LEGISLATIVE COUNCIL

Thursday, 14 September 2023

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:15 and read prayers.

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

The Registrar's Statement, Register of Member's Interests, June 2023
Ordered—That the Statement be printed (Paper No. 134C)

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

Report of SA Health's Response to the Coroner's Finding of 1 March 2023 into the Deaths of Beverley Joy Coats, Heather Maude West and Lorna Margaret D'Souza
Report of SA Health's Response to the Coroner's Finding of 3 March 2023 into the Death of Mathew George Paxford
Report of the Review of Rural Mental Health Services in South Australia
Report on the Response to the Review of Rural Mental Health Services in South Australia

Question Time

FEDERAL VOICE TO PARLIAMENT REFERENDUM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding comments he made in this chamber on Wednesday 13 September 2023.

Leave granted.

The Hon. N.J. CENTOFANTI: On Wednesday 13 September, the Hon. Kyam Maher responded to a question I put to him concerning the federal Voice to Parliament. The honourable member stated that he had spoken to a lot of people in the community who have concerns about the Voice and they are, in the words of the honourable member, well-founded concerns. Based on the Cambridge dictionary, the definition of 'well founded' is anything that is based on facts or good reason. My question to the minister is: on what basis does he believe the reasons for concerns over the Voice are well founded?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:19): I don't have the exact words I used yesterday. Depending on the exact words I used, the intention was probably better described as well meaning, so that is how I will describe them today.

People have had, no doubt, well-meaning concerns about the Voice, and on many occasions a lot of them are based on incomplete information. As I said yesterday, in speaking to people, in my experience where it is explained what is proposed with the alteration to the constitution—that is, the recognition of Aboriginal and Torres Strait Islander peoples in the constitution through a Voice to government and parliament that is an advisory body only—the vast majority of the time those well-meaning concerns are dissipated.

EXTERNAL CONSULTANTS

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

Leave granted.

The Hon. N.J. CENTOFANTI: It has been reported that Premier Peter Malinauskas has been utilising the services of a private consultant adviser for a job in the Premier's Delivery Unit to the tune of $600 per hour. The media reports out at the weekend also note that public sentiment is unaligned with this spend during a cost-of-living crisis.

My question is to the Leader of the Government. Has the leader received advice relating to any of his portfolios from non government employed external advisers and, if so, what has been the cost to South Australian taxpayers for the consultancy service?

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 don't have any information in relation to that and the hiring that is often done at a departmental level, but I am absolutely certain there will be external consultants that provide advice in my portfolios—for example, actuaries (I think Finity is one that is mainly used for return to work).

I have absolutely no doubt external consultants are used in portfolios I am responsible for. I will check, but I believe they are proactively published. If they are not, I will bring back a reply to the honourable member.

EXTERNAL CONSULTANTS

The Hon. R.A. SIMMS (14:21): Supplementary: is PwC one of the consultancies the government has used?

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 his question. I don't have a list of consultancies that are used in what I am responsible to the chamber for: my portfolios. As I said, off the top of my head they are proactively published, but to the extent that I need to I will have a look and see if there is any further information I need to bring to the chamber.

DOMESTIC VIOLENCE VICTIMS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the protection of domestic violence victims.

Leave granted.

The Hon. N.J. CENTOFANTI: It was recently reported that a South Australian woman who survived a violent attack perpetrated by her ex-partner now has to work just 150 metres away from the offender. The victim, who cannot be identified, was pinned down by her neck, bitten, slapped and hit while being threatened with rape. Her attacker received a 4½-year jail sentence with a non-parole period of three years.

After his release from jail he was given permission to live one kilometre away from his victim's then residence, forcing her to move to an area where she felt safer, with the offender prohibited from entering the suburb. At a later date, however, the man's parole conditions were altered, enabling him to work just a few streets away from the woman's workplace in the CBD.

Earlier this month, the Parole Board apparently dismissed her request for her attacker to be prevented from working in such close proximity to her, citing that full-time work was important for any parolee. The victim has stated:

> It is crucial for survivors to have a safe environment…I do not feel protected from this person at all and how does (he) have more rights than I do? It feels as though this system is punishing me instead of prioritising my safety.

My questions to the Attorney-General are:

1. Does the Attorney-General support the Parole Board's decision to allow a perpetrator of domestic violence to work close to their victim?

2. Does the Attorney agree the system needs to be reformed if the rights of a violent offender can trump those of their victim?

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. It will be a very similar answer to a question the Leader of the Opposition asked yesterday and similar to questions the Hon. Dennis Hood often asks about sentencing in various courts.

I am not going to pretend to substitute my views over a decision of the Parole Board. I don't have all the information that was put to the Parole Board. I don't know the details and I'm sure the Leader of the Opposition doesn't either.

What I do know is that the Parole Board works very hard in coming up with parole conditions and has so over many, many decades. In fact, the head of the Parole Board, Frances Nelson KC, has been the head of the Parole Board and been appointed and reappointed under governments of many different stripes over a number of decades and I have not heard people talk about much but the extraordinary job that she has done in leading the Parole Board.

As I said, I don't have all the details of what was put before the Parole Board, so I'm not in a place, as the Leader of the Opposition isn't either, of trying to substitute our views without that full information.

DOMESTIC VIOLENCE VICTIMS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary: will the minister seek a briefing on the case to familiarise himself with the information and circumstances so he is able to make an informed opinion as to the effectiveness of the sentence of parole conditions?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25): What I will do is I will undertake to have my office forward the *Hansard* of today's proceedings and the criticism that the opposition makes of the Parole Board to them for their information.

ENGINEERED STONE REGULATIONS

The Hon. I. PNEVMATIKOS (14:25): My question is to the Minister for Industrial Relations and Public Sector. Will the minister inform the council about new regulations on the use of engineered stone?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25): I would be most happy to. I thank the honourable member for her question and note the many decades the honourable member asking the question has in terms of protecting workers through her advocacy and legal practices.

As the member of the council would be aware, Australia is facing a concerning increase in the incidence of work-related silicosis associated with the use of engineered tabletop stone. Engineered stone contains crystalline silica and when processed through cutting and grinding, small particles of dust can be inhaled into the lungs and can cause permanent disability and death.

In 2021, the National Dust Disease Taskforce concluded that every case of silicosis affecting a stone benchtop worker is evidence that business, industry and government need to do more to recognise and control the risks of working with engineered stone. There is a significant national conversation occurring at the moment about how our policymakers should confront this issue, knowing what we know about the devastating impact particularly of materials like asbestos within the community. This is an issue that has been high on the agenda of commonwealth, state and territory work health and safety ministers.

Since the last commonwealth, state and territory work health and safety ministers' meeting earlier this year, Safe Work Australia has been undertaking a body of evidence-based work in advance of the next national meeting. The national meeting will consider the serious health and safety risks of engineered tabletop stone and I am optimistic that, after that meeting, there will

hopefully be a clear national position on this issue; however, I have also made it clear that South Australia reserves the right to go it alone, in terms of further regulation, if that is supported by the evidence.

One immediate step the government has taken in advance of the next national meeting is the introduction of new regulations under the Work Health and Safety Act 2012 to ban the uncontrolled dry cutting of engineered stone.

These new regulations, which came into effect on the 1st of this month, prohibit a person conducting a business or undertaking from directing or allowing a worker to process engineered stone without specific control measures in place; require that workers are provided with respiratory protective equipment designed to meet Australian standards; and require that the processing of engineered stone must be controlled using at least one dust suppressant system, including a water delivery system that supplies a continuous feed of water over the area being cut to suppress the generation of that dust and an on-tool extraction system or local exhaust or ventilation system.

These regulations are in line with recent changes to the national Work Health and Safety Regulations, which have also been put in place now in Victoria, Western Australia and the ACT. I am pleased to say these regulations have been widely supported by both those representing workers' trade unions and those representing the business community.

Recently, I was joined by representatives of SA Unions, the Master Builders Association, the Housing Industry Association, and the Australian Workers' Union when announcing these new regulations. This reflects the significant consensus across the industry and those who represent those who run businesses and work in the industry that the uncontrolled dry cutting of engineered stone is an unacceptable practice that puts the lives of workers at risk.

It was pleasing to see so many employer associations, particularly, join the government in taking a principled stand against this practice. I look forward in the future to working with industry stakeholders in progressing the reforms and looking at what further regulation may be needed.

SILICOSIS

The Hon. T.A. FRANKS (14:29): Supplementary: is the minister aware of any assistance being given to injured workers to get a diagnosis of silicosis in this state?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:30): I thank the honourable member for her question. I am aware that particularly our public health system looks after workers and South Australians generally. I know there is work being done to look at a better way to measure the incidence of these occurrences, and of course we are considering amendments to the Return to Work system in relation to dust diseases.

APY ART CENTRE COLLECTIVE

The Hon. T.A. FRANKS (14:30): I seek leave to make a brief explanation before addressing a question to the Attorney representing the Minister for Arts.

Leave granted.

The Hon. T.A. FRANKS: The Attorney and the Minister for Arts would be very well aware of the inquiries that have been undertaken into the APY Arts Centre Collective over the course of this year. I note that the National Gallery has now concluded their investigation, but the multistate and federal review continues. The APY Arts Centre Collective have pledged to offer all cooperation to the current investigation that the South Australian government is part of. My question, however, to the minister is: has *The Australian* newspaper handed over the entirety of the video footage that sparked this entire situation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:31): I thank the honourable member for her question. Yes, although it rests with the South Australian arts minister, the Hon. Andrea Michaels, the member for Enfield, in relation to this matter, I am reasonably familiar with it, and I regularly visit all of the arts

centres across the APY lands and was very pleased with the establishment of a new arts centre at Umoona in Coober Pedy.

Yes, the National Gallery conducted its own investigation into the exhibition, I think it was Ngura Pulka, big country, which looked at, as I understand it, the artistic provenance of I think it was 23 or 24 paintings that were part of that exhibition. The South Australian government, with minister Andrea Michaels as the minister responsible, along with the Northern Territory government, with the arts minister Chansey Paech, and the Australian government, with the federal arts minister, Tony Burke, is undertaking an inquiry that is, as I understand it, significantly broader than the provenance of a group of paintings but looking at other issues to do with the operations and management of the APY Arts Centre Collective.

I regularly have discussions with people who are members of the APY Arts Centre Collective that I have links to as Minister for Aboriginal Affairs and cultural ties to, and certainly have had a number of discussions, and there is a desire, which I support and I know the government is supporting, to do this as quickly as possible. It is not a welcome situation that anyone finds themselves in with what has been occurring.

In relation to the member's specific question about footage from *The Australian* newspaper, I don't know if that's been handed over either to the work that the National Gallery undertook in relation to their inquiry or in relation to the state inquiry that is occurring. I will certainly pass that on to the people who are conducting the review—the suggestion that was made or the inquiry that was made here—for them to take into account.

APY ART CENTRE COLLECTIVE

The Hon. T.A. FRANKS (14:33): Supplementary: noting the National Gallery specifically was not able to obtain this footage from *The Australian* newspaper, will the minister commit the South Australian government to use the powers of all of these governments to ensure that that footage is provided to the review?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): I will certainly pass along the member's suggestion to the review team. It is a review team; I don't think it has very specific powers of compulsion in relation to giving statements or handing over evidence, but I will certainly pass on that suggestion.

SENTENCING

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:34): I seek leave to make a brief explanation before asking a question of the Attorney-General about sentencing.

Leave granted.

The Hon. J.S. LEE: It was reported recently in *The Advertiser* that there is a growing trend of alleged offenders attempting to utilise their autism condition as a defence for their crimes or to gain sentencing leniency. My questions to the Attorney-General are:

1. Does the Attorney-General have any concerns about this growing trend?

2. What measures will the Attorney-General put in place to address this very serious matter?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): I thank the honourable member for her question. No concerns at all have been raised with me from any jurisdiction in South Australia, whether that be the Magistrates Court, the District Court, the Supreme Court or the Youth Court, or even any of the tribunals—the SACAT or the SAIT—in relation to what the honourable member is referring to. If it is raised with me by any of those jurisdictions or the Courts Administration Authority as a present and real problem, of course I will take that into consideration.

WILYAKALI NATIVE TITLE CLAIM

The Hon. R.P. WORTLEY (14:35): My question is to the Attorney-General. Will the minister inform the council about the resolution of the Wilyakali native title claim?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): I thank the honourable member for his question and his interest in this area. I am very pleased to inform the council that the Wilyakali native title claim was resolved by consent determination only a couple of weeks ago, on 28 August 2023.

Justice Raper of the Federal Court presided over the consent determination hearing at Maurice's Bore near Oulnina Station on South Australia's border with New South Wales. I am informed that the hearing was very well attended. In the vicinity of 100 people were present to bear witness to this historic occasion. Dulcie O'Donnell, a named applicant, performed the Welcome to Country. Her nephew performed a smoking ceremony and all attendees were encouraged to pass through it, led by the judge.

The Wilyakali claim for recognition of native title was made over a portion of the Pastoral Unincorporated Area of the eastern part of South Australia, from Oulnina Station on the Barrier Highway to the New South Wales border. The claim has been on foot for over a decade now. Descendants of named applicants for the claim are quoted as recognising the day as very emotional for the remembrance of those ancestors and the people who had recently been lost before the determination.

In a previous determination claim, it was accepted that the evidence from the native title claimants indicated that they had maintained a society that had continued to observe traditional laws and customs since pre-sovereignty. The Wilyakali also provided a connection by evidence, by way of expert anthropological reports and statements that were assessed as they are in these sorts of claims.

South Australia was the first respondent in the claim and I am very pleased that a settlement has been able to be reached. Part of the settlement includes a payment of funds to the Wilyakali Native Title Aboriginal Corporation to be invested in its ongoing administration and corporate compliance. The orders recognise non-exclusive native title rights over land where it has been agreed that native title has not been extinguished. These native title rights in this consent determination include:

- the right to live on, use and enjoy the native title land in accordance with the traditional Wilyakali laws and customs, including the right to take, use, enjoy, share and exchange in the resources of the native title land and waters for traditional purposes;
- the right to teach traditional laws and customs to each other on native title land; and
- the right to maintain and protect places of importance.

Other respondents to the claim include Amplitel Pty Ltd, Havilah Resources, Magnetite Mines Limited, Telstra Corporation, the Mutooroo Pastoral Company, Mannahill Pastoral Services and Lodestone Mines. Magnetite Mines were represented at the consent determination.

The director of Lodestone Mines, which is developing a mine site on part of the determination area, is quoted in media reports as looking forward to employing Wilyakali people as part of the workforce once operations commence. I congratulate all those and their determination in making sure this native title consent determination was recognised in Australian law.

PUBLIC SECTOR EXECUTIVES

The Hon. S.L. GAME (14:39): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding the department CEO salaries in South Australia.

Leave granted.

The Hon. S.L. GAME: *The Advertiser* reported on Tuesday 6 June 2023 the current salaries that heads of department within government are receiving. Educational outcomes have been

declining and OECD statistics confirm that Australia has consistently declined in the quality of schooling over the last 20 years, yet the head of Education pockets $532,621 a year.

Many South Australians cannot afford to pay their power bills. Despite this, the government created a new CEO position in the office of hydrogen, which pays $560,788 per year. Ramping in this state is the worst it has ever been. Mental health cases are continuing to rise post pandemic and emergency clinics are overrun and understaffed, but the CEO of SA Health receives $653,000 a year.

My questions to the Attorney-General are: can the government explain the rise in salaries paid to their CEOs compared with the relative department's performance in the past year and, in particular, what was the decision process in creating the office of hydrogen when power prices are not under control?

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. The honourable member has outlined some of the challenges that this state faces in various areas of government administration. One thing I don't think is that slashing salaries for people who run these very complicated departments—and, in the case of Education and Health, employing tens of thousands of South Australians—is going to get better results. In fact, I think the opposite would be true: that slashing the salaries of those who run the departments might attract candidates who may end up not performing as well.

In relation to the office of hydrogen, it was one of our key election commitments in terms of developing a hydrogen industry in South Australia. We are getting on and doing that, including having an office of hydrogen.

LEGAL SERVICES COMMISSION

The Hon. J.M.A. LENSINK (14:41): My questions are to the Attorney-General regarding the Legal Services Commission. Who has the Attorney-General met with in relation to considering the resources of the Legal Services Commission and its need to progress Ironside proceedings and, if he has not had any meetings, why not?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): Yes, I regularly have meetings with the head of the Legal Services Commission, Gabrielle Canny, and members of the boards of the Legal Services Commission. I think the finance officer often attends the regular meetings. Funding issues, including for Ironside, do come up. I have regular discussions.

LEGAL SERVICES COMMISSION

The Hon. J.M.A. LENSINK (14:42): Supplementary: are those discussions proceeding to a budget bid or an out-of-budget bid, and is the Legal Services Commission satisfied?

The PRESIDENT: You referred to the discussions, Attorney.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I will have to go away and find an exact answer to the honourable member's question. If my memory serves me correctly, there has been provision for complex and expensive cases—that I think include Ironside—for the Legal Services Commission recognising just that. I will double-check that, and if I'm wrong I will bring back an answer for the honourable member.

FORENSIC SCIENCE SA AWARDS

The Hon. J.E. HANSON (14:43): My question is to the Attorney-General. Will the minister inform the council about the recipients of the Forensic Science SA annual awards?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43): I thank the honourable member for his question and his interest in these institutions in South Australia. A few weeks ago, on 22 August, it was an honour to acknowledge the exceptional work of the many dedicated and brilliant minds working at Forensic Science SA. It was a time to reflect on the organisation's many successes over the past

year, and also a wonderful opportunity to formally welcome the new incoming director, Mr John Doherty, to the team.

