LEGISLATIVE COUNCIL

Tuesday, 4 June 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.

Bills

AUKUS (LAND ACQUISITION) BILL

Assent

Her Excellency the Governor assented to the bill.

BAIL (CONDITIONS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

CONTROLLED SUBSTANCES (DESTRUCTION OF SEIZED PROPERTY) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

PARLIAMENTARY COMMITTEES (REFERRAL OF PETITIONS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Report of the Auditor-General—Report 6 of 2024: Urban Tree Canopy Management
Report of the Independent Commission Against Corruption titled Buying Trust: Corruption Risks in Public Sector Procurement [Ordered to be published]

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

South Australian Museum—Report, 2022-23
The University of Adelaide—Report, 2023
Fees Notices under Acts—
Aboriginal Heritage Act 1988
Aged and Infirm Persons Property Act 1940
Associations Incorporation Act 1985

Authorised Betting Operations Act 2000
Births, Deaths and Marriages Registration Act 1996
Botanic Gardens and State Herbarium Act 1978
Building Work Contractors Act 1995
Community Titles Act 1996
Controlled Substances Act 1984—
Pesticides Fees
Poppy Cultivation Fees
Conveyancers Act 1994
Crown Land Management Act 2009
Fines Enforcement and Debt Recovery Act 2017
Fire and Emergency Services Act 2005
Firearms Act 2015
Food Act 2001
Gaming Machines Act 1992
Heritage Places Act 1993
Historic Shipwrecks Act 1981
Hydroponics Industry Control Act 2009
Labour Hire Licensing Act 2017
Land Agents Act 1994
Land and Business (Sale and Conveyancing) Act 1994
Landscape South Australia Act 2019
Land Tax Act 1936
Liquor Licensing Act 1997
Lotteries Act 2019
Marine Parks Act 2007
National Parks and Wildlife Act 1972—
Hunting Fees
Lease Fees
Protected Animals—Marine Mammals
Wildlife Fees
Native Vegetation Act 1991
Pastoral Land Management and Conservation Act 1989
Petroleum and Geothermal Energy Act 2000
Petroleum Products Regulation Act 1995
Plumbers, Gas Fitters and Electricians Act 1995
Police Act 1998
Radiation Protection and Control Act 2021
Retirement Villages Act 2016
SACE Board of South Australia Act 1983
Safe Drinking Water Act 2011
Second-hand Vehicle Dealers Act 1995
Security and Investigation Industry Act 1995
South Australian Public Health Act 2011
South Australian Skills Act 2008
Strata Titles Act 1988
Tobacco and E-Cigarette Products Act 1997
Regulations under Acts—
Environment Protection Act 1993—Fees
Fines Enforcement and Debt Recovery Act 2017—Prescribed Amounts
Single-use and Other Plastic Products (Waste Avoidance) Act 2020—
Prohibited Plastic Products
Report on the Amendments to the National Health and Medical Research Council Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice and Research

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

Fees Notices under Acts—
- Administration and Probate Act 1919
- Burial and Cremation Act 2013
- Child Sex Offenders Registration Act 2006
- Co-operatives National Law (South Australia) Act 2013
- Coroners Act 2003
- Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007
- District Court Act 1991
- Environment, Resources and Development Court Act 1993
- Evidence Act 1929
- Freedom of Information Act 1991
- Guardianship and Administration Act 1993
- Legal Practitioners Act 1981
- Magistrates Court Act 1991
- Partnership Act 1891
- Public Trustee Act 1995
- Relationships Register Act 2016
- Sheriff's Act 1978
- South Australian Civil and Administrative Tribunal Act 2013
- State Records Act 1997
- Summary Offences Act 1953
- Supreme Court Act 1935
- Youth Court Act 1993

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

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

Fees Notices under Acts—
- Dangerous Substances Act 1979—
  - Dangerous Goods Transport Fees
  - Fees
- Employment Agents Registration Act 1993
- Explosives Act 1936
- Fair Work Act 1994
- Work Health and Safety Act 2012

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

Fees Notices under Acts—
- Adoption Act 1988
- Child Safety (Prohibited Persons) Act 2016
- Disability Inclusion Act 2018
- Fisheries Management Act 2007
- Heavy Vehicle National Law (South Australia) Act 2013
- Housing Improvement Act 2016
- Industrial Hemp Act 2017
- Livestock Act 1997
- Motor Vehicles Act 1959
- Mining Act 1971
- Opal Mining Act 1995
- Passenger Transport Act 1994
- Planning, Development and Infrastructure Act 2016
- Plant Health Act 2009
- Primary Produce (Food Safety Schemes) Act 2004—
  - Egg Fees
  - Meat Fees

Plant Products Fees
Seafood Fees
Real Property Act 1886
Registration of Deeds Act 1935
Roads (Opening and Closing) Act 1991
Supported Residential Facilities Act 1992
Valuation of Land Act 1971
Worker's Liens Act 1893
Regulations under Acts—
Harbors and Navigation Act 1993
Heavy Vehicle National Law (South Australia) Act 2013
Mining Act 1971—
Rental and Prescribed Fees
Rental Fees
Motor Vehicles Act 1959—
Expiation Fees
Fees
National Heavy Vehicles Registration Fees
Ultra High Powered Vehicles
Planning, Development and Infrastructure Act 2016
Private Parking Areas Act 1986
Road Traffic Act 1961—
Miscellaneous Expiation Fees
Miscellaneous Fees
Adelaide Cemeteries Authority Charter 2023
Urban Renewal Authority Charter

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

Fees Notices under Acts—
Forestry Act 1950

Parliamentary Committees

SELECT COMMITTEE ON THE GIG ECONOMY

The Hon. R.A. SIMMS (14:21): I bring up the report of the select committee, together with the minutes of proceedings and evidence.

Report received and ordered to be published.

Question Time

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking a question of the Leader of the Government in this place about broken election promises.

Leave granted.

The Hon. N.J. CENTOFANTI: The ramping statistics for May were released on the weekend, which show that the Premier is responsible for the worst ramping in the history of South Australia despite his promise to fix it. I remind this chamber of the words the Premier himself used on 18 March 2022 when he said, 'There is only one way to fix the ramping crisis and that is to vote Labor tomorrow.' In May, 4,773 hours were lost on the ramp. Six South Australians have died waiting for ambulances, and what is even worse is that last week's elective surgery in this state has been cancelled indefinitely.

The Leader of the Government in this place on 27 February 2022 said to the people of South Australia that, 'We will fix the ramping crisis.' My question to the Leader of the Government in this

place is: what does he now say to those members of the South Australian community who have been ramped for record hours outside of hospitals over the last two years and whose elective surgeries have been cancelled indefinitely?

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 question. The honourable member has helpfully answered most of the question in the statement that she has given, but I would say that there is record investment—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —in the health system.

The Hon. N.J. CENTOFANTI: Supplementary, Mr President?

The PRESIDENT: I don't even know how I can rule on it, because I couldn't hear what his answer was because of the noise coming from that side.

The Hon. N.J. CENTOFANTI: I'm happy for him to say it again.

The Hon. K.J. Maher: I answered the question.

The Hon. N.J. CENTOFANTI: Supplementary?

Members interjecting:

The PRESIDENT: Order! If you want to ask a supplementary question, stand up. The honourable Leader of the Opposition, you have a supplementary question. I will listen to it.

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): Will the leader admit that he lied to the people of South Australia to win the election and that he played politics with people's lives?

Members interjecting:

The PRESIDENT: Order! I can't rule it a supplementary question, because I didn't hear the original answer.

Members interjecting:

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

The Hon. N.J. CENTOFANTI: Outrageous!

The PRESIDENT: Is that a question?

Members interjecting:

The PRESIDENT: Order!

The Hon. N.J. CENTOFANTI: They are laughing about it now. People are dying and you are laughing about it.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Okay. The honourable Leader of the Opposition, ask your question.

MOUNT GAMBIER SALEYARDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): Thank you, Mr President. I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding the Mount Gambier saleyards.

Leave granted.

The Hon. N.J. CENTOFANTI: The Mount Gambier Districts Livestock Exchange 2030 Transformation Project was listed as a priority in the District Council of Grant saleyards master plan 2018-2028 and has been shovel-ready, thanks to significant work undertaken over four years. Prior to the last election, both the opposition and the South Australian government committed $2.7 million, with council increasing its financial contribution to $4.3 million and the remainder to come from a successful federal government funding application to the project.

This major project has now failed to gain federal Labor government support through the Growing Regions Program round 1. It is our understanding that only $206 million of the $300 million fund has in fact been allocated by the Labor federal minister, Catherine King. The project is described by the saleyards strategy committee's presiding member as critical for future agricultural growth and development in the region. My questions to the Minister for Primary Industries and Regional Development are:

1. Does the minister concede she has again failed to stand up for primary producers in the South-East, and is this further proof that her government has absolutely no interest in ensuring the viability of the Mount Gambier saleyards into the future?

2. Can the minister confirm that their $2.7 million commitment will remain on the table for this project in the upcoming state budget?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the honourable member for her question. For those who are not aware, the Mount Gambier and District Saleyards are located about 10 kilometres east of Mount Gambier on the Princes Highway and are owned and operated by the District Council of Grant.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: They are the largest cattle exchange facility in the Limestone Coast region. We hear already heckling from those opposite, including the Leader of the Opposition—

Members interjecting:

The PRESIDENT: Interjections are out of order.

The Hon. C.M. SCRIVEN: —but given that so few of their members actually have sincere interest in places like the Grant district council saleyards, I thought it important to give them a little bit of background.

Members interjecting:

The PRESIDENT: Order! I would like to be able to hear the answer.

Members interjecting:

The PRESIDENT: Order! Minister.

The Hon. C.M. SCRIVEN: Thank you, and I note the comment that the opposition needs Google Maps to find it.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The District Council of Grant made an application to the previous commonwealth government's Building Better Regions Fund for its district saleyards transformation project. Under the previous federal Liberal government, it didn't get anywhere. The Albanese government initiated the Growing Regions Program, following the discontinuation of the Building Better Regions Fund.

I am aware, obviously, that the District Council of Grant's bid for funding for its saleyards transformation project through the commonwealth fund has been unsuccessful. The state government and myself personally are very disappointed that the project has not received funding from the commonwealth government.

Our state government's commitment of $2.7 million towards this project demonstrated our continued support for the saleyards' transformation. We committed the $2.7 million towards the project while we were in opposition and after that the then Marshall Liberal government met our commitment. Indeed, it was sometime after the Labor opposition had committed to it.

The $2.7 million was quarantined in last year's state budget while the project was considered for the other grant sources. I understand that the District Council of Grant has indicated that it will now re-evaluate the project. I look forward to continuing to work with them as they continue this process.

MOUNT GAMBIER SALEYARDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Supplementary: will the $2.7 million continue to be quarantined in the upcoming state budget?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): Members should be aware that the state budget is being released on Thursday.

MOUNT GAMBIER SALEYARDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Supplementary: given that the minister has expressed her disappointment in the outcomes—

The PRESIDENT: Just ask the supplementary question; there is no preamble.

The Hon. N.J. CENTOFANTI: Has the minister had any discussions with Minister King since 16 May, when the District Council of Grant was notified that the project was unsuccessful? What were the outcomes of those discussions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I did discuss this project with Minister King last year. One of the things that she emphasised to me was the importance of this being a transparent process, unlike a lot of the pork-barrelling that occurred under the previous Liberal federal government. We all remember, of course, the questions that were raised by positions such as the Auditor-General around the various processes—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —of the former Liberal government. Our government here in South Australia and, according to Minister King when I discussed it with her last year, her government are very keen to have a transparent process. I was very pleased that this project got through the first stage of consideration. That clearly indicated that it had merit, and I look forward to seeing what the next steps are from the Grant district council.

MOUNT GAMBIER SALEYARDS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40): Final supplementary: is the minister confirming that she hasn't had any discussions with Minister King about this project since 16 May this year?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): That's not from the original answer.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:41): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding additional charges on producers for tag reading of sheep and goat eID.

Leave granted.

The Hon. N.J. CENTOFANTI: It has been brought to the opposition's attention, and it is our understanding the minister's attention also, that South Australian producers are being charged 30¢ per sheep to scan eID eartags at the Hamilton saleyards in Victoria, where sheep and goat eID has been mandatory since 2017. When a producer questioned the livestock firm employed to facilitate his sale he was informed that the Victorian Hamilton facility use subcontractors to take all sheep unloaded from the trucks through the tag-reading equipment for individual identification. The producer was told that those contractors currently charge the selling centre 90¢ per head for this task, and at this stage the centre is absorbing 60¢ of this and charging the vendor the remaining 30¢. My questions to the minister are:

1. Were droving and scanning fees considered in the business case put forward by the steering committee? If not, why not?

2. Given it was the minister's decision, in conjunction with her state and federal colleagues, to mandate sheep and goat eID in this state, will she rule out further costs for sheep producers and saleyard operators in South Australia in the form of droving and scanning fees?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42): I thank the honourable member for her question. To my knowledge, this hasn't been brought to my attention. Perhaps there is correspondence that has been sent to me but, if so, no briefing or file has come across my desk at this stage. I would perhaps point out that some of the concerns in the South-East's saleyards have been about producers sending their animals interstate, particularly to Victoria, so perhaps if these sorts of things are occurring that might disincentivise them to do that. That is in terms of what the Victorians apparently, according to this question, are charging. In terms of what a Victorian saleyard is doing, that is obviously not something that is within the scope of the state government's decision-making.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:43): Supplementary: will the minister rule out costs for sheep producers in saleyards in South Australia in the future in the form of droving and scanning fees?

The Hon. I.K. Hunter: Does she control the cost of saleyards? Does she? Does she own them?

The Hon. N.J. CENTOFANTI: Well, she controls mandatory eID.

Members interjecting:

The PRESIDENT: Order! Minister, you can answer if you want to.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43): I will agree with the South Australian parliament—

Members interjecting:

The PRESIDENT: Order!

ABORIGINAL POWER CUP

The Hon. M. EL DANNAWI (14:44): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the success of the 2024 Aboriginal Power Cup?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): I thank the honourable member for her question. The Power Cup is an exceptional event each year for Aboriginal school students in South Australia and I could not be more proud and excited to see another successful year of the program completed.

The Aboriginal Power Cup is an education-based program, with an annual football carnival at the end of it, which explores and embraces Aboriginal culture and is designed to address a number of critical Closing the Gap targets, including education, health, wellbeing and employment. To be eligible to attend the program, which coincides with the AFL's Sir Doug Nicholls Round, students

must meet the minimum 80 per cent attendance requirement and perform strongly in the academic and behavioural components of the program.

The culmination, a two-day carnival, sees hundreds of students gather in Adelaide from right across the state. For the first time this year, students from Our Lady of the Sacred Heart in Wadeye and the Yipirinya School in Alice Springs joined the program from the Northern Territory. The carnival culminates in a grand final, which this year was played as the curtain-raiser for the Port Adelaide versus Carlton match last Thursday night, as well as a cultural dance performed just before the bounce where students from the program joined in a moving performance in front of about 40,000 spectators.

The Attorney-General's Department have been proud supporters of the program since its inception some 17 or so years ago. It was a great pleasure joining students and supporters to launch the program at Alberton Oval on day one, along with all the excitement that culminated in the awards presentation on Thursday night. A number of awards were presented to students, including for the best design of the jumper, polo shirt and banner, as well as for curriculum excellence and road safety campaign design, and football awards for the students with the best teamwork and overall performance on the field. Students were inspired and entertained by musical performances as well as important speeches and talks, particularly from the education department.

I want to congratulate Power Community Limited for organising another stellar Aboriginal Power Cup and I look forward to informing the chamber of its success next year.

APY LANDS

The Hon. F. PANGALLO (14:46): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the recruitment process underway to appoint a new general manager to the APY lands.

Leave granted.

The Hon. F. PANGALLO: Last month, I raised a number of serious concerns about the selection process and asked the minister a series of questions centred around whether he was confident all APY lands executive board members were fully involved in the process. He replied, and I paraphrase:

> In my experience, members of the APY Executive Board are exceptionally interested in these matters and exceptionally well informed, probably more so than many other boards that make similar appointments…I am quite sure that they will…involve themselves very substantially, very heavily and very well informed in the process that is underway at the moment.

Serious concerns have been raised with me that the process is being hobbled to ensure a candidate sympathetic to the former controversial general manager, whose contract was not renewed after it expired on 31 March this year, is appointed. This includes the refusal of the recruitment agency appointed to oversee the selection process, and a number of people on the selection panel, to provide copies of all 28 applications to board members to allow them to review the applications personally. I am told one applicant is a senior executive at the Commonwealth Bank of Australia with outstanding credentials in Indigenous affairs and culture.

