becomes headline news in most countries around the world.

Using the momentum of that viral photo, Taryn extended her advocacy to recognising the profound impact that media and advertising have on body image perceptions. She directed and produced a powerful documentary called *Embrace*. Through intimate interviews and personal stories, Taryn exposed the damaging consequences of body shaming and inspired viewers to redefine beauty on

their own terms. That film resonated deeply with audiences, sparking a dialogue about body image and prompting individuals to question and challenge the existing standards of beauty.

Taryn has worked extensively with young people particularly and recognises the vulnerability and impressionability of adolescents who are facing the pressures of continued access to social media, on top of all the other pressures of adolescence itself. She runs workshops and public speaking engagements—empowering opportunities—which have impacted on countless individuals to develop healthy relationships with their bodies and to prioritise self-love over self-criticism by promoting body positivity and self-care. She has instilled a sense of resilience and confidence in young minds and has taught people to move, nourish and respect their bodies.

I had the pleasure of meeting Taryn at a Hutt Street Centre fundraising lunch, I believe it was, a few years ago. She is quite an extraordinary woman who has taken a very simple thing that has a profound impact on so many in our society and turned it into an incredibly positive movement. Taryn's achievements remind us all that true beauty lies in self-acceptance, self-love and the ability to celebrate the diversity that exists within each and every one of us.

She is a very deserving winner of the 2023 Australian of the Year Award. On behalf of the Greens, I certainly congratulate her for that.

The Hon. S.L. GAME (16:26): I rise to support this motion for Australian of the Year Taryn Brumfitt, whom I met at a Little Heroes Foundation and Breakthrough Mental Health Research Foundation event. The event covered the Embrace Kids initiative, with the aim of implementing the program for one million children over the coming year, with the hope of embedding this program into the school curriculum in the future.

The initiative centres around body image, the number one concern for Australian youth, regardless of gender. It was upsetting to learn that 77 per cent of young Australian adults report body distress, they are 24 times more likely to develop depression and anxiety if they have body image distress, the rate of eating disorders from 2019 has doubled amongst five year olds to 12 year olds, and the annual cost to our economy from eating disorders is \$84 billion.

As the mother of three children, this issue resonates deeply with me. I firmly believe that equipping our children with the tools to navigate and overcome body image challenges is a moral imperative and an investment in their future wellbeing. Skills build confidence and self-acceptance, and that is why children in our most socio-economically disadvantaged areas should have the opportunity to engage in extracurricular programs like music and sport.

Body positivity in young people is very important, and I am dedicated and committed to improving the wellbeing of young children and adolescents in Australia. With the Embrace Kids initiative's aim to reach a million children through the integration of this program into the school curriculum, I am very hopeful that it will improve current shortfalls.

The Hon. C. BONAROS (16:28): I rise to indicate our support for this motion, and I thank the Hon. Ms Girolamo for bringing it before us. In so doing, I echo the sentiments expressed by other honourable members, not only in relation to the 2023 Australian of the Year Award accolades that Ms Brumfitt has received but also, importantly, in relation to everything else that she has managed to achieve and the impacts that has particularly on young girls and women. I am sure we all know that young girls and women from a very young age find themselves struggling with body image issues, so it is this sort of influence they need in their lives.

The only other thing I would add in addition to the amazing work that Ms Brumfitt does is that I would also like to acknowledge comedian Celeste Barber. I am a huge fan of Ms Barber. Not only does she provide us with endless entertainment in terms of her social media posts but the message that she sends to women and young girls is in the same vein as that of Ms Brumfitt. I think, if anything, she also shows us that you can actually see the funny side of this—funny side in a positive way, not in a negative way. I think she does an exceptional job at doing that.

With those words, I indicate our support for the motion, I commend the member for bringing it before the house and, again, I echo the sentiments of everyone who spoke on this motion today.

The Hon. H.M. GIROLAMO (16:30): I very much thank all honourable members for their contribution and their support for this motion. It is a pleasure to be able to highlight the achievements of Ms Taryn Brumfitt and also to recognise her for her great achievement as South Australian of the year and Australian of the Year. I think it is a wonderful area that she is focusing on around positive body image, and I look forward to being able to collate everyone's responses and communicate the support from right across the different parties here in this house. I thank everyone for their support.

Motion carried.

MABIL, MR A.

