LEGISLATIVE COUNCIL

Thursday, 16 May 2024

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

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

Parliamentary Committees

STANDING ORDERS COMMITTEE

The PRESIDENT (14:18): I bring up the report of the committee on the First Nations Voice 2024.

Report received and ordered to be published.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Response to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation into the referral of the Work Health and Safety (Crystalline Silica Dust) Amendment Bill 2023

Question Time

LIVE SHEEP EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of sheep producers.

Leave granted.

The Hon. N.J. CENTOFANTI: An economic study was conducted in 2023 to provide key facts regarding the economic contribution of the live sheep trade nationally. It noted the trade to be worth $143 million per annum. It also noted that if the trade were to cease, the value of Merino wethers would drop instantly by 19 per cent, and by 33 per cent per head in the period of high turn-off. Importantly, the economic study noted that import countries are most likely to import live sheep from alternative countries, rather than directly replace live Australian sheep with processed Australian sheep meat.

In response to the federal Albanese government's ban on live sheep exports, Livestock SA President, Joe Keynes, said that the ill-informed policy will have serious implications for South Australian farmers. He said, 'Taking away the WA live export market will see sheep trucked over the border to compete in our markets,' and that, 'The impacts flow right through the industry, with SA studs also potentially losing out on important buyers.'

The minister in this chamber yesterday, in response to a question I asked regarding live sheep exports and whether she would side with South Australian sheep producers and condemn the Albanese government's ban, said, 'The South Australian government and myself as minister are neither supporting nor opposing the federal government's decision.' My question to the minister is: does she support South Australian sheep producers, and will she now stand with Livestock SA in condemning the federal government's decision to ban live sheep exports?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I thank the member for her question which is so similar to so many other questions that she has asked this week. The ban on live sheep exports is a federal matter, as I said earlier in the week. The federal Labor Party went to the last two elections with it as part of their policy platform. They have now indicated the dates on which—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —it will be banned, and that is what the federal government has decided. There are a range of impacts on sheep prices, and there are a range of reasons for that.

LIVE SHEEP EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): Supplementary: will the minister, seeing as she has repeatedly failed to stand with South Australian sheep producers and repeatedly failed to condemn the actions of her federal colleagues regarding live sheep exports, resign as Minister for Primary Industries?

The Hon. I.K. HUNTER: Point of order: the supplementary has no detail added to it; it needs to be a straight question based on the original answer.

Members interjecting:

The PRESIDENT: Order! I am ruling that it didn't come from the original answer. But, the Hon. Mr Hunter, you don't really need to call a point of order when I am just going to rule on that anyhow.

Members interjecting:

The PRESIDENT: Order!

DISASTER RECOVERY FUNDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): We will see if this one gets answered. My question is to the Minister for Primary Industries and Regional Development regarding disaster recovery funds. Can the minister inform the chamber how much of the $79.8 million disaster recovery funds, announced in this week's federal budget, will go to the rehabilitation of the Lower Murray swamps and levee banks?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): Whilst we have had a general overview of the funds coming from the federal government, we don't as yet have specific detail as to the projects that they will go to within South Australia.

DISASTER RECOVERY FUNDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Supplementary: when will the minister have oversight of these funds?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): Once I have received a sufficiently detailed briefing.

DISASTER RECOVERY FUNDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Supplementary: when will the minister receive a briefing?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): A sufficiently detailed briefing will no doubt be provided once the federal government has provided sufficient detail.

Members interjecting:

The PRESIDENT: Order! The Hon. Leader of the Opposition, your third question.

The Hon. N.J. CENTOFANTI: Goodness me, Mr President, I might as well pack up and go home.

Members interjecting:

The PRESIDENT: Order!

WILD DOG CONTROL AND DINGO PROTECTION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): I seek leave to provide a brief explanation before trying to ask a question of the Minister for Primary Industries on wild dog control and dingo protection in South Australia.

The PRESIDENT: I will try to give you leave. Is leave granted?

Leave granted.

The Hon. N.J. CENTOFANTI: In response to correspondence sent to the Victorian Minister for Agriculture, Ros Spence, by myself as shadow agriculture minister, Minister Spence affirmed Victorian Labor's position to remove the dingo unprotection order in the north-west areas of the state, citing requiring a better balance between conserving Victoria's dingoes and the need for farmers to protect vulnerable livestock. My question to the minister is: will she and her Labor government rule out going down the same path as Victoria when it comes to greater protection for dingoes?

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. The Malinauskas Labor government is keen to act, based on the evidence that is provided—the scientific evidence, which of course must be robust. I think I may have outlined in this place before, certainly in other forums I have, that the report that was put together and released in recent months, to my understanding according to my briefings, has not yet been peer reviewed. I think it is most regrettable, therefore, that the Victorian government has taken the actions they have, if indeed they have based those actions on that report as a predominant source of information.

There are a number of dingo and wild dog experts across the country. The report that was, as I understand it, a significant part of the Victorian government's position, whilst adding to the body of research, in my view the research needs to be taken as a whole, while there is no evidence to suggest that we should be protecting wild dogs in South Australia any more than we already are, because of course there are already two different approaches, north and south of the dog fence.

WILD DOG CONTROL AND DINGO PROTECTION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: will the minister rule out going down the same path as Victoria?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): I have just answered that question.

AQUACULTURE INDUSTRY

The Hon. M. EL DANNAWI (14:27): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber about the status of the South Australian aquaculture industry and its importance to our state?

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. It was a pleasure to release the 2022-23 Aquaculture Economic Indicators report during country cabinet last week in Port Lincoln, which of course was a fitting place to do so, given its rich history in aquaculture production. As the fastest growing primary industry at 9 per cent growth per year nationally, aquaculture has presented opportunities for our state to capitalise on our unique advantages, which the sector has done extremely well as it has established itself over the past few decades.

The 2022-23 report compiled by BDO shows an industry that is strong and continues to grow. Across all aquaculture sectors, an 11 per cent increase was recorded in value of production on the previous year, reaching a record $264 million, despite a small drop in overall production. The results were buoyed by a rebound in tuna, whose 2022-23 value of production was $120 million—surpassing

the previous year by around $10 million, despite also a small drop in production—as well as kingfish at $59.9 million and oysters at $58.8 million, which recorded strong increases in both value and production.

Breaking down the sector's value by region, Eyre Peninsula and the West Coast came in at around 95 per cent of the state's total value of production—a figure I know that the Attorney-General was particularly interested to hear about because he has such a strong and ongoing interest in this particular matter; he loves his seafood, I believe—$251 million, a phenomenal number, and one that clearly demonstrates the critical importance of the region to the industry and the industry to the region.

Kangaroo Island, the Adelaide Hills and Fleurieu, $10 million, and the South-East and Murraylands, $2 million, also have important aquaculture production in their regions, which supports local jobs. The state's aquaculture sector employs 2,481 FTEs directly and indirectly with around 1,900 of those being on Eyre Peninsula and the West Coast, with tuna, oysters and kingfish the key drivers of employment within the industry.

The Malinauskas government understands the importance of the aquaculture sector, particularly to Eyre Peninsula and the West Coast, as such a significant part of the local economy and jobs in the region. Late last year, after consultation with the sector, the government introduced changes to the Lower Eyre Peninsula aquaculture zone policy. Given the enormous opportunities in new and emerging sectors such as seaweed and the potential for further growth in established sectors, the policy allows for more water area for aquaculture production, as well as streamlining the process for the exciting opportunities that exist in aquaculture tourism and hands-on type experiences.

The state government has a strong relationship with the aquaculture sector and, as minister, I look forward to continuing to strengthen the relationship as the sector continues to drive investment and jobs into our state and, very importantly, into our regions.

COUNTRY FIRE SERVICE

The Hon. T.A. FRANKS (14:31): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs, representing the Treasurer, on commitments made in this place in regard to CFS facility audits.

Leave granted.

The Hon. T.A. FRANKS: This council would be well aware that a motion moved by myself, and supported by this council, calling for an audit of CFS facilities passed this place in 2023. Following that, I sought to amend a budget bill, and in the debate on that budget bill on 30 November, the Hon. Kyam Maher, as minister representing the Treasurer, made a statement to this place. That statement was:

> Under the Emergency Services Funding Act 1998, resourcing for the provision of emergency services in South Australia, including the South Australian CFS, is reported to and considered by the Economic and Finance Committee of parliament as part of the annual emergency services levy rate-setting process. The government proposes that instead, in the process of reporting to the Economic and Finance Committee, the CFS undertake to provide to the committee an audit and assessment of their current resources and facilities. The committee members also have the opportunity to directly question the Chief Officer of the CFS at the committee hearing as well.

The Hon. Kyam Maher went on to say that he understood these assurances would be accepted by the Hon. Tammy Franks and offered to continue to work constructively with me. My questions to the Treasurer, via the Minister for Aboriginal Affairs, are: when will the Economic and Finance Committee commence that body of work which will implement a CFS facilities audit, and when will they report on it?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:33): I thank the honourable member for her questions, for her attention to detail, and I certainly will follow those up and bring back the honourable member a reply.

CITIES AND REGIONS WELLBEING INDEX

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:33): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about the wellbeing index in regional South Australia.

Leave granted.

The Hon. J.S. LEE: On 8 May 2024, SGS Economics and Planning released its Cities and Regions Wellbeing Index, which is a comprehensive and independent analysis of the wellbeing of 518 local government areas across Australia. The wellbeing index assesses LGAs on seven indicators, including economy, income and wealth, employment, knowledge and skills, housing, health, equality, community and work-life balance and environment.

The results of the wellbeing index showed that a number of LGAs in regional South Australia ranked amongst the lowest in the country for overall wellbeing, with four LGAs ranked in the bottom 10 per cent and 14 ranked in the bottom 20 per cent. All are in regional South Australia. The wellbeing index also reported the low wellbeing score in regional South Australia was due to poor outcomes in health, employment and skills. My questions to the minister are:

1. Will the minister admit the Malinauskas Labor government's poor record on addressing regional health, employment and housing issues resulted in a poor rating of regional South Australia's wellbeing?

2. Given the large number of areas in regional South Australia that have ranked low in wellbeing, with four LGAs ranked in the bottom 10 per cent and 14 ranked in the bottom 20 per cent, what measures will the minister for regional South Australia introduce to provide better supports for regional communities?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I thank the honourable member for her question. I think the fact that many regional areas are disadvantaged in a range of different measures is well known. That goes not just to our state but in various places around the country. The Malinauskas Labor government is so determined to be connected with our regional areas with, for example, our country cabinet being just one way that we make sure that all of our ministers are getting out—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —into the regions and listening to local businesses, local councils and local residents. That is how we have been able to announce and begin implementing so many very important initiatives for regional South Australia. For example, the measures that were referred to by the honourable Deputy Leader of the Opposition included health, employment and skills. Members should be aware of our very significant investments in various areas in country health in terms of upgrading emergency departments, increasing the number of ambulances and health staff and we of course continue to do that.

The State Prosperity Project is a very important project that is going to be transformational for the Upper Spencer Gulf, which will of course impact on employment in a very positive way. Similarly, investments in the South-East of the state—for example, around forestry—will also be expected to have very significant positive impacts on employment. So much of our investment is around skills with the fee-free TAFE places that have been implemented and of course in the federal budget there was funding again for that, and so that's something that we continue to be very active in delivering.

Technical colleges that we are building in Port Augusta and in Mount Gambier will have a very specific effect on skills. We know, through our work with industries in regional areas, how much they value the opportunities that are being created through that as well as, for example, the upgrades to various TAFEs. The Forestry Centre of Excellence in the South-East is another indicator of the investment and the importance that the Malinauskas Labor government puts on to our regional areas.

In my own direct portfolio of course we have the Thriving Regions Fund, which includes both grants for larger types of projects, such as the Enabling Infrastructure strand, the Strengthening Industries strand and the Thriving Communities strand. I was fortunate, recently, to be able to announce many of the Thriving Communities small grants, which are grants from $20,000 to $50,000 that are all about building community, assisting organisations and groups to remain connected with each other, which is so important in supporting wellbeing.

KAURNA ARTEFACTS

The Hon. R.P. WORTLEY (14:38): My question is to the Minister for Aboriginal Affairs regarding the AIATSIS return of Kaurna artefacts. Will the minister inform the council on the recent return of Kaurna artefacts from Germany?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): I thank the honourable member for his question and his interest and would be most pleased to provide an update. I recently had the privilege to be present for the hand back ceremony for four Kaurna cultural items that were taken to Germany by missionaries way back in 1840, getting on to 200 years ago.

Thanks to the collaborative efforts between Kaurna Yerta Aboriginal Corporation, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), the Grassi Museum in Leipzig and the German government, we have seen an acknowledgement of the important cultural heritage and an effort of reconciliation between the peoples of two nations.

The return of these cultural artefacts—the kathawirri (a sword), tantanaku (a club or bark peeler), wirnta (a spear) and wikatyi (a net)—holds immense significance for many local Kaurna people. As told by the Kaurna elders present at the hand back recently, these items are not merely objects, they represent ancestral knowledge, stories and connections to land. The items were integral to the daily lives, ceremonies and traditions of the Kaurna people, representing tools for hunting, protection, crafting and sustenance.

The event was attended by many Kaurna community members and elders, as well as the federal foreign affairs minister, Senator Penny Wong; the Minister for Indigenous Australians, Linda Burney; the Australian Ambassador for First Nations People, Justin Mohamed; and the Chief Executive of AIATSIS, Leonard Hill. It was also pleasing to have Germany's federal minister for foreign affairs, Annalena Baerbock, present to speak at the historic hand back ceremony.

Given the German missionaries' long history with Aboriginal people, this signified the importance of the initial steps and sincerity of the German government in their endeavour for reconciliation with Aboriginal people in this country. During her speech, Minister Baerbock stated that it was crucial for Germany to acknowledge its colonial past and to return these culturally significant items to Australia, more specifically to Kaurna people. She emphasised the importance of being open and reflective about history, stating that sharing painful aspects of the past is essential for building a better future together.

It was also a privilege on the day to hear from Mitzi Nam, the chair of Kaurna Yerta Aboriginal Corporation, Linda Burney and Penny Wong, and also Leonard Hill from AIATSIS, but particularly to hear from Uncle Lewis O'Brien. Uncle Lewis O'Brien highlighted that Pirltawardli (Possum Park), which is on the northern banks of the Torrens near the weir, was the location where the ceremony took place recently but was also the exact location from where the cultural items were removed to Germany 184 years ago.

It was particularly important to have Uncle Lewis O'Brien, as a very senior Kaurna man and custodian of culture, at the ceremony. Uncle Lewis is now 94 years old, which means he has, as a Kaurna man, been here for more than three-quarters of the time the state of South Australia has been in existence and, in fact, exactly half the time since the colony that preceded it was established in 1836. It is quite remarkable to have a senior Kaurna man who has been here on Kaurna country for half the time since this colony was established.

It was a special event, and I would like to congratulate all parties involved in returning these items to their rightful owners. However, I along with others here today, also recognise that this is only a step in a much longer journey for the returning of many cultural items which are held in institutions

all around the world as trinkets and spoils of colonisation and need to be returned to the people who own them.

VETERINARY STUDENTS

The Hon. S.L. GAME (14:42): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries regarding veterinary students undertaking unpaid placements.

Leave granted.

The Hon. S.L. GAME: To complete their veterinary qualifications, veterinary students undertake a mandatory 52 weeks of unpaid placement. This often requires students to take time off from paid work, even though they pay a premium for rent and living expenses, completing placements in rural and regional areas. Like nurses, doctors and teachers, veterinarians are essential workers and integral to Australian communities. The federal government has not recognised this, failing to extend the placement poverty payment scheme to include veterinary degree students. My questions to the Minister for Primary Industries are:

1. Has the minister written to the federal government to seek fairness for veterinary degree students by including them in the placement poverty payment scheme?

2. What assistance can the minister offer to veterinary degree students on placement struggling to make ends meet?

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 also acknowledge her high level of engagement with the veterinarian community. I think there was certainly a great welcome in terms of the federal budget for those students who will now be able to receive payment for placements. I think it is social workers, nurses and teachers, if I recall correctly. I think it is probably fair to say that most of us would be able to appreciate the difficulties of undertaking unpaid placements, particularly in those degrees and other qualifications where they do take such a significant part of the requirements for that qualification.

I am not aware of what the rationale was for the federal government to include those particular three, notwithstanding that we can perhaps speculate around the numbers that are required in those professions, but it is also fair to say that we have a shortage of vets here in South Australia. There is, indeed, a national shortage of vets. That could certainly, I would think, be assisted by provisions that would enable veterinary students to be better looked after, particularly in terms of their placements on this particular occasion.

There also is a wider issue, which I know the honourable member is very aware of, around the poor retention rate of vets within the sector due to things such as working hours. Certainly, the vets board has attempted to address some of the difficulties that were involved in the registration system for vets here in South Australia. So there is a plethora of difficulties, but also initiatives that are being undertaken.

The high level of suicides in the profession is something that has been raised in this place. Our government was pleased to be able to assist with one of the promotional campaigns that was being run by the Putlands in honour of their daughter, Sophie, which I know has had widespread support. This particular matter does come under the Minister for Higher Education, in terms of potential advocacy. I haven't discussed with the minister in the other place whether a letter has been sent, but I am certainly happy to have that discussion.

VETERINARY STUDENTS

The Hon. T.A. FRANKS (14:46): Supplementary: will this matter be considered by the new Adelaide University scholarship funds?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I am happy to take that on notice and also refer it as part of the query to the minister in the other place.

DRIVING OFFENCES

The Hon. H.M. GIROLAMO (14:46): I seek to give a brief explanation before asking a question of the Attorney-General about bail loopholes.

Leave granted.

The Hon. H.M. GIROLAMO: A driver on bail for causing death by dangerous driving prior to the August 2022 law change has reportedly been involved in a second serious accident that caused injury to three people, due to him allegedly failing to keep a safe distance from the vehicle in front. He was also charged with driving an unregistered vehicle. A legislation change in August 2022 now revokes a person's licence whilst on bail pending prosecution for causing death by dangerous driving. It is reported that the long period of time between the first incident, his plea and the trial date is the result of an ongoing backlog in the District Court's workload. My questions to the Attorney-General are:

1. Is he aware of this loophole?

2. Will he seek to remedy it so that when people are previously charged with death by dangerous driving, they do have their licence revoked as intended?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): I thank the honourable member for her question. As I have said a number of times here, the safety of the community is of utmost importance to the state government and we have undertaken very significant reform to strengthen laws, particularly in relation to dangerous driving. Obviously I won't comment on an individual matter before the courts, but I am very happy to comment more generally.

The honourable member is entirely right: new laws were introduced by this government and have been passed by this parliament. The immediate loss of licence provisions have also been expanded. I am very pleased to say that the new laws mean there is much greater scope for immediate loss of licence. The honourable member will remember the debate we had on these laws in relation to the tragic death of Sophia Naismith.