Mr Doherty has come at a very important time in the history of Forensic Science SA. Between my attendance at last year's awards and my attendance at this year's awards, I have had the opportunity, as I have mentioned in this place before, to spend some time at the headquarters at Divett Place. It is truly remarkable work that the team do in what can be difficult circumstances.

That's why I was pleased at the awards to talk about the fact that, as part of this year's state budget, we have announced the government is allocating just under $350 million to establish a new, purpose-built, state-of-the-art facility for Forensic Science SA. We want Forensic Science SA to keep its well-deserved reputation as a pioneer and leader in the field and an organisation that attracts some of the best minds globally in this area.

South Australia's forensic science services have operated out of Divett Place for more than four decades now. There is a tremendous amount of history in that building. Unfortunately, it's a building that is not as capable as it could be of serving the needs of a team like Forensic Science SA. Our investment will help ensure that Forensic Science SA have the facilities to help them carry out the work in an effective and efficient manner for many years to come and to also provide an enduring contribution both to the research and the practice of forensic science.

Our hope is that this investment will ensure our talented forensic scientists have the technology at their fingertips to continue exploring new frontiers of forensic science and keep South Australia at the forefront of this very complex and challenging field. It will also highlight the important role that students play in the work of Forensic Science SA, the research undertaken through Forensic Science SA and the many papers that are published by staff in collaboration with researchers, either based here in South Australia or interstate or overseas. It's vital that we continue to foster that work and collaboration and the roles played by the staff and the students who work in Forensic Science SA.

It is in that spirit of innovation, research and our ongoing commitment to excellence with Forensic Science SA that we gathered to recognise some of the outstanding work that has been undertaken by staff over the past 12 months and award those who have excelled and gone above and beyond. This year, the Foundation Award was awarded to Ian Beckwith for his focus on continual improvement both in the chemistry group and Forensic Science SA as a whole, notably in the areas of validation through his work with the illicit drugs group and with Forensic Science SA's working group on validation.

The Customer Service/Public Relations Award was awarded to Stephen Trobbiani for his development of an automated workflow for coronial toxicology cases, which has reduced errors and rework and significantly reduced the turnaround times for coronial reports.

Finally, the Special Award was awarded to the Toxicology Group within Forensic Science SA for their work in keeping up with the new psychoactive substances that are continually emerging. Their development of sophisticated analytical techniques and local information-sharing networks has resulted in the detection and early warning of new opioids during the course of the last 12 months. Once again, I would like to place on record my thanks for the perseverance and dedication of the team at Forensic Science SA.

FORENSIC SCIENCE SA

The Hon. H.M. GIROLAMO (14:47): Supplementary: were any concerns raised as to the condition or the risk of the current premises that Forensic Science SA are in?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): At the awards ceremony I attended a few weeks ago, no, it wasn't.

ICAC REPORT

The Hon. F. PANGALLO (14:47): I seek leave to make a brief explanation before asking a question of the Attorney-General about the inspector for ICAC Hanlon report.

Leave granted.

The Hon. F. PANGALLO: Yesterday, I put to you a lucid analysis of what I understood to be fundamental errors in the inspector's report into the Hanlon fiasco, specifically Mr Strickland's references to a section of the ICAC Act that doesn't exist but which is enshrined in the Ombudsman Act, to make his findings of systemic or, as he put it, institutionalised maladministration in an integrity organisation now under your watch and which soaks up $20 million of taxpayers' funds each year.

All of us support a properly functioning ICAC and, as members in this place know, I am prepared to speak up when made aware something is fundamentally wrong within its operations or any other government agency. It is the responsible thing to do to get things right, to restore confidence in the institution, rather than pretend nothing wrong exists.

You brushed off my questions with haughtiness, saying you intended to do nothing, which can also be interpreted as wilful blindness, a legal term you should be familiar with. My question to you—and please take them on notice if it helps:

1. As the minister in charge of this integrity agency, what actions have you taken since the release of this report to reassure yourself and taxpayers that the dysfunction identified within ICAC is being appropriately addressed, and will you report those details to parliament?

2. Will you seek an independent legal opinion from senior counsel on the matters I have raised and report them back to the chamber?

3. Will you investigate whether the individuals named in the report had also breached the Public Sector (Honesty and Accountability) Act and the code of conduct for public officers, and why should they be excused from any wrongdoing?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for his question, and I do acknowledge he has a significant interest in these areas and has spoken at length not just in this place but has done a lot of diligent work in committees looking at our integrity agencies, how they perform and what they do.

In relation to the honourable member's question of will I institute an inquiry or review into this report by an independent senior counsel, that is not something I will do. I note the honourable member has called for a royal commission as well during committee proceedings in relation to this report. Again, that's not something that I intend to do.

In relation to what further action will be taken, I do note that the inspector in his report didn't find the conduct of any ICAC officer warrants referral to SAPOL or any other law enforcement agency. I note that the inspector, in his report, was satisfied that actions taken by the current commissioner of ICAC amounted to significant steps to remedy the defects in processes in ICAC since the charges against Mr Hanlon were withdrawn.

ICAC REPORT

The Hon. F. PANGALLO (14:51): Supplementary in relation to that response: the main question I asked is what steps you have taken to reassure yourself of those comments made by the inspector, and have you met with the commissioner for ICAC to discuss the dysfunctional state that the inspector found in his report?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I thank the honourable member for his supplementary question. As I said in the answer, it is not something I intend to do, that is, to take steps. That is the point of having the ICAC inspector, to look at those matters.

As I have said, the ICAC inspector was satisfied that the actions taken by the current commissioner amounted to significant steps to remedy defects in the processes in the ICAC since the charges against Mr Hanlon were withdrawn. I think it was a very good decision. I know the honourable member was at the forefront of helping in the thinking that made the changes that created the ICAC inspector for these very reasons, to inquire into what ICAC has done, and that's what the inspector has done.

SUMMARY OFFENCES ACT

The Hon. L.A. HENDERSON (14:52): I seek leave to make a brief explanation before asking a question of the Attorney-General on the topic of the Summary Offences Act.

Leave granted.

The Hon. L.A. HENDERSON: On 29 July 2023, *The Advertiser* reported on a blitz on brothels across Australia which uncovered women working illegally in what were described as appalling conditions. *The Advertiser* reported that criminal syndicates were sourcing sex slaves from countries, including Japan. The Australian Border Force raids on brothels in five states, including South Australia and one territory, found six women suspected of being exploited at the hands of their bosses, and another believed to have been trafficked by a crime gang for sex.

Under the Summary Offences Act 1953, the maximum penalty for keeping or managing a brothel for a first offence is $1,250 or three months' imprisonment and, for a subsequent offence, $2,500 or six months' imprisonment. My question to the Attorney-General is: will the minister look at strengthening the penalties for operating brothels in South Australia in order to act as a deterrent and protect women from being trafficked?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): No.

SUMMARY OFFENCES ACT

The Hon. T.A. FRANKS (14:53): Supplementary: does the Attorney understand the difference in the law between operating a brothel or running a boarding house and trafficking?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I can understand how that relates to the question.

The PRESIDENT: I would rule against it, but you are prepared to answer.

The Hon. K.J. MAHER: I can understand how that relates to the question. There are very significant penalties against trafficking humans, and particularly internationally, whether that's for any sort of work—whether that's for work in primary industries, whether that's for work in any other area of society. They are the penalties that—I think the honourable member is confusing—ought to apply here.

HOMICIDE VICTIM SUPPORT GROUP

The Hon. R.B. MARTIN (14:54): My question is to the Attorney-General. Will the Attorney please inform the council about the Homicide Victim Support Group SA seminar that he attended yesterday?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for his question and his interest in this area. Yesterday morning, I had the pleasure of opening the Homicide Victim Support Group SA's information seminar for families and friends of homicide victims. The Homicide Victim Support Group South Australia is a group largely made up of volunteers who provide support to people who have lost family, friends or loved ones to a homicide.

Chaired by Lynette Nitschke, the support group provide a critical support network to guide families and friends of people tragically lost to homicide through the justice system during what is almost always the most traumatic period in their lives. I am very proud that the Attorney-General's Department recently provided additional funding for the work of the Homicide Victim Support Group for additional staff to help to provide support for the group in governance, communications and managing functions and events. This includes the development and distribution of newsletters, organising monthly meetings, attending and taking meeting minutes and organising guest speakers.

I have been pleased to inform the chamber on other occasions of the work that the government has done in supporting victims, including victims of homicide, and laws that we have changed over the last couple of years, including laws in relation to concealing bodies.

In addition to the extra funding for the Homicide Victim Support Group, which was $8,000 a year and is now $18,000 a year, we have provided an additional $70,000 to the Victim Support Service for their Court Companions program for victims of crime. The Court Companions program facilitates volunteers supporting victims with information about the courts and their processes and provides in-person trauma-informed victim supports and support to witnesses and their families. The additional funding for the service was to boost their volunteer workforce by up to 10 new volunteers, ensuring a greater capacity to provide supports during trials, and was in addition to the $600,000 allocated from July 2022 to June 2026 in the restoration of funding for the Victim Support Service.

I would like in ending to thank Lynette Nitschke, who has had many decades of selfless work supporting those who have gone through the trauma of losing a loved one to a homicide and has certainly turned her tragedy of losing her daughter, Allison, who was tragically taken 32 years ago next week, into helping so many other people.

AFFORDABLE HOUSING

The Hon. R.A. SIMMS (14:58): I seek leave to make a brief explanation before addressing a question without notice to the minister representing everybody, the Attorney-General, on the topic of the West End Brewery site.

Leave granted.

The Hon. R.A. SIMMS: It was reported in the Adelaide *Advertiser* online this morning that Renewal SA is the preferred bidder for the prime 8.4-hectare West End Brewery site, and the government's intention is now to engage private developers to construct housing to increase supply to help address our state's housing crisis. My question to the minister is: what percentage of the new dwellings on this site does the government intend to be for affordable housing and what percentage is intended for social housing, and will the government commit to building more than the 15 per cent currently required?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I thank the honourable member for his question. I don't think it will surprise him to know that I don't have an answer for him right now. I will refer it to the appropriate minister, which I am pretty sure will be the Hon. Nick Champion, and bring back a reply, to the extent that one can be brought back. I am not sure what stage of planning it is up to with Renewal SA's bid for that site. I think they are the preferred bidder and, as I understand it, I don't think negotiations have been completed yet, so it might be that I have nothing to bring back, but if there is anything at this stage, I am happy to do so.

WORK-FROM-HOME ARRANGEMENTS

The Hon. H.M. GIROLAMO (14:59): My questions are to the Minister for Industrial Relations and Public Sector regarding work-from-home arrangements:

1. How many agencies have a formal work-from-home agreement in place?

2. How many agencies has the Commissioner for Public Sector Employment worked with to put work-from-home arrangements in place?

3. What is the policy of the Attorney's own department and agencies?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for her question. Largely, I will have to take it on notice, but I will be most happy to do so and bring back a reply. I know that across different sectors of the Public Service there are very different needs and abilities in terms of how flexible working arrangements can be, so I know that it varies quite a lot from department to department or even within different groups in departments.

There are some very forward-facing roles within the public sector, whether they be in health treating patients or in education in classrooms, and other roles are not nearly as forward facing. I don't have a consolidated answer, but I am happy to take away the questions asked and bring back a reply for the honourable member.

COUNTRY CABINET

The Hon. T.T. NGO (15:01): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about events relating to Aboriginal affairs at the country cabinet held in Mount Barker last month?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I thank the honourable member for his question and his interest in this area. Yesterday, I was able to inform the chamber generally about some of the activities that the government and ministers undertook at the recent Mount Barker country cabinet, and I was able to inform the chamber of some of the areas, particularly in my role as Attorney-General, in meeting at the Magistrates Court, meeting legal professionals, justices of the peace and others as part of that visit. I am very pleased to be able to share with the chamber some of the activities undertaken in my role as Minister for Aboriginal Affairs during that country cabinet.

I started my meetings in my Aboriginal affairs area with representatives of the Adelaide Hills Reconciliation Action Group. The group is a joint initiative between the Adelaide Hills Council and the Mount Barker District Council, and was established to develop and implement the reconciliation action plans of both councils and provide advice on issues affecting Aboriginal and Torres Strait Islander residents in the Hills. I am very grateful to councillor Jessica Szilassy, Mayley Willis, Ros Cameron, Jade Brook and Peter McGinn for spending time talking about the work of the group and reconciliation projects and events throughout the Adelaide Hills, things that included:

- a First Nations newsletter at Mount Barker High School, which recently won a Parents in Education grant to create a bush tucker garden and fire pit and host Ngarrindjeri language sessions; and
- the Wellbeing on Watta cultural group, which hosts sessions on culture, wellbeing and mindfulness, including painting, embroidery, crafting and yarning circles.

I then had the pleasure to visit the Flaxley Uniting Church building and met with David Leach, Mayor of the Mount Barker District Council, as well as members of the Aboriginal community who had been using the church as a community forum through a community group called Woven. Woven has a focus on arts, culture, history and reconciliation and has used this church as a meeting place for Aboriginal people and for hosting cultural events.

While I was there I was able to view some of the local Aboriginal artwork and spend some time with some people who I had met earlier in the day as members of the Reconciliation Action Group, and have a better understanding of the needs of Aboriginal people in the Mount Barker area. A particular highlight was a trip to the summit of Mount Barker and an opportunity to view the very important cultural significance of that to the Peramangk people and the sites around the summit.

Possibly the highlight, not just of my interactions as the Minister for Aboriginal Affairs but of any interaction as part of my time at the Mount Barker country cabinet, was visiting a group of Aboriginal high school students from Mount Barker High School and Cornerstone College to talk about what they are doing, what their ambitions are, and my work as Minister for Aboriginal Affairs.

The students spoke passionately and eloquently about their experience growing up as an Aboriginal person, particularly in the Adelaide Hills, and maintaining a connection to their country and culture. Students spoke about their parents, grandparents and ancestors and their connection to country and their ambition to do the same.

I very much appreciated that visit with the students from Mount Barker High School and Cornerstone College, and look forward to visiting not just those schools but also the Mount Barker area again soon.

MOUNT BARKER HIGH SCHOOL

The Hon. J.M.A. LENSINK (15:05): A supplementary question in relation to Mount Barker High School: is the Attorney aware that locked doors are utilised at the school in the special services unit, which constitutes unlawful restrictive practices?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): No-one has brought that to my attention.

SA PAROLE BOARD

The Hon. F. PANGALLO (15:06): I seek leave to make a brief explanation before asking a question of the Attorney-General about the Parole Board.

Leave granted.

The Hon. F. PANGALLO: I have viewed the list of members of the current Parole Board and noticed the appointment of a new deputy member, Mr Gregory Mornington May, the former Legal Profession Conduct Commissioner.

As I have revealed in this place, but have never received a satisfactory response from the previous Attorney-General, the Full Court found on 10 August 2017 in Viscariello v Legal Profession Conduct Commissioner (2017) SASCFC 98 that Mr May had breached section 17 of the Public Sector (Honesty and Accountability) Act on multiple occasions. One breach carries a significant financial penalty and a jail term. In doing so, Mr May was also in breach of the Public Sector's Code of Ethics and conduct. My questions to the Attorney-General are:

1. Can he come back to the chamber and tell us if Mr May was ever investigated for those breaches, and what determination, if any, was made?

2. Was the Attorney-General aware of these breaches revealed in the Full Court judgement, and is he concerned about them?

3. How did Mr May get a paid part-time appointment to a board which determines whether a person who has broken the law and has gone to jail is released on parole?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I am happy to take that on notice and confer with my colleague the Minister for Corrections, who is responsible for the parole system in South Australia, and bring back a reply for the honourable member.

OFFSHORE RENEWABLE ENERGY

The Hon. B.R. HOOD (15:08): I seek leave to make a brief explanation before addressing a question to the Minister for Industrial Relations regarding union support for an offshore renewable energy zone in South Australia.

Leave granted.

The Hon. B.R. HOOD: As reported by the Australian Associated Press, the Communications, Electrical and Plumbing Union of Australia, the Maritime Union of Australia, the CFMEU, and the AMWU have all condemned the state government's recommendation that an offshore wind farm zone should not extend into coastal waters off Port MacDonnell.

These units have variously described your government's recommendations as 'uninformed', 'kneejerk', and that it 'risks denying us the opportunity to develop good, sustainable jobs', as well as risking 'the state's broader economy and environment'. My questions to the minister are:

1. Has the minister or his government met with these unions to discuss the offshore wind farm zone proposal off South Australia's southern coast?

2. Should South Australians be concerned by the fact that these Victorian-centric unions are increasingly gaining a foothold in this state, given their support for this proposal that his government recognises will bring no benefit to South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for his question. None of the unions that the honourable member has mentioned has personally made representations to me about the matters the honourable member referred to and I think the honourable member has probably answered his own question: the fact that the government made a decision that was against

the views of those unions means they don't carry the influence which the honourable member is so worried about.

OFFSHORE RENEWABLE ENERGY

The Hon. B.R. HOOD (15:09): Supplementary: what assurances can the minister give the chamber and the people of South Australia that this current friction between the government and the unions will not result in the unions further intimidating the construction and building industries to wedge the government on the issue?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): This—

Members interjecting:

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

The Hon. K.J. MAHER: I thank the honourable member for his supplementary question. One of the hallmarks of this government has been how willing we are to have open and courteous discussions with representatives not just of employee groups but employer groups as well. I know this stands in stark contrast to the former government. We used to have the Hon. Rob Lucas stand in this very place and demean those who dedicate their lives to looking after working people, calling them 'mere union bosses'. That is not what we do here. That is not what we do at all.