Adjourned debate on motion of Hon. H.M. Girolamo:

That this council—

1. Congratulates Awer Mabil, professional soccer player and co-founder of not-for-profit organisation Barefoot to Boots on his 2023 Young Australian of the Year award;
2. Highlights the outstanding contribution he makes to ensure refugees in-country, living in camps and their neighbouring host communities, are supported; and
3. Recognises the positive contribution that refugees make to Australia.

(Continued from 8 February 2023.)

The Hon. F. PANGALLO (16:32): It has been nearly five years since I spoke about Awer Mabil and his best friend, Thomas Deng, in a matter of interest in this chamber. Their personal history is both moving and inspiring. They are of South Sudanese heritage, although Awer has never visited that country and came here as part of our refugee intake.

At the time, Awer and Thomas had just made their international debuts with the Socceroos, with Awer scoring after coming on in a match against Kuwait and dedicating his goal to his beloved mother. Thomas was also in the team. The year 2018 was a bittersweet year for Awer. Just as his professional career was taking off in Europe, he lost his sister, Bor, in a tragic car accident in Adelaide.

In spite of setbacks like that, Awer's life has taken off in spectacular style, capped off with being named Young Australian of the Year this year. In 2022, he was a member of Australia's most successful World Cup squad at the finals in Qatar. Awer scored an important penalty kick in a qualifying match. Awer is one of the excitement brigade with the Socceroos, where he has made 32 appearances. Our coach, Graham Arnold, has taken him under his wing. He is living the dream. Currently, he is playing in Czechoslovakia with highly regarded club Sparta Prague, where he is on loan from Spanish club Cadiz.

Awer's award as Young Australian of the Year is greatly deserved. He is representative of the new wave of Australia's diverse community and is a great role model for others of his generation, particularly those of African descent.

Awer was born in the Kakuma refugee camp in Kenya and at the age of eleven came to Australia with his mother and siblings in 2006. I met Awer a few years ago when he played for Adelaide United where he originally had started as a youth player with an eye-catching stint with state Premier League club Campbelltown. Aged 17, he made his debut for the Reds in 2013 and immediately proved to be a hit with the fans. His silky flair and speed, darting in around defences as a striker, is electrifying.

During his time at Adelaide United, his mother would sit in the stand with other members of the family proudly looking on. From his early days with Campbelltown United, he was dedicated and determined to succeed. He would take two buses each way to attend Adelaide United training at Hindmarsh Stadium. United's then Spanish coach, Josep Gombau, knew he was something special and nurtured his progress. Overseas clubs came knocking, first to Norway, then Portugal, and now in Prague with one of Europe's biggest clubs.

Awer is a remarkable man with a strong sense of purpose. His Young Australian of the Year award is much deserved for the way he selflessly gives back to those less fortunate than he finds himself today. He told me about his special personal project taking boots, balls and playing shirts to

the place of his impoverished birth, the Kakuma Refugee Camp, the largest in Africa. Awer recounted the story about how much he and the other kids loved playing football with bare feet on the dusty and rocky grounds. They had no boots or shoes. For a ball, they would blow air into condoms and wrap and tape them with rags.

After getting his first professional contract, Awer returned quietly to Kakuma with a bag full of football gifts. Overwhelmed by the response, it led to the establishment of the not-for-profit humanitarian foundation Barefoot to Boots, and in the off-season he returns each year to Kakuma with the prized football equipment. Awer is modest about his generous charity work. He said, and I quote:

I think footballers are often taken only at face value. Like in all spheres of life, I think a lot of footballers are not only willing to do good things, they just do them.

Awer was steely-eyed and oozing with confidence as he lined up for that crucial penalty kick in Qatar against the more fancied Peru in the intercontinental playoff to qualify for the World Cup tournament in the Gulf state last November. Miss, and Australia would go home and fail to qualify for a fifth straight World Cup appearance, leaving all of us broken-hearted. With enormous pressure of a nation and the eyes of the world upon him, he calmly slotted the ball into the net, to the ecstasy of his teammates and the rapture of his adopted country Australia.

Awer saw game time in Qatar where Australia caused a boilover in winning two group games against Tunisia and then Denmark to book a round 16 clash with Argentina, led by the mercurial Lionel Messi. The Socceroos gave the eventual World Cup winners an almighty scare in losing 2-1 in an absorbing match, which saw them earn global praise and respect. Awer Mabil is a hero and an inspiration in every sense. I strongly commend the motion, and I thank the member for bringing it forward.