Of course, laws come into place at a point in time. The immediate loss of licence scheme commenced, I think, a number of weeks before there were other incidents that occurred, and it is a highly unusual thing—we do it occasionally, and reserve it for the most necessary of circumstances—to make retrospective laws. It is a pretty fundamental principle that with the criminal laws we have, as a general rule, people know what the behaviour is and what the consequences of their behaviour may be. Unfortunately, when we pass laws and they come into effect, there will always be a point in time when the behaviour that occurred before those law changes are made and come into effect will attract what the previous penalty was.

I understand the nature of the question. I wouldn't characterise it as a loophole. I would characterise it as: this is when the laws came in, and any behaviour after that time will be subject to the new regime in terms of loss of licence.

DRIVING OFFENCES

The Hon. H.M. GIROLAMO (14:49): Supplementary: will the Attorney endeavour to find out how many drivers are currently charged with death by dangerous driving and have not had their licence revoked?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I am happy to see if that can be easily ascertained. My guess is that it probably can't, but I am happy to see if it can be.

CITRUS SEASON

The Hon. J.E. HANSON (14:50): My question is to the Minister for Primary Industries and Regional Development. Will the minister update us all about the recent launch of the 2024 citrus season in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I thank the honourable member for his interest in this topic and for his question. I am pleased to update this place about the launch of the 2024 citrus season here in South Australia.

Just yesterday, I attended the Adelaide Central Market with a range of industry representatives, including the Chief Executive Officer of the South Australian Produce Markets, Angelo Demasi, the Chair of Citrus SA, Mark Doecke, and the Chair of the Adelaide Central Markets board, Theo Marras, with a special appearance from Mr Squeezy, who was on hand to give out some of our premium citrus produce. I thought people would be excited by that; I got to spend some time with Mr Squeezy, and it was greatly enjoyable.

Food identity Callum Hann also provided a cooking demonstration using in-season South Australian citrus, and there was a juice-off between Callum Hann and radio personality Sophie Lee. The winner was Sophie Lee, but I think there was a little bit of discussion and perhaps some debate around the methods and tactics she used. However, Callum Hann was very gracious, and was happy to congratulate her as the winner of the juice-off.

This season has now officially kicked off, and I am reliably advised that we have some great coloured navel oranges and South Australian satsuma mandarins. As members in this place would now be well aware, we are fortunate to have a world-class citrus industry in South Australia that produces premium citrus that is sought after across many international markets. Here in South Australia citrus has a gross revenue of $388 million per annum and is a major contributor to the local economy. I am delighted to hear that there is anticipation of some 200,000 tonnes of citrus to be picked this season.

It was wonderful to hear, at the launch, that weather conditions during the growing periods of spring and summer have been good-quality for citrus growers, and they are expecting an above-average tonnage for the 2024 season. I think I may have accidentally referred to Sophie Lee when in fact I meant Stacey Lee, so my apologies to Stacey—it was a wonderful juice-off, and obviously I was overcome by the excitement of it and got my names mixed up.

The cold nights, mixed with the dry, warm days, have provided a good start to a range of early varieties, with the current weather perfect for producing brightly coloured fruits that result in a sweet flavour in the oranges. I am also advised that, because of the quality of the crops, there has been plenty of interest from overseas markets, with export markets already up this season and Riverland pack houses reported to be receiving very regular calls for South Australian-grown citrus.

In 2022-23, South Australian oranges, mandarins, limes and lemons represented the state's largest horticultural export in terms of volume, with 66,000 tonnes exported out of the state to the value of $121 million. I have no doubt that growers will, once again, be hoping to increase that figure this coming season. I understand there is strong demand, in particular from China, Japan and South Korea.

As we have discussed in this place previously, the horticulture industry is still in the midst of a number of challenging fruit fly outbreaks across the Riverland but, as I have stated previously in this place, the state government is supporting the horticulture industry through a number of measures. Last year, we saw the official expansion of the Sterile Insect Technology Facility at Port Augusta. This $3 million project allows for double the production of sterile Queensland fruit flies at the facility from 20 million to 40 million flies per week. Most of the sterile flies will be sent for release in the Riverland, ensuring South Australia maintains its fruit fly free status.

I continue to be excited by the ongoing opportunities in the citrus sector within South Australia, and look forward to working together with industry to deliver further growth for this wonderful industry. I encourage members in this place to play a role in this citrus season and buy South Australian grown citrus for you and your family. By 'you', I mean all members, not all of us to buy citrus for you, Mr President, although I am sure you would enjoy it and could put it to very good use.

Thanks once again to the organisers of the event to mark the start of the season and a great opportunity to talk about our citrus industry. I would also like to mention that Penny Reidy from Pick

a Local, Pick SA was also a part of it, and I would certainly encourage everyone to pick a local, pick SA.

FRUIT FLY OUTBREAK

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:55): Supplementary: can the minister update the chamber on whether there have been any further fruit fly detections within the Adelaide Plains area since her last update?

The PRESIDENT: I definitely heard fruit fly mentioned in your response, minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:55): I thank the honourable member for her question. I was actually talking about it about 45 minutes ago. The additional detection was, I think, at Oakden, which has extended the time frame for the restrictions by, I think, one week. It is unfortunate, but not hugely significant, in terms of the extension of the time frame for restrictions in the Northern Adelaide Plains.

SEXUAL ASSAULT REFORM

The Hon. C. BONAROS (14:56): I seek leave to make a brief explanation before asking the Attorney-General a question about new protections for sexual assault victims in Victoria.

Leave granted.

The Hon. C. BONAROS: Yesterday, it was reported that in Victoria victims of sexual harassment and harassment will be immune to defamation lawsuits for reporting crimes to Victorian police. The new laws arose after growing concerns that the threat of legal action was having a chilling effect on people coming forward. The Victorian justice legislation (integrity, defamation and other matters) bill is intended to make it clear and easier to gather information in family violence matters and do so by granting absolute immunity to victims who report to police if their alleged perpetrators try to bring defamation suits against them. The immunity does not extend to other forms of reporting, including the media, and the reforms also include changes to digital intermediaries' liabilities and responsibilities.

I am advised that the SCAG meeting in September of last year considered these reforms and, although it failed to result in unanimous support for the changes, New South Wales and Victoria committed to introduce the laws in their jurisdictions by July and South Australia supported only some aspects of them. My questions to the Attorney are:

1. Can he advise the government's position in relation to the reforms considered by SCAG?

2. What aspects of those reforms did the state government agree to support?

3. Is the government intending to introduce legislation into this place regarding those aspects that South Australia did support and, if so, when?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I thank the honourable member for her question. She is correct that the Standing Council of Attorneys-General has considered for some time various aspects of reform to defamation law. Some jurisdictions have enacted parts. I think some of the initial reforms would probably date back to the last decade. Not all jurisdictions have.

In relation to ones that have been discussed since I have been Attorney-General, I will double-check but my memory is that the part of it that talked about providing an absolute defence to defamation in circumstances such as reporting, which is in very similar terms to what the honourable member has outlined from memory, is part of what we are doing in South Australia. We are not implementing all the reforms that deal with other things to do with internet publishing and technical and complicated areas, but I will double-check. Certainly, from my memory that is part of the reforms that we are progressing in South Australia and we will likely see legislation in this place in the not too distant future.

REGIONAL VOCATIONAL EDUCATION AND TRAINING

The Hon. B.R. HOOD (14:59): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding regional vocational education and training.

Leave granted.

The Hon. B.R. HOOD: The opposition has been advised that Mount Gambier has just a 0.6 FTE electrical trades lecturer, and that in March this year up to 20 local Mount Gambier TAFE electrical apprentices had their final assessments, their Capstone test, postponed. Electrical apprentices cannot be licensed until they pass their Capstone test. To date, no rescheduling has been communicated to the affected apprentices. My questions to the minister are:

1. Is the minister aware of the issues within Mount Gambier TAFE regarding its capacity to deliver final assessments for apprentices?

2. If so, what discussions has she had with the Minister for Education, Training and Skills to ensure that regional apprentices are assessed in a timely manner?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): This is not an issue that has been specifically raised with me. I am happy to talk with the Minister for Education, Training and Skills in the other place and see whether it has been raised with him. However, I think it is probably worth pointing out that the demand for all trades, including trades lecturers, is very high here in South Australia and across the country, so it certainly is difficult to obtain the necessary skills, which is why there is such an investment by the Malinauskas Labor government into trades, the tech colleagues, the TAFEs, and so on.

ABORIGINAL ARTISTS

The Hon. T.T. NGO (15:01): My question is to the Minister for Aboriginal Affairs. Can the minister tell the council about the success of Aboriginal artists internationally?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I thank the honourable member for his question and I am very happy, always, to inform the chamber of the international success of Aboriginal artists. We have seen some remarkable success with Aboriginal artists recently. I will be speaking after the Hon. Tammy Franks in the next sitting week in much more detail about the remarkable achievements of Zaachariaha Fielding, with his offsider Michael Ross, at Eurovision, so I won't speak much about it now because I am very much looking forward to talking about that a lot more in the next sitting week.

I have also informed the chamber previously about the remarkable success of Dem Mob, who hail from Pukatja in the APY lands, who recently performed in Italy and are on an Australia-wide tour at the moment, supporting Seth Sentry, who I had the distinct pleasure of seeing in Adelaide only a couple of weeks ago. I am also thrilled that an Aboriginal person has won the Golden Lion, the prize for the best national participation at the Venice Biennale, none other than Archie Moore, a 54-year-old Kamilaroi man who was born in Toowoomba and is the first Aboriginal solo male artist to represent Australia at Venice. On Saturday 20 April, he made history as the first Australian to win the coveted Golden Lion.

It is awe-inspiring to see Aboriginal excellence recognised on the world stage, as it has been for some time now with the art, live music performance and visual artists. The work entitled *Kith and Kin* traces Moore's relationship with the land for over 65,000 years, and was commissioned by Creative Australia and curated by Ellie Buttrose. The five-metre high walls of the Australian pavilion at the Venice Biennale have been covered in chalk on blackboard paint, reminiscent of the schoolroom, and Moore has hand chalked an expansive family tree of thousands of names of his ancestors going back more than 2,000 generations. The process took months.

I congratulate Archie Moore on winning the Golden Lion prize and also congratulate those other Aboriginal artists who have represented the oldest living culture in the world so proudly on the international stage in recent months.

REGIONAL RAIL

The Hon. R.A. SIMMS (15:04): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Regional Development on the topic of regional rail.

Leave granted.

The Hon. R.A. SIMMS: The federal budget this week included an announcement of $16 billion for road and rail infrastructure across the country. Western Australia received $1.7 billion for their rail projects and Queensland received $1.7 billion for a rail line to the Sunshine Coast, but South Australia received funding for road interchanges and the South Eastern Freeway, but nothing for rail.

Recommendation 3 from the Select Committee on Public and Active Transport, which I chaired, is that state government 'considers reactivation of regional rail for freight (particularly grain) and passenger services'. Recommendation 4 is that the state government 'incentivises passenger rail between Adelaide and Melbourne stopping at regional towns in South Australia'.

My question to the Minister for Regional Development therefore is: is the minister concerned about the lack of funding for regional rail in the federal budget, and what action has the minister taken to advocate for regional rail for South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I thank the honourable member for his question. I think it's fair to say that there is a lot of connection, I guess, or desire to be able to utilise rail in ways that will suit both passengers and freight. In terms of that discussion, there are multiple factors that are involved, including, for example, on Eyre Peninsula. This was a discussion that came up at country cabinet in regard to freight, not in regard to passenger rail, last week.

There were discussions around the impacts on ports if regional rail was reinstated for freight, and whether a monopoly which could ensue would necessarily be in the interests of our farmers and in the interests of the region more broadly. It's certainly fair to say that all aspects of rail have multiple factors to be taken into account. In terms of what the minister in the other place may have advocated for to the federal government, that is something I can certainly ask him and bring back a response.

REGIONAL RAIL

The Hon. R.A. SIMMS (15:07): Supplementary: has the minister herself raised this matter with the Minister for Transport or with her federal counterparts, given the importance of regional rail for development in the regions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:07): I thank the honourable member for his supplementary question. Certainly, I have frequent conversations on many matters to do with regional areas, including transport and rail transport, with my colleague in the other place. It is obviously within his portfolio area in a direct sense.

CEDUNA EMPLOYMENT

The Hon. D.G.E. HOOD (15:07): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding employment levels in Ceduna.

Leave granted.

The Hon. D.G.E. HOOD: The previous federal government's Community Development Program was described by the Albanese Labor government as 'punitive', and they also said that it 'caused real harm to communities across the north'. This runs contrary to Wayne Miller's view. Who is Wayne Miller? Wayne Miller is the CEO of the Ceduna Aboriginal Corporation and he told the ABC North and West SA yesterday that the scrapping of mutual obligations and voluntary participation in the Work for the Dole scheme in 2022 has had devastating effects throughout those communities.

That program attracted some 40,000 Indigenous Australian participants and incentivised people to return to their home communities and provided meaningful, dignified work. In Tuesday's federal budget a replacement program was presented offering just 3,000 places across the country—

less than the 40,000, obviously. It is time-limited to just 12 months, and provides no incentive for people to return to their communities, or any other incentives. My questions to the Minister for Aboriginal Affairs are:

1. Does the minister agree with Wayne Miller that abolition of the Community Development Program has had significant detrimental effects on the communities in the north of the state, as the CEO of the Ceduna Aboriginal Corporation stated?

2. Does the minister think that the federal Labor government's replacement employment program, offering just 3,000 such opportunities shared across all states and territories, is sufficient in addressing Ceduna's growing problems and, in particular, insufficient employment opportunities for the local Indigenous population?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for his question. Certainly, I have had the benefit, earlier this year and over many years, of discussing, in and around Ceduna and also in Adelaide, issues of concern to the West Coast Aboriginal community with Wayne Miller and other Aboriginal leaders.

The CDP program that the honourable member refers to was a replacement for what was known as CDEP, which existed during ATSIC's time and was abolished probably around 2003 or 2004. I think that, almost universally, Aboriginal leaders would like to see a return to what was known as CDEP before the CDP was introduced. CDEP certainly provided very great opportunities in many areas for Aboriginal people around Australia. Burrandies in Mount Gambier ran CDEP programs 20-plus years ago that provided a lot of opportunity, not just for employment but for skills. It was a real employment program that provided employment benefits that today would be things like leave and superannuation.

As I said, I think that, almost universally, Aboriginal leaders would like to see a return to something more akin to CDEP than to CDP. Having spent time with federal ministers for Aboriginal affairs over the last couple of decades, I know that Liberal federal government ministers have talked to me about their desire to see a return from CDP to a CDEP-type program.

I think the federal program that the honourable member refers to is now termed the Remote Jobs and Economic Development Program, which seems much more akin to what was the old CDEP than to the CDP. The CDP does provide some benefits, but I think there are punitive measures that see Aboriginal people cut off very regularly and which have been problematic, particularly in very remote Aboriginal communities.

I think when the Remote Jobs and Economic Development Program was announced it was funded initially with just over $700 million. My understanding is, and I will double-check it, that it is closer to $800 million now, as a result of the federal budget that was handed down this week. Certainly, I know that community leaders, particularly in areas like the West Coast of South Australia and the APY lands in the far north-west of South Australia, have had discussions with the federal government and the federal minister about a desire to be involved in the new rollout of what is much more akin to the old CDEP program than to the CDP program.

ABORIGINAL EMPLOYMENT

The Hon. D.G.E. HOOD (15:12): Supplementary: is the minister concerned that only 3,000 such places were announced this week?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for his question. The announcement for the original 3,000 places wasn’t made this week. I think it was reflected in the budget this week, but it was announced some time ago. Certainly, in the communities I have talked to, it has been welcomed as a good start.

KANGAROO ISLAND WEEDS AFTER FIRE PROJECT

The Hon. R.B. MARTIN (15:12): My question is to the Minister for Primary Industries and Regional Development. Will the minister please inform the chamber about the work that has occurred on Kangaroo Island post the bushfire in relation to weeds?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:13): I thank the honourable member for his question. Members may be aware that, following the 2019-20 bushfires on Kangaroo Island, funding for a range of programs was made available through both state and commonwealth disaster funding arrangements.

Kangaroo Island's relative isolation and distinctive environment are well recognised, and its clean and green credentials are key to the island's economic and social wellbeing. The island's relative pest-free and disease-free status is significant for local primary industries. A significant amount of work has gone into ensuring the island remains pest and disease free. Indeed, members may recall my previous updates to the great work being undertaken to eradicate feral pigs on the island. I would hope that the shadow minister would be supportive of pest-eradication policies to support South Australian producers.

While I enjoy updating this place about feral pigs on the island, or the lack of them, I wish to provide an update today on the impressive work that has been done in managing weeds on the island. The $1.5 million Kangaroo Island Weeds After Fire Project is funded through disaster recovery funding arrangements. The project is managing new weeds introduced during the bushfire response and controlling already established fire-responsive weeds on the island.

To date, over 2,300 control hours have been completed by contractors and PIRSA staff, with a focus on Cape tulip, Cape Leeuwin wattle, Bulbil watsonia, Blackwood, African daisy and African boxthorn. I am advised that 40 fire-impacted landowners have so far utilised subsidies under the project to purchase weed spraying equipment and 45 landholders took part in the Cape tulip blitz across the duration of the project.

Over 100 people participated in six different weeds workshops as well as various interactions with landowners at agricultural shows. In addition to this, the state government is funding the Kangaroo Island biosecurity checks program to further assist landowners to tackle invasive weeds. We know that ferry services to Kangaroo Island are recognised as a major pathway for potential biosecurity incursions.

The Kangaroo Island biosecurity checks program focuses on biosecurity checks at the ferry terminals and at the airport, and on the hygiene of equipment, machinery and agricultural products coming onto the island. This program continues to help the island protect its $157 million livestock, apiary, grain, horticulture and viticulture industries.

I have had the opportunity previously to sit down with Agriculture KI and hear from them firsthand the benefits of programs such as these, and I thank them for their ongoing advocacy and leadership in growing and protecting the island's unique image. I congratulate everyone who has been involved in these programs and thank them for their incredible work in combatting weeds on the island.

KANGAROO ISLAND, FERAL PIGS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:16): Supplementary: can the minister update the chamber as to where the feral pig eradication program is up to?

Members interjecting:

The PRESIDENT: Order! Minister, you did mention feral pigs.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I did indeed mention feral pigs because it has been an area of great success. Members may recall that in South Australia self-sustaining populations of feral pigs infest the Far North bordering Queensland, the North East Pastoral district, the Riverland and, until recently–

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —the western end of Kangaroo Island.

