

## LEGISLATIVE COUNCIL

### Wednesday, 29 November 2023

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

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

*Parliamentary Procedure*

#### ANSWERS TABLED

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

*Parliamentary Committees*

#### LEGISLATIVE REVIEW COMMITTEE

**The Hon. R.B. MARTIN (14:18):** I bring up the 36<sup>th</sup> report of the committee, 2022-23.  
Report received.

*Parliamentary Procedure*

#### PAPERS

The following papers were laid on the table:

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

Reports, 2022-23—

Chief Psychiatrist SA  
Health Service Charitable Gifts Board  
Mid North Health Advisory Council Inc  
Millicent and District Health Advisory Council Inc  
Mount Gambier and Districts Health Advisory Council Inc  
Northern Adelaide Local Health Network  
Northern Yorke Peninsula Health Advisory Council Inc  
Penola and Districts Health Advisory Council  
Port Augusta, Roxby Downs and Woomera Health Advisory Council Inc  
Port Broughton District Health Advisory Council Inc  
Port Pirie Health Service Advisory Council Inc  
Riverland Mallee Coorong Health Network  
SAAS Volunteer Health Advisory Council  
Southern Fleurieu Health Advisory Council Inc  
Southern Flinders Health Advisory Council Inc  
Waikerie and Districts Health Advisory Council Inc  
Yorke and Northern Local Health Network  
Youth Treatment Order Visitor—Revised Report  
Chief Public Health Officer's Report

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

Reports, 2022-23—

Attorney-General's Department  
Coroners Court  
Court's Administration Authority  
Fidelity Fund  
Legal Practitioners Disciplinary Tribunal

Legal Profession Conduct Commissioner  
Guidelines for the Classifications Computer Games 2023

*Question Time*

### FISHERIES SECTOR

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20):** My question is to the Minister for Primary Industries and Regional Development regarding the fisheries sector. Has the minister released the report of the independent review of the current seafood sector's cost-recovery policy model to industry stakeholders and, if not, why not?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21):** I thank the honourable member for her question. I would have hoped she would be aware that it hasn't been released as yet and the reason for that is similar to what I have stated in this place on a number of occasions. It's important that these reports are considered carefully, and of course that is what is occurring as we speak.

**The Hon. N.J. Centofanti:** Five months, Clare.

**The Hon. C.M. SCRIVEN:** We have the interjection from those opposite saying it's five months. What I think she needs to be aware of is that the final report, delivered by the panel, was on 13 October. Maths may not be her strong point, but 13 October to 29 November I think is not five months by anybody's calculations.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** Presumably those opposite don't think that having full information is important. Presumably those opposite don't think that considering the various implications and impacts is important. Clearly, those opposite don't think that working systematically and responsibly through reports is important, which of course might explain how we ended up with some of the mess that we did in the fishery sector under the previous government, because clearly they don't think it's important to consider carefully and to actually reflect on the impacts.

The sorts of questions that are coming to me from many of the stakeholders are related to the reforms made by the previous government. Remember, this is a reform made by the previous government and we are talking about the marine scalefish fishery—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —where SACAT advised that decisions were made by the former minister that had no legislative basis—no legislative basis. That's the kind of mess you get if you don't take the time to be responsible, to work systematically through a report, look at what the implications might be—

*Members interjecting:*

**The Hon. C.M. SCRIVEN:** —and that's what those opposite should have done. They didn't do it with this reform—

*Members interjecting:*

**The PRESIDENT:** Order! How about you don't interject, either.

**The Hon. C.M. SCRIVEN:** —and our government is left to try to fix their mess.

### FISHERIES SECTOR

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23):** Supplementary.

**The PRESIDENT:** I will listen to the supplementary but it's going to be challenging because I struggled to hear the answer. Let's hear the supplementary question.

**The Hon. N.J. CENTOFANTI:** When will the report be released?

**The PRESIDENT:** We spoke about the report.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23):** We did indeed speak about the report. What I have said is that we are working through the reports. We are taking that responsible approach. We are looking at what the potential implications are.

**The Hon. N.J. Centofanti:** Reports—multiple now! There's more than one.

**The Hon. C.M. SCRIVEN:** We are getting from the Leader of the Opposition surprise that there is more than one report. Perhaps if she actually had an interest, she would know that there was a report done for the fishery sector and a report done for the aquaculture sector, hence 'the reports'. What I have said is that we are working through that and I look forward to being able to make further statements in due course.

### FISHERIES SECTOR

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24):** Further supplementary: what's the minister got to hide?

**The PRESIDENT:** The honourable Leader of the Opposition, your second question.

### FRESH PRODUCE MARKETS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24):** Let's hope she answers this one, Mr President. I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about the corporatisation of the fresh produce markets and its impact on fresh produce prices in South Australia.

Leave granted.

**The Hon. N.J. CENTOFANTI:** Last week, Brisbane Markets Limited moved to remove the South Australian market delegate to the Perth wholesale markets in a bid to increase its influence over the Perth wholesale markets. However, the majority of Perth industry shareholders and the South Australian Produce Market Limited did not support the proportional takeover, leading to a standstill agreement between the Brisbane Market Limited and the Perth Market Limited to keep the Brisbane Market Limited's shares at 49 per cent for the next five years.

Concerns have been raised about the flow-on effect and ramifications of Brisbane Market Limited's attempts to own wholesale markets across the country, citing risk it will decrease competition nationally and increase costs for growers and consumers. According to the ACCC, competitive markets work much better for consumers. They increase innovation and productivity, and they lead to better outcomes for primary producers and small businesses. Given there is public interest to ensure competitive markets are protected, my questions to the minister are:

1. As the minister in charge of primary industries, has she been briefed about the issue arising out of the Perth wholesale markets and the concerns South Australian producers have in regard to Brisbane Market Limited's attempts at a takeover?

2. Has she spoken to her federal colleagues about the issue and sought advice as to the ramifications of such a move on the horticultural industry and its consumers?

3. What is her government doing to ensure competition is maintained within the marketplace?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26):** I thank the honourable member for her question. This issue hasn't been raised with me. I am happy to seek some advice from the department and bring back a response.

### BATS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26):** I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries regarding bats.

Leave granted.

*Members interjecting:*

**The Hon. N.J. CENTOFANTI:** Bats, yes, as in the flying bats, not the cricket bats.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. N.J. CENTOFANTI:** The Adelaide Hills is a highly productive zone for stone fruit and summer fruits, which are currently coming into their prime ripening and harvesting season.

**The Hon. C.M. Scriven:** Shall I bat it away?

**The Hon. N.J. CENTOFANTI:** Sorry, I didn't think it was that funny.

*Members interjecting:*

**The Hon. N.J. CENTOFANTI:** No, I am not interested. Are you interested? Cherry picking is a seasonal delight shared by many Adelaide families, and the Hills offers a fantastic bridge for metropolitan dwellers to learn more about food and fibre production. However, the Adelaide Hills is also home to a growing number of sizeable flying fox colonies, which feed on nectar and fruit. I have been approached by industry as they are seeking solutions suitable to minimising the impact of flying foxes, knowing that they are protected under the National Parks and Wildlife Act 1972 and the Environment Protection and Biodiversity Conservation Act 1999. My questions to the minister are:

1. Has the minister consulted with industry in the Adelaide Hills regarding the growing impact of flying foxes on fruit production?
2. What plans does the minister and her department have to combat fruit production loss in the Adelaide Hills, noting that a continual loss of fruit at peak harvest will cause increased prices for consumers this Christmas?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28):** I thank the honourable member for her question. This is an issue that has been raised. I was with fruitgrowers just this morning in fact, out at the Pooraka produce markets. It is not something that has been raised directly with me. I will check whether it has been raised directly with the department in recent times but, given the honourable member says that producers have raised it with her, she is very welcome to encourage them to contact me. I am always very accessible and happy to discuss.

### SHOP TRADING HOURS

**The Hon. R.P. WORTLEY (14:29):** My question is to the Minister for Industrial Relations. Will the minister update the council on the Malinauskas government's achievements in relation to shop trading hours and public holidays?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:29):** I thank the honourable member for his question. It will be my pleasure to update the chamber about the achievements of this government in relation to shop trading hours and public holidays. To understand the achievements of this government, we must first look at the recent past, for those who fail to learn from history are condemned to repeat it.

The record of the previous Liberal government on these issues is driven by out-of-touch ideological dogma and incapability of listening. It was a Liberal government so blinded by their ideological focus on a complete and utter deregulation of our shop trading system, regardless of the devastation it would have on local jobs, that they failed to pass any legislation at all in this parliament; a Liberal government so far out of touch that, rather than make sensible compromises, get the balance right and actually get something done, they would rather deliver nothing.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** That became a feature of the former Speirs-Marshall government, to deliver nothing. They were very good at this form of delivery, delivering nothing over and over again.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** This was a former Liberal government so bereft of common sense and moral fortitude that they proudly voted against Christmas Day itself being a public holiday a mere two years ago, showing absolute contempt for hardworking retail workers, healthcare workers and emergency services workers who are serving and protecting us while we spend time with our family. The achievements of the Malinauskas Labor government stand in very stark contrast indeed. Since the last election—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —this government has achieved significant shop trading hours and public holiday reforms. We delivered more for the South Australian community in under two short years than the previous Liberal government did over those four long, wasted years. We took a clear shop trading hour policy to the ballot box, with overwhelming support.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** We extended shop trading hours so shops can now open at 9am on Sundays, something that over four years a Liberal government failed to do. We now have the legislated protection of Black Friday and other shopping days in the lead-up to Christmas—

*Members interjecting:*

**The PRESIDENT:** Order, both sides!

**The Hon. K.J. MAHER:** —and we have the legislated protection of allowing Boxing Day shopping hours. During the debate on the shop trading laws—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —we saw the Liberal opposition once again not learning from history, repeating the mistakes of the past and pushing amendments towards total deregulation, this ideological obsession with doing things that would destroy jobs in this state, and do you know what? We have a similar story on public holidays, a very similar tune. We received, as a government, hundreds of submissions about what South Australian people, organisations and associations thought about public holidays.

Just this week, we have seen new laws with the support of this council to make sure Christmas Day is treated as a public holiday—to make sure, no matter what day it falls on, Christmas Day is a public holiday—to bring us into line with every single other mainland state to include Easter Sunday as a public holiday and, critically importantly, something that the former Liberal government could not do and failed to even try to do, to deliver legal certainty for businesses by removing the designation of every Sunday as a public holiday.

We are now aligning our addition and substitution public holiday rules much closer to the rest of the country, particularly those Eastern States, sensible changes bringing us into line with much of the rest of the country, yet we saw something that did not even resemble sensible thought or debate from those opposite. We saw the Liberal Party move an increasingly confused set of amendments—

**The PRESIDENT:** I am watching the clock. You are running out of time.

**The Hon. K.J. MAHER:** —wanting to insert historical names of public holidays while seemingly having no understanding whatsoever about what those public holidays meant—

**The Hon. J.M.A. LENSINK:** Point of order, Mr President.

**The Hon. K.J. MAHER:** —or what they represented.

**The PRESIDENT:** A point of order has been called.

**The Hon. J.M.A. LENSINK:** How is this a good use of question time?

**The PRESIDENT:** It is not a point of order but, leader, I am watching the clock. You are nearly approaching five minutes for a Dorothy Dixier. Conclude your answer, please.

**The Hon. K.J. MAHER:** Remarkably, we saw the opposition doubling down today—if it was confused before, it's completely nonsensical now—by putting out a media release. Yesterday, we saw the opposition spokesperson, the Hon. Heidi Girolamo, not even knowing what Australia Day references. In remarkable scenes in this chamber, she talked about Captain Cook or Tony van Eck. 'Someone landed somewhere' is what the honourable member thought. She had no clue what it was actually about.

**The PRESIDENT:** Conclude. Come on, finish.

**The Hon. K.J. MAHER:** We have passed legislation to make sure Christmas Day is protected. We are making sure that we are preserving these public holidays, and we are making sure that we, like all the Eastern States, have those four days over Easter as public holidays. I have one final point to make, then I will be finished.

**The PRESIDENT:** You will want to be quick.

**The Hon. K.J. MAHER:** The final point to make is the bizarre scenes we saw yesterday when the opposition spokesperson on this issue couldn't do basic arithmetic into the double figures—she could not do basic arithmetic into the double figures. She claimed, and I will quote, because this is actually important: 'If this goes through, we are leading the nation with the highest number of public holidays.'

**The PRESIDENT:** You've got ten seconds.

**The Hon. K.J. MAHER:** The opposition's treasurer—

**The PRESIDENT:** Eight, seven, six, five—

**The Hon. K.J. MAHER:** —this morning showed what that was—not to be true.

**The PRESIDENT:** —four, three, two—

**The Hon. K.J. MAHER:** I would encourage, if the opposition spokesperson here didn't know before, she's now on notice and—

**The PRESIDENT:** Sit down.

#### **PUBLIC HOLIDAYS**

**The Hon. T.A. FRANKS (14:35):** Supplementary: does this state have the highest number of public holidays in the country?

**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 the sensible supplementary. The answer is: before these reforms are enacted, no; after these reforms are enacted, no. And the Hon. Heidi Girolamo, now being fully aware of this, would do well—and I don't often give advice to the opposition—to consider whether the honourable member needs to correct the record as soon as becoming aware, because it would be a very interesting result indeed if a Privileges Committee was moved.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Pangallo is on his feet. So do you have a supplementary question?

**The Hon. F. PANGALLO:** Yes, I do.

## PUBLIC HOLIDAYS

**The Hon. F. PANGALLO (14:36):** Technically, didn't South Australia have designated that every Sunday was a public holiday?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:36):** Technically in the legislation that is correct. If you want to be very technical, the changes to our legislation, if you added Easter Saturday but took away the other 51 Sundays, removed 51 public holidays. So if you are being very technical, our legislation has dramatically reduced the number of public holidays, but of course industrial instruments that have been brought in and enterprise bargaining agreements that have been struck have given the effect that they haven't been public holidays. But it is something that's never been tested, and that's why so many business groups and associations were so grateful that we moved to correct this anomaly, something that once again the ideologically driven former Marshall-Speirs government couldn't do, failed to do and had no interest in doing.

## CHILDREN AND YOUNG PEOPLE (SAFETY) ACT REVIEW

**The Hon. T.A. FRANKS (14:37):** I seek leave to make a brief explanation before addressing a question to the minister representing the Minister for Child Protection on the topic of the Children and Young People (Safety) Act review.

Leave granted.

**The Hon. T.A. FRANKS:** In February 2023, the state government released the report of the review of the Children and Young People (Safety) Act 2017. That review had reached over 900 people, and many provided detailed responses, sharing not just their personal insights and experiences with the child protection system but their recommendations for reform. The report provided an overview of the key themes from those consultations and identified potential opportunities for legislative change for the government and the minister's consideration. On the child protection department website dated 23 February it was stated:

What are the next steps?

The government is considering the report and the opportunities identified. It has committed to introduce any changes to the legislation this year following a further period of consultation.

There is now one day left of the sitting year and there is no legislation. My question to the minister representing the Minister for Child Protection is: where is the legislation?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38):** I thank the honourable member for her question. Whilst I am certainly happy to refer it to the minister in the other place, I would say as a general comment that the level of consultation that is required for any changes in such an important area of government is incredibly important, and I know that the minister in the other place certainly is dedicated to having full consultation. So I suspect that may have some aspect of it, but I will refer the details of the question and bring back a response.

## CHILDREN AND YOUNG PEOPLE (SAFETY) ACT REVIEW

**The Hon. T.A. FRANKS (14:39):** Supplementary: noting that the review actually was required to commence five years after the commencement of the act and that the review and consultation had already happened by February this year, I reiterate: where is the legislation?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39):** I appreciate the particular point that the honourable member is making, but I was referring to consultation on legislation specifically.

## CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

**The Hon. J.M.A. LENSINK (14:39):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding an illegal picket by the CFMMEU.

Leave granted.

**The Hon. J.M.A. LENSINK:** Last month, it was reported that the CFMMEU lost their appeal to the Federal Court over a 2019 protest at 250 East Terrace deemed by the Australian Building and Construction Commission as an unlawful picket in its ruling at the time. A combined fine of \$384,000 for the CFMMEU and a subcontractor's role in the unlawful protest was considered appropriate by the Federal Court, in part due to the union's prior history of flouting industrial laws. Justice O'Sullivan condemned the union's conduct as 'serious, deliberate and unjustified' and the fine has been described as one of the biggest fines of its type in Australian history.

With the abolition by the federal Labor government of the ABCC and this government's refusal to even debate our state-based Construction Industry Commissioner Bill, significant concerns of bullying, intimidation and threatening behaviour are increasing across South Australian construction sites. My questions for the Attorney are:

1. Has he been briefed on the implication of the Federal Court's rejection of the CFMMEU's appeal?
2. Is he going to be willing to debate a construction industry watchdog, given serious and increasing concerns over the militant behaviour of the CFMMEU?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:41):** I thank the honourable member for her question. It is rather confused. It is not as confused as the contributions we have seen earlier this week from some of her colleagues. The honourable member just outlined how the laws in the federal jurisdiction, which of course has the sole responsibility for private sector industrial relation matters, are working. She has made her case that it is working effectively at the moment.

The honourable member has stated—has actually put forward the fact—that threatening behaviour and intimidation are increasing. The honourable member made this as a positive statement, so the honourable member obviously has evidence of this. I would encourage the honourable member to take to the regulators, to take to the police, her very specific knowledge of intimidating behaviour or threatening behaviour that she has stated is increasing. If she does not do this, I think that speaks volumes as to whether or not she has evidence of this. I think the honourable member should take these concerns and the evidence she has of this to the police if there are criminal acts occurring.

#### **CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION**

**The Hon. J.M.A. LENSINK (14:42):** Supplementary: given that the ABCC no longer exists, is the Attorney suggesting that the only recourse that people who have concerns about this have is to the police?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42):** Absolutely not. That is why we have the industrial umpire, the Fair Work Commission. As I have said, the honourable member has positively asserted that this behaviour is increasing and I would encourage her, given that she has evidence of this, to take it to the proper authorities.

#### **CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION**

**The Hon. J.M.A. LENSINK (14:42):** Supplementary arising from the original question: has the minister been briefed, as I asked, and will he consider a similar body for South Australia?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43):** We have no policy for that.

#### **ELECTION COMMITMENTS**

**The Hon. M. EL DANNAWI (14:43):** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the delivery of election commitments within her portfolio?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43):** I thank the honourable member for her question and her interest in the portfolio that I have the privilege to hold. This year—



*Members interjecting:*

**The PRESIDENT:** Attorney, you are not helping. Let's listen to the answer in silence.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** This year has been another year of delivery in meeting our election commitments. Those opposite are busy making slick social media videos, stating how they have not changed anything as a party from the party that lost the last election and they have not changed anything as a party from the party that totally lost touch with regional South Australia, but they do have a shiny new logo, which will be of great benefit to the people of South Australia. While they have been busy with these things, our government has been getting on with the job.

*Members interjecting:*

**The PRESIDENT:** Minister, sit down. I will listen to the point of order.

**The Hon. H.M. GIROLAMO:** Standing order 110 around debate: she is clearly going on about the Liberal Party, when the question was about her own election commitments.

**The PRESIDENT:** She is entitled to answer the question as she wants. I am sure she is going to stick to the topic.

**The Hon. C.M. SCRIVEN:** As I say, we have been getting on with the job as government. I am very pleased to run through just some of the commitments that we have delivered, and continue to deliver this year, which are of benefit to industries right across the portfolio and the South Australian community.

In forestry, we have delivered the first stage of the development of the Trees on Farms Initiative to promote the environmental and economic benefits of on-farm plantations and guide appropriate partnerships between timber processors and landowners, and supported expanding the role of the Forest Industries Advisory Council so that there is a clear, ongoing platform that will bring all the sectors of the supply chain together. The Malinauskas Labor government has also made significant progress on our commitment to replace fire towers with new technology, with fire towers to be online and operational this current fire season.

The Forest Products Domestic Manufacturing and Infrastructure Masterplan is nearing completion. This is a master plan that has been developed by both industry and government working collaboratively together to identify critical needs in the industry and to assist the forest industry to continue to grow and thrive. Importantly, we are delivering an annual state of the industry report for the horticulture industry which investigates key themes such as investment confidence, consumer confidence and cost of production issues as identified. Government will be working collaboratively, side by side, with AUSVEG SA to deliver this commitment.

In the fisheries and aquaculture space, our government has been working with RecFish SA to deliver several commitments to the recreational fishing community. Indeed, bringing back RecFish SA as the funded peak body for recreational fishing was one of our first commitments delivered and has already proved to be effective in delivering for South Australian anglers. In partnership with RecFish SA, there have been two successful 'come and try' fishing events aimed at increasing participation among women, children and multicultural communities, with more events planned, meeting our commitment to increase participation in recreational fishing.

As for our commitment to better communicate the science behind decisions that impact fishers, we saw late last year and early this year, with the extended snapper closure, the associated assistance package that has taken on stakeholder feedback about the kinds of increased science—or improved science—required going forward and, just recently, a suite of information made available on the PIRSA website to keep anglers updated as the snapper science program continues.

We have delivered on our commitment to working towards healthy fish stocks with a section 20 allocation panel established, including representatives from RecFish SA and the commercial sector, to undertake full reviews of fishing allocations where required. Earlier this year, we made the permanent regulation change to protect the giant Australian cuttlefish in the

Upper Spencer Gulf—such an important and iconic species that is so critical to Whyalla and surrounding communities in terms of the incredible natural phenomenon drawing tourists from near and far each winter, including from around the globe.

Of course, there is not enough time to list the many more commitments that we have delivered, but it is safe to say that these examples show a government that is committed to our farming, fishing and forest industries, and one that will continue to be committed as long as we have the privilege of being in government.

### ELECTION COMMITMENTS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:48):** Supplementary: what election commitments has the minister delivered for agriculture and broadacre farmers?

*Members interjecting:*

**The PRESIDENT:** Order!

### FISHERIES SECTOR

**The Hon. C. BONAROS (14:48):** I seek leave to make a very brief explanation before asking the Minister for Primary Industries and Regional Development a question about cost recovery.

Leave granted.

**The Hon. C. BONAROS:** Earlier during question time, the minister indicated the cost-recovery review report was only finalised in October. My question to the minister is: did the minister, her staff or any other member from her department make, ask for or request any changes to the cost-recovery review report prior to its finalisation or at any other point and, if so, what were the changes and how did they impact the outcome of the review?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49):** I thank the honourable member for her question and her ongoing interest in the fishing sector. Just to recap a little bit, in line with our election commitment from March 2022 we prioritised ensuring the seafood sector's cost-recovery policy is both robust and appropriate.