The Hon. S.L. GAME (16:38): I rise in reply to this motion in support of Awer Mabil and his 2023 Young Australian of the Year award. Awer has demonstrated extraordinary resilience in overcoming an extremely difficult childhood to become a role model and focused on positive contribution for those most vulnerable. Awer is a highly talented footballer who grew up playing barefoot using rolled up socks as a ball. In an Australian society where parents feel pressured to purchase for their children the best sporting shoes and sporting equipment, Awer is evidence of the effect of discipline, tenacity, not being handed anything, fighting for everything, and ending up at the top of his game.

These award winners are role models to our young people. They display the qualities of resilience, gratitude, philanthropy and, most importantly, their contributions to Australia. These are the qualities that we need to be instilling in our youth in school programs moving forward. I am a big believer that it is by looking outside ourselves on how we can improve the lives of others and contribute to society that we maximise happiness and satisfaction in our lives. Too much introspection is a source of dissatisfaction and frustration.

No matter the trauma or injustice, the question will always arise: what next? The achievements that the Young Australian of the Year has accomplished, despite great adversity, will inspire the younger generation to make good decisions and improve their community. The many contributions made by young Australians span a range of areas. They are at the forefront of innovation, science, technology, entrepreneurship and, most importantly, being of service to others. Honouring these contributions sends a powerful message that their voices matter and actions are valued.

The Hon. T.T. NGO (16:40): I rise to speak in support of this motion. I thank the Hon. Heidi Girolamo MLC for moving this motion to acknowledge the achievement of Awer Mabil and the contribution made by refugees to Australia. I thank her for all the work she has been doing in the multicultural community recently as well.

Before I talk about Awer, I will speak briefly on the history of this iconic honour which has, in recent years, attracted the interest of foreigners. Nick Bryant, former BBC journalist and foreign correspondent, was quoted in the media as saying that our Australia Day award, and I quote:

...offers an intriguing perspective on the Australian national character, which is both reinforcing and revelatory.

Since 1960, when the first Australian of the Year was awarded, we have indeed celebrated many truly inspiring and accomplished Australians who have made a range of contributions to our great nation. For the first 20 years of the Australian of the Year Awards, there was no explicit honour reserved especially for younger Australians. However, during this first 20 years, several young sports stars won the main award, including Dawn Fraser, Shane Gould, Lionel Rose, and Evonne Goolagong.

Shortly after the formation of the National Australia Day Council in October 1979, a new award that focused especially on the achievements of younger Australians was created, with the inaugural winner being youth unemployment worker, Julie Sochacki, who was named Young Australian of the Year in January 1980.

In the 1990s, in an attempt to encourage unified national celebrations, the National Australia Day Council was a strong promoter of both multiculturalism and reconciliation. The process of choosing the Australian of the Year has evolved considerably for over half a century, including both the make-up of the selection committee and the system of nominations. Today, the award represents only one of many ways in which national identity is expressed, but after 50 years they have become a significant part of Australia's past, present and future.

On 10 November last year, Awer Mabil was South Australia's Young Australian of the Year. The Premier, the Hon. Peter Malinauskas, along with the Hon. Nat Cook, Minister for Human Services, attended this presentation and witnessed Awer's family accept the award on his behalf. Awer is a professional soccer player who now plays for Czech powerhouse Sparta Prague. He was born 15 September 1995 in Kakuma Refugee Camp in Kenya. Awer and his family fled the civil war in Sudan and at the age of 10 he and his family came to Australia through a humanitarian settlement visa, eventually settling in Adelaide in 2006.

It was in the refugee camp in Kakuma where his remarkable life journey began. Mabil discovered his love for football, or what we call soccer, learning his skills on a dirt pitch, with balls made out of plastic bags while dreaming about playing in a world club. Awer began playing for local clubs once he and his family settled in Adelaide's northern suburbs. With no English he credits football as an important means of communication when he arrived in Australia. He excelled in the game at junior level and became an outstanding senior player for Campbelltown in 2012 at the age of 16, and this led him to a professional contract with Adelaide United.