Members interjecting:

The PRESIDENT: Order! The Hon. Mrs Henderson and the Hon. Mr Hunter, the two whips, take it outside with your whips.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: As I said, and until recently the western end of Kangaroo Island. There are also records of small numbers of feral pigs in the Mid North, Mount Lofty Ranges and the South-East, and these reports stem from illegal releases for hunting. Landscape officers immediately addressed these incursions in collaboration with affected landholders.

There were between 5,000 and 10,000 feral pigs on Kangaroo Island before the devastating 2019-20 bushfires. One of the very few silver linings of the fires, if you can even call it that, was that it killed most of the feral pigs on the island. The Kangaroo Island Feral Pig Eradication Project started in the wake of the bushfires with funding under the disaster recovery funding arrangements. In total, $6 million has been provided over three years to complete the eradication project.

PIRSA, in partnership with the Kangaroo Island Landscape Board, the Department for Environment and Water, Livestock SA, Agriculture Kangaroo Island and several other non-government organisations, has been spending about $1.9 million each year on the Kangaroo Island feral pig eradication. The most recent update I have says that the project has removed 878 feral pigs since 2020.

The emergency thermal assisted aerial culling operation has been a key part of this, and also the use of detector dogs as an emergency response is part of finding and eradicating any remaining feral pigs. Surveillance will be continuing for the next 12 months because even if we have reasonable confidence that there are no feral pigs left when we get to that stage, it is important to continue the surveillance because a lot of the pigs are in very deep scrubland, dense bushland, and therefore can escape the—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: You asked me for information about it and now you are not interested. Shame on you. Sir, I am providing the update and now there are still complaints. As I was saying before I was interrupted, that surveillance is an important part of continuing to ensure that we have indeed eradicated all of the pigs. Dense scrubland or bushland can mean that the pigs may have escaped surveillance and so ongoing surveillance is an incredibly important part of this. In terms of the devastation that can be caused by feral pigs—

Members interjecting:

The PRESIDENT: Order! Minister, conclude your remarks.

The Hon. C.M. SCRIVEN: Certainly. I am more than happy to do so. The importance of eradicating feral animals, such as feral pigs, from Kangaroo Island is an important priority and I am very glad that our government has continued to support it.

Bills

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): Obtained leave and introduced a bill for an act to amend the Judicial Conduct Commissioner Act 2015. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I move:

That this bill be now read a second time.

Today, I introduce the Judicial Conduct Commissioner (Miscellaneous) Amendment Bill 2024. The Judicial Conduct Commissioner Act 2015 established the Office of the Judicial Conduct Commissioner to provide an independent, fair and transparent way to deal with complaints about judicial officers. In 2021, the first judicial conduct panel was appointed under the act to inquire and report into eight complaints against Magistrate Mr Milazzo.

The judicial conduct panel found the complaints against Mr Milazzo proved and recommended his removal as a magistrate. The Governor acted upon that opinion and removed Mr Milazzo from office. This was the first judicial complaint panel constituted under the act and I took the opportunity to review the operation of the act personally, being generously afforded an opportunity to meet with some of the complainants and witnesses involved in the judicial conduct panel inquiry.

It was clear from the report of the judicial conduct panel, the judicial review proceedings undertaken by Mr Milazzo and the experiences of complainants and witnesses that the operation of the act would be improved by legislative reform. The proposed amendments to the act will provide greater clarity for participants around procedural matters and ensure that there is some consistency in how future judicial conduct panel inquiries are conducted, whilst still giving the judicial conduct panel the flexibility to determine additional procedures based on the requirements of a particular inquiry.

I now turn to the detail of the bill. The definition of 'complainant' in section 4 of the act is amended by clause 3 of the bill so that the person will be considered to be a complainant under the act, despite not being the maker of the formal complaint, where the misconduct that was the subject of the inquiry was directed at them. This will mean that such category of people will have the benefit of existing provisions of the act currently relevant only to complainants, such as the right to be informed about the progression of the complaint.

Clause 4 of the bill inserts a new section 6A into the act. This section requires the commissioner to prepare and publish guidelines relating to how meetings of judicial conduct panels are to be called, how business is to be conducted at judicial conduct panel meetings, and how judicial conduct panels are to conduct inquiries and examinations of complainants under the act.

A consequential amendment is made to section 23 of the act by clause 6 of the bill. Clause 5 amends section 14 of the act. These amendments give the commissioner the power to postpone consideration of a complaint if they consider it appropriate to do so where the complaint is made during the course of a hearing conducted by the judicial officer subject to the complaint. Postponement can be for a specified period or until the hearing has been completed. Clauses 7 and 8 of the bill insert five new sections into part 4 of the act to provide greater clarity around procedures that apply when a judicial conduct panel is established.

New sections 23A and 23B set out the process for the appointment of counsel to assist in an inquiry and create a statutory entitlement to legal representation for the judicial officer subject of the complaint and, importantly, any witnesses or complainants appearing before the inquiry. New section 23C ensures that the person appearing before a judicial conduct panel inquiry has the same access to witness protections that are available to witnesses in other legal proceedings by force of section 13 of the Evidence Act 1929. Such witness protections might include that a court can order that the witness be accompanied by a relative or friend for the purpose of providing support.

New section 24A requires the judicial conduct panel to take certain actions before asking questions of a witness, including informing the witness of their rights and obligations as a witness and any requirements under the act relating to publication, confidentiality and non-disclosure of information and evidence.

Finally, new section 24B deals with the examination, cross-examination and re-examination of witnesses and complainants. This section makes it clear that the complainant or witness can be examined by counsel assisting the inquiry, the legal representative of the judicial officer to whom the inquiry relates and any other person granted permission to do so by the judicial conduct panel.

Importantly, subsection (2) of new section 24B protects witnesses and complainants from being personally cross-examined by the judicial officer the subject of the complaint. Instead, where

the judicial officer is not legally represented the cross-examination must be undertaken either by submitting questions to the judicial conduct panel or as otherwise directed by the judicial conduct panel. This provision is modelled on section 13B of the Evidence Act 1929.

I am pleased to be able to introduce this bill today and wish to express my sincere thanks and appreciation for the brave and thoughtful feedback received from past complainants, which has helped shape this reform. I hope that it will have a positive impact for participants in future judicial conduct panels through providing greater certainty about the procedures of such a panel. I commend the bill to the chamber and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Judicial Conduct Commissioner Act 2015*

3—Amendment of section 4—Interpretation

This clause amends section 4 of the Act to extend the definition of complainant to include certain other persons against whom judicial conduct is directed.

4—Insertion of section 6A

This clause inserts new section 6A into the Act, requiring the Commissioner to publish guidelines for the purposes of the Act.

5—Amendment of section 14—Request to postpone consideration of complaint

This clause amends section 14 of the Act to set out circumstances in which the Commissioner may postpone consideration of a complaint.

6—Amendment of section 23—Functions and procedures of panel

This clause makes a consequential amendment.

7—Insertion of sections 23A, 23B and 23C

This clause inserts new sections into the Act as follows:

23A—Appointment of counsel to assist inquiry

This section allows the Attorney-General to appoint counsel assisting at the request of a judicial conduct panel.

23B—Representation and participation

This section sets out when judicial officers and others must be allowed legal representation in an inquiry.

23C—Special arrangements for protecting witnesses from embarrassment, distress etc when giving evidence

This section applies section 13 of the *Evidence Act 1929* to an inquiry, providing protections for witnesses when giving evidence.

8—Insertion of sections 24A and 24B

This clause inserts new sections into the Act as follows:

24A—Actions to be taken by panel before questioning witness etc

This section sets out requirements of a judicial conduct panel to inform witnesses and legal representatives of certain rights and obligations.

24B—Examination etc of complainant and witnesses

This section makes provision regarding who can examine, cross examine or re-examine witnesses, and makes special provisions regarding cross examination of a witness by the judicial officer to whom the inquiry relates.

9—Amendment of section 30—Immunity from liability

This clause amends section 30 of the Act to extend immunity from liability to members of a judicial conduct panel and counsel assisting the panel.

Debate adjourned on motion of Hon. D.G.E. Hood.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): Obtained leave and introduced a bill for an act to amend the South Australian Civil and Administrative Tribunal Act 2013 and to make related amendments to the Housing Improvement Act 2016, the Residential Parks Act 2007, the Residential Tenancies Act 1995 and the Retirement Villages Act 2016. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): I move:

That this bill be now read a second time.

I am pleased to introduce the South Australian Civil and Administrative Tribunal (Miscellaneous) Amendment Bill 2024. This bill makes two substantive changes to the South Australian Civil and Administrative Tribunal Act 2013. Firstly, the bill amends part 3A of the act, which currently provides for the South Australian Civil and Administrative Tribunal (SACAT) to transfer matters to the Magistrates Court, where SACAT is barred from dealing with that federal matter under the Australian Constitution. Such federal matters are currently only limited to matters relating to the federal diversity jurisdiction, and so this bill would broaden the scope of part 3A to encompass all federal matters.

Secondly, the bill will address concerns raised by SACAT that the strict definition of 'legally qualified member', for the purposes of determining which SACAT members are allowed to make certain types of decisions or orders in SACAT, unduly restricts the pool of members able to hear any particular matter, with resulting inefficiency for SACAT and all parties involved.

I now speak to the first change proposed by the bill. The constitutional implication recognised in the High Court in the case of Burns v Corbett [2018] HCA 15 prevents a state tribunal that is not a court of a state exercising judicial power with respect to any matter of the kind described in sections 75 and 76 of the Australian constitution. The Burns v Corbett limitation will only apply when a state tribunal is exercising a judicial power.

Although tribunals are more commonly considered to undertake administrative decision-making—classically, reviews of administrative decisions of government—most civil and administrative tribunals in Australia, including SACAT, exercise a mix of both administrative and judicial powers. A classic example of SACAT exercising a judicial power is SACAT's residential tenancies jurisdiction to resolve legal disputes between lessors and lessees under residential tenancy agreements.

Burns v Corbett involved a dispute between residents of different states, which is the federal diversity jurisdiction under section 75(iv) of the constitution. The High Court held that state tribunals that are not state courts cannot exercise judicial power with respect to any of the classes of matters listed in sections 75 and 76 of the constitution. The consequent inability of SACAT to deal with residential tenancies disputes where one of the parties resides interstate proved to be an impediment, as it transpired that SACAT deals with many residential tenancies disputes involving interstate lessors particularly.

That problem led to the SACAT Act being amended in 2018 to insert a new part 3A for diversity proceedings. Under part 3A, if SACAT considers that it may lack jurisdiction to deal with a particular application made to SACAT because it involves federal diversity jurisdiction, it can transfer

the matter to the Magistrates Court, which is correspondingly empowered to deal with the matter in the same way, including informally, and with the same powers as SACAT would have dealt with the matter. In practice, these matters are dealt with seamlessly on SACAT premises by a SACAT member who is also a magistrate or a judicial registrar sitting as the Magistrates Court.

The present issue arises because, in reacting to the Burns v Corbett decision, the scope of part 3A was limited to the types of matters that may fall under subsection 75(iii) where the commonwealth is a party, or subsection 75(iv) for residents of different states, of the constitution. At the time, these were the only situations in which it was considered that the Burns v Corbett limitation would arise in practice in SACAT.

Since part 3A was inserted into the SACAT Act, SACAT's jurisdiction has been expanded to include a broader range of matters. It also appears that several other jurisdictions have amended their equivalent civil and administrative tribunal legislation to provide for transfer to a court, by the equivalent tribunal, of federal matters generally; that is, any matter of a kind described in sections 75 and 76 of the constitution. Out of an abundance of caution, the bill will amend part 3A consistent with those interstate interpretations.

I now move to the second substantive change to the act that the bill makes. Depending on the nature of a matter, SACAT is constituted by a single member or a panel of members from the following member types under section 9 of the SACAT Act:

- the president;
- a deputy president;
- magistrates who are designated as members of the tribunal;
- senior and ordinary members of the tribunal; and
- assessors.

The senior and ordinary members are appointed on the basis of experience as a practising legal practitioner or on the basis of relevant expertise to SACAT decision-making, with section 19(3) of the SACAT Act setting out these respective limbs of eligibility for appointment to SACAT.

Members appointed under the non-legal practitioner eligibility limb include people with law subject matter expertise who are not admitted to practice and/or do not have five years' past legal experience in practice, as well as non-legal subject matter experts with experience and qualifications in areas including social work, accountancy, economics, child development and medicine. These non-legal members currently preside over some SACAT matters and write decisions; for example, a SACAT member with qualifications and expertise in social work is often nominated to sit on SACAT's guardianship and administration and mental health lists.

The SACAT Act, as well as various acts that confer jurisdiction and functions on SACAT, reserves certain types of SACAT decisions and orders only to a legally qualified member of SACAT. The types of orders and decisions that may only be made by a legally qualified member include:

- an order under section 73 of the SACAT Act staying the operation of a decision until proceedings are finally decided;
- the power to require reports, including reports as to mental capacity, under section 69 of the Guardianship and Administration Act 1993; and
- the power to make an order in the nature of an injunction under section 35 of the Residential Tenancies Act 1995.

The SACAT Act in turn defines a 'legally qualified member' for that purpose as a presidential member, or a magistrate member, or another member of the tribunal who is 'a legal practitioner of at least five years' standing'. The reason for reserving these particular orders and decisions to a legally qualified member is that they are orders of a court-like nature, including requiring an understanding of legal rights and proficiency in principles of procedural fairness that are expected to be gained from a law degree, plus experience in the practice of the profession of law.

In practice, SACAT has multiple members who are legally qualified in the sense of having a law degree plus extensive relevant experience—for example, as a legal academic or as a member of another tribunal. These members have been appointed under the 'extensive knowledge, expertise or experience' limb of the eligibility criteria for appointment as a SACAT member due to not having five years' legal practice experience.

SACAT is forced to list certain matters before a 'legally qualified member', as strictly defined, if it is thought that there is any prospect of any of the types of those reserved orders needing to be made. This can lead to delays with matters due to a narrower pool of members being eligible to deal with hearings, including urgent hearings as are often required under the Guardianship and Administration Act 1993.

The objectives of SACAT in providing efficient and low-cost dispute resolution support a tailored approach to determining which members are considered legally qualified for the purposes of restricting the exercise of certain SACAT powers. Under section 23 of the SACAT Act, the President of SACAT determines which member or members are to constitute SACAT for a particular matter or matters, subject to the SACAT Act or another act providing otherwise.

The SACAT president would need to be satisfied that a member has the requisite independence to hear matters of the relevant type, and the legal skills to deal with matters of the relevant complexity. In addition, SACAT advises that only members with significant legal experience and the necessary skills (including SACAT's senior members) are assigned to hear matters that are considered to be complex.

A Supreme or District Court judge, as the SACAT president is required to be, should be relied upon to constitute SACAT appropriately for various types of matters from the pool of members appointed under the eligibility criteria set out in the SACAT Act, including to guard against increased applications for internal review or appeal of SACAT decisions.

Accordingly, the bill would broaden the definition of 'legally qualified member' for the purposes of the SACAT Act to include SACAT members with appropriate legal qualifications and law-related experience, but without five years practice as a legal practitioner, who are designated by the SACAT president as a legally qualified member for the purpose of those reserved decisions and orders.

I am pleased to introduce this bill to make such technical changes to the act to ensure that SACAT can continue to provide efficient, high-quality and low-cost dispute resolution for many South Australians. I commend the bill to members, and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *South Australian Civil and Administrative Tribunal Act 2013*

3—Amendment of section 3—Interpretation

This clause amends the definition of *legally qualified member* to include members of the Tribunal who hold a qualification in law from an Australian tertiary institution, or who hold a qualification in law from a tertiary institution in a foreign country and are duly admitted and enrolled as a barrister and solicitor of the Supreme Court, if they have 5 years or more relevant experience in a law-related field and are designated as a legally qualified member by the President of the Tribunal.

4—Substitution of section 28

This clause substitutes section 28 as follows:

28—Validity of acts of Tribunal

The proposed section updates current section 28 of the Act to provide that acts or proceedings of the Tribunal are not invalidated by reason of a vacancy or defect in an appointment or by reason of an absence of or defect in a designation of a member of the Tribunal as a legally qualified member.

5—Amendment of heading to Part 3A

This clauses amends the heading to Part 3A to reflect the broadened scope of the Part.

6—Amendment of section 38A—Interpretation

This clause deletes the definition of *federal diversity jurisdiction* and inserts a definition of *federal jurisdiction*, meaning the jurisdiction contemplated by section 75 or 76 of the *Commonwealth Constitution*. These amendments broaden the scope of Part 3A by expanding the class of matters which are able to be transferred by the Tribunal to the Magistrates Court for determination under the Part.

7—Amendment of section 38B—Transfer of applications involving federal diversity jurisdiction to Magistrates Court

8—Amendment of section 38C—Magistrates Court proceedings, jurisdiction, powers and functions etc

9—Amendment of section 38I—Enforcement, variation or revocation of purported orders

These amendments change references to 'federal diversity jurisdiction' to 'federal jurisdiction'.

Schedule 1—Related amendments

Part 1—Amendment of *Housing Improvement Act 2016*

1—Amendment of section 40—Special powers to make orders

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

Part 2—Amendment of *Residential Parks Act 2007*

2—Amendment of section 117—Special powers to make orders

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

Part 3—Amendment of *Residential Tenancies Act 1995*

3—Amendment of section 108B—Procedure

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

Part 4—Amendment of *Retirement Villages Act 2016*

4—Amendment of section 46—Application to Tribunal

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

Debate adjourned on motion of Hon. D.G.E. Hood.

CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:38): Obtained leave and introduced a bill for an act to amend the Criminal Law (Forensic Procedures) Act 2007. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:39): I move:

That this bill be now read a second time.

I am pleased to introduce the Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024. This bill delivers on an election commitment made by the government to compel offenders who bite or spit on our police officers or emergency workers to undergo blood testing for communicable diseases. The government has made it a priority to support frontline emergency workers who take on high-risk roles in order to keep the community safe. Police and emergency workers are all too often assaulted, bitten or spat upon in the course of their duties.

Section 20AA of the Criminal Law Consolidation Act 1935 now contains specific offences to deal with offenders who assault or cause harm to prescribed emergency workers acting in the course of their official duties. These attract high penalties, reflecting the seriousness in which the parliament

deems this type of offending. As of 26 February this year, 2,711 defendants have been charged with assault or causing harm to emergency workers under those provisions since coming into operation towards the end of 2019.

This kind of antisocial behaviour is completely unacceptable and puts police and emergency workers at risk not only in terms of physical and psychological injury but also in relation to the transmission of communicable disease. When a person is exposed to bloodborne diseases, including HIV or hepatitis A or B, it can be some time before any infection becomes detectable in that person's blood. This period between exposure and possible detection, called the window period, can last several months.

Police and emergency workers who have been exposed to biological material in the course of their work may experience extreme levels of stress and anxiety during the window period because they do not know whether they have been exposed to a communicable disease. The intent of the election commitment reflected in this bill is to ensure that the affected worker has timely access to information about whether they have possibly even been exposed to a communicable disease should they wish to be so informed.