We recognise the important role that trade unions play in society today, people who dedicate their lives to representing some of the lowest paid workers. We won't do what the former government did and there is no doubt that, if South Australia was unfortunate enough to have a future Liberal government thrust upon them, they would demean those who stick up for some of the lowest paid workers in this state. That is not what we will do. We don't think that is conducive to a well operating South Australia. Perhaps that's why the Liberal Party in this state has been in opposition for so much of this century—because of their attitudes and what they do and how they carry on.

Further, it's another hallmark of this government that we have respectful and courteous relationships and discussions with industry groups—those that represent employers as well. I very regularly meet with many people who represent employer groups and industry associations in South Australia. So I just don't accept at all what the Hon. Ben Hood is saying in trying to drum up that there is some sort of huge friction. I can tell you that when there was friction it was when the Liberals were last in government, and it didn't serve the state very well at all.

VOLUNTARY ASSISTED DYING

The Hon. I. PNEVMATIKOS (15:12): My question is to the Attorney-General. Will the minister inform the council about the release of the second quarterly report on South Australia's voluntary assisted dying scheme?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question, and I would be most happy to do so. I think this probably completes an answer that was given in relation to a question asked in recent weeks about the second quarterly report and the statistics contained therein.

Back in June, I informed the council about the release of South Australia's inaugural voluntary assisted dying quarterly report since the legislation commenced in late January of this year. That report, published by the Voluntary Assisted Dying Review Board, highlighted the myriad positive impacts that those new laws had in helping South Australians with a terminal illness having the choice to die with dignity.

In August of this year, the Voluntary Assisted Dying Review Board published their second quarterly report on South Australia's voluntary assisted dying scheme, covering the period 1 May to 30 June 2023, and it has evidenced that the smooth operation of the scheme has continued.

The report affirms that, since commencement in January, the voluntary assisted dying laws have received consistently positive feedback both from people as they undertake steps to choose to

access the voluntary assisted dying scheme and from loved ones, particularly regarding the holistic support offered through VAD services and the comfort and control afforded to suffering patients.

In a covering message from Associate Professor Melanie Turner, presiding member of the review board, she summaries that this latest report shows there has been a gradual increase in the number of people accessing voluntary assisted dying in South Australia over the past two months in comparison with the first quarterly report. This trend will be able to be further monitored when the annual Voluntary Assisted Dying Activity Report is released later, after the first 12 months of operation.

Associate Professor Turner also reinforced the continued feedback that the review board have been receiving about the role voluntary assisted dying plays in alleviating suffering for individuals and thus the peace of mind that can be afforded during those last few months. Some of the testimonials shared in the report include a testimonial saying:

> I just want to say how grateful we all are that dad could leave this world on his terms. I just want to preach from the hilltops, he was 94 and he died with dignity.

Another said:

> I just wanted you to know that I have found this whole process so liberating. I want to congratulate the whole team on how beautifully sensitive, respectful and non-judgemental the whole process has been.

Looking at some of the statistics that the report published, between 1 May and 30 June 2023 a total of 32 people who were the subject of a voluntary assisted dying permit passed away. The breakdown of that figure includes 19 people who passed away as a result of self-administration of the voluntary assisted dying substance, eight people who passed away as a result of practitioner administration of the substance and five people who passed away without taking the substance.

That is a hallmark of voluntary assisted dying schemes not just in South Australia but around the world, that there is a not insignificant proportion of people who apply, who are accepted into the scheme, who have the substance delivered but who pass away without taking the substance, some of whom die before they have an opportunity but many of whom do not choose to take the substance. There is a lot of evidence to support that having the substance available is a palliating effect to many in those last years of their life.

Of the 32 people who passed away who were the subject of a voluntary assisted dying permit, 19 had cancer as the disease, illness or medical condition for which they were eligible for voluntary assisted dying, five people had a neurodegenerative disease as the eligible disease or illness, and three people had an eligible respiratory failure condition.

Since the commencement of voluntary assisted dying in this state, a total of 112 medical practitioners have registered to undertake the mandatory practitioner training to be able to deliver voluntary assisted dying. I am informed that 27 per cent of those registered doctors reside in regional areas of South Australia, and that number is expected to continue to rise.

I would like to sincerely thank all of the medical practitioners, pharmacists, care navigators and health professionals for their continued professional and sensitive support provided to patients and families throughout this process. It is a real credit to all who work in this scheme that the wishes of a person with an insufferable illness at the end of their life can be facilitated, providing peace of mind to both patients and their families.

VOLUNTARY ASSISTED DYING

The Hon. F. PANGALLO (15:17): Supplementary: is the Attorney-General considering amending the act to widen the scope of individuals able to seek VAD, including minors under the age of 18 or those with mental illnesses?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): No, there is no intention.

VOLUNTARY ASSISTED DYING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:17): Supplementary: of the people who didn't take the substance, were there any issues reported around recovery of the substance?

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 her question, and it's a very good one. Of course, under the scheme that was passed in the last parliament there are very strict controls around the substance. There needs to be a person who—and I just can't remember the term that is used in the legislation—is the person that is responsible for the return of any unused substance.

Of the five from this reporting period who didn't use the substance I will certainly take that on notice and check, but I am not aware of any concerns or problems that have occurred. Certainly, from the first report, and I think as is the case with the second report, there is no evidence that any of the procedures that are outlined to apply in the act haven't been complied with. So I would be pretty sure that the requirements for unused substances have been complied with, but I am happy to check and if that's not the case I will bring back a reply for the honourable member.

Bills

STATUTES AMENDMENT (OMBUDSMAN AND AUDITOR-GENERAL) (TERMS OF OFFICE) BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): Obtained leave and introduced a bill for an act to amend the Ombudsman Act 1972 and the Public Finance and Audit Act 1987. Read a first time.

Second Reading

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

That this bill be now read a second time.

I am pleased today to introduce the Statutes Amendment (Ombudsman and Auditor-General) (Terms of Office) Bill 2023. This bill makes some modest amendments to the Ombudsman Act 1972 and the Public Finance and Audit Act 1987 to update the terms and conditions of appointment for the Ombudsman and the Auditor-General. This follows the decision of the Ombudsman, Mr Wayne Lines, to resign from his role at the end of this year, and the Auditor-General, Mr Andrew Richardson, approaching retirement age.

Mr Lines was appointed as the Ombudsman by the then Governor in Executive Council following a recommendation by resolution of both houses of parliament on 18 December 2014. Having served as Ombudsman for over nine years, Mr Lines has had an impressive career in the Public Service and the legal sector. Before his appointment as the state Ombudsman, Mr Lines served as the South Australian WorkCover Ombudsman from 2008 to 2014. Prior to that, Mr Lines worked in the legal sector, including 16 years in the Crown Solicitor's Office.

As South Australia's sixth Ombudsman, Mr Lines has played a vital role in holding governments and public servants to account. He has always carried out his work with professionalism and has considered matters as an ombudsman must: impartially and in an even-handed manner. On behalf of the government and the parliament, I thank Mr Lines for his longstanding service to the South Australian community and I wish him and his family all the very best for the future.

The Governor in Executive Council appointed Mr Andrew Richardson as the Auditor-General in South Australia from 1 June 2015. Mr Richardson continues in the role but is approaching the age of 65, at which time the office will become vacant. Members would be well aware of the important work of the Auditor-General in auditing the financial reports and operations of government departments and local governments around the state.

The annual Auditor-General's Report is an important process in identifying issues and maintaining high standards of accountability across government. Similarly, the opportunity for members in each house to scrutinise ministers on the contents of those reports is an important annual convention. On behalf of members of the government and the parliament more generally, I would like to thank Mr Richardson for his important service to this state and wish him well when, in the near future, he reaches the retirement age of 65.

I will now turn to the substance of the bill before us. The Ombudsman Act currently has no set term of appointment for the Ombudsman. Instead, it provides that the Ombudsman's appointment expires on the day on which the incumbent attains the age of 65 years. Following the announcement of his resignation, Mr Lines wrote to me and recommended that section 10 of the Ombudsman Act be amended to reduce the term of appointment for the Ombudsman to seven years, with eligibility to be reappointed to a maximum term totalling 10 years.

The Ombudsman noted that this provision means that a person over the age of 65 could not currently be considered for the position, whereas a person appointed at the age of 40 could hold tenure for 25 years. He also noted that a seven-year term of appointment with a possible further three years is consistent with the term of office for other statutory officers.

Unlike South Australia, ombudsmen in all other Australian jurisdictions are appointed for a set term and there are no age restrictions on the tenure of their office. In the commonwealth, New South Wales and the Australian Capital Territory, ombudsmen are appointed for a set term not exceeding seven years and are eligible for reappointment. In Queensland, Western Australia, Tasmania and the Northern Territory, ombudsmen are appointed for a set term not exceeding five years and are eligible for reappointment to a maximum term of up to 10 years. In Victoria, the ombudsman is appointed for a set term of 10 years but is not eligible for reappointment.

In anticipation of the forthcoming vacancy in the office of the Ombudsman, and as recommended by the incumbent Ombudsman, this bill amends the Ombudsman Act to:

- provide that the Ombudsman is to be appointed for a set term of a period not exceeding seven years, but is eligible for reappointment provided that the total term does not exceed 10 years; and
- remove the age restriction which provides that the Ombudsman's term of office expires on the day on which they attain the age of 65 years.

During the course of preparing amendments to the Ombudsman Act, it was identified that similar provisions apply to the appointment of the Auditor-General, which are also out of step with other jurisdictions. The Public Finance and Audit Act currently has no set term for the appointment of the Auditor-General. It provides, similarly to the Ombudsman, that the Auditor-General becomes vacant if the Auditor-General attains the age of 65 years.

Similar to the issues raised with the Ombudsman Act, a person over the age of 65 cannot be considered for the position of Auditor-General when it becomes vacant and similarly, for example, a person appointed at the age of 40 could hold tenure for 25 years.

Unlike South Australia, again, Auditors-General in other Australian jurisdictions are appointed for a term and there are no age restrictions on the tenure of their offices. In Queensland and in the Australian Capital Territory, the Auditor-General is appointed for a fixed term of seven years and is not eligible for reappointment. In Victoria, the Auditor-General is also appointed for a fixed term of seven years, however is eligible for reappointment. In New South Wales, the Auditor-General is appointed for a fixed term of eight years and is not eligible for reappointment. In Western Australia and Tasmania, the Auditor-General is appointed for a fixed 10-year term and cannot be reappointed for another term.

Mr Richardson, as the current Auditor-General, is due to soon reach the maximum statutory age limit permitted for a person to hold office as the Auditor-General, being 65 years of age, and, as I have said, upon him attaining 65 years of age the office of the Auditor-General becomes vacant. Accordingly, the bill amends the Public Finance and Audit Act to:

- provide that the Auditor-General is to be appointed for a set term for a period not exceeding seven years, but is eligible for reappointment, provided that the total term does not exceed 10 years (including any period of acting in the office of Auditor-General); and
- remove the age restriction which provides that the Auditor-General's office expires on the day on which they attain the age of 65 years.

The above approaches for the Ombudsman and the Auditor-General are consistent with the terms and conditions of appointment for the Independent Commissioner Against Corruption, the Director of the Office for Public Integrity and the Judicial Conduct Commissioner, each of whom are appointed for a set term not exceeding seven years and are eligible to be reappointed, provided their tenure does not exceed 10 years in total.

It is intended that these amendments will apply to the appointment of the next Ombudsman and the next Auditor-General. Given this, it is important that these amendments commence prior to those appointments. In the event of a vacancy in the office of the Ombudsman, the matter of inquiring into and reporting on a suitable person for appointment is referred to the Statutory Officers Committee of parliament. The government looks forward to working with the Statutory Officers Committee to undertake this process, as is required by legislation.

In contrast, the Auditor-General is appointed by the Governor in Executive Council. The government is currently undertaking a recruitment process, which will be considered in due course. I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Ombudsman Act 1972*

2—Amendment of section 10—Term of office of the Ombudsman etc

Currently, the Ombudsman holds office for a term expiring on the day on which they attain the age of 65 years. The amendment proposes to amend this to provide that the term of appointment is for a period not exceeding 7 years. Proposed new subsection (1a) provides that a person appointed to be Ombudsman is, at the end of a term of appointment, eligible for reappointment but cannot hold office for terms (including any term as Acting Ombudsman) that exceed 10 years in total.

The other amendment is consequential.

Part 3—Amendment of *Public Finance and Audit Act 1987*

3—Amendment of section 24—Appointment of Auditor-General

This amendment proposes to amend section 24 to provide that the term of appointment of the Auditor-General is for a period not exceeding 7 years. Proposed new subsection (2a) provides that a person appointed to be Auditor-General is, at the end of a term of appointment, eligible for reappointment but cannot hold office for terms (including any period acting as Auditor-General) that exceed 10 years in total.

4—Amendment of section 27—Vacation of office of Auditor-General

This amendment is consequential.

Schedule 1—Transitional provisions

1—Transitional provisions

Transitional provision are set out for the purposes of the measure.

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

WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 September 2023.)

The Hon. C. BONAROS (15:27): I rise to speak on behalf of SA-Best on the Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023. According to Safe Work Australia, 104 Australian workers have been killed at work this year. They include 35 transport, postal and warehousing workers; 23 construction workers; 12 working in agriculture, forestry and fisheries; 10 in public administration and safety; and seven in the mining industry.

Given the industries represented in the fatality toll, it is not surprising that males are most likely to die at work, particularly those aged between 45 and 54 years. The statistics also tell us a worker is most likely to die in a vehicle, then hit by a moving object, falling from a height, hit by a falling object, or trapped by a moving machine.

In South Australia, there have been 286 workplace deaths recorded since 2003. There has of course been a national push for the introduction of industrial manslaughter in recent years, with all jurisdictions but Tasmania either passing or committing to pass such legislation. I understand there have been a small handful of convictions and a number of other cases which have not proceeded to trial.

In December 2018, Ms Marie Boland provided Safe Work Australia with her final report of the first national review of the model WHS laws, in which she recommended the model act be amended to provide for a new offence of industrial manslaughter. At a work health and safety ministers' meeting in February of this year, commonwealth, state and territory ministers met to discuss and advance nationally important issues, including industrial manslaughter. By majority, the ministers agreed to adopt industrial manslaughter into the model WHS laws but left it to each jurisdiction to flesh out what that would look like.

The model penalty, which is prescribed in law, is $18 million for a body corporate and 20 years' imprisonment for an individual, which is reflected in this bill before us. South Australia, along with those other jurisdictions, obviously is part of the jurisdictions that signed up to this agreement to implement these laws. So it now comes down to a conversation about the best model. There is disharmony between the regimes, and there does not appear to be any plans to adopt uniform laws across the nation, at least not in the short term anyway.

There have been a number of iterations of the industrial manslaughter bill for the consideration of the South Australian parliament over the years. Based on some of the speeches made during the last session, it might come as some surprise to members on government benches to know that this is in fact not the first but the seventh attempt to implement industrial manslaughter laws in South Australia. Nick Xenophon introduced a bill in 2004. The Hon. Tammy Franks followed in 2010, 2015, 2019, 2020 and 2022. Of course, the legislative regime has changed significantly since the first attempt in 2004 and a number of other subsequent attempts thereafter that I have just referred to.

I have had the fortune—or misfortune perhaps—of having been here when those national work health and safety laws were adopted by South Australia. One of the benefits of having been here for this long is that I also have, as members in this place would have, knowledge of the debates that took place around those changes, those laws that were introduced and the implications that they had for South Australia, so it is not the same landscape as it was when industrial manslaughter was first introduced in this state.

I have worked personally and closely with Andrea Madeley, who has been referred to during this debate, for many years on this issue. I would like to take this opportunity to pay tribute to Andrea for all she has done for the families who have been left behind. I have not seen a person other than Andrea be able to achieve what she has achieved in the face of absolute tragedy for her and her family.

I think it is worth reminding members who do not know that Andrea's son died in a horrific workplace accident in June 2004. Daniel—or Danny, as he was lovingly known—was working as an apprentice toolmaker and was just 18 years young. Andrea represented herself in the inquest of her son's death, and we were with her for the entire duration of that inquest. I, as a staff member for Nick Xenophon at the time, spent days on end watching her and have nothing but sheer admiration for the way that she was able to ensure that, despite having lost the love of her life, she would do her level best to ensure that no other person suffered the same fate.

Andrea went on to become a lawyer and is now practising in law and doing an exceptional job; she has made it her life's mission. She has established the Voice of Industrial Death and made it her life's mission to advocate for others who have experienced the horrors she has. She has done everything in her power to prevent other families from going through the hell that she has.

I talked to Andrea earlier today. I hope she does not mind me saying this, but the one thing I can recall vividly in my mind from every day that I sat in the inquest with her was the clear plastic bag that sat by the feet of counsel assisting with the blue shredded coat that Daniel was wearing. There were bloodstains on it. It sat there every day as a constant reminder of what Andrea was doing in that inquest. I cannot underestimate what she has contributed to South Australia in this respect. Those memories are etched in her mind and I think in the mind of everyone who was in that courtroom for the duration of that inquest.

Andrea has a seat at the table of the newly established Stakeholder Advisory Committee, which I understand will be prescribed at a later date, and I commend the Attorney's department for making such a sound decision in selecting her for that role.

I am going to speak about this bill in some detail because I think it warrants it, given the nature of the debate that we are having. My comments about the detail in this bill are in absolutely no way intended to diminish the absolute heartache caused by workplace death. It is the right of families to have their loved one's death treated appropriately at law. My advocacy in this place over years for families who have lost loved ones speaks for itself, as does that of others in this place, and I stand by that firmly and resolutely.

Workers deserve to go home from work safely each and every day, and employers who blatantly neglect and disregard the safety of those workers ought to be responsible. There is absolutely no question about that. When we are considering these laws, our job as legislators is to ensure that we subject them to the level of scrutiny that they deserve and this is a perfect example of the sort of law that deserves all the attention and scrutiny of this chamber.