He made his first appearance with Adelaide United in 2013. Awer represented Australia at youth level and, in 2018, made his senior debut for the Socceroos against Kuwait. He was instrumental in the qualification of the Socceroos to the 2022 World Cup. At the 2022 FIFA World Cup in Qatar he fulfilled his dream to compete at the FIFA World Cup.

Beyond Awer's achievements on the soccer pitch, he has raised awareness about refugee issues and promoted social change through his role as an ambassador for UNICEF Australia. He has been actively involved in initiatives aimed at supporting young refugees, and opened doors for them to engage in sports. In 2014, Awer and his brother returned to the Kakuma Refugee Camp, where they donated football jerseys and footballs.

They realised then that the kids were playing football barefoot, and this led him to co-found the not-for-profit organisation Barefoot to Boots. Barefoot to Boots has donated over 2,000 kilograms of football boots and uniforms to the Kakuma camp and other surrounding refugee camps. It is now common to see teams wearing the shirts of Australian football teams playing each other in the Kakuma premier league or the women's Divas League.

Barefoot to Boots has stated its aim to work towards creating better health and education policies and gender equality for refugees. This not-for-profit is not limited to football. The organisation's visits to Kakuma have highlighted the need for educational materials, medical supplies and sanitary products, as well as sport, art and musical equipment. Contributions such as incubators, ultrasounds, laptops and books have already been sent to address some of these needs, while there are regular consignments of containers being sent to camps.

There are often tragic personal stories when we hear about the lives of our Australian migrants, especially those like Awer and his family, who fled their wartime homeland in search of peace and hope for safety and a future they can look forward to. After fleeing the second Sudanese Civil War in 1994, tragedy struck again for Awer and his family: Awer's sister was killed in a car accident in Adelaide on her way home from a Socceros match in 2019. I can only imagine the great sadness this tragic loss had on Awer and his family, and my heartfelt condolences go out to them.

South Australia has rightly celebrated Awer's resilience and leadership as he stands up for his community and honours his sister's memory by continuing to fight for a better life for those who are in more need in his homeland. I commend and celebrate Awer and his remarkable journey and congratulate him for being an outstanding and extraordinary recipient of the Young Australian of the Year for 2023. He is indeed part of the Australian national character, just as all of our refugee migrants are.

Awer exemplifies what a person can achieve when they have to flee from their homeland with absolutely nothing but the clothes on their back, then begin to navigate a new country, language and culture as they build a new life.

On behalf of the South Australian government, I thank Awer for his contributions and for shining a bright light on the significant role our refugee migrants play, not only in the South Australian community but in communities throughout our nation and all over the world. Once again, I thank the Hon. Heidi Girolamo MLC for moving this motion. I hope we all give this motion our full support.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:50): As a huge supporter of the work of the Australia Day Council and a strong advocate to promote success stories of people from multicultural backgrounds, I rise to support this motion and thank my esteemed colleague the Hon. Heidi Girolamo for moving this motion.

I also add my congratulations to Awer Mabil on his 2023 Young Australian of the Year Award. Awer is a most worthy recipient of this award which recognises the impact young people have on the wider Australian community. As the shadow minister for multicultural South Australia, I am constantly moved and inspired by the talents and contributions made by migrants and refugees of our wonderful multicultural community.

Awer is well known for his distinguished professional soccer career, as well as an inspiration both on and off the soccer field. His incredible talent is matched by his altruism and passion to be a role model to those who look up to him. Awer's earliest memories are playing soccer barefoot with a rolled up sock as a football at the Kenyan refugee camp where he was born before his family settled in Adelaide.

After fleeing civil war at the age of seven with his parents, his brother was sadly separated from them in 1994. He lived in Kakuma Refugee Camp in Kenya for six years, eating just one meal a day. Awer highlighted his humble beginnings when, during a 2022 World Cup qualifier, he said, 'I was born in a hut, a little hut. My hotel room here is definitely bigger than the hut, the room we had as a family in that refugee camp.' Now as a co-founder of the not-for-profit organisation Barefoot to Boots, Awer advocates for better health and education outcomes and policies that promote gender equality for refugees.

Through Barefoot to Boots, important resources are provided to refugees living in camps and their neighbouring host communities including sports, art and musical equipment, education materials, medical supplies and sanitary products. I have great admiration for those who, despite enduring hardship and struggles as refugees, find the courage and strength to settle in Australia in their newfound home to follow their passion to gain education, to excel in their professional careers and to continue making positive contributions to Australia.