On 15 June this year, I received the initial draft reports from the independent cost-recovery review panel, pertaining to both the fisheries and aquaculture sectors. Shortly thereafter, on 21 June, I tasked the Department of Primary Industries and Regions to prepare a summary briefing that outlined the key findings of these reports.

As I did indicate on the record in *Hansard* on 29 August, after assessing the draft reports it became evident that there were gaps in the reports that required further consideration, so I sought additional information from the panel through the department on 28 July 2023. On 13 October, the panel provided the revised reports to the department, which included additional information that had been requested, which are now being considered.

### FISHERIES SECTOR

**The Hon. C. BONAROS (14:50):** Supplementary: did any of those assessments regarding gaps and requests for additional changes result in any substantive changes to the findings and recommendations of the review?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51):** I think the question is a bit subjective in terms of what is meant by substantive. Certainly, a number of recommendations—obviously, I don't have all the detail in front of me. Certainly, there were some recommendations that I am sure would have been affected by the additional information. It is a question that is open to interpretation. I would suggest that the best outcome is to wait until we have the next steps put in place and then we can discuss it more fully.

**FISHERIES SECTOR**

**The Hon. C. BONAROS (14:51):** Further supplementary: as we await those next steps, is the minister willing to share what were those changes made to the report?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52):** As I mentioned, it provided additional information.

**FISHERIES SECTOR**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:52):** Supplementary: after the additional information, were any recommendations removed?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52):** I don't think so, from my recollection. If that is incorrect, I am happy to correct the record once it has been checked.

**FISHERIES SECTOR**

**The Hon. C. BONAROS (14:52):** Further supplementary: in addition to any being removed, were any of the final recommendations altered?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52):** I would have to go through that in a bit more detail. It kind of relates to the previous question. I really can't recall. I'm happy to provide that information once we have the next steps outlined.

**PAROLE BOARD**

**The Hon. H.M. GIROLAMO (14:52):** I seek leave to make a brief explanation before asking questions of the Attorney-General regarding the South Australian Parole Board.

Leave granted.

**The Hon. H.M. GIROLAMO:** Last week, in the media, it was reported that Ms Eileen Culleton, the sister of a raped murder victim, is calling for an overhaul of our state's prison release system. In 1988, Ms Anne-Marie Culleton's killer, Mr Jonathan Peter Bakewell, was sentenced to life imprisonment and paroled in 2016. After breaching parole five times and testing positive for drugs 14 times since his release, the convicted rapist and murderer is now seeking parole for the sixth time.

Ms Culleton is now calling on South Australia to follow the UK's lead and deny parole to killers whose offences involve sex or sadism. She is further calling for the Parole Board's decision to be made public, which would bring our state in line with Queensland, Tasmania and Western Australia. My questions to the Attorney are:

1. Does the Attorney agree that South Australia's prison release system is in need of reform and, if so, what action is the state government taking to address this?

2. Does the Attorney consider that the publication of the Parole Board's decision would be in the best interests of the South Australian community?

**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 her question. I have had the opportunity to speak with Ms Culleton on a number of occasions in the past. It is a very compelling position that she puts forward, and it is a tragic set of circumstances that led up to the death of her sister. It is completely understandable how strongly she feels about these issues.

In relation to the parole system, there was very significant change a little under a decade ago, if I am remembering correctly, to the way parole is granted in South Australia that put it squarely, I think as it should be, in the hands of the Parole Board. I think it is the Parole Board, with their expertise in this area, who are best placed to make decisions about parole. We don't have a proposal to change it away from the Parole Board as the experts being the ones who make these decisions.

I do understand when people call for changes to deal with the circumstances, the horrific circumstances, that have seen loved ones lost. There is the possibility in the South Australian context to have a sentence imposed without parole. For example, some of the offenders in the Snowtown

murder cases did not have a non-parole period set, so there isn't a time that they can apply for parole. Those sorts of offenders can apply to the Supreme Court to have a non-parole period set, and I think that has happened in the case of at least one of the Snowtown offenders, and the Supreme Court has declined to do that. So there is the statutory ability for a court, in the worst possible cases, as some of those involved in the Snowtown murders were, to decline to set a non-parole period.

### WORLD FISHERIES DAY

**The Hon. R.B. MARTIN (14:56):** My question is to the Minister for Primary Industries and Regional Development. Will the minister please update the chamber on the importance of World Fisheries Day, which was held on 21 November?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56):** I thank the honourable member for his question. On Tuesday 21 November 2023, we celebrated World Fisheries Day, a great opportunity to acknowledge and appreciate our world-class fisheries management in South Australia and a chance to reflect on the state of fisheries right around the world, which is so critical to worldwide food security.

World Fisheries Day has been celebrated since 1997 and focuses on the importance of sustainable fisheries and ensuring that our oceans, rivers and lakes are enjoyed sustainably for future generations to come. Twenty-five per cent of the world's dietary protein is provided by fish, and around 200 million people globally are directly or indirectly employed in the fishing sectors.

Last year, Australia's thriving fisheries and aquaculture sectors had a gross value of production of approximately \$3.6 billion, exported \$1.4 billion worth of seafood and employed more than 14,000 people. More specifically, in 2021-22, South Australia had a combined commercial fishing gross value of production of approximately \$207 million and employed 3,554 full-time employees across the state, with 1,308 full-time employees in regional jobs in fishing and supply chain activities. The total seafood exported was \$485 million across the fisheries and aquaculture sectors combined.

As Australians, we are fortunate to have an abundance of choice and a healthy supply of sustainable seafood. However, our fisheries neither exist in isolation nor are they immune to the challenges facing the world's fisheries. A changing climate, fish stock sustainability, marine debris and plastics, and illegal, unreported and unregulated fishing are some of the challenges that face governments, scientists, researchers and the fishing industry around the world.

PIRSA is dedicated to the sustainable management of South Australian aquatic resources, and we achieve this through a range of measures that involve the community and government working together, such as Fishcare volunteers and fisheries officers and compliance teams, strong relationships with the commercial sector to co-manage resources, and a world-class science and research program at SARDI that provides the information to make informed decisions.

As I mentioned, our fisheries don't operate in isolation, and we still have challenges that require decisive action to ensure sustainability. An obvious example is our state's snapper fishery, where we have had to extend the closure and implement a range of measures aimed at making this iconic fishery sustainable once again. Our state's legislative framework concerning fisheries allows for timely recognition and action where required to protect and preserve fish stocks and species.

As we head into the busy holiday period, not only will more people be heading out to fish, but many more will enjoy the incredible produce supplied by our commercial fishers. It is therefore timely that on days such as World Fisheries Day we reflect on just how fortunate we are as a state and as a nation to have access to our mostly sustainable and well-managed ocean resources. This doesn't happen by chance, and our government will continue to ensure that our fisheries are amongst the best managed in the world.

### WOMEN'S AND CHILDREN'S HOSPITAL

**The Hon. F. PANGALLO (14:59):** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Health in another place, a question about the Women's and Children's Hospital.

Leave granted.

**The Hon. F. PANGALLO:** The clean-out of our once world-renowned Women's and Children's Hospital appears to be continuing. In September, former chief executive, Lindsey Gough, suddenly announced she was quitting her role. What wasn't made clear was whether she was pushed or jumped, but what is clear is that she quit long before her contract was up for renewal and shortly after the appointment of a new chair to the hospital. Her sudden exit followed a tumultuous time for the hospital, which included:

- the cochlear implant scandal;
- the Coroner's finding that a six-week-old baby died in the Women and Children's Hospital when his oxygen levels dropped after doctors decided to put off a procedure;
- the Women's and Children's Hospital embarrassing lost training accreditation for its Paediatric Intensive Care Unit and only gaining provisional accreditation for its Neonatal ICU; and
- the cluster of four baby deaths at the hospital in a one-month period, all linked to the hospital's lack of a paediatric cardiac surgery unit.

My questions to the minister are:

1. Can he confirm the hospital's long-term executive director, medical services, workforce, education and partnerships—the executive whose responsibility it was to oversee at least two of the abovementioned controversies—has left the hospital despite his name and role still being listed on the hospital's website?

2. If he has left, what was the reason for leaving, and did he go of his own volition or did the hospital board choose not to renew the contract?

**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 questions. I am happy to pass those on to the health minister in another place and bring back a reply.

#### MOBILE PHONE TOWERS

**The Hon. B.R. HOOD (15:01):** I seek leave to provide a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about mobile phone towers.

Leave granted.

**The Hon. B.R. HOOD:** The Albanese government's review into infrastructure spending was finalised and released less than a fortnight ago. The Labor federal government has abandoned the traditional 80:20 funding split, leaving it to the states to fund these significant projects. In total, \$7 billion of federal funding was withdrawn from 50 projects across the country. In South Australia, we have lost \$400 million in commonwealth contributions to five important road infrastructure projects.

My question to the Minister for Primary Industries and Regional Development is: what confidence does she have in the 27 mobile phone towers her government announced for the Limestone Coast that will be delivered, given that the federal government has just reneged on its infrastructure funding deal with the states?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02):** I thank the honourable member for his question. My understanding is that the infrastructure review didn't cover things such as mobile phone towers.

#### MOBILE PHONE TOWERS

**The Hon. B.R. HOOD (15:03):** Supplementary: will the minister be contacting her federal counterpart to check—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. B.R. HOOD:** —on whether they will be funding the mobile phone towers for the Limestone Coast?

**The PRESIDENT:** It is nearly Christmas. Minister, you might like to provide an answer to that.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03):** Our government is frequently in contact with members of the federal government about a range of issues.

#### **TAUONDI ABORIGINAL COMMUNITY COLLEGE**

**The Hon. J.E. HANSON (15:03):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on Tauondi's 50<sup>th</sup> year anniversary event?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03):** I thank the honourable member for his question. I will be most pleased to inform the chamber about Tauondi College's 50<sup>th</sup> anniversary. It was a great pleasure to attend the event celebrating the 50<sup>th</sup> anniversary of Tauondi Aboriginal College that occurred on Saturday.

Tauondi College has had a significant impact on the lives of many Aboriginal people and Aboriginal communities right across our state and has long played a role in providing education, employment and a safe space for Aboriginal people. Tauondi was born in the same year as me, 1973, and has become a home for many Aboriginal people. It is not only a place of learning, it is a cornerstone of empowerment, a hub of cultural preservation and a testament to the resilience of Aboriginal people in this state.

For five decades now, Tauondi has been instrumental in addressing some of the disparities that have historically affected Aboriginal communities through education. By offering a culturally safe and supportive environment, the college has been a catalyst for breaking down barriers and opening doors to opportunities that may have otherwise been firmly shut. Many know that the importance of Tauondi extends beyond the academic realms. It serves as a meeting place for community engagement and has been a pioneer in community initiatives, a space where cultural traditions are actively promoted through education.

That is one of the reasons so many people in the Aboriginal community, myself included, were extremely disappointed a few years ago when the previous government completely cut the recurrent funding for Tauondi College, knowing the significant history and the benefit it has provided for the Aboriginal community.

I am very proud to be part of a government that announced just in the last budget \$5.6 million in investment in Tauondi College to ensure its critical role into the future. It will ensure programs like its language revitalisation program, through which Tauondi College has developed Certificate II and III in Learning an Endangered Language and Certificate IV in Teaching an Endangered Language, can continue. It is quite a remarkable achievement.

Tauondi has worked with various language groups, including Kurna and Ngarrindjeri, in developing courses and in the Certificate IV in Teaching an Endangered Language. We are now seeing Aboriginal people from right across Australia coming to Tauondi College to get these qualifications to teach their endangered languages from all over the nation.

As I have said, Tauondi College is more than just a centre for academic achievement and learning. It is a safe space for Aboriginal people. For example, under the previous Weatherill Labor government when we were developing a Stolen Generations Reparation Scheme, it was Tauondi College where meetings were held: that safe space for Aboriginal people. Just in this term of government, when we were developing an antiracism strategy within government, it was Tauondi College where meetings were held with Aboriginal people. It is a safe space for Aboriginal people and a necessary space for Aboriginal people.

I am very pleased that we have reinstated funding to see Tauondi go into the future and see Tauondi thrive. I wish to congratulate Tadashi, the longstanding CEO of Tauondi, who has kept the place running, in my experience, over many years; the current head of the board, Brenz Saunders,

who gave very powerful speeches on Saturday night at the celebration of 50 years; and of course its most recent chair, Professor Peter Buckskin, who has dedicated his life to the education of his Aboriginal people.

### PRISON ALTERNATIVES

**The Hon. R.A. SIMMS (15:08):** I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of alternatives to prison.

Leave granted.

**The Hon. R.A. SIMMS:** Yesterday, the Justice Reform Initiative released their report titled *Alternatives to Incarceration in South Australia*. The report argues that investment should be redirected into addressing the drivers of incarceration, rather than investing in jails and imprisonment—particularly for young people. The report states:

Prison does not work to reduce crime; it does not work to build safer communities; and it does not work to address the social drivers of contact with the criminal justice system. It has become an expensive, harmful and yet normalised failure which causes disproportionate harm to Aboriginal people who are significantly over-represented in both the youth justice and adult prison systems.

For young people in contact with the justice system, the report calls for evidence-based, community-led programs to provide off ramps out of the carceral system. The report contains a comprehensive list of evidence-based programs that have been proven to be effective as alternatives to jailing people.

At the September meeting of the Standing Council of Attorneys-General in regard to the minimum age of criminal responsibility, it was agreed that the committee would consider the report and return to the December meeting of the Standing Council of Attorneys-General with a position or an update on the minimum age of criminal responsibility reform in their jurisdiction. It is our understanding that the December meeting will be held this Friday 1 December. My question to the Attorney-General therefore is:

1. Will the Attorney-General, on behalf of the government, be advocating to raise the age of criminal responsibility at that meeting?
2. Will the government finally commit to funding programs and alternatives to incarceration to keep young people out of prison?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10):** I thank the honourable member for his question. He is indeed right, there is a meeting of Attorneys-General due to take place in Canberra on Friday of this week that I will be attending on behalf of the South Australia government. One of the items that has been a longstanding item on that agenda for the Standing Council of Attorneys-General is the minimum age of criminal responsibility.

We will not be announcing something in the lead-up to this or in the near future after that; however, as the honourable member has asked a number of questions—and he has a very longstanding, passionate and sincere interest in this area—work continues in a South Australian context.

I have mentioned before that we are looking to see, if the age was raised, what would come in its place. As I have said before in this place, one thing that we certainly won't be doing is just changing the number in a bit of legislation. The overriding aim that we will be focusing on is what makes the South Australian community safer. Certainly, there are now jurisdictions right around the world—in the UK, in Europe, in New Zealand, in Victoria, in the territories, in other places—that have raised the age, and we are looking at the evidence about what makes the community safer.

There are suggestions that keeping particularly young people out of the criminal justice system can increase community safety. One of the most telling factors about being incarcerated as an adult is contact with the criminal justice system as a juvenile. How that is raised is certainly something that we would need to look at. We have no commitment; we are doing the work to look at it.

One thing that other jurisdictions have looked at is what the age is raised to. I know many advocates advocate for raising the minimum age of criminal responsibility to 14. The jurisdictions that have moved in this space so far have started at 12, with an ambition or a stated desire to raise it to 14. The other thing is whether there are things that are exceptions or carve-outs, and that is something that other jurisdictions have dealt with. Certainly, in the work that we are doing in terms of what would come instead of a criminal justice response—those therapeutic responses—are things like the initial age and whether exceptions is something we will consider.

### PRISON ALTERNATIVES

**The Hon. R.A. SIMMS (15:12):** Supplementary: will the minister commit to giving an update to this house on that work when parliament resumes in the new year?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12):** Depending on what state the work is up to, certainly.

### JUSTICE REFORM INITIATIVE

**The Hon. L.A. HENDERSON (15:12):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding justice reform.

Leave granted.

**The Hon. L.A. HENDERSON:** Attorney, *The Advertiser* published an article yesterday that the Hon. Mr Simms has just highlighted, where they released details of the Justice Reform Initiative report. *The Advertiser* reported that the report found that \$374 million was being spent annually on incarceration in South Australia. Former state leaders from both sides of politics have made contributions to the report and have, I quote:

...[called] for the government to scrap plans for new prison facilities and instead invest \$300m in a 'Breaking the Cycle' fund to lower incarceration and recidivism rates.

It also urged for at least 40 per cent of that fund to be dedicated to Aboriginal Community Controlled Organisations and focused on critical points of the justice system. In adult prisons, 24 per cent of people are Aboriginal—despite representing just 2.4 per cent of South Australia's population—and in children's prisons, 51 per cent are Aboriginal. *The Advertiser* says the report found that First Nations South Australians were 16.1 times more likely to be in prison than the non-Aboriginal adult population. My questions to the Attorney-General are:

1. Does the Attorney believe building another prison in South Australia is the best way to deal with the high rates of Aboriginal incarceration?
2. Is the Attorney supportive of the call to redirect funds for a \$300 million prison into a Breaking the Cycle fund, and has he spoken to the corrections minister about this?
3. Does the minister believe that greater investment is needed to provide pathways out of the justice system?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14):** I thank the honourable member very much for her question because it gives me an opportunity to talk about the substantial investments we are making, particularly in terms of Aboriginal incarceration. It was an election commitment to hold an inquiry into Aboriginal incarceration rates, and that is what we did. Many months ago, I think it was near the very start of this year or in the first few months of this year, we published that report. That report gave us some very valuable insights.

In the most recent state budget, we had an investment of around \$25 million over the next four years to do just that, to make investments to try to reduce Aboriginal incarceration. The Yalakiana Tappa program, reducing Aboriginal incarceration, is a bit over \$11 million over four years. It has a range of initiatives, including a community support program, a cultural reintegration, tenancy and rehabilitation support program to assist Aboriginal South Australians apply for bail, successfully comply with conditions and address treatment needs.



There is an accommodation and support program, a 12-week supported housing, tenancy and rehabilitation program for Aboriginal people who do not have access to culturally safe accommodation. That investment also includes a cultural residential drug and alcohol treatment facility, a 12-week residential therapeutic community program for Aboriginal people who need intensive drug and alcohol treatment to support successful compliance with bail conditions.

One thing we are all too keenly aware of is the number of prisoners in our jails who are on remand. I do not have the statistics with me, but sometimes near or just over half of those who are incarcerated in our jails are unsentenced, that is, they are on remand. Occasionally, the reason for that is there is not a suitable address to be bailed to, and that is more acute for many Aboriginal people who are on remand in our prisons. That is exactly why we have made that investment in terms of things like the bail hostel and residential support programs to try to reduce those rates. It stands to reason that if you are receiving treatment out of prison it may help with recidivism and your ability to stay out of prison in these sorts of programs and circumstances.

We are also investing \$1 million over two years into a program that diverts Aboriginal children aged 10 to 13 who have been charged with a minor offence away from the custodial environment with appropriate supports, providing short-term accommodation where no other suitable bail option has been identified to allow young people to be placed back with family and wraparound case management services. We are also investing almost \$1 million over three years in cultural programs for Aboriginal people in South Australian prisons, to be administered by DCS but to be delivered by Aboriginal community-controlled organisations and elders.

Very importantly—and I note that there were members of this chamber here for the launch of this only in recent months—there is the Youth Aboriginal Community Court in Adelaide. It is a two-year trial of a special court for Aboriginal children and young people to be known as YACCA, the Youth Aboriginal Community Court. There is almost three-quarters of a million dollars for a culturally responsive program that aims to disrupt the escalation of offending in young people's lives, addressing trauma and criminogenic needs and implementing factors to divert young people from further offending.

In addition, we have the Victim Support Service for Aboriginal women, a further \$1 million investment to support Aboriginal women in conjunction with SAACCON, the peak body for Aboriginal community-controlled organisations. In addition to that, we are also investing three-quarters of a million dollars in the implementation of an Aboriginal Justice Agreement in South Australia. We are also working very closely with the commonwealth Labor government, which has committed just over \$90 million over the next four years for justice reinvestment programs across Australia. Certainly, we are working to make sure that South Australia can be a beneficiary of those programs as well.

#### CHERRY SEASON AUCTION

**The Hon. T.T. NGO (15:19):** My question is to the Minister for Primary Industries and Regional Development. Can the minister tell the council about the 2023 annual cherry auction and season launch?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19):** I am delighted to be able to update the chamber. This morning, I had the opportunity to visit the South Australian Produce Market to officially launch the 2023 cherry season in South Australia. Cherries are a Christmas favourite, and I am pleased to advise members in this place that the season is on track to be a good one, despite the storms recently—this week—and supply will be plentiful, with the peak of the season being close to when festive celebrations are in full swing. We can all look forward to a centrepiece bowl of glossy local South Australian cherries.

Our cherry industry contributes considerably to the South Australian economy. In 2022, our cherry production was valued at \$20 million, while producing over 2,100 tonnes. South Australia is home to over 100 cherry producing enterprises which manage 590 hectares of fruit, with around 90 per cent of that grown in the Adelaide Hills.

Of course, with the announcement recently of the \$50 million biosecurity precinct there is enormous potential to increase cherry exports directly out of South Australia in the future to

international markets such as Vietnam, which I understand are extremely eager to secure more premium South Australian cherries.

To celebrate the start of the 2023 South Australian cherry season, South Australia's wholesale fruit and vegetable market community participated in the annual cherry auction. The winner of the 2023 cherry auction, the Cherry Queen, is Christine Scalzi, who successfully bid a staggering \$60,000 for the five-kilogram box, which beat last year's successful bid of \$50,000.

This year's successful bid equates to a premium of \$12,000 a kilogram. But with plentiful supply, consumers at the checkout will, of course, be paying far, far less. Christine Scalzi, the winning bidder, was supported by a number of sponsors including the Ceravolos, Bache Bros, the Romeo Foundation, Mario Romaldi, Bentleys, the William Buck Foundation, the South Australian Produce Market, Radio Italiana and other silent parties who all contributed to the final donation.

The charity of choice this year was Variety, which supports children and their families who are facing many challenges through sickness, disadvantage or disability. They provide important resources such as mobility equipment, wheelchairs, medical items and therapy services and also a broader program of support for disadvantaged children, partnering with organisations such as Foodbank. I have no doubt the proceeds raised today will go to great use.

I want to take this opportunity to thank both Mr Angelo Demasi, CEO of the South Australian Produce Market, and Ms Joanna Andrew, chair of the South Australian Produce Market, for the invitation to attend today and participate in this wonderful event. Once again, I congratulate the industry on this wonderful initiative and may you all enjoy premium South Australian cherries during this festive period.