My starting point with this legislation is that in my view, and I am sure in the view of many legal commentators, it is not drafted particularly well—some would say it is clunky—because we have adopted national laws. They are not our laws. They are not drafted here by parliamentary counsel. They are not drafted with the same language and drafting style that we would normally expect in laws because we have adopted national laws, and they are different in drafting styles. That is the first issue. In this instance, we simply do not know what the outcome of the wording will be in this legislation until the courts start to interpret it. As I said in my opening, we have already seen a small number of cases flowing through other jurisdictions.

Until the courts start to interpret what is going to pass through this place, as with all new laws, we simply do not know what their effect will be. For instance, when I first looked at this bill my first question at the briefing was: what does 'such a great falling short of the standard of care' mean? I do not know the answer to that because we have adopted the wording of another jurisdiction. Until the courts here provide an answer to that question, we will not know what that means even if it is a codified test in the commonwealth.

Granted, we will have the benefit of case law arising from those other jurisdictions I have referred to, regardless of the fact that everyone has taken a slightly different approach. We talk about national consistency, but the reality is we do have varying degrees of consistency in this space across the nation but we really do not know what the outcome will be in terms of these laws.

Can I suggest something better? We have access to parliamentary counsel. I have certainly been back and forth trying to think of how we can improve this, but I know I cannot because I do not

know whether what is being proposed is going to have the intended effect or what better alternative there is. We simply do not know.

The same can be said for the concepts of gross negligence and recklessness, and I will focus on these a bit. Negligence, as we know, is not a criminal concept; it is a civil concept that we are applying to criminal matters in this bill. That is not to say we have not done that before, but generally speaking negligence is well known and interpreted as a civil concept, and in this bill we are adopting that in criminal matters.

Negligence has different thresholds in civil law. As I said, we are not talking about civil laws in this bill. We are talking about criminal laws. Industrial manslaughter will work differently from the well-established and understood interpretations and principles the common law courts apply in these jurisdictions. What we do know is that both gross negligence and recklessness offences carry with them a new mental element, or a qualitative element that has not existed prior in the work health and safety space. How that is interpreted also remains to be seen.

I have heard the government's justifications for the inclusion of gross negligence and the arguments both for and against. I have to say, from where I sit, if the point of introducing this legislation is to elevate industrial manslaughter as the extreme end of offending that carries more significant penalties, because of the disregard for someone's safety at work, than anything else already applicable under the existing framework, and warranted where a business has acted with such a blatant disregard for a worker's safety, then the insertion of recklessness is the concept that I would be questioning.

In other words, if industrial manslaughter is supposed to reflect existing criminal manslaughter laws then recklessness should not feature in this bill. To my mind, its incorporation into this bill has the very real possibility of diminishing and undermining the offence because we are in effect lowering the threshold of a criminal manslaughter charge, according to some legal commentators. We are not mirroring it; we are lowering it. I think that is the point that the Law Society conveyed to us in correspondence when they considered the relevant criminal threshold for the proposed industrial manslaughter offence. They say:

> The proposed offence comprises two limbs; being either 'gross negligence' or 'recklessness'. The Criminal Law Committee expressed concern at the reference to recklessness, noting that its imposition may have the effect of lowering the threshold for manslaughter, while also noting the penalty proposed is up to 20 years' imprisonment.

Those are not just views that I have concerns about; they are views that have been the subject of some legal scrutiny. The submission goes on to provide:

> The concept of recklessness is already utilised within the [WHS Act] and has a well-established and understood meaning in the criminal law. Members of the Criminal Law Committee remained of the view that South Australia's workplace safety laws already adequately penalise the conduct as is, with offences of causing harm by failing to comply with a duty in Part 2 Division 5 of the Act covering lesser offences and offences of gross negligence already being captured by the existing manslaughter offence in the [CLCA].

I have no comment or position with respect to this last point, but I do agree that the criminal threshold in the proposed bill as drafted raises the potential risk of creating confusion and capturing actions that should not be regarded as manslaughter. They are the concerns of the Law Society, if indeed the intent of the bill is to treat industrial manslaughter like criminal manslaughter.

It is worth noting that normal criminal manslaughter and industrial manslaughter will be the subject of two very different investigating bodies. SafeWork SA is the regulatory body for industrial manslaughter under this bill, as it is for all work health and safety matters in this state, before SAPOL. It is also worth noting that there are no impediments to criminal charges for workplace accidents or deaths right now, where they are warranted.

So at present, you could very well end up with a charge of manslaughter or some other criminal offence, depending on the circumstances of death. That is a starting point and from my view a good indication of all the considerations that we ought to be thrashing out in detail as part of this debate in this chamber before we get to the remainder of the bill.

The next issue worth noting is that, unlike criminal manslaughter, industrial manslaughter will exist in the legislative framework that is duty based, namely, the Work Health and Safety Act, which is as we know duty based. That is very different from a criminal code. The legislation, and sections

18 and 19 in particular, impose a series of duties on employers and employees and the offences under the act for those employers, for the offices for employees, for PCBUs, are rooted in the notion that you have to meet a series of duties and in the absence of meeting those duties at any point along the line you are committing an offence. It is not one duty—it is a series of duties, a continuum of interrelated duties relating to work health and safety.

Appropriate safety plans are one in the list of many duties that have to be met. This is very different from a criminal charge of manslaughter. There are no duties that apply, obviously, in a criminal charge of manslaughter, but in this instance there is a series of continuous duties that you are required to comply with, that you are required to meet, and if at any point you breach one of those duties you are in breach of the act and subject to criminal penalty.

In the simplest of terms, if you do not discharge one of those duties you have committed an offence, the severity of which will depend on the nature of the breach itself, and that is very different from the thresholds that apply to criminal manslaughter. That is where things can start to get a little murky.

Carriage and oversight of the WHS legislation falls within the remit of SafeWork SA, and if that instils any confidence in the Attorney-General then he is a better person than me. I say that respectfully towards the SafeWork SA agency and the individuals who work there. I am not sure at times how they are expected to carry out the work they do, but I know they have been the subject of intense scrutiny, certainly in this place by many of us over a long period of time, and not without good reason.

They are and ought to be the regulator in this space—there is no question about that. They are also responsible for providing advice and education on all things work health and safety related. They provide licensing and registration for workers and plant. They investigate workplace incidents, and they are responsible for enforcing work health and safety laws. They are responsible for every single worksite in South Australia—every single one.

Of course, myriad issues fall within those responsibilities—safety is but one. It is also dependent on the nature of the workplace: is it a high-risk workplace, is it a low-risk workplace, is it a medium-risk workplace? It is a long, exhaustive list. The inspectorate responsible for that long and exhaustive list is extraordinarily small.

We had witnesses appear before the wage theft committee, another issue they are responsible for, speaking to the numbers they had in their inspectorate and it was something like 77 FTE inspectors responsible for over 150,000 small businesses in South Australia. That is not the big ones, that is just the small businesses in South Australia. There are about 91 people, I am told, in the compliance unit all up, including investigators, inspectors, technical leaders, and so forth. I add to that the workplaces more likely to warrant more attention, the ones the subject of statistics I read at the outset, and that is a huge cohort over which 91 individuals have oversight and responsibility. Therein lies the first problem we have to deal with when considering this bill.

To put that into perspective—and I will use PIRSA as an example—PIRSA has a dedicated inspectorate of something like 50 inspectors who deal with compliance in the fishing industry. There would be similar numbers when it comes to NRM, when it comes to agriculture, when it comes to mining, and they only deal with compliance about the activity. They do not deal with work health and safety for those industries, they just ensure that the individuals working in those industries are complying with the rules that apply to them. It is SafeWork SA that has oversight of those industries as well when it comes to work health and safety.

It really beggars belief that we have so few inspectors in SafeWork SA, given their responsibilities when it comes to safety. It beggars belief, from where I sit, that we would consider a piece of legislation as significant as this in the absence of a review of the statutory obligations, the roles, the responsibilities and guidelines applicable to SafeWork SA in conducting their functions when it comes to work health and safety.

There is no question—no question whatsoever—that the statutory framework for SafeWork SA is in dire need of review. I am not just talking about things we have referred to as botched investigations, things that have resulted in external reviews, reviews that have been

instigated by the Attorney or the Minister for Industrial Relations, but they are good examples. I am talking about how they fulfil their responsibilities when it comes to this particular piece of legislation, and the changes needed to their regulatory framework to ensure that there is some nexus, some connection, between the duties on businesses and the body responsible for regulating and overseeing them.

What on earth do you expect 91 people to do first? That is my first question. How do you respond to critical incidents? How do they possibly deal with all the breaches? How do they have time to educate and train individual businesses? How many are they offering their services to? The answer is that we are asking them to spread themselves thinly across a minimum of 150,000 small businesses in this state. Add to that the high-risk industries, the larger based industries, the medium-risk industries, the low-risk industries, and we know that number is extraordinarily high.

When it comes to compliance with these laws, with the national laws we have adopted and now with industrial manslaughter, of course the responsibility shifts to the business. In theory I could ask SafeWork SA for guidance, for assistance, for education, for audits, but in practice we know it is absolutely impossible for them to undertake those roles to the extent they ought to. So it falls to businesses, who try to do that as best they can and with the resources they have available to them.

It is the industry groups that fill the gaps, that try to fill in compliance gaps by preparing guidance notes, by coming up with templates for those businesses to rely on to ensure they are complying. However, when things go wrong, as inevitably they do—and I am not talking about the cases where things go wrong because someone has blatantly disregarded the work health and safety of their workers, I am talking about when things go wrong as they sometimes do—it is SafeWork that turns up at their door.

My point, if I have not made it already, is that if you are going to adopt these laws—and that has already been agreed to and put in place some years ago—if you are going to review those laws and adopt industrial manslaughter—again, something that has been signed off by all the states and agreed to nationally and a requirement for South Australia under those agreements—it follows logically, it has to follow logically, that our regulators' legislative framework mirrors the duties and responsibilities that those businesses are now subjected to. The frank reality is that at the moment they do not. Anything short of that is unacceptable. Regardless of the passage of this bill or not—and it will pass, and we know that for all the reasons I have articulated—anything short of that is completely and utterly unacceptable and that is where the frustration of businesses lies.

I will turn now to high-risk industries and the role that SafeWork SA plays there. There is no question that there are employers out there whose industries are by their very definition high risk. That is the work they do on a daily basis, and, in many respects, they simply do not fit the duty base model they must comply with by design. They carry inherent risks, and they are high. They will do everything to mitigate those risks. They will bring in consultants. They will call in SafeWork SA and say, 'What do we need to do?' They will pay hundreds of thousands of dollars to ensure they have done their level best to mitigate the risks of a high-risk industry that is duty bound under work health and safety laws.

But the risks are what they are. It is a high-risk industry, so they are there regardless. They cannot be ameliorated in every single way. That is the nature of a high-risk industry. That is why companies pay huge amounts of money for consultants to come in and implement plans to ameliorate, as best they can, the risks they know exist by the very definition of the nature of the work they undertake to prevent one of those risks turning into an incident that results in injury or death.

They operate under a framework that says, if you do A, B, C, D and E, you will not be charged with an offence. If you do A, B, C, D and E, industrial manslaughter will not apply to you. That is cold comfort to those employers, and I am not talking about employers who show a blatant disregard for their employees. I am talking about the ones who do their level best to prevent accidents and incidents but know they are high risk and cannot prevent everything.

They do not buy, 'Don't worry, these laws won't impact you,' because they know from experience, sometimes firsthand, that SafeWork SA will do its investigation and then say, 'We will leave this to the courts to decide.' We know what then results. It is not a matter of just saying, 'Well, the courts will decide.' That ties that business up, obviously, in protracted legal arguments for a long

period of time and has additional costs and the rest of it and that is despite the fact that they have done everything to try to ameliorate or reduce as far as possible a risk that is inherent to their business.

I have had discussions with the Attorney specifically and his staff about the auditing processes that underpin these laws. As I said before, some of us are fortunate or unfortunate enough to have been here when those national laws were first adopted. The Hon. Mr Wortley certainly was, and I remember long and protracted discussions with him and Ms Boland about this. They would, we were told, undertake audits. They would, we were told, implement templates that could be provided to businesses. They would, we were told, go onto sites to help businesses identify risks.

But what they will never do, at any point in time or on an ongoing basis, is sign off on a workplace's plans that they have ultimately implemented. That cannot be done because it would either expose SafeWork SA to responsibility they do not want or it would serve no purpose because if it did not offer immunity from prosecution and it would inevitably result in legal argument about what the purpose of that document was.

I have gone around and around for the last few days trying to find a way of dealing with this because I am not convinced by the sum of the responses put to me by the Attorney's office that there is not a way around this. I do think it is more reason for that statutory review of SafeWork SA's laws, but I accept it is problematic. I accept the argument that potentially it would apply at a point in time and six months later that employer may have let things run into the ground, presenting their workers to risks. I accept also that it could be done on an ongoing basis, like many other requirements are done, and is not necessarily limited to a point in time, as was put to me.

The point that I will make is that that advice is further reason for a review of the SafeWork SA legislative framework to ensure that it has some semblance of connection to the sorts of laws that we have adopted under those national agreements. There has to be some guidance for businesses above and beyond what is available. We cannot continue to implement laws and bills and not review the regulatory framework and functions of SafeWork SA to ensure that their obligations mirror those national laws. I think I have pressed that point enough, but I will certainly have some questions for the minister on those issues when we get into the committee stage of the debate.

I do note that on the issue of negligence and recklessness also there are, when we talk about national consistency, two models. One is that WA appears to have gone it alone—which is not news to many of us in here; they often choose to do that—in having only adopted recklessness. Other states have adopted either gross negligence or gross negligence and recklessness. But to suggest that we have uniform national consistency I think, with respect, is a bit of a stretch. We have some jurisdictions that have talked about the risk of death and other jurisdictions that have talked about the risk of death, serious injury or harm in some of their definitions. I foreshadow I will be moving an amendment in that respect.

I think the point I am trying to make here is that if you want to elevate industrial manslaughter—and it will not be the equivalent of manslaughter, because they simply by definition are not the same thing, but if you are treating it in that vein—then reducing it to something less than death, even though I understand the government's intent, takes away, diminishes, dilutes what you are trying to achieve. It is for that reason—and I will speak to that further when we get to the amendment—that I will be seeking to do that.

I will also be moving an amendment that deals with another issue that has arisen time and again when it comes to dealing with SafeWork SA, one the Attorney should be particularly familiar with in the form of section 271. That is a confidentiality of information provision, and it is one that stems from commonwealth requirements that are applicable to all states, but of course, as we have seen in a number of cases in South Australia, it has been dubbed the secrecy provision.

We have a case currently before the Coroners Court where a family have been unable to access information because of those provisions. The Attorney would be familiar with the issue being raised with him in the context of the Gayle Woodford matter and indeed other matters where criticisms have been made that section 271 has been used beyond the scope that was intended simply by virtue of the fact that it applies to information that is otherwise confidential.

I will also note at this stage that I will be seeking from the Attorney some clarification when it comes to volunteers—members who serve on boards on a volunteer basis—and the level of culpability they face under this bill and the extent of the reach of the exemptions that exist in the bill. I will also ask the Attorney to clarify the situation around when the Crown is the body corporate in question and what happens when a matter is directed to the minister responsible, in terms of making a determination as to whether it should proceed to a charge of industrial manslaughter.

I raise these issues because they are important issues. If we are going to do what we have agreed to nationally and what we have signed up to do, then these are all things that warrant scrutiny. Right now, what we have done is we have signed up to a scheme that says we are going to implement industrial manslaughter. The feds have said there will be national laws around industrial manslaughter. We have not sat down and drafted our own; we have followed bits of pieces of what other states are doing, and we are hoping that it will work out alright. That is my fundamental issue with the way that we have approached this.

We could have attempted to draft a bill here that fleshed out all of these issues, but I also accept that we do not know what the interpretations are going to be. The only thing that this government had was a policy of supporting industrial manslaughter. This is nothing new to the rest of us in this chamber, by the way—nothing groundbreaking or earth-shattering. I am sure the Hon. Tammy Franks will attest to that. It might have come as a surprise to some members of the government's backbench and front bench, given the history in this place, but it was nothing new to many of us in here.

You have adopted a policy. You have gone with the model that, granted, is suggested by Ms Boland in her review and is also the one that has the most coverage in terms of the other states, but there are questions that need to be asked about how we are going to deal with that here. There are questions as to why you went with one model versus another model.

There are legitimate questions that the Law Society has raised around recklessness and the consideration that has been given to those. I accept also that the Attorney is not in a place to answer a lot of those questions, because we simply do not know. Like I said at the outset, we simply do not know what the outcome is going to be, because nothing has been tried and tested at this stage.

Another point that I will cover at this stage is the low number of prosecutions, and that is something every stakeholder will refer to. Up until this point, there has been a very low number of prosecutions. That is because of the current laws and because the Crown Solicitor's Office pretty much expects you to deliver something that is foolproof and most likely to result in a conviction before they will even look at it.

Again, I go back to the point that this also ties back to the regulatory framework and the regulatory regime that is supposed to have oversight of this jurisdiction. Yes, there may be a low number of prosecutions, but there might be very good reason for that. I do not think, by any stretch of the imagination, that introducing this bill is going to fix that in any way—certainly not in the short term.

I am pretty certain we are going to be back here looking at this legislation again at some point in the future, once we do have decisions that are handed down. That is not without precedent. We have done that plenty of times where we have had to come back to this place and reconsider legislation because of the interpretations that have been imposed by the courts—none of which, at this stage, have been tested. It is good that we will be able to look to other states that are loosely based, or even solidly based, on the same model for some guidance as well, but the reality is that there are a lot of unknowns.