These individuals have overcome incredible odds and face great adversities, yet they radiate compassion and strive to help others. Many have proudly represented their adopted home, Australia, on the world stage like Awer Mabil has. Others, through locally supporting their communities, make a huge difference in every aspect of our society.

As shadow minister for multicultural South Australia, I have had the opportunity to meet many young people and their families who fled from their country of birth. Despite personal hardships,

family hardships and the socio-economic insecurity that they experience as refugees, they are energetic, innovative and hopeful for the future.

These positive contributions made by our refugee communities are in large part due to the inspiration, support and hard work by role models and public figures such as Awer Mabil. We should celebrate Awer's success and we should congratulate him on his wonderful recognition as the Young Australian of the Year. I wholeheartedly support and commend this motion.

The Hon. T.A. FRANKS (16:55): I rise on behalf of the Greens to support this motion that congratulates Awer Mabil, a professional soccer player and co-founder of the not-for-profit organisation Barefoot to Boots, on his 2023 Young Australian of the Year award, as well as highlighting the outstanding contribution that not only he has made but also refugees have made to our state and to our country.

It is an honour to acknowledge the work and story of the 2023 Young Australian of the Year, Awer Mabil. Awer's journey is one that embodies resilience, determination and a deep commitment to making a positive impact in our world. Awer grew up in Kakuma, a refugee camp in north-western Kenya, after his family were forced to flee war-torn Sudan. It was here that Awer first learned to play football in dirt patches in the camp before coming to Australia at the age of 10. Arriving in our country with no English, he said he used football as a way to communicate. He is quoted as saying:

It was tough at the start because we came here and didn't speak any English at all. Football was like a saviour for me and it was a way I could communicate.

It was here that Awer's true talents began to shine. His exceptional skill, unwavering dedication and sheer determination earned him opportunities to showcase his abilities on national and then international stages. He made his senior debut for Adelaide United in 2013 and now plays soccer overseas in Europe. He recently represented Australia in last year's FIFA World Cup and scored a penalty in a must-win qualification game against Peru, helping the Socceroos secure a place in the competition.

Off the pitch, of course, Awer utilised his platform to bring about positive change and make a difference in the life of others. In 2014, he and his brother Awer Bul co-founded the not-for-profit organisation Barefoot to Boots. The organisation Barefoot to Boots started off providing old football boots and shirts to young refugees and has since gone on to support health care, education and gender equality in the camp. Awer has said his proudest achievement was donating incubators to a camp hospital. He is quoted as saying:

That for me means the world, because we've given a life with a simple thing.

It is more than a simple thing, I think.

Awer Mabil has used his voice to raise awareness about the plight of refugees and challenge negative stereotypes. He has openly shared his personal story, shedding light on the resilience, talent and contribution that refugees bring to our nation and that those communities strengthen our nation with. Awer's advocacy has humanised the refugee experience, encouraging empathy, understanding and compassion in the face of a global displacement crisis and in the face of previous government actions where people were seen as numbers rather than names and their stories were not heard and they were restricted from being embraced by our communities.

Through his actions and words, Awer exemplifies the values of inclusivity, social justice and the power of education. He has become a role model for young people, inspiring them to pursue their dreams despite the obstacles they may encounter along the way. Awer's story serves as a powerful reminder that no matter what one's background, one's dreams and aspirations are valid and worthy of pursuit. It is a beautiful game, soccer, and this is a beautiful story that all Australians should be very proud of. I congratulate him for his recognition as the Young Australian of the Year.

The Hon. H.M. GIROLAMO (16:59): I thank all honourable members for their wonderful contributions. Awer and Barefoot to Boots are quite incredible. For someone so young to have excelled in a soccer career and to have also contributed and given back on a world stage is quite remarkable. Many members have mentioned the words 'role model' throughout their speeches and I think Awer is an example of a true role model and it is wonderful that he has been celebrated as the

Young Australian of the Year. Thank you very much to honourable members for their support with this motion.

Motion carried.