#### *Matters of Interest*

### **CONVERSION PRACTICES**

**The Hon. I.K. HUNTER (15:22):** Today, I would like to speak about the insidious practice of conversion therapy, although it is only a therapy in name for the proponents of such practices, because it can only, I think, be best described as torture. I particularly want to speak about the experiences of an individual who came to see me in my office and related to me her experiences when she went through these conversion practices that were inflicted upon her. I will not use her name; I will call her Sam for today.

Conversion practices are of a particularly insidious nature. They are a real form of discrimination practice right around the country and here in South Australia. Other states like Victoria, the ACT and Queensland have already instituted some form of a ban, and Western Australia and Tasmania are exploring bans also. Conversion practices is the term given to those, as I said, insidious practices used to target and change an individual's sexual and gender identity. They treat sexuality and gender as a sickness to be cured, as a mental condition to be corrected or as a curse to be lifted.

These practices are built on a belief that sexual orientation, gender identity or sexual expression should be changed or suppressed so that the person becomes heterosexual. The means by which conversion practices are conducted are varied. Some are done formally through counselling services, others—most, I suspect—are done informally through support groups, prayer groups and spiritual interventions, while residential camps are common as are home meetings.

Running through many of these practices is always a strong religious narrative and the key to this is disempowerment and isolation of the individual. They are the techniques that are practised upon the poor individual who is trying to be converted. These practices cause victims to feel shameful, depressed and anxious, and to sometimes take their lives.

Often it begins in childhood. The survivor I mentioned, who grew up in a religious Baptist household, told me that it began very early indeed. She said to me:

I was playing with another friend when my parents pulled me aside and isolated me. They said, 'We need to talk to you about the way you're acting. This is not what god intended' and then they explained that it's Adam and Eve, not Eve and Sarah.

I was left feeling confused. I felt like I had done something wrong. I felt I was going to hell. So from that moment onwards, I was always policing myself.

This occurred at the age of 4½. She was 4½ when religious and emotional abuse started in her life, and it did not end for a number of years. The same survivor goes on to describe how they were guided towards conversion formal practices. She said:

When I was 18 I was driving my car with my mum and I turned to her and I said, 'I'm gay.' She stopped the car and she said, 'I will never accept you. Get out.' I got out and she left me at the side of the road.

I told a friend of mine who went to the Christian school with me and she said she had heard of this place where one of her friends went. It was attached to a church.

The leader of this program was the wife of the pastor of the church. I thought it was a safe place. You weren't allowed to engage with people outside. I wasn't allowed to talk to my family.

Victims of this live-in program were made to disclose deeply personal information about themselves and their family background, discuss if they had experienced sexual abuse and were made to pray for forgiveness for the generational curses placed upon them or for letting demons into them because of their gender and sexual identity. She continued:

That program was really bad and actually left me completely traumatised.

When I came out of the program, I was still suicidal. I thought it was definitely over for me.

My sister asked me to come to her home prayer group and I said, 'If it's anything to do with god at this point, no.' She said, 'Oh, no, they're really nice people, come in.' I went in and these people said, 'The god you know is not right.'

They prayed for me and they put their hands on me and I just cried and cried. They said, 'We need to expel the demons of suicide, depression and anxiety.'

What I went through before was formal conversion practices. This is now in someone's house and no-one is around [to police it].

Informal conversion practices isolate people. They rely on emotionally manipulating people and they use their internal networks to find their victims. We know this goes on in South Australia even now. We know that formal practices through registered therapists happen, even though their code of conduct prevents them from doing that.

At a later stage, I will come back to this story and explain to the council how registered psychologists and doctors prescribe scripture for their patient, rather than appropriate therapy or medicines. This is an insidious practice. It needs to stop. South Australia needs to move in step with the other states and ban this horrible practice of trying to turn someone straight when they are not and never will be.

## MURRAY-DARLING BASIN

**The Hon. T.A. FRANKS (15:28):** I rise to speak about restoring our rivers. This week, the Australian Greens secured a critical lifeline for the Murray-Darling Basin. The Murray-Darling Basin is our country's lifeblood. An evaluation report by the Murray-Darling Basin Authority released in December 2020 showed climate change and corporate greed are the biggest threats to Australia's biggest river system. That report highlights what the Greens have been saying all along: the climate crisis is plunging the basin into hotter and drier conditions year after year, meaning water for the environment is crucial for the survival of the Murray-Darling.

Since the \$13 billion Murray-Darling Basin Plan was legislated in 2012, more than 2,100 gigalitres of water each year has been allocated to the environment, but a shortfall of 750 gigalitres a year still remains. The Australian Greens are the only party that has opposed the Murray-Darling Basin Plan from the outset, when it was clear that it put profit and special interests ahead of science and the environment.

Rivers must run to stay alive, but if upstream corporate irrigators keep taking flood plain water, downstream users, such as small family farms, river communities and South Australia, will continue to suffer. Corporate greed must be reined in and action on the climate crisis is desperately needed if we are to save the Murray-Darling: the lifeblood of South Australia and our nation's largest food bowl.

The 40 First Nations in the Murray-Darling Basin collectively owned just 0.17 per cent of its water in 2020, according to the Australian Rivers Institute. After a decade of neglect and sabotage by the Liberals and Nationals, the basin plan is completely off track. The previous government let our communities down, let industry down and have failed to protect the environment. With another drought just around the corner, we must get that vital water back into our rivers and the flood plains.

Earlier this week, the Albanese government struck a deal with my federal Greens colleague Senator Sarah Hanson-Young. That arrangement will see, we hope, 700 gigalitres of water used for farming each year allocated to the environment through commonwealth buybacks across the Murray-Darling Basin. The agreement includes \$100 million allocated to help First Nations people to participate in the water market, an independent order of water allocated to the environment throughout the basin and the legislated commitment to return 450 gigalitres of water to the environment each year by 31 December 2027.

The Murray-Darling Basin Plan has not delivered what it promised to deliver, and the commitments that the Australian Greens have been able to negotiate with the federal government will restore health to the river and trust in the plan. Funding for the First Nations people secured in return for the Greens' support of the Water Amendment (Restoring Our Rivers) Bill was vital. For the first time, First Nations communities will be in the objects of this act and the plan, and put them front and centre. First Nations communities do need a say in how water is managed, and acknowledgement and recognition that their connection to water is as strong as their connection to land. They should have a say in how the Murray-Darling Basin is managed going forward.

I also commend Independent ACT Senator David Pocock, who has secured \$50.5 million in a package to improve the health of the Upper Murrumbidgee River. That package has a \$500,000 component that supports Ngunnawal and Ngambri traditional owners to take part in reviews of river use there. This is a significant win for our environment and river communities, to stop our rivers running dry. The passage of the Greens' amendment is a landmark and a win for South Australia after more than a decade of fighting for water that we need to protect the Coorong and Lower Lakes and to keep the Murray Mouth open.

In the week where we heard that, post the floods, the dredging of the Murray Mouth has recommenced, we needed some most welcome good news. We thank the federal Greens for securing that, in conjunction with Independent Senator David Pocock and the federal Albanese government.

### **COST OF LIVING**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:32):** I rise to address a matter of great significance that touches the lives of many South Australians. As we approach the festive season, the joy and anticipation of Christmas are overshadowed by a pressing concern: the cost-of-living crisis that is affecting families across South Australia.

In May this year, my colleague the Hon. Heidi Girolamo spoke about the impact of rising interest rates and energy costs squeezing the household budget. Earlier this month, my colleague the Hon. Laura Henderson spoke about the cost-of-living crisis being the number one agenda item for constituents out in the community right now. She also spoke to the increased pressure on emergency relief programs like Foodbank.

This Christmas, the financial strain is palpable, casting a shadow on what should be a time of celebration and togetherness. The cost-of-living crisis has become a heavy burden on the shoulders of communities right across this state. One of the most apparent challenges is the surging cost of housing. As property prices soar and interest rates rise, many South Australians are struggling to meet mortgage payments or to afford rental properties. This crisis has resulted in a growing number of families facing the heart-wrenching prospect of homelessness, a stark contrast to the warmth and security we associate with the holiday season.

Furthermore, the cost of essentials such as groceries and fuel has skyrocketed, leaving families with difficult choices to make. The traditional Christmas feast that many of us look forward to is becoming a luxury as the budget for basic necessities tightens. It is disheartening to think that, for many, this summer will be marred by the stress of financial instability.

There is a downward spiral of rising prices. As the cost of doing business increases, profit margins vaporise. Unfortunately, we are hearing more and more stories of small businesses dropping staff or going under completely, adding to precarious employment. However, amid these challenges there is hope. It is heartening to see communities coming together to support one another. Local charities, community organisations and volunteers are working tirelessly to provide assistance to those in need.

This Christmas, let us extend a helping hand to our neighbours, our friends and our fellow South Australians who are facing the brunt of the cost-of-living crisis. Amid the challenges posed by the cost-of-living crisis, there is a powerful opportunity for us to cultivate positivity and resilience this Christmas. Let us focus on the spirit of generosity and of compassion that defines this festive season. Small acts of kindness, whether donating to a local Foodbank, volunteering at a community organisation or simply checking in on a neighbour, can have a ripple effect of positivity.

By fostering a sense of community and mutual support, we can build connections that transcend financial difficulties. Additionally, let us celebrate the simple joys of the season, the warmth of family and friends, the joy of shared moments and the spirit of giving. In the face of adversity, choosing gratitude and spreading kindness can be a beacon of light, reminding us that the true essence of Christmas lies in the love and connection we share with one another. This Christmas, let our families be the foundation of resilience and let hope guide us in spreading warmth and kindness, echoing the true meaning of the season.

The cost-of-living crisis affecting South Australians this Christmas is a challenge that requires our collective attention and action. As we celebrate the holiday season, let us be mindful of those who are facing financial difficulties and strive to create a community where everyone can enjoy the festive season without the heavy burden of economic strain. Together, we can make a difference and build a brighter future for all South Australians.

#### **WOOLCOCK, MS E.**

**The Hon. R.B. MARTIN (15:36):** One hundred and fifty years ago, 25-year-old Elizabeth Woolcock was convicted in a South Australian Supreme Court of killing her husband by mercury poisoning. On 4 December 1873, she was sentenced to death, and 26 days later the only woman ever executed in South Australia stepped off the hangman's scaffold. Her remains still lie between the inner and outer walls of the Adelaide Gaol.

Elizabeth was born in Burra in 1848 to Cornish parents. Like others, they lived in a dugout cut into the banks of the Kooringa Creek. In 1851, a major flood destroyed their home. Her father moved the family to the goldfields, staking a claim at Creswick. When Elizabeth was five, her mother left the family. Thereafter, Elizabeth was often alone in the tent while her father worked his claim. This was the situation one particular day when an itinerant miner came to the tent asking for a smoke. Seven-year-old Elizabeth offered her father's pipe. The miner violently raped her. The assault was so vicious that the chief judge called it one of the most atrocious cases he had ever heard.

Elizabeth's injuries were severe enough to leave her unable to have children. Her pain was treated with opium, to which she developed a lifelong addiction. Two years later, her father died, leaving Elizabeth entirely alone at age nine. She was put into service, and by age 15 she was living in a brothel. After nearly a decade on her own, her now remarried mother made contact and invited 18-year-old Elizabeth to join her in Moonta. Elizabeth took up various domestic posts, eventually becoming a live-in housekeeper to a local widower named Thomas Woolcock.

Elizabeth's stepfather considered the arrangement scandalous and threatened his stepdaughter with violence. So, despite knowing Thomas Woolcock for only a few weeks, Elizabeth married her employer. He soon showed a sadistic temperament. Their relationship was characterised by ongoing physical violence and financial abuse. Over their five-year marriage, Elizabeth left Thomas at least twice and attempted suicide at least once. Her drug use continued; her increasingly desperate efforts to procure opiates become a matter of local knowledge.

The court heard that Thomas Woolcock became ill in July 1873. He was treated by three doctors, who each made a different diagnosis and prescribed a range of medications that contained, amongst other things, mercury and lead acetate. Thomas Woolcock's condition worsened. He died

on 3 September. Rumours circulated, in particular by a cousin of Mr Woolcock, accusing Elizabeth of poisoning her husband, prompting the attending doctor to ask for an inquest.

Full details of the inquest and subsequent trial are too lengthy to recount. In summary, Elizabeth's pro bono lawyer was newly qualified, called no witnesses and mounted a very weak defence. The Crown relied on evidence that mercury was found in Thomas's liver and that Elizabeth had been witnessed giving him various medicines and powders, some known to have been recently prescribed to him. The court also heard speculation that Elizabeth was having an affair.

Crowds filled the street to hear the jury's guilty verdict, delivered with a recommendation of mercy. Elizabeth was nevertheless sentenced to hang. Public sympathy favoured sparing her from execution, but appeals to clemency to the Executive Council and the Governor were unsuccessful.

I make no presumption of Elizabeth's innocence or guilt, but the Crown relied very successfully on the prejudices of the era to assist their case. A good deal has been written by academics and historians, debating both the soundness of the evidence and the reasonableness of the sentence. I do not submit that suffering of the magnitude that Elizabeth Woolcock endured in her life does not occur today—it does. We have seen that illustrated with painful clarity over the past couple of weeks. A person could very reasonably look at the deaths of four South Australian women in just one week and say that nothing has changed.

Violence against women is a shameful epidemic in our state and nation. I greatly hope that 150 years from now, people will stand up and tell the stories of victims to shine a light on how far we have progressed. Today, I tell Elizabeth Woolcock's story in part to show the opposite. No victim in 1873 or in 2023 should find themselves without a way out, as so many women do. It is a disgraceful stain on our history and on our present that anyone could.

Whether innocent or guilty of murder, Elizabeth Woolcock was a victim of a lifetime of cruel circumstances. There is nothing we can do to right the wrongs she suffered, but a small act of humanity might be to retrieve whatever is left of her and give her the dignity of a proper burial. The Adelaide Gaol was the site of 44 hangings from November 1840 to November 1964. Behind each one may be a complex story, but Elizabeth Woolcock's life and death stand out starkly in their tragedy and their poignancy. May we one day learn the lessons she can teach us.

### LABOR GOVERNMENT

**The Hon. B.R. HOOD (15:41):** Today, I rise to speak on the 12 days of Christmas, but rather than traditional Christmas carols, involving turtle-doves, pipers and partridges in pear trees, this version is courtesy of the Malinauskas and Albanese Labor governments and unfortunately involves no gifts of joy, especially for regional South Australia.

On the first day of Christmas, Labor have pulled funding for our regional roads. The Albanese government have just ripped out \$400 million worth of vital infrastructure funding for our state, and five important projects have been cut across regional South Australia.

On the second day of Christmas, Labor wanted to take away the gift of a previous federal government that granted us funding for radiotherapy in the Limestone Coast. Luckily, this cruel gift may be actually given back because of the 16,000 locals of the Limestone Coast who signed a petition asking for this vital service to be brought back. We certainly hope that this Malinauskas Labor government listens to those 16,000 people.

On the third day of Christmas, Labor have failed to deliver on regional road safety. They have gifted us a paltry \$1.25 million per year for four years for their regional road safety package and regional road safety infrastructure. Meanwhile, a whopping \$40 million is going towards a roundabout upgrade in Mount Barker, which the state government concedes is not actually even classed as regional.

On the fourth day, Labor gifted Mount Gambier's poorly serviced public transport system an eight-year contract. The state's second biggest city continues to be serviced by a bus contract deemed unsuitable for a population of 6,000 people.

On the fifth day of Christmas, they gifted us all the spiralling cost-of-living crisis. Homegrown inflation driven by economic mismanagement has gifted to all South Australians unaffordable grocery

prices, spiralling house costs and the highest inflation in the country. Under the Malinauskas government, South Australian families are a staggering \$400 a week worse off, and it is even worse in the regions.

On the sixth day of Christmas, we have the gift of soaring energy prices. This government's solution is to build an experimental \$600 million plus hydrogen plant that they admit will not even lower power prices for residential homes.

On the seventh day of Christmas, Labor have given the gift of decimating river communities through their fixation on water buybacks. Instead of focusing on maintaining agricultural productivity through efficiency projects, this lazy Labor government have chosen the easy option that will ensure communities lose out, as will consumers.

On the eighth day of Christmas, Labor delivered us a housing crisis. Regional towns are crying out for worker housing to cater for the growing demand of labour. In Bordertown, they are going to build up to 60 homes when SA Water says that you really cannot even turn on a tap in Bordertown.

On the ninth day, Labor is gifting the Limestone Coast 27 mobile phone towers—or are they? They actually cannot answer whether the federal government is going to commit the money to that project.

On the tenth day, Labor is failing to provide birthing services to expectant mothers in the regions. Kapunda, Whyalla, Waikerie, Kangaroo Island and Gawler have all faced disruptions this year to their birthing services. Jesus was born in a manger, and maybe Labor are hoping for the same thing for regional women as well.

On the eleventh day, Labor are letting regional school infrastructure crumble. In the South-East alone we have transportable classrooms being condemned, significant structural issues, collapsing walls, insufficient space for student discussions, and the presence of asbestos.

Finally, on the twelfth day of Christmas, Labor have gifted us record ramping. Despite their pledge to 'Vote Labor like your life depends on it', last month we had the worst ramping compared with any other month in the previous government's four years in office. Sick patients and stressed paramedics waited a full 3,322 hours in October stuck on ramps waiting to be seen. It is a cruel gift that impacts our state's most vulnerable.

These are the 12 sorry days of Christmas, thanks to the grinch that is the Labor Malinauskas government. South Australians, particularly in the regions, deserve better than the lump of coal that this state government has popped under the tree for this state.

### SEAFOOD LABELLING SCHEME

**The Hon. C. BONAROS (15:46):** There is nothing fishy about the motion that I am about to share with members, but it is a good story for South Australia because we know that South Australia is a globally renowned destination for our iconic seafood produce. Indeed, we are the seafood destination of Australia, and consumers are a huge part of that. They have become increasingly attuned to what they eat and how it is sourced. They, and I, want and deserve to know where their seafood, my seafood, has come from, both when I shop and when I dine out, particularly when you consider that around 62 per cent of seafood consumed in Australia is actually imported.

Consumers deserve to know when they are purchasing or eating an inferior product, which is why I am particularly pleased to be speaking about a big development in the two decades long campaign for country-of-origin labelling laws on seafood in all hospitality and retail outlets. I am immensely pleased to have been a part of that journey. It is a huge win for both consumers and our seafood industry that the state government formally committed to country-of-origin labelling laws.

It is a huge win that last Friday all state and federal consumer affairs ministers, including our minister, voted to implement a mandatory labelling scheme from 2025, meaning that we will see nationally consistent transparency laws for all our eatery outlets.

There were two options available in terms of that mandatory scheme, but the one supported means that labelling systems on menus will be coded with 'A' for Australian, 'I' for imported, and 'M'

for mixed. It has been a two decades long journey, navigating through a Senate inquiry in 2009, Nick Xenophon's attempt at truth in labelling laws in 2012, another inquiry in 2016, and tireless advocacy at both state and federal levels since that time.

Who says patience and persistence does not pay off? Certainly not me. The seafood industry's national peak body, Seafood Industry Australia, needs to be commended because they have played an integral role, a huge role, in publicly campaigning on this issue for some 15 years. It has been a long and winding road and, as much as she will not like this, I will take this opportunity to thank the association's chief executive officer, Veronica Papacosta, because she is one of the many stakeholders who has worked tirelessly to secure the outcome of these changes, and her tenacity needs to be recognised.

This is not, of course, just a win for the seafood industry, it is a win for consumers because, like I said, I for one am very much looking forward to knowing that the seafood I order at my local has come from our healthy oceans. Many Australians remain none the wiser that they have been paying Australian seafood prices for inferior, unsustainably sourced seafood from overseas, from waters that are far from pristine.

I foreshadow that in the new year I will be moving a motion in this place recognising the sustainability of our seafood sector in South Australia and also for the safeguarding of our oceans for future generations. Seafood is the third largest protein source consumed in Australia. It is also the most sustainability sourced protein in Australia. It has the smallest carbon footprint of all other forms of protein sourced in Australia. It is exceptionally important that we recognise that and keep adding to the good reputation of our globally renowned seafood sector that our rural and regional townships rely on for their survival.

We know that cheap imported seafood has meant that the industry has had to adapt to the influx of that product, but this single measure will go a long way towards ensuring more availability of Australian seafood for local consumers and, ultimately, better prices for those products.

#### **INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE**

**The Hon. M. EL DANNAWI (15:51):** Last night, I attended a vigil for Palestine. We mourned all the lives lost on, since and before October 7 in both Gaza and the West Bank under the Israeli state's occupation of Palestine.

The International Day of Solidarity with the Palestinian People falls on 29 November every year. As I talk about Palestine today, I wish to separate the action of Hamas from the legitimate needs and aspirations of the Palestinian people. The attack on Israel on 7 October by Hamas was shocking in its brutality and I stand firm in saying that no group of people should ever be subjected to attacks based on their ethnicity, religion or culture.

Of course, I condemn Hamas and the Australian government has condemned Hamas. I hope for the release of all hostages safely to their families. However, the ongoing attacks on Gaza committed by the Israeli state since that day must also be recognised and condemned as inhumane. I echo the sentiments of my fellow Labor members in the federal government in saying that Palestinians are being collectively punished for the actions of Hamas.

Some areas targeted by the State of Israel are: refugee camps; homes, with over 46,000 housing units destroyed and 1.7 million people internally displaced; holy sites including mosques and churches; hospitals, with only two out of 24 reportedly still operational; and schools, with at least 300 damaged by Israeli air strikes.

No part of the Gaza Strip has been spared from the bombardment. One hundred per cent of students have no access to education. The average wait time to receive half of a normal bread portion is four to six hours. There is no access to clean water in the north. An estimated 50,000 pregnant women are in desperate need of prenatal and postnatal care and over 50 per cent of Gaza's population is under 18. These statistics were all reported by the United Nations, with over 14,800 people killed and over 36,000 injured: NGO staff, health workers, journalists, poets, artists, men, women, children—humans.



These attacks are not just contained to Gaza. The Israeli state has killed 239 Palestinians and attacked 171 medical facilities in the occupied West Bank, which is not Hamas-governed. This large death toll cannot just be collateral damage in the pursuit to destroy Hamas, so I say today that I condemn the actions of the State of Israel. As UN experts have stated:

There is an ongoing campaign by Israel resulting in crimes against humanity in Gaza.

What we have been hearing, repeatedly, is that the State of Israel has given warnings to the residents of Gaza to evacuate. How would you evacuate if you had no fuel or transport? How would you evacuate with only a few hours of notice? As UNRWA Commissioner-General remarks:

Gaza is being strangled and it seems that the world right now has lost its humanity.