Instead, I am informed that only seven preferred applications were sent to board members, some on the grounds of law and culture—which, I am told, eliminated all female candidates—and that list has since been whittled down to three applicants. Of further concern are claims that official minutes of board meetings are being doctored to remove all mention of the concerns being raised by disgruntled board members. My questions to the minister are:

1. Given these recent revelations, does he remain confident the selection process is being conducted in a lawful, proper and transparent manner?

2. Does the government have any oversight or powers to intervene if it is not satisfied with the selection process and/or the recommendation of the board of who to appoint to the position?

3. Is the selection process subject to the equal opportunity and anti-discrimination acts, or is the APY lands exempt from that?

4. Is the minister comfortable that there are no women being considered for this important position?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for his question. I certainly have not been presented with any evidence that any part of the selection process is running in any way that is untoward or unlawful. As I said last time, in my experience members of the APY Executive are very interested and involve and concern themselves in many of these matters.

If, as the honourable member suggested, I started to involve myself in imposing unilateral selection processes on the APY Executive Board, I am certain I would be criticised very, very heavily for doing so. As I outlined last time, the APY Executive Board is elected by Anangu to represent Anangu and in relation to the recruitment and appointment of a general manager, the minister's role is limited to approving terms and conditions for that appointment, not making the selections.

APY LANDS

The Hon. F. PANGALLO (14:50): Supplementary: in fact, I do not think the minister actually answered any one of my questions.

The PRESIDENT: The Hon. Mr Pangallo, just ask your supplementary.

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: Can I ask that the minister address the questions that I put to him?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I addressed broadly the questions the honourable member asked. I think there was one that I have noted down in relation to the application of the Equal Opportunity Act, which applies to a number of facets of life right across South Australia, including the APY lands, including employment.

APY LANDS

The Hon. F. PANGALLO (14:51): Supplementary: is the minister comfortable that no females have made the shortlist?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I am not aware who has made the shortlist or not and I am not aware of the circumstances in which they have made it. I know that the honourable member has made an assertion about who has made a shortlist and why they have made it in his view or people passing on information to him, but certainly I haven't got any of that information.

APY LANDS

The Hon. F. PANGALLO (14:51): Supplementary: will the minister make inquiries about the three candidates and get back to the chamber to tell us who they are?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for his question. No, I won't. I am not going to be in the habit, when someone raises unsubstantiated allegations under parliamentary privilege, to make inquiries that people have not seen fit to raise at all with me or, to my knowledge, my department.

ELECTORAL COMMISSION, DUNSTAN BY-ELECTION

The Hon. J.M.A. LENSINK (14:52): I seek leave to make a brief explanation before directing questions to the Attorney-General regarding the Electoral Commission and the Dunstan by-election.

Leave granted.

The Hon. J.M.A. LENSINK: Electoral Commissioner, Mr Mick Sherry, recently advised that ECSA sent failure to vote notices to 3½ thousand people following the recent Dunstan by-election; however, many were sent to incorrect addressees. My questions for the minister are:

1. Given the issues with electors being incorrectly sent letters for failing to vote in the by-election, what steps will be taken to improve the accuracy of voter mark-off systems to prevent future errors?

2. Will concerns be addressed by those who incorrectly received letters and what measures are in place to maintain trust in the electoral process?

3. Given that approximately 3½ thousand letters were sent, can the government provide a breakdown of how many cases were due to human error versus technical issues with the electronic roll mark-off devices?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for her question. After recent machinery of government changes, the member for Kavel, the Special Minister of State, has responsibility for the Electoral Act and the conduct of elections and the Electoral Commission; however, I will be more than happy to pass those questions on. I have noted I think before in an answer to an honourable member's previous question that there is I think traditionally a significantly lower turnout in by-elections than we see in general elections, which is why we have fewer people voting.

THRIVING REGIONS FUND

The Hon. R.P. WORTLEY (14:54): My question is to the Minister for Primary Industries and Regional Development on the Thriving Regions Funds Enabling Infrastructure Program. Will the minister update the chamber on the recent funding announcement for the Royal Flying Doctor Service?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54): I thank the honourable member for his question. It is with great pleasure that I announced funding of $1 million through the state government's Enabling Infrastructure Program recently to the Royal Flying Doctor Service (RFDS) South Australia and Northern Territory towards its project to construct a state-of-the-art health research and education centre for the state's Far North.

The project will bring together a multidisciplinary primary health centre, University of Adelaide Medical School, RFDS local health training amenities and a new School of the Air headquarters in Port Augusta, with a total cost of $21 million. The RFDS operations communications centre is located at the Port Augusta base, from which the operations coordinators receive emergency calls, plan and design all 24-hour emergency retrieval and inter-hospital transfer flights from Adelaide, Alice Springs, Port Augusta and Darwin, while also providing after-hours backup for the Broken Hill base.

The Port Augusta base is headquarters of the RFDS primary healthcare service, which serves an area of 840,000 square kilometres, providing comprehensive primary healthcare services to residents in the far west and north-west regions of South Australia. Current services include 24-hour telehealth consultations and remote fly-in primary healthcare clinics, offering specialist chronic disease, mental health, oral health, maternal health, breast cancer and community health nurses/clinicians. In addition to the core of doctors, pilots, flight nurses, engineers and operations coordinators, the Aboriginal Health Coordinator, community health nurses, lifestyle adviser, dentist and dental hygienist are based in Port Augusta, enabling them to focus on serving people in isolated communities.

The new facility will form the foundation for the provision of rural and remote health care in remote Australia and provide increased access to multidisciplinary primary health care for the local community, and for more than 1,600 existing RFDS patients who live remotely and visit Port Augusta regularly. Once established, it is anticipated that the centre will be a hub for health, research and education, attracting rural generalists and specialists in providing health care in the bush and an opportunity for junior doctors wanting to develop this speciality. This will then in turn provide certainty

in the employment stream of medical officers to deliver the RFDS medical services well into the next decades.

I am advised the Port Augusta facility will contribute $31.25 million to gross state product, the equivalent of 222 full-time jobs, and will employ 17 new full-time employees as a result of the project. Initially, the clinic will support up to 25,000 patient consultations every year, spanning across general practice, mental health, occupational therapy, chronic disease management, Aboriginal health, digital health and oral health.

In partnership with tertiary and vocational education partners, the centre will also serve as an education and training base, offering placements for medical, nursing and allied health students. Additionally, it will host postgraduate students to undertake research and practice, improving long-term rural health outcomes. The key to this is how it will enable the future in terms of assisting with things such as training for the medical workforce.

We know how difficult it is to attract health professionals to regional areas, and this project will be key to assisting with that. It will support the development of infrastructure for the wider benefit of our regional communities, which is a key goal of the Enabling Infrastructure Program. Enhancing and supporting our resilient regional communities is vitally important and is why this program and other initiatives through the Thriving Regions Fund have such strong support from the state government. I thank the RFDS for the important and critical work they do in our regions.

THRIVING REGIONS FUND

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:58): Supplementary: has the minister approved any Enabling Infrastructure Programs to date that are not in Independent or Labor-held electorates?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:58): Clearly, the opposition leader in this place thinks that the electorate should be the decisive factor in awarding funding. That is not a view I share. The process for the enabling infrastructure grants funds was a new process, designed to be robust and independent. It involved phase 1, an expression of interest from those who might like to put forward projects. Then an assessment was provided which involved the regional development associations. The regional development associations looked at what their priorities were across their regions, which had already been placed into their regional plans. I see that those opposite don't like the idea of a robust, transparent and independent process. For those opposite—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —to imagine that the regional development associations are somehow stacked with Labor acolytes who would therefore only look at projects that would assist a Labor government—which was clearly the implication—is absolutely nonsensical. The process, which has enabled this particular funding to progress in the way that it has, has been a two-stage process so that the projects announced and funded are in accordance with the overall regional priorities, according to the RDA. They, of course, are not the only ones to provide information into the process, but they are a very significant one.

We are very, very pleased that so much of the interest from the RDAs, and the priorities that they have set, have fed so actively into this process, and I look forward to being able to discuss further successful applicants in the near future. I would also mention that, of course, it is getting harder and harder to announce projects that are not in Independent seats in regional areas because those opposite keep losing their members—they keep losing their members. If we had been making these announcements in the same places, maybe seven years ago, they would all have been in Liberal seats, wouldn't they? But they keep losing their Liberal members.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: They keep losing their Liberal members to become Independents. If they keep losing their members, I don't think the South Australian state government can be blamed for that.

SAND DREDGING

The Hon. T.A. FRANKS (15:01): My questions to the minister responsible for Adelaide sand management review on the topic of the two-month proposed dredging trial are:

1. Given the government's announcement that the two-month dredging program will collect sand from a near-shore zone between Taperoo and North Haven, is that proposed dredging site within the northern management area offshore of the Largs Bay zone, as described in appendix C, Review of Sand Sources, in the scientific report?

2. What is the average grain size of the dredging site?

3. What is the average carbonate content of the proposed dredging zone?

4. How far offshore is 'near-shore'?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I thank the honourable member for her questions. In terms of grain size and the technical questions, I will have to take them on notice. In relation to the area where the initial dredging is occurring near North Haven, I don't have the exact figures in front of me but, from memory, it's between just below the watermark and a buffer zone until seagrass. I think it's up to 200 or 300 metres potentially offshore from the watermark, but I am happy to get the exact details to confirm it for the honourable member.

SAND DREDGING

The Hon. T.A. FRANKS (15:02): Supplementary: how long will the minister be the minister responsible for this issue?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): As I have outlined to the chamber before, the minister responsible for issues of sand management on the beaches is the member for Port Adelaide, the Minister for the Environment, the Hon. Susan Close, our Deputy Premier. She owns property that is very near the northern beach area and has declared a conflict of interest, and I was appointed the minister responsible for this.

Once the dredging has occurred, it may well be that future decisions will lay with the minister. As I have outlined in statements I have made publicly, the advice we have so far is that all the science points to that this ought to work and provide the ongoing replenishment of sand from those northern beaches down to West Beach, but we want to make sure the real testing confirms what the science says.

SAND DREDGING

The Hon. T.A. FRANKS (15:04): Supplementary: how will communities be consulted and informed on the current trial?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:04): That is an excellent question. I know that the team within the environment department, who I meet with every month or so, have a communications strategy, a consultation strategy in relation to what is occurring now and the results of what will occur. There was a huge amount of consultation in the lead-up to this trial, and I am sure that the community will be kept informed.

NON-CITIZEN OFFENDERS

The Hon. H.M. GIROLAMO (15:04): I seek leave to give a brief explanation before asking a question of the Attorney-General and Minister for Aboriginal Affairs about illegal detainees.

Leave granted.

The Hon. H.M. GIROLAMO: Recently, it was reported that a Sudanese migrant with a criminal record who self-identified as an Aboriginal man has been granted the right to stay in Australia by the Minister for Immigration's Direction 99, which obliged government and court officials to consider an applicant's ties to Australia, amongst other factors. The man, known as RCWV, was born in the capital of Sudan and moved to Australia on a protection visa at 20 years of age. RCWV's visa was revoked after he amassed a series of convictions, including knife crime, car theft, and serious driving offences that left one victim with life-threatening injuries. Despite his criminal history, the Administrative Appeals Tribunal ruled in favour of allowing RCWV to remain in Australia. My questions to the minister are:

1. How many non-citizen offenders residing in Australia have not had their visa revoked as a result of Direction 99?

2. Can the Attorney-General inform the council about the nature of the crimes committed by those who have had a decision made as a result of Direction 99?

3. Have any non-citizen offenders in South Australia claimed Aboriginal or Torres Strait Islander heritage in support of an application to meet criteria, including those the subject of Direction 99?

4. What assurances are there to ensure that non-citizen offenders do not falsely claim to be Aboriginal or Torres Strait Islanders to support any application to meet the criteria of Direction 99?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06): I thank the honourable member for her question. As I have previously outlined in answers to questions that have been asked in this chamber about immigration detainees who have been released by virtue of High Court decisions, the police have previously said that they are more than capable and will be monitoring them, and will work with the Federal Police. I expect that is the case now and that will continue.

NON-CITIZEN OFFENDERS

The Hon. H.M. GIROLAMO (15:06): Supplementary: in regard to my question relating to Aboriginal or Torres Strait Islander heritage, what is the minister or Attorney-General doing to ensure that false claims are not made in regard to this?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): As the honourable member has outlined, these are federal matters through a federal tribunal, and not within the state system at all.

SUPER FOR SURVIVORS CAMPAIGN

The Hon. J.E. HANSON (15:07): My question is to the Attorney-General. Will the minister inform the council about what action the government has taken to campaign the federal government in relation to the Super for Survivors movement, and provide an update on the campaign?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I thank the honourable member for his question, and I would be more than happy to. I know that members of this chamber are familiar with the Super for Survivors campaign, and I have talked about it in this chamber before. The campaign has been pushing for a change in legislation to ensure financial assets cannot be hidden in superannuation accounts to avoid paying compensation following civil actions for child sexual abuse.

The Albanese and Malinauskas governments have both taken significant measures to combat the scourge of child sexual abuse and have taken strong action against those who would seek to harm children. In this state, we have increased penalties for a range of child sex offences, closed loopholes in bail and sentencing for child sex offenders, have laws to provide for indefinite detention and lifetime monitoring of serious repeat child sex offenders, and legislated to protect children in their workplaces from working with a dangerous registered child sex offender, amongst many other initiatives.

Further to these efforts, at a state level the government has considered that addressing child sex offenders' access to superannuation is another step that the commonwealth can take to better protect and support victims of child sexual abuse. That is why we have sought for change in this area.

On 12 September 2022, I wrote to the Assistant Treasurer and Minister for Financial Services, the Hon. Stephen Jones MP, copying in the commonwealth Attorney-General, the Hon. Mark Dreyfus MP, regarding legislative reform that ensures financial assets cannot be hidden in superannuation accounts to avoid paying compensation following civil actions for child sexual abuse. In that letter, I requested an update on behalf of the Malinauskas Labor government on whether the commonwealth government had progressed any of these proposals, and whether any consultation would be undertaken with states and territories.

Strong support by the Malinauskas government for these reforms was expressed to the federal minister. On 9 November 2022, the Minister for Financial Services responded by letter indicating the commonwealth government were exploring options to help ensure that victims of child sexual abuse received their rightful compensation. On 29 February this year, I again wrote to the Minister for Financial Services reiterating the South Australian government's support for the commonwealth to progress this legislative reform, seeking a further update.

On 16 May this year, only a few weeks ago, I was most pleased to receive a reply from the Minister for Financial Services providing a significant update on plans to address the calls for legislative reform. I am very pleased to be able to share with the council that I have been advised by the federal government that as part of the 2023-24 Mid-Year Economic and Fiscal Outlook the federal government announced it will close the loophole which allows convicted child sex offenders to deny their victim survivors compensation through increasing payments and shielding their assets in superannuation.

I am informed this measure will enable victim survivors of child sex abuse with unpaid compensation orders of 12 months or more to seek information through the Australian Taxation Office for visibility of personal or salary sacrifice additional superannuation contributions made after the first offence occurred. Any additional superannuation contributions identified on top of mandatory employer contributions and contributions made to defined benefit interest schemes would be accessible by victim survivors via a court order to meet unpaid compensation orders. Victim survivors with unfulfilled historic compensation orders brought into existence before the measure's commencement which remain legally enforceable and were awarded following a criminal conviction will be eligible to access this measure.

I have been advised that the commonwealth government will release draft legislation giving effect to this measure for public consultation once developed. It is pleasing to see the federal government has listened to calls from advocates and from this state government to fix the gap in legislation that will see better protection and give greater power to victim survivors of child sex sexual abuse. I am very pleased that we have taken proactive steps to write to the federal government about these issues, and I look forward to seeing its draft legislation passing the federal parliament in order to fix these loopholes.

SUPER FOR SURVIVORS CAMPAIGN

The Hon. L.A. HENDERSON (15:11): Supplementary question: noting that the federal government in reports had indicated that they would be bringing—

The PRESIDENT: You just have to ask the question. You can't give a preamble.

The Hon. L.A. HENDERSON: Has the minister been provided with an indication of when legislation will be introduced, noting the government had said they would bring it in the first half of 2023?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): As I said, I have been advised that the commonwealth government will release the draft legislation for public consultation once it's developed. I thank the commonwealth government for doing that and look forward to these measures

coming into place. As I have said, I think it shows that when you take proactive steps like contacting and writing to governments—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —you get these sorts of results.