This bill builds on the existing provisions in division 4, part 2, of the Criminal Law (Forensic Procedures) Act 2007, which provide a mechanism for a senior police officer, referred to as the authorising officer, to authorise the taking of blood from the person who assaults a police officer or other emergency services worker.

Section 20B(1) of the act currently gives the authorising officer a discretion to authorise the taking of a blood sample from a person who is suspected of a prescribed serious offence if satisfied that it is likely that a person engaged in a prescribed employment came into contact with or was otherwise exposed to the suspect's biological material as a result of the suspected offence.

Relevant definitions, including 'prescribed serious offence' and 'prescribed employment' are contained in section 20A of the act. The bill deletes section 20B of the act and substitutes new section 20B, the key changes of which are contained in subsections (2) and (3). The remainder of new section 20B replicates the existing provisions.

Under new subsection 20B(2), if the person engaged in a prescribed employment requests the authorisation of blood testing within six months of the exposure and in a manner determined by the Commissioner of Police, the authorising officer must grant the request. The authorising officer must still be satisfied that the requirements in subsection (1) of section 20B are met before granting the authorisation. That is, the authorising officer must be satisfied that the person from whom the sample is to be taken is suspected of a prescribed serious offence and that, as a result of the suspected offending, the affected worker came into contact with or was exposed to the suspect's biological material.

Provided these conditions are met, the new subsection (2) provides that the authorising officer must authorise blood testing in accordance with the affected worker's request. However, under subsection (3), the changes in subsection (2) do not apply if the authorising officer knows that the person on whom the forensic procedure would be carried out is a protected person. A protected person is defined in the act as a child or any person physically or mentally incapable of understanding the nature and consequences of a forensic procedure.

The senior police officer would still retain the existing discretion to authorise the blood testing in cases where no request is made by the affected worker or where the authorising officer knows the suspect is a protected person.

The bill also makes changes to some of the definitions contained in section 20A of the act. Firstly, an authorisation under section 20B of the act may only be granted following contact with or exposure to biological material by a 'person in prescribed employment'. The bill amends the definition of 'prescribed employment' and the related definition of 'emergency work' in section 20A of the act to include additional categories of workers who perform emergency work or are at similarly high risk of being bitten or spat on.

Under the current provision the categories of work include police officers, certain hospital workers, including medical practitioners, nurses and midwives, correctional services workers and

those employed in emergency work with the SA Ambulance Service, Country Fire Service, Metropolitan Fire Service, State Emergency Service, St John Ambulance, Surf Life Saving, Marine Rescue or the accident or emergency department of a hospital.

The bill extends the scope of these provisions to include all persons authorised to provide emergency and non-emergency ambulance services under sections 57 and 58 of the Health Care Act 2008, police security officers, health practitioners in hospitals and youth justice workers. The bill also provides a mechanism for further classes of workers to be prescribed by regulation, should the need arise.

The bill also makes amendments to the definition of a 'prescribed serious offence' to reflect changes made to the criminal law since the commencement of division 4, part 2, of the act. As I have outlined, an authorisation pursuant to section 20B of the act may only be made in respect of a person suspected of committing a prescribed serious offence. The bill expands the definition of 'prescribed serious offence' to include offences against sections 20AA and 20AB of the Criminal Law Consolidation Act, which were introduced in 2019. That is the offence of causing harm or assaulting a prescribed emergency worker and the offence of committing a prohibited act by intentionally causing human biological material to come in contact with another person.

Clause 5 amends section 28 of the act by adding a note to the foot of the section, which makes it clear that a forensic procedure authorised under part 2, division 4, of the act is, for the purposes of part 3 of the act, a suspect's procedure and therefore the special provisions in part 3 of division 2 apply when carrying out such a procedure.

I would like to thank the Police Association of South Australia for its tireless advocacy to improve the safety and wellbeing of its members and others affected by this issue, and for its contribution to the development of this bill. The government is making a concerted effort to improve the conditions for police and emergency services workers.

The 2022 state budget delivered on an election commitment by providing additional funding to SAPOL to purchase an additional 1,500 protective vests for our frontline police. We also established a task force to review and make recommendations on increasing the number of sworn officers and police security officers over the next 10 to 15 years, along with funding 189 police security officers in the 2023-24 state budget. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Criminal Law (Forensic Procedures) Act 2007*

3—Amendment of section 20A—Interpretation

This clause makes amendments to the definitions of *emergency service provider*, *prescribed employment* and *prescribed serious offence* for the purposes of the measure and consequentially deletes the definition of *medical practitioner* as it will no longer be necessary.

4—Substitution of section 20B

This clause substitutes section 20B of the Act as follows:

20B—Senior police officer may authorise taking of blood sample from certain persons

Proposed section 20B allows a person working in certain types of employment to make a request to a senior police officer to authorise a forensic procedure consisting of the taking of a blood sample from a person where they have come into contact with, or otherwise been exposed to, the biological material of the person as a result of an offence the person is suspected of committing, and makes related procedural provisions, including providing for circumstances where the senior police officer must authorise the forensic procedure.

5—Amendment of section 28—Application of Division

This clause amends section 28 by adding a note at the foot the section which makes it clear that a forensic procedure authorised under Part 2 Division 4 of the Act is, for the purposes of Part 3 of the Act, a suspects procedure, and therefore the provisions in Part 3 Division 2 apply when carrying out such a procedure.

Debate adjourned on motion of Hon. D.G.E. Hood.

WORK HEALTH AND SAFETY (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:48): Obtained leave and introduced a bill for an act to amend the Work Health and Safety Act 2012 and to make related amendments to the Fair Work Act 1994. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:48): I move:

That this bill be now read a second time.

I am very proud to rise today to introduce the Work Health and Safety (Review Recommendations) Amendment Bill 2024. One of the government's most important industrial relations commitments of the last election was to undertake a root-and-branch review of the state's work health and safety regulator, SafeWork SA. That independent review was conducted in the second half of 2022 by John Merritt, a widely respected and former director of WorkSafe Victoria, with decades of experience in health and safety regulation.

The independent review received submissions from a wide cross-section of the community, including unions, business associations, health and safety professionals, and the families of workers who had lost their lives at work. Mr Merritt conducted 55 separate meetings with different individuals and groups involved in our health and safety system. The independent review was released in January 2023 and made 39 recommendations to government. The vast majority of those were accepted either in whole or in principle, and the government set to work consulting on legislative reforms recommended by the review.

The bill before us is the product of an extensive consultation process over the past 18 months. That process began with the review itself and has included a public discussion paper, a consultation draft bill, and many discussions with key stakeholders, including business associations and trade unions.

The end result of this bill is perhaps the most significant and important package of reforms to our health and safety system since the introduction of the current Work Health and Safety Act in 2012. This bill is designed to make South Australian workplaces safer. It is designed to provide a practical pathway to resolve disputes over health and safety issues and fixing safety problems at an early stage before serious injuries or even workplace deaths occur. It is designed to address a longstanding structural defect in our legislation which has kept workers in the dark about what action is being taken by SafeWork SA and which has caused significant distress to the families of workers who have lost their lives at work.

One of the clear outcomes of the independent review is that SafeWork SA cannot do this job alone. No regulator, no matter how well resourced, can be in every workplace across the state at once. That is why SafeWork SA needs to work closely with key stakeholders, like business associations, like trade unions, and like health and safety professionals, to project its influence, educate businesses and workers about health and safety, and to target noncompliance.

A key recommendation of the review was the formation of a tripartite advisory committee to help build stronger relationships between SafeWork and the community and to provide a forum for high-level stakeholder advice on how to improve SafeWork's operations. The SafeWork SA Advisory Committee was established by the government shortly after the release of the independent review and has been operating effectively for the past 12 months.

This bill inserts part 1, division 5, to formally codify the constitution and functions of that committee as a permanent feature of the WHS Act. I take this opportunity to sincerely thank all of the stakeholder groups currently represented on the committee for their valuable contribution over the past 12 months and look forward to continuing to work with the committee to improve health and safety in South Australia.

Turning to the independent review's recommendation that the state's industrial umpire, the South Australian Employment Tribunal (SAET), be given a greater role in helping to resolve disputes about work health and safety matters. Nobody benefits from intractable workplace disputes. Ensuring that all parties have access to practical dispute resolution systems supports a harmonious industrial environment and encourages the resolution of safety issues before workplace injuries occur.

The bill inserts part 5, division 7A, to provide jurisdiction for the SAET to deal with work health and safety disputes. Division 7A is heavily modelled on existing amendments made in 2017 to Queensland's work health and safety laws. The Queensland model has now operated successfully for nearly seven years. This model has not produced a flood of litigation. Indeed, I am advised that there have been less than 10 applications to the Queensland Industrial Relations Commission each year since these amendments were made. Importantly, the SAET's role under this model is not about imposing penalties or punishing employers; instead, it is about helping to resolve disputes about health and safety issues and making workplaces safer going forward.

To encourage the resolution of disputes between the parties at a workplace level, the bill provides the dispute cannot be notified to the SAET until at least 24 hours after the regulator has been asked to appoint an inspector to assist in resolving the dispute. Any party may notify a dispute to the SAET, and that includes the employer as well as the relevant worker, health and safety representative or union. The SAET will be empowered to deal with the dispute in any way it thinks fit for the prompt settlement of the dispute. That may include the SAET conciliating or mediating the dispute or making a recommendation or expressing an opinion to the parties.

If necessary, the SAET will have the power to arbitrate the dispute by making any order it considers appropriate for the prompt settlement of the dispute. That could include, for example, an order that a person conducting a business or undertaking takes steps to address the health and safety issue relating to the dispute. The SAET will also have the power to review a compliance decision made by a SafeWork SA inspector in relation to the dispute. This could include, for example, varying or setting aside a prohibition notice put in place by an inspector. In dealing with disputes, the SAET will have its usual procedural powers, including the ability to require attendance at a conference, to order disclosure and to make interim orders.

If the SAET resolves a dispute by arbitration then the parties must comply with any order the SAET makes. If a party breaches an order, either SafeWork SA or a party affected by the breach may apply for a penalty to be imposed for that breach. Consistent with existing provisions within the WHS Act, any penalty ordered is payable only to the state. However, if a party affected by a breach has been put to the cost of enforcing the SAET orders, they may receive an order for their reasonable legal costs of the enforcement action. The SAET will also have the power to dismiss a matter without conducting a hearing or a conference where it is satisfied the matter is frivolous, vexatious or lacking in substance.

Consistent with other industrial proceedings in the SAET, parties will generally bear their own costs of a dispute; however, the SAET will have the power to order payment of legal costs if it is satisfied a party has acted unreasonably or vexatiously. The government has confidence the SAET will bring to this new jurisdiction the same practical approach to the resolution of workplace issues that it currently exhibits in thousands of industrial and workers compensation matters each and every year.

A consequential amendment is made with the insertion of section 85A to clarify the interaction between this new dispute process and the existing right to cease unsafe work under the act. This amendment makes clear that, although the SAET may deal with the dispute about the cessation of unsafe work under division 7A, the ability of the new dispute process is not intended to impinge upon or reduce the existing right to cease unsafe work. The right to cease unsafe work is an essential legislative safeguard to protect workers' safety. If a worker or a health and safety

representative is confronted with an immediate or imminent health and safety threat, there is no requirement that they must notify or participate in dispute with the SAET before they can exercise that right.

The independent review recommended that South Australia follow the lead of other jurisdictions to make clear that entry permit holders may take measurements and recordings relevant to a safety contravention. It is in the interests of the entire community that, where there is a dispute about a health and safety matter, the most accurate information is available to SafeWork SA and, if necessary, to the SAET. Workplace safety is not assisted by a subjective 'one person said, the other person said' debate over what was observed during a worksite visit, particularly when the objective photographic or video evidence could be available to clearly resolve the dispute.

The bill amends section 118 to provide a right for entry permit holders to take measurements, tests, photos and videos directly relevant to a suspected health and safety contravention. The bill includes strong safeguards around these powers. It expressly prohibits the use of live streaming and provides that, insofar as is reasonably practicable, a photo or video must not record the image or a voice of a person unless they are a relevant worker, a worker whose actions are being directly affected by a relevant worker, or an inspector or emergency services worker attending a workplace.

The 'reasonably practicable' exception is intended to address situations where a permit holder cannot reasonably avoid other persons being included in a photo or a video. This may, for example, include where the worksite is a public place with pedestrian foot traffic. There are serious consequences for the misuse of these powers. Photos and videos are subject to strict confidentiality requirements under section 148, and a breach of these requirements can result in significant penalties and the potential revocation of entry permits.

The bill also provides for a review in certain areas by the Director of Public Prosecutions. When the model Work Health and Safety Act was developed, a clear policy decision was made that only the regulator would be empowered to bring criminal prosecutions for offences under the act. However, it was also understood that a safeguard was needed to ensure that, where victims and their families believed actions by the regulator were inadequate, the regulator's decision in relation to a potential prosecution could be reviewed. That is reflected in section 231 of the act, which provides a process where a person may make a written request to the regulator for a prosecution, and if no prosecution is undertaken, may request a review of that decision by the Director of Public Prosecutions (the DPP).

However, since the WHS Act was passed in 2012, multiple inquiries, including the independent review, have found that the existing section 231 framework is not fit for purpose due to the very limited time frame it imposes on victims and their families. Take as one stark example, the situation faced by Keith Woodford following the tragic murder of his wife, nurse Gayle Woodford, whose case was the subject of an independent review commissioned by this government in 2002 by the Hon. John Mansfield AO KC.

Keith was only informed of SafeWork's decision not to commence a prosecution for a health and safety offence in relation to Gayle's death a few days before the statute of limitations expired. By then, Keith's right under section 231 to formally request a prosecution had already expired and, even if that right could have been exercised, there was no practical way the DPP could have properly considered the evidence and provided advice before the limitation period was up.

To be clear, this is not a criticism of SafeWork in taking time to make a decision about the prosecution. Work health and safety investigations are notoriously complex and, in cases involving a workplace death, it can be reasonably expected a decision about a prosecution may not be made until close to the limitation date. However, what this case illustrates is that what section 231 currently holds out to victims and their families is a right of review which may simply not be able to be used. The situation faced by Keith Woodford was unacceptable and the amendments made in this bill will ensure it cannot happen again.

The bill amends section 231 to clarify that a request to the regulator for a prosecution can be made at any time up until the expiry of the statute of limitations, including after a coronial inquest into a workplace death. The bill also amends section 232 to provide that if a matter is referred to the DPP for a review, then a prosecution may be commenced within one month of the date of the DPP

providing the advice to the regulator on whether a prosecution should be brought. This means that if a family is only notified of a prosecution decision very late in the process, they will still have the ability to request a review by the DPP, and the DPP will have an opportunity to properly consider all the evidence before providing advice.

Multiple inquiries, including the independent review, have shown that the current confidentiality provisions in section 271 of the act have cloaked SafeWork SA on occasions in a shroud of secrecy. For far too long, SafeWork SA has been a place where a health and safety complaint goes in and a decision about a potential compliance action or prosecution comes out, but where the necessary internal reasoning process is often entirely opaque to the outside observer. This has caused significant distress, particularly to families who are seeking information from SafeWork SA to try to understand the circumstances of a loved one's death at work.

While there are very important reasons for confidentiality to apply, as it stands, the balance has not been properly struck. If stakeholders affected by work health and safety incidents cannot understand how SafeWork makes a decision, they cannot reasonably be expected to have confidence in those decisions. The longstanding problems caused by section 271 will be addressed in this bill.

The bill inserts a new section 271A which provides the regulator with a broad discretion to disclose information relating to an incident to a person affected by the incident. This includes people such as the injured worker or their family, the person conducting the business or undertaking, other workers at the workplace affected by the incident, or a relevant union.

Disclosure is subject to safeguards, including that information cannot be disclosed if it would jeopardise an investigation, or reveal confidential legal advice or commercially confidential material. Disclosure also cannot be made to a person who may be a witness in a prosecution. Decisions about the disclosure of information will be guided by a written policy published on the SafeWork website, which will be developed in consultation with members of the SafeWork SA Advisory Committee, including representatives of victims and their families.

It is important to be clear that this amendment does not compel the regulator to disclose information where the regulator believes disclosure would be inappropriate. What this amendment does is remove the longstanding statutory barrier to transparency and put SafeWork in the same position as other prosecuting authorities like South Australia Police and the DPP in terms of the information it may provide to affected parties. It is the government's hope that this amendment will provide greater comfort to victims and their families and help build public confidence in the regulator's decision-making processes.

This bill also includes a number of more minor amendments. The bill amends section 117 to remove the requirement for a written report to be provided to SafeWork SA after every exercise of entry rights, consistent with the recommendation of the independent review. A permit holder may still choose to provide a report, in which case SafeWork must advise of any action taken in response.

In that context, I note the government has not accepted a recommendation of the review that permit holders should no longer be required to notify SafeWork before exercising right of entry to provide an opportunity for an inspector to attend the workplace at the same time. These notification requirements will be retained under this bill.

The bill amends section 143 to increase the penalty for breaching an order of the SAET dealing with a right of entry dispute to $10,000 for a body corporate or $10,000 for an individual. That is consistent with the penalties for breaching an order in relation to a health and safety dispute and emphasises the need for parties to comply with the SAET's orders.

The bill amends section 223 to provide that a representative of a person conducting a business or undertaking or a worker has standing to seek an internal review of a reviewable SafeWork SA decision. The bill amends schedule 2 so that the mining and quarrying occupational health and safety committee will be located within ReturnToWork instead of the Attorney-General's Department. That move is widely supported by stakeholders.

The bill also amends schedule 2 so that in the future the Executive Director of SafeWork SA will be appointed by the government, consistent with most other regulators and prosecuting

authorities in South Australia. The bill provides also for an automatic review of these amendments to occur after two years of their commencement and to be tabled in parliament. This will provide a timely opportunity to consider the practical impact of these amendments and any necessary changes to deal with technical or other issues which may arise in the meantime.

This government notes the Queensland parliament has recently passed amendments to its own dispute resolution model, which have not come into effect, which in part expand the range of matters that can be dealt with by its industrial relations commission. The two-year review provided for in this legislation will provide an important opportunity to consider how those amendments have operated in practice in Queensland and whether any of those should be incorporated into our legislation.

In conclusion, I would like to sincerely thank the many stakeholders who have contributed to the independent review of SafeWork SA and the extensive government consultation process on these amendments. Across the board, from industry associations to trade unions to victims and their families, that consultation has been marked by constructive dialogue and a willingness to consider compromise to achieve the one objective everyone agrees is most important: real and significant improvements to the health and safety of South Australian workplaces.

I would particular like to place on the record my thanks to Keith Woodford, Andrea Madeley and other members of VOID who campaigned tirelessly and passionately on behalf of workers who have died at work and their families. This bill would not have been possible without their advocacy. I commend the bill to the council and seek to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Work Health and Safety Act 2012*

3—Amendment of section 4—Definitions

Certain definitions are amended, inserted or deleted for the purposes of the measure.