TRANSCRANIAL MAGNETIC STIMULATION

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Notes that—
 - (a) transcranial magnetic stimulation (TMS) is an effective treatment option for some people with major depression;
 - (b) in 2018, the Royal Australian and New Zealand College of Psychiatrists recommended that 'TMS should be accessible in private and public mental health services and made available in addition to the current spectrum of treatment options';
 - (c) in 2022, the Prescribed Psychiatric Treatment Panel, a part of the Office of the Chief Psychiatrist of SA Health, recommended that TMS be introduced into public mental health services as a first-line treatment ahead of the significantly more disruptive electroconvulsive therapy;
 - (d) the inclusion of TMS in the range of options available under the public health system would ensure that people have access to suitable treatments that allow them to continue living their lives; and
2. Calls on the health minister to ensure that TMS is made available to South Australians by including it in our public health system.

(Continued from 9 March 2023.)

The Hon. R.B. MARTIN (16:59): I rise on behalf of the government to speak in support of the motion brought by the Hon. Tammy Franks MLC. Transcranial magnetic stimulation is a procedure that uses magnetic fields to stimulate nerve cells in the brain to improve symptoms of major depression. It is called a non-invasive procedure because it is done without using surgery or even cutting the skin. TMS usually is used only when other depression treatments have not been effective.

The Prescribed Psychiatric Treatment Panel position statement states that transcranial magnetic stimulation is an effective, evidence-based treatment for major depression involving the delivery of repetitive magnetic pulses to the brain. The use of TMS in the treatment of major depression is endorsed by the Royal Australian and New Zealand College of Psychiatrists as a well-tolerated, safe medical procedure with a good evidence base.

I am advised that as of September 2022, there are eight psychiatrists practising in South Australia who have expertise in TMS research and treatment delivery. However, TMS is not currently offered in the South Australian public mental health system.

As of November 2021, new items for TMS therapy services have been added to the Medicare Benefits Schedule for eligible patients with diagnosed medication-resistant major depressive disorder. Medicare will provide funding for an initial course of treatment and a course of retreatment, but not for longer term maintenance treatment.

Patients have been required to self-fund TMS therapy with the assistance of private health insurance where available. This means that access to the therapy is often limited to those with financial means. Expansion of this emerging therapy will be explored and further advice is being developed about the steps required to implement this treatment in the public sector. I thank the honourable member for raising this important motion and reiterate that we will be supporting it.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:01): As the speaker for the opposition, I rise in support of the motion put forward by the Hon. Tammy Franks. Transcranial magnetic stimulation (TMS) is a proven and effective treatment option for some people with major depression, particularly for those whose illness is resistant to other treatment options.

It is a recognised alternative treatment to the significantly more disruptive electroconvulsive therapy, also known as electro-shock therapy. Indeed, it has also been the preferred treatment over electro-shock therapy by the Royal Australian and New Zealand College of Psychiatrists since 2018. The college recommends that, and I quote from their literature:

TMS should be accessible in private and public mental health services and made available in addition to the current spectrum of treatment options.

TMS has been approved and regulated by the federal Therapeutic Goods Administration since the early 2000s and is approved to treat not just severe depression but also anxiety, chronic pain, obsessive compulsive disorder and several other conditions.

Despite its recommendation from the peak body and having been on TGA's approved therapies list for two decades, it is not covered by public health insurance in Australia. Patients may need to pay out of pocket or through some private health insurance policies.

However, repetitive transcranial magnetic stimulation therapy was added to the Medicare Benefits Scheme for eligible patients diagnosed specifically with medication-resistant major depressive disorder in 2021. To clarify, there is no guarantee of insurance coverage but it is covered by Medicare as a treatment for one particular diagnosed condition. This leads us to the issue of accessibility.

Just this week, I have spoken publicly about the huge pressure that veterinarians and veterinary staff face and the poor mental health outcomes for some of those workers. We need to support and look after those of us in our community who are struggling. We, the opposition, support this motion put forward by the honourable member, as this is the kind of pragmatic and practical solution we need. We need to do just that: look after those who need it. We need to allow people access to resources and therapies that can help them regain control over these debilitating conditions and can allow them to continue with their everyday lives, around their illness.

This outcome is possible as, unlike some other treatments, TMS requires no or minimal downtime. There is no heavy sedation from medications. There are no physical ailments like those obtained through electroconvulsive therapy.

Regarding the issue of accessibility at present, only one site in South Australia offers TMS, namely, a private mental health facility in Gilberton, called the Adelaide Clinic. My understanding is that it is highly sought after. When inquiries were last made by my office several months ago, there was a substantial waitlist for treatment.