SOUTH AUSTRALIAN HOUSING AUTHORITY

The Hon. S.L. GAME (15:12): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development, representing the Minister for Housing and Urban Development, regarding the SA Housing Authority.

Leave granted.

The Hon. S.L. GAME: *The Advertiser* has revealed, following a six-month investigation, that South Australian tradies have not been paid for repairs to SA Housing Authority properties. Subcontractors and trade leaders have suggested carpenters, electricians and plumbers are owed tens of thousands of dollars for work, some of which was invoiced in 2023.

We already know that the SA Housing Authority has unoccupied stock due to the need for maintenance work to be conducted before these properties can be deemed liveable. Now, contractors are at the point of refusing jobs until payment is received for work they have already completed. I am aware of the case of subcontractor Wade Bekesi of BBS having to sell his block of land to make ends meet due to late payment. All the while, SA Housing Authority properties continue to crumble amid worsening problems as we experience a statewide housing crisis.

The $1 billion SA Housing Authority maintenance contract is suffering from a rising rate of late Housing Trust maintenance orders despite a record low number of repairs in 2023. My questions to the minister are:

1 Can the minister explain where the money is? Is it Spotless Facility Services or the government holding up payments to contractors?

2. What effect does the minister believe it is having on the mental health of hardworking South Australian tradies trying to provide for their families?

3. Can the minister advise how much of the Spotless facilities services $630 million taxpayer-funded eight-year contract awarded in 2022 for social housing maintenance services has been spent on social housing maintenance to date and how much has been paid to subcontractors?

4. Is the minister aware if SA Housing Authority tenants are living in unsafe conditions as they wait for maintenance orders to be actioned and if subcontractors are being forced to work below industry rates and standards in dangerous situations?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:15): I will refer the question to the relevant minister in the other place and bring back a response.

STATE BUDGET

The Hon. B.R. HOOD (15:15): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding the upcoming state budget.

Leave granted.

The Hon. B.R. HOOD: Primary producers and farmers are fed up with the commonwealth government, following Labor's recent federal budget. The National Farmers' Federation staged an unprecedented walkout on the agriculture minister's budget address after a sudden decision to ban live sheep exports. Now, for the first time in 39 years, the National Farmers' Federation has declared they no longer have confidence in the government of the day to represent their interests, that government being the Albanese government.

When the South Australian primary industries and regional development minister is asked by the opposition to advocate on our state sector's behalf to her federal colleagues, we are consistently rebuffed and told that it is not her responsibility to do so. My question to the Minister for Primary Industries and Regional Development is: can the minister assure this place that farmers and primary producers are better off as a result of the upcoming state budget or, based on the minister's previous answers to similar questions, will the minister just pass the buck and continue to blame others for her inability to deliver for our primary industries sector?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I thank the honourable member for his question, despite the fact it has a number of inaccuracies. To describe the federal government's decision to ban live sheep exports as sudden is quite remarkable, given that the federal Labor Party took it to the last two elections. That's quite a number of years, so to describe that as sudden is quite remarkable.

I think what is really important to note in terms of the basis of the question, vague though it is, is that we have a very good working relationship with the primary production sectors here in South Australia. In fact, in a letter I think in the *Stock Journal* last week, certainly within the past week, Professor Simon Maddocks, while understandably criticising the federal government, did remark—I can't remember the exact words, but words to this effect—what a productive and positive relationship Primary Producers SA has with this current state government.

PREMIER'S HORTICULTURE INDUSTRY AWARDS FOR EXCELLENCE

The Hon. T.T. NGO (15:17): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the council about the recent Premier's horticultural awards evening?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): I thank the honourable member for his question and his ongoing interest in the horticultural sector. I know he was prevented from attending this particular evening, but he has been very active in lots of areas of horticulture for a large number of years. I am delighted to provide an update about the event, which I note was also attended by the Hon. Reggie Martin and the Hon. Emily Bourke from this place, as well as the Hon. Nicola Centofanti and the Hon. Ben Hood, in addition to a number of members from both sides of politics from the House of Assembly, and also federal members.

Members on this side of the chamber—we are now on this side of the chamber—worked with the horticulture industry prior to the last election to develop a number of election commitments, unlike members opposite, who failed to release a single policy for the horticulture industry. One of these policies that we developed was an annual sponsorship package and rebranding of the event to become the Premier's horticultural awards dinner.

This was the second Premier's horticultural awards dinner, and I am advised that it has already grown from the first annual dinner, which is wonderful to hear. The event, which is run by AUSVEG SA—and I would like to thank CEO Jordan Brooke-Barnett and his team for their incredibly hard work in running this event—is an opportunity for South Australia's leading horticultural growers, researchers and industry leaders to come together and recognise excellence in the industry and celebrate the significant contribution the state's $3 billion horticulture sector makes.

In total, I understand that over 300 growers, researchers and industry leaders attended. South Australia is at the forefront of innovation and progress in areas such as the management of soil health, resource use efficiency, ag tech and biotechnology, and it was great to formally acknowledge this and celebrate it with industry.

While concerns have been raised with me about the plans by the federal opposition to slash migration levels and the impact of that policy on agricultural industry such as horticulture, it is clear that nevertheless the industry is resilient and will continue to grow. It is concerning that here in South Australia the opposition, and indeed the shadow minister, have remained tight lipped on their views about the policy, despite obvious concern from industry about the impacts that it would have.

Last year, the horticulture sector in South Australia had over $450 million in exports and over 4,000 businesses and employed 13,000 FTEs and 24,000 seasonal workers. Given the significant

and impressive figures that the industry commands, it is only appropriate that the sector comes together to acknowledge and congratulate excellence within their industry.

I would like to take this opportunity to congratulate again the winners of the 2024 Premier's Excellence Awards in a range of different categories. They include: Frank Musolino from Musolino Farms, Grower of the Year; Jack Cafcakis from Cafcakis Nominees, who was named the Young Grower of the Year; Joe Giangregorio from Rainbow Fresh, the Lifetime Achievement Award; and Dr Anita Marquart from Biological Services, the Industry Impact Award. The Researcher of the Year was Dr Doris Blaesing from RMCG. The Women in Horticulture Award was won by Alecia Leav of PN Leav Produce Pty Ltd, and the Biosecurity Award was won by Paul Pezzaniti from Platinum Ag Services.

These winners are now nominated as the AUSVEG state-endorsed nominees for their respective categories at the national Horticulture Awards for Excellence, held during Hort Connections 2024, which is occurring this week in Melbourne. I think all members in this place would wish the South Australian nominees all the very best for the national awards event.

PARLIAMENTARY EXECUTIVE SALARY INCREASES

The Hon. C. BONAROS (15:21): I seek leave to ask a question of you regarding questions.

Leave granted.

The Hon. C. BONAROS: Mr President, on 19 March I asked you a question regarding processes for remuneration determinations as follows:

1. Can you outline for the benefit of all members in this chamber how that decision was made and by whom in each respective chamber?

2. Can you indicate what role, if any at all, the JPSC had in those determinations?

3. Do you consider it appropriate for this chamber to find out about the pay increases months after the fact and only as a result of the tabling of the Auditor-General's report and despite there being reporting mechanisms available to presiding officers for such reporting?

4. Will you and your counterpart, the Speaker, now be reporting to members of this place on the process undertaken in respect of this matter, including details of any reviews and the decisions that those determinations were based on?

At the time, you indicated to me, Mr President, that I hadn't followed the convention of prior notice, and the question was taken on notice. It is now 4 June, well beyond the 30-day time frame government gives itself to respond to questions, and my question to you is: are you now in a position to provide a response to this chamber, or when can this chamber expect a response to those four issues outlined?

The PRESIDENT (15:23): Thanks for your question. Again, you have failed to follow the convention of informing my office that there is going to be a question to the President. However, I do believe that we may have an answer prepared and I will endeavour to deliver that this week.

STANDING ORDERS

The Hon. T.A. FRANKS (15:23): Supplementary: similarly, I have a question that remains unanswered, to my knowledge, regarding standing order 109 and the operations of it, in which you pulled up the Hon. Heidi Girolamo mid question, citing that on Clerk's advice. Can you please provide the council with advice on the operations of standing order 109?

The PRESIDENT (15:23): Again, I will endeavour to bring back an answer.

VULNERABLE CHILDREN

The Hon. L.A. HENDERSON (15:24): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding vulnerable children.

Leave granted.

The Hon. L.A. HENDERSON: In April 2022, the Deputy Coroner, Anthony Schapel, found the deaths of Amber Rigney and Korey Mitchell were preventable. *The Advertiser* reported on 22 April 2022 that he found that unlawful practices with the child protection authority had continued despite coronial findings in the cases of Chloe Valentine and Ebony Napier that identified those practices. The report also identified that the department did not report to police 'neglect in respect of children that's caused by criminal behaviour'. The report further states that:

> …the failure of the Department to use section 20(2) of the Act has been the subject of coronial scrutiny and comment in the past…

And that:

> …the Department continued to ignore the mandatory obligations contained in section 20(2) of the Act following the Valentine finding in particular is to be deplored.

The act that the Deputy Coroner was referring to, the Children's Protection Act 1993, was in place at the time of the deaths of Amber Rigney and Korey Mitchell. My question to the minister is: it has now been two years since the Deputy Coroner's report. What has the minister done, in his capacity as Attorney-General and a member of the cabinet, about the unlawful practices identified to be present in the child protection department?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:25): I thank the honourable member for her question. As the member outlined, the matters fall under the Department for Child Protection and the legislation the member has referred to is legislation that is administered by the Minister for Child Protection, the Hon. Katrine Hildyard.

Certainly, the safety of children in South Australia is a matter that I think we are all interested in and that we all feel as policymakers and legislators we have a responsibility for. I know that the minister who specifically has responsibility for the department and the legislation mentioned works very hard with her officials to make sure changes are put in place to keep children as safe as they can be.

In relation to the very specific questions on recommendations that have been made by the Coroner that are recommendations for the Minister for Child Protection, I am happy to seek some information from that minister and bring back a reply.

VULNERABLE CHILDREN

The Hon. C. BONAROS (15:26): Supplementary: can the Attorney advise, to his knowledge, what the previous government did with respect to those same issues outlined by the honourable member today?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): I thank the honourable member for her question. In relation to that, I think, as the original question outlined, this dates back some years. I am happy to go away and bring back a reply about what action has been taken by the former government as well.

AUGUSTA ZADOW AWARDS

The Hon. R.B. MARTIN (15:27): My question is to the Minister for Industrial Relations and Public Sector. Will the minister inform the council about the opening of nominations for this year's Augusta Zadow Awards?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): I thank the honourable member for his question and his strong interest in the area of worker safety and worker representation. SafeWork SA runs an award program named in honour of Augusta Zadow each year. Augusta Zadow emigrated to Australia with her family in 1877 after years of travelling around Europe working as a seamstress. Her deep concern about health and safety was ignited by some of the appalling conditions she observed in clothing factories at that time around Europe in the late 1800s.

After moving to Adelaide, Augusta Zadow became a well-known trade unionist and advocate for the working conditions of textile workers, who were overwhelmingly women. She was also a very open and active campaigner for the enfranchisement of women. She helped established the Working Women's Trade Union and became a delegate to the United Trades and Labour Council. It is an apt week to be talking about the work of unions in providing safety for workers as, in Adelaide this week, we have the Australian Council of Trade Unions Congress.

Augusta Zadow's tireless campaigning led to the passage of the shops and factories act in 1895, after which she was appointed by Premier Charles Kingston as South Australia's Lady Inspector of Factories. Following her death in 1896, her funeral was attended by the Premier and cabinet members as well as dozens of factory workers she had helped throughout her life. Her legacy is reflected in the annual Augusta Zadow Awards, which provide funding and recognition for projects that improve the health and safety of women and young workers.

Applications for the 2024 awards opened on Monday 20 May and will close on Wednesday 31 July. Successful applicants will be announced as part of National Safe Work Month in October and awards will be given at a ceremony that I know members of this chamber have attended before at Government House.

PUBLIC HOUSING

The Hon. R.A. SIMMS (15:29): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Planning on the topic of public housing.

Leave granted.

The Hon. R.A. SIMMS: Today, the ABC reported that more than 300 public housing residents at Seaton will be forced to move out of their homes during demolition and construction of new houses and townhouses as part of plans to redevelop the area. In Victoria earlier this year, public housing residents filed a class action against the Victorian Labor government over their plans to knock down and redevelop their homes. One of the residents involved in the Victorian class action said the process had:

> …taken an emotional and physical toll on me and my community... We are still being kept in the dark. The government keeps telling public housing residents that they have plans, but they still haven't told us what the plans are. I don't know where I am going to be living or where I might end up, and the government isn't giving us the information we need to make decisions.

My questions to the Minister for Planning, therefore, are:

1. How does the government intend to accommodate public housing residents who are being forced out of their homes when housing vacancies are at a record low?

2. What is the government doing to support these people through the transition?

3. Can it assure the people of South Australia that it will not repeat the mistakes that have been made by the Victorian Labor government?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:31): I thank the honourable member for his questions. I will refer those to the minister in the other place and bring back a response.

RESERVED JUDGEMENT TIMELINESS BENCHMARKS

The Hon. D.G.E. HOOD (15:31): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding reserved judgement timeliness benchmarks in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: The Courts Administration Authority of South Australia has published the timeliness benchmarks for reserved judgements that have been in place since May 2020. For instance, I note that 85 per cent of judgements in the Supreme Court are expected to be delivered within four months, the District Court aims to deliver all judgements within six months

and for the Magistrates Court 100 per cent of civil and criminal judgements are to be delivered within six months of the reserved judgement, unless an extension of time has been provided by the Chief Magistrate specifically. Recently, however, District Court Judge Paul Muscat has stated:

> It's not infrequent now that somebody who gets committed to this court is not sentenced for somewhere between six and 12 months... That never used to be the case.

Noting that the District Court has a six-month timeline for all judgements, my questions of the Attorney are:

1. Is the Attorney-General aware of the percentage of judgements that are not made within expected time frames in South Australian courts?

2. Is the Attorney-General satisfied with the timelines of reserved judgements being handed down and, if not, has he met with the representatives of the Courts Administration Authority and indeed of each of the courts to discuss these concerns?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:32): I thank the honourable member for his question and his very strong interest and regular questions and commentary on justice in South Australia. I regularly meet with the heads of jurisdictions from the relevant judiciaries—the Magistrates Court, the District Court, the Supreme Court, as well as the Youth Court—and have meetings with the Coroner, as well as SACAT and SAET.

I know that there are a range of factors that can influence sometimes how long it takes for judgements to be handed down. The complexity of matters before the judges is a major factor in that and we have seen, particularly in the criminal jurisdiction, some exceptionally complicated matters, particularly in our superior courts, with trials that have involved more than half a dozen defendants, such as Operation Ironside—matters that are finding their way to the court that involve very complicated issues of evidence.

Another complicating factor sometimes that I am aware of from my discussions with the various jurisdictions is in relation to shortages in various workforce areas. We are seeing a very tight labour market in nearly every area in Australia at the moment and that includes psychologists, who are often called upon to provide reports in areas like sentencing where there is, like there is in so many areas, a shortage of workers in some cases, which can occasionally lead to longer than desired time frames in getting reports to complete processes in providing sentencing, for instance.

While I know that our courts do a quite remarkable job in terms of endeavouring to meet time frames, and regularly do meet those, I am aware from my discussions that, due to increasing complexity of matters and some shortages in areas that can inform particularly criminal justice sentencing processes, there can be delays.

Bills

WORK HEALTH AND SAFETY (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2024.)

The Hon. H.M. GIROLAMO (15:35): The opposition is committed to ensuring that South Australian workplaces are safe for all workers. Any injury or loss of life at work is a tragedy, and we should do all we can to prevent these things from occurring. While we have a shared ambition, it does not mean that we will always agree on the best way to achieve this goal.

The opposition supports the role of SafeWork SA as an independent safety regulator of workplaces in South Australia. Like every government agency, there is always room for improvement. However, fundamentally we believe that the role as an independent regulator is important to ensuring harmonious industrial relations in this state. We had no issue with the Labor Party undertaking the review into SafeWork SA, but we cannot support some of the recommendations that have been brought forward, in the same way that the government has not supported all the recommendations brought forward in the review.

The opposition, as well as employer and business peak bodies, has been calling for the government to appropriately fund and research SafeWork SA after it was revealed that under this government SafeWork SA has been insufficiently staffed and has some major issues from an office perspective. This is unacceptable and needs to be addressed.