4—Amendment of section 10—Act binds the Crown

Section 7(2) of the *Crown Proceedings Act 1992* does not apply in respect of proceedings before SAET under proposed Part 5 Division 7A.

5—Insertion of Part 1 Division 5

This clause inserts a new Division into Part 1 as follows:

Division 5—SafeWork SA Advisory Committee

12A—Establishment of committee

Proposed section 12A establishes the SafeWork SA Advisory Committee, and outlines that the committee shall consist of 15 members, with 4 ex officio members, and 11 appointed by the Minister. Subsection (3) provides for the appointment of alternate members.

12B—Terms and conditions of office

Proposed section 12B provides for the terms and conditions of an appointment to the advisory committee.

12C—Functions

Proposed section 12C establishes the functions of the advisory committee, and gives the committee various powers to support the performance of its functions.

12D—Procedures at meetings

Proposed section 12D makes provision for how the advisory committee will conduct itself at meetings.

12E—Conflict of interest

Proposed section 12E establishes certain circumstances where a member of the advisory committee will not have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

12F—Confidentiality

Proposed section 12F requires members of the advisory committee not to disclose confidential information acquired as a member of the committee without the approval of the Minister.

12G—Use of staff and facilities

Proposed section 12G makes provision for the advisory committee to make use of the staff, equipment or facilities of either the Department (with the agreement of the Minister) or of any other agency or instrumentality of the Crown (with the agreement of the relevant agency or instrumentality).

6—Amendment of section 85—Health and safety representative may direct that unsafe work cease

This clause inserts a clarifying note and is consequential to clause 8.

7—Insertion of section 85A

This clause inserts a clarifying amendment about the concept of 'reasonable concern' for the purposes of sections 84 and 85 and is consequential to clause 8.

8—Insertion of Part 5 Division 7A

This clause inserts a new Division allowing for notices to be given to SAET regarding certain WHS disputes and giving SAET jurisdiction to deal with the dispute.

9—Amendment of section 117—Entry to inquire into suspected contraventions

These amendments—

- correct a minor drafting error; and
- make provision of a report to the regulator by a WHS entry permit holder discretionary; and
- provide that, if a report is provided to the regulator, the regulator will be required to advise the WHS entry permit holder of any action taken following the report.

10—Amendment of section 118—Rights that may be exercised while at workplace

This amendment adds the right to take measurements or conduct tests, or take photos and videos, directly relevant to a suspected contravention of the Act to the list of things a WHS entry permit holder may do while at a workplace.

11—Amendment of section 143—Contravening order made to deal with dispute

This amendment increases the penalty from $50,000 to $100,000 and adds a note to the foot of the section.

12—Insertion of section 152A

New section 152A is inserted:

152A—Right of regulator to intervene in proceedings

The regulator can intervene in any proceedings before SAET under the Act.

13—Amendment of section 223—Which decisions are reviewable

This clause makes a clarifying amendment.

14—Amendment of section 231—Procedure if prosecution is not brought

This section extends the existing time limit for making a request under the section from 12 months to 24 months (where a person reasonably considers that the occurrence of an act, matter or thing constitutes an industrial manslaughter offence, a Category 1 offence or a Category 2 offence) and also provides for making a request within 12 months after a coronial report, or proceedings at a coronial inquiry or inquest. The amendments also require the regulator to provide certain updates and information to the person making the request.

15—Amendment of section 232—Limitation period for prosecutions

This amendment provides that if a matter is referred to the Director of Public Prosecutions for advice on whether a prosecution should be brought, the limitation period in relation to that matter is extended to 1 month following the provision of the advice to the regulator.

16—Amendment of section 254—When is a provision a WHS civil penalty provision

This clause makes consequential amendments.

17—Amendment of section 260—Proceeding may be brought by the regulator or an inspector

This clause makes a consequential amendment.

18—Insertion of section 260A

This clause insert a new provision as follows:

260A—Proceeding may be brought by a party for contravention of certain orders relating to arbitrations

If an order made for the purposes of arbitration under section 102C(3) or 142(3) is contravened, proceedings may be brought in SAET against a person for the contravention of the relevant WHS civil penalty provision by a person affected by the contravention.

19—Amendment of section 262—Recovery of a monetary penalty

This clause makes minor amendments to section 262 to ensure monetary penalties can be enforced as if they were an order of the Magistrates Court or the District Court.

20—Insertion of section 271A

New section 271A is inserted:

271A—Additional ways that regulator may disclose information

Proposed section 271A makes provision for the regulator, or a person authorised by the regulator, to disclose to certain persons in certain circumstances, information relating to an incident.

21—Amendment of section 274—Approved codes of practice

This amendment replaces references to the Consultative Council with references to the advisory committee.

22—Amendment of Schedule 2—Local tripartite consultation arrangements

These amendments replace references to the Consultative Council with references to the advisory committee and replace a reference to the 'Department' with a reference to RTWSA.

23—Amendment of Schedule 5—Provisions of local application

These amendments replace references to the Consultative Council with references to the advisory committee and provide for the appointment of the Executive Director.

Schedule 1—Related amendments, transitional provisions and review

This Schedule includes transitional provisions and provides for a review (including assessment of certain specified matters) 2 years after commencement of the measure.

Debate adjourned on motion of Hon. D.G.E. Hood.

DISABILITY INCLUSION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:08): I move:

That this bill be now read a second time.

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

Leave granted.

The Disability Inclusion (Review Recommendations) Amendment Bill 2023 seeks to make important changes to the *Disability Inclusion Act 2018* that is a critical part of our legislative scheme.

The Act promotes the recognition of essential human rights in South Australia in line with the United Nations Convention on the Rights of Persons with Disabilities and interacts with Australia's Disability Strategy 2021-2031. The act also sets out a number of principles aligned to the United Nations Convention and requires the creation of the State Disability Inclusion Plan, known as Inclusive SA.

In addition to the overarching statewide plan, the act requires almost 100 state authorities, including government agencies and all 68 local councils, to develop their own disability access and inclusion plans, often referred to as DAIPs.

Since the legislation was passed and enacted, state authorities have consulted with their communities and stakeholders to develop these DAIPs that have been an important step in making our community more inclusive and responsive to the needs of people with disability.

Together, Inclusive SA and the DAIPs provide a range of benefits, including requiring agencies to:

- consult people within the community;
- critically analyse their services and processes; and
- commit to actions that improve responses to people with disability.

These plans are not perfect, and the needs and views of people with disability change over time. For that reason, these plans are subject to review, and Inclusive SA has recently undergone this process.

It is not just the various inclusion plans that require review. Under section 21 of the Act, the minister is required to cause a review of the operation of the Act before the fourth anniversary of its commencement.

This review was undertaken in mid-2022 by an independent reviewer who some in this place would know—Mr Richard Dennis AM, PSM—and who consulted widely in his work. A final report was tabled in Parliament in September 2022.

I note 30 of the recommendations were not for legislative change, so are outside the scope of the Bill, but I am happy to report that a number have already been actioned and completed.

Despite not all of the Dennis Review's recommendations being legislative, they are all important and the government is considering them in the context of responding to the NDIS Review and Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Both the NDIS Review and Disability Royal Commission were completed in late 2023 and include hundreds of recommendations and actions for consideration by government.

The Review talked about a 5-year transition period and the Royal Commission included recommendations with timeframes up to15 years which reflect that disability reform will be an ongoing process in years to come.

In response to the Dennis review, the Department of Human Services worked with Parliamentary Counsel to develop the draft Disability Inclusion (Review Recommendations) Amendment Bill 2022 that dealt with 14 of the 20 legislative recommendations.

After developing a draft bill, there was further consultation. Between 27 February 2023 and 6 April 2023, the Department of Human Services conducted a consultation via YourSAy. Peak organisations, and those that had provided feedback in the first phase of consultation, were invited to provide written submissions.

Overall, the feedback we received in response to the draft bill demonstrated community support. I would like to express my thanks to everyone who gave their time to contribute to the multiple consultations linked to our State Disability Inclusion Pla, the review of the Act and the draft Bill.

Specifically, this bill proposes to:

- Move elements of the Disability Inclusion Regulations 2019 into the Act;
- include a definition of barrier, given the significance of the concept of barriers in the definition of disability and within the wider issue of achieving greater inclusion;
- insert new paragraphs to provide expressly that people with disability, regardless of age, have a right to be safe and to feel safe through the provision of appropriate safeguards, information, services, and support;
- enhance clarity and definition of the principles as they relate to people with significant intellectual disability or who have high levels of vulnerability due to their disability;
- amend sections within the Act relating to the reporting requirements and time frames for the state plan and state authority Disability Access and Inclusion Plan, as well as the specific functions of the chief executive of the Department of Human Services; and
- require consultation with people with lived experience, and authorise the formation of groups to facilitate consultation.

I note a number of amendments have been moved and we will listen carefully to the arguments put forward around them.

Without pre-empting the outcome of debates on those proposed amendments, I note the consultations leading up to the introduction of this Bill elicited quite different views on the same topics and we may well see the same in this place.

These differences tend to reflect the diversity of our broader community as well as the diversity that exists amongst people with disability.

Around one in six Australians – more than 4 million people—experience some form of disability.

A smaller number – around 6% of the population – require assistance with core activities as a result.

And a smaller group again receive high level supports from systems like the NDIS, Lifetime Support Authority, Exceptional Needs Unit and My Aged Care.

These different groups exist in every corner of the country, have different life experiences, different needs and different views.

The vast majority of people with disability rely on mainstream services and systems from housing and transport to education and health amongst many others.

This is a key reason why this Act – and the Bill before the Council – are so important.

This legislation is a critical tool to make sure sate government agencies and local councils talk to their communities and reflect on their services to ensure they are as inclusive and accessible as possible.

In doing so, more people in our community will have the opportunity to participate fully, realise their potential and know they have a valued role.

I commend the Bill to the Council and seek leave to insert the explanation of Clauses into Hansard without reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a date to be fixed by proclamation.

Part 2—Amendment of *Disability Inclusion Act 2018*

3—Amendment of section 3—Interpretation

This clause inserts a definition of barrier to the interpretation section of the Act.

4—Insertion of section 7A

This clause inserts a new section 7A into the Act.

7A—Minister to seek views of people with disability

Proposed section 7A requires the Minister to seek the views of people with disability regarding the operation, administration and enforcement of the Act, and furthering the objects of the Act. It provides for the Minister to create a committee for the purposes of advising and assisting them in doing so.

5—Amendment of section 8—Objects

This amendment makes clear that the objects apply to persons with disability of all ages, and adds a new object to the Act.

6—Amendment of section 9—Principles

This amendment inserts new principles to the Act.

7—Amendment of section 10—Functions of Chief Executive

This amendment inserts a new function under the Act to the Chief Executive.

8—Amendment of section 13—State Disability Inclusion Plan

This amendment requires the State Disability Inclusion Plan to contain a variety of provisions, and that any documents prepared for the purposes consultation are in a form accessible to people with disability.

9—Amendment of section 14—Annual report on operation of State Disability Inclusion Plan

This amendment changes the reporting period for each annual report to cover a calendar year instead of a financial year, and shifts the date a report is due by.

10—Amendment of section 15—Review of State Disability Inclusion Plan

This amendment requires that a report to the Minister for the purposes of the section include or be accompanied by information regarding any recommended changes to the State Disability Inclusion Plan resulting from the review.

11—Amendment of section 16—Disability access and inclusion plans

This amendment requires a State authority's disability access and inclusion plan to include strategies ensuring the needs of priority groups identified by the measure are addressed by the plan, and requires that any documents produced prepared for consultation are in a form accessible to people with disability.

12—Amendment of section 17—Annual report on operation of disability access and inclusion plan

This amendment adds a requirement to the report prepared by each State authority, changes the reporting period for annual reports under the section to cover a calendar year as opposed to a financial year, and changes the date the reports are due by.

13—Amendment of section 18—Review of disability access and inclusion plans

This amendment provides that should the State Disability Inclusion plan be varied, a State authority must ensure that their disability access and inclusion plan remains consistent with it.

Debate adjourned on motion of Hon. D.G.E. Hood.

SUPPLY BILL 2024

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:09): I move:

That this bill be now read a second time.

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

Leave granted.

A Supply Bill is necessary until the Budget has passed through the parliamentary stages and the Appropriation Bill 2024 receives assent.

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

The amount being sought under this Bill is $7,706 million.

Explanation of Clauses

1—Short title

This clause is formal.

2—Interpretation

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

3—Appropriation

This clause provides for the appropriation of up to $7,706 million from the Consolidated Account for the Public Service of the State for the financial year ending on 30 June 2025.

Debate adjourned on motion of Hon. J.S. Lee.

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 February 2024.)

The Hon. H.M. GIROLAMO (16:10): From the outset, I indicate that the opposition is in full support of this bill. We thank the Attorney for a briefing on this bill. It has been some 10 years since the South Australian Employment Tribunal (SAET) was established. It provides dispute resolution in a timely and efficient manner, with over 6,000 applications filed in the last financial year. Despite SAET's large and at times very complex case load, resolution time frames are significantly faster than in many other jurisdictions.

Ten years is a sufficient amount of time to be able to have the opportunity to assess the processes and the functions and to ensure that it is reviewed and to look for improvements. Improvements are always welcomed by the opposition when it comes to government departments and areas such as SAET as well. This bill very much is the opportunity to be able to tidy up some areas and to provide more clarity.

We on this side recognise the need for the tribunal to be an efficient and effective mechanism for resolving and determining such disputes in South Australia. Many participants in SAET matters look to SAET as a model of best practice of an industrial tribunal. As expected, its high-quality consultation processes and the commissioners were particularly praised during our consultation for this bill.

The opposition also received correspondence from the Law Society, and they confirm that SAET does already efficiently dispose of the litigation before it, but it hoped that the amendments before us in the chamber will assist and improve on the processes as well, so it is very much welcomed by the Law Society. The Law Society also understands that the tribunal is one of the more efficient jurisdictions dealing with civil matters in South Australia. These amendments only improve on that, and that is why we are very supportive of them.

In regard to the specific amendments, part 2 of the bill amends the Equal Opportunity Act 1984. This amendment provides that employment-related discrimination and victimisation complaints will be heard in SAET rather than SACAT. This is something the opposition is supportive of. Part 3 of the bill amends the Fair Work Act 1994. This amendment addresses which powers are exercised by which part of SAET to address issues raised over which powers under the act are now exercised by SAET constituted as the South Australian Employment Court and which are exercised by SAET constituted as an industrial relations commission, therefore creating more clarity and ensuring that it is very clear within the legislation.

Part 4 and part 6 of the bill amend the Magistrates Court Act 1991 and the Work Health and Safety Act 2012. These amendments increase the monetary threshold under which a criminal offence can be dealt with by a deputy president magistrate in SAET to $1.5 million (changed from $300,000), something that we are also in support of.

Finally, part 5 of the bill amends the South Australian Employment Tribunal Act 2014. These amendments clarify the assignment of matters between SAET sitting as a court or as an industrial relations commission. In summary, the opposition is supportive of the passage of this bill and thank the Attorney for bringing it to the chamber.

The Hon. T.A. FRANKS (16:14): I rise on behalf of the Greens to speak in support of the Statutes Amendment (South Australian Employment Tribunal) Bill. SAET is the independent umpire for workplace disputes. Timely court proceedings are critically important where maintaining workplace relationships and contracts is in question.

With each case, SAET aims to reach a fair and just outcome as quickly as possible, either through agreement at a conference, conciliation or mediation, or by a decision at a hearing, acting with little formality and technicality to minimise costs to parties involved. It is essential that the tribunal remains an efficient and effective mechanism for resolving and determining such workplace disputes in our state.

Between 5,500 and 6,000 applications are lodged with the tribunal each year, surpassing the total number of originating civil proceedings lodged in the Supreme Court and District Court combined. SAET is dealing with one of the largest case loads in the state while also maintaining resolution time frames faster than other civil jurisdictions.

The purpose of this amendment bill is to fix some of the technical and procedural issues which arise from the South Australian Employment Tribunal Act 2014 and other related legislation. Specifically, SAET itself has identified issues regarding conciliation time frames, prohibition on mandatory injunctions against the Crown as an employer, monetary thresholds under the Work Health and Safety Act and monetary orders made by the tribunal.

While it is clear that SAET is quite efficient—in their most recent annual report, SAET reported that, aside from a 19 per cent increase in applications received in the Return to Work Act jurisdiction, they had achieved a clearance rate of 99 per cent—the governing legislation needs to reflect the reality of tribunal hearings. Conciliation time frames concluding in six weeks are not realistic due to external influences such as doctors' reports, and it is no use to set a time frame which, nine times out of 10, will be unable to be met. Amending the time frame to 10 weeks will help manage resourcing and set better targets and outcomes for all parties.

The bill also amends section 51 of the SAET Act to allow for legal professional privilege to cover communications between non legally qualified representatives and members in proceedings. Given the heavy involvement of employees and industrial associations, including business associations representing their members in industrial proceedings, this amendment is appropriate to meet broader privilege requirements for third parties under the Australian Solicitors' Conduct Rules.

SAET's vision is to be a leading employment tribunal which promotes the best principles of decision-making and resolves disputes fairly, efficiently and transparently. One of SAET's strategic objectives is to be a 'modern, innovative tribunal with straightforward processes and contemporary systems' and this legislation will be an appropriate step in ensuring that they continue to perform as well as they have.

I note that the Law Society, in their submission to this bill, have flagged concerns; I imagine they will be raised in clause 1 of the committee stage by either the Greens or other members of this place. With that, I commend the bill.

The Hon. S.L. GAME (16:17): This bill aims to strengthen the South Australian Employment Tribunal's role and effectiveness in resolving workplace disputes in South Australia. The bill proposes changes to various acts impacting different aspects of employment law and dispute resolution in South Australia. It addresses specific issues within the existing legal framework, such as providing clarity and consistency in various areas. I support the bill on the basis it will streamline processes and improve access to justice, making it easier and faster to resolve disputes.

The Hon. M. EL DANNAWI (16:18): I rise today to speak briefly in support of the Statutes Amendment (South Australian Employment Tribunal) Bill. In 2022, the Labor government made an election commitment to undertake a review of the practices and jurisdiction of the South Australian Employment Tribunal. In delivering this commitment, the Attorney-General's Department held public consultation with legal groups, unions and the business community. This bill is the end result of this consultation and brings changes that reflect the practical experience of workers, employers, representatives and members of the tribunal itself.

While the review found that, overall, the tribunal is effectively carrying out its function as South Australia's one-stop shop for industrial disputes, stakeholders identified a number of technical and procedural issues. Addressing these issues would improve the efficiency of the tribunal and the experience of litigants, and that is exactly what this bill is designed to do.