It is one thing to go down the path of introducing industrial manslaughter and ensuring that you have done your level best to tick all those boxes. This should not be a symbolic gesture—and I am not suggesting it is, Attorney, I saw that look. I am not suggesting it is. This is one of your policies. What I am saying is with that policy comes a hell of a lot of responsibility.

You will tell me that you have done all that groundwork, and that is great, but these are not my concerns that are being raised: these are concerns that have been raised with me. If they are

being raised with me, then my job is to raise them in here and to raise them with you, and that is precisely what I am doing now. People have legitimate concerns.

By the same token, employers of those people who do not make it home at night because of an incident that resulted in their death at work should be held responsible for that death. That should not be lost in this debate, but it does not mean that we ignore all the other issues that warrant consideration during this debate.

I have a number of other points that I will ask the Attorney about. I think I have made my point now enough. I could go on, if the Attorney likes, but I am mindful of the time. I will put to him a number of questions during the committee stage of the debate.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:11): I thank honourable members for their contribution to this debate. There are two in particular who I want to acknowledge: the contribution of the Hon. Tammy Franks MLC and the contribution of the Hon. Connie Bonaros MLC, who have both campaigned for reform and for the rights of injured workers on many occasions in these parliaments.

It is our intention to pass this legislation today. It is an important reform. It is a reform that has been sought by workers, unions and the families of victims of workplace tragedy for decades. I spoke in my first contribution to the second reading about the contributions of Andrea Madeley and Pam Gurner-Hall to this debate. The profound loss Andrea and Pam have experienced cannot be overstated, but nor can their generosity in campaigning for better safety at work so that others do not have to suffer the fate they suffered with loved ones.

This is a reform which is about delivering justice for victims of preventable workplace deaths and about deterring unsafe behaviour on worksites throughout this state. This bill comes before our parliament at a time when South Australia has fallen behind the rest of the nation. We have now seen industrial manslaughter laws introduced throughout the country: in Western Australia, Queensland, Victoria, the ACT and the Northern Territory. The commonwealth has committed to introducing industrial manslaughter laws and the New South Wales government attempted to introduce its own industrial manslaughter laws while in opposition.

Earlier this year, commonwealth, state and territory work health and safety ministers determined that industrial manslaughter would form part of our model national work health and safety laws. In my opening second reading explanation, I alluded to this being a unanimous decision. Upon checking the communiqué of the meeting, I can confirm it was a majority decision of work health and safety ministers.

What is clear in either event is that industrial manslaughter is now the status quo throughout this country and an important part of our model work health and safety framework. Every day that passes that we do not incorporate these provisions into our legislation does a disservice to the South Australian community.

The bill that has been developed has gone through a thorough and comprehensive consultation process, including with both workers' representatives and the South Australian business community. This has been a policy of the Labor Party since the lead-up to the 2018 election, a period of over six years as a standing policy.

In addition to the many meetings and roundtable forums with stakeholders, two consultation drafts of this bill were made available for feedback since September last year, a period of nearly 12 months before this debate. There can be no suggestions that this reform has taken anyone by surprise.

While we may not have seen eye to eye on every issue, the government has sincerely listened to the feedback from the business community and from unions and taken that feedback on board in the careful drafting of this bill. This reflects the respectful working relationship the government has had with many business leaders in the state, including but not limited to Business SA, the Master Builders Association and the Australian Industry Group.

We have strived to deliver a bill which is clear, which in its key elements is as consistent as possible with the laws of other states and territories and which reflects the 2018 review of the model

work health and safety laws, which recommended the introduction of an industrial manslaughter offence.

I take this opportunity, as I have at many of the forums and round tables I have been to in relation to the development of this bill, to say that this reform is not about punishing the vast and overwhelming majority of South Australian businesses that take their work health and safety obligations seriously.

This bill does not impose any new obligations on employers beyond those already found in our Work Health and Safety Act. What this bill does, quite simply, is provide an appropriate punishment and a deterrent for those who cause the death of another person through a reckless or grossly negligent breach of health and safety. I commend the bill to this council and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: I want to use this opportunity to make a few general remarks about this bill because I have not yet spoken on industrial manslaughter during my time in this parliament. I regard and the Greens regard this as being a really good day for the people of South Australia because finally it appears that this reform, which is long overdue, will pass our state's upper house. It is a reflection, I think, of what this parliament does best—that is, listening to the concerns of the community, responding to their concerns and making laws that are going to change people's lives for the better and that are going to help people. That is fundamentally why we are all here in politics.

I reiterate the comments made by the Attorney-General; that is, good businesses, good employers, those who are doing the right thing by their workers, have absolutely nothing to fear from this reform. This is a positive step that is being taken for workers in our state. I acknowledge the long-term advocacy of the union movement and their passionate advocacy over many years. I know that the Greens have been proud to stand with them in this campaign over many years.

I pay tribute to the work of my colleague the Hon. Tammy Franks for her leadership on this issue over the last 10 years or so. As noted by the Hon. Connie Bonaros, the Hon. Tammy Franks introduced private member's bills on this topic back in October 2010, in May 2015, on 1 May 2019, on 23 September 2020 and on 4 May 2022, so it has now been 13 years since the Hon. Tammy Franks first introduced a private member's bill to address this issue. Indeed, it was Tammy's bill in 2015 that led to an inquiry into the occupational safety rehabilitation and compensation scheme to allow cross-party development of a consensus position.

Might I say that this was a policy commitment that the Greens took to the last state election and that the Labor Party took to the last state election and, I understand, that the SA-Best political party also took to the last state election. There is clearly a mandate from the people of South Australia to see this change made. I understand that some members are seeking to mount the argument that there has not been enough consultation or there has not been enough of an opportunity to consider amendments and the like. I do not accept that. There has been considerable consultation about this reform. There has been a huge amount of public engagement on this issue.

So I do think it is a bit rich for the opposition to suggest, if they are going to, that we are not in a position to deal with this today. This was the party that waved through draconian anti-protest laws with the blink of an eye. In this case, there has been a huge amount of public engagement on this issue over years and years, and it is clear that the people of South Australia want this done. I hope the parliament is going to do that today, and that will be a really good thing for the people of our state.

The Hon. C. BONAROS: Can we start by clarifying the points that have been raised with the Attorney in respect of volunteers and the exemptions that will apply to members who serve in unpaid or volunteer roles and their liability?

The Hon. K.J. MAHER: I thank the honourable member. The work health and safety laws, of which these will form part, I am advised do not apply if the organisation is a volunteer association, whether incorporated or unincorporated. A volunteer association, on my advice, is a group of volunteers working together for one or more community purposes and none of the volunteers either separately, jointly or in association with itself employ a person to carry out any work for the association. If the volunteer association instructs a paid CEO, in effect employing a person to carry out the work of the volunteer association, this step may take the volunteer association outside the exemption afforded by the act.

The Hon. C. BONAROS: Perhaps I will clarify that. My question was more in relation to people who serve in a volunteer role, and we will use racing as an example: I might serve on a board in a volunteer capacity and my exposure to risk as a result of serving not as a paid employee of a business but in a volunteer capacity. Foodbank might be another one that relies on people who undertake volunteer roles, albeit in a workplace that offers otherwise paid employment.

The Hon. K.J. MAHER: I thank the honourable member for her question. My advice is it would depend on the individual facts of the circumstances, but it may be the case that a volunteer board member may be considered a worker rather than an officer with officer duties, but it would depend on the circumstances of the fact.

The Hon. C. BONAROS: To be clear, in that instance a person who volunteers to serve on a board or work at Foodbank or some other place that provides paid employment could be deemed to be a worker and therefore subject to category 1, 2 and 3 offences but not industrial manslaughter, which carries a higher threshold in terms of responsibility?

The Hon. K.J. MAHER: I am not going to give advice about the particulars of a particular organisation, but the way the honourable member has characterised that is correct. A worker could be liable to prosecution for those category 1, 2 and 3 offences, but a worker is not liable for prosecution under what we are proposing here.

The Hon. C. BONAROS: So we cannot foresee any instance where a person is deemed to be a PCBU or an officer, as opposed to a worker who falls under category 1, 2 and 3?

The Hon. K.J. MAHER: As I said before, I am not going to fall into the trap of trying to give advice and trying to, essentially, provide an immunity or an exemption as part of this committee stage, but my advice is it may be that a volunteer board member is considered to be a worker—so, as the honourable member had correctly set out, a worker who might fall under being captured for prosecution under the 1, 2 and 3 categories of offences, but it is not a worker to whom this new regime of industrial manslaughter would apply.

The Hon. C. BONAROS: I am not asking the Attorney to provide immunity; I am asking for clarity. I am going to use organisations like KickStart for Kids, Foodbank, the Salvos as examples. Let's say I am working at one of those places. I have undergone some occ health and safety training because my job, as part of my volunteer role, is to drive the forklift or to supervise the other person who is driving the forklift. Is there a possibility that that person could be defined as a PCBU as opposed to a worker, and would that mean then that they are captured under the industrial manslaughter provisions?

The Hon. K.J. MAHER: My advice is if you are not a PCBU or an officer of a PCBU, then this regime will not capture you. Without knowing the exact and intricate details of any particular factual situation, I am not going to offer an absolute opinion, but this applies to persons conducting a business or undertaking or officers of those.

The Hon. H.M. GIROLAMO: On the same topic, in regard to sporting clubs, surf clubs, how will this legislation potentially impact on coaches, venue managers, bar managers? How would that apply, and also in regard to office holders within those not-for-profit organisations?

The Hon. K.J. MAHER: I am happy to repeat what I have just said. This regime, the new industrial manslaughter regime, will apply to persons conducting a business or undertaking and their officers.

The Hon. C. BONAROS: With respect, I do not think it is actually possible to rule out the possibility of them being a PCBU. If a person is in the situation, Attorney, where they have oversight of individuals, regardless of whether they are paid or not, you cannot rule out that person being deemed to be a PCBU.

The Hon. K.J. MAHER: Again, I am not going to stand here and try to do what a court would spend hours and hours of taking evidence doing in trying to rule what factual circumstance will have a PCBU or not.

The Hon. C. BONAROS: I will not press the point beyond this question. If I am an individual who has volunteered my time to work at Foodbank and my job is to supervise people on the floor of the shop who operate a forklift, in my capacity as a volunteer I could potentially be a person conducting a business or undertaking for that business?

The Hon. K.J. MAHER: Once again, without knowing the exact structure, I am not going to come to a conclusion or a judgement that would take, I suspect, hours of evidence and a tribunal to rule on.

The Hon. H.M. GIROLAMO: In regard to organisations where they have board members who have volunteered but they are operating commercial operations, such as a surf lifesaving club, an RSL or other organisations like that, how will that impact and will they be liable under this act?

The Hon. K.J. MAHER: I am happy to keep repeating myself. This would be for a tribunal to determine if it is a PCBU or not.

The Hon. C. BONAROS: During my earlier contribution I made reference to the statutory framework that SafeWork SA operates under, the regulatory regime and what they are responsible for. Are there any intentions to review that legislation in light of the responsibilities that apply to businesses under these laws?

The Hon. K.J. MAHER: That is exactly what we have done. It was an election commitment for a thorough review of how SafeWork SA operates. John Merritt, the former regulator from Victoria, conducted that review. The review was handed down and made public I think towards the start of this year. There were, from memory, 39 recommendations. I cannot remember the breakdown, but a substantial number of them we have agreed to and quite a number we have implemented and a number of others we are working through.

The Hon. C. BONAROS: When can we expect the remainder of those to be implemented, and do they deal specifically with the issue that has been canvassed in terms of the connection between the duties that apply under this and the regulatory obligations of SafeWork SA?

The Hon. K.J. MAHER: It was an exceptionally comprehensive review and I cannot remember the exact statistics, but from memory of the review there were two or three not accepted, and they included things like having targets for prosecution rates, which we did not think were appropriate. There were maybe half a dozen for further consideration.

One of the recommendations of the review was a tripartite committee made up of business organisations, unions and others from government, like SafeWork SA and ReturnToWork, and the Commissioner for Victims' Rights was on there originally, and looking at how and if we implement those remaining half dozen or so.

The Hon. C. BONAROS: Did it include recommendations around guidelines and guidance for businesses by SafeWork SA in terms of meeting their duties and obligations under the work health and safety legislation?

The Hon. K.J. MAHER: One of the key recommendations I referred to before was the establishment, as I understand there is in other jurisdictions, of that tripartite committee that is looking at exactly those issues.

The Hon. H.M. GIROLAMO: Is the Attorney able to clarify or rule out that volunteers will not be liable, if they are volunteer directors or board members under this legislation, and if not, is he able to consider amending the legislation so as to exclude volunteers from this?

The Hon. K.J. MAHER: As I said earlier in response to the Hon. Connie Bonaros, as a general proposition the work health and safety laws do not apply to the organisation if it is a volunteer organisation, whether incorporated or unincorporated. Regarding the determination of whether or not it is, I will not attempt to stand up here and rule out one organisation or one set of circumstances. That would be a matter to be heard by a tribunal if it arose.

The Hon. H.M. GIROLAMO: Given the ambiguity, do you think that an amendment would be appropriate to ensure volunteers are excluded?

The Hon. K.J. MAHER: No.

The Hon. C. BONAROS: I have referred to some figures, and I referred to about 77 inspectors. I think the total number was about 91 staff who work within that group. Can the minister break that down for us and confirm the actual number of inspectors on an FTE basis who are responsible for oversight of all businesses in South Australia?

The Hon. K.J. MAHER: I am happy to be able to provide figures up to 20 August this year. In terms of FTEs, there were 56.6 inspectors, 10.4 FTE investigators, 7.8 specialist staff and 17.1 managers and team leaders.

The Hon. C. BONAROS: Can the minister confirm, for the record, how many workplaces are those 56.6 inspectors responsible for overseeing?

The Hon. K.J. MAHER: I am sorry, but I do not have those figures.

The Hon. C. BONAROS: Does the minister accept that there are over 150,000 small business in South Australia?

The Hon. K.J. MAHER: I accept that is the figure the honourable member is putting forward. I could not attest to that either way.

The Hon. C. BONAROS: Could the minister indicate, for the chamber's sake, how it is that those inspectors target particular businesses in terms of auditing, potential breaches and compliance issues? How do they spread themselves across businesses in South Australia?

The Hon. K.J. MAHER: Of course, not every single business is inspected even on a yearly basis. I do not think that would happen anywhere in the world in terms of a safe work regulatory regime. My advice is that inspections occur in relation to order of risk and a triage system.

The Hon. C. BONAROS: Do they also respond in terms of notified breaches? What does the triaging look like? Are they responding directly to breaches and incidents occurring?

The Hon. K.J. MAHER: I do not have the exact methodology that is employed in the day-to-day inspections here, but I am advised that complaints and notifiable incidents are triaged in accordance with guidelines from SafeWork SA.

The Hon. C. BONAROS: Are those guidelines documents that the minister can provide to members of this place? I am not asking you to provide them now, but are they internal guidelines or are they guidelines that are available in terms of how triaging works?

The Hon. K.J. MAHER: I expect they are internal guidelines used for SafeWork SA, but I can check and, if that is not the case and they are published, I am sure I can point the honourable member in that direction.

The Hon. C. BONAROS: Have there been any plans to increase the number of inspectors from 56.6 following the implementation of this bill?

The Hon. K.J. MAHER: There are a number of vacancies and there is ongoing recruitment.

The Hon. H.M. GIROLAMO: How many vacancies are there currently in place?

The Hon. K.J. MAHER: I do not have that information in front of me. I will have to see if I can find that and bring back a reply.

The Hon. C. BONAROS: I am sorry, but we can confirm 56.6 current FTEs serving with a number of vacancies?

The Hon. K.J. MAHER: I am advised yes.

The Hon. C. BONAROS: Is there any plan to increase the number of FTEs after the vacancies that currently exist are filled?

The Hon. K.J. MAHER: I am happy to take that on notice and see if there are any plans that SafeWork SA has either to vary the mix of those that are in that team, or to increase or otherwise the number of inspectors.

The Hon. H.M. GIROLAMO: Are you able to confirm that it is 68 budgeted employees within this space?

The Hon. K.J. MAHER: I will have to take that on notice and bring back a reply. If my memory serves me correctly, these figures were all traversed during the estimates process. If they are not able to be found quite easily from looking at the *Hansard* from estimates I will bring back a reply.

The Hon. C. BONAROS: How many of those inspectors are responsible for metropolitan businesses versus regional businesses and how often do they coordinate travel between regional—

The Hon. K.J. MAHER: I understand the honourable member's question. I do not have those figures here, but again I am happy to provide those to her.

The Hon. H.M. GIROLAMO: Has the government thought about potential risks to apprenticeship take-up in trades at a time when skilled workers are needed?

The Hon. K.J. MAHER: I thank the honourable member for her question. Our overriding reason for introducing this legislation is the safety of people who work in South Australia.

The Hon. H.M. GIROLAMO: Does the government expect group training organisations to conduct day-to-day inspections at locations of multiple apprentices located widely across the state to protect itself from liabilities from the changes?

The Hon. K.J. MAHER: I thank the honourable member for her question. Those sorts of concerns certainly formed the basis of a lot of discussion that occurred with some of the peak employer groups, such as the Master Builders Association. One thing that I think needs to be reiterated is that what we are doing here does not introduce any new standards that do not already apply. This only comes into effect when you breach an obligation that already applies, so it does not introduce new obligations.

The Hon. H.M. GIROLAMO: Is the government aware that similar industrial manslaughter legislation interstate that failed to exempt GTOs led to providers making the decision not to become GTOs due to increased risk of a liability?

The Hon. K.J. MAHER: Certainly, that was raised as part of the many discussions we had with employer groups. I reiterate that this does not introduce any new obligations that do not already exist.

The Hon. H.M. GIROLAMO: Were considerations made to exempt GTOs from this legislation?