We support aspects of the government's amendment bill, but cannot support all of the proposed reforms. It will come as no surprise that that is the position of the opposition. Primarily, we cannot support the effective outsourcing of the independent regulator's role in work health and safety disputes to union lawyers—this is unacceptable. We also strongly believe that, if the government is to pursue these reforms, SAET and SafeWork SA need to be resourced appropriately. We cannot continue to expect our courts to do more with no additional funding.

It is too often the theme with this government that they are constantly asking the courts to do more with less, and the community of South Australia is affected by this through huge delays and court backlogs. This is not the way we should be treating business in South Australia, and it is not the markings of a business-friendly government. The ramifications are negative and compounding.

South Australia was on a growth trajectory coming out of COVID, and in just two short years of this government businesses are constantly being impacted negatively. We hear on this side complaints from the business community, and no doubt others in this place are hearing that they strongly advocate to ensure that there is support for business, and this bill creates more burden for businesses doing it tough during this not only cost-of-living crisis but cost-of-doing-business crisis we currently are seeing.

More specifically, within the bill before us today I will refer to clause 5, referring to the SafeWork advisory committee. Legislating the SafeWork advisory committee: the opposition will not stand in the way of this reform and we note that it has been operating without legislation for a period of time now.

Alternative work health and safety dispute resolution pathways, clause 8 of the bill: we have concerns that, in short, after 24 hours after an inspector is appointed the proposal allows a work health and safety dispute to be lodged with SAET. This proposed reform seeks to do nothing more than diminish the powers of the independent regulator and increase the powers of unions. It is a union power grab, plain and simple. This is clearly pushing the pendulum too far in favour of unions and doing nothing for business. Many elements of this bill are completely anti-business.

While the version of the bill in front of us today is significantly better than the draft consultation—which concerningly included civil penalties but also the ability for SAET to revoke workplace entry and provide penalties for frivolous proceedings—it is going far too far, and that is why the opposition cannot support it.

While it is not entirely clear what issue the government is trying to address through introducing a specific reform, the sidelining of the independent regulator does not make sense for a range of issues. It seems as though we are sidelining the police to go straight to the magistrate without allowing the police to investigate and to determine whether a case has been established or charges need to be laid. It is a cheap attempt at cost shifting, shifting costs away from government and onto businesses, shifting resources away from SafeWork SA straight towards union lawyers. It is completely unacceptable.

Businesses are being left to foot the bill, yet another bill during a massive business crisis that we are seeing unfold across the state. It is not just us who think this has a lack of merit. Safe Work Australia dismissed the recommendation of the recent model law review at a meeting on 7 April 2022. I will quote:

> At their 7 April 2022 meeting, SWA Members agreed to maintain the status quo on the basis that the current provisions and jurisdictional processes are working as intended. The Chair wrote to WHS ministers on 2 May 2022 advising of this outcome.

The government's original proposal had significant backlash from employers and business peak bodies, as we understand. It is very concerning that they now feel that if they do not agree to this one, what more could be put forward? What more could be put forward to impact on businesses during this troubling time? We cannot support a bill that would allow unions to add themselves as a

party to a matter. Whether or not the party wishes to refer this dispute to a member of a union is irrelevant. It is completely unacceptable.

In regard to clause 11, increasing the right of entry powers for union officials, the opposition will not be supporting this aspect of the proposed reform. This is yet another example of diminishing the responsibilities of the independent regulator whilst continuing to increase the powers of unions in South Australia. I would say, though, that we definitely will support the introduction of a review by the Director of Public Prosecutions of SafeWork SA. This is a very important element and highlights concerns following the tragic murder of nurse Gayle Woodford. As an opposition, this is an area that we would certainly look to support. We need to ensure that there is a timely review response and prosecution where required.

The reforms in regard to confidentiality provisions: the bill inserts a new section under 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 an 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.

The amendment does not compel the regulator to disclose information where the regulator believes that disclosure would be inappropriate. However, the amendment does remove longstanding statutory barriers to transparency, and puts SafeWork in the same position as other prosecuting authorities like SA Police and the DPP in terms of the information it may provide to affected parties. The opposition supports these reforms.

Overall, we feel that this bill is a massive overreach, yet another union grab, and yet another opportunity to put extra bills onto businesses, creating a burden, red tape and issues for many businesses that may well be caught unaware by these changes, not even knowing that these changes are likely to go through this place and the other place as well. We believe that this bill is unfair and unjust for many businesses, and this is not a bill that the Liberal party will support in this state.

The Hon. S.L. GAME (15:44): I rise briefly to comment on the Work Health and Safety (Review Recommendations) Amendment Bill 2024. The anticipated benefits of the proposed changes to the existing Work Health and Safety Act must be balanced against the impact on stakeholders, including businesses. These changes will likely impact housing affordability, so it is necessary to limit their effect on any current work and to ensure that businesses have sufficient time to implement the new obligations.

Stakeholders, including the Housing Industry Association, have expressed disappointment that the state government has chosen to proceed with these amendments without addressing many of the concerns raised by several peak bodies across various industries. Industry bodies, including HIA, strongly suggest these changes should be considered in more detail with greater emphasis on the likely impacts on stakeholders and the industry generally.

Stakeholders are concerned with the expansion of the existing civil penalties provisions, including proposals that allow persons other than the state to prosecute for breaches of the work health safety laws. There is also significant concern around the ability for right of entry permit holders to record video footage of the workplace. Allowing the work health and safety regulator to disclose information related to an incident to specific people under certain circumstances will need to be handled in a balanced and sensitive manner.

To ensure it can carry out its duties as a regulator, SafeWork SA must be appropriately funded and resourced. The government needs to tread carefully, closely monitoring any changes to ensure businesses are not unfairly impacted, with greater pressure placed on housing affordability.

The Hon. C. BONAROS (15:45): I rise to speak in support of the Work Health and Safety (Review Recommendations) Amendment Bill 2024. I have to say at the outset, bar one of the union-specific provisions, the opposition's position has left me a little perplexed today, especially when we know we have so many industry associations, industry businesses, never mind the trade unions—we know where the opposition stands on trade unions—victim advocates, victims and their families supporting the proposal.

As we know, it is the product of a review that the government committed to during the election: the Merritt review, which was conducted in mid-2022 onwards. Last year, in January, there were 39 recommendations made to government as a result of that. There were, of course, recommendations in there that were supported in whole or in principle, and of course those that the government committed to work on.

Nobody is shying away from the fact that this has been a long and exhaustive process and one that has taken some 18 months, but the overriding principle here—and members have made reference to those previous discussion papers and so forth—is weighing the safety of workers against the cost to businesses. Based on the feedback provided, certainly to me, amongst those groups that outcome is achieved via this bill.

It is absolutely, I think, as the Attorney has said, designed to address that longstanding structural defect in our legislation which has kept workers in the dark about what action is being taken by SafeWork SA. It is something that we have banged on about in this place for a very long time. It has caused significant distress to families of workers who have either been injured or killed. There was a recommendation for an advisory committee to be established.

The government has worked towards that and, again, there is an amendment here which seeks to codify that in the bill, so I cannot see how that is a bad outcome. Of course then we have the recommendation around SAET playing a greater role in terms of helping to resolve disputes about work health and safety matters. That is one of the key measures in this bill and one that I suspect has given rise to the angst of the opposition in that respect.

We know this is not a new proposal. It has existed in Queensland for nearly seven years and it has proved effective there. The sky has not fallen in. The floodgates have not opened, as the Attorney indicated, I think, in his earlier speech; instead, it has been used in not many—because, like I said, the floodgates have not opened—but I think it is at least 10 applications since those laws were introduced to assist.

When we talk about the sorts of instances we are envisaging falling under these provisions I think it should not be lost on us that we are talking about, many times, rogue employers who flagrantly disregard workplace safety and compromise the safety and health of their workers at the risk of injury and death. From that perspective, it does perplex me which part of that we find offensive, but I do note, just so I can finish up on the Queensland model, that that legislation is currently under review, not because we are changing the model that exists in Queensland but, again, aimed at introducing further measures.

They are things we could have looked at as part of this review as well. The government could have taken those into account now, but I think it is very sensible that the government has opted not to do that now and to consider those at the two-year review point, which is also another prescribed measure in this bill in terms of the operation of these measures.

We know that under the provisions of the bill if SAET resolves a dispute by arbitration then the parties have to comply with any order made by SAET, and if they breach that order—that is, they go to arbitration as one of the options, they disregard the order issued by SAET in terms of work health safety and then are hauled back before the regulator or SAET—they will be in breach and will have to pay a civil penalty, and that penalty will be payable to the state.

That, I think, also is a little perplexing in terms of not understanding what part of that model is bad—when you have an employer who has gone to SAET, SAET has said, 'This is something you need to fix. This is something you need to address,' you have arbitrated an outcome, SAET has issued an order, and then the employer continues to disregard it, so there is a breach, and as a result of that breach there is a penalty payable, and that penalty is payable as a further deterrent to that employer to make sure that they do not keep risking or compromising the safety of the workers who are working on those sites.

The opposition might say, 'This is just a means of getting unions in to workplaces.' That might be the case, but I do not think it is the Labor trade union movement—and I am not defending the Labor Party here by any stretch; I think this is a broad statement—who are the only ones who are going to use these powers. In fact, I think some of the associations and groups that the opposition

often speaks in support of will be the first ones to put their hands up to use these measures to ensure that employers are providing safe workplaces.

There are also safeguards in there to ensure that vexatious or frivolous matters will not be pursued. SAET will have the ability to dismiss those cases that are frivolous or vexatious in nature. There is also provision in there to ensure that, where entry permit holders are allowed to enter those workplaces, those concerns that were outlined in relation to recordings and so forth of safety contraventions will be subject to very strict rules around what is and is not allowed.

I am not going to harp on about the SAET stuff, but in terms of cost I will say this—and there are obviously provisions in there in relation to cost—I simply do not buy the argument that this is going to result in extra costs to businesses. Frankly, if there are businesses which are flagrantly disregarding the law and providing unsafe workplaces and practices for their employees, then I do not think many of us have much sympathy for them. Really, we are talking about those workplaces which are being pulled into line and told, 'The workplace you're providing is not safe, and if you continue to disregard the orders of SAET then you will be paying a penalty for that.'

The review by the Director of Public Prosecutions changes are important. We acknowledge, and I acknowledge indeed, 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 ought to be reviewed.

We have made reference to—and I will do the same—the very tragic Gayle Woodford case, which involved her rape and murder. An issue that has been thrashed out in this place previously as well, as an example, is the situation faced by Gayle's husband, Keith. Following that tragic rape and murder of his wife, the case was subject to an independent review commissioned by the government and by His Honour Justice Mansfield AO KC, and Keith was only informed of the decision taken by SafeWork not to commence a prosecution literally at the eleventh hour, when it was too late to do anything else. He did not have the benefit of being able to go and ask for that review, because the decision was left until after the statute of limitations had expired.

I think it is probably worth noting at that time as well that you cannot blame these families for thinking, given the situation we have had historically with SafeWork in this state, that these are deliberate decisions that have been made, that somehow it was convenient. That might not be the truth, and I am not suggesting by any stretch of the imagination that it is, but you absolutely cannot fault those families for coming and saying to members in this place, including myself, 'We think this is a deliberate ploy by a regulator to ensure that we don't have access to a review.'

In terms of beefing up the transparency and accountability of SafeWork, I think this is a really sensible measure that will do away with that concept that somehow they are not acting in the best interests of the families of those workers who were injured or killed, and also strengthen their own reputation, which previously in this space has, frankly, been left in tatters following not just one but a number of investigations and matters that did not lead to prosecution.

Overall, when it comes to that situation—and I thank Keith, as I am sure other members do—the long and short of it is that what happened to Keith Woodford is unacceptable. It never should have happened and so I am really pleased that we are here today addressing that to ensure, as far as we can, that no other family is left after having lost a loved one in such tragic circumstances to pick up the pieces of their lives and also to deal with a knock in the teeth from our regulatory regime.

In the future, no family should, and hopefully no family will, suffer the same fate as Keith's, and the DPP under these changes will be able to consider and provide advice on a request for review. I think it is worth pausing and reflecting on how important that is in terms of SafeWork's own reputation, in light of that easy, albeit unfair, conclusion that is often drawn that these things are done intentionally to avoid a review.

The bill also has confidentiality provisions. This is an area that I will speak to a little more. SafeWork, according to the Attorney, has been a black box where a health and safety complaint goes in and a decision about a potential compliance action or prosecution comes out, but where the internal reasoning processes around that are completely unknown to the family, to their representatives, to any member association advocating for them and to their legal counsel.

The bill seeks to incorporate the new section 271A to address that issue of disclosure. I know the Attorney will not like this, but it has been dubbed in the past, by many legal representatives and council in this space, as a secrecy provision—one that is viewed as a provision that is used intentionally to prevent access to information.

We know, of course, that what prevents access to that information often is the law itself, and that is what we are seeking to remedy here so that there is able to be a release of information in matters prospectively. Again, I go back to the Gayle Woodford case and what has, like I said, been dubbed a secrecy provision, rightly or wrongly, and the Howard case, which is currently the matter of an inquest at the moment. Two people died in those cases. One was raped and murdered.

Members may recall that, during the industrial manslaughter debate, I moved amendments to address this very issue, following Keith's experience. At the time, the government and the Hon. Tammy Franks, on behalf of the Greens, spoke in support of those proposals in principle, on the understanding that it would be introduced by government, which brings us to today.

I take this opportunity now to thank the Attorney for acknowledging the anguish and trauma these provisions have caused Keith and others like him, for genuinely engaging with Keith and his family and counsel, and for his commitment to addressing this issue and engaging constructively with me and others to get to a positive outcome. I acknowledge also the advocacy and persistence of Andrea Madeley, who knows better than most of us, unfortunately, the impacts these provisions have on families.

I am pleased on two fronts: first, that the Attorney has been true to his word and gone above and beyond what I had proposed when I first did this in the industrial manslaughter space; and, secondly, again, his willingness to move a further amendment that relates to the retrospective cases where a death has occurred. I think that is a really critical inclusion to this bill, so that where a death has occurred in the past a family will not be prevented, by virtue of what we are doing, from making a request for that information.

I appreciate the concerns surrounding retrospectivity in general and how hard it might be to go through historical cases, especially where people have moved on and there are lots of files and the case is 10 years old, or whatever the case may be, just as I appreciate the potential for an influx of requests. But I think the bottom line for all of us ought to be that somebody has paid with their life, and that is the very least we can do for their families. If that means assigning more resources or taking a bit longer because case managers have moved on, or whatever the case may be, then so be it. Someone is dead and they are not ever coming home to their family, and I do not think that should be lost on any of us during this debate.

So I thank the Attorney again for agreeing with that position and ensuring this bill has that retrospective effect where there has been a resulting death, so that families are able to request information that would not have been otherwise available to them. I note also that these are discretionary clauses because there might be other reasons why we should not be able to do this, but again I will just say that it should not be lost on any of us that this is just as much, if not more, about closure for those families than anything else.

Losing a family member through a workplace incident is one thing, and one that I cannot fathom, but knowing that details of that tragic event exist and not being privy to them because of a piece of legislation is frankly quite another thing. That is torturous, and that is what we do to families at the moment. It leaves families with more questions than answers. It plagues them, and answers that could otherwise have given grieving families some semblance of closure are denied them. I do not think you can put a price on that, not for the deceased who has paid with their life and not for the families who have been left behind to pick up the pieces.

I think it is easy in this place to think of these reforms as very transactional and methodical without pausing to think about the real-life implications they have, but those families do not have that luxury. Whether it is out of rage, anguish, trauma, justice or preventing the same thing happening to families again, or indeed all of the above, I do not think we can acknowledge and thank enough Keith Woodford, Andrea Madeley and all those families at VOID for their strength and advocacy in the face of their worst nightmares. Like the Attorney has previously, I take this moment to extend my

gratitude to each and every one of them for standing up and speaking out so loudly and persuasively on this issue.

I have stood in this place just as many times as others and have slammed SafeWork and absolutely had a crack at both sides of government when they were in power about the need to appropriately resource our regulator. During the industrial manslaughter debate, we talked about the fact that we have high-risk industries and this one-size-fits-all approach does not work. I think the Attorney is committed to actually addressing that issue, and this is one other way of actually doing that. We are not saying it is the answer to everything, and I am not saying it is the answer to everything, but I know the groups that have been involved in these dialogues and discussions with the government, with me and with others in this place are genuinely committed to doing everything they can to ensure that workplaces are safe.