Workers and employers in this state deserve an employment tribunal that is functioning as well as it can be. The tribunal already provides high-quality dispute resolution in an efficient manner, with a time frame that is much faster than other jurisdictions. Though not a major reform, this bill will make a difference for those people frequently involved in our industrial relations and workers compensation system, but there are a number of substantive changes that will make a real difference in industrial relations matters. Among many changes are the following.

The bill clarifies that employment-related discrimination and victimisation complaints are to be heard at SAET rather than SACAT. It provides for the recognition of confidentiality of communication between non legally qualified representatives and members in proceedings before

SAET. This means that when a union official represents the members, internal documents will be treated confidentially in the same way as for lawyers.

The bill explicitly clarifies which powers are exercised by SAET as the employment court and which are exercised by SAET as the industrial relations commission. Following on from this, the bill allows commissioners to sit as members of the full bench when the tribunal is acting as an industrial relations commission. This recognises the valuable contribution and practical experience of the commissioners appointed to the tribunal and allows their expertise to be appropriately and effectively drawn upon in industrial relations matters.

The bill ensures that the Crown will be subject to the same principles and remedies as any other employer in the industrial relations system when it comes to industrial laws and entitlements. The bill removes loopholes that have been used by the previous government to avoid complying with enterprise agreements negotiated with the public sector's unions.

The bill also extends a mandatory time frame for compulsory conciliation conferences in workers compensation disputes. The time frame will be extended from six weeks to 10 weeks. This is a necessary change, considering the delays that are involved in obtaining specialist medical advice and reports. As the Attorney-General said in his second reading explanation, the tribunal itself has advised that in reality the time frame for conciliation is most often closer to 12 weeks than it is to six.

The bill allows for SAET to expand the scope of issues in dispute where the tribunal is satisfied it is in the interests of justice that a question be determined as part of the proceedings. This flexibility is essential when addressing workers compensation claims, where a single injury may result in any number of related claims that arise over time and which can all potentially be traced to the initial injury. This change is in the best interests of the function of SAET and of workers.

It is no secret that the process of litigation can be painful for the injured party. This change will mean that parties can move forward once a decision has been reached without the looming threat of further disputes that ought to have been dealt with in the initial claim.

These are only some of the technical changes that will be progressed with this bill. Complex systems require regular maintenance, and it is important that we remain in conversation with those who are engaging with the tribunal in order to maintain a system that promotes consistency, flexibility, efficiency and, most importantly, fairness, with this bill resulting from exactly that sort of productive discussion. I commend the bill to the chamber.

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

Motions

ZONTA CLUB

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

That this council—

1. Notes that 2024 marks the 55th year of the Zonta Club of Adelaide;

2. Recognises the significant contribution the Zonta Club has made to empowering the women of South Australia; and

3. Congratulates all those who have contributed to the work of the Zonta Club over the last 55 years.

(Continued from 10 April 2024.)

The Hon. T.A. FRANKS (16:23): It is my absolute pleasure to support this motion that the Hon. Reggie Martin has brought before us today in support of the fine women of Zonta. Indeed, over the years I have had quite a bit to do with Zonta, not as a member but as a member of parliament, although previously working with them across a range of human rights issues and advocacy issues when I was employed and active with the YWCA.

Zonta International has its foundations back in 1919. It comes from a Sioux Indian word meaning honest and trustworthy, and that name was adopted in 1930. Today, Zonta International is a global organisation of more than 28,000 women and men in more than 1,100 Zonta Clubs in 63 countries. Zonta International has an international voice for change on matters relating to women

and girls through its general consultative status with the UN Economic and Social Council (ECOSOC) and consultative status with UNESCO, UNICEF, UN Women, the International Labour Organization, Council of Europe and the international Centre for Social Development and Humanitarian Affairs.

The wonderful Zonta Club of Adelaide would be well known to many people in this place. It certainly does wonderful things in our community. It has been going since 1969, which is for almost as long as I have been alive as I was one year old. It began as the first club to be established in our state of South Australia. The first committee set up in the Zonta Club of Adelaide was the Status of Women committee, which over the years contributed to many major government policy initiatives and went on to do wonderful work for women's development not just here in South Australia but right across the globe.

Certainly, Zonta International continues to be as relevant as it ever was and as needed as it ever was, and so I am very happy to support this particular motion. I note that most recently Zonta International has made contributions on two issues of concern to this particular council in this parliament, which includes their support for a human rights charter or act for our state and their contention that all laws should respect human rights when decisions are made and that the human rights impact should be considered and that remedies should be available where human rights have not been considered or have been breached without justification.

Further, of course, they have pointed to the debate around sex work and the decriminalisation of sex work and indeed drawn our attention as members of this parliament to the decriminalisation of sex work, which would ensure that sex workers would have more agency to choose where they provide their services and that their sexual health requirements are considered. Indeed, it would also, Zonta argues, be a platform where parties in the transactions are treated more equally. As the Zonta submission to the human rights framework reads:

> Sex workers should be regulated like workers in any other industry; this would help address stigma, discrimination and adverse health outcomes for these workers.

They point to the fact that a human rights act or charter would also support those rights of sex workers, so I hope in the near future to see some of those efforts of our local Zonta women put into practice in this place through both the decriminalisation of sex work and a human rights charter in this state. I wish them every success and prosperity in the fine work they do not just here in South Australia but right across the globe.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:27): I rise on behalf of the Liberal opposition to support this motion and I thank the Hon. Reggie Martin for introducing this particular motion to the council. On behalf of the Hon. Michelle Lensink, I would also like to convey her very sincere personal congratulations to the Zonta Club of Adelaide. As many honourable members would know, the Hon. Michelle Lensink has been the Liberal spokesperson for the status of women since 2007 and she has passionately supported the status of woman and has had a long association with the Zonta Club of Adelaide.

In speaking to this motion, I would like to congratulate the Zonta Club of Adelaide for its 55th anniversary. For over half a century, this esteemed organisation has been a beacon of hope, empowerment and positive change for women in South Australia and worldwide. I would also like to acknowledge that the Zonta Club of Adelaide had the first club charter in South Australia.

I would like to pay tribute to Dr Heidi Taylor, often called Mother Zonta, who began life in East Prussia. She trained as a nurse during World War II, later qualifying as a doctor. After marrying, she moved to England and in 1959 migrated to Australia. As a migrant, Heidi initially worked in an Adelaide medical laboratory, before studying to requalify as a medical doctor in Australia in 1967. In 1968, Heidi was appointed a director of a unit at the Royal Adelaide Hospital, where she successfully fought for gender equality. In 1969, Heidi became a charter member of the Zonta Club of Adelaide, the first Zonta Club in South Australia, and was an active club member until close to the time of her death. She held almost every position on the club's board and consistently provided positive support for each new president.

I want to commend the Zonta Club of Adelaide, which has been a steadfast advocate for women's rights, working tirelessly to address critical issues such as gender equality, violence against women and economic disparity. Through their various program initiatives Zonta have made a tangible

difference in the lives of countless women. One of the cornerstones of Zonta's mission is advocacy. The club champions local, national and international initiatives that promote women's legal rights, health, education and economic independence. This commitment to advocacy is evident in the club's efforts to develop a national advocacy strategy through the national Zonta Australia group for advocacy.

I also commend Zonta for their great community engagement and fundraising. Some of the success stories or deliveries that Zonta Club have done include 24,000 birthing kits and they made more than 9,000 breast cushions for breast cancer patients. They raised over $100,000 in scholarships. They also provide hands-on support and funding at the Eastern Adelaide Domestic Violence Service and donated $68,000 to Zonta Foundation for Women to support Zonta's international project.

In conclusion, once again it is a great honour to be able to support this motion on behalf of the Liberal Party. I thank the honourable member for moving this motion and wish the Zonta Club of Adelaide another 55 years and more longevity to come in their strong advocacy and support for women.

The Hon. R.B. MARTIN (16:32): I start by thanking the Hon. Tammy Franks and the Hon. Jing Lee for their contributions and support for this motion. This motion recognises the 55th anniversary of the Zonta Club of Adelaide. In their 55 years, they have done an amazing job improving and advocating for the rights of women in Adelaide, in South Australia and, as the Hon. Tammy Franks pointed out, Zonta Club globally also plays a very important role.

I add that it is an appropriate time to pass this motion, with Volunteers Week starting next week. Clubs like the Zonta Club and so many like them are organised and run by volunteers and they make such an enormous contribution to our state. It would not happen without the role of those volunteers. I congratulate them on their 55th anniversary and look forward to many more years of the Zonta Club providing advocacy, support and services to women across the state.

Motion carried.

MINIMUM AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (16:33): I move:

That this council—

1. Notes that the government has undertaken consultation on a discussion paper titled 'Minimum age of criminal responsibility—alternative diversion model' released in January 2024.

2. Recognises that the consultation period closed on 24 March 2024.

3. Acknowledges:

   (a) the continued advocacy of organisations such as Change the Record, SACOSS, the Justice Reform Initiative and the Guardian for Children and Young People in calling for the age of criminal responsibility to be raised to at least 14 years without exceptions;

   (b) that an alternative diversion model is vital to the success of raising the age of criminal responsibility; and

   (c) that the public are entitled to understand the views around the proposed alternative diversion model.

4. Calls on the Malinauskas government to publicly release the submissions to the consultation on alternative diversion models for raising the age of criminal responsibility.

This motion calls for the publication of the submissions that have been made to the government's discussion paper looking at the minimum age of criminal responsibility—alternative diversion model. This government has a bit of a track record, unfortunately, of adopting a clandestine approach to some of these submissions. I am reminded of the approach they took to the rental reforms, where they put out a discussion paper, they invited public submissions, but they did not actually publish the submissions from the public.

It was the Greens who drew attention to that and said, 'Hang on, if the public is putting in a submission then they have a right to actually know that it has been received and to see it published

on a public website.' But also, as members of parliament, we have a right to access that information so that it can inform our own deliberations when we are dealing with bills.

In that instance, the government did change course and they decided to make that information available, redacting information if it was of a personal nature, or if, indeed, the person making the submission requested that it be kept in confidence. That is what we are asking the government to do in this instance. I am not suggesting that they compromise people's privacy but, if individuals have no objection to their submission being made public, then it should be made public, published on the website and made available to those who have an interest.

As we know, there is an ongoing debate about the need to raise the age of criminal responsibility around our country. The current age is just 10 years old, which is far too young. The Greens have been calling to increase the age of criminal responsibility to 14, alongside key advocates such as SACOSS, the Guardian for Children and Young People, Change the Record and the Justice Reform Initiative. I really want to acknowledge the leadership of those groups in pushing for action on this issue.

In January, the government released a discussion paper exploring an alternative diversion model. This model would involve diverting young offenders across a certain age away from the traditional criminal justice system into rehabilitative and supportive programs. The consultation period closed on 24 March and, as of now, it is still unclear what the next steps will be. People want to know that their submissions are not just disappearing into the ether and that they have been received, and that members of parliament, as legislators, will have an opportunity to hear their views.

To be able to stop jailing children, we need to look at what we can do instead. We know that the brains of young people are still developing. Research shows that 14 years of age is the age at which the adolescent brain is at a more cognitive stage and an age when young people are more able to understand the consequences of their actions. We know that early exposure to the criminal justice system causes harm to young people and that impact on wellbeing can continue well into adulthood. We also know that over 50 per cent of incarcerated children are from Aboriginal or Torres Straight Islander backgrounds, further adding to the disadvantage that they already face in their communities.

The Australian National University has provided alternative options for restorative and therapeutic care to support the reform. Whatever alternative model is created will underpin the success of raising the age of criminal responsibility. It is crucial that the submissions to this discussion paper be made publicly available. SACOSS's submission outlined some of their concerns with the government's proposed model. They provide some key principles to inform alternative frameworks and request that it be non-punitive, trauma-informed, therapeutic, culturally led, and non-discriminatory. Their key concerns with the model proposed relate to, and I quote from the submission:

> The potential for this to provide further avenues to criminalise and brutalise children, including children from the minimum age of criminal responsibility by means of expanding policing powers, introducing a form of administrative detention and removing the legal protections afforded to children and young people.

If there are serious concerns that emerge in these submissions, then they need to be publicly considered. The public also have a right to understand if there are, indeed, any benefits in the proposed model. Publicity around releasing the submissions will promote transparency around this issue and would, of course, allow the public to have access to a range of views and opinions and, indeed, give them confidence in whatever outcome the government embarks upon.

It is important for researchers, advocates and members of the community to also review the full range of information. I submit to you, Mr Acting President, that that is something that would lead to better, more evidence-based policies that would serve the interests of young people. It is really important that we have the welfare of these young people in our minds as we make laws in this regard. With that, I conclude my remarks.

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

AUSTRALIA SRI LANKA ASSOCIATION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:38): I move:

That this council—

1. Congratulates the Australia Sri Lanka Association (ASLA) for reaching a special milestone, their 50th anniversary, in 2024;

2. Recognises that ASLA is a pioneering community organisation that has been serving the Sri Lankan-Australian community by providing valuable networks and platforms for community members to develop friendships, to exchange ideas and to share the rich traditions of Sri Lankan culture in Adelaide;

3. Acknowledges the important work of founding members, current and past presidents, committee members and volunteers of ASLA for their hard work, dedication and contributions in delivering 50 years of outstanding community service in South Australia;

4. Commends ASLA for working collaboratively with small businesses and food vendors to deliver the popular Sri Lankan Food and Cultural Day as a flagship event for over 10 years in Adelaide; and

5. Reflects on the many achievements of ASLA over five decades and recognises the impact of ASLA and its contributions to enrich multicultural South Australia.

It is a great honour to have this opportunity in parliament today to congratulate the Australia Sri Lanka Association (ASLA) for reaching the special milestone of their 50th anniversary. Australia and Sri Lanka have strong and enduring people-to-people links that extend across all sectors of society: education, media, culture, literature, science, sports, medicine, politics, commerce and law.

The Sri Lankan diaspora in Australia now exceeds 130,000 individuals. The large Sri Lankan community contributes significantly to strengthening Australia's multicultural society and economy. As the shadow minister for multicultural South Australia, it has been my absolute pleasure to work closely with the Sri Lankan community in South Australia and personally witness the growth and accomplishments of community-minded leaders and volunteers of ASLA over the years.

As the oldest Sri Lankan community organisation in Adelaide, ASLA has built a respectable position as a pioneering community organisation that has been serving, and still serves, the Sri Lankan Australian community by providing valuable networks and platforms for community members to develop friendships, exchange ideas and share the rich traditions of Sri Lankan culture in our state.

ASLA has been a driving force for fostering a strong sense of belonging amongst Sri Lankans and Australians. For instance, their flagship Sri Lankan Food Festival and Cultural Day, which is an event that I have the pleasure of attending every year, brings together the Sri Lankan Australian community and is well supported by many small businesses, fruit vendors, community schools, dance groups and cultural performers. The collaborative efforts among different community groups create an atmosphere of welcome and harmony that showcases the best of Sri Lankan food, arts and crafts, and cultural traditions for all to enjoy.

I also attended the Sri Lankan Spring Cultural Luncheon and had the pleasure of cooking with chef Manoj at the cultural day and making dosa at the Spring Cultural Luncheon. I think my 'making dosa' video was published on social media and received some 3,500 views. I think they just wanted to see how badly I actually make the dosa.

Since its inception, ASLA has also embraced the philanthropic spirit and has a long history of generosity in doing tangible compassionate work, including raising funds for many charity organisations over the years. Some of the organisations that ASLA has supported include Cancer Council, Catherine House and Guide Dogs Australia. ASLA also contributes to many projects to assist those in need back in Sri Lanka, such as the deaf and blind school, the Tsunami Project, the COVID-19 Project and the Easter bomb project, in collaboration with the Sri Lankan consulate.

ASLA today is led by a dedicated and hardworking committee of 14 talented and professional individuals who bring complementary skills and knowledge to serve the association. It is my privilege to place my special thanks on the public record to acknowledge the ASLA team, consisting of the following office bearers: president Nishani Seneviratne, vice-president Manoj Ransome, secretary Vinoba Ambigapathy, and treasurer Chamita Kotte.

The ASLA committee members consist of Nazli Farook, Ajith Seneviratne, Lourdes Jayasuriya, Nishantha Jayawardena, Chandani Jayawardena, Senuri Jayasuriya, Madu Punchihewa, Deepal Punchihewa, Nirosha Punchihewa and Priya Viraj.

There is a proverb in my culture that literally means 'when you drink water, think of its source'. The proverb simply asks people to remember from where and how the water came. Do not just be thankful for the water but be thankful for all the elements and processes, both past and present, that allow us to enjoy that humble glass of water.

I often mention in my speeches that my late grandparents would constantly remind their grandchildren that we must remember the past so that we can appreciate the present, and for those in the present to pass on their knowledge for the future generations. During this year's food and cultural festival it was heartening to learn that the current president, Nishani, acknowledged the founding members and past committee members who laid a strong foundation in order for the current committee to continue carrying on the great work of ASLA.

As we mark the celebration of 50 years of ASLA, let us take a walk down memory lane back to the establishment year of 1974. Recognising that there was no Sri Lankan community organisation at the time, a few Sri Lankan individuals and families of various ethnic backgrounds, including Burgher, Sinhala, Muslim and Tamil families, came together with a common purpose to form the Australia Sri Lanka Association with the intention to create a social support group that provided valuable platforms for community members to develop friendships, exchange ideas and share the rich traditions of Sri Lankan culture in Adelaide. It also enabled the association to work with Australians and other agencies and organisations to welcome and provide assistance to new migrants settling in South Australia.

The founders of ASLA and the first executive committee members consisted of Dr Lucien Keegal, president; Dr Chinti Wijesinghe, vice-president; Radley Claessen, secretary; and Dr Fred Perera, treasurer. Other prominent members of the community during the pioneering stage of the association included Thilak and Dawn Goonasekera, Dr Risien Bartholomeusz, Irwin Herft, Everard and Carryl Walker, Suzette Jansen, Alex and Chandani Lokuge, Peggy and Warwick de Kretser, as well as the Walles, Farouque, Pincher, Karunaratne and Paiva families. I am sure Hansard knows how to pronounce all of these surnames.

As the association grew during the eighties and nineties, the annual Christmas and New Year celebrations attracted crowds of over 300 people in attendance. The rapid growth in community members and events held by ASLA led to its eventual registration as an incorporated body in 1999, at its 25th anniversary, with a membership base of 180 people. With the support of its members, ASLA moved into the next chapter with grander and larger events including the festival I mentioned earlier, the food and cultural festival, utilising the growing Sri Lankan Australian community and hardworking base of committee members and volunteers to ensure that their cultural as well as fundraising events for important causes are well supported by the Sri Lankan community as well as the broader Australian community.