Since 7 October, there has been a rise in anti-Palestinian and Islamophobic sentiment here in Australia. Pro-Palestine does not mean pro-Hamas. It is not antisemitic to call out the violence enacted by the Israeli state. We must denounce Hamas for the evil that it is, but we cannot allow this moment to be used to dehumanise all Palestinians or Muslims.

Over the past few weeks, community members have reached out to me to express their pain about the lack of balance in the support given to the Palestinian community and their supporters. There are many people hurting in our community right now, many who are left to draw only the following conclusion from the silence: that some lives matter more than others.

There is an unacceptable double standard at play here, and our Palestinian, Arab and Muslim communities deserve more. We have before, and should again, ensure that we as a state are committed to recognition and peace for Palestine. The temporary ceasefire will allow the people of Gaza a moment of reprieve, but it does not ensure the ongoing safety and security of Palestinians. We must start calling for a permanent ceasefire, an end to the occupation, and for reconstruction towards full justice for Palestinians.

### *Motions*

#### **NATIVE VEGETATION**

**The Hon. J.M.A. LENSINK (15:56):** I move:

1. That a select committee be established to inquire into the management of native vegetation in the Hills Face Zone and the Mount Lofty Ranges, with particular reference to:
  - (a) the interface between landowners and the native vegetation branch;
  - (b) the role of the Native Vegetation Council;
  - (c) the role of local councils;
  - (d) the balance between the protection of native vegetation and bushfire clearances;
  - (e) the appropriateness of penalties; and
  - (f) any other matter.
2. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

I seek to refer these matters in relation to native vegetation to a select committee of the Legislative Council, and I will just go through some of the history. It has been a matter that has been taken up by our Leader, the Hon. David Speirs MP, who was the Minister for the Environment under the term of the Marshall Liberal government, and he has a very particular interest in all things environmental, as do a number of us as well.

The particular trigger for this has been a site in the Adelaide Mount Lofty Ranges, at a property on Mount Lofty where there has been a significant amount of clearance. Probably the best way for people to get an understanding of this particular case is to look on the ABC website. There are two articles that I have accessed, one from 26 February 2023 and one from 2 August 2023. The second article is entitled, 'Calls for further investigation into native forest clearance on Mount Lofty'. That has an interactive map on it, where people can see the before and afters by clicking the ruler left and right, and I think that probably speaks for itself.

There have been some changes to planning laws in the intervening period, from when the clearance was approved in 2014 and the current period, and this matter seems to have fallen into an area where the law is different now, the clearance would probably not have been allowed to take place, but it also highlights that there are some issues with native vegetation. We have sought to keep this inquiry quite discrete, limiting it to the Hills Face Zone and Mount Lofty Ranges for several reasons, because we did not want it to get too out of hand. These references, if they are too big, can take a very long time. It can be hard to come to a fast conclusion, and they can raise a whole lot of matters that are extraneous to these particular matters.

As a member of the Environment, Resources and Development Committee, it was my preference that that committee would take this inquiry on. We are currently doing an inquiry into trees on private land. As part of that, we have received evidence from, in particular, the Conservation Council, Trees For Life and probably other organisations as well. Quite separate to contacting those organisations about this, they have identified that native vegetation regulation generally is an issue that needs some clarity and improvement.

Back to this particular property at hand, the leader, the Hon. David Speirs, actually wrote to the Environment, Resources and Development Committee in May seeking that this become a term of reference. He stated in his letter to Ms Jayne Stinson, the Chair of the committee:

By way of brief summary, in October 2014 the owners of the property at 104 Mt Lofty Summit Road, Crafrers were provided with approval to clear 0.110 hectares of vegetation, for the purposes of constructing a dwelling and associated structures. I understand that clearance of stringybark forest has been occurring at the property since 2015, however, clearance is ongoing.

The community is deeply concerned about the extensive and ongoing clearance at the property, with information recently provided to the South Australian Parliament by the Minister for Climate, Environment and Water, Hon Susan Close MP, confirming that the Native Vegetation Council has issued a compliance notice to the property owners, because 'there were reasonable grounds to believe that native vegetation clearance had occurred in excess of that approved by the Native Vegetation Council'. The enforcement notice requires the clearing to cease, however I have witnessed firsthand that despite this enforcement notice, environmental destruction in the form of clearing is continuing. For your interest, I provide links to footage of the clearance which will demonstrate the sheer magnitude of the environmental destruction which is occurring:

I note that there are people in that vicinity who have been quite upset with the ongoing clearance of native vegetation. He goes on to say:

Regardless of whether this clearance was consistent with approvals that may have been granted at the site, I strongly consider that there is justification for the ERD Committee to consider this matter, with particular reference to:

1. Whether the scope of this residential development is appropriate in this location, which is affected by the following relevant planning overlays:
  - a. Environment and Food Production Area;
  - b. Heritage Adjacency;
  - c. Native Vegetation;
  - d. Regulated and Significant Tree; and
  - e. State Significant Native Vegetation
2. Whether the scope of the clearance, if it has occurred in accordance with approvals, meets the community's expectations for management of 'state significant native vegetation';
3. If the clearance has occurred beyond the scope of the approvals, whether the penalties associated with this activity are adequate;
4. Whether the relevant authorities (Native Vegetation Council and relevant local council) have appropriate enforcement powers to prevent ongoing clearance at the site...

That particular point is germane to the terms of reference to the committee that I am moving today. The letter continues:

5. Whether what has occurred at this site served as a case study, highlighting reforms required to native vegetation and planning and development laws.

That matter was sent to the committee and was considered by the committee. The correspondence was referred to the minister, the Hon. Susan Close, and the committee received a response from the minister. She says:

Regarding the matter at 104 Mt Lofty Summit Road, Crafers, I am advised that this relates to a native vegetation clearance approval granted in 2014 for 0.75 ha and that there has been no further unauthorised clearance beyond the incident recorded in December 2021.

There is some dispute about whether that is correct or not. The minister goes on to say:

I understand that there have been numerous reports since this time, however these have been found to be false, or in some cases related to the movement of already cleared vegetation on the property. It is important to note that the movement of vegetation has been at the request of the Native Vegetation Branch and to clear the area subject to unauthorised clearance to allow for regeneration of native vegetation and required restoration works to be undertaken.

The minister then goes on to address each of the points that the Hon. Mr Speirs has made and says that the overlay provisions would not have applied to this development because it was under the previous approvals process, which was the Development Act 1993. I quote:

As a result, it was assessed against the relevant policies from the Adelaide Hills Council Development Plan by the Relevant Authority, rather than the Planning and Design Code overlays. Further, under the previous planning system, no referral to the NVC was activated...

In short, it was approved under those previous rules. The new rules and planning overlay, I understand, came into effect in 2019 and would have required this application to go to the Native Vegetation Council. As the minister says in her letter, they would have been unlikely to be supported. She goes on to say that:

It has been determined that approximately 0.5 hectares of native vegetation has been cleared beyond the scope of the existing [Native Vegetation Council] approval. At the time that the clearance occurred, the NVC considered the unauthorised clearance to be within the minor scale.

So it seems like this one slipped through enforcement which could or should have been undertaken. It has not been at the level I think would—it fails the pub test, I think, for many people, particularly as we know with respect to the Adelaide Mount Lofty Ranges that we have issues with the loss of biodiversity and bird species across the Adelaide Hills. So when it comes to some of these areas which are of significant biodiversity, they do need to have much greater protection.

I think we need to look at the interaction between local council and how the delegations to them in terms of management and authorisation—what their role is. I think this is something the community is very interested in. There are significant implications for biodiversity and potentially significant biodiversity loss in the Adelaide Mount Lofty Ranges. For those reasons, we are moving that this matter be considered by a select committee.

I think I did mention that we had sought that this be looked at by the Environment, Resources and Development Committee. The soft answer was, 'No. The minister is doing her own investigation,' but I think it is certainly worthy of a select committee in the New Year.

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

#### *Parliamentary Committees*

### **CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE: POLICE COMPLAINTS AND DISCIPLINE ACT**

**The Hon. J.E. HANSON (16:08):** I move:

That the report of the committee, on its inquiry into the operation of the Police Complaints and Discipline Act 2016, be noted.

In October 2021, following a recommendation made by the Crime and Public Integrity Policy Committee in respect of its previous inquiry into matters of public integrity, by way of amendment to the Parliamentary Committees Act this parliament conferred responsibility upon the committee to inquire into and to consider the operation of the Police Complaints and Discipline Act 2016, which, from now on, to make things a little bit easier for everyone, I will refer to as the PCD Act. Accordingly, in June 2022, after finishing ongoing business, the committee resolved to commence the inquiry.

I think it is pretty important that I state from the outset that the committee acknowledges the very difficult tasks that are often assigned to police officers. They are expected to maintain a very high level of discipline in all circumstances and I think we can all accept—and certainly there is a great deal of acceptance within the community outside of this place—that it can be stressful and, frankly, often very thankless work. It requires decision-making that can be later subject to scrutiny undertaken in the absence of such circumstances as they might find themselves in.

Nothing in the committee's report—I think it is important that I underline 'nothing in the committee's report'—should be interpreted as being in any way critical of police. Each of us on the committee expresses our gratitude to police officers for their service to our community. The committee in particular wishes to note the recent tragic shooting involving police officers in the area of Senior, south-east of Adelaide. This resulted in the death of Brevet Sergeant Jason Doig, the officer in charge of the Lucindale Police Station, and indeed injuries to a second officer, Sergeant Michael Hutchinson. Senior Constable Rebecca Cass, who was also present, although physically uninjured will without doubt be affected by the horror of what occurred for quite some time.

Earlier this year, Brevet Sergeants Ian Todd and Jordan Allely were also caught up in a dreadful stabbing incident, with both suffering extensive injuries, in particular Brevet Sergeant Todd. I think it is important to highlight those matters because during every shift our frontline officers undertake their duties with risks like these in mind. The members of the committee are all very grateful to officers who put themselves at risk to keep our community safe.

Having said that, the task remains at hand. The Police Complaints and Discipline Act provides for the resolution of complaints made in respect of designated officers, that being defined as obviously South Australian police members, police cadets, special constables and police security officers. The role of the tribunal is to make provision in respect of disciplinary proceedings.

A separate internal investigation section within SAPOL is the IIS. It is conferred with the responsibility for assessing and, where appropriate, investigating either complaints regarding the conduct of designated officers made by members of the public or reports regarding the conduct of designated officers made pursuant to mandatory reporting obligations imposed on designated officers in respect of potential disciplinary matters.

Where a matter has the potential to constitute corruption in public administration, as defined by the Independent Commission Against Corruption Act, it may be the subject of investigation by the Independent Commission Against Corruption. The Office for Public Integrity (OPI) oversees all assessments and investigations undertaken by the IIS and is provided with live access to SAPOL's complaints management system. The OPI receives the majority of complaints in the first instance. It may reassess and substitute its own assessment in the place of an assessment made by the IIS and such substituted decision will be considered to be the assessment of the IIS. The OPI may also issue directions with respect to the conduct of any investigation into disciplinary allegations.

A management resolution regime provides for the internal resolution of matters determined to be minor in nature. The matters suitable for management resolution are set out in a determination by the Commissioner of Police and tabled in each house. The Police Disciplinary Tribunal can hear and determine any allegation of breach of discipline that is more serious than may be dealt with by management resolution and obviously, indeed, where the allegation is not admitted. Breaches of discipline comprise either a breach of the code of conduct applicable to designated officers or a breach of the act.

All that said, a broad range of submissions and evidence were received by the committee. The report we have produced seeks to address matters raised in submissions both to this inquiry and to the committee's previous inquiry into matters of public integrity in South Australia, in respect of which a final report was tabled in December 2020.

We produced 23 recommendations. Those recommendations, we hope, will seek to find a balance between the interests of all parties who are impacted by policing—not only the stakeholders directly affected by the operation of the act but the entire community of South Australia who are subject to SAPOL. I will briefly take the members and anyone listening through some key recommendations made by the committee in its report.

The committee acknowledged that there remains in the community some ongoing concern in respect of police investigating allegations made in relation to police conduct, both in a disciplinary and in a criminal sense. In particular, with the amendments to the definition of 'corruption in public administration' made in 2021, making it a more focused definition, the Independent Commission Against Corruption was no longer able to investigate any allegation of criminal conduct by police. In the view of the committee, this left a need for further oversight.

Recommendation 1 seeks to substantially expand the functions of the OPI to provide for it to oversee police assessments of, and investigations into, allegations of criminal conduct by designated officers. This would be a new function for the OPI, and the intention is to provide the community with some reassurance that such matters are being given a level of independent consideration. The recommendation also seeks to provide for further oversight of the OPI by the Office of the Inspector.

Recommendation 4 proposes to effect consistency with the primary function of the Independent Commission Against Corruption, which since 2021 has been to investigate potential matters of corruption in public administration. The commission no longer has the power to investigate potential matters of misconduct or maladministration in public administration in respect of public officers other than designated officers under the PCD Act. It was considered an anomaly that it continues to have such authority in respect of designated officers.

Recommendation 4 also seeks to confer responsibility for investigating potential matters of maladministration in public administration by designated officers upon the Ombudsman—again, consistent with the 2021 changes otherwise made in respect of public officers. Matters of breach of discipline would remain the responsibility of the IIS, subject to OPI oversight.

Recommendation 7 seeks to provide greater transparency whilst maintaining some level of protection for designated officers who are the subject of investigations and for the parties otherwise involved in any police disciplinary proceedings. The aim of this is to seek to clarify that media queries or questions raised in parliament specifically are not to be treated as complaints and, further to that, where mandatory reports are generated by police in respect of such information, that the information contained in the query or the question does not become subject to confidentiality or publication restrictions except to the extent, of course, that any person identified remains unidentified, unless that party consents to being identified.

What the recommendation further does is provide some relief from the perpetual operation of the confidentiality and publication restrictions which currently do apply. It proposes that where information that relates to a person is subject to the provisions, where there is no reasonable expectation that the information might prejudice further action in respect of the matter to which it relates, the person can apply to the commissioner to seek authorisation of disclosure. In such circumstances, the commissioner would be required to authorise disclosure, with some remaining considerations in respect of protecting the identities of those involved.

Recommendation 8 proposes changes to the operation of the police complaints tribunal. It was apparent to the committee that the requirement for the tribunal to operate pursuant to the rules of evidence was inconsistent with disciplinary tribunals in all other forms. The strict confidentiality of its proceedings was considered a barrier to precedent and to a broader understanding of the implications of breaches of discipline. The recommendation proposes the publication of tribunal decisions, and where matters are settled prior to a decision being made by the tribunal for the circumstances of such matters to be published, along with the sanctions imposed, if there were any, and to require SAPOL to provide details of sanctions imposed by the commissioner to the tribunal. They will be annexed to relevant published decisions.

Again, the recommendation seeks to protect the identity of the parties involved. The current secrecy of the operation of the tribunal requires further consideration, and the committee is of the view that this recommendation proposes in the circumstances a reasonable change. The recommendation further proposes that consideration be given to the engagement of legal practitioners to represent the commissioner in tribunal proceedings, rather than police prosecutors, which is currently police officers. In the committee's view, the possibility of a perceived or potential conflict of interest arising from representation by police officers in respect of proceedings regarding the conduct of other police officers was sufficient to warrant reconsideration of the current role.

Recommendation 9 proposes to clarify that the mandatory reporting provisions applicable to designated officers would appropriately be triggered by breaches of discipline, which is the basis upon which proceedings can be commenced in the tribunal. It was considered appropriate for breaches of discipline to be included as a matter for assessment by the IIS and to provide for consideration of whether the concept of misconduct would, if the first aspect of the recommendation were accepted, more appropriately be considered redundant, particularly given the jurisdiction of the tribunal.

Other matters that are worth going to within the recommendations made include:

- a proposal to provide for the OPI to engage in an informal discussion with aggrieved persons. The point of that is to provide a view to potentially resolving their concerns without the need for the making of a complaint, and to require that complaints be made in writing, although with a broad discretion to receive them by some other means, if that it is the only manner possible. These recommendations seek to address the number of complaints received, which it was noted have a high rate of assessment as requiring that no further action be taken in regard to them;
- a proposal to address inconsistency between the operation of the PCD Act and the current enterprise agreement applicable to designated officers and a proposal to provide for the making of fixed offers of sanctions to settle disciplinary allegations;
- to provide for the establishment of a relatively informal review process in respect of administrative orders made following the making of a complaint or a report;
- to provide some protection against the use of coercive powers by SAPOL to ensure designated officers retain a privilege against self-incrimination;
- to clarify the circumstances in which the appointment of designated officers can be suspended—that is, to circumstances where, if allegations were substantiated, that termination of appointment would be reasonable and an appropriate sanction in the circumstances;
- that further consideration be given to SAPOL's resourcing and administration of the PCD Act;
- to provide for greater transparency to complainants by way of conferring a capacity to seek access to and to respond to matters set out in statements of officers the subject of a complaint, and to provide for complainants to request reasons for a decision following an assessment by IIS that no further action is required in respect of the complaint; and, lastly
- a proposal to provide for designated officers the subject of tribunal proceedings to be reimbursed legal costs where it is found that no breach of discipline occurred.

Finally, the committee has recommended amendment of the Parliamentary Committees Act to ensure clarity in respect of its responsibility to inquire into and consider the operation of the PCD Act, particularly that it be amended to avoid any doubt about its functions, including receiving evidence in relation to an investigation of particular conduct when considering the operation of the PCD Act. This recommendation would effect consistency with amendments made in 2021 to clarify the committee's capacity to oversee the operation of the ICAC Act.

I encourage members to have a good look at the committee's work here. The report is quite chunky—it is over 200 pages. There is a great deal of detail in those pages, though. Police disciplinary matters remain of interest and at times, frankly, concern to the community. Ongoing commentary is to be expected in respect of the confidentiality and publication provisions that the committee has proposed be further considered.

Given the very different views expressed by the media and, at the other end of the spectrum, SAPOL, and indeed the Police Association of South Australia, it is to be expected there will be some degree of ongoing dissatisfaction with the operation of such provisions regardless of the committee's

recommendations or indeed any implementation, or not, of the same. The committee in this regard has sought to provide some sort of balance, and I hope we have achieved that.

In conclusion, each of the issues raised in the submissions and evidence received by the inquiry are discussed at section 2 of the report, if you just want to skip through the whole thing. Section 3 summarises the police disciplinary regimes operating interstate. The committee's recommendations and findings conclude the report.

I would like to say a couple of thankyou's. First of all, I would like to thank our executive research officer and secretary, Ben Cranwell, who provided professional support to the committee over the significant period of time during which this inquiry was conducted. It is particularly of note that he is the only staffer provided to this committee. That is something we might look at remedying if we ever do a review of any parliamentary committees act. We could staff things perhaps a little better in regard to many committees, not just the committees that look into pretty serious matters like the police complaints disciplinary tribunal.

Stepping off my soapbox, I would also like to thank the other members of the committee for their contributions to the inquiry: firstly, the other member of the council, the Hon. Frank Pangallo, who has included a minority report, I think it is fair that I note, particularly in respect of access to the complaints management system by complainants. I would also like to thank the Hon. Laura Henderson and, from the other place, the member for Elizabeth, Lee Odenwalder; the member for Heysen, Josh Teague; and the member for Davenport, Erin Thompson.

I think it is fair to say that there was quite a bit of discussion between all committee members in regard to this report. No sole member provided all of the contributions. The discussions were good, the discussions were detailed, and I think everyone contributed very well to what we have produced. The report has been finalised. I commend the report to the council, and I look forward to the recommendations being accepted in some format.

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

#### **NATURAL RESOURCES COMMITTEE: INNAMINCKA AND MOOMBA FACT-FINDING VISIT**

**The Hon. R.P. WORTLEY (16:28):** I move:

That the fourth report of the committee, on its Innamincka and Moomba Fact-Finding Visit 20-22 September 2023, be noted.

From 20 to 22 September this year, the Natural Resources Committee conducted a fact-finding visit to Innamincka and Moomba. This is the committee report on that visit. The purpose of this trip was to learn about the carbon capture and storage project of Santos at Moomba and the Innamincka Regional Reserve's landscapes, including the Malkumba-Coongie Lakes National Park.

Members of parliament do not often have the opportunity to visit Innamincka and the region, and so members took the chance to make the trip. With me on this visit was my colleague on the Natural Resources Committee the Hon. Frank Pangallo MLC in this place, and from the other place, the Hon. Leon Bignell, Presiding Member and member for Mawson; Sarah Andrews MP, member for Gibson; and Ms Catherine Hutchesson MP, member for Waite.

Joining the committee were the Yandruwandha Yawarrawarrka traditional owners and the director of the Yandruwandha Yawarrawarrka Traditional Land Owners (Aboriginal) Corporation, staff from the National Parks and Wildlife Service and staff from Santos. Over three days, the committee heard what it is like to live in Innamincka and how they oversee the 1.3 million hectares of the Innamincka Regional Reserve and the development of a carbon capture storage facility.

On day one, the local community members openly discussed with the committee their living conditions, activities and concerns. They were grateful for the committee's trip to Innamincka as they rarely receive visits from members of parliament. One of the residents words were, 'We felt heard.' On day two, the committee visited the Australian Inland Mission building, one of the state's heritage sites in Innamincka. The building formerly served as a hospital in 1912, but with its restoration in 1994, the AIM building is now a visitor centre.

Joining the committee on this tour was Mr Robert Singleton, a Yandruwandha Yawarrawarrka traditional owner and director of the traditional landowners' corporation,

Mr Paul McKinnon, National Parks and Wildlife Service ranger at Innamincka, and Ms Penny Koethe, Dig Tree Ranger. Mr Singleton engaged the committee with stories of the local Indigenous peoples' lives and activities in the area, both past and present. He also articulated his thoughts on how the local Indigenous people have dealt with the oil and gas industries in relation to preserving and protecting culturally and historically important sites within the regional reserve.

The committee heard from Mr Singleton and the staff of the National Parks and Wildlife Service that co-managing the reserve with the local Indigenous people's parks advisory committee had enhanced several stakeholders' understanding of the cultural, environmental and economic significance of the Innamincka Regional Reserve.

The committee was excited to see the Malkumba-Coongie Lakes National Park. National Parks and Wildlife staff led the committee on a guided aerial tour over the lakes, and there was a discussion regarding the challenges of managing such a vast and diverse landscape. The committee also heard about the essential resources needed to manage the land and the life within the Innamincka Regional Reserve. In the afternoon, the committee walked alongside the Cullyamurra Waterhole, learning of its origins and the relevance to the local Indigenous people. One funny sight at that waterhole was watching the Hon. Mr Pangallo eat a sandwich with three million flies trying to get into his mouth at the same time.