SafeWork has a long way to go before it is out of hot water in terms of the role that it plays and being better equipped to do its job. Businesses deserve more and workers deserve more, and governments need to be doing more to ensure that the regulator is up to scratch. I think that does not detract from or even diminish the need for these reforms that we are considering today. In all, I think they are sensible and they are intended to deal specifically with those employers who flagrantly, knowingly and intentionally breach their responsibilities towards their employees but, equally, to deal with issues before they get to that point, so that they do have an avenue available to them to address something that is a risk to an employee.

In closing, I commend the government for introducing this bill—I know it has been a long time coming and a lot of work has gone into it—and all the industry groups, associations, trade unions, victims' advocates and families who have played such a key and critical part in its development.

The Hon. T.A. FRANKS (16:06): I rise on behalf of the Greens to indicate our support for the Work Health and Safety (Review Recommendations) Amendment Bill 2024. It is worth considering the context in which this debate happens: 300 South Australians died at work between the years 2003 and 2022. That number is, of course, higher as we debate today. For every single one of those people who died, there was a collective trauma for their family, their workplace, their friends and their loved ones, and that is why it is essential that we get work health and safety right.

We are happy to support changes that reduce risk for workers, so we welcome this bill today. I take the opportunity to thank the minister for his briefing, and in particular his adviser, Angas Oehme, for all the work that they have done. This is a commonsense bill largely implementing changes that will make processes simpler, more accessible and fairer.

We are pleased to see that SAET has been given jurisdiction to resolve work health and safety matters. While they cannot impose penalties, they can take steps to resolve matters early through mediation, arbitration, expressing an opinion or referring a matter to the regulator for investigation. It has been identified that, previously, the time frame to request review of a SafeWork decision not to prosecute was not long enough.

Often, victims or their families were only left with a couple of days before their time to request a review had expired. That also meant that the DPP, which would undertake the review, also only had days—literally days—to make their decision. For these victims and their families, this ultimately meant that their right to a review was a total illusion. The changes in this bill give victims and their families a genuine right of review.

The Hon. Connie Bonaros mentioned Keith Woodford who, after the murder of Gayle Woodford, became known to many of us. We are also very well aware of the work of Voice of Industrial Death (VOID) and Andrea Madeley, who lost her son. I also want to add that, as I debate this, I will be thinking of Pam Gurner-Hall, who lost the love of her life, Jorge Castillo-Riffo. These changes certainly come too late for all those people, and we do not want to see another workplace death, but should there be these will have a positive impact to at least give some dignity and respect to those families.

Those entering workplaces will now also be able to take 'measurements, tests, photos and videos' that are relevant to suspected health and safety contraventions. This very sensible change

means that those reviewing incidents are not solely reliant on witness descriptions and can now utilise objective information taken from the workplace.

It will also now be optional to provide a written report to SafeWork after a right of entry is exercised. SafeWork SA must still be notified before entering, but by making the subsequent report optional it removes that administrative burden where it is not necessary. For those who do wish to submit a report, SafeWork must still advise of any action taken.

Victims and their families will now be able to access information that will help make the process more accessible to those affected by work health and safety breaches. This bill does provide safeguards for confidentiality, but it is not a free-for-all. There needs to be a link to the victim and there are restrictions if disclosure would not be appropriate. While there are limits allowing those involved to gain information, it will make the process less opaque and help build confidence in the regulator's process and that confidence is much needed. This is particularly important for families of workers who have died. Being able to understand the circumstances of a loved one's death at work will help those who are left behind and, as I have said, it is the least this parliament can do.

From the Greens' perspective, we will also be introducing an amendment to this bill. Our amendment will prohibit employers from insuring against fines and penalties that arise from breaches of the Work Health and Safety Act. This comes directly from a recommendation made in the Boland report, which notes that currently there is nothing preventing a body corporate or a sole trader from insuring themselves or a company's director against penalties for offences under the Work Health and Safety Act.

The very point of a penalty is to deter noncompliance. By allowing employers to insure against those penalties, the effect and purpose of that penalty is absolutely undermined. A submission by the federal Department of Jobs and Small Business noted that the:

> …availability and use of insurance in such circumstances may create the moral hazard that duty holders will become less vigilant in carrying out their duties under the WHS Act.

There is, of course, at least one example in South Australia of an employer causing the death of a worker and an insurance policy allowed to 'avoid the vast bulk of the anticipated monetary penalty'. This is the case that came before the South Australian Industrial Relations Court in 2013 and at that time Magistrate Lieschke noted:

> In my opinion Mr Mainoe's actions have also undermined the Court's sentencing powers by negating the principles of both specific and general deterrence. This message his actions send to employers…is that with insurance cover for criminal penalties for OHS offences there is little need to fear the consequences of very serious offending, even if an offence has fatal consequences.

That is the quote of the magistrate. My quote would be: nobody should be allowed to get away with murder and should they murder they should not be able to insure their way out of the penalty. Employers should not be allowed to hide behind insurance policies and place workers at risk.

South Australia, of course, is one of the last jurisdictions to implement this change and versions of this amendment became effective in New South Wales in 2020, in Victoria in 2021, in Western Australia in 2022, in the ACT in 2023 and in Queensland in 2024. This change, this Greens amendment, would in fact bring us in line with the model WHS act. The Greens amendment extends section 272 of the existing Work Health and Safety Act. While currently no contract can exclude, limit or modify the operation of the act, uncertainty around this provision is what has allowed insurers to offer indemnity for penalties under the act.

The Greens amendment makes it clear that no person can enter into a contract of insurance that ensures or indemnifies a person for any part of a monetary penalty under the Work Health and Safety Act. The Greens have modelled their amendment on the Queensland legislation, which was written after recommendations made in the 2017 best practice review of Workplace Health and Safety Queensland. Put simply, no-one should get away with murder, and by ensuring their way out of real penalties this is what is going on currently, and that gap must be closed.

In conclusion, I note the words of Dale Beasley of SA Unions, and I certainly thank him for his briefing on this bill. He, in correspondence to my office, stated:

Until now, when workers have been faced with pressure to perform unsafe work, have had their employers fail to adequately address safety concerns at work or had their employers knowingly put profit ahead of their safety, they and their HSR could seek the assistance of the regulator SafeWork SA. Unfortunately, in situations where SafeWork have not acted, workers have had nowhere to go. This bill changes that.

This WHS dispute resolution process is a significant step forward for our state after almost three years of active campaigning by SA Unions. It delivers on recommendations from both the Merritt and Boland reviews, will expand the avenues available for workers and businesses to positively uphold workplace safety, hold employers who flout their duties to account and to keep workers safe and save lives.

In closing, I noted during the Hon. Connie Bonaros's contribution that she noted this was part of the cost of doing business. My closing quote is: this bill goes a long way to ensuring—and the Greens amendment will go a long, long way to ensuring—that the cost of doing business must never be at the expense of workers' lives.

The Hon. M. EL DANNAWI (16:16): I am very pleased to speak today in support of the government's work health and safety amendment bill. The bill responds to the independent review into the work health and safety scheme in 2022. The independent review was critical, and it concluded that our work health and safety system was no longer up to scratch and that reform was essential.

Last year's 'Work Shouldn't Hurt' survey from the ACTU surveyed 550 South Australians and found that 56 per cent of respondents are pressured by management to not raise health and safety issues, 41 per cent were dissatisfied with their workplace's approach to their health and safety, and 67 per cent of health and safety representatives did not hear back from an inspector after reporting safety concerns.

One of the most important findings of the independent report was a recommendation of a pathway for the civil resolution of work health and safety disputes. This bill provides that pathway through the South Australian Employment Tribunal. Workers, unions and businesses will be able to refer a health and safety dispute to SAET where it cannot be resolved at a worksite level. Under this bill, SAET will be granted the power to help settle disputes by conciliation, mediation or arbitration. Where SAET arbitrates, it can make any order it considers appropriate for settlement. That includes orders that a business take active steps to address a practical health and safety issue at the workplace.

This reform creates a more proactive model where a civil pathway can be used to resolve issues in the workplace before the worst-case scenario is reached and the only option left remaining is criminal prosecution. These reforms will not take anything away from SafeWork SA as a regulator, but will instead help them perform their function meaningfully. It will allow them to focus on their roles in regulating and addressing the worst cases on noncompliance with the law.

The dispute resolution model in the bill is based on amendments made to Queensland's work health and safety laws in 2017. Those reforms have worked successfully now for seven years. SafeWork places require a proactive approach and collaboration. It is hard to be collaborative where there is no civil pathway to dispute resolution. The new model introduced by this bill will help create a culture where employers and employees can work together to create safer workplaces.

The bill also introduces several other important amendments. Many reviews have found that the current confidentiality requirements in the Work Health and Safety Act have prevented SafeWork SA from communicating with victims and their families. The bill reforms these confidentiality requirements and gives SafeWork SA a greater capacity to disclose information about workplace incidents. This will bring SafeWork SA in line with other prosecuting authorities that have this power—the South Australia Police and the Director of Public Prosecutions are two examples.

The bill will also provide that union entry permit holders may take photos and video recordings when investigating health and safety issues. These materials will of course be subject to strong confidentiality requirements. The bill also establishes the SafeWork SA advisory committee, which will provide advice to the government and SafeWork SA about how to improve work health and safety.

It is easy to look at how far we have come in protecting people at work and forget how relevant this issue still is. There will always be people who put the safety of their workers toward the

bottom of their priority list, for whom profit comes before health and wellbeing. I commend the bill to the chamber.

The Hon. R.B. MARTIN (16:20): It is a privilege to rise to speak on the Work Health and Safety (Review Recommendations) Amendment Bill 2024. I say it is a privilege because it truly is a great moment for those who sit on any Labor government benches whenever we legislate to advance fairness and justice for working South Australians. The opportunity to enact meaningful reform in this critically important area of law is, at the heart of it all, one of the most significant reasons why we are all here. It is certainly a reason that unites us on this side.

It is also an area of reform that is of great interest to several of those on the crossbench, and I hope all members will welcome this bill as representing a significant positive step towards strengthening safety across South Australian workplaces, providing a practical pathway to resolve health and safety disputes, and making our work health and safety system fairer and more just for those who have been the victims of workplace accidents, along with their families.

This bill—the culmination of one of the Malinauskas government's key industrial relations commitments of the last election—will bring the most significant reform to work health and safety in our state since the introduction 12 years ago of the act that it proposes to amend, the Work Health and Safety Act. The bill was developed following a fulsome process which began with the independent review of SafeWork SA in the latter half of 2022, conducted by Mr John Merritt, a former director of WorkSafe Victoria.

The review attracted submissions from unions, business associations, health and safety professionals, and from families of workers who had lost their lives in the workplace. The review, which was released in January 2023, made 39 recommendations to government, most of which were accepted in whole or in principle. The government then embarked upon a process of consultation on the review's recommended legislative reforms. That process included nearly 18 months of engagement and consultation with unions, businesses and other stakeholders. A theme of this consultation was a recognition that we can and must do better for workers who engage with our work health and safety system, and particularly for the families of workers who lost their lives while at work.

One important change proposed by the bill is to further empower our state's independent industrial umpire, the South Australian Employment Tribunal (SAET), with a strengthened role in dealing with workplace health and safety disputes. Workers, unions and businesses will have the option to refer a health and safety dispute to SAET if it cannot be resolved through the processes of the workplace. SAET will have a range of powers to help settle disputes through conciliation, mediation and arbitration.

If SAET arbitrates a dispute, it will be able to make any order it considers appropriate for the prompt settlement of the dispute. That will include orders that a business take the necessary steps to address a health and safety issue at the workplace. Having the opportunity to seek the help of SAET to resolve issues is a straightforward and practical way to improve workplace safety and to address issues that have arisen before serious injuries eventuate, and to the extreme outcome before workplace deaths may occur. If workers, unions or businesses are confronted with a health and safety issue that cannot be resolved through workplace discussions, it is appropriate that SAET assume a role in dealing with such a matter.

The proposed approach is consistent with reforms introduced in Queensland a number of years ago that have been operating well, and it is in harmony with our range of legislative efforts in this important area of the law. As we have said, the reforms our government is undertaking are aimed at reducing tragic and avoidable incidents by making South Australian workplaces safer. The intent is not to punish but to prevent.

The Attorney-General provided ample detail in his second reading contribution in relation to how this will be structured and will operate, so I will not go into a level of detail which has the effect of reiterating the substance of his contribution. It is important to note that the proposed dispute resolution system will not take anything away from the function of SafeWork SA as a regulator. SafeWork SA will continue to play a crucial role in enforcing health and safety laws, and we continue to invest in SafeWork SA to strengthen its capacity.

Another very important intent of these reforms is to increase fairness for victims of workplace health and safety incidents and their families. Multiple reviews have found that the confidentiality requirements that have been in place in the Work Health and Safety Act have hindered communication between SafeWork SA and victims and their families. Victims and families being unable to access details around the circumstances of a workplace accident or incident, and details about SafeWork's investigations, has caused significant distress for many over a long period.

The bill proposes reform for confidentiality requirements by giving SafeWork a greater discretion to disclose information to workers, families, businesses, and unions. This is intended to bring SafeWork closer into line with other prosecuting authorities like SAPOL and the DPP in terms of provisions for information disclosure. Some other amendments proposed include:

- where a victim or their family has the opportunity to request that the DPP review a prosecution decision if SafeWork decides not to prosecute, amendments will ensure that victims and their families have an appropriate time frame of opportunity to request a review, and the DPP has sufficient time to consider all the evidence and provide advice on whether a prosecution should be pursued;
- the formal establishment of a SafeWork SA advisory committee, a body that will include representation from unions and businesses, and will provide advice to the government and to SafeWork about ways to improve work health and safety;
- union entry permit holders will be able to take photo and video recordings in the course of investigating health and safety issues. Any recordings, however, will be subject to stringent confidentiality requirements; and
- an Executive Director of SafeWork SA will be appointed by the Governor, which is similar to provisions for most other regulatory authorities in our state.

The bill also provides for a review of these amendments after two years. Once completed, I understand that this review will be tabled in the parliament.

I would like to acknowledge and commend the wide range of stakeholders who have contributed to the independent review of SafeWork SA, as well as to the subsequent government consultation process in the development of these amendments. Among those stakeholders, I pay particular tribute to VOID and its representatives—families who, having lost so much, amazingly have found the strength and the will to fight on in the hope that no more South Australian families will have to suffer as they have suffered.

All parties came to the table in good faith, and we believe that stronger outcomes have been reached as a result of the shared spirit of desire to create necessary and favourable change. I am proud to commend this bill to the council.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:28): I thank all members for their contribution on this very important bill. A number of contributions mentioned the consultation that has taken place, so I thought it might be worthwhile setting out some of the consultation that has taken place. As members have noted, there was a root-and-branch review of SafeWork SA conducted by John Merritt, the former regulator in Victoria, in late 2022.

As part of that Merritt review, there were 55 different meetings with individual and stakeholder groups, and 29 written submissions. There was an initial consultation paper, in relation to the changes that we see here today, released at the end of 2023. There was an initial draft bill released that involved further consultation, as well as a further bill that we see before us today.

In terms of people who have been part of the consultation process, they include business groups that include the Ai Group, the Association of Mining and Exploration Companies, the Australian Hotels Association, the Civil Contractors Federation, the Housing Industry Association, the Master Builders Association, the Motor Trade Association, the National Electrical and Communications Association, the National Fire Industry Association, the SA Business Chamber, the self-insured employers of South Australia and the Wine Industry Association.

Employee groups included the Ambulance Employees Association; the Australian Education Union; the Australian Manufacturing Workers' Union; the Australian Nursing and Midwifery Federation; the Australian Services Union; the Australian Workers' Union; the Communications, Electrical, Energy and Plumbing Union; the Construction, Forestry, Maritime, Mining and Energy Union; the Health Services Union; the public services union; the SA Salaried Medical Officers Association; SA Unions; the Shop, Distributive and Allied Employees Association; the United Fire Fighters Union and the United Workers Union.

Safety professionals and groups involved in consultation included the Australian Institute of Health and Safety, the Australian Institute of Occupational Hygienists, the Dust Diseases Alliance and the Mining and Quarrying Occupational Health and Safety Committee. Legal groups and firms that have been involved have included Johnston Withers Lawyers, the Law Society of South Australian, ReturnToWorkSA, and Wearing and Blairs. Of course, and very importantly, victims and families included, as have been mentioned in contributions, Andrea Madeley, Keith Woodford and representatives and VOID—the Voice of Industrial Death.

There has been extraordinarily extensive consultation on this bill that we have ended up with today, and I want to thank all of the groups that have been part of the consultation. I know many of those that I have mentioned I have personally spoken with either individually or in group meetings. I think we have arrived at a bill that does a lot to protect worker safety and make sure work health and safety laws are as effective as they can be.