Over the last 14 years, I have had the great honour to work with so many community leaders and I want to recognise and pay tribute to all the immediate past presidents who have contributed to the success and growth of ASLA. These amazing leaders include Llisa Wijetunga, Nazlie Farook, Ganga Gamage, Anurudha Mediwake, Ajith Senevirtne, Manoj Ranasoma and Lourdes Jayasuriya. Many of these past presidents I have the pleasure to call good friends, and I thank them sincerely for their tireless efforts, leadership and dedication to serve ASLA in the past, and many are still part of the current committee.

As ASLA is celebrating its golden jubilee this year, it is very rewarding that the ASLA team is extending their compassion and acts of giving by dedicating their efforts to support the Stroke Medical Project. In collaboration with the Sri Lankan consulate and Rotary Club, ASLA is helping stroke patients in Sri Lanka by providing beds and medical equipment. Recently, ASLA members donated and sent off 55 hospital beds and enough medical equipment to fill up a 40-foot shipping container from Adelaide, which will be used in up to five stroke units in Sri Lanka. This is highly commendable.

At their planned annual dinner dance event later this year, ASLA will donate all profits from the event to support a mental health project in Sri Lanka, another remarkable life-changing initiative. There will be a number of celebratory events throughout the year to mark the 50-year milestone of ASLA, which will include participation in the traditional Sri Lankan games where they will be showing their support for other Sri Lankan organisations as well, their participation in the multicultural festival, and their end-of-year event recognising the founding members of the association.

I want to take this opportunity to acknowledge the Honorary Consul of Sri Lanka in Adelaide. I think many honourable members have met Dr Charitha Perera. Dr Perera has always taken an active role in the Sri Lankan community, helping to facilitate events and providing assistance and services at the consulate office. He is a true gentleman and he and his wife, Dr Mirihi Perera, working together have demonstrated their unwavering support to all Sri Lankan community organisations in South Australia.

Once again, my sincere congratulations to the president and all the committee members of ASLA on this wonderful celebration. They will be thankful that their contribution to South Australia has not gone unnoticed and today is a great way to acknowledge all their achievements and contributions throughout the last 50 years. I offer my very special thanks and deep gratitude for ASLA on this golden jubilee and I am sure that my parliamentary colleagues in this place will also join me in wishing ASLA much more success to come in the next 50 years and beyond. With those words, I commend the motion.

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

PLAYFORD MEMORIAL TRUST

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates the Playford Memorial Trust for its important role in supporting education in South Australia and for achieving its 40th anniversary in 2023;

2. Recognises that the Playford Memorial Trust was established in 1983 to honour the memory of Sir Thomas Playford, the state's longest serving premier, through its objective to establish 'a fund to promote, encourage and finance research and development of projects relating to the primary, secondary and tertiary and mining industries which will be of practical use and benefit to South Australians';

3. Acknowledges the importance that the Playford Memorial Trust has in providing prestigious scholarships, awards and internships for high-achieving students working in areas of strategic importance to the state; and

4. Shows appreciation to the Playford Memorial Trust chair and board members for bringing extensive experience from a range of sectors and recognises their commitment to continue the legacy of Sir Thomas Playford and for their role in reviewing and developing the trust's strategic priorities to ensure South Australia's future needs are met.

(Continued from 6 March 2024.)

The Hon. M. EL DANNAWI (16:50): On behalf of the government, I rise to speak in support of the honourable member's motion. We wish to commend the invaluable work of the Playford Memorial Trust and recognise its impact on the education sector and the broader community. We also congratulate the trust for achieving its 40th anniversary in 2023.

The trust was established in 1983 to nurture and support high-achieving students in strategic fields vital to our state's prosperity. Since its inception, the trust has enabled students across diverse academic levels to realise their potential and contribute to the advancement of knowledge and research in South Australia. It enjoys bipartisan political support and operates as an independent not-for-profit charitable trust dedicated to empowering our brightest minds in areas ranging from advanced manufacturing to health sciences.

The trust, alongside its partners across industry, government, the education sector and the community, provide the support through scholarships, internships and awards totalling approximately $700,000 this year alone. Central to the trust mission is its commitment to priority areas crucial to our state's economic resilience and growth. These priorities are reviewed by the board regularly to

reflect our state's evolving economic landscape, from water, energy and climate, to space and defence technologies, ensuring that our students are equipped to address emerging challenges and opportunities.

Of particular significance is the trust's dedication to promoting science, technology, engineering and mathematics studies and careers, aligning with our national and state government priorities for science. It also complements the South Australian government's STEM strategy and associated programs.

In addition to the annual grant of $75,000 provided to the trust by the state government, $95,000 for 2023-24, indexed by 2.5 per cent in accordance with Treasury indexation figures, the Department of the Premier and Cabinet also provide administrative support to the Playford Memorial Trust. The trust's success is exemplified by the remarkable achievements of its past scholarship recipients.

I also take this opportunity to recognise the board members past and present for their many years of leadership and service to the trust and congratulate all the students who have received this prestigious scholarship award.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:53): I would like to thank the Hon. Mira El Dannawi for her support, on behalf of the Labor Party, of the motion to congratulate the Playford Memorial Trust for reaching its 40-year anniversary and also to honour the memory of Sir Thomas Playford, the state's longest serving Premier. I want to congratulate everybody who played a strong role in the Playford Memorial Trust and I once again commend the motion.

Motion carried.

ST FRANCIS OF ASSISI NEWTON PARISH

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:54): I move:

That this council—

1. Recognises that the St Francis of Assisi Newton Parish celebrated its 70th anniversary in 2023 and notes a special publication will be released in 2024 to mark 70 years of legacy and achievements;

2. Acknowledges the important work of St Francis of Assisi Newton Parish in preserving Italian heritage, cultural traditions and religious beliefs;

3. Commends the significant positive social and cultural impacts that St Francis of Assisi Newton Parish has had on the local community by fostering religious, cultural ties and community links between Italy and Adelaide; and

4. Congratulates parish priests, community leaders and volunteers of St Francis of Assisi Newton Parish for their dedication and wonderful support to providing a sanctuary for the local community to gather on special occasions and for organising community events and celebrations which promote inter-culturalism and multiculturalism in South Australia.

It is an absolute honour to recognise the 70th anniversary of St Francis of Assisi Newton Parish today in parliament. In the church of St Francis of Assisi at Newton, the celebration for the patron saint of Italy stands prominently. St Francis is known for his ministry to the poor and underprivileged, his care for nature and animals, and the founding of the Franciscan order.

St Francis of Assisi grew up wealthy in the small town of Assisi in Italy. He was the son of an affluent cloth merchant but known as 'the poor man of Assisi'. Despite the anger it brought his father, St Francis took a vow of poverty after receiving multiple visions from God, in one of which God told him to 'repair my church, which is falling into ruin'. St Francis soon established the Franciscan order, where he and his followers sought to live out the gospel in a literal way.

He is known for his love for nature and animals, his strong commitment to both physical and spiritual poverty, and for serving those who are disadvantaged and underprivileged. Some of the inspiring quotes from St Francis of Assisi are:

Start by doing what is necessary, then what is possible, and suddenly you are doing the impossible.

For it is in giving that we receive.

Remember that when you leave this earth you can take with you nothing that you have received, only what you have given.

The deeds you do may be the only sermon some persons will hear today.

The only thing ever achieved in life without effort is failure.

Do few things but do them well; simple joys are holy.

A single sunbeam is enough to drive away many shadows.

These are the words and wisdom of St Francis. The St Francis of Assisi Newton Parish embraces the ethos, values and principles of what their patron saint stood for and lived for. Since its establishment, the parish has been an institution of faith, respect and compassion.

It is my privilege to acknowledge the significant positive social and cultural impact that St Francis of Assisi Newton Parish has had on the local community by fostering religious and cultural ties and community links between Italy and Adelaide. Over the last 70 years, the parish priests, community leaders and volunteers at St Francis of Assisi Newton Parish have worked tirelessly to provide a sanctuary for the local community to gather on special occasions and to organise community events that celebrate the faith, mission and fraternity that enrich our multicultural state of South Australia. These activities include Christmas markets, baptisms, marriage ceremonies, youth groups and many prominent festa which celebrate the many patron saints.

It was a great honour to attend the official book launch to mark the 70th anniversary on 21 April this year. The title of the book on the St Francis of Assisi Catholic community history is *70 Years—A Celebration of Faith, Mission and Fraternity*. The book launch coincided with the San Giorgio Martire Festa and it was great to see so many parliamentary colleagues attend the festa, some of the biggest supporters of significant feast days throughout the year. These members are well known to the Italian community. They are the member for Morialta, the Hon. John Gardner; the member for Hartley, the Hon. Vincent Tarzia; and the federal member for Sturt, James Stevens MP.

Dignitaries, special guests and community leaders were presented with the 70th anniversary book. The publication is a work of art. It is a very heavy book, with 320 pages printed on beautiful silky glossy paper befitting to capture the history and legacy of 70 remarkable years of community service. My contributions today in parliament draw from the information, knowledge and stories generously captured within the 70th anniversary book.

I vividly remember the words of Cavaliere John Di Fede AM BEM, who hosted the book launch event. When the books were distributed by the organising committee, John reminded the audience that the book is a limited edition, priceless and in high demand, so whoever has a copy given to them has played a role in supporting the St Francis of Assisi parish, and the book is a timeless gift of celebration and appreciation of all involved in the parish.

I also recall that a number of community members jokingly said to me, 'Don't leave your book on your seat. Hold onto it nice and tight because otherwise it will go walkabout.' I am sure they were joking, but it goes to show that it means a lot to the Italian community that the book was published to recognise a special milestone that holds significant value in the hearts and minds of the parish and the Italian Christian community. I want to express my heartfelt gratitude to everyone who worked diligently and passionately on the collection of stories and the compilation of historical content and photographs in the publication.

I wish to sincerely thank Cavaliere John Di Fede, the president of the Festa committees, who is a visionary and was a key driver for the book. John expressed that he feels very proud and honoured to have been part of the Newton parish over the many decades since 1959. To say that he is very attached to the Newton parish would be an understatement: John and his lovely wife were married there, their children were baptised there and attended St Francis of Assisi School, their children were also married in the church, and their grandchildren were baptised there.

John said that the Capuchins and the Newton parish have accompanied his entire life. He expressed that it was the wonderful people at every level who helped him to do his job well, and he is most thankful for everyone who believed in him and gave him the support required to create an amazing parish. It was the spirit of collaboration and community that is the core foundation of the success and accomplishments of the parish.

John has used his impeccable leadership skills, entrepreneurship and business networks—together with his 15 years on the Campbelltown City Council, eight years on the board of the Ethnic Affairs Commission and other board positions including the Federation of Associations of Campania, which has over 9,000 members—to contribute to the parish. John is well respected by the community. He was unanimously elected on 7 January 1982 as the president of the committee for the construction of the new church—which is the current church—and the Festas. Coordinating the construction work on the new church was a very complex process, and the committee worked relentlessly to overcome many challenges.

Anyone who has had the privilege of knowing John and working with John, like I have, would know that he is a force to be reckoned with. John never takes no for an answer. He will do everything in his power and influence to make sure things get done. I thank John for his most tenacious efforts and powerful contributions to assemble the committee, volunteers and professional team that successfully published the book. I also want to acknowledge the great work by Emma Luxardo, the writer and researcher; Victoria Placentino, the graphic designer and archival researcher; and *Il Globo* newspaper for providing news articles covering the last 70 years.

As I was reading the message provided by Father Robert Stewart, I thought some of the stories he shared would resonate with many. He said that the book represents both a celebration and a remembrance of the 70 years of the life of the parish of Newton, starting with the arrival of Father Nicholas Simonazzi, who lived in a two-room tin hut on Silkes Road in Paradise and loved to joke by saying he was 'Nick from Paradise'. From a humble hut, he ministered to those working in the market gardens that filled the now suburban Newton and Campbelltown lands. Brother Zachery joined Father Nick, and so the journey of the friars' ministry to the migrants living and working at the market gardens began.

Father Robert told the story of remembering Father Silvio telling him about how one morning while celebrating mass in the old church, the people were harvesting onions in the field that literally came up to the back of the church, and the scent of the onions caused his eyes to tear up. Those attending the mass were so touched by the thought that his devotional celebration had brought him to tears. If anyone has the opportunity to speak to the community and parish priests, there are so many heartwarming stories that reveal the wonderful work of the parish: building a church, forming a parish, building the new church by the hands of volunteer labour. Many of those volunteers—carpenters, cement workers, bricklayers and artists—were able to successfully construct a multifunctional building that acted as a church, a social hall and a home to all the friars.

In Newton, what we see is a living testimony of an impressive community spirit, coming together from a very diverse group of migrants from different regions in Italy who arrived in Australia not speaking English and having very few resources to help integrate themselves into the new country.

What we must acknowledge today is the incredible achievement of those who built a thriving and diverse Christian community celebrating their heritage, and contributing enormously in every aspect of society in their adopted home, enriching us with their faith, food, wine and the cultural celebrations of the beloved saints and their festas. I would like to express my sincere gratitude to the Most Rev. Dr Matthew Beovich, the Archbishop of Adelaide, who invited the Capuchins to come to Adelaide in the year 1949.

The parish of St Francis started as an Italian centre for immigrants in 1950, but today it is a parish filled with people of diverse backgrounds and cultures. It is not just another parish in Adelaide, but a parish that is one big family that welcomes people from all walks of life, and that has also become one of the most well-known and well-respected parishes in South Australia.

Sincere thanks and heartfelt gratitude and respect must go to all the Capuchin friars who have given the best of themselves to guide the community in their faith, including the current parish priest Father Anthoni Adimai, Father Eldridge D'Souza, Father Robert Stewart, Father John Spiteri, Father Christopher Maher and all the Capuchin friars who have served their communities over 70 years, going all the way back to Father Nicola Simonazzi.

Former parish priest Father Eldridge made a heartwarming farewell speech at the book launch. He was very emotional, and it was touching to hear about his work in the parish and how

everybody played a part, how the community spirit is just so incredible, and that he will miss the parish very much. We will miss him, and we wish him good health and all the best, as always.

I was honoured to be asked to provide a congratulatory message for the 70th anniversary book, along with many dignitaries and political and community leaders. The parish and the many activities it organises would not be possible without the amazing support and commitment of the parish leaders, committees, and selfless volunteers who consistently work hard and contribute many hours of their time to help the parish operations and activities. As written in the book on 70 years of St Francis of Assisi parish history:

> Celebrating one's saint is a fundamental element for the Italian community to maintain its cultural identity and feel closer to Italy and childhood traditions, passing them on to subsequent generations.

Celebrations of the various patronal feasts were dependent on the parish of St Francis, as the Capuchin friars had begun to recite the mass in Italian upon the request of the community. As such, they were also entrusted with the custody of the statues.

I also want to highlight that the parish has achieved a great deal in the education of the younger generation through the work of the St Francis of Assisi Catholic School, which has been part of the community for most of its history. In 1965 the St Francis of Assisi school opened its doors with 70 students from years 1 to 3, run by the Sisters of St Joseph. The school included three classrooms, an office, a staff area and toilets, with Sister Perpetua Hayes as the first principal. Many generations of leaders have come from that school, and future generations of leaders will also come from the school. I want to express my heartfelt congratulations to the school.

In this motion I would like to also mention a few festas that have been household names for many Italian communities. They include Madonna di Montevergine and Sant'Ilario in 1955; San Giorgio Martire, Madonna del Carmine, San Marco and San Rocco in 1957; San Pio X in 1958; San Giuseppe in 1968; San Donato and San Nicola in 1971; and Madonna dell'Arco in 1980.

With my contribution today it is a great honour to recognise the St Francis of Assisi Newton parish for celebrating its 70th anniversary. I wish them happiness, prosperity and longevity in years to come and thank them for all their contributions for making and reaching a multicultural state of South Australia. With those remarks, I commend the motion.

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

Bills

SUMMARY OFFENCES (REVERSAL OF SECTION 58 AMENDMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 June 2023.)

The Hon. T.A. FRANKS (17:11): I rise, unsurprisingly, to speak in support of the Summary Offences (Reversal of Section 58 Amendments) Amendment Bill put to this council for debate by my colleague the Hon. Robert Simms. The Greens wholeheartedly support the repeal of the retrograde Peter Malinauskas rushed anti-protest laws of exactly a year ago now. We think that the government has had time to reflect on the folly of their ways and we hope that they will listen to not just the voices of the Greens today but other voices, such as Amnesty International, the Australian Conservation Foundation, the Australian Democracy Network, the Australian Education Union, the Australian Services Union, the Human Rights Law Centre, Human Rights Watch, the National Tertiary Education Union, SACOSS and The Australia Institute.

I note that, while we are here inside debating this repeal bill, outside on the steps there are several hundred protesters and they come from the environment movement, the human rights movement and the union movement and they are people out there fighting for democracy because when you ban protest, you ban progress. It is well put by Astra Taylor in her book, *Democracy May Not Exist, But We'll Miss It When It's Gone*. I will quote her:

> …structural change follows social unrest. There would be no minimum wage, workplace health-and-safety protections, eight-hour workday, or the weekend without the labor organisers and trade unionists who went on strike;

there would be no gay rights without the legendary riots at Manhattan's Stonewall Inn; there would be no Americans with Disability Act of 1990 without decades of direct action from impaired activists, who blocked inaccessible buses, pulled their bodies up unwelcoming Capitol Hill steps, and even—

then a word for urination starting with P—

…in public to make a point that they couldn't use regular washroom facilities.

The forward march of democracy resembles a kind of two-step move: rule making trails open revolt, like sedimentation hardening into rock after a storm.

Indeed, this beautiful stone building is based on protest. We would not have a parliament had there not been protest. We would not have a Westminster system had there not been protest, or a Washminster system. We would not have progress without protest and by banning protest in this state, sending a chilling message to those who seek a better world, the Malinauskas government a year ago now made a mistake. Today is their opportunity to correct that mistake and to support progress and democratic protest in a healthy democracy. With that, I commend the bill.

The Hon. F. PANGALLO (17:14): The last time I spoke on this bill I think it was about 5½ hours, and you will be pleased to know—

The PRESIDENT: We remember, the Hon. Mr Pangallo, we remember.

The Hon. F. PANGALLO: You interrupted me, Mr President, because it is going to be less than a minute. I am only rising to say that I will support this bill and the intent of the bill, much the same way as I did last time it was here.

The Hon. C. BONAROS (17:15): I rise to speak wholeheartedly in support of this bill and commend the member for bringing it to this place and echo the sentiments that have already been expressed almost a year ago. We all stood here in the early hours of the morning in vehement opposition to a reprehensible piece of legislation, hastily pushed through the parliament following a captain's call by our Premier. Those laws were rushed into existence, aimed at strangling one of the most sacred rights in any democracy—the right to protest.

I also assure honourable members that my remarks will be brief. I will refer to my previous contribution and confirm my position and my outrage, which remains unchanged. I will say again for the record that, thankfully, at the eleventh hour, and after unprecedented pressure on the government, we were lucky enough at that point to remove what were referred to as the most chilling aspects of the government's bill in terms of the recklessness insertions, which I think shook the community in terms of what the government was trying to do.