By allowing people with these conditions to have access to TMS through the public health system, we will see a reduced number of mental health patients in hospital beds, less time off work for chronic mental health conditions and their side effects, and more people re-engaging in community. This is something that the Liberal Party of South Australia absolutely supports. Healthy individuals equals healthy communities. I thank the member for bringing this practical motion to this chamber. She has the opposition's support.

The Hon. T.A. FRANKS (17:06): I wish to thank all those who have made a contribution today, namely, the Hon. Reggie Martin and the Hon. Nicola Centofanti. I express my gratitude for their indication of both the Labor government's and the Liberal opposition's support of this motion. I note also the previous support in a contribution by the Hon. Sarah Game, and the attendance of SA-Best MPs, which seemed very supportive, at the briefing that we held on this issue. I think we have an outbreak of consensus to finish our day.

Since I last spoke on this matter, there has been some correspondence from the Flinders Student Psychiatry Society as well, which I would like to add to the public debate. That letter, dated 25 May and co-signed by Sam Diprose (the President), Lauren Hammond (the Vice President), and Sara Ataie Ashtiani (the Director of Education), says:

...(TMS) is used to treat Major Depressive Disorder when medications have failed. This fact alone is enough to articulate that by supporting access to TMS for public patients, you will be voting to directly improve, and save, life.

The Flinders Student Psychiatry Society aims to promote psychiatry and mental health as a career among Flinders University's Medical School. We are a student body who represent the next generation of doctors who will dedicate their careers to the preservation of life.

We ask that you provide these doctors with the tools they need to achieve this.

I note that the future generation, soon to be practising in South Australia, certainly looks forward to this parliament supporting public access to TMS in the near future. I hope that we can hear updates from the government in coming months on their progress towards that.

TMS will save lives and it will change lives. TMS is a proven option here that I am so glad all members on all sides of politics have shown an interest in supporting. I also want to thank the Premier's Advocate for Suicide Prevention—Nadia Clancy, the member for Elder in the other place—for her support of a forum that she and I co-hosted.

It is a lovely way to end the day to have support for this motion, but I certainly hope that the words today are turned into deeds tomorrow—or, if not then, in the coming weeks and months but certainly by the end of the year. With that, I commend the motion.

Motion carried.

WADE, THE HON. S.G.

Adjourned debate on motion of Hon. N.J. Centofanti:

That this council—

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

(Continued from 18 May 2023.)

The Hon. D.G.E. HOOD (17:09): I rise to support this motion to note the retirement of the Hon. Stephen Wade MLC, as he then was, and his 16 years of service to the people and the Parliament of South Australia, recognising his leadership as Minister for Health and Wellbeing during the COVID-19 pandemic in particular.

As members in this place would be aware, I was elected to parliament back in 2006, the same year that Stephen actually entered this chamber. In his case it was a casual vacancy caused by the resignation of Angus Redford. From the time he commenced his parliamentary career and through my personal dealings with him from early on as we both became accustomed to this place, it was evident to me that Stephen was an incredibly diligent and dedicated member and that he was destined to become a key player within the Liberal parliamentary team.

It was therefore no surprise to me when Stephen was swiftly elevated to the position of shadow minister less than a year later. From 2007 to 2018, he was responsible at some time over that period for no less than 19 different portfolios, some of which, but certainly not all, included the Attorney-General's portfolio, families and communities, child protection, police, emergency services, correctional services, water security, youth, arts, ageing, suicide prevention, local government and, most notably, his time as minister for health and wellbeing.

When the Marshall Liberal government was elected in 2018, it was then that Stephen really proved what an invaluable member of the team he was. We could never have predicted what we would all be facing two years later, with the onset of the coronavirus pandemic, and Stephen, being at the forefront of critical decision-making as minister for health and wellbeing, rose up to every unprecedented challenge our state faced with confidence, astuteness and competence.

Health and wellbeing was undeniably already one of the most demanding portfolios, but managing the COVID-19 pandemic would have been something no minister could have prepared for or expected. Stephen's performance was exemplary as he navigated us through the pandemic, for which all South Australians are, no doubt, grateful. As the Hon. Nicola Centofanti expressed in her contribution to this motion, Stephen has always had a reputation for being a humble, steady, hardworking minister, and he certainly demonstrated this in 2020 and beyond, earning our utmost respect.