The National Parks and Wildlife Service staff also discussed with the committee the economic value of parks. In the report that the National Parks and Wildlife Service shared with the committee, it indicated that in the 2018-19 financial year the visitations to the 57 fee-charging parks in South Australia generated a total primary revenue of \$15.4 million. This is important evidence that can be considered in future park management decisions.

The committee visited the Santos Moomba facility on the third day. Santos staff gave a presentation about the construction of their carbon capture and storage facility. The committee heard that the Santos CCS project allows the company to contribute to the reduction of carbon emissions in the country and overseas, and also maintain profits.

Santos has three carbon capture storage and clean fuel hubs at Moomba, Western Australia, and Bayu-Undan in Timor-Leste. In their presentation to the committee, Santos explained that their CCS project entails three key elements: containment, reservoir size or capacity, and injectivity, and involved four stages in capturing and storing carbon dioxide. These stages were, and in the following order: capturing, compressing, cooling and scrubbing out contaminants.

After undergoing these procedures, the captured carbon dioxide goes through the pipeline to the empty reservoirs or wells where carbon dioxide will be injected to about 1,500 to 2,000 metres below the surface. Santos explained to the committee that their reservoirs are not big open spaces or below ground empty or artificial lakes, but are cap rocks, where the injected gas fills the rocks' crevices. The committee heard that the carbon dioxide will be stored underground for a very long time.

The committee also saw the location of other decarbonisation technologies that Santos might invest in; namely, the direct air capture units that Santos is jointly working on with the Commonwealth Scientific and Industrial Research Organisation (commonly known as CSIRO) and the four Cooper Basin electrification units.

The committee asked about the role that carbon credits has on Santos's carbon capture and storage projects. Santos articulated that getting Australian carbon credit units was a key consideration in building the carbon capture storage project, because these credit units can be used by Santos to offset their carbon footprint or they can actually trade their credits to other emitters.

Another inquiry that the committee made regarding Santos's carbon capture storage project is whether the facility would only cater to industries in Adelaide. Santos has responded that during the project's inception they had planned for the project to eventually include other regional areas. Santos suggested that the carbon capture storage project would be low cost to enable faster and affordable lower emissions energy transition.

In regard to the level of demand for carbon capture storage projects, the committee heard that Santos expected a steady demand. Committee members considered the three-day fact-finding



visit to Innamincka and Moomba highly informative. Several important aspects were covered in the trip: life in Innamincka; the co-management of the Innamincka regional reserve, including the Ramsar-listed Coongie Lakes, with the local Indigenous people's traditional landowners corporation; and the process involved in capturing and storing carbon dioxide permanently.

The committee appreciates the candidness of local residents, the inside stories of the local Indigenous people from Mr Singleton, the efforts involved in preparing the itinerary by the National Parks and Wildlife Service and Santos's explanations on their carbon capture storage project. I also commend the members of the committee for their time and work on the fact-finding visit and I acknowledge the committee staff for their very valuable assistance. I commend the report to the house.

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

### **NATURAL RESOURCES COMMITTEE: INQUIRY INTO BIOCHAR**

**The Hon. R.P. WORTLEY (16:37):** I move:

That the fifth report of the committee, on its inquiry into biochar, be noted.

On 22 June 2022, the Natural Resources Committee resolved to undertake an inquiry into biological charcoal (biochar) to address the increasing interest in biochar's production and use in South Australia.

The biochar inquiry looked at the production of biochar in South Australia, interstate and internationally; current and possible future uses of biochar in South Australia, interstate and internationally; the potential impact on the production and use of biochar, including consideration of (a) environmental impacts, (b) the best use of raw material, (c) climate impacts and potential carbon credits, and (d) productivity of crops and animals; the potential health impact of the production, use and consumption of biochar; any legal or financial administrative barriers to the production, use and export of biochar in South Australia and possible solutions to those barriers; and any other relevant matter.

The committee received 25 submissions and conducted nine hearings from 16 June 2022 to 6 July 2023. The committee undertook three separate site visits to current and potential biochar producers in South Australia. Additionally, the committee's staff attended an Adelaide biochar summit and the Australian Biochar Industry 2030 Roadmap launch in Canberra. The Australia New Zealand Biochar Industry Group (ANZBIG) hosted both events.

The committee heard from representatives of state government departments, local government and related government bodies, individuals and not-for-profit organisations, industry associations and groups, private companies and institutions (including consulting firms, producers and suppliers), and academia.

Biochar is a form of charcoal with high carbon content produced by burning biomass in an environment devoid of or with extremely low amounts of oxygen. The process of burning biomass is called pyrolysis. Pyrolysis also produces gases and liquids as by-products. The equipment used to produce biochar and the sites where biochar can be manufactured varies. The equipment also differs from a mobile facility to that of a fixed plant. The type of technology used in creating biochar is one essential factor in the char's quality and efficacy.

The type of feedstock is another consideration in biochar production. Biochar can be derived from pyrolysing biomass such as wood, wood residues, agriculture residues and biosolids such as sewage sludge. Like the pyrolysis equipment, the types of feedstocks also dictate the quality of the biochar produced. Evidence put to the committee suggests that biochar production is growing internationally. In South Australia, biochar production and use is currently in its infancy.

Most of the discussions on biochar are related to the pyrolysis technologies as well as how biochar can best be customised to suit clients' requirements. Biochar is currently being used in the agriculture, livestock and water sectors; however, the committee heard that the construction, metallurgy and biofuel sectors could be future users of biochar.

Evidence presented to the committee suggested that the creation and use of biochar may improve the sustainability of organic waste and field burns. Heat energy released from pyrolytic biochar production could potentially offset fossil fuel usage. Biochar may improve the productivity of crops by being a soil ameliorant. The committee heard that the use of the honeycomb structure of biochar makes it a useful absorbent, increasing the soil's fertiliser, nutrient and water-holding capacity. Evidence produced to the committee recommended mixing biochar with organic fertilisers to be most effective.

In terms of animal productivity, the addition of biochar to animal feed, particularly cattle feed, is claimed to improve both the animal's features and its products. Biochar as an animal feed additive must come from suitable feedstocks. It can be said that by creating and using biochar, value is created from materials previously categorised as waste. Furthermore, instead of disposing what are classified as waste products, by making them into biochar, and using it as soil input, animal feed additive, or water filter, among others, the biochar process deflects from the traditional 'make, use and dispose' economic model.

Biochar has recently been recognised by the United Nations' Intergovernmental Panel on Climate Change report titled *Climate Change 2022: Mitigation of Climate Change as a new method that could reduce emissions and sequester carbon under the direct air carbon capture and storage category in agriculture*.

The potential health impacts related to the production and use of biochar were related to emissions generated during its production and work health and safety related hazards. Nonetheless, international and Australian biochar industry groups have proposed mechanisms to deal with these dangers.

Given the nascent biochar industry in Australia in general, and South Australia in particular, the biochar industry is faced with challenges related to the types of feedstocks and pyrolysis equipment for its production and usage. To address this, agreed standards and certification are needed to ensure the quality of the char made. The high production cost involving the pyrolysis equipment and transportation of biochar to customers are the main financial barriers. Education activities regarding biochar's application and use and the intricacies of the pyrolysis equipment must be increased. These initiatives could grow the demand for biochar and in turn facilitate cost-effective production.

The evidence presented to the committee suggested that a policy-related concern in the production and use of biochar is its non-inclusion as an emissions reduction methodology by the Emissions Reduction Fund of the Clean Energy Regulator. Having a biochar methodology in the ERF would mean that biochar producers or suppliers could be issued with Australian carbon credits. Regarding research and development, a multilevel collaboration between stakeholders in further research or longitudinal trials is proposed.

The production and use of biochar is seen to add potential socio-economic benefits, especially for regional areas. The committee heard of potential job generation and partnerships of small-scale biochar producers to improve financial advantage from their participation in the biochar industry. While production and use of biochar faces administrative, financial, legal and research barriers, interest in and support for biochar is growing, with promising potential for future applications in the agriculture, livestock and water sectors.

I commend the members of the committee for their contributions to this report: the Presiding Member, the Hon. Mr Leon Bignell MP; Sarah Andrews MP; Mr David Basham MP; the Hon. Ben Hood MLC; Ms Catherine Hutchesson MP; and the Hon. Frank Pangallo MLC. All members have worked cooperatively on this report. I would also like to thank previous committee member the Hon. Nicola Centofanti MLC. Finally, I would like to thank the committee staff for their assistance.

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

*Motions***ROYAL COMMISSION INTO DOMESTIC, FAMILY AND SEXUAL VIOLENCE IN SOUTH AUSTRALIA**

**The Hon. T.A. FRANKS (16:47):** I move:

That this council calls on the Malinauskas government to establish a royal commission into domestic, family and sexual violence in South Australia.

I move this today in conjunction with the Hon. Connie Bonaros of SA-Best in this place, and I note that my remarks will be followed by those of the Hon. Connie Bonaros and the Hon. Michelle Lensink of the Liberal opposition. I move this today because right now we are in the middle of a national domestic violence crisis. We have just seen four South Australian women murdered in one week.

A royal commission will be crucial in identifying barriers, gaps and opportunities for us to save the lives of South Australians. The incidence of violence against women and children is completely unacceptable. We are failing victims and survivors of domestic violence, and we need to target investment where it matters the most. We need to listen to women and centre them in a whole-of-government and whole-of-society solution.

At this critical moment for women's safety, the South Australian community is looking to the government, to members of parliament, for leadership. They seek bipartisan support for a royal commission. To that end, I know myself and other members of parliament were invited to a vigil on Friday morning just gone, 24 November, to remember those murdered four women, and a vigil, organised by a number of groups but in particular Embolden, to call for a royal commission into domestic, family and sexual violence in this state.

Having worked in the women's sector, it used to be that we would often have a vigil when a South Australian woman was murdered at the hands of someone she knew. Those vigils came far too often, but there were never four women murdered in a week. I am sick of going to those vigils. I am sick of standing on the stairs with other women members of this parliament in late January, early February each year, when we count the dead women. We count them in their dozens each year.

This is what a national crisis looks like. Last week, in November, in that one week in November in South Australia, on Wednesday 15 November a woman's body was found inside a home in Felixstow. On 21 November, police arrested a 50-year-old man and charged him with murder. The accused is known to the victim, police said to the media. On Thursday 16 November, police and paramedics tried to resuscitate a 45-year-old woman in the Davenport community, but she died. A 53-year-old man was arrested and charged with murder. The woman and man were known to each other, police said.

On Sunday 19 November, police found a woman, 39, dead at Encounter Bay. A man who was known to the woman was arrested and charged with murder, police say. On Tuesday 21 November, Jodie Jewell, 55, was murdered at the Modbury North home she shared with her husband. Her husband fled the scene, and his body was later found on the Yorke Peninsula.

Four South Australian women, murdered in a week. This is an epidemic. We must increase the urgency of government and community response to tackle violence against women and their children. First Nations women, women from culturally diverse backgrounds, women in regional areas, older women, LGBTIQ+ women and women with a disability are even more likely to experience violence.

The government says it is committed to ending sexual and physical violence against women, but they also say that a royal commission is something to be considered in the future, not now. We are told we must wait. Meanwhile, four women were murdered in one week.

We know from the extensive research and data collection from key bodies such as the ABS and the Australia's National Research Organisation for Women's Safety that domestic and family violence is a gendered crime. Advocacy group Our Watch says that on average one woman a week is murdered by her current or former partner in our country.

According to the ABS, one in three Australian women have experienced physical violence since the age of 15, while one in five have experienced sexual violence. One in six women have

experienced physical or sexual violence by a current or former partner. One in two women has experienced sexual harassment in their lifetime. In most incidents of workplace sexual harassment, the harasser was male. Women are at increased risk of experiencing violence from an intimate partner during pregnancy. Women often experience multiple incidents of violence across their lifetime.

Four women murdered in a week. We know that minority women, women with disability, and queer women are at greater risk than others and experience violence that intersects with other forms of discrimination and disadvantage. Women with disability in Australia are twice as likely to have experienced sexual violence over their lifetime than women without disability. The type of disability intersects with gender and different forms of violence—for example, one in two women with psychological and/or cognitive impairment have experienced sexual violence.

Aboriginal and Torres Strait Islander women experience disproportionately high rates of violence. Three in five women—three in five—have experienced physical or sexual violence perpetrated by an intimate partner. Lesbian, bisexual and queer women experience higher rates of sexual violence than heterosexual women in our country. Transgender and gender-diverse people also experience very high rates of family, domestic and sexual violence. Young women experience significantly higher rates of physical and sexual violence than women in older age groups.

In addition to physical and sexual violence, women from migrant and refugee backgrounds are particularly vulnerable to financial abuse, reproductive coercion and immigration-related violence, for example withholding documents, threats of visa cancellations or deportation.

Four women murdered in one single week. This is a crisis. It is costing us. It is costing us emotionally, but it is costing our economy along with our personal safety. It is estimated that violence against women costs \$21.7 billion a year, with the victims bearing the primary burden of that cost.

Governments, of course, do bear that cost burden—an estimated \$7.8 billion a year, comprising health, administration and social welfare costs. If no further action is taken to prevent violence against women, if we do not act, costs will accumulate to an estimated \$323.4 billion over a 30-year period measured from 2014-15 to 2044-45.

What we need to do, first and foremost, is fund frontline services. The demand for crisis services, helplines, support services and legal services far exceeds their current capacity to help everyone who seeks help. Women's legal services in many states have reported having to turn away nearly half the calls that are made to them, particularly during COVID.

We need specialist services that deal with the intersectional issues faced by young women, First Nations women, women with disability and women from culturally and linguistically diverse backgrounds. The federal government's funding under the national plan falls well short of that \$1 billion per year that the sector says is needed to ensure that no-one is turned away when they reach out for help. We do need a major investment to keep women safe. Those four women murdered in one week were not in contact with any services to our knowledge so far.

The next thing we need to do is invest in prevention and education, including behaviour change programs. We need to invest in affordable housing—that is, crisis housing, transitional housing and long-term housing, the full spectrum—so that women fleeing abusive relationships have somewhere to go. As we know, those women deserve to stay in the homes that they live in, in the homes where their families are, and the perpetrator, in fact, should more often be the one to go.

Older women are the fastest growing cohort of people facing housing insecurity and homelessness in Australia. Rapid investment to increase housing stock is essential to guard against women staying in abusive relationships because they have nowhere else to go.

We also need to improve women's economic security, first of all by addressing the gender pay gap. Companies are currently required to report on their gender pay gaps, but they suffer no penalties if they do nothing to fix it. We need to improve women's economic security by making the superannuation scheme fairer so that women are not retiring into poverty after a lifetime of unpaid care work or taking career breaks to look after children.

We also need to improve women's economic security by making child care free and requiring employers to provide flexible working arrangements to give families more choice and to allow women to re-enter the workforce. This government needs to start listening.

The Greens stand here wanting action that rewrites the rules for gender equality and improves women's security, safety and wellbeing, but I do not doubt that all of us seek that. We want an Australia where women are safe, respected, valued and treated as equals in their public and private lives. Gendered violence and harassment is a national crisis and it is high time that this parliament and government treat it as such.

We do need a royal commission. Promises made on legislation for coercive control only go so far and they are not even nation-leading, in fact we are nation-lagging, but they are certainly not mutually exclusive of the systemic, whole-of-government response we seek. A royal commission will help our state target that much-needed investment where it will have the most impact across prevention, early intervention, crisis response, recovery and healing.

We must listen very carefully to the voices and experiences of survivors. A significant proportion of women who are killed through intimate partner violence were not in contact with police or services. We have heard the calls from the sector and we have seen in Victoria other instances of royal commissions that have had a real, profound impact, and where the recommendations are those that we can learn from, but we do need a fit-for-purpose royal commission for our state.

I note that there are many people in the gallery today. To paraphrase the Hon. Ian Hunter, it might be unparliamentary of me to mention anyone who might be here in the gallery today, but I would note that the call for a royal commission into domestic, family and sexual violence is supported by Embolden, Our Watch, Women's Safety Services South Australia, Zahra Foundation Australia, Catherine House, the Working Women's Centre of South Australia, White Ribbon Australia, SA Unions, the National Council of Women South Australia, the Zonta Club of Adelaide, the Australian Services Union, the Public Service Association, business and professional women and, of course, in this place by the Greens, SA-Best and the Liberal opposition.

I also note that I have received messages of support today from the member for Mount Gambier, Troy Bell MP; the member for Narungga, Fraser Ellis MP; and the member for MacKillop, Nick McBride MP. I am sure those numbers will only grow.

Four women murdered in one week is not something I ever want to see our state go through again. Enough with the platitudes, enough with ignoring the impact of financial insecurity and housing stress on women's capacity to leave, enough with underfunding the services that women need when they reach out in a crisis—enough is enough. Women deserve better, and funding a royal commission is a very small price to pay to end this ongoing epidemic of violence against women and children, so that we never, ever again in this state see four women murdered in a week.

**The Hon. C. BONAROS (17:02):** I start by saying that I think it hurts each and every one of us that we are in this place having to move this co-sponsored motion today. At the outset, I would like to echo the sentiments of the Hon. Tammy Franks and thank the Hon. Michelle Lensink for her contribution that will come shortly.

In 2023, so far, 54 women have been killed by violence. It alarms me that I had to go and check that statistic to make sure that there was not another death overnight, another murder overnight, before I came in here to repeat that figure. In South Australia, as the Hon. Tammy Franks has alluded to, we have just seen the deadliest week on record, with four women killed. In that same week, two other women were killed in other Australian jurisdictions. Six women; one week. This is, as one journalist put it, one national emergency our leaders refuse to address.

On 21 November, Jodie Jewell died from gunshot wounds inflicted by her husband before he fled and took the coward's way out. On 19 November, an unnamed 39-year-old woman was found dead at Morphett Vale, with a 41-year-old man arrested at the scene and subsequently charged with murder. On 16 November, a 45-year-old woman was allegedly murdered by a man known to her. On the previous day, 15 November, a 44-year-old woman was found deceased in her Felixstow home, and a man known to her was later located and charged with her murder. All four deaths were right here in South Australia.

There are so many statistics that we could refer to: the fact that one in four Australian women have experienced family violence and domestic violence since the age of 15; the fact that one in six were at the hands of a male relative; that 12 per cent witnessed partner violence against their mothers when they were children. One that shocked me was that each and every day across Australia 15 women are hospitalised because of domestic and family violence, and that does not include hospitalisations for sexual violence, because I could not find that statistic quickly enough to add it to those figures.

We know, as the Hon. Tammy Franks has said, that those figures are disproportionately higher for our Indigenous women; we know that migrant women are over-represented in those figures. We know that about 60 per cent of victims do not go to police, and we know the reasons why, or at least some of the reasons why. In 2016, Annabel Crabb pondered, and I quote:

...it bothers me that a woman gets killed by her male partner every single week, and somehow that doesn't qualify as a tools-down national crisis even though if a man got killed by a shark every week we'd probably arrange to have the ocean drained.

I reckon she is right: 11.3 per cent may sound like a low figure when you are talking about adults who have experienced violence from a partner, but that is 2.2 million adults; 5.9 per cent may sound relatively low when you are talking about violence experienced by a boyfriend or a girlfriend on a date, but that is 1.1 million adults.

We have heard what the government has said so far in relation to this issue, and that is that it is something that it would consider. We have also heard—one of the first things I heard—that this will cost a lot, but as the Hon. Tammy Franks knows, the cost we are paying for this in the long term far outweighs the cost of having a royal commission now.

Even if that were not the case, how on earth do you put a price on the lives of four women in South Australia killed in the space of a week? How do you look their families, friends and loved ones, their kids—whoever it is—in the eye and say, 'We'll consider it, but we're not quite sure if we're there yet'? That does not sit well with me, and I know it does not sit well with anyone in this place.

A royal commission, we are told, might not be necessary because we have something that happened in Victoria; well, that happened in 2016. There were 227 recommendations. I would love to know how many of those recommendations we have actually looked at in South Australia before we have even contemplated saying, 'Well, we've got a recommendation list there'. How many of them have we looked at to see whether or not we should be implementing them in South Australia? They are outdated—they are 2016 recommendations, and things have changed.

If we know anything we know that COVID has turned domestic violence, family violence and sexual violence as we know it on its head. We should not be looking at what Victoria has done for that reason alone, but there are so many other reasons that we should not be looking at Victoria—we are just not the same jurisdiction, we have our own unique set of circumstances.

We need to be looking at this through the lens of South Australian lives and South Australian demographics, of our regions, at how we invest our money, where the gaps are, where we have not invested, where we are over-investing perhaps and where we are blatantly ignoring the risks. We should not be afraid to do that as a jurisdiction.

There will not be any finger-pointing or blaming; this is not about politics but about genuinely wanting to fix a problem that is plaguing us. If we do not do that right now, what will we say to the next family? God forbid, there will be one this year. We all know, one woman a week. We all know that that next woman is coming, we know it is going to happen. What do we say to that family? Do we wait for another friend to pen an open letter in the press and plead for a royal commission now? What will it take for us to give this matter the respect that it deserves?

Like I said, we are not Victoria, and we do not have the same laws. We do not have the same services, we do not have the same opportunities—nothing is the same between here and Victoria—but I doubt any of us have looked at those recommendations in any event to see what we can do.

When I first thought about this motion the other day, I wanted to go through the policies of the Labor government and former Liberal government and commend them for everything they have done. There is a list there. There is a great list there, and we have all been part of that journey with

them. The Hon. Michelle Lensink has done amazing work in her former role trying to address this issue. We know that we have passed laws in this place that address domestic abuse and protect victim survivors and their families in public life. We know that we have done things to ensure that there is GPS tracking. We know that just yesterday we passed reforms for residential tenancies to make sure that someone can leave their lease safely if there has been domestic violence. We know that coercive control laws are coming—that is great.

I personally am disappointed that gender equality action plan laws got knocked out of this parliament. We know that the previous government implemented a domestic violence disclosure scheme whereby a person can apply to SAPOL for information about a partner or prospective partner—fantastic. We know that we removed application fees for private intervention order applications. We know that we had new safety hubs in our regional areas. We know that we amended our Evidence Act for vulnerable witnesses. We know that we expanded our Domestic Violence Crisis Line to operate 24/7. If these things were enough, four women would not have been killed in South Australia in the space of a week. They are all amazing things that we have done together, but they are not enough.