I think it is only because of the sort of unprecedented pressure that we are seeing outside today in those protests, none of which any of us take for granted and have ever taken for granted, and also the pressure amongst the Labor government from its own rank and file in the union movement—and I extend my heartfelt thanks again to that movement and to every other group, organisation and association, including the legal profession who backed them, to get those changes made, because they were the most chilling aspect of the government's bill. Overall, it was a crappy bill and I am very pleased that we are back here seeking to reverse all those other equally unacceptable measures.

I extend my gratitude to the Hon. Rob Simms and the Hon. Tammy Franks of the Greens for their unwavering commitment to undoing that harm inflicted on our democratic fabric. I recognise the inherent futility in asking the government and the opposition to admit how wrong they were. I think they recognise how wrong they were. However, no such admission would ever be made, but as Harper Lee eloquently penned in *To Kill a Mockingbird*, real courage is 'when you know you're licked before you begin but you begin anyway and you see it through no matter what'. So here we are.

Once again, I thank the Hon. Rob Simms and the Hon. Tammy Franks for bringing this bill back before us nonetheless. It is the courage of ordinary individuals determined to stand up and speak out that ignites the flames of change always, and I thank absolutely everybody here now, and every day since these laws were introduced, who have spoken out on them, and I look forward to the committee stage of the debate, if there is one. I refer back to that quote, but remain silently optimistic that perhaps the government has seen the error of its ways and will make up for it today.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:19): I rise to make some comments on behalf of the opposition regarding this bill. As the party that initiated the drafting of the original amendments, we stand by our former position that many people in our community view section 58 as an essential balance and safeguard. I admit that we are perplexed that this amendment bill has come on so soon after it has been debated and passed. Despite commentary to the contrary, the Liberal Party of South Australia supports the right to protest as an essential right in our community and as part of our democracy; we must be able to express our opinions on matters that are important to us.

Protest rallies, marches and demonstrations are organised by quadrants of our community that hold beliefs close to their hearts, and people with standard views gather as much in celebration as they do in outrage. However, it is crucial to remember that the rights of one group must not infringe on the rights and freedoms of others, and the amendments we passed addressed a growing concern in our community about obstructing public places during protests. This decision was not taken lightly, but made after extensive consultation and consideration of the impacts of all members of our society.

The original amendments to section 58 were introduced to ensure that, while people have the right to protest, they do not do so at the expense of public safety and order. The change in the wording from 'wilfully' to 'intentionally' or 'recklessly' aimed to cover a broader scope of disruptive behaviours causing significant inconvenience and danger to the public. Increasing the penalties was necessary to deter actions that could harm individuals and disrupt essential services. The new bill proposes to reverse those changes, reducing penalties and narrowing the scope of the law. This would send a message that disruptive and potentially dangerous behaviours are acceptable if they are part of a protest. We believe this undermines the rule of the law and the safety of our community.

The amendments as they stand provide a balanced approach to managing public order, they recognise the importance of protest while ensuring that such actions do not unduly infringe on the rights of others to move freely and safely in public spaces. The severe penalties were a necessary deterrent against the increasing trend of obstructive protests that have had real and harmful impacts on our community.

We must consider the broader implications of this reversal. Returning to a lesser penalty and narrower definition of obstruction risks encouraging those who use protests to disrupt rather than to constructively express their views. It risks public safety and undermines the rule of law. While we respect the right to protest, it must be balanced against the rights of the broader community to safety and freedom of movement. The amendments to section 58 provided this balance and we believe that reverting these changes would be a step backward for public safety and order. We therefore oppose this bill and stand by the original amendments as a necessary measure to maintain this balance.

The Hon. E.S. BOURKE (17:22): I rise on behalf of the government in relation to the Summary Offences (Reversal of Section 58 Amendments) Amendment Bill to indicate that the government will not be supporting the honourable member's bill. The intention behind the Summary Offences (Obstruction of Public Places) Amendment Bill, which the honourable member's bill directly undoes, was that it would be aimed at the most extreme of circumstances where a protest disproportionately and unfairly obstructs and disrupts public life.

A year down the track, that has indeed been the case. I am advised that recent data highlights that just one person has been charged with an offence under the amended section. There has been no chilling effect on protests, and I am glad to see that South Australians, over the past 12 months, have continued to exercise their right to protest. Protest is an essential feature of our democracy and we look forward to many productive protests continuing in the years to come.

The Hon. R.A. SIMMS (17:23): I am reminded, hearing the Hon. Jing Lee's speech about St. Francis of Assisi, one of St. Augustine's quotes, and he said something to the effect of: 'To err is human but to persist in error is devilish.' It is very disappointing to see that the two major parties in this place have not changed their ways. They have not reflected on the public backlash, the outrage that we saw in not only the public gallery—the community that came and watched the debate in this chamber—but also what we saw on the steps of Parliament House, because people were rightly outraged at what they saw. It is an affront to our democracy.

It is really disappointing to see this affront to our democracy being led by a Labor government, a party that was actually founded on protest: the strikes of workers and the action of workers to demand fair pay. It is a real affront to those fundamental principles that underpin the Labor Party that they take their marching orders on this issue not from the union movement but from David Speirs and the Liberals.

An honourable member interjecting:

The Hon. R.A. SIMMS: The Hon. David Speirs and the Liberals, who just listened to shock jocks and crafted a highly reactionary policy on the run. What the government should have done is actually subject that to some level of scrutiny and take a cold shower, but instead they rushed it through the parliament in the other place at record speed—20 minutes, less time than it takes to do a load of washing. It was outrageous, absolutely outrageous, and a slap in the face for all South Australians who care about our democracy.

Luckily, in this chamber it was subject to scrutiny. I want to acknowledge the leadership of my colleagues, the Hon. Tammy Franks and also the Hon. Connie Bonaros and the Hon. Frank Pangallo, who fought really hard alongside the Greens to try to resist this affront to our democracy. They have stayed true to the principles that they advocated for on that night and are standing with us in supporting this repeal bill tonight. I do not propose to revisit the lengthy speech that I gave 12 months ago—nearly 12 months to the day—you will be relieved to know, Mr President.

The PRESIDENT: Thank you, the Hon. Mr Simms, because you are supposed to be concluding the debate.

The Hon. R.A. SIMMS: I traversed in that speech the origins of our democracy, going back to Ancient Greece. What I will do, though, is make some brief remarks about some of the changes we have seen since we last discussed this matter. Since this bill was passed, a declaration of our right to protest has been signed by 60 organisations. I will read a few elements from that in the hope that it might convince some of my colleagues to change their position on this bill.

The PRESIDENT: The Hon. Mr Simms, this is the conclusion of the debate. This is not a second reading speech, is it?

The Hon. R.A. SIMMS: No, but it is relevant in terms of some of the comments that have been made—

The PRESIDENT: Okay.

The Hon. R.A. SIMMS: —and I think for people to understand the changes that have happened. Sixty organisations have signed on to a declaration that begins with:

> The right to peaceful protest is a fundamental human right that allows us to express our views, shape our societies and press for social and legal change.

It states:

> All Australian governments have an obligation to guarantee the right to protest and to protect protesters. However, state governments around the country have passed harsh, repressive and undemocratic anti-protest laws.
>
> This declaration, grounded in human rights law, asserts the fundamental right to protest and offers practical steps to safeguard the right from further erosion.

This has been signed by a range of organisations: Amnesty International, Australian Democracy Network, Australian Lawyers for Human Rights, Australian Services Union, Human Rights Law Centre, Rights Resource Network of South Australia and SACOSS. These are leaders in their field and they have come out in advocating for the right to protest to be protected in our democracy.

I also note, in responding to the comments of the Hon. Emily Bourke, that in many jurisdictions we have seen similar laws to the ones we passed here in South Australia have a chilling effect and produce some really adverse outcomes. Indeed, in New South Wales, in 2022 when they saw legislation passed, there was a maximum penalty of $22,000, which was condemned by the Council for Civil Liberties.

At that time, we saw Violet Coco sentenced to two years in prison for blocking a lane of traffic. Danny Lim was peacefully protesting with a sign when he was assaulted by New South Wales

police when they slammed him to the ground face first; he ended up in hospital. Cherish Kuehlmann was arrested at her home in the middle of the night, 12 hours after she engaged in lawful assembly. Members of the community who camped on private property in Colo in New South Wales were arrested and accused of planning protests.

In Tasmania we have seen their laws subject to a High Court challenge, and in Queensland they have recently passed legislation that deals with 'locking on'. Indeed, members might reflect that that was the practice that Muriel Matters engaged in when she chained herself to the grate in the women's gallery in Westminster. Yet this is precisely the kind of action that members in this place have sought to quell.

Might I say it is a really sad thing in our democracy when we have the people who are belling the cat on the climate emergency and speaking out against the climate crisis being subject to fines and the threat of jail, while we have the fossil fuel industry getting huge subsidies in the federal budget over in Canberra and getting huge handouts from the state government here in South Australia—slaps on the back rather than being held to account for the impact they have on driving the climate crisis.

It is disgraceful. I urge members of this place to revisit their position, to think again, to turn away from their phones, turn their minds away from their devices, and instead turn their minds to the people they represent and ask themselves what they think, what people in the union movement think, what people in the civil rights organisations think, about this attack on our democracy. With that, I conclude my remarks and I will be bringing this matter to a vote so that all members of the community can see the views of their elected members.

The council divided on the second reading:

Ayes 4
Noes.....16
Majority 12

AYES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Simms, R.A. (teller)		

NOES

Bourke, E.S. (teller)	Centofanti, N.J.	El Dannawi, M.
Game, S.L.	Girolamo, H.M.	Hanson, J.E.
Henderson, L.A.	Hood, B.R.	Hood, D.G.E.
Hunter, I.K.	Lee, J.S.	Maher, K.J.
Martin, R.B.	Ngo, T.T.	Scriven, C.M.
Wortley, R.P.		

Second reading thus negatived.

Motions

BICKFORD'S AUSTRALIA

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Recognises that a proudly Australian family-owned business, Bickford's Australia, will celebrate its 150th anniversary in 2024;

2. Congratulates Bickford's Australia for reaching its remarkable milestones and acknowledges its legacy and historical connection with South Australia;

3. Celebrates this iconic local business for its outstanding business success and innovation to becoming a globally recognised brand and acknowledges the Kotses family's vision for manufacturing in South Australia;

4. Notes the significant positive social, cultural and economic impacts that Bickford's Australia has had for the manufacturing sector, beverage production industry and wider community; and

5. Recognises Bickford's Australia for their continued efforts to keeping their production and employment local and for maintaining its status as an Australian family-owned and managed business.

(Continued from 11 April 2024.)

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:34): I rise to congratulate and recognise Bickford's Australia, an iconic South Australian brand, as it celebrates its 150th anniversary this year. Bickford's as we know it has been operating since 1874, but the origins of the business began in the 1840s when there was a lack of fresh fruit and vegetables in South Australia, mostly due to product spoilage during transit and lack of experience in growing crops in this harsh climate.

Chemist William Bickford seized this opportunity and began making a lime drink using unwanted limes mixed with sugar and water out of his Hindley Street apothecary. He went on to produce a range of beverages as well as pickles, sauces and soaps. Following William Bickford's death from pneumonia in 1850, his wife, Ann Margaret, kept the business going with the support of her sons. Ann created the commercial entity A.M. Bickford and Sons in 1874, the anniversary of which is being celebrated this year. Whilst it was most unusual at that time for a business to be headed by a female, Ann's courage and vision helped grow and diversify the business well into the 20th century.

Angelo Kotses was appointed managing director of Bickford's in November 1992, when the company had a turnover of around $1 million a year and only six staff. By 1994, only two years later, under Angelo's leadership, turnover had increased to over $11 million, with 27 full-time and 34 part-time staff. Today, Bickford's employs 450 staff across the country and has been a proud family-owned company of the Kotses family since 1999.

Of course, Bickford's is well known for its cordials, of which there are now 22 flavours, but it also has a wide range of premium juices, syrups for coffee, sodas, dairy-alternative iced coffees, and Fruit Splash water. I must admit, my favourite is their lemon, lime and bitters cordial. Many South Australian producers benefit from Bickford's success through supplying them with apples, pears, cherries, pomegranates and more, which they use to make their flavourful cordials and juices.

Bickford's state the primary objective of their supply policy is to initially source ingredients locally before widening to search to national and international suppliers. As Bickford's use real fruit juice in a large proportion of their portfolio, they are subject to fruit harvest yield, which means their supplier base will widen once they receive feedback from growers and intermediaries season to season. For example, their pomegranate juice, which is the bestselling pomegranate juice in Australia, contains a quantity of fruit that has been handpicked on their 90,000-tree orchard in the northern Mallee region of South Australia, which is then crushed at the winery in McLaren Vale and bottled in Salisbury South.

I am also advised that their first port of call for sourcing apples and pears is South Australia. However, the harvest yield does push them a little wider, with some of their pear concentrate coming from the New South Wales border area. Bickford's make it known on packaging and consumer communications when local ingredients are integral to the product proposition, adding pride and authenticity to the offer for consumers domestically and overseas in the 46 countries that they export to. Once again, congratulations to Bickford's Australia on reaching this significant milestone. May they continue to thrive for many more years and here is cheers to 150 years.

The Hon. F. PANGALLO (17:38): I raise my glass to toast this motion by the honourable member and express my admiration for this great South Australian company that continues its enormous growth and its contribution to the South Australian economy, but also to pay credit to the owners, Angelo Kotses and his wife, Mary, for their innovation, entrepreneurial flair and business

acumen in building up this drinks company which was all but nearly a forgotten historical beverage relic with negative equity when they took over in the 1990s.

I recall, while working at *Today Tonight*, we shot a story about Bickford's and Angelo taking charge after the tragic death of the company's owner, well-known businessman Guy Lloyd. Angelo was an impressionable young man on a mission to succeed and build the brand beyond what it was best known for: cordials and soft drinks.

Angelo and Mary had mortgaged their home to take ownership. Along the way, he made some very astute acquisitions, including alcoholic wine and spirit brands to add to its popular range, and the Wheel&Barrow retail homeware outlets: some 400 products across 35 trademarks—that is quite impressive. I have seen their brands in other countries I have visited. They now export to more than 47. I have not visited their new modern world-class production facilities as yet, but I had better put it on my bucket list.

Bickford's have been around since 1874, famous for their lime and bitter lemon cordials. Angelo has lifted the premium range of their cordials from 30 per cent market share to 90 per cent. That is incredible. Another incredible statistic: 12,500 bottles of their bestselling lime juice cordial come off the production line each hour.

It is fair to say that Bickford's was almost forgotten by consumers by 1992, when it was in Guy Lloyd's hands. There was not much more behind it than the old name and a few unwanted assets. Enter Mr Kotses, a graduate of the McDonald's fast food franchise and a young man with big ideas he put in practice. The rest, as they say, is history, and it has remained a privately held family company since 1999. Our paths have not crossed much since those days, although I do follow with interest Bickford's widening business footprint.

It would be safe to say that at least one of Angelo's products would be in almost every South Australian home. They are in mine. In fact, my wife, Angie, chides me every time I come back from the supermarket each weekend. 'Don't tell me you've bought another bottle of cordial,' she cries. Yes, I do, and what is more I have several flavours, but particularly our favourites: tropical; ginger; lemon, lime and bitters; and, of course, lemon barley.

I have a glass or two every night. I will not go to bed without drinking a glass of Bickford's premium cherry juice, which I can thoroughly recommend if you are looking for a great night's sleep. A University of South Australia study has found that consuming cherry extract is actually a great relaxant. A good friend of mine put me on to this drink, saying he had a fantastic outcome with it. That is Ian Henschke. He is a former national advocate's adviser. He rang me excitedly and said, 'You must have that.' I do, and it does work.

Mary Kotses is a breast cancer survivor, and is no longer a director of the company. Angelo shares his duties running the business with also being Mary's carer. Angelo humbly said in an interview recently that he has learned a powerful lesson in the 13 years he has stood by his wife in the toughest battle of her life. He describes it as the 'lesson of service for his best friend Mary' and says 'Nothing beats that'.

That reminds me of a couple of my favourite quotes by Muhammad Ali, actually. 'Don't count the days. Make the days count.' Another one is 'Service to others is the rent you pay for your room here on earth.' Congratulations to an enduring South Australian icon. Long may they reign on supermarket and other retail outlet shelves. I commend the motion and thank the member for bringing it forward.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:43): I would like to thank the Hon. Clare Scriven and the Hon. Frank Pangallo for their generous words and support, and their contributions. Maybe we should call him Dr Frank Pangallo today for providing some health advice in terms of how to utilise the Bickford's products. I am sure that through these contributions and the recognition in parliament today the Kotses family, as well as the Bickford's team, will truly appreciate all those acknowledgements of their success. It is a very proud South Australian company. To Bickford's 150th anniversary, 150 years of sweetness and 150 years of sweet memories to all.

Motion carried.

Bills

PARLIAMENTARY COMMITTEES (REFERRAL OF PETITIONS) AMENDMENT BILL

Final Stages

Consideration in committee of message No. 133 from the House of Assembly.

The Hon. C. BONAROS: I move:

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

The amendment is really a technical one in nature. It was identified between the houses that in order to capture all the petitions and inquiries that had already been referred to legislative review, there had to be a transitional date. It turns out that the transitional date that was nominated was a few days off what we should have had in there, so we have simply changed that date to ensure that it is reflective of all the petitions that have been referred already to the Legislative Review Committee. Save and except for the ambulance ramping committee, all of those other committees can now be redirected to a new inquiry.

If we did not move the amendment, it would have meant that one or two of those would have been left languishing with the Legislative Review Committee while we got through our extraordinary workload, and that would have been an injustice to the people who brought those petitions to this place to have to wait while other inquiries are being dealt with more promptly. That is not a reflection on the Legislative Review Committee or its magnificent Chair, but rather the workload—

The Hon. R.B. Martin: That's me you are referring to.

The CHAIR: Interjections are out of order.

The Hon. C. BONAROS: That was an opinion. It is a reflection of the workload of the committee. In all seriousness, it is not appropriate for us to be sitting on committees because there are so many waiting there to be dealt with. This transitional amendment simply seeks to correct the record in terms of the dates. It has been fleshed out in the other place and I think there is agreement by all that it ought to be supported.

The Hon. N.J. CENTOFANTI: I rise very briefly to say that, on behalf of the opposition, we wholeheartedly support this amendment to make sure that all the petitions are indeed captured.

Motion carried.

Parliamentary Committees

JOINT PARLIAMENTARY SERVICE COMMITTEE

The House of Assembly appointed Mr Batty as the alternate delegate to the Hon. D.G. Pisoni on the committee.

At 17:49 the council adjourned until Tuesday 4 June 2024 at 14:15.