One of the contributions from the opposition outlined a need to fund SafeWork better to do this work. That is actually a particularly galling sort of proposition from the opposition. Over the four years that South Australia had a Liberal government in this century we saw what I am advised is the biggest reduction we have ever seen to SafeWork SA. Between 2018 and 2022 there was a reduction, I am advised, of nearly $7.6 million, budget cuts which forced SafeWork SA to slash 35 full-time positions, losing dozens of experienced staff dedicated to education and training and preventing unsafe workplaces. That is a loss of nearly 20 per cent of the total budget of SafeWork SA compared with when the Liberals came to government in 2018.

We know that the Liberals' action in government is very, very clear: they reduce funding for workplace health and safety. In comparison, we have made record investments to rebuild SafeWork's capacity after the four years of the Liberal government. In the last financial year alone, funding for SafeWork was increased by $5.7 million—funding for new investigators and inspectors, including the creation of a complex cases unit; additional training and support to help educate businesses about health and safety issues; more dedicated support for victims of workplace incidents and their families; and an overhaul of SafeWork SA's case management system to improve the efficiencies of investigations. Under this government, SafeWork has undergone a very significant recruitment drive and have added, I am advised, an additional 28 full-time positions since we came to government.

As others have mentioned in their contributions, the laws that we see in relation to work health and safety standing in bringing disputes to SAET are very closely modelled on laws that we see in Queensland that have been operating for a number of years. It is a tested model, and I am advised that there are something in the order of 10 disputes that are brought each year.

But there is an alternative, and it seems to be the alternative favoured by the opposition, and that is having more small businesses and businesses prosecuted in a criminal context for breaches of workplace safety laws. When you are faced with the alternative of having a mechanism where you can go to the independent umpire and seek mediation and conciliation and arbitration, or have criminal charges brought against a business, the opposition's preference is to let businesses, particularly small businesses, face criminal prosecutions rather than trying to resolve the matter earlier.

That is certainly not a proposition we on this side of the chamber share in any way, shape or form. The idea that you would prefer businesses, particularly small businesses, to be subject to criminal sanctions rather than a dispute resolution mechanism earlier we think is complete madness. That is why we are very passionate about this bill and the reforms in this bill. I commend the bill to the council.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. H.M. GIROLAMO: In regard to the proposed compromised position here, who was consulted and who agreed with the current bill before us today?

The Hon. K.J. MAHER: In my second reading summing-up, I outlined the 12 business associations, the 15 employee associations, the four safety professional groups, the four legal groups and the four victims and families groups that were consulted with, so I am sure the honourable member can go back and consult *Hansard*.

We did what I think the public expects responsible governments to do. We released a draft, we released a consultation paper, and we released draft legislation. Both sides of this, the employer and the employee side, had different concerns with the initial piece of draft legislation. We went back and worked exceptionally closely and found a lot of good compromises, and we have the position that is before the chamber at the moment, which we think strikes a very good balance between competing interests but primarily looks at what will make workers safer.

The idea, as I said before, that seems to be the proposal from the opposition, that it is preferable for small businesses to face a criminal trial, criminal prosecution, rather than addressing these matters earlier by way of mediation and conciliation, we just do not agree with, but I am going to welcome the now opposition taking to the next election what seems to be their view, that they would like to reverse these changes and subject small businesses to criminal sanctions rather than try to address work health and safety matters earlier.

We welcome that, and further contributions today from the opposition will be very telling. They will set a tone and will provide a very stark contrast between the Liberal Party and the Labor Party at the next election. We would very much welcome the opposition putting more information and restating their position on *Hansard* that they would prefer criminal sanctions to apply to small businesses rather than a mediated outcome.

The Hon. D.G.E. HOOD: I indicate to the chamber that I have a number of questions, I think starting at clause 5. The Liberal Party was given its briefing on this bill, on this final version, last Wednesday, I think it was, and of course that had to be communicated through our party. It was, and then I have been contacted by a number of constituents in that time. My questions are directly from them, essentially, and I will put those to the Attorney. They are not partisan questions. They are questions of more detail on how the bill will operate in order to provide a greater understanding. My first question will be at clause 5.

The CHAIR: I am going to put it that clause 1 stand as printed. Those for the question say aye, against say no.

The Hon. H.M. Girolamo interjecting:

The CHAIR: If you cannot stand up, you do not get to ask a question.

The Hon. H.M. Girolamo: I let the Hon. Mr Hood go first and then I was—

The CHAIR: And then you were going to do what? Ask your question.

The Hon. H.M. GIROLAMO: What does the minister have to say in response to Safe Work Australia's view that the state process is working effectively as it currently stands?

The Hon. T.A. FRANKS: Point of order, Chair.

The CHAIR: What is your point of order?

The Hon. T.A. FRANKS: What clause are we in?

The CHAIR: We are still at clause 1.

The Hon. T.A. FRANKS: Did we not just pass clause 1?

The CHAIR: I never deliberated on the vote. To the Hon. Ms Girolamo I will extend the courtesy, but I want people to indicate and get on their feet if they are going to ask a question. Do not just sit there and expect me to wait for something to happen.

The Hon. T.A. FRANKS: Point of order, Chair.

The CHAIR: What is your point of order?

The Hon. T.A. FRANKS: When a vote has commenced, can any other item of business, such as a procedure or indeed an interruption that somebody wanted to speak, then override the vote being taken?

The CHAIR: My advice is that certainly if it were a division being called for and once it is underway then I do not have the discretion. In this case I am going to use my discretion. I am going to allow the question, but I made the point quite clearly that if you are going to make a contribution you must get on your feet so that I can see that you are ready to go. So you ask your question.

The Hon. K.J. MAHER: Quite simply, we had a very extensive review. In my second reading summing-up contribution I outlined a number of responses, interviews and written submissions to that review. Based on that and the extensive consultations since, we as a government have come to the conclusion that this is the best way forward that meets the needs of all the various stakeholders.

But, as I have said, as we go through the committee stage, and particularly from the opposition's statements already made, we are going to welcome a debate in the lead-up to the next election on the opposition's view that criminal sanctions are best for small business, compared to our view of resolving these disputes by way of mediation and conciliation earlier and better. I think it is a debate that we very much relish and will be prosecuting in the lead-up to the election.

The Hon. N.J. CENTOFANTI: Can the minister inform whether or not a union can lodge a WHS dispute off their own back, or do they need to have the permission of the employee?

The Hon. K.J. MAHER: Registered unions, I am advised, are one of the classes that will have standing to bring a dispute.

The Hon. N.J. CENTOFANTI: Are they able to do that if the employee does not want to take it to SAET?

The Hon. K.J. MAHER: I thank the honourable member for her question. I think it stems from an absolute and fundamental misunderstanding of how our work health and safety system operates. Not every work health and safety breach will have one specific employee who is affected by it. You may have a piece of machinery, a piece of equipment, that is capable, in the state it is in, of killing a worker, but there might not be a specific worker who has suffered as a result of that. I think the question stems from just a fundamental misunderstanding that every work health and safety dispute necessarily involves a single employee. That is just not the case.

The Hon. H.M. GIROLAMO: Has the minister considered whether the reform will have an impact on the baseline cost of building and construction in South Australia?

The Hon. K.J. MAHER: There is no reason to believe it will increase costs in the building and construction sector. In fact, it may well reduce costs in the building and construction sector by allowing disputes to be resolved much more efficiently and much faster.

The Hon. H.M. GIROLAMO: Can you confirm that the SAET presiding officer has indicated that they require no additional funds to take on the additional jurisdiction?

The Hon. K.J. MAHER: Yes, I can confirm that.

The Hon. H.M. GIROLAMO: When is the government seeking to have the reforms operational by?

The Hon. K.J. MAHER: We seek to have these implemented as soon as possible, obviously after consultation, particularly with SAET, which will be the jurisdiction that these will be heard in.

The Hon. H.M. GIROLAMO: Has the Attorney indicated to stakeholders that if these changes do not go through it would impact on the premiums relating to Return to Work?

The Hon. K.J. MAHER: I think I understand where the question is going, but I do not think it has been framed very well by the member, so let me try to unpack what the member is trying to say. I am assuming what the member is saying is if these reforms do not go through, as some stakeholders and employer groups have suggested, to significantly beef up the resources to SafeWork SA—which is, I think, one of the things the honourable member is trying to get at, although quite confusingly, in her second reading contribution.

If it is the case that the honourable member is suggesting that SafeWork SA should be much more substantially resourced rather than having the model proposed in this bill, a significant portion of the funding for SafeWork SA comes from return to work levies, so it is possible that if it was an alternative—as some employer groups have suggested and as I think the honourable member suggested in her second reading contribution—that SafeWork SA ought to be funded to do much more of this work, it could have an effect on return to work premiums.

Once again, we will have a good look at what the honourable member has said, because it might just be that one of the consequences of the opposition's view on this could be an increase in the return to work levy which, of course, we will be happy to take as part of the debate in the lead-up to the next state election.

The Hon. C. BONAROS: In relation to the questions asked previously by the opposition, can the Attorney confirm that the cases we are talking about where civil penalties may apply are where SAET has resolved a dispute by arbitration, there has subsequently been a breach of an order by SAET and somebody—whoever it is, whether it is a union or the person involved—has then sought a remedy for the breach that has already been the subject of a resolution via arbitration?

The Hon. K.J. MAHER: Yes, in effect, that is what is proposed in this model. As in the model in Queensland, if there is an arbitral order made that is breached, there can be an application taken out by the regulator or, in this case in South Australia, by a party affected like an employer group or a union, but the penalty, like penalties for breaching other orders in other jurisdictions, will be payable to general revenue and not to anyone bringing the application.

The Hon. C. BONAROS: So, to be crystal clear, where there is an arbitration taken to SAET, there is a resolution by SAET, the parties are bound by that resolution and then the employer continues to breach that same order that has been the subject of a SAET resolution, it is only in those cases and not prior that a civil penalty can be imposed?

The Hon. K.J. MAHER: I can advise the honourable member that is, in effect, correct. But I will add that there are important steps before you even get to those arbitral decisions, namely conciliation and mediation, which you would expect. Certainly, the experience is that where there is conciliation and mediation in other areas of industrial disputes and industrial matters, these tend to resolve the matter. As I have said, there is an alternative model that we can stick to and that is being put by the opposition: that small business should face criminal prosecution rather than this conciliation, mediation and arbitral model.

The Hon. C. BONAROS: Following on from that, noting what the Attorney has just said, can we also confirm that there has to be an application for that civil penalty? It is not automatic, so there is not a breach and then an automatic penalty; somebody has to apply to say, 'Here's the order that you have made, SAET,' and the regulator or the party affected then says, 'There has been a breach,' and that has to be determined first before any civil penalty can apply.

The Hon. K.J. MAHER: In effect, that is correct. As I have said before, upon application, if there is a breach of an arbitral order—which I think can already happen in our industrial relations system in South Australia, but I do not have the list of circumstances—effectively, as in other jurisdictions where it is a contempt of court if you have breached an order that a court has made, where you breach an arbitral order in the industrial relations system in South Australia already in other areas applications can be made and penalties imposed.

The Hon. C. BONAROS: Just to be crystal clear, because there are a lot of discussions here around unions, the parties to a dispute are not limited to just unions, are they? Member organisations—I think it is defined as, effectively, those groups that represent workers, not just

unions, so association bodies, for instance—if they are classified appropriately, would also be eligible to do the same as a union?

The Hon. K.J. MAHER: I thank the honourable member for her question. Certainly, under what is being proposed here and to some extent under what already exists, employer associations can bring applications under SAET for things, for example, like breach of right of entry permits.

The Hon. C. BONAROS: So hypothetically then if the MBA or the AHA or the HIA met those requirements and they have a health and safety representative and they have ticked the box in terms of the organisation they could be one of the parties, if indeed they are classified as a health and safety representative for that group, which meet the requisite definitions in the legislation?

The Hon. K.J. MAHER: I can confirm that, very similarly to the standing that organisations that represent employees have, organisations that represent employers will have standing in this model, as they do in limited circumstances now, and that will typically be in areas like alleged breaches of right of entry, and both of those groups would have the potential to bring actions for breach of an order in these respects too.

The Hon. C. BONAROS: Just to be clear, the changes are not limited just to unions and union right of entry, are they? They go well beyond that scope and include potentially all of the groups that you have listed today.

The Hon. K.J. MAHER: Yes, I can confirm that.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. D.G.E. HOOD: I have a few questions for the Attorney at clause 5. The Attorney outlined in his summing-up of the debate at the end of the second reading stage that I think there were eight industry groups in support of the legislation.

The Hon. K.J. Maher interjecting:

The Hon. D.G.E. HOOD: It was about that, yes. He might correct me when he gives his answer. Can I specifically ask, Attorney: were there any industry groups that expressed concern about the composition of the advisory committee itself?

The Hon. K.J. MAHER: I thank the honourable member for his question. I talked about the changes in relation to, in particular, the consultation paper, the draft legislation in relation to the work health and safety matter that forms a lot of the substance of this bill, and I think I outlined 12 industry groups that were part of that consultation. I am advised that I cannot recall concern being raised either on the employee or employer group side that makes up the advisory committee under Division 5 of the bill. I attended a number of those advisory committee meetings myself and have been pretty impressed with how well it is working, and I think it will bring good results for the work that SafeWork do.

The Hon. D.G.E. HOOD: Was 15 arrived at as a continuation, essentially? Is that how the number 15 was arrived at for the number of members?

The Hon. K.J. MAHER: I am advised that, yes, it is a continuation into legislation of what currently exists. That does not mean it will necessarily be all of those same members forever more, but a continuation of that sort of representation. It is very deliberately set up and it was a recommendation of that Merritt review of a tripartite committee that brings together regulators as well as employer and employee groups.

The Hon. D.G.E. HOOD: The bill talks about the minister being responsible for appointing the individuals. What is that process? How do you determine individual A is a worthy member and individual B is not, for example?

The Hon. K.J. MAHER: I expect the process will continue and there are many processes under many pieces of legislation that have representatives of different stakeholder areas and groups within those stakeholder areas. The process to appoint the initial members to the advisory committee

was writing to both industry and employer groups and asking for nominations. That is a very common practice, and I would expect that would be how it continues.

The Hon. D.G.E. HOOD: Can the minister overrule those who are nominated? Is it ultimately a decision of the minister?

The Hon. K.J. MAHER: At the end of the day it is a decision of the minister, as it was for the appointment of the original ones, as continuing in the legislation and as occurs under many pieces of legislation much like this. Certainly in my experience, and with this in particular, it is taking into account and generally following the advice that comes in from those different groups represented on a committee that seeks to represent a number of different views.

The Hon. D.G.E. HOOD: I thank the Attorney for the answer. Are any tests applied in terms of a fit and proper person, for example? If one of the bodies nominated somebody the industry was uncomfortable with, what happens then?

The Hon. K.J. MAHER: Ultimately, that would be a matter for the minister and whatever was the appointment process laid out. Certainly, I do not recall any concern that anyone has raised in relation to this particular committee and appointment to it.

The Hon. H.M. GIROLAMO: Can a representative of the CFMEU be appointed to the board and collect board fees as a result of this bill?

The Hon. K.J. MAHER: Just to be clear—and this goes to probably a misunderstanding and a misreading—it is not a board, it is a committee, but yes.

The Hon. H.M. GIROLAMO: My question stands: can the—

The Hon. K.J. MAHER: I just said yes.

The Hon. H.M. GIROLAMO: Thank you, I did not hear that. For how long has the SafeWork advisory committee been functioning so far?

The Hon. K.J. MAHER: Approximately a year.

Clause passed.

Clause 6.

The Hon. H.M. GIROLAMO: In regard to the opposition's position on clauses 6 through to 12, we will oppose all of those clauses and be calling for a division at clause 6. I want it noted for the record, based on our contribution, that we oppose this clause.

The committee divided on the clause:

Ayes 11
Noes.....8
Majority 3

AYES

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

NOES

Centofanti, N.J.	Game, S.L.	Girolamo, H.M. (teller)
Henderson, L.A.	Hood, B.R.	Hood, D.G.E.
Lensink, J.M.A.	Pangallo, F.	

PAIRS

Scriven, C.M. Lee, J.S.

Clause thus passed.

The CHAIR: I am going to put it that clauses 7 to 12 stand as printed. Those for the question say aye, against say no. The ayes have it. Any contributions on clauses 13—

The Hon. T.A. FRANKS: Excuse me, Chair.

The CHAIR: Sorry.