What we do know is that there is no silver bullet and there is no easy fix—no-one has suggested that. What we do know is that, despite everything we do, there will be another woman who is killed. But have we done our level best? Have we done our level best to prevent that risk to that woman or to her children? Have we done our level best to prevent her partner from taking his or her life as a result of that? No, we have not. That is why we are standing here today in support of this motion.

I am not going to keep talking for much longer, but I will end by saying this: I know our Premier to be a very good man, and I know him to be a very good leader. I think there are many in this place who would agree with that summation. We know that great leadership takes people where they do not necessarily want to go, and this is one of those times. Right now, our social conscience demands of us and it demands of the Premier nothing less than a royal commission.

It is not about politics and it is not about political pointscore. The same can be said for the Minister for Women and the Prevention of Domestic and Family Violence, who has advocated for reforms in opposition and I know is doing her best in government. The same can be said for the former Liberal minister who filled that portfolio, but promises regarding coercive control sometime into next year are not the answer. Saying we will consider this—when, I do not know—is not the answer. There is only one thing that can help us turn this around, and that is a royal commission.

God forbid that in the meantime another woman is killed, because I do not know what we are going to say to that woman's family. I do not know what our response will be, but I do know that if we do something now there will be, across this chamber, unanimous support, I am sure. The Premier does not need to come asking for this. We are here ready, willing and able for him to make this happen. All he needs to do is say the word.

I do not profess, by any stretch of the imagination, to have any of the answers that we need, and I know that none of us in this place has any of the answers we need. But I know that there are some wonderful people represented here today who do know a lot about what needs to be done in this space, and they have all backed this call for a royal commission. They are doing that because they are dealing with this issue at the coalface. They are dealing with the reality, the human reality of this issue on a daily basis.

I do not want to ignore their pleas, but what I do want to ask of each and every one of them today—and to plead with them—is to keep doing what they are doing until we fix this, not just for us but for every single woman who does actually find the courage or the way to seek out the services that you provide.

**The Hon. J.M.A. LENSINK (17:15):** I wish to associate myself with the comments of the previous speakers. I do not think I need to repeat the statistics, but we do know the situation that we are in at the moment, in the middle of 16 days of activism—which is ironically terrible—we have had this worst week in history.

I wish to make a few remarks on why the Liberal Party is supporting a royal commission into this matter. As the Hon. Tammy Franks said, we have all been there on the steps of Parliament House. We all stand and hold the placard, and we are reminded that behind each number was a woman with a family, who had hopes and dreams and a life to live, but it was taken from her, usually by the person who should have loved her the most.

I would also like to say—and Michaela Cronin referred to this at the White Ribbon Breakfast recently—that we all need to ensure that services are provided to anybody who is experiencing domestic violence. She quoted the name of a young person who I think was 15, a young male who had experienced violence. We need to ensure that there are services for everybody who experiences this scourge on our society, but we know the prevalence certainly has a huge impact on women. I think Malcolm Turnbull nailed it when he said that not all disrespect leads to violence but all violence starts with disrespect.

Thank you, Connie, for acknowledging the work that we did. We did do a great deal of work, and we did it in partnership with the sector, and I would like to pay tribute to the sector. There are things that we changed from our election commitments because they said, 'That's not going to work.' For instance, the locations of the emergency beds; that was completely rejigged based on the advice of the sector.

I tried at all times not to be a minister with pet projects but we know there are gaps. There were gaps then and gaps continue. As the Hon. Connie Bonaros stated, there are those voices in the sector, those voices particularly with lived experience, and when you hear those stories they are so clear about the fact that they did not know that what they were experiencing was domestic violence, or they could not get help when they needed it, or they could not get the right help when they needed it, and these are all critical factors.

I assume that, eventually, through the coronial process, we will find out more about the details of the four women who were murdered, but that is far too far down the track for my liking. I do not believe royal commissions need to drag on. In any case, they can do interim reports, they can do several reports, if they identify things early, as recommendations to government. They are independent to government.

Indeed, we as a party had sought, in the aftermath of this horrific statistic being a stain on our state, to have the Social Development Committee conduct an inquiry into this. We had included terms of reference examining the current crisis, identifying key contributing factors, looking at legal frameworks and support mechanisms, strategies including community education, and then recommendations for policy amendments and community initiatives at a South Australian level.

As has been said, South Australia does not need to rely on Victoria. In fact, we are unique in a really good way in the service sense in that our services work incredibly well together. You get people from interstate who say, 'Everyone gets along and bogs in and works really well together', and I think that is really true. I have always been impressed with the leadership that we have in the sector in this state. The fact that a lot of services have been co-located together means that, across the spectrum of service need, when victims need those services they are all in the one place.

We know that there are campaigns that have been running recently. The 'See the signs of coercive control' is an incredibly powerful and useful campaign but, again, we also know through the national surveys that are taking place that our young people have some really disturbing attitudes about what a healthy relationship looks like. A young woman can believe that if she has a controlling boyfriend it is because he cares—and you hear things like this all the time. They are so disturbing and they need to be addressed—that primary-level awareness.

As I said, sometimes women do not even know what they are experiencing is domestic violence. There was a rally just on Saturday, as part of the 16 days of activism, which was co-organised by Rotary and Zonta. I commend Rotary—I commend Zonta as well but, as has been said, women have been working in this space for a very long time so we will just keep turning up—for being in that space, which has predominantly or historically been a male organisation. It is so important to bring men on that journey so that they are having those bystander conversations and spreading the awareness as well.



As the district governor said, the initiative of the first of those rallies in Australia was through a regional—it might be in New South Wales. Two Rotary members, women, sat down one day and had a conversation about the experiences they were having in their relationships and trying to work out whether it was okay. We know that it was not okay and that what they were experiencing were versions of either coercive control or domestic and family violence.

We all have friends, people we know and, given the statistics, there are people among us all the time who are experiencing domestic violence. We also know that it is often the case that those who die by the most violent means have not experienced physical violence in the past but have experienced coercive control. I commend the government for bringing these laws forward. Work did start under the former Attorney, Vickie Chapman, as well. It is something that has bipartisan support as we try at a legislative level to grapple with laws which will address these issues.

It is so prevalent in the community that my fear is—and I think it has been borne out—that we are only scratching the surface in terms of getting to those people who need services. As Tammy said, we know at least one of those women had not had contact with services before. She disclosed to friends that she was trying to leave, and had she potentially been in contact with services a safety plan might have been able to be arranged for her so that she could leave.

We know that when women try to leave, that is usually the most dangerous time of all. There are gaps in our systems—we know that—and they are significant gaps. They are gaps in terms of whether services are adequately funded. They are gaps in terms of services which may be of assistance that we might not even have thought of yet. But the most important thing we need to do is elevate the voices of lived experience in this debate, give them the opportunity to explain their stories in a safe space, so that as a community we can move forward to end violence.

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

#### *Bills*

### **FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL**

#### *Introduction and First Reading*

**The Hon. J.M.A. LENSINK (17:25):** Obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

#### *Second Reading*

**The Hon. J.M.A. LENSINK (17:26):** I move:

That this bill be now read a second time.

This is a repeat of a 2020 bill that was introduced during the previous term of government to address gaps in the legislative framework that were identified by, and had the support of, successive ombudsmen, the person who performed the role of ombudsman. The FOI Act has not been significantly reformed since 2004, and that bill that was introduced in 2020 would have addressed recommendations which had been formally recommended to the South Australian government since 2014.

Additional reforms are proposed based on our experience as an opposition trying to access documents via the FOI Act, and informed by a continuing engagement with the Ombudsman and his office. I note that because this is a 2020 bill the then government had the opportunity to consult not just with the Ombudsman and his office but government agencies were consulted at that time, and they include the Department for Child Protection, the Department for Correctional Services, the Department for Energy and Mining, the Department for Innovation and Skills, the Department for Infrastructure and Transport, the Department of Human Services, the South Australian Tourism Commission and DPTI. They all indicated their support for the bill.

The 2020 act sought to update the FOI Act in line with interstate reforms and changes in technology. At that time, the bill was not supported by the then Labor opposition and was not progressed to a vote in the House of Assembly. We have found since March 2020 that there is a distinct lack of transparency in this newly elected government. It has established a track record of slow, incomplete, reluctant and inconsistent responses to FOI applications—a particular standout

being the office of the Deputy Premier, who I think has been issued with directions from the Ombudsman in response to some of her office's responses. The Ombudsman has moved to the point of having to express concern with respect to the conduct of multiple departments and to overrule a number of departmental and ministerial responses.

In relation to this particular bill, I would like to quote from a speech of the former Deputy Premier, the Hon. Vickie Chapman, on 8 April 2020. She said:

Representative democratic government is supported and enhanced by ensuring that proper public scrutiny of government activity occurs. Documents and information held by government agencies are a public resource. Consistent with these principles, members of the public should have a presumptive right to access such information, subject only to such restrictions that are consistent with the public interest and the preservation of personal privacy.

That is the set of principles behind which the Liberal opposition supports these changes to the legislation. Our party took a set of policies to the 2018 state election, prioritising open and accountable government and transparency. This particular piece of law, the FOI Act, has been in operation since 1992, so there has not been a good piece of work that has taken place at a parliamentary level to update the act. The Hon. Ms Chapman went on to say:

In May 2014, nearly six years ago—

it was at that stage—

the former ombudsman, Mr Richard Bingham, released his report, an audit of state government departments' implementation of the Freedom of Information Act. That 2014 report was a snapshot of how 12 government departments were managing their responsibilities under the act. It is a very good read. That 2014 report contained a number of recommendations for amendments to the Freedom of Information Act, which are fully endorsed by our current Ombudsman, Mr Wayne Lines.

Those legislative changes have not been made through the parliament. In terms of process, the Hon. Ms Chapman went on to say that she had asked the Ombudsman for his views on the 2014 Ombudsman's audit report. There was a comprehensive review that took place as a result, so the bill that we have before us includes a range of changes. I will just outline some of those for the benefit of members:

- Legislating for proactive disclosure of government information and publication of disclosure logs. Legislating in this way for proactive disclosure and disclosure logs would mean that those who publish information will receive protections under the liability that is contained in the FOI Act, including protections against actions for defamation or breach of confidence.
- Reinforcing the presumption in favour of disclosure by amending the objectives.
- Legislating for the 10-year rule for release of cabinet submissions.
- Providing that refusal of access on the basis that documents cannot be found or do not exist is a reviewable determination. This is a matter that I have experienced myself. There was a piece of case law that has meant that the Ombudsman must always rule that way, but this change was also going to be accompanied by specific powers for the Ombudsman to require an agency to explain what searches were undertaken and allowing the Ombudsman, on external review, to remit deemed or inadequate determinations back to the agency for reconsideration.
- Increasing the Ombudsman's powers on external reviews to obtain documents from agencies.
- Creating an offence of improperly directing or influencing a decision or determination made under the act, which was a specific recommendation made back in 2014.
- Precluding agencies from charging processing fees if they exceed the statutory time limit for giving access to information.
- Updating the act to reflect electronic communications and electronic information management and storage methods.

- Extending the time agencies have to deal with an application from 30 days to 45 days and for internal reviews from 14 days to 20 days to reduce the significant number of deemed refusals. I am sure honourable members would have come across these situations themselves, where the agency is not able to deal with the matter in 30 days and then it is automatically deemed as a refusal. It then goes to an internal review, and it may be provided in that time. It may then go to external review.
- Amendments to allow applicants and agencies to negotiate extensions of time for dealing with access applications. If there is an unusually high number of applications, this would particularly apply.
- Setting clearer limits around what is considered an unreasonable request for access.
- Allowing the Ombudsman to declare an applicant vexatious on the Ombudsman's own initiative or on the application of the agency such that an agency may refuse to deal with an application by the person.
- Providing greater flexibility on who may deal with FOI applications by removing seniority requirements for officers dealing with part 4 amendments of records applications, because they are straightforward.
- In relation to reviews by SACAT under the act, this review process would be streamlined so that external review applications must first be made to the Ombudsman. The Ombudsman, we believe, has the investigative capability and is best placed to deal with the reviews at first instance.
- Changes to document and agency exemptions in schedules 1 and 2 of the act would include:
  - deleting the subcategories of document exemptions in schedule 1 of the documents containing unproved criminal allegations, since these should be covered by the existing exemption for unreasonable disclosure of personal affairs information;
  - merging the existing cabinet and executive council documents exemptions;
  - exempting information and correspondence prepared by agencies for the purpose of an audit by the Auditor-General while the documents are in the possession of the agency;
  - exempting documents containing matters the disclosure of which could reasonably be expected to identify the location of threatened or endangered flora or fauna or other rare items of cultural and scientific importance; and
  - including a limited agency exemption for the Office of Parliamentary Counsel in respect of the documents it holds that are subject to legal professional privilege.

In summary, there are a number that could be viewed as updating outdated matters but also improving the experience for the applicants and also for agencies. I know from our own experience that there are issues sometimes, where if you had a bit more time under the act then matters could be resolved without triggering reviews. We also had examples where there were some vexatious series of applications.

I would think from the government's point of view—they are not going to accept advice from me—that these are fairly straightforward and sensible recommendations. With those comments, I commend the bill to the house.

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

*Parliamentary Committees*

#### **BUDGET AND FINANCE COMMITTEE**

**The Hon. L.A. HENDERSON (17:38):** On behalf of the Hon. Ms Girolamo, I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON DOLPHINS IN ADELAIDE DOLPHIN SANCTUARY AND PORT RIVER**

**The Hon. T.A. FRANKS (17:39):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON RETURN TO WORK SA SCHEME**

**The Hon. I.K. HUNTER (17:39):** On behalf of the Hon. Connie Bonaros, I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON HEALTH SERVICES IN SOUTH AUSTRALIA**

**The Hon. C. BONAROS (17:39):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON PROHIBITION OF NEO-NAZI SYMBOLS**

**The Hon. S.L. GAME (17:40):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST AND OTHER REGIONS OF SOUTH AUSTRALIA**

**The Hon. L.A. HENDERSON (17:40):** On behalf of the Hon. Ms Centofanti, I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON DAMAGE, HARM OR ADVERSE OUTCOMES RESULTING FROM ICAC INVESTIGATIONS**

**The Hon. T.A. FRANKS (17:40):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON THE GIG ECONOMY**

**The Hon. R.A. SIMMS (17:41):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON HUNTING OF NATIVE BIRDS**

**The Hon. R.B. MARTIN (17:41):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

#### **SELECT COMMITTEE ON MANAGEMENT OF THE COVID-19 RESPONSE**

**The Hon. R.A. SIMMS (17:41):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

### **SELECT COMMITTEE ON RECYCLING OF SOFT PLASTICS AND OTHER RECYCLABLE MATERIAL**

**The Hon. H.M. GIROLAMO (17:42):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

### **SELECT COMMITTEE ON 2022-23 RIVER MURRAY FLOOD EVENT**

**The Hon. L.A. HENDERSON (17:42):** On behalf of the Hon. Ms Centofanti, I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

### **SELECT COMMITTEE ON SUPPORT AND MENTAL HEALTH SERVICES FOR POLICE**

**The Hon. L.A. HENDERSON (17:43):** I move:

That the time for bringing up the committee's report be extended until Wednesday 1 May 2024.

Motion carried.

### *Motions*

### **MINISTERIAL DIARIES**

**The Hon. F. PANGALLO (17:43):** I move:

That—

1. The Leader of the Government in the Legislative Council lay on the table of this council no later than five sitting days after 1 January, 1 April, 1 July and 1 October each year, a letter of advice that all ministers' official appointment diaries, covering the periods 1 October to 31 December, 1 January to 31 March, 1 April to 30 June and 1 July to 30 September respectively, in accordance with paragraph 2(c), have been published on a single government website.
2. The official appointment diaries referred to in paragraph (1) must indicate:
  - (a) each meeting (regardless of format) held by the minister with external persons who seek to influence government policy or decisions. However, a meeting with external persons does not include:
    - (i) internal meetings held by ministers exclusively with other state ministerial staff and/or state government officials;
    - (ii) strictly personal meetings;
    - (iii) electorate meetings;
    - (iv) party political meetings; or
    - (v) public or strictly social events.
  - (b) the attendees at each meeting, including:
    - (i) individual's name/s;
    - (ii) organisation name/s;
    - (iii) where an individual attends a meeting in a non-official capacity and does not represent any organisation, the individual's name, except where publication of the individual's name could cause harm to the individual, e.g., a whistleblower's name or a police informant's name; and
    - (iv) where a third-party lobbyist is present at a meeting, the name of the lobbying firm, the name of any personnel present at the meeting and the name of the client on whose behalf the third-party lobbyist is present.
  - (c) a brief description of the topic/purpose of the meeting (however, the topic/purpose of the meeting does not need to be disclosed where there is an overriding public interest against disclosure, in which case the nature of the harm must be provided); and

- (d) the city/town where the meeting occurred, and:
  - (i) where publicly funded travel is involved—for travel outside of South Australia or beyond 30 kilometres of the minister's normal electoral office, the mode of transport (e.g., regular public transport flight, special purpose flight, charter flight, COMCAR, hire care, etc), and
  - (ii) where meeting attendee funded travel is involved—the mode of transport (e.g., charter flight, private flight, chauffeur driven car, etc).

3. This order takes effect the day the motion is passed in Legislative Council.

This motion requires ministers to make their work diaries public. Nothing sinister should be read into this because the move is all about government accountability and transparency, something that the Malinauskas government seems to be sidestepping on a regular basis since its election nearly two years ago. One of the Premier's big transparency promises that he has not delivered, and I doubt ever will, is the banning of political donations.

It is all well and good for the Premier and his ministers to talk up all their feel-good achievements in delivering on their expensive election promises. Good government is not only about delivering footy feasts, festivals, car races, golf tournaments, aquatic centres, road tunnels, hospitals, hydrogen projects, uni mergers, schools and other job creation schemes. It is also about how these projects are delivered, whether taxpayers' funds have been appropriately spent and, importantly, just who government ministers meet with and are influenced by.

South Australians and voters across the country are tired of how powerful and influential lobbyists have become in shaping Australia's political and policy landscape. Many are former MPs and ministers. Meanwhile, others cannot get near a minister because they are not influential enough. Lobbying expert George Rennie, of the University of Melbourne, says current ministers are more likely to grant access to former ministers lobbying them and show a bias in their decision-making process. We, the taxpayers, have a right to know who is greasing the wheels of government to promote their own interests.

Disclosure is a vital transparency and integrity measure for any government. As the Auditor-General told the Budget and Finance Committee recently, his work as an independent auditor has been frustrated by this government because he was unable to access documents to determine whether transactions involving 18 projects, valued at more than \$20 billion, were undertaken properly. This is disgraceful. Mr Richardson also said the government, and he, should have been able to look at the business case, if one exists, for the merger of the University of Adelaide and the University of South Australia.

South Australia is lagging behind other jurisdictions, including the New South Wales, Queensland and ACT governments, where ministers are required to disclose their diary entries. In New South Wales, this has been in place for nine years and came from a 2010 New South Wales ICAC report into the risks of lobbying which stated that publishing ministers' diaries was a key anti-corruption measure. Similar schemes also operate in New Zealand and the United States, where the President releases and publishes White House visitors logs. The Prime Minister has also recently agreed to an FOI request to release 197 days of his official diary entries, following a dogged fight with former Senator, and now transparency warrior, Rex Patrick.

In his review of the culture and accountability in the Queensland public sector in June 2022, aptly titled 'Let the sunshine in', professor Peter Coaldrake AO recommended strengthening lobbying regulations with a register of all professionals offering paid services, a more transparent description of meeting purposes, an extension of ministerial diaries to include staff meetings with lobbyists and explicit prohibition of lobbyists 'dual hatting' as political campaigners.

Publishing ministers' diaries should be a standard and transparent accountability and anti-corruption measure, along with political donations reform. It is in the public interest for ministers to declare meeting appointments they have with various organisations, including unions, influential businesspeople—including property developers and entrepreneurs—and their lobbyists.

The motion seeks the Leader of the Government in the Legislative Council, the Hon. Kyam Maher, to table the information four times a year. Information to be disclosed includes:

- (i) individuals' name/s;
- (ii) organisation name/s;
- (iii) where an individual attends a meeting in a non-official capacity and does not represent any organisation, the individual's name, except where publication of the individual's name could cause harm to the individual, for example, a whistleblower's name or a police informant's name...
- (iv) where a third-party lobbyist is present at a meeting, the name of the lobbying firm, the name of any personnel present at the meeting and the name of the client on whose behalf the third-party lobbyist is present.
- (c) a brief description of the topic/purpose of the meeting...[unless] there is an overriding public interest against disclosure, in which case [a reason]...must be provided...
- (d) ...where the meeting occurred...
  - (i) where publicly funded travel is involved—for travel outside of South Australia or beyond 30 kilometres of the minister's normal electoral office, [including] the mode of transport...and
  - (ii) ...where funded travel is involved...

Ministers would not be required to disclose:

- (i) internal meetings held by ministers exclusively with other state ministerial staff and/or other state government officials;
- (ii) strictly personal meetings;
- (iii) electorate meetings...or strictly social events.

This motion is consistent with the opposition's Public Finance and Audit (Auditor-General Access to Cabinet Submissions) Amendment Bill 2022, aimed at granting the Auditor-General more power to obtain government documents. It follows a bill by Greens MLC, the Hon. Rob Simms, in 2021 for the disclosure of ministerial diaries, which is still languishing in the House of Assembly. It is also consistent with One Nation MLC the Hon. Sarah Game's bill that would halve to 45 days the current disclosure rules requiring ministers to report their travel expenses within 90 days of their travel.

I can point out that One Nation, the Greens and the Teals supported a similar motion to mine recently in the Senate, introduced by Senator Jacqui Lambie, but which was disgracefully voted down by the Labor government and the coalition. Ironically and hypocritically the current Labor federal Attorney-General, the Hon. Mark Dreyfus, supported public disclosure of diaries when in opposition. But Labor's tune changed when they went from opposition to government—surprise, surprise—and it is no different here. Labor's clarion calls for transparency from the previous Liberal government have now fallen silent.

Shamefully, Labor in this place will not support this motion and you must only ask why. They will come up with a pitiful excuse that the same information can all be obtained through FOI applications. While we do have freedom of information, and I currently have applications either pending or completed for each of our 15 ministers to produce their diary entries, I can tell you from experience it is a frustrating instrument that can and has been abused to cause long delays in accessing the information sought.