The Hon. K.J. MAHER: We certainly took into account and were very grateful for the feedback and help with how we have drafted it to make sure that we took into account the views particularly of those training organisations, as I said, like the Master Builders Association. I think the Motor Trade Association may have similar schemes. That certainly was at the forefront of how we went about drafting this and the two drafts were subject to very extensive consultation and feedback.

The Hon. C. BONAROS: I am going to ask the Attorney to turn his mind to the correspondence from the Law Society and provide some clarity around their view, and indeed the view of other legal commentators in this space, on the issue of recklessness and the threshold that applies in criminal manslaughter versus that which would apply under industrial manslaughter.

The Hon. K.J. MAHER: I thank the honourable member for her question. Certainly, all the advice we have is that the bill we have before us that includes recklessness and gross negligence is consistent with the principles of ordinary common law criminal manslaughter.

The Hon. C. BONAROS: Can the minister refer specifically to the concerns expressed by the Law Society about the effect of lowering the threshold for manslaughter or potentially causing some confusion as a result of the thresholds that were articulated in that correspondence? Did the government turn their mind to those issues and, if so, what is their response to the potential of either causing confusion or lowering the threshold of manslaughter?

The Hon. K.J. MAHER: As I said before, that is inconsistent with all the advice we have received throughout the putting together of this bill. If we did not include recklessness or gross negligence, that would probably lead to confusion. I do appreciate that the Law Society has a very different view about the need for this. The Law Society's very longstanding view, and it has been their view for years that they have put forward, is that you ought not have industrial manslaughter. That is their view. They do not think this is worthy of being on the statute books in South Australia.

We have a very different view from the Law Society on this issue. As I have said, all the advice I have received is contrary to what they have put forward in what the honourable member is putting forward to the chamber.

The Hon. C. BONAROS: I am not putting forward anything, and I would hate for that to be interpreted as my—

The Hon. K.J. MAHER: What you are putting forward on behalf of them.

The Hon. C. BONAROS: No, I am not. I have raised concerns that have been raised with us, and I said when I made those points that I do not necessarily adopt or do not adopt the position of the Law Society. I made that very clear when I spoke and asked the minister to clarify that point. I would ask him now to confirm that point. I am simply asking a question based on a submission made which does not say to me anywhere here, 'We oppose industrial manslaughter.' It has opened up a section of the bill for scrutiny based on an assessment that has been made, and I am simply asking the questions.

The Hon. K.J. MAHER: It certainly has been the position, and I am not aware that the Law Society has resiled from their position, that they have opposed, in previous correspondence in years gone by, creating a new offence of industrial manslaughter. I do accept that the Hon. Connie Bonaros has long been a supporter of creating an offence for industrial manslaughter on our statute books. As I said, that stands in opposition to previously stated views of the Law Society.

The Hon. H.M. GIROLAMO: What changes were made between the two drafts as the result of consultation?

The Hon. K.J. MAHER: I thank the honourable member for her question. I do not have a complete list of compare and contrast between the two drafts, but there was a discussion paper that went out first that had general principles. As a result of that discussion paper there were many more consultation sessions that were held that ended up with the first draft. As a result of that first draft there were many more consultation sessions held.

Certainly, in my experience—three years as a minister in the Weatherill government and now a year and a half in the Malinauskas Labor government—this would have to be one of the most consulted on bits of legislation I have ever been personally involved in. I have had many hours myself, and my advisers and my department have had multiples of those many hours, consulting on principles, on the initial draft and on the second draft, to where we are now.

The Hon. H.M. GIROLAMO: In particular in regard to the MTA and MBA feedback, what changes were made as a result of this between the two versions?

The Hon. K.J. MAHER: I do not have a complete list, but certainly there were a number of changes. I have personally taken into account views put forward by the MBA, the MTA and others, as has everyone who has been involved in drafting this bill. I do not have a complete compendium of exactly the changes that were made, but there have been significant changes made from the first draft as a result of the sensible suggestions that have been put forward by those and others.

The Hon. H.M. GIROLAMO: Is the Attorney able to take on notice to provide that so it can be reviewed between the houses?

The Hon. K.J. MAHER: I am happy to do so to the extent that we can do that. Changes that would have been made would have taken into account not just one group's views but many groups' views. I can provide a flavour of the changes that were made; in terms of how attributable they will be to exactly one group or a segment of the industry, I will see what we can sensibly provide.

The Hon. C. BONAROS: I am going to ask the Attorney a question in relation to the risk of death or serious harm or injury, and I am hoping he can provide a lot of clarification at this point. The first iteration of that bill did limit the risk to death; is that correct?

The Hon. K.J. MAHER: My advice is, no, that is incorrect.

The Hon. C. BONAROS: Was there a draft that was consulted on that was limited to death, or has the bill always been death or risk of death or serious injury or illness?

The Hon. K.J. MAHER: Again, I do not have what the exact changes were. I am happy to take that on notice but I think it might be that—whether it was in the principles that went out for initial consultation in the first draft or between the first and second drafts—serious injury or illness was incorporated to align it more closely with common law manslaughter, so that we did not suffer the sort of problems that the honourable member was referring to in having that big difference. It is my understanding that somewhere in the three stages that became apparent, but I will have to take that on notice to bring back a better answer.

The Hon. C. BONAROS: That is certainly in line with my understanding from discussions I have had today regarding the bill or the proposal that was the subject of consultation. On that issue, can the minister confirm which states limit risk to death risk and which states include death risk and serious illness or injury, and why there is a difference?

The Hon. K.J. MAHER: I do not have a complete jurisdictional comparison. I have two: Victoria and Western Australia, at least, include not just death but serious injury or serious illness or serious harm. As I have said, my understanding—and I will have to go away and check—is that at some stage during the consultation process these were introduced to have it more analogous to common law manslaughter.

The Hon. C. BONAROS: Perhaps the Attorney can confirm that in the ACT, NT and Queensland the risk is limited to the death of a person, and provide some clarity around whether there is any connection in WA? They have not adopted the two limbs in WA, they have adopted the one, but they do have death or serious injury or harm. Is there any connection between those two things? I am not sure if the Attorney understands my question.

The Hon. K.J. MAHER: My advice is WA is, as I understand it, the only jurisdiction that only has recklessness, but we do not have any evidence to suggest that including serious injury was in any way linked to the fact that they are the only jurisdiction to have that.

The Hon. H.M. GIROLAMO: In regard to that, can the Attorney advise the difference between 'gross negligence' as set out in our bill compared with the simple 'neglect' in WA and 'negligent' in Queensland and Victoria, which were found in other jurisdictions and around the country?

The Hon. K.J. MAHER: My advice is the use of 'gross negligence' is quite simply the codification of what is civil negligence but in a criminal setting. It is the language that was suggested in the Boland review.

The Hon. H.M. GIROLAMO: Why is different terminology being used in different states if it fundamentally means a similar outcome? Are you able to explain why this wording was decided upon for this legislation?

The Hon. K.J. MAHER: As I am advised, following the recommendations in the Boland review.

The Hon. C. BONAROS: Just to confirm, was there any earlier iteration in South Australia that was limited to negligence as opposed to being extended to gross negligence, or have we always had gross negligence?

The Hon. K.J. MAHER: The concept of gross negligence being the criminal manifestation of civil negligence means it in effect has the same meaning when you are talking about the criminal law.

The Hon. C. BONAROS: My question was: did we start with negligence and move to gross negligence, or did we adopt the Boland recommendation at the outset?

The Hon. K.J. MAHER: As I say, again with the iterations that have gone through, I am happy to take that on notice. I just do not have that in front of me.

The Hon. H.M. GIROLAMO: Does the legislation also apply when an employer's negligent conduct causes the death of a member of the public, or is it just for employees?

The Hon. K.J. MAHER: My advice is, yes, it can.

The CHAIR: The Hon. Ms Girolamo, I am getting to the point where I want you to start speaking specifically at the clause that it is relevant to, but continue for now.

The Hon. H.M. GIROLAMO: Thank you. Can the Attorney give any insight as to why Business SA considers the definition in this bill to be consistent with practices to date? Does he know if they are referring to other jurisdictions or other legislation in South Australia?

The Hon. K.J. MAHER: I think this could be correct—again, we would need to check because I do not have all the submissions that everyone made—but I think what the honourable member might be getting at is, whether it is Business SA or another group, they did not have a problem with the definitions used because they effectively codify the common law of manslaughter in what we are attempting in industrial manslaughter. Whether it was Business SA—it may have been another group; I am not quite sure—I think that is what the honourable member might be referring to.

Clause passed.

Clause 2.

The Hon. H.M. GIROLAMO: When does the Attorney envisage these laws will be assented? What things will need to be put in place to ensure the rollout of this legislation?

The Hon. K.J. MAHER: I thank the honourable member for her question. It is actually an important question and one that was raised significantly during consultations, particularly with business groups. It is our intention that it would be at least six months before it came into effect after the laws are passed here. One of the reasons for laws is a deterrent effect. We want to make sure, and businesses have been very keen to make sure, that there is a sufficient education and awareness campaign that these laws are coming into effect. The anticipation is that it will be some six months once this legislation is passed, should the parliament see fit to pass it.

The Hon. H.M. GIROLAMO: What has SafeWork SA done to prepare for this legislation?

The Hon. K.J. MAHER: SafeWork are turning their mind to how an education and awareness campaign will work, but of course we need to wait for the legislation to be passed. But it is certainly something that they are aware of, and we have asked that they start turning their mind to how that would look.

Clause passed.

Clause 3.

The CHAIR: At clause 3 we have an amendment in the name of the Hon. Ms Bonaros.

The Hon. C. BONAROS: I am sure it is an amendment the Attorney will be glad to hear I am not wedded to but one that I anticipate he will clarify for me before I move it at this stage. So I have a series of questions that I am going to ask the Attorney to clarify. It ties into the issue of the risk of death and serious injury or illness. I did file it on the basis that I would like the Attorney to articulate what it is that made us change from 'risk of death' to 'risk of death or serious injury or illness'. Also, how do we expect that to be treated differently amongst jurisdictions that have adopted one over the other?

The Hon. K.J. MAHER: My advice is that the reason is that it is 'risk of death or serious injury' is that, under the ordinary criminal offence of manslaughter, a person will be guilty of involuntary manslaughter if they cause the death of another person through an unlawful or dangerous act, where a reasonable person in circumstances appreciated that the act would expose another to the risk of death or serious injury or criminal negligence, a great falling short of the standard of care a reasonable person would exercise which involves a high risk of death or serious injury.

According to our advice, our bill is consistent with the principles of ordinary criminal manslaughter. On our advice, if you remove the serious injury or illness, you would be creating a lower threshold than applies for industrial manslaughter than applies for criminal manslaughter, and we think that would not be a good outcome.

The Hon. C. BONAROS: Can the minister confirm what discussions, if any, took place at that minister's meeting? Was any of this canvassed when you had these initial discussions, around what the definitions would be, because we have some states that have gone one way and other states that have gone another way. I am just trying to understand what underpinned that.

The Hon. K.J. MAHER: I appreciate the question. As I have said, I have spent many hours at round tables. The particulars of exactly how these look, and certainly the very high-level issues of gross negligence or recklessness were discussed at the round tables I was involved in, but there were many hours of roundtable discussions that followed my involvement that went into the greater detail.

Certainly, I was involved where there were very high-level broad discussions about concepts of recklessness and gross negligence. The very particulars of which I think the honourable member is talking about, when you talk about serious injury or illness, were discussions that officers of organisations and officers within my department and office had.

The Hon. C. BONAROS: Far be it from me to risk lowering the threshold of this bill, as the Attorney suggests. We will leave that for the courts to decide. Is the Attorney able to provide us with any further information—not now—that can further validate the points that he has just made in relation to those discussions around that issue?

The Hon. K.J. MAHER: Again, I do not have details of the many hours of discussions that occurred, but I know these issues were traversed and discussed. As I have already said, in my almost five years as a minister over a couple of governments, this is one of the bills that has had the most extensive consultation and the most extensive feedback considered that I have been involved with.

The Hon. H.M. GIROLAMO: Can the Attorney confirm that 'serious illness' sits in the criminal manslaughter definition?

The Hon. K.J. MAHER: I thank the honourable member for her question. In terms of criminal manslaughter, my advice is that it is expressed in different ways depending on the context. It is expressed as 'serious injury or illness' in the context of the work health and safety regime because that is the language used in the work health and safety regime. In other areas of the criminal law, rather than 'serious injury or illness' it is expressed as 'death or serious harm' or 'death or grievous bodily harm', depending on the context. It is not a uniform set of words for all sorts of manslaughter but, depending on the circumstances, similar concepts exist.

The Hon. H.M. GIROLAMO: Are there any concerns with the lack of clarity or potential ambiguity with that?

The Hon. K.J. MAHER: No. My advice is I would suggest that, by using words that are consistent with the words that are used in the work health and safety regime, being 'serious injury or illness', it would actually provide more clarity than importing a definition that has no relevance to this regime.

The Hon. C. BONAROS: For the assistance of the chamber and the Attorney, I indicate that I will only be moving amendment No. 1 [Bonaros-2], which relates to section 271—Confidentiality of information.

Clause passed.

Clause 4.

The Hon. H.M. GIROLAMO: I move:

Amendment No 1 [Girolamo–1]—

Page 3, lines 12 and 13 [clause 4, inserted section 30A(1)]—

Delete '(being a person conducting a business or undertaking or an officer of a person conducting a business or undertaking)'

The amendments we have reinforce our view that safety is everyone's responsibility. Having employers also captured in the legislation ensures that everyone is focused on ensuring safety and responsibility right across the board. This has been raised in some consultation with key bodies, including the Master Builders, the Australian Hotels Association and the Motor Trade Association, which are all supportive of this amendment.

The Hon. K.J. MAHER: I rise to indicate that the government will not be supporting this amendment. As honourable members have fleshed out, there are some slight differences in the way these offences are expressed in the jurisdictions that already have them. New South Wales we would expect, given it was moved by the then opposition and now government, to have that as well. Although there is one thing that is very uniform: no other jurisdiction does what the honourable member's amendment seeks to do, so we will not be supporting it.

The Hon. C. BONAROS: I had a series of questions for the mover, but I will not ask them. Suffice to say, I think the question is: who are we pitching this at? I think there would be a view shared amongst many that the worker is the most vulnerable person on that worksite, and exposing them to the risk of a charge of industrial manslaughter does not necessarily fit with the intent of the bill itself. As such, we will not be supporting this amendment.

The Hon. T.A. FRANKS: I would like to ask the mover if the intent of this amendment is to broaden those who might be liable.

The Hon. H.M. GIROLAMO: The intent of this amendment is to make sure that safety is front and foremost for everyone, so that is why we have moved it. It is to make sure that there is coverage across the board by saying that, as we have indicated in both my speech and recently now, safety is everyone's responsibility.

The Hon. T.A. FRANKS: When the mover says that this is to ensure that safety is everyone's responsibility, does that mean that by making it everyone's responsibility it is not the PCBU's responsibility in the very fundamental premise of our work health and safety laws that we currently have? In fact, is this not creating an entirely new context, if you like?

The Hon. H.M. GIROLAMO: It is our belief that the way the legislation currently stands puts all the responsibility onto the owners of the organisation rather than onto everyone who is partaking in work health and safety, and that is why we have moved the amendment.

The Hon. T.A. FRANKS: Is the Liberal Party seriously contending that we remove PCBUs from having the current responsibilities that they do at present?

The Hon. H.M. GIROLAMO: No.

The Hon. T.A. FRANKS: The Greens will be opposing this amendment.

The Hon. C. BONAROS: I want to ask the mover if she could turn her mind to the questions that we asked previously in relation to volunteers. Has she considered that this could potentially bring those volunteers who could be dubbed to be workers within the scope of the amendment?

The Hon. H.M. GIROLAMO: No, it is our view that volunteers should be excluded.

The Hon. T.A. FRANKS: When the mover says 'it is our view', does she mean the view of the Liberal Party and is that backed by any legal advice, and could she cite the legal advice?

The Hon. H.M. GIROLAMO: It is our view as opposition and also based on consultation with the Master Builders Association, the Australian Hotels Association and the Motor Trade Association, to name a few.

The Hon. T.A. FRANKS: I asked for legal advice; could you cite the legal advice?

The Hon. H.M. GIROLAMO: As far as I am aware, the consultation has been broad ranging as well. From our perspective, this is the opposition's position and that is why we are putting forward the amendment.

The Hon. C. BONAROS: With respect to the mover, I suggest that, based on the advice that was provided previously by the Attorney, this would well and truly capture volunteers who are deemed to be workers in the sorts of scenarios that we both outlined earlier and would be captured by this amendment.

The committee divided on the amendment:

Ayes 7
Noes.....12
Majority 5

AYES

Centofanti, N.J.	Game, S.L.	Girolamo, H.M. (teller)
Henderson, L.A.	Hood, B.R.	Lee, J.S.
Lensink, J.M.A.		

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Martin, R.B.	Ngo, T.T.	Pangallo, F.
Pnevmatikos, I.	Simms, R.A.	Wortley, R.P.

PAIRS

Hood, D.G.E.	Scriven, C.M.

Amendment thus negatived.

The Hon. H.M. GIROLAMO: I will not be moving my amendment No. 2, given it was consequential. I move:

Amendment No 3 [Girolamo–1]—

Page 3, line 35 [clause 4, inserted section 30A(3)]—

Delete ', a Category 2 offence or a Category 3 offence'

In regard to this amendment, what the opposition would like to see, after consultation with key groups such as the Motor Trade Association, is that when industrial manslaughter is put forward it is guaranteed, or there is very significant evidence that it will go through. The opposition has concerns that currently with work health and safety laws the highest threshold is 'reckless'. We believe this threshold should be reserved for the highest new offence of industrial manslaughter.