The Hon. T.A. FRANKS: We had not even been able to return to our seats when you put the question. Is that appropriate parliamentary procedure?

The CHAIR: I apologise, the Hon. Ms Franks. If everybody is seated now, I will put the question again.

Clauses 7 to 13 passed.

Clause 14.

The Hon. D.G.E. HOOD: This is a new provision, and I think we all understand why it is needed, but my simple question is: did any industry group oppose this clause, or any group?

The Hon. K.J. MAHER: I thank the honourable member for his question. My answer is, not that I recall.

Clause passed.

Clauses 15 to 18 passed.

Clause 19.

The Hon. D.G.E. HOOD: I have a question for the Attorney at clause 19. If an order is made against a business or an individual under this clause, specifically subclause (1)(c), do the normal provisions—I am talking about an individual in particular here—around bankruptcy protections apply?

The Hon. K.J. MAHER: My advice is that this does not change any of the ways that bankruptcy laws apply to anything that a court may have as a penalty. This does not change the way that works.

Clause passed.

Clause 20.

The Hon. D.G.E. HOOD: Just to be clear, I have a question here, and then another one on 23. This clause deals with disclosure of information and how it can be disclosed. I think there is a number of sensible provisions in here which would have assisted in previous cases where exactly these provisions would have been helpful, actually. This is not trying to draw a very long bow, but it does not specifically exclude media, for example, in this clause. What if, in a long-shot type of scenario, media was able to get hold of this information? Does it exclude the media from disclosing what could be sensitive and potentially damaging information?

The Hon. K.J. MAHER: Just to understand the honourable member's question, is the honourable member asking whether it gives a right for media organisations to make an application under this section, or is he asking whether this changes the way that media organisations may be able to report under this section?

The Hon. D.G.E. HOOD: I think they are both valid questions, if the Attorney is happy to answer them.

The Hon. K.J. MAHER: My advice is that media organisations are not a party who are capable of making an application under this section, but under the confidentiality of information generally in the act this section does not disturb that. If information is not released and remains confidential, my advice is this section does not change that as well.

The CHAIR: Do you want to move your amendments to clause 20?

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

Amendment No 1 [IndRelPubSec–1]—

Page 16, line 26 [clause 20, inserted section 271A(3)(a)]—Delete 'A' and substitute:

Subject to subsection (3a), a

Amendment No 2 [IndRelPubSec–1]—

Page 16, after line 32 [clause 20, inserted section 271A]—After subsection (3) insert:

(3a) Subsection (3)(b) does not apply in relation to a disclosure made to a family member of a person who is deceased as a result of the incident.

As currently drafted in the bill, the discretion to release information under section 271A applies strictly prospectively; that is, from the passage of this bill in relation to instances that occur after the act comes into effect. This amendment creates a small exception, which will allow for the regulator to consider and then have the potential to disclose information in relation to past incidents to a family member of a person who is deceased as a result of the incident.

This removes a barrier to the regulator sharing more information to families affected by the workplace death, and we have heard in contributions by members in this chamber of some of the incidences that have occurred where a worker has died as a result of a workplace incident, and some of the effects that has had, particularly on families in relation to what brought about the decision by the regulator to or not to prosecute.

The regulator still retains that discretion about what information is released in those circumstances, but we thought having that carve-out that provided the regulator with the ability to provide family members with some of that information in past cases where there has been a workplace death is appropriate, so I commend the amendments to the chamber.

Amendments carried; clause as amended passed.

New clause 20A.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 17, after line 16—After clause 20 insert:

20A—Insertion of sections 272A and 272B

After section 272 insert:

272A—Insurance or other indemnity against penalties

(1) A person must not, without reasonable excuse—

(a) enter into a contract of insurance or other arrangement that purports to insure or indemnify a person for a liability for all or part of a monetary penalty under this Act; or

(b) provide a contract of insurance or an indemnity for a liability for all or part of a monetary penalty under this Act; or

(c) take the benefit of a contract of insurance or other arrangement, or an indemnity, that purports to insure or indemnify a person for a liability for all or part of a monetary penalty under this Act.

Maximum penalty: $50,000.

(2) Subsection (1) places an evidential burden on the accused to show a reasonable excuse.

(3) A term of a contract of insurance or other arrangement, or an indemnity, is void to the extent it purports to insure or indemnify a person for a liability for all or part of a monetary penalty under this Act.

272B—Officer may be taken to have committed offence against section 272A

(1) If a body corporate commits an offence against section 272A, each officer of the body corporate is taken to have also committed the offence if—

(a) the officer authorised or permitted the body corporate's conduct constituting the offence; or

(b) the officer was, directly or indirectly, knowingly concerned in the body corporate's conduct constituting the offence.

(2) The officer of the body corporate may be proceeded against for, and convicted of, the offence against section 272A whether or not the body corporate has been proceeded against for, or convicted of, the offence.

(3) This section does not affect either of the following:

(a) the liability of the body corporate for the offence against section 272A;

(b) the liability of any person, whether or not the person is an officer of the body corporate, for the offence against section 272A.

This inserts 272A—Insurance or other indemnity against penalties, and 272B—Officer may be taken to have committed offence against section 272A. Put simply, the addition of this section implements recommendation 26 of the 2018 Boland review of the Model Work Health and Safety Laws. This amendment prohibits employers from insuring themselves against penalties under the Work Health and Safety Act.

The purpose of this is to deter noncompliance with the act, and this amendment is taken, as I mentioned in my second reading contribution, from the Queensland legislation, which became effective in March this year. I noted in my second reading contribution that this is now in place in the majority of jurisdictions in this country. Indeed, it is timely for South Australia to follow the lead of those jurisdictions and, in this case, to follow the model of Queensland. With that I commend the amendment.

The Hon. K.J. MAHER: The government will be supporting this amendment. It effectively prohibits a person obtaining insurance and an indemnity against penalties for contraventions of the Work Health and Safety Act. The amendment would still allow and permits people to insure against the legal costs of defending proceedings. It is the insurance for penalty or damages for breaching the law that this amendment seeks to prohibit, and this amendment is consistent, as the honourable member has pointed out, with laws already in place in Queensland, New South Wales, ACT, Victoria and Western Australia, and is in line with the harmonised national work health and safety laws. It also reflects changes made to the model laws following recommendations from the Boland review.

The Boland review found that there are insurance contracts that are offered on the market which purport to indemnify against penalties for breaches of work health and safety acts even though such insurance may well be unlawful, if challenged, as there is common law authority for such insurance policies being unlawful, but it would actually require someone to challenge the legality of those insurance policies. The Boland review in particular found that it has the potential to reduce compliance with workplace laws and undermine community confidence, particularly if we were to see businesses not facing the consequences of a penalty associated with serious injuries and workplace deaths.

The Hon. H.M. GIROLAMO: At this stage the opposition is not supportive of the amendment; however, we would like to take time between the houses to look into it further.

The Hon. C. BONAROS: I indicate, for the reasons already outlined by the mover and the Attorney, that I will be supporting the amendment.

New clause inserted.

Clauses 21 and 22 passed.

Clause 23.

The Hon. D.G.E. HOOD: My final question for the Attorney: a subsection of the new section inserted in schedule 5 by clause 23 deals with the appointment of the executive director. New section 3(4) talks about the minister giving directions to the executive director. I would like to inquire under what circumstances those directions would be given and what they would likely be.

The Hon. K.J. MAHER: They would be quite limited in relation to what directions could be given—I am advised things like HR or internal or employment or disciplinary processes. The new subsection under the one the honourable member refers to, new subsection (5), makes it very clear, and I will just read it out:

The Minister may not give directions to the Executive Director in respect of the exercise of powers and functions under this Act.

Clause passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

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

That this bill be now read a third time.

Bill read a third time and passed.

SUPPLY BILL 2024

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2024.)

The Hon. H.M. GIROLAMO (17:13): This week was meant to be somewhat the crowning glory for this government after coming back into power just over two years ago, but we on this side have not forgotten what their key promise was in the lead-up to the election: their promise that was on every Stobie pole in this state that they would fix the ramping crisis. Two years ago we were told to trust the then shadow health minister, Chris Picton, and to trust the then opposition leader, Peter Malinauskas, when they were spruiking that they would fix the ramping crisis. 'Trust us,' they said.

There was no asterisk, no fine print. They will seek to continually blame the opposition, but we know that this government has failed at every turn when it comes to health. They continue to blame the opposition, when we were there for four years while they have been there for the past 22 years. This health system is an absolute disaster, and it is thanks to Peter Malinauskas and Chris Picton. South Australians deserve better. This is completely unacceptable.

We are now sitting at a time when ramping is at an all-time high, three times worse than at any point under the former Liberal government. Not only do we have the health crisis in play, we also have the cost-of-living crisis and the cost of doing business. The community is hurting, and the cost-of-living crisis is biting. Adelaide has the highest inflation cost of all capital cities and if there is one hope I have of the upcoming budget it is that it is not as inflationary as last year's budget was found to have been.

Indeed, the federal budget, handed down just a few weeks ago, is without a doubt an inflationary budget, where Jim-flation, which is now part of every South Australian's vocabulary, continues to spend recklessly and not protect South Australians. We know that the average South Australian household is more than $20,000 worse off than two years ago, when the government was elected. This is breaking many families. This is causing many businesses to close, and it is completely unacceptable.

The opposition has recently put forth some good practical policies that the government could definitely take on board to help ease the cost-of-living crisis. In recent weeks, we called for a freeze on ESL bills. The former Liberal government had great reforms in the way of ESL bills, which had been turned into a cash grab by the Labor government and former Treasurer Koutsantonis. They had imposed this on households, and instead we as a government turned it into a savings of $90 million, returned into the hands of South Australians, which was around $150 in the first year.

We all know that South Australia is a small business state. According to the Australian Small Business and Family Enterprise Ombudsman, as of June 2023 there were some 155,000 small businesses across South Australia, which represents 6 per cent of all Australian small businesses. Owners and staff of small businesses in South Australia deserve more attention than they are currently getting from this government. With the bracket creep of wages constantly increasing, more and more businesses are falling into the unforeseen clutches of Treasury and being captured by payroll tax.

The opposition has released a number of policies that would assist small businesses and also go some way to addressing the lack of apprentices and trainees, which is extremely important in the lead-up to AUKUS. Our reforms to lift the threshold from $1.5 million to $2.1 million would see us becoming a more competitive state to do business. Exempting wages on apprentices and trainees would help more businesses to be willing to take on that extra apprentice, to take on that trainee, without the cumbersome burden of payroll tax on those wages. We want to see reforms in this state, as does the SA Business Chamber. This is a must for this government, and I hope to see reforms in this on Thursday, but I am not holding my breath.

We are also in a housing crisis. Housing needs to be addressed and whilst the threshold being removed is welcome it is shameful, because we have wasted a whole year in which as of March only 1,100 individuals had been able to get the stamp duty concession due to the restrictions of the government's agenda. As an opposition, we would like to see the introduction of reducing stamp duty on existing houses of $10,000. Unfortunately, it is very disappointing to see that nothing around this has been announced as yet.

The housing development in Seaton, as we learned this morning, was announced by Premier Marshall and planning minister Lensink three years ago. This government has sat on their hands and allowed a crisis to brew on their watch since their coming in, and nothing has been done amidst a housing crisis. This needs to be fixed. This is a must and it must happen now. Red tape must be cut to allow housing developments to occur efficiently and on a timely basis. At this stage, building an average house can take upwards of two years to happen. That is unacceptable. We need to see more action in this space.

Despite all the government's promises, South Australians are paying more for fees and charges, more for payroll tax, more for stamp duty and more for land tax. This is unacceptable. The Labor Party is continuing to benefit from excessive taxes coming in and South Australians paying for this. At this stage we do not know how much our SA Water bills will increase, but I expect it to be significant.

An honourable member: Absolutely.

The Hon. H.M. GIROLAMO: Absolutely significant. It is not all about sports games and roses in the state of South Australia. Many in our community are suffering through a housing crisis, a cost-of-living crisis and the broken promise of ramping being fixed. The budget this week is the government's opportunity to address some of the many issues our community, and especially our small businesses, are facing in this state.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:20): I rise today to speak on the Supply Bill before us, emphasising that it is critically important in ensuring the continued operation of government. The Supply Bill is vital for enabling the government to access necessary funds until the formal budget is presented through the Appropriation Bill. This convention of supporting the Supply Bill is one that we in the opposition staunchly uphold; however, in doing so, it is incumbent upon us to highlight the significant mismanagement by the current Labor state government.

I think the general public are starting to wake up to the fact that the Malinauskas government, and indeed the Premier himself, lied their way into government by promising to fix ramping. Yet here we are with an absolute disaster on our hands, with the worst ramping statistics in history announced on the weekend and elective surgeries cancelled. The mob opposite, in true Labor style, are all talk and absolutely no action. They promise the world but deliver nothing: zip, zero, zilch, as the Leader of the Government often likes to say. They have delivered nothing in the way of fixing ramping, they have delivered nothing for small and family businesses and they have delivered absolutely nothing for regional communities across this state.

Today, as shadow minister for the regions and also shadow minister for primary industries, I particularly want to touch on what is missing and what has been ignored in regional South Australia by this state government. When we had Liberal governments at both the state and federal levels regional road maintenance was a top priority. Unfortunately, under the current Labor governments, both state and federal, we are witnessing a roll back of these crucial investments. This neglect has resulted in a staggering $2 billion to $2½ billion backlog in road maintenance. The Truro freight route project, once a beacon of promise and hope, has now been abandoned by both state and federal Labor administrations.

Additionally, several vital infrastructure projects, including bridges, roads and wharfs that suffered damage during the 2022-23 River Murray floods, are being deliberately ignored by this government. Despite the Premier jetting in and out of Renmark during the flood, being the hero, standing on a levee and promising to 'build back better', these crucial pieces of infrastructure remain unfunded.

It appears that, now the media have long gone, the state government and the Premier have forgotten these communities, neglected their needs and abandoned the mantra of infrastructure betterment. These communities are struggling to find the support needed from both state and federal governments to even simply repair vital roads and infrastructure, let alone build back better. In the words of the CEO of Berri Barmera Council, we just want to build back. It is an absolute embarrassment for this Labor government, and the Premier should hang his head in shame.

Let's talk about regional health. South Australia's regional healthcare system is in a dire state due to the severe lack of investment and care from this government. This neglect is literally costing lives in our country communities. Our regional hospitals and healthcare services are crying out for support, yet their pleas seem to fall on deaf ears in this government.

We are now also facing a profound cost-of-living crisis. Labor's rigid adherence to 100 per cent renewables and their failure to consider nuclear as a long-term vital solution for base load power are driving up energy costs for businesses and households across this state. This approach is ideologically based, it is certainly not pragmatic and it fails to consider the immediate economic pressures faced by everyday South Australians.

The primary production sector, the backbone of our state's economy, is also struggling. The cost of doing business and compliance is skyrocketing, and there is a persistent difficulty in securing both skilled and unskilled labour. This sector is crucial for our economy, yet it is being stifled by not just a lack of confidence but by a deliberate ideological agenda that is being thrust upon the sector stemming from Malinauskas government policies. Whether we are talking about fishing, aquaculture, agriculture or horticulture, there is nothing that the public and, indeed, industry stakeholders are currently comforted by.

We have seen promised reforms, aimed at increasing the profitability of fishing businesses, ensuring sustainable fish populations and enhancing recreational fishing opportunities, falling woefully short under the current primary industries minister. These fishers were assured that compliance costs would decrease as the number of individual fishing businesses declined and that red tape would be significantly reduced, yet nearly three years later the reality is starkly different.

The lack of leadership by the minister on her own government's mandated sheep and goat electronic identification rollout has left producers in the dark with regard to future investment, and now her refusal to stand with them in their fight to maintain market access in the wake of the federal Labor government's ban on live sheep exports shows a lack of commitment to her portfolio.

The minister's refusal to consider an independent review of her department's processes and procedures regarding the fruit fly response is disgraceful. Maintaining public confidence in this program is absolutely critical and, by rejecting an independent review of her department's actions, the minister is severely undermining that confidence.

The silence from the Malinauskas government regarding any tangible and material support for the hundreds of growers around this state who are in desperate need to transition away from wine production has been deafening. The indifference that this government has towards any meaningful

advocacy on behalf of the wine industry to their federal colleagues is a disgrace and must be called out.

We have draft animal welfare laws that have the potential to create an environment where primary production is further crippled. Ambiguous language, subjective in nature, creates incredible uncertainty within industry. This is something our farmers cannot afford given the already trying conditions they find themselves in, not just from Mother Nature but because of poor policy from state and federal Labor governments.