I have received eight so far. While some information is provided, it is basic diary entry stuff. There are many redactions which omit the names of organisations or individuals and the purpose of their meetings, using the odd excuse that they are out of scope. That is quite ludicrous, because they actually should be in scope. The least transparent diary entries are those from the Premier and his deputy, Dr Close. The Premier's diary is for 85 days from 10 July to 19 October, and contains 219 meetings with unnamed stakeholders—that is about 2.6 a day. There are no other details, no names of his meetings with departmental staff or ministers. I seek leave to table that document so that other members can look at the lack of any information that is forthcoming.

Leave granted.

**The Hon. F. PANGALLO:** The Premier's FOI was sought by Mr Patrick, and quite rightly. He has now rejected the scant information disclosed or not disclosed and is seeking a review by the Ombudsman. I have some advice for the Premier and this government. I know Mr Patrick very well

and his steely determination to get to the bottom of things he tackles. Often he surfaces as the winner, and I have no doubt he will surface as the winner here.

Dr Close is just as secretive as her boss, which is ironic really. Just this morning she distributed a media release backing the Hon. Sarah Game's laws to increase—and I quote—'transparency around ministerial travel arrangements in publishing spending reports every 45 days for ministers'. It is a payback, no doubt, for the member's vote for the university merger and not supporting an inquiry into the government's hydrogen project. Let me quote from Dr Close's press release:

Our Government seeks to hold the highest standards when it comes to disclosure, transparency and accountability.

Really? How hollow is that statement? Do they really think that washes? As for the Hon. Sarah Game, I imagine she is just so chuffed to get her first bill through that she will do Labor's bidding to suit their agenda. Here is some of what she said when that bill was first put into this place. Again I quote:

During a time of rising inflation, rising interest rates and rental and housing crises, South Australians deserve to know that politicians are accountable for their taxpayer dollars...Politicians are servants of the people who elect them...The South Australian public is entitled to proper transparency as to how their taxpayer dollars are spent overseas and on interstate trips.

It should not just apply to that, and quite clearly she makes that inference that it should not just apply to that. She goes on further to say:

I believe this amendment is the bare minimum the public are entitled to know regarding the interstate and overseas travel expenses of government ministers. It ensures all ministers report to the same standard. One Nation calls for politicians to be accountable to voters, and I believe we should be using taxpayer money frugally and conservatively in regard to travel.

I am informed that the Hon. Ms Game will not be supporting this motion either even though she backed the Hon. Mr Simms' bill. The hypocrisy of One Nation, considering their federal counterparts' support for this measure, is overwhelming. It is overwhelming that the Hon. Ms Game is not supporting this motion. I would say that it would damage her credibility as a transparency advocate.

State debt levels are ballooning, and this government is spending like drunken sailors, yet taxpayers are unable to see if proper processes are being followed by the government with its spending and its decision-making and who it is seeing about those decisions. If government members do not support this initiative, one must ask why. What have they got to hide? This Premier fears scrutiny, which is at total odds with his views when he was in opposition. Again, one must ask why. I commend the motion.

**The Hon. C. BONAROS (17:57):** I rise to indicate that the apparent hypocrisy of the Hon. Ms Game is about to be backed in by my own opposition to this motion. Perhaps it is for very different reasons, but I would challenge anyone who questions my reasons on the basis of any deals done to be careful prior to making any such assertion.

At the outset, I might say that my position on this motion remains unchanged from when it was first flagged in this place. Indeed, I think the sense of urgency for which it was first raised has fallen away. Even if that is not the case or the mover's position has changed, there has in the interim been the opportunity or at least time to draft a bill—and there remains time to draft a bill—in preparation for next year.

I stand by my position strongly that a motion is not the appropriate tool for ministerial diary access. I do not do that because I told the Premier that I would do that for anything to do with the merger or for anything to do with the hydrogen bill or any other bill that Labor wanted to get through. I do that because I do not think this is an issue that should be dealt with via a motion moved in this place. If this is an instrument that we want to have, then let's have a full, frank and robust debate via a bill that is the subject of scrutiny and consultation. That is what we are in the business of doing: scrutinising legislation.

The mover says that it is consistent with at least three bills which have been introduced in this place: one by the Greens, one by One Nation, and one by the opposition. That may very well be



the case, they may be consistent in terms of what they are seeking access to, but all of those three things were introduced in this place not via a motion but via a bill. They were introduced via a bill that we have all had the benefit of scrutinising, of consulting with stakeholders over, and considering during what are sometimes robust debates in this place. They are not consistent, by any stretch of the imagination, with respect to something that is being proposed as a motion.

There is a huge difference between a motion and a bill that ultimately makes its way on to our statute books. If we are serious about having this debate—and these are bills that I have supported wholeheartedly, including the opposition's bill, which I advocated for very strongly—if these are issues that we want to take seriously in this place, then let's get a bill before us and let's have that full, frank and fearless debate, and ensure that there are, for one thing, no unintended consequences, because we cannot control the consequences of a motion.

We cannot even control whether the motion will be enacted in any way. We can dictate to the government what our desire is as a parliament, and that is the will of this parliament, but we cannot ensure anything beyond that. If there was a piece of legislation here which actually had access in there, and a full set of parameters around it, then that is something that the government would be forced to comply with.

That is a proposal that I have said from the outset I am ready, willing and able to contemplate. I am ready, willing and able to contemplate it on the basis that I will not be concerned—or there may be concerns about unintended consequences which can be dealt with appropriately via a bill. They can be dealt with appropriately via amendments to a bill if that is necessary. That cannot happen with a motion. All we have before us are terms of references which, if this parliament approves, will apply regardless of the consequences. It has not been the subject of any robust debate, and that is not a motion that I am willing to put my name to.

I think it is a bit of a stretch to suggest that if you supported either or any of those previous three bills then you ought to be supporting this motion. As I said, that is not comparing apples with apples. There is a huge difference between a piece of legislation which ultimately makes its way on to our statute books, and a motion that is passed by this place.

I want to make one other observation because when I first read this, I thought that we had underestimated the potential unintended consequences of such a motion, without having given thought to how to overcome those. I was thinking of the sorts of examples that sprung to mind for me about meetings that people could be possibly having that could result in unwarranted attention and questioning, and how we would deal with those.

I will be the first to say that I think there are stakeholders who would be extraordinarily concerned about access to all meeting diary entries, given the sensitivities around some of those issues. I understand that there are provisions in the motion that try to address those sensitivities. I would equally be concerned if a minister was having a meeting with an ICAC, or an ombudsman, or a public integrity body, or a child protection body, or a SAPOL body, a police body, and they were having to disclose those in their diaries in a roundabout kind of way, and the sorts of inferences that can be drawn from those once they are published.

These are not fanciful things. These are serious things which impact people and they should be dealt with appropriately. A bill is the appropriate vehicle to deal with those things. A motion is not an appropriate vehicle to deal with those things. Regardless of any criticism that is levelled at me—and I will take it from anyone who wants to give it—I will not be supporting this motion today, but my not supporting it is on the basis of the points that I have just made.

If we want to have a debate about the merits of access to ministerial diaries, why we would be limiting that just to the upper house and two ministers, or whether indeed we could have the ability to extend it beyond the upper house and two ministers, is also one of the issues that remains unclear to me. How and why remain unclear to me. Why I would want to see the Attorney-General's diary but I would not want to see the Treasurer's diary remains unclear to me. How I could see both via a motion that is moved just in the upper house also remains unknown to me.

There are lots of unknown quantities about this motion and whether or not you agree with the principle, whether or not that is a debate you want to have next year, is a separate consideration.

I will not be supporting a motion that seeks to do something that is not consistent with those other three transparency measures that have been referred to because those, ultimately, if they pass this place, will end up in our statute book and we will know the parameters within which we are working.

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (18:06):** I rise on behalf of the opposition to indicate that we will be supporting the honourable member's motion. I want to thank the Hon. Frank Pangallo for bringing forward this important motion. This important motion is about being transparent with the South Australian people and we believe it should be supported by every single member in this chamber.

The Malinauskas government's pre-election rhetoric around transparency absolutely rings hollow, as their actions consistently betray their true intentions. Their repeated failure to provide the public with vital information and engage in open dialogue exposes their hypocrisy. Instead of fostering transparency, they often conceal critical information, decisions and processes, leaving this parliament and the public in the dark. This double standard erodes trust in the state Labor government and undermines the democratic process.

Publication of the names of people who lobby any government is vital and it helps to ensure transparency and integrity for this place, the Legislative Council of South Australia, and the other place, the House of Assembly. I think it is important to point out that much of this information is actually already available.

As ministers of the Crown, the items placed in the motion by the honourable member are attainable under the Freedom of Information Act, but would it not be helpful if the South Australian public did not have to wait for the opposition or the crossbench or the media to drag it out of the government? Would it not be helpful if the government of the day was already transparent about their dealings? Unfortunately, but not surprisingly, that is not where we are at with this current Labor government.

Instead of continuing to drag them out of the shade and into the visibility we, the opposition—as I have already stated—will be supporting the honourable member's motion. We were transparent when we were in government. I am not sure why this government finds it so difficult and it begs the question what is there to hide, as I asked the Minister for Primary Industries in question time just this afternoon.

As with many things, we are simply calling on this government to show best practice: best practice in disclosing travel costs in a reasonable period of time, and I note the bill that was passed today; best practice to review the response and recovery of the biggest flooding event in over half a century; and best basic practice in this instance today, to be transparent about political meetings, the attendees, topics, where it was held, and how it may have been funded.

This motion moved by the Hon. Frank Pangallo is consistent with the opposition's Public Finance and Audit (Auditor-General Access to Cabinet Submissions) Amendment Bill 2022 aimed at granting the Auditor-General more power to obtain government documents. The Auditor-General only a few weeks ago gave evidence before the Budget and Finance Committee, where he warned that he was unable to determine the bona fides of 18 projects worth an eye-watering total of \$20 billion because he has been repeatedly denied access to the relevant documentation by this current Labor government.

The government may try to spin the line that the policy has not changed since the previous government, and that may be true, but the big difference is that, under our watch, when the Auditor-General asked for the documents, he got them because we held transparency and accountability as a high priority as a government.

In fact, in the Executive Summary of the Report of the Auditor-General into the access to cabinet documents, there is a handy table which clearly states that from March 2019—which is when the former Liberal government changed the guidance from the previous cabinet policy to PC047, subject to the approval by the Premier—to March 2022, access was granted to cabinet submissions and attachments under PC047. It also states that under the same guidance principles since March 2022—that is, since the change of government from Liberal to Labor—there has been no

access granted to the Auditor-General. Zip, zero, zilch, as the Leader of the Government might say. All requests declined or unresolved.

So it may be the same policy, but the way in which the policy is interpreted and delivered is completely different between Liberal and Labor. Liberals were transparent when we governed this place, Labor are not. The Leader of the Government, and indeed all of his Labor colleagues in this place, should hang their heads in shame because it is effectively a middle finger to the Auditor-General, and a middle finger to the public of South Australia.

This is *deja vu* of 2022, and that is why we are once again calling on the government to be accountable to the public that voted them in. As I said earlier, it is disrespectful to the people of South Australia, it is disrespectful to the Auditor-General, and it is disrespectful to their positions as representatives of the Crown.

It is absolutely in the public interest for ministers to declare meetings and the appointments they have with various organisations and business leaders. It should not matter if they are developers, entrepreneurs or lobbyists, and it should be this way for every government. As I said earlier, it is globally noted in Western democracies as simply the basic best practice. What a sad state of affairs when the Malinauskas government refuse to participate repeatedly—time and time again—in basic best practice.

It is indeed lamentable when the opposition and the crossbench have to force the government to be open, accountable and transparent to the people of South Australia. The Hon. Frank Pangallo has the full support of the opposition, and we look forward to voting in the affirmative for this motion today.

**The Hon. S.L. GAME (18:13):** I rise to indicate that I will not be supporting the motion from the Hon. Frank Pangallo regarding the publication of ministerial appointment diaries. I understand the Legislative Council does not have the capacity to do what the motion seeks to do. I am not aware that the Legislative Council has the power to require House of Assembly ministers' diaries to be published, and if it is the case that the motion only seeks to have the diaries of upper house ministers published, for what purpose?

Whilst no doubt unintended, it is a significant risk to require ministers to publish the names of individual members of the public they have met with, without the consent of those members of the public. The motion does not contain the safeguards put in place under the Freedom of Information Act protecting personal privacy and security and, similarly, it does not set out the level of detail as was set out in my Public Sector (Ministerial Travel Reports) Amendment Bill. The purpose of the ministerial travel reports bill is to ensure greater transparency for ministers, and I do not believe this motion will achieve this without unintended consequences.

Last year, I drafted the members of parliament work diaries bill 2022 and received the following comment from the Hon. Frank Pangallo:

I have been made aware and have now seen your post regarding the working hours of MPs and your proposal to have legislation drawn up that would require MPs to keep a log of their work activity. I am not aware of your work commitments, nor would I be interested in asking about them, as I would assume you are doing your job as an elected representative. I am not sure why all this has arisen now.

In response to a few specific comments from the honourable member regarding the university merger, I do not need a deal to do the right thing by the South Australian public. With regard to the voting on the hydrogen bill, I do not need a deal to take away the Greens' voting power within this chamber on extreme energy policies. I note that the Liberal Party have supported this motion. I would suggest they talk to their lower house colleagues about their passion for transparency, because when my ministerial travel bill passed this morning, the mood from the Liberals was far from jubilant; in fact, it was fairly sombre.

I do not know whether that had anything to do with the amendments that required that the law also extend the same transparency requirement to the Leader and Deputy Leader of the Opposition in both houses. With regard to closing this motion, I just want to say I am not sure why all this has arisen now. Perhaps it is because the honourable member who has moved the motion feels he has lost his own negotiating power with the government.

**The Hon. R.A. SIMMS (18:16):** Firstly, I speak in favour of the motion on behalf of the Hon. Frank Pangallo and indicate that the Greens will be supporting this. I know a lot of speakers have alluded to the fact that the government will not be supporting this motion, but given the position that they have adopted on the Hon. Sarah Game's bill in the lower house, I can only assume that they would be supporting this motion, great fans of transparency that they are.

I would be very shocked if they were to favour a bill of the Hon. Sarah Game over a bill put forward by myself dealing with transparency that has been languishing in the lower house for some time. I cannot imagine why they would not support my bill, yet they are so attracted to the bill of the Hon. Sarah Game. I cannot imagine why that would be. I have been very pleasant to deal with this week and every week. I cannot imagine why they would be so attracted to the bill of the Hon. Sarah Game that they opposed so vociferously when it was first announced.

Indeed, I remember hearing a number of Labor ministers lining up in the media to indicate that the bill was not needed and that it was a bridge too far. This week, they have enthusiastically supported it. I know it is Christmas season and we talk a lot about Secret Santa, but what about secret deals? Has there been a secret deal done? I asked the government about this back in November when we were talking about the Hydrogen and Renewable Energy Bill. I read from *Hansard*. I said at that time:

I am advised that in the other place a bill from the Hon. Sarah Game relating to ministerial travel has now been moved up for debate for the next sitting week. Earlier, the government advised that there had been no deal done with the Hon. Sarah Game. Is that still the government's position?

The honourable Minister Scriven replied:

...the crossbench in this place made statements to the effect that they had not engaged in any deals. I think the line of questioning is quite offensive.

I do not mean to cause offence to the minister, but the community has a right to know. If there has not been a secret deal, then it is incumbent on the government in their remarks to indicate why they are so attracted to the Hon. Sarah Game bill and why they are so lukewarm on, so repulsed by, the Greens bill that they would leave it to languish there for 12 months.

I note the comments made by the Hon. Connie Bonaros and the Hon. Sarah Game that a motion is not the appropriate measure. Well, motions are a statement of intent. Motions indicate the views of this chamber, and my understanding is that this would have the potential to compel members of this chamber, ministers, to reveal their diaries.

It would, as a result, put more pressure, I think, on the government in the other place, and that is the role of the opposition and the crossbench. It is not simply to say, 'Oh, well, it's all too hard, and we're not going to go there.' So I am disappointed in the position that the Hon. Connie Bonaros and the Hon. Sarah Game have taken in this regard.

In terms of the substance of the motion, this has been a long-term priority for the Greens. As indicated, we have a bill that has passed this chamber, calling for ministerial diaries to be made available, bringing South Australia into line with Queensland, with New South Wales and others.

For me, personally, this has been a long-term campaign. Indeed, back in town hall I initiated a developer contact register so the community could see who local councillors were meeting with. Unfortunately, that move was opposed by the Hon. Sandy Verschoor, Lord Mayor at the time, and the co-leader of the Team Adelaide faction, Alex Hyde. They prevented that transparency measure, but I kept pushing, also trying to get access to diaries from the Lord Mayor, and we have continued that fight here in state parliament.

I commend the Hon. Frank Pangallo for the position he has taken on this and really urge members to get on board. That said, I am optimistic the government will support it, because not to support it would be so inconsistent with the position they have taken on the other bill on a similar related matter that I think it would be very disingenuous for them to oppose this move by the Hon. Frank Pangallo, and they could leave themselves open to charges of hypocrisy were they to do so.

*Sitting extended beyond 18:30 on motion of Hon. K.J. Maher.*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (18:22):** I rise on behalf of government members to make some brief comments on the motion from the Hon. Frank Pangallo. At the outset, I indicate that, while the government appreciates the intention behind the motion, we will not be supporting it. I note that the motion is, I believe, word for word identical to a motion that was moved in the Senate by Senator Jacqui Lambie on 22 March 2023 that was opposed by both Labor and Coalition senators.

A significant reason for our opposition to this motion is a procedural one. We believe that in passing this motion the Legislative Council would risk and would likely be acting beyond the powers available to it and seeking to infringe on the privileges of the House of Assembly.

This motion would fundamentally require me, as Leader of the Government in the Legislative Council, to create a regime for the proactive disclosure of all ministers' diaries. There is no way for me to comply with this motion without creating such a regime. If this was to be the requirement, then it ought to be created by legislation, duly passed by both houses of parliament. Passage through one house alone is not a particularly appropriate vehicle for such a regime to be created.

As members would be aware, *Erskine May* provides commentary on the procedures of the House of Commons and other Westminster parliaments, including ours. The most recent edition, at page 157, notes that the power to send for papers extends to papers which are in the possession of ministers or which ministers have the authority to obtain. As Leader of the Government in this house, I neither hold the diaries of other ministers nor have the authority to obtain them.

I also note that the motion calls for documents which do not currently exist. While ministers would each, obviously, have their own diary, they are not in a form sought by the motion, which would therefore require new documents to be created. Finally, I note that this motion would functionally require me to produce the diaries of ministers in the other place. As I have said, it is an important principle of Westminster parliaments that the two houses are independent of each other and have their own powers, privileges and immunities.

I do not believe it is within the power of this council to order something from members of the other place. That is why, for example, the lower house seeks the leave of this council for upper house ministers to appear before lower house estimates. Beyond these procedural points, there are also practical considerations. The motion contains no safeguards in the way that legislation like the Freedom of Information Act does. As it stands, I am advised that the motion would require ministers to publish the names of members of the public they meet without any necessary right for those members of the public to have a say on whether they want their names to end up on such government websites.

It is the government's view that, if this sort of scheme were to be established by the parliament, it ought to be done by legislation, not solely by a motion of one house. For example, that is what the Hon. Sarah Game, as has been discussed, has sought to do with her Public Sector (Ministerial Travel Reports) Amendment Bill. For these reasons, we will not be supporting the motion.

**The Hon. F. PANGALLO (18:25):** I have to say that I have never heard such disingenuous claptrap in this place in regard to something as vital and important as this when we discuss transparency. I would like to acknowledge all the contributors and I specifically would like to thank the Hon. Robert Simms. I think we are on the same planet where the sun shines, Mr Simms, because others do not seem to be there. They seem to be in the dark shadows of secrecy that are being promoted. I want to address the dissenters, particularly the—

*The Hon. C. Bonaros interjecting:*

**The Hon. F. PANGALLO:** I beg your pardon.

**The PRESIDENT:** Interjections are out of order. The Hon. Mr Pangallo, continue.

**The Hon. F. PANGALLO:** I want to address the dissenters. Firstly, the Hon. Ms Game's statement is quite alarming. I just wonder whether she actually wrote that because it seems to have been quite similar to other comments I have heard. Regardless of that, it is quite alarming to see her about-face on this issue. She is so passionate about openness and transparency, but suddenly it does not seem to wash in this place with her.

I will point out to her that these measures are in place in other states and those comments in relation to the unwitting consequences that may arise are absolute rubbish. In fact, I have the honourable Attorney-General's diary and in it he tells me in places who he has met with. He has met with the ICAC and he has met with the Chief Justice. He has regular meetings with him. He meets with the police commissioner and others. There is nothing wrong with that. At least we know. But the Premier will not tell us who any of those 219 stakeholders were or what that was about.

It differs to what you see in other states, particularly New South Wales. I have actually emailed copies of an example of what New South Wales has been doing for nine years. There is no issue there. There is nothing to worry about.

Ms Game also tried to refute claims of any deals that might have been done with the government. I do not know why she decided to raise that. Coincidentally, after she voted against the Hon. Rob Simms' select committee into the hydrogen bill, suddenly her bill in the other place is prioritised by the House of Assembly and, lo and behold, it gets passed today and all these amendments—incredible. As for the Hon. Connie Bonaros, I just hope her no vote was not one that was done in spite. I hope not because she supported the Hon. Rob Simms' bill.

*The Hon. C. Bonaros interjecting:*

**The Hon. F. PANGALLO:** It does not make any difference. This is all about openness and accountability. Her reasoning just does not ring true. I will tell you why it would not ring true, because her mentor, the Hon. Nick Xenophon—

*The Hon. C. Bonaros interjecting:*

**The PRESIDENT:** Order!

**The Hon. F. PANGALLO:** All I would say is—I am not getting dirty; I am just saying that—

*The Hon. C. Bonaros interjecting:*

**The PRESIDENT:** Order, the Hon. Ms Bonaros!

**The Hon. F. PANGALLO:** The Hon. Nick Xenophon was a champion for openness, transparency and accountability.

**The Hon. C. Bonaros:** Introduce a bill, Frank.

**The Hon. F. PANGALLO:** Well, we already have a bill.

**The Hon. C. Bonaros:** Introduce a bill.

**The Hon. F. PANGALLO:** We already have a bill.

**The Hon. C. Bonaros:** Introduce a bill.

**The PRESIDENT:** Order!

**The Hon. F. PANGALLO:** Anyway, I am just addressing the comments that were made, if I can do that.

**The PRESIDENT:** Continue, please.

**The Hon. F. PANGALLO:** Going on voting trends and exchanges in this place of late, it now appears that Labor has two new SA besties that it can rely on to side with in their place. It is a strange new dynamic.