Although Stephen should be proud of his legacy in this place for his accomplishments as health and wellbeing minister, I have no doubt he will continue to make a significant contribution to our state in whatever capacity he chooses. I certainly wish him all the very best in the next phase of his career as he will certainly bring a wealth of experience and expertise to any position. I am sure he will have more time to spend with Tracey, which no doubt he will enjoy greatly. I commend and support the motion.

The Hon. B.R. HOOD (17:11): I rise to add some brief comments to acknowledge the Hon. Stephen Wade, whose position I now have the privilege of filling following his retirement earlier this year. Whilst I did not have much of an opportunity to work with the Hon. Mr Wade, I am reliably informed that the honorific title fits him to a tee. It was clearly visible to me that he was a man who was diligent, thoughtful and very hardworking.

He was a champion of many things during his time as health minister in one of the most difficult and uncertain periods one could possibly face in that role. Whether it was in suicide prevention, his development of the nation-first Adult Safeguarding Unit, undoing the damage of Transforming Health, or his most iconic achievement in revitalising the Repat, Stephen Wade fought for all South Australians and especially sought to protect our most vulnerable.

I was most impressed by his down-to-earth style as health minister, where he would take it upon himself to do what many other ministers would delegate to their staff or see as beneath their pay grade. Of course, his many achievements and positive contributions to South Australia extend much further back than his final years in this place as a minister of the Crown, and are likely to continue into the future beyond his time in the Legislative Council. I congratulate the Hon. Stephen Wade on his long and fruitful political career and extend to him my best wishes as he pursues his other interests.

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

Bills

SUPPLY BILL 2023

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:13): I move:

That this bill be now read a second time.

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

Leave granted.

A Supply Bill is necessary until the Budget has passed through the parliamentary stages and the Appropriation Bill 2023 receives assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the Appropriation Bill.

The amount being sought under this Bill is \$6.553 million.

Explanation of Clauses

1—Short title

This clause is formal.

2—Interpretation

This clause provides a definition of *agency*. An agency is a Minister, an administrative unit, or part of an administrative unit, of the Public Service of the State or any other instrumentality or agency of the Crown.

3—Appropriation

This clause provides for the appropriation of up to \$6.553 million from the Consolidated Account for the Public Service of the State for the financial year ending on 30 June 2024.

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

CRIMINAL LAW CONSOLIDATION (CHILD SEXUAL ABUSE) AMENDMENT BILL

Final Stages

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

EQUAL OPPORTUNITY (DOMESTIC ABUSE) AMENDMENT BILL

Final Stages

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

At 17:15 the council adjourned until Tuesday 13 June 2023 at 14:15.

*Answers to Questions***MAJOR INFRASTRUCTURE PROJECTS**

248 The Hon. H.M. GIROLAMO (26 March 2023). Can the Treasurer provide a list of all major infrastructure projects commenced by the government since 19 March 2022 and their total value?

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

The 2022-23 Budget Measures Statement and Appendix A of the 2022-23 Mid-Year Budget Review lists all major projects impacted by policy decisions made by the government in the 2022-23 budget and 2022-23 Mid-Year Budget Review. The investing expenditure shown in these documents reflects newly created major projects as well as existing major projects where additional funding has been provided.

AUSTRALIAN EDUCATION UNION

264 The Hon. H.M. GIROLAMO (26 March 2023). Can the Minister for Education, Training and Skills, advise:

1. For the financial years of 2018-19, 2019-20, 2020-21 and 2021-22 (separated by financial year) how much funding was provided by the Department for Education to the Australian Education Union (SA Branch)?

2. In the 2022-23 budget what funding or grants were provided to the Australian Education Union (SA Branch)?

3. List the programs and services and the funding amount provided by the Australian Education Union (SA Branch) with funding from the Department for Education in 2022-23?

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

The department has analysed past transactions and no record of any funding or grants being paid to the Australian Education Union (SA Branch).

In analysing past transactions, it was identified that the department has processed three payments in the period in question. They relate to the following:

- \$33 in 2018-19 for a 12-month subscription to their AEU Journal.
- \$688.69 in 2021-22 relating to two payments that were due to overpayment of invoices made by the AEU in error.