Other jurisdictions such as Western Australia, Queensland and Victoria do not contemplate gross negligence; Western Australia just mentions 'neglect' and both Queensland and Victoria mention 'negligence'. We think removing these categories removes the chance that we would not see people or organisations being charged with industrial manslaughter and then granted a lesser charge, unnecessarily damaging their business and potential reputation.

The Hon. K.J. MAHER: I rise to indicate the government will not be supporting the amendment that seeks to effectively undo the alternative verdicts provision of this bill. If a court is not satisfied that a person is guilty of industrial manslaughter but is satisfied they are guilty of a lower level offence, the court can convict the person of the lower level offence instead. Alternative verdicts

are only available if an industrial manslaughter prosecution is brought within the same time limitations as the lower level offence that could be charged.

This amendment has the effect of limiting an alternative verdict to, I think, a category 1 offence only, and excludes category 2 and 3 offences. We do not see a principled reason to do this. It would potentially have the perverse effect of shielding a person from a criminal conviction even if a court found they were guilty of all the elements of a category 2 or 3 offence.

The committee divided on the amendment:

Ayes 7
Noes.....12
Majority 5

AYES

Centofanti, N.J.	Game, S.L.	Girolamo, H.M. (teller)
Henderson, L.A.	Hood, B.R.	Lee, J.S.
Lensink, J.M.A.		

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Martin, R.B.	Ngo, T.T.	Pangallo, F.
Pnevmatikos, I.	Simms, R.A.	Wortley, R.P.

PAIRS

Hood, D.G.E.	Scriven, C.M.

Amendment thus negatived; clause passed.

Clause 5.

The Hon. H.M. GIROLAMO: Would government department CEs be liable for action by their department staff under this legislation?

The Hon. K.J. MAHER: It is probably not strictly related to this clause, but my advice is that, yes, government agencies are prosecuted by SafeWork SA, and this would be no different. It would apply to the Crown.

The Hon. H.M. GIROLAMO: Could you confirm for the record: would ministers also be liable for the actions of their staff and department?

The Hon. K.J. MAHER: I do not have any advice to that effect, but I think it would be unlikely that ministers would be PCBUs.

The Hon. H.M. GIROLAMO: As an example, in regard to the PIRSA helicopter in March this year shooting at deer hunters in the South-East, if that had ended in tragedy would that individual have been responsible under this act?

The Hon. K.J. MAHER: I thank the honourable member for her question, and I very much appreciate her invitation to act as a judge in a case on facts that have been given 15 seconds' airing, but I will not be taking her up on her invitation.

The Hon. C. BONAROS: Can the Attorney confirm that, regardless of this law applying or not, in that case there could be murder or manslaughter charges under the criminal code that apply?

The Hon. K.J. MAHER: If an individual directly causes the death of another person, for instance via a bullet from a gun that they shot, then there is a very real possibility that ordinary common law murder or manslaughter charges could possibly apply.

The Hon. C. BONAROS: I apologise if I am moving on from that line of thought, but just in terms of the minister's responsibility in this space—and I outlined this during my second reading contribution—there is a requirement for the minister to direct or there is a provision in the legislation that actually places responsibility on the minister when we are talking about prosecutions that apply to the Crown. I will find it while the Hon. Heidi Girolamo is asking her question.

The Hon. K.J. MAHER: We are not aware of what the member is talking about.

Clause passed.

Clause 6.

The Hon. H.M. GIROLAMO: Did the government receive advice from the SafeWork SA oversight and advisory council in relation to the amendment recommended by Mr John Merritt in his review of SafeWork SA completed in December last year? I can quote from its recommendation No. 11:

> The Minister should seek the advice of the [oversight committee] regarding SafeWork SA's preparedness to support any Industrial Manslaughter provisions in the [Work Health and Safety] Act.

What was that advice, and are you able to table it?

The Hon. K.J. MAHER: I thank the honourable member for her question. Our response to that particular recommendation was we had already done what was contemplated in the recommendation. We had had thorough consultation with all of the groups and many more who were on that consultative committee.

The Hon. H.M. GIROLAMO: Does SafeWork SA currently possess the appropriate skills to investigate a charge of industrial manslaughter?

The Hon. K.J. MAHER: As I have said before, my advice is that these do not bring in new duties. These relate to duties that are currently already obligations under the work health and safety system which SafeWork SA already investigate and prosecute. So that would be a yes.

The Hon. H.M. GIROLAMO: Are you confirming that no additional resourcing will be required as a result of this legislation coming into place?

The Hon. K.J. MAHER: I do not have the exact figures in front of me, but certainly there has been a multimillion dollar increase for SafeWork's budget, which I am advised includes a complex cases unit which it is anticipated this would form part of. So, although they have the capability to do this, there may be an extra workload which is anticipated by that complex cases unit.

The Hon. H.M. GIROLAMO: I am happy if you would like to take this on notice, but how many FTEs are needed or how many additional inspectors are recommended to be put in place following this legislation?

The Hon. K.J. MAHER: I am happy to take it on notice. It might not be as particularised as the honourable member has asked because, as I have mentioned, there is the creation of that new complex cases unit, of which this will be part, but I am happy to see how well we can answer that question taken on notice.

The Hon. H.M. GIROLAMO: What is the current trend of work injury reduction in South Australia? Is it trending up or down?

The Hon. K.J. MAHER: I am afraid I just do not have any information in relation to that. I am not sure it relates closely to the clause, but it is possibly ReturnToWork, in terms of work injury management, that would be more appropriate to look at that. I can see if they can understand what the member is asking and bring back a reply.

The Hon. H.M. GIROLAMO: Again, you may like to take this on notice. Is SafeWork SA currently fully staffed, what are their vacancies and, given the investment to SafeWork SA that you have previously mentioned and that came through in the last state budget, was this—

The CHAIR: The Hon. Ms Girolamo, how does this possibly relate to clause 6? I am looking at it. I cannot see any possible way that this can relate to clause 6.

The Hon. H.M. GIROLAMO: Section 216 in regard to the regulator. I am asking questions around SafeWork SA. He is not answering them anyway, so I am happy to poke on. Can I ask one more question?

The CHAIR: Ask your question. Let's get on with it.

The Hon. H.M. GIROLAMO: Who decides if the threshold for prosecution is met in regard to industrial manslaughter? Is it the SafeWork SA officer, the DPP or another body?

The Hon. K.J. MAHER: I thank the honourable member for her question. My advice is that the decision to prosecute is made by SafeWork SA but, like in many areas, it would almost certainly be with significant advice and input from the Crown and/or the DPP.

Clause passed.

Clauses 7 to 9 passed.

New clause 10.

The Hon. C. BONAROS: I move the following amendment in my name:

Amendment No 1 [Bonaros–2]—

Page 4, after line 26—Insert:

10—Amendment of section 271—Confidentiality of information

(1) Section 271(3)(a)—delete 'person's consent; or' and substitute:

consent of—

(i) the person; or

(ii) if the person has died and the death is a notifiable incident—the person's next of kin or the person's legal representative; or

(2) Section 271(3)—after paragraph (f) insert:

or

(g) if a person has died and the death is a notifiable incident—to or by the person's next of kin or the person's legal representative; or

(h) in any other circumstances prescribed by the regulations.

I have already spoken to this amendment during the second reading debate of this bill. It relates specifically to section 271—Confidentiality of information. That provision effectively ties to requirements that we have not to disclose an individual's personal details. Section 271 outlines:

(2) The person must not do any of the following:

(a) disclose to anyone else—

(i) the information; or

(ii) the contents of or information contained in the document;

It then goes on:

(b) give access to the document to anyone else;

(c) use the information or document for any purpose.

There are other provisions that relate to this as well, in relation to intentional disclosure or otherwise.

My issue with section 271 is this: while we all acknowledge that there are requirements at both a state level and, indeed, a commonwealth level around privacy and non-disclosure, we know that there have been instances where this particular provision has been raised where a person has actually died, so we are talking about the death of an individual here. It has been raised in the Gayle Woodford instance and it has been raised in the Howard inquest, which is currently ongoing, where it has been used as a secrecy provision for reasons of non-disclosure of information to family.

Again, there would be no requirement if, in the circumstances, it was not appropriate to disclose on the basis of privacy. You could actually still request that information by FOI or otherwise

as a next of kin where a person has died. If you think of it in terms of medical health records, an FOI can be done now for my late mother to request her medical records from a hospital. As her next of kin, I would be eligible to apply for those records from SA Health. In this instance, what I am saying is a next of kin ought to be able to apply for records that relate to someone who has died and the death is a notifiable incident, and they should be released to the next of kin or to their legal representative.

There could be regulations the government could develop to finesse that further in terms of what is appropriate and what is not appropriate. But certainly, the concerns that have been raised around this being treated as a secrecy provision, where information is just withheld from individuals, would be alleviated.

The Hon. K.J. MAHER: I must say, I agree with almost all that the honourable member has said. We agree with the idea that there needs to be reform in this area. Certainly, I have spent time with Keith Woodford and I see the anguish and the trauma it has created. It is not being used as secrecy; it is a confidentiality provision. SafeWork would be breaching their act if they provided some of the information that is requested.

Former Federal Court Judge John Mansfield AO KC, at the new government's request, held an independent review into the death of Gayle Woodford and recommended reforms just like this. In addition, the John Merritt review that I talked about earlier recommended very similar reforms. We are committed to these reforms.

It has become very apparent to me, because I have spent a number of hours on this as well, that this is a complicated area. We want to be very careful that the reforms we want do not have some sort of perverse outcome where information is required to be handed over that then might prejudice an investigation. That would be the worst outcome in making these reforms.

I might indicate as well that as we work towards reforms in this area that, as I have said, we are committed to with the recommendations from both the Merritt review and the Mansfield review, we intend to apply more broadly than just with a death of a person. The starting point in what we are looking to do is to make it much more analogous to the information that is able to be, and is, provided to victims and their families by SAPOL and the DPP. That is our starting point.

Although we will not support the specific amendments here that, as I read them, apply just to the death of a person, we are absolutely committed to implementing what the honourable member is trying to do here but in a way that does not have any perverse effect of actually perhaps hindering an investigation. Our intention is wider than just when someone dies.

I thank the honourable member for bringing this amendment here. Like quite a number of things the Hon. Connie Bonaros has brought to this chamber, we are in furious agreement and we thank her for making us a better government.

The Hon. T.A. FRANKS: For the record, the Greens will not be supporting this amendment today but do concur with the Attorney-General's support of the principle and understand the good intent in which it is brought before us in this debate. I note that the commencement date of this legislation, when it finally does pass the parliament, is another six months away anyway. I would hope that in that time, by the time we see this come into effect, we will have some movement on this issue from the government.

The Hon. H.M. GIROLAMO: I appreciate the amendment coming forward. We are in a similar boat to the government. We definitely support it in theory and look forward to this potentially being investigated further down the track.

The Hon. C. BONAROS: Perhaps if I could just ask the Attorney to clarify. I agree wholeheartedly with what everyone has said, and am pleased to hear that response. The bare minimum was death, given that we were dealing with industrial manslaughter, so if that is the scope, is there a rough time frame for when we can expect to see that?

The Hon. K.J. MAHER: As I say, I have spent a number of hours going through some permutations and combinations of how this might work. My best guess would be likely early next year.

The Hon. C. BONAROS: I seek leave to withdraw my amendment on the basis that the Attorney has given that undertaking.

Leave granted; amendment withdrawn.

Title passed.

Bill reported without amendment.

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

That the report be adopted.

The committee divided on the motion:

Ayes 12
Noes.....7
Majority 5

AYES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Martin, R.B.	Ngo, T.T.	Pangallo, F.
Pnevmatikos, I.	Simms, R.A.	Wortley, R.P.

NOES

Centofanti, N.J.	Game, S.L.	Girolamo, H.M. (teller)
Henderson, L.A.	Hood, B.R.	Lee, J.S.
Lensink, J.M.A.		

PAIRS

Scriven, C.M.	Hood, D.G.E.

Motion thus carried; report adopted.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:49): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 12
Noes.....7
Majority 5

AYES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Martin, R.B.	Ngo, T.T.	Pangallo, F.
Pnevmatikos, I.	Simms, R.A.	Wortley, R.P.

NOES

Centofanti, N.J.	Game, S.L.	Girolamo, H.M. (teller)
Henderson, L.A.	Hood, B.R.	Lee, J.S.

Lensink, J.M.A.

PAIRS

Scriven, C.M. Hood, D.G.E.

Third reading thus carried; bill passed.

PUBLIC SECTOR (MINISTERIAL TRAVEL REPORTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 February 2023.)

The Hon. F. PANGALLO (17:54): I rise to say that SA-Best will be supporting this. We strongly believe in transparency and accountability, and I think that is what this bill by the Hon. Sarah Game strikes to achieve, and also that reports and spending by government ministers and bureaucrats are reported in a timely manner. I acknowledge that the Hon. Sarah Game has extended the time period for that after I had requested that it go to 45 days rather than 30. I think 45 days will give them ample opportunity to be able to collect the necessary data, receipts and whatever, and be able to make those reports available.

Hopefully, another matter I would like to progress one day, and the Hon. Robert Simms has also attempted to progress, is that we may see ministerial diaries and notations on what meetings ministers have—of course, taking into account if there are some privacy issues. But, generally, we would like to see details of those ministerial diaries also made available.

I note that the Premier is heading to China this afternoon with a large contingent in a trade mission. We wish him all the best with that and we hope that it certainly improves relations between South Australia and China. I imagine it will be quite a hectic and expensive trip as well, so I look forward to seeing the expenses of that trip to China when the Premier returns. With that, we support the legislation and the amendment.

The Hon. H.M. GIROLAMO (17:56): This is a relatively simple but important bill to discuss today and one that goes to the issue of transparency from this government—a novel concept, it seems, from those opposite. As Chair of Budget and Finance, I have had a number of senior executives before the committee and, when asked quite benign questions about their travel or that of their ministers, the responses received range from vague to downright avoidance. This bill seeks to make transparency standardised across the Public Service so that taxpayers' money is appropriately accounted for and South Australians, to whom we all answer, can know what they deserve to know.

We do not want to end up in situations, like the federal government, with Labor ministers not declaring their travel for long periods of time, hoping the general public will not be curious as to how they spend their money as they travel around the world taking their golf clubs with them. I thank the Hon. Ms Game for championing this bill in a drive to bring transparency to this government. I note the amendments that the Hon. Ms Game has also submitted to her bill and we are fully supportive of those amendments that are being put forward here today.

I also thank the Hon. Ms Game for putting this forward and it is great to hear that members of SA-Best are supportive of it. We have worked closely with the honourable member around this legislation that has been born out of need. The burden placed on a minister's office and public sector employees to comply and report is not great, and the time frame is very fair at 45 days. I look forward to this sensible amendment passing this space and being transmitted to the other place.

I think that this amendment has a strong chance of being accepted by those opposite, and also passing the lower house, I hope, if indeed the Premier meant what he said when he was talking about his party, and I quote, 'We seek to uphold the highest standards when it comes to disclosure and transparency.' With those few words on a simple, pragmatic and, sadly, required piece of legislation, I commend the bill to the house.

The Hon. T.A. FRANKS (17:58): I rise on behalf of the Greens to speak in support of this bill. In doing so, I would like to acknowledge not only the mover, the Hon. Sarah Game, but also my Greens colleague the Hon. Robert Simms and his ongoing efforts in fighting for transparency and proactive disclosure in this place.

The function of this bill is clear and straightforward. It standardises the reporting of ministerial travel. It places an obligation on ministers to report the reason and necessity for travel and the cost of travel, including transportation, accommodation, food, beverages and activity expenses. With greater transparency, we can ensure government decisions, spending and services are fair, honest and are meeting the needs of our community.

Our government should always ensure that public funds are spent efficiently and fairly. Trust in government is crucial to a healthy democracy. Sadly, we do not have the level of trust that we should at the moment, and measures like this will go some way towards creating that trust.

We need to have confidence in our government's ability to discharge its responsibilities honestly, fairly and in the public interest. Giving the public access to this information held by government does play an important role in building that confidence. However, too often public money is wasted on projects and trips that have minimal benefit to the taxpayer. This creates waste, poor policy outcomes and indeed could promote a corrupt culture.

A study conducted in 2018 led by Griffith University in collaboration with Transparency International Australia revealed that 56 per cent of respondents had either personally witnessed or suspected public officials making decisions favouring businesses or individuals who had provided political donations or support. More recent findings from the 2022 Edelman Trust Barometer also indicate a significant decline in trust across all Australian institutions, with only 52 per cent of Australians expressing trust in the government's ability to act in the best interests of the public.

The Greens have long advocated for improved political transparency. This is one step. To do that we know that nobody should be above scrutiny in our democracy. Everyone benefits from a culture of honesty, integrity, transparency and accountability in politics. It is what we all deserve. With that, I commend the bill.

The Hon. C. BONAROS (18:00): I rise to support the comments of all honourable members and support this bill. I echo the sentiments expressed by all my colleagues and commend the mover for bringing this bill before the parliament. I do not think anyone sees this as particularly cumbersome or onerous. I am sure that even if it is not disclosed already, the material that is actually being requested is already collected somewhere for accounting purposes and is, to a large extent, already available to those agencies and therefore ought to be disclosed publicly.

It is important to note that the bill is entirely consistent with the guidelines that already apply to ministerial travel and would extend to staff as well. I also appreciate the member's amendments insofar as they are intended, in the first instance, to ensure the commencement of this bill is not delayed unnecessarily. We know that there is a fallback provision which would allow the government to have the whole two years to implement this. I would go so far as to say—and I am sure the mover would probably agree with me—that it is her intention and this parliament's intention to ensure that if it can be done quicker it ought to be done quicker. The quicker we start providing this information for the purposes of transparency and accountability, the better.