**The Hon. C. Bonaros:** Keep going.

**The PRESIDENT:** Order!

**The Hon. F. PANGALLO:** There is no conceivable reason for both members to oppose this motion. Their reasoning does not pass the pub test and I am confident it would not have the support of a majority of South Australians. If they were able to be informed about what we have discussed today, they would be outraged. This all smacks of a repugnant collusion to appease the government of matters that it finds uncomfortable to confront. I would challenge the Premier to declare that he

and his government have no fear of being open, accountable and transparent. They are not showing that.

Just to address some of the comments that were made in relation to what this motion does or does not do, it is a motion ordering production. That is what it does. This is a process that goes back centuries; Erskine May will attest to that. The order for production reflects what is in this place in other jurisdictions. The 'unintended consequences' is an absolute furphy. My motion does not call for these types of meetings. It is clear: it excludes intergovernmental meetings.

The motion covers all diaries. The chamber can actually order documents from any minister. It would require all ministers to disclose, because the two ministers in this place are also representing all the other ministers in the other place. In a 2015 Administrative Appeals Tribunal judgement from the now High Court Justice Jagot, Her Honour made it clear that disclosure of ministerial meetings is a matter of public interest. This chamber is not restricted to oversight of portfolios of ministers in this place. I commend the motion.

The council divided on the motion:

Ayes .....8  
 Noes.....9  
 Majority .....1

**AYES**

Centofanti, N.J.  
 Henderson, L.A.  
 Pangallo, F. (teller)

Franks, T.A.  
 Hood, B.R.  
 Simms, R.A.

Girolamo, H.M.  
 Lensink, J.M.A.

**NOES**

Bonaros, C.  
 Game, S.L.  
 Martin, R.B.

Bourke, E.S.  
 Hunter, I.K.  
 Ngo, T.T.

El Dannawi, M.  
 Maher, K.J. (teller)  
 Scriven, C.M.

**PAIRS**

Hood, D.G.E.  
 Wortley, R.P.

Hanson, J.E.

Lee, J.S.

Motion thus negated.

*Bills*

**WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL**

*Final Stages*

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

Amendment No 1 -Clause 2, page 2, lines 6 and 7—Delete clause 2 and substitute:

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Part 2 of this Act (other than section 7(2) and (3)) comes into operation on a day to be fixed by proclamation.

Amendment No 2 -Clause 4, page 3, after line 38 [clause 4, inserted section 30A]—After subsection (3) insert:

- (4) To avoid doubt, an offence against this section is a major indictable offence.

Amendment No 3 -Clause 7, page 4, after line 17—After the present contents (now to be designated as subclause (1)) insert:

- (2) Section 230(7)—delete 'Committal proceedings for an indictable' and substitute:  
Subject to subsection (10), committal proceedings for a minor indictable
- (3) Section 230—after subsection (9) insert:
  - (10) Despite subsections (7) and (8) or any other provision of this Act, a summary or minor indictable offence against this Act that is charged on the same information as a major indictable offence against this Act or any other Act will be dealt with according to the procedures applicable to major indictable offences under the *Criminal Procedure Act 1921*.

Note—

See section 102(3) of the *Criminal Procedure Act 1921*.

- (11) Section 6A(3) of the *South Australian Employment Tribunal Act 2014* does not apply in relation to a summary or minor indictable offence referred to in subsection (10).
- (12) To avoid doubt, an information for a major indictable offence against this Act must be laid in the Magistrates Court and be dealt with according to the procedures applicable to major indictable offences under the *Criminal Procedure Act 1921*.

Amendment No 4 -New Schedule, page 4, after line 26—After clause 9 insert:

Schedule 1—Transitional and saving provisions

1—Transitional and saving provisions

- (1) Section 230 of the *Work Health and Safety Act 2012* (as amended by section 7(3) of this Act) will be taken to apply in relation to an information containing a charge of—
  - (a) a major indictable offence against the *Criminal Law Consolidation Act 1935* or any other Act; and
  - (b) a summary or minor indictable offence against the *Work Health and Safety Act 2012*,

laid before the commencement of this clause (and to avoid doubt, section 6A(3) of the *South Australian Employment Tribunal Act 2014* will be taken not to apply in relation to the offences referred to in paragraph (b)).
- (2) Despite section 230(7) of the *Work Health and Safety Act 2012* (as in force immediately prior to the commencement of section 7(2) of this Act) committal proceedings for a minor indictable offence referred to in subclause (1)(b) may be conducted in the Magistrates Court in accordance with the *Criminal Procedure Act 1921*.

### **ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL**

*Final Stages*

The House of Assembly disagreed to the amendments made by the Legislative Council.

### **PUBLIC SECTOR (MINISTERIAL TRAVEL REPORTS) AMENDMENT BILL**

*Final Stages*

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

Amendment No 1 -Clause 3, page 2, line 12 Delete 'Ministerial' and substitute:

certain official

Amendment No 2 -Clause 3, page 2, lines 14 and 15 Delete 'Minister in their Ministerial' and substitute:

prescribed person in their official

Amendment No 3 -Clause 3, page 2, line 18 Delete 'Minister' and substitute:

prescribed person



Amendment No 4 -Clause 3, page 2, line 19 Delete 'Minister' and substitute:

prescribed person

Amendment No 5 -Clause 3, page 2, line 20 Delete 'Minister's' and substitute:

prescribed person's

Amendment No 6 -Clause 3, page 2, line 23 Delete 'Minister' and substitute:

prescribed person

Amendment No 7 -Clause 3, page 2, after line 24 Insert:

(1) In this section—

*prescribed person* means—

- (a) each Minister of the Crown; and
- (b) the Leader of the Opposition in the House of Assembly; and
- (c) the Leader of the Opposition in the Legislative Council; and
- (d) the Deputy Leader of the Opposition in the House of Assembly; and
- (e) the Deputy Leader of the Opposition in the Legislative Council.

Amendment No 8 -Clause 3, page 3, line 1 Delete 'Ministers to report on Ministerial' and substitute:

Prescribed persons to report on certain official

Amendment No 9 -Clause 3, page 3, line 2 Delete 'Each' and substitute:

Subject to this section, each

Amendment No 10 -Clause 3, page 3, line 2 Delete 'Minister' and substitute:

prescribed person

Amendment No 11 -Clause 3, page 3, lines 2 and 3 Delete ', within 45 days of the conclusion of the travel,'

Amendment No 12 -Clause 3, page 3, line 6 Delete 'Minister' and substitute:

prescribed person

Amendment No 13 -Clause 3, page 3, lines 19 and 20 Delete 'accompanies a Minister undertaking the travel' and substitute:

travels with the prescribed person who is a Minister as part of the Minister's official travelling party

Amendment No 14 -Clause 3, page 4, lines 1 and 2 Delete 'the Minister is accompanied by a prescribed staff member' and substitute:

a prescribed staff member travels with the prescribed person who is a Minister as part of the Minister's official travelling party

Amendment No 15 -Clause 3, page 4, after line 20 Insert:

- (1a) Subject to subsection (1b), a report must be prepared under this section within 45 days after the conclusion of the relevant travel.
- (1b) If, in relation to a report of particular travel, a prescribed person does not have the information or documents necessary to provide all of the information required under subsection (1)(a)(iv), (1)(b)(iv) or (1)(c)(iii), a prescribed person who is the prescribed person must—
  - (a) nevertheless prepare a report under this section setting out such of the information required under subsection (1) as may be known to the prescribed person; and
  - (b) set out in the report an explanation of why the report is incomplete and a description of the outstanding information; and
  - (c) as soon as is reasonably practicable after the prescribed person receives the outstanding information or documents, prepare a supplementary report containing that information.
- (1c) If, in relation to a report of particular travel, it is not reasonably practicable for the prescribed person to provide a breakdown of the costs in accordance with subsection

(1)(a)(iv), (1)(b)(iv) or (1)(c)(iii), the prescribed person will be taken to have complied with those requirements if the prescribed person sets out in the report—

- (a) the total cost of the travel; and
- (b) a description of the costs incurred in the travel; and
- (c) an explanation of why the costs could not reasonably be broken down in accordance with those requirements.

Amendment No 16 -Clause 3, page 4, line 21 Delete 'Minister' and substitute:

prescribed person

Amendment No 17 -Clause 3, page 4, line 22 After 'receipts' insert:

or invoices

Amendment No 18 -Clause 3, page 4, after line 23 Insert:

(2a) However, a prescribed person need not comply with subsection (2) in relation to a particular receipt or invoice, or particular class of receipts or invoices—

- (a) if the receipt or invoice relates to a matter to be addressed in a supplementary report prepared under subsection (1b), in which case the prescribed person must instead cause a copy of the receipt or invoice to accompany the supplementary report; or
- (b) if a receipt or invoice in respect of a particular cost is not able to be obtained by the prescribed person, or has been lost or destroyed, in which case the prescribed person must instead complete a declaration containing any information required by the regulations in relation to the cost and cause a copy of the declaration to accompany the report or supplementary report under this section (as the case requires).

(2b) If a prescribed person is of the opinion that to comply with subsection (2) or (2a) in relation to a particular receipt or invoice would create a risk to the health or safety of the prescribed person or any other person, or would amount to a security risk to the interests of the State (however described), the prescribed person may cause a redacted copy of the receipt or invoice to accompany the report or supplementary report (and in such a case the prescribed person will, to avoid doubt, be taken to have complied with the relevant subsection in respect of the receipt or invoice).

Amendment No 19 -Clause 3, page 4, line 26 Delete 'accompanies a Minister undertaking travel to which this Part applies' and substitute:

travels with a prescribed person who is a Minister undertaking travel to which this Part applies as part of the Minister's official travelling party

Amendment No 20 -Clause 3, page 4, line 29 Delete 'receipts' and substitute:

Documents

Amendment No 21—Clause 3, page 4, line 34 Delete 'Minister' and substitute:

prescribed person

Amendment No 22 -Clause 3, page 4, line 35 Delete 'report and accompanying receipts' and substitute:

report or supplementary report and accompanying documents

Amendment No 23—Clause 3, page 4, line 38 [clause 3, inserted section 12B(6), definition of *prescribed staff member*]—Delete 'Minister' and substitute:

prescribed person who is a Minister

Consideration in committee.

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

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

**The Hon. R.A. SIMMS:** I rise to indicate the Greens will support the amendments and the passage of the bill through the upper house, as we did previously. But I do wish to highlight for the chamber the breathtaking about-face of the government, who just moments ago opposed a very sensible proposal from the Hon. Frank Pangallo relating to the publication of ministerial diaries. They

have allowed a very reasonable proposal from me that passed this chamber—a bill which they keep referencing as the Rolls-Royce model; it is a bill that has actually passed this chamber—that would bring South Australia into line with other jurisdictions, and they have not passed it.

I challenge the government in the new year, now that they have supported this and made it a priority—and obviously they have judged this on its merits; this is a proposal that is more meritorious, and the Hon. Sarah Game has been much more pleasant to deal with than me—and I urge the government, having made that decision, to fast-track the Greens bill for the publication of ministerial diaries in the new year to plug the gap that they are so concerned about.

They indicated they would not support the motion of the Hon. Frank Pangallo just minutes ago because it was a motion. There is a very good bill that has passed this chamber that they should prioritise in the new year. If they do not do so, then people will start to ask why. Why? They really have a lot of explaining to do in this regard, and they need to explain to the people of South Australia why they are letting one transparency measure languish while another has been fast-tracked. What is going on here?

**The Hon. N.J. CENTOFANTI:** I rise to indicate that we, the opposition, are happy to support these amendments because, unlike the Labor Party, we in the Liberal Party are happy for transparency and we are happy for accountability, because we do not have anything to hide.

**The Hon. F. PANGALLO:** I rise to endorse the comments of the Hon. Robert Simms. It was remiss of me not to thank my Liberal colleagues as well for the support of my motion, so I thank them here. I rise to say that I am not a hypocrite and I will support these amendments, just as I supported the Public Sector (Ministerial Travel Reports) Amendment Bill when it went through this place, because I am a strong supporter of more honesty and accountability from governments.

I think that is the least the public would expect from members in this place. I think that is the path we should be following, and we should be endeavouring to set that standard all the way through, regardless of what members may have thought of the motion. I did not hear anyone on the Labor side saying that it had some merit in it; it was just, 'We don't like it. We don't want it.' In saying that, I thank members, and I will be supporting that.

Motion carried.

## **RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL**

### *Final Stages*

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 18:44 the council adjourned until Thursday 30 November 2023 at 14:15.

*Answers to Questions***WOMEN'S AND CHILDREN'S HOSPITAL GENDER CLINIC**

**308 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (18 October 2023).

1. How many and what proportion of children referred to the Women's and Children's Hospital gender clinic are Aboriginal and Torres Strait Islanders?
2. How many and what proportion of children who are prescribed puberty blockers by the Women's and Children's Hospital gender clinic are Aboriginal and Torres Strait Islanders?
3. How many and what proportion of children prescribed gender-affirming hormones by the Women's and Children's Hospital gender clinic are Aboriginal and Torres Strait Islanders?
4. How many children being seen at the Women's and Children's Hospital gender clinic are currently under the protection of the state through the Minister for Child Protection, the Guardian for Children and Young People, the Child and Young Person Visitor, the Training Centre Visitor, the Minister for Human Services, or other such ministerial, commissioner, or similar position?

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

The Women's and Children's Hospital gender diversity clinicians accept referrals from general practitioners, psychiatrists, psychologists, and mental health professionals across South Australia for any child or young person up to the age of 17 years.

Adolescents who are under 16, or who lack decision-making capacity, require a parent/legal guardian to be aware of the appointment and to attend with them.

The Women's and Children's Health Network (WCHN) is accredited by the Australian Council on Healthcare Standards (ACHS) against the National Safety and Quality Health Service (NSQHS) standards.

Decisions as to treatment are clinical decisions made by clinicians registered by the Australian Health Practitioner Regulation Agency, who must adhere to the codes and guidelines issued by national boards, for instance the Medical Board of Australia and the Nursing and Midwifery Board of Australia.

Statistics relating to the WCHN services are provided to the Australian Institute of Health and Welfare for regular reporting.

As per standard practice, statistics relating to very small cohorts of patients are not regularly released as it may tend to be identifiable information as per section 93 of the Health Care Act 2008 and section 106 of the Mental Health Act 2009.

**WOMEN'S AND CHILDREN'S HOSPITAL GENDER CLINIC**

**309 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (18 October 2023).

1. What is the clinical-to-patient ratio for the Women's and Children's Hospital gender clinic?
2. How many staff and consultants are part of the Women's and Children's Hospital gender clinic?
3. What is the average duration of a service episode with the Women's and Children's Hospital gender clinic?
4. What is the average duration of a service episode for each age category of children with the Women's and Children's Hospital gender clinic?
5. Where are South Australian children referred to for surgical gender affirmation procedures?
6. How many, and what proportion of children who request medical affirmation treatments are assessed as not suitable, and for what reasons?

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

The paediatric medicine–gender clinic is comprised of:

- 0.6 FTE consultant
- 0.58 FTE TMO
- 0.88 FTE nurse consultant
- 0.54 FTE admin

The CAMHS Gender Diversity Service is comprised of:

- 0.4FTE child and adolescent psychiatrist
- 0.6 FTE nurse consultant
- 1.2 FTE allied health
- 0.5 FTE admin

The average duration of an appointment varies depending on the consumer. Gender-affirming surgery is not conducted for young people under 18 years.

The Women's and Children's Health Network is accredited by the Australian Council on Healthcare Standards (ACHS) against the National Safety and Quality Health Service (NSQHS) Standards.

Decisions as to treatment are clinical decisions made by clinicians registered by the Australian Health Practitioner Regulation Agency, who must adhere to the codes and guidelines issued by national boards, for instance the Medical Board of Australia and the Nursing and Midwifery Board of Australia.

Statistics relating to the WCHN services are provided to the Australian Institute of Health and Welfare for regular reporting.

#### WOMEN'S AND CHILDREN'S HOSPITAL GENDER CLINIC

**310 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (18 October 2023).

1. How many clients of the Women's and Children's Hospital gender clinic have died by suicide?
2. How many clients on any waiting list for services of the Women's and Children's Hospital gender clinic have died by suicide?
3. What is the average waiting time for the Women's and Children's Hospital gender clinic?
4. How many children (and their age and biological sex) are on the waiting list and how many are in each triage category at the Women's and Children's Hospital gender clinic?
5. What is the average waiting time for referrals in each triage category at the Women's and Children's Hospital gender clinic?

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

Data relating to deaths by suicide are reported in the South Australian Suicide Prevention Council Annual Report and through the Australian Institute of Health and Welfare.

Initial first appointment with the Child and Adolescent Mental Health Service (CAMHS) mental health clinician wait time is approximately three months from referral and are triaged based on clinical assessment.

Wait time from mental health referral to medical gender services is currently in line with the triage category guidelines.

The Women's and Children's Health Network (WCHN) is accredited by the Australian Council on Healthcare Standards (ACHS) against the National Safety and Quality Health Service (NSQHS) Standards.

Decisions as to treatment are clinical decisions made by clinicians registered by the Australian Health Practitioner Regulation Agency, who must adhere to the codes and guidelines issued by national boards, for instance the Medical Board of Australia and the Nursing and Midwifery Board of Australia.

Statistics relating to the WCHN services are provided to the Australian Institute of Health and Welfare for regular reporting.

#### WOMEN'S AND CHILDREN'S HOSPITAL GENDER CLINIC

**311 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (18 October 2023).

1. How many clients of each age and biological sex, and who are currently engaged with the Women's and Children's Hospital gender clinic, are on puberty blockers?
2. How many clients of each age and biological sex, and who are currently engaged with the Women's and Children's Hospital gender clinic, are on cross-sex hormones?
3. What proportion of children in each age range (from age seven upwards in six-month bands) referred to the Women's and Children's Hospital gender clinic are prescribed puberty blockers?
4. How long, on average, do children engaged with the Women's and Children's Hospital gender clinic remain on puberty blockers before cross-sex hormones are prescribed—please provide bands of six months starting at age eight?

5. What proportion of children engaged with the Women's and Children's Hospital gender clinic decide not to continue taking prescribed puberty blockers after starting upon a puberty blocker?

6. What are the financial arrangement options for paying for puberty blockers prescribed through an SA Health service?

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

There are currently no young people under 10 years currently prescribed puberty suppression for gender dysphoria.

I refer to the previous answer on this topic provided to Hon. Dennis Hood MLC.

The Women's and Children's Health Network (WCHN) is accredited by the Australian Council on Healthcare Standards (ACHS) against the National Safety and Quality Health Service (NSQHS) Standards.

Decisions as to treatment are clinical decisions made by clinicians registered by the Australian Health Practitioner Regulation Agency, who must adhere to the codes and guidelines issued by national boards, for instance the Medical Board of Australia and the Nursing and Midwifery Board of Australia.

Statistics relating to the WCHN services are provided to the Australian Institute of Health and Welfare for regular reporting.

Information regarding financial arrangement options can be discussed through the relevant pharmacy division within the relevant health service.

#### **WOMEN'S AND CHILDREN'S HOSPITAL GENDER CLINIC**

**312 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (18 October 2023).

1. How many children referred to the Women's and Children's Hospital gender clinic have (diagnosed or suspected) autism spectrum disorder?

2. How many children referred to the Women's and Children's Hospital gender clinic have (diagnosed or suspected) eating disorders?

3. How many children referred to the Women's and Children's Hospital gender clinic have disclosed past sexual abuse/trauma?

4. How many children referred to the Women's and Children's Hospital gender clinic have been declared mature minors for the purposes of declaring a transgender identity?

5. How many children referred to the Women's and Children's Hospital gender clinic have been declared mature minors by responsible adults at their school, for the purposes of declaring a transgender identity?

6. What is the clinical relationship between the Women's and Children's Hospital gender clinic and any external youth mental health services?

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

Fifty-one of 166 young people seen within the medical gender service have self-reported diagnosis of autism spectrum disorder.

The Women's and Children's Health Network gender service works closely with the young person and their family as a multidisciplinary team including psychiatrists to support their wellbeing and mental health.

The team liaises with Child and Adolescent Mental Health Service (CAMHS) clinicians, Headspace clinicians and other mental health support providers to support the young person as appropriate.

#### **ABORIGINAL AFFAIRS**

In reply to **the Hon. T.A. FRANKS** (2 November 2023).

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

The Custody Notification Service implements recommendation 224 of the Royal Commission into Aboriginal Deaths in Custody. The scheme was recommended to address the 'barriers of distrust between Aboriginal people and police and to improve the level of communications between the two groups at a day-to-day level.'

The South Australian Custody Notification Service commenced operation in 2021, with the scheme requiring SAPOL to notify the Aboriginal Legal Rights Movement when an Aboriginal or Torres Strait Islander person is arrested.

The amendment regulations address a critical issue with the process of the current CNS that permits Aboriginal people to be detained up to four hours (or eight hours as authorised by the magistrate) and be subjected to

interview prior to any notification to the CNS. The CNS has responsibility for considering the welfare of the apprehended person, as well as the need for an interpreter or support person at interview, so it is critical that the notification is made at the earliest possible opportunity.

Concerns were raised by the Aboriginal Legal Rights Movement that notifications to the Custody Notification Service were occurring after the apprehended person had been interviewed by police. Whilst such notifications were made in accordance with part 5A of the Summary Offences Regulations 2016, it was apparent that further clarity was needed as to the timing of a notification. To address these issues, the Summary Offences (Custody Notification Service) Amendment Regulations 2023 were gazetted on Thursday 6 July 2023, and commenced on 6 November 2023.

The amendment regulations clarify the definition of a responsible officer and the circumstances in which the Aboriginal Legal Rights Movement must be notified. These amendments are directed to the purpose of having the notification made at an earlier point in time—that is, as soon as is reasonably practicable after the person is detained at a police facility. These changes serve to strengthen the protections afforded to Aboriginal peoples held in custody to ensure their welfare and reduce risks to their health and safety.

We will continue to work with the Aboriginal Legal Rights Movement to ensure the safety and wellbeing of Aboriginal people in South Australia and the ongoing effectiveness of the Custody Notification Service.

**JENKINS, MRS A.**

In reply to **the Hon. F. PANGALLO** (16 November 2023).

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

The South Australian legislation which provides for compensation for victims of crime makes limited provision for compensation when the offence is committed overseas. I have some discretion in relation to such applications.

If Ms Jenkins' family were to bring an application for financial assistance, I will seek advice from the Crown Solicitor's Office about whether or not I can exercise that discretion.

On 7 July 2023, I wrote to Ms Jenkins' children, Greg and Jen, to communicate this information. I have not received an application for financial assistance from Ms Jenkins' family at this stage.