I will just say on that point that, importantly, if businesses have to comply in terms of disclosure of information as a result of regulatory burdens at their own cost to government departments and the burdensome levels of regulatory requirements that apply to them and are imposed on them by government, then it is only even more fair that the same applies when we are talking about taxpayer funds. Basically, what is good for the goose is good for the gander.

In relation to the second material and in light of the material that will need to be provided, I think it is only reasonable that the time frame be extended from 30 to 45 days to account for the fact that there might be credit card statements and so forth that need to be collated. Overall, we are more than happy to support the bill.

The Hon. S.L. GAME (18:03): I thank all honourable members for their support and their contributions.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

New clause 1A.

The Hon. S.L. GAME: I move:

Amendment No 1 [Game–5]—

Page 2, after line 5—Insert:

1A—Commencement

This Act comes into operation 12 months after the day on which it is assented to by the Governor.

This is a short amendment that sets the starting date of no longer than 12 months after the bill is passed for it to come into action.

The Hon. C. BONAROS: We support the amendment.

The Hon. H.M. GIROLAMO: We support it.

The Hon. R.A. SIMMS: As do the Greens.

New clause inserted.

Clause 2.

The Hon. S.L. GAME: I move:

Amendment No 1 [Game–3]—

Page 2, line 24 [clause 2, inserted section 12B(1)]—Delete '30' and substitute '45'

This is a change for reporting from 30 days after the trip to 45 days after the trip to ensure there is sufficient time for reporting.

The Hon. C. BONAROS: We support the amendment.

The Hon. H.M. GIROLAMO: Supportive of the amendment.

The Hon. R.A. SIMMS: As am I.

Amendment carried.

The Hon. S.L. GAME: I move:

Amendment No 1 [Game–2]—

Page 2, line 24 [clause 2, inserted section 12B(1)]—Delete 'undertaking' and substitute:

the conclusion of

The purpose of this amendment is to ensure that it is clear that the days set for the report begin after the trip is undertaken.

The Hon. C. BONAROS: We support the amendment.

The Hon. H.M. GIROLAMO: We support the amendment.

The Hon. R.A. SIMMS: Ditto.

Amendment carried.

The Hon. S.L. GAME: I move:

Amendment No 1 [Game–4]—

Page 3, line 14 [clause 2, inserted section 12B(1)(b)]—

Delete 'member of a public sector agency (not being a public sector agency consisting of a Minister)' and substitute:

public sector employee

Amendment No 2 [Game–4]—

Page 3, line 17 [clause 2, inserted section 12B(1)(b)]—Delete 'member's' and substitute 'public sector employee's'

Amendment No 3 [Game–4]—

Page 3, line 19 [clause 2, inserted section 12B(1)(b)(i)]—Delete 'member' and substitute 'public sector employee'

Amendment No 4 [Game–4]—

Page 3, line 21 [clause 2, inserted section 12B(1)(b)(ii)]—Delete 'member' and substitute 'public sector employee'

Amendment No 5 [Game–4]—

Page 3, line 22 [clause 2, inserted section 12B(1)(b)(iii)]—Delete 'member' and substitute 'public sector employee'

Amendment No 6 [Game–4]—

Page 3, line 25 [clause 2, inserted section 12B(1)(b)(iv)]—Delete 'member's' and substitute 'public sector employee's'

Amendment No 7 [Game–4]—

Page 3, line 33 [clause 2, inserted section 12B(1)(b)(v)]—Delete 'member' and substitute 'public sector employee'

This suite of amendments was done on the advice of the Law Society to better define 'member of a public sector agency' as 'public sector employee'.

The Hon. C. BONAROS: We support the amendment.

The Hon. H.M. GIROLAMO: We support the amendment.

The Hon. R.A. SIMMS: Ditto.

The CHAIR: Are we going to accept that? The Clerk wants me to ask you to leave the chamber, but I won't.

Amendments carried.

The Hon. S.L. GAME: I move the amendments in my name:

Amendment No 2 [Game–2]—

Page 4, after line 16 [clause 2, inserted section 12B]—Insert:

(1a) A Minister preparing a report under this section must cause copies of receipts for all costs relating to travel to which this Part applies to accompany the report.

(1b) A report prepared under this section must be in the prescribed manner and form.

Amendment No 3 [Game–2]—

Page 4, line 19 [clause 2, inserted section 12B(2)(a)]—After 'report' insert:

and accompanying receipts

Amendment No 4 [Game–2]—

Page 4, line 25 [clause 2, inserted section 12B(3)]—After 'report' insert:

and accompanying receipts

These amendments are to ensure that receipts are included with the report for verification, and that the report is prepared as prescribed in the bill.

The Hon. C. BONAROS: We support the amendments.

The Hon. H.M. GIROLAMO: We agree.

The Hon. R.A. SIMMS: We support the amendments.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Third Reading

The Hon. S.L. GAME (18:13): I move:

That this bill be now read a third time.

I would like to acknowledge that I am amongst many hardworking and honourable colleagues, many of whom have a long history of advocacy for transparency and greater accountability, and I am appreciative of their support for this bill. I want to acknowledge that this bill has absolutely been a collaborative effort from the very beginning with my Liberal colleagues, in particular the Hon. Heidi Girolamo. I understand the Hon. Matt Cowdrey will be pursuing this bill in the lower house.

I want to acknowledge the support from SA-Best and the Greens, who absolutely believe in and advocate for greater government transparency. I understand the government is not opposing the bill. That is the right thing to do, and it is an opportunity to gain respect from the public, provided games of delay are not played in the lower house.

The public does not hold great regard for politicians. That is my clear impression since entering politics over a year ago. Rightly or wrongly, that is the perception, and we must endeavour to do something about it. Not only do many see politicians as incompetent, they see them as untrustworthy. There is much mistrust, particularly from the public towards politicians with regard to their frugality on ministerial trips.

The perception of unnecessary spending of taxpayer dollars on luxurious trips—such as the Premier's five-night $150,000 trip to Japan and South Korea, the Treasurer's $75,000 eight-day trip to the United States, and the ability of the Deputy Premier to rack up $72,000 in trip costs—does nothing to change the public's low opinion of greed and misjudgement by their elected representatives.

The public want to know who is going on the trip, what is their purpose and what is the value out of every minister, staffer and public sector employee. This ministerial travel report bill will apply to every trip outside South Australia, and it is important that we capture interstate and international trips. Transparency and communication of added value will be easily accessible to the public by passing this ministerial travel report amendment bill.

The tabled report will clearly state the reason for and activities on the trip, but it goes further: how much was spent by every minister, staffer and public sector employee on flights, other travel, accommodation, food and beverages. Disclosure should not require the efforts of a freedom of information request. This information is the right of every taxpayer who funded it and will, on assent of this bill, be required to be incorporated, with receipts, into a report that is tabled in parliament, becoming a public document within 45 days.

To state the obvious, none of us are here are elite and none of us should be treating ourselves to elite lives and experiences on taxpayer dollars. To do so would reflect a deep misunderstanding of our role and show one to be either completely out of touch with the hardships faced by many or simply not caring. There is a big difference between viewing oneself as elite and understanding the responsibility of privilege. We are all in here privileged individuals. With this privilege comes responsibility to give back and contribute.

I know many of my parliamentary colleagues understand this, with proven track records of giving and self-sacrificing to the communities they represent, but we in this place must demonstrate to the public a consistent understanding of our role as public servants and that we have genuine empathy and respect for the lives of those who are struggling. Reports of first-class business trips, five-star hotels and luxury meals on taxpayer dollars do not help public confidence. It is damaging for everyone.

My own personal view is that politicians can upgrade themselves from economy to business class on their own salary, if they deem that necessary. Accommodation needs to be safe and secure, but greater respect from the public would be attained by showing more restraint with public spending. I urge the government to set and disclose a cap on food and beverage spending. This would demonstrate respect for the people we represent, many of whom cannot pay their rent—if they have somewhere to rent—and struggle to pay their electricity and grocery bills.

An expensive bottle of champagne on the government purse might seem a drop in the ocean within the government's budget, but it all adds up and, importantly, reflects a deeper issue: that of a mindset problem that can pervade all areas of decision-making, a misunderstanding of elite versus privilege and our role in this place.

I know many of my colleagues agree completely with my views, and that is why I have obtained unanimous support from my upper house Liberal colleagues and crossbench members, but we must show the public that we are prepared to pass this legislation in both houses, standardising spending across ministerial departments with timely, transparent reporting. I wish this bill speedy passage through the lower house, and will be keeping a close eye on its progress.

Bill read a third time and passed.

FOOD (RESTRICTIONS ON ADVERTISING JUNK FOOD) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 September 2022.)

The Hon. C. BONAROS (18:19): I had a speech; I cannot find it. I am sure that is music to everybody's ears, but I stand on behalf of SA-Best to speak to the bill, and in so doing indicate that, while we will not be supporting this bill, we do have our own policy around this issue.

My issue in relation to the bill I have before me, which is not actually before me, is one of definitions, basically. Whilst we support in principle that there are interrelations and so forth—I have spoken about this at an event that the Hon. Rob Simms I believe spoke at, in principle supporting some of the measures that have been proposed—I would hasten to say that the starting point should be every sporting event that we have in South Australia.

We have sporting events sponsored by McDonald's and KFC. We have advertisements at footy games, at local footy games, at soccer games, at cricket games, at tennis games—I do not think they do it at tennis. My point is that the definitions in the bill are very broad, and it is on that basis that we have concerns around the scope of the bill. When I say 'definitions', when you start breaking things down in terms of how much sugar and so forth they have, it could result in some items that we would not intend to have covered within the scope of the bill.

I want to end with one interesting quote, which came from the same session that we both took part in on this. It was based on figures that actually had been collated by the federal government, a report that was done by the federal government, in terms of preventative health. It said something like, and I am not going to be entirely accurate here: 'If we do absolutely nothing in terms of the obesity pandemic, over the next 10 years that will cost the economy something like $10 billion.'

That is where preventative health comes in. It is those sorts of things. When you are looking at the economic impacts as well as the health impacts as well as the pressures on our hospital systems, all those sorts of factors are critical when you are considering this sort of legislation and underpin the benefits of preventative health. They are absolutely legitimate because ultimately they cost governments more, they put pressures on our hospitals, they cost businesses more and they cost the economy more—$10 billion is an extraordinary amount of money that could be going towards other things.

There is an absolutely important role for government to play here in terms of preventative health in particular, and there is some merit in terms of certain restrictions, but in this instance, unfortunately, we say that our Greens colleague has gone some steps beyond what we could support. I will use the example of Adelaide High School, which happens to be across the road from

an On The Run, which also has in it I think a Wendy's hot dog store. I cannot think what else there is.

Members interjecting:

The Hon. C. BONAROS: I apologise if I have used the wrong hot dogs, but there are hot dogs nonetheless. Next door to that, there is something else that advertises. The point is that it is difficult to restrict those sorts of advertisements, and it would be completely unfair on those businesses as well. I think we have discussed amongst ourselves the Vili's pie and pastie on a bus shelter. We would not necessarily expect that to fall within the scope of this, but certainly it is too broad. On that basis, we indicate we will not be supporting the bill.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (18:23): I rise to speak to this amendment bill on behalf of the opposition. Whilst the intent of the bill is extremely well meaning, and I commend the member for his continued commitment to this issue, there are impractical elements to consider, such as enforcement and overall impact.

This amendment bill will not stop young people from seeing junk food advertisements on buses, trains and billboards that are beyond the 500-metre zone stipulated or on privately owned businesses within the 500-metre zone. It will not stop young people from seeing junk food advertisements in between videos on various mobile social media apps.

Whilst I acknowledge that reducing any advertising in the bombardment of messaging to young people may be the aim, and the honourable member is picking his battles to fight, the opposition feels this approach has little impact and, more to the point, will be extremely difficult to monitor.

When we consulted on this bill, questions were asked regarding the practical implications of this policy in relation to regional centres or townships where country shows or markets are often conducted on school property sites. This does not appear to have been considered during the drafting of the bill.

In South Australia, government-owned assets, such as bus stops and buses, have no restrictions on the types of food and drink advertising that can be shown on them. Again, during consultation, the opposition were provided no details on the budgetary impact it would have on current advertising contracts in place.

Many metropolitan schools have publicly owned assets, like bus stop shelters, within 500 metres that are utilised for advertising. The Hon. Connie Bonaros gave some examples and I will include the examples of St Joseph's Memorial School in Norwood, which has two, and Adelaide High School, which has three. These schools are also opposite an On the Run, which promotes food that falls within the member's definition of junk food.

In addition, Glenelg Primary School has two bus shelters and is also alongside the Glenelg Football Club Oval, which is utilised during recess and lunchtimes, at which there are obviously boundary advertisement placards. Again, that school is also opposite another On the Run (OTR). Hundreds of buses pass our primary and high schools daily with advertisements of all sorts on them.

We the opposition believe the enforcement and monitoring of this amendment bill would be substantial. Our consultation did not afford a clear view of which body would be the enforcement agency. Such a ban might result in further enforcement responsibilities and costs being put onto local government.

What this amendment bill has achieved, and for which I praise the honourable member, is initiating an important conversation about the appropriateness of public advertisements and our conditioning to what is acceptable and what is not. I believe that many people in the community would take issue with cigarettes being advertised within 500 metres of a school. It is what we have come to expect.

Several countries have implemented regulations to limit the promotion of unhealthy foods in media targeted at children, such as television programs, websites and mobile apps. Our party is open to continued conversations around this issue. Preventative health is important. We have a shadow minister dedicated to this sector because of its importance in policy. I would like to impress that not

supporting the bill in its current form today is not an end to this conversation. In conclusion, the Liberal Party will not be supporting this bill, but certainly does thank the member for raising this important subject.

Sitting extended beyond 18:30 on motion of Hon. I.K. Hunter.

The Hon. E.S. BOURKE (18:29): I thank the Hon. Robert Simms for highlighting the impact that junk food advertising has on children and their dietary intake now and into the future. In this modern world we are surrounded by unhealthy food and drink advertising, which influences food preferences and consumption. The food and beverage industry is also increasingly utilising non-broadcast channels, including outdoor advertising, to reach a large, unrestricted audience.

The Hon. R.A. SIMMS: Point of order: I actually cannot hear the speaker and I am quite interested to hear what she has to say.

The PRESIDENT: I am sure that everybody is respectful of the speaker. The Hon. Ms Bourke, continue, please.

The Hon. E.S. BOURKE: Research has shown that junk food marketing takes advantage of the developmental vulnerabilities of children and adolescents. Our children are unable to tell the difference between factual information and advertising, which makes them particularly vulnerable to persuasive marketing tactics employed by the food and beverage industry.

The South Australian government spends considerable time in funding and creating environments that support South Australians to access and consume healthy food and drinks. This includes the development and implementation of food and drink policies that aim to create healthy food environments in South Australia. An example is the recent update to the Right Bite Healthy Food and Drink Supply Standards for South Australian schools. Another example is the release of the Healthy Workplaces Service, a new service that helps provide employers, large or small, with free and practical information to show how they can support their workers in a healthy and thriving environment.

To further this work, the Malinauskas government have an election commitment to establish an independent prevention agency, Preventative Health SA, with a clear mandate to develop evidence-based programs and policies to keep South Australians healthy. This is a key commitment and priority of our government.

The South Australian government is also working with the federal government, which has committed to delivering its National Preventive Health Strategy 2021-2030. The federal budget committed $500,000 over two years to support a feasibility study to explore the current landscape of unhealthy food marketing and advertising to children and to consider options for implementing restrictions across Australia.

In addition, the federal government has also launched its National Obesity Strategy 2022-2032, which was formally endorsed by the Minister for Health and Wellbeing in May 2022. The strategy provides a 10-year framework for action to provide support for those living with obesity across all states and territories. In this collaborative work with the federal government and the other states, it is important to note that food sold in Australia and New Zealand must comply with the binational Food Standards Code.

The South Australian Food Act 2001, which this bill seeks to amend, adopts the code and sets enforcement powers for South Australian regulators. The act is based on the Model Food Provisions, in alignment with the commitment to support a consistent binational food regulation system. As many food manufacturers and retailers are either national or multinational, it is important that the South Australian Food Act 2001 remains largely consistent with the binational requirements for the sale and advertising of food.

Advice the government has received is that the amendment bill may step outside this commitment to support a consistent binational food regulation system between Australia and New Zealand. Further, this bill does not properly define junk food in a way that is legally enforceable or workable. While an appropriate definition can be set for a policy intervention, the use of the term in legislation would need to be legally defined to be enforceable. There is currently no legislation in

relation to this matter implemented in Australia, therefore there is no accepted legal or workable definition of junk food.

The South Australian government is committed to ensuring children can be supported to enjoy a healthy diet by creating healthy food environments; however, any legislative action that aims to limit junk food advertising requires careful consideration to ensure the legislation is legally enforceable. Therefore, the government will not support this bill.

The Hon. R.A. SIMMS (18:34): I am disappointed to hear that no parties in the parliament are supporting the bill. I had hoped that the government would announce that they would be looking into the issues around public transport and health. It does not appear that that has been considered either, so that is disappointing.

I think it is a missed opportunity for this parliament to deal with the issue. I find some of the arguments have been quite inconsistent. The view of the opposition seems to be, 'Well, this bill will have little effect so therefore it is better to do nothing.' That is disappointing. The Greens will continue to push this to ensure that there is better regulation of junk food advertising, particularly close to schools but also on our public infrastructure like our buses, our trains, their respective stops and on public buildings. With that, I conclude my remarks.

Second reading negatived.

CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS - PRESCRIBED PLACES) AMENDMENT BILL

Final Stages

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

At 18:37 the council adjourned until Tuesday 26 September 2023 at 14:15.