This current government's policy around water is one we should all take note of, and I know it is one that regional communities are taking note of right around the state. Whether we are talking about the government's refusal to take seriously local community concerns about site selection on future desalination plants; or their support of mass buybacks of water, which will rip productivity and food production out of river communities here in South Australian and which will have long-lasting negative ripple effects throughout these communities; or their intention to, where water resources are already fully allocated, acquire water rights for ownership by First Nations people for not cultural but economic purposes: these are all policy issues that will affect the budget and that this government have committed to and are progressing, which many people across this state have the right to be, and are, concerned about.

The regions of South Australia and their businesses are the lifeblood of our state's economy. They deserve recognition, they deserve respect and they deserve robust support in this government's budget. It is essential that the government's budget reflects this reality and allocates the necessary resources to support our regions effectively. To put it simply, primary industries and the regions expect their fair share in the upcoming budget. They are not asking for much. They are asking for adequate health services; equity across the education system; heaven forbid, safe roads that are maintained—

The Hon. B.R. Hood: Public transport.

The Hon. N.J. CENTOFANTI: —and public transport, and for government to get out of their way and allow them to do what they do best; that is, produce food, fibre and other goods for the benefits of all South Australians. I urge this government to listen and deliver in this year's state budget. Sadly, I expect that that will not be the case, but as Martin Luther King Jr once said, 'We must accept finite disappointment, but never lose infinite hope.'

In conclusion, while we support the Supply Bill to ensure the continuity of government operations, we must also hold the current administration accountable for its shortcomings and it has a lot of shortcomings. We urge the government to prioritise the needs of our regional communities, invest in crucial infrastructure and support the primary production sector to restore confidence and stability in South Australia's future.

The Hon. B.R. HOOD (17:30): I welcome this opportunity to briefly address the Supply Bill 2024 and make some comments that relate to funding opportunities in the Limestone Coast. I acknowledge the tremendous job that the Hon. Nicola Centofanti did just then in laying out the case for what our regions actually need: not just lip service, visits and selfies but actual funding would be nice.

We can only hope that the Malinauskas government is not taking their cues from their federal counterparts, who have entirely neglected the South-East in their recent budget and Growing Regions fund's round 1. Vital projects failed to gain federal government support and they include:

- the Mount Gambier Districts Livestock Exchange, the transformational project of the Mount Gambier saleyards;
- Don Moseley Park upgrades at Keith;
- the Ryder-Cheshire project in Mount Gambier; and
- the Bordertown speedway clubrooms.

All are off the table.

While my federal colleagues are right to criticise the Albanese government on their failure to deliver for our regions, this does not mean letting our state government off the hook. Premier Peter Malinauskas and the Minister for Primary Industries and Regional Development, Clare Scriven, have proven that they either have no power or no interest in convincing their federal colleagues of the need to secure funds for the vital projects that I just listed. The disappointment felt by those in my community is palpable. South-East residents, business owners, NGOs and local governments are all raising significant concerns about Labor's neglect of our region.

Projects like the Mount Gambier saleyards upgrade would be, as the name suggests, transformational for the region and it has tremendous potential for the region's prosperities. Significant work was undertaken by the District Council of Grant, the saleyards' strategy committee and stakeholders over four years to put this project together, with council increasing their financial contribution to $4.3 million to help it get across the line.

The saleyard strategy committee presiding member described the $14 million project as critical for future agricultural growth and development in the region. The economic impact of the construction period alone is anticipated to generate almost $29 million, with over $9 million of value add and it would create 63 local jobs per year.

Understandably, when the District Council of Grant was notified that they were unsuccessful in the Growing Regions fund, the news was met with deep disappointment. I certainly hope that the state government will keep their commitment to contribute $2.7 million to the upgrade and that they will lift their efforts in lobbying the Albanese government on the necessity for this project to proceed.

There was one positive aspect in the federal budget that relates to the Limestone Coast and that was only by sheer miracle of course, which was that the $4.3 million allocated to establish a radiotherapy service remains on the books. The former federal Liberal government allocated this money to establish radiation treatment in Mount Gambier, but it is being held up by the state health minister, Chris Picton, due to the commissioning of the feasibility study. That feasibility study is only a week or two away and I am really looking forward to seeing what it says.

I hope against hope that the Malinauskas government has some money in their budget this year for radiotherapy services in the Limestone Coast. God knows we need it and the 16,000 residents in the Limestone Coast who called for it via petition would certainly want to see that money being invested in our region. It is that important. It is that vital.

Another aspect of our regional health service that I sincerely hope is provided for in the 2024-25 state budget is an ongoing commitment to fund in-home hospice care. This confidential, free of charge inclusive and accessible community service was established in 2020, with $140,000 funding from the former state Liberal government's palliative care grants program. It is a sorely needed program that plugs a significant gap in palliative care services in the South-East which, until its establishment, was only available Monday to Friday, nine to five—kind of like our public transport system in Mount Gambier, but I will get to that.

While limited in-home care services are available for free, in-home hospice care is a free service run entirely by volunteers, save for part-time administration staff, and it literally runs on the smell of an oily rag. The current state government previously provided $70,000 to keep the organisation up and running, and I really hope that in this budget we see going forward that there will be that bare minimum of around $70,000 they require to remain viable. It is such an important service for our region, and I sincerely hope that the Malinauskas government ensures the future of it with this very small amount of ongoing funding they need.

Unfortunately, South Australians also have the right to feel disappointed when it comes to the government's lack of investment in transport in the regions, whether it is Mount Gambier's vastly inadequate public bus service that runs nine to five, Monday to Friday, or the severely limited public transport system in towns like Millicent, for example. This government is failing to deliver for our regions, especially for our most vulnerable residents.

The Hon. R.A. Simms: They are not interested in public transport.

The Hon. B.R. HOOD: Not interested in public transport.

The Hon. R.A. Simms: The minister won't even call me back.

The Hon. B.R. HOOD: No, he won't. He won't call me back. Take Mount Gambier's Hallmont Estate Residents Association, which has been forced to fundraise for a minibus for themselves to drive residents to appointments and activities.

The Hon. R.A. Simms: That's shameful.

The Hon. B.R. HOOD: It is absolutely shameful. In Naracoorte, there are no accessible vehicles available at all in the town, restricting those with mobility issues from getting around.

Public transport in the regions is something we need. We do not need this government signing an eight-year contract for public transport in Mount Gambier, only then to decide, 'Well, let's do a review,' and only then to do a review and find out, 'You know what? We're hamstrung anyway. We can't do anything about it.' It is very, very disappointing from the state government, and I am not holding my breath to see anything change in this state budget.

I will end on a bit of pre-budget good news, which has just been released in the education portfolio, which I hope is a positive sign of things to come. Mount Gambier High School is set to receive $6 million to fix a range of maintenance and infrastructure issues, which is a very welcome announcement and I hope will be emulated across the South-East, although I will not hold my breath because, out of the significant amount of money this government is investing in upgrading maintenance issues in schools around South Australia, Mount Gambier is the only regional one, with $6 million.

The Hon. T.A. Franks: Good local member!

The Hon. B.R. HOOD: Yes. But I tell you what, Mount Barker and the northern suburbs will be getting $218 million for all kinds of great schools.

There are significant infrastructure concerns that remain in primary schools, such as Glenburnie, Mulga Street and Mil Lel. I raised these concerns with the minister last year, and they still exist. While I understand that some of the problems at Mulga Street currently are being attended to, there are still serious concerns remaining at Glenburnie and with Mil Lel's transportable buildings, such as leaking roofs, asbestos, flooring and cladding issues.

Our kids are our future, and that does not stop in the metro area. Our regional kids are also our future, but unfortunately they are being taught in the same kind of buildings that their mums and dads were also taught in. We are stuck in the eighties and nineties in the regions, and we need better investment in our schools. These are but a few issues I hope will be addressed in the upcoming state budget. I look forward to digesting it in full on Thursday, and, as we do, I commend the Supply Bill to the chamber.

The Hon. D.G.E. HOOD (17:38): I, too, rise to speak to the Supply Bill, which of course the opposition will be supporting, given that its passage is fundamental in enabling the functions of government to continue in the period between the Appropriation Bill being introduced and its being passed at the start of the next financial year.

I take this opportunity briefly to reflect upon the state Labor government's performance over the last 12 months and also address the budget measures the opposition firmly believes should be adopted by the current government in order to achieve the best outcome for all South Australians. In the last year, South Australians have been experiencing ever-increasing cost-of-living pressures of course. We have also seen spikes in crime, a failing health system, with record-breaking ramping, rising costs in doing business and a crippling housing crisis.

Indeed, it has been estimated that the typical South Australian family at the moment is no less than $20,000 worse off per year under the current government and, despite this revelation, the government announced just last month that the cost of basic necessities—such as licence renewals, car registrations and public transport services—are set to increase even further. That is, of course, if you are lucky enough to have one.

What I am hearing out in the community is that expenditure on a handful of sporting events is largely not what the average South Australian wants. I wish to make it clear that the Liberal Party

is supportive of these events, and we do not cast aspersions on them—in fact, they have been a good addition to our state—but the problem is that they do not fix the real problems. I am informed that our constituents would much prefer that our funds be managed in a fiscally responsible manner that has a real impact in their ability to keep a roof over their head, food on the table, fuel in their car, etc. I wish to say that whilst these events have no doubt made a significant positive contribution to our tourism for brief times, the reality is that South Australians, whilst enjoying those events, have significant concerns about the things that I have listed.

I think particularly important to the Liberal Party, and that of many South Australians, is the issue of home ownership which really has become a dream for many people and, indeed, an unachievable dream. It was a pleasing development to see the government announce today that it would be axing stamp duty for all first-home buyers who are either building or purchasing a newly built home. However, the Liberals are further calling for a $10,000 reduction on stamp duty for established homes up to the value of $750,000 for first-home buyers, and no doubt members in this chamber would have seen that we released a policy to that effect just last weekend. The Liberals' proposals would certainly be welcomed by many aspiring home owners in our state, and we are most eager to take these policies to the next election.

To support struggling small businesses amidst our skyrocketing cost of living and rising inflation, the Liberal opposition is calling on the state government to increase the payroll tax threshold from $1.5 million to $2.1 million. Payroll tax has a direct and very significant impact on the profitability of small businesses, of course, and every possible measure must be in place to ensure small business owners have the best chance of maintaining the viability of their operations and to encourage the establishment of new businesses that would generate more employment opportunities.

As members are no doubt aware, small businesses comprise no less than 98 per cent of all businesses registered in our state, employing some 300,000 South Australians, which accounts for 40 per cent of the total workforce. We cannot afford to see smaller enterprises with relatively low margins cease to exist when South Australia already suffers the highest level of unemployment in the nation.

In addition to this initiative, the Liberal opposition wants to see the state government address South Australia's skills shortage with payroll tax exemptions for both apprentices and trainees. According to the 2023 Skills Priority List, South Australia is facing skills shortages in over 350 occupations. Further to this, an Australian Chamber of Commerce and Industry survey revealed that 75 per cent of businesses indicated that payroll tax was a barrier for young people entering the labour market, and abolishing payroll tax for those undertaking apprenticeships and traineeships would undoubtedly provide the incentive for businesses to take on new employees, which is more vital than ever, particularly as AUKUS draws closer to realisation and activation in our state.

A further measure that the South Australian Liberals are pushing for the government to implement in its forthcoming budget is to place a freeze on the emergency services levy. As members may recall, the former Liberal state government slashed ESL bills by more than half which saved South Australian households more than $360 million over four years. Simple measures such as this are more imperative than ever to help somewhat alleviate financial pressures on our constituents and should be given due consideration by the current Labor government, especially in light of the fact that it has been collecting record tax revenues over the past two years.

Turning to another issue of real significance, that of crime. It is tragic that South Australians are continuing to be subjected to a significant and alarming spike in crime under the watch of this government. Statistics from SAPOL have revealed that over the past 12 months robbery and related offences have gone up by 23 per cent; shop theft has surged by 31 per cent; assaults on police have also risen by 31 per cent, which I find particularly concerning; homicides are up by some 17 per cent; serious assaults resulting in injury have increased by 16 per cent; abduction, harassment and other offences have seen an 18 per cent increase; family and domestic violence and abuse-related offences have risen by 11 per cent; aggravated sexual assault has increased by 8 per cent; and sexual assault is up by 6 per cent. These figures are most alarming.

The severe attrition rate of 5.2 per cent in our police force may be a significant factor to these unacceptable crime levels. Given that the ability for patrols to respond to incidents in a timely manner is critical to maintaining law and order and a visible police presence is necessary to prevent criminal activity and antisocial behaviour within our communities, our police force attrition rate is a real concern.

The South Australian Liberals are therefore urging the state Labor government to introduce incentives to attract new police recruits, not unlike those that have been implemented by the Queensland government. The incentives in Queensland include a number of things, in particular a special cost-of-living allowance in addition to the current recruitment wage, free accommodation for recruits residing at police academies, a $20,000 payment towards relocation costs of interstate and overseas applicants who are serving or recently serving police officers and a further up to $20,000 towards eligible HECS debts for successful police graduates that they recruit. I am aware that these incentives have attracted over 2,000 applicants eager to enter the Queensland police force who are likely to enjoy these benefits—at least some of them, if not all.

New South Wales is also offering police officers interstate the ability to retain their equivalent rank if they move from another state to New South Wales, up to the level of senior constable 6. Should they wish to relocate, South Australia may risk losing not only potential future officers to other jurisdictions but also our more experienced officers who are serving here at the moment. The state government urgently needs to emulate comparable strategies to successfully boost our force so that crime rates decrease and South Australians finally feel safe and secure. This is a most urgent priority.

It is my sincere hope that the state Labor government listens to the pleas of South Australians and includes measures in the budget on Thursday that accurately and adequately reflect their needs in the current very difficult climate in South Australia. The simple fact is that this government is high taxing and high spending, yet despite this South Australia has the highest unemployment level in the nation, rising debt levels, high crime rates (as I have just outlined) and very high energy prices, in addition to high taxes and charges that are pushing businesses to the brink. On top of that, we have a failing health system. It is actually fair to ask: exactly what is going right?

We must not forget the Australian Medical Association's damning report on South Australia's public hospital system that was released recently, which declared that there have been 'few times in history when it has been so worrisome to be a person who may need care in South Australia' and which revealed that wait times for patients presenting to public hospital emergency departments are the longest on record.

In recent days, we learnt that the Labor government was forced to cancel elective surgery following a surge of Code Whites, with no beds available at any metropolitan hospital for five consecutive days. The government went to the election promising to fix our health system, but clearly there is a very, very long way to go.

There is much that this Labor government needs to do to turn our state around, and it should start by delivering on what must now be considered a broken election promise, which was plastered all over South Australia at the last election, to 'fix ramping'. Today's data shows that more than 94,540 hours have been lost to ramping since this government was elected in 2022 compared with 74,991 hours of ramping over the entire four-year term of the former Liberal government. A total of 4,773 hours were lost last month alone, the worst ramping record ever in our state's history. Given ramping statistics are now far worse than they have ever been, you could forgive the good people of SA if they were sceptical about any other promises that may be made in the upcoming budget.

The Hon. R.A. SIMMS (17:48): I rise to speak to the Supply Bill on behalf of the Greens. In doing so I indicate that the Greens will honour the convention in this place of supporting supply and will, of course, support this bill.

I want to use this opportunity to talk a little bit about some of the issues we would like to see the government focus on in Thursday's budget. I think the number one issue for South Australians at the moment is surely the cost-of-living crisis. That is the water-cooler conversation out in the South Australian community, and I think that is the benchmark against which the Malinauskas government's budget will be measured. People want to see the government taking meaningful action on cost of

living. It is a shame that the Hon. Clare Scriven is not in the chamber, because she will be delighted to know that I did make a submission to the government in that regard.

I want to talk a little bit about some of the issues that I flagged in that letter that I wrote to the Treasurer, the Hon. Stephen Mullighan. One of the issues we really want the government to take action on is, of course, rent prices. I have talked a lot in this chamber about spiralling rents, and the concerns that we have around rent prices. Over just the last year, rent prices have soared by 10 to 30 per cent across 92 suburbs.

I do want to acknowledge the leadership of the Malinauskas government in reforming our rental laws last year, and the Greens were pleased to work with the government to make some important changes to rental laws. One of the areas where we could not get the government to take action was on rent prices.

I previously had a bill in this chamber that would have capped rent increases in line with CPI. We could not get support for that—in fact, no other political party was willing to support it—and so I have introduced another bill which would freeze rents for the next two years to provide relief to people who are struggling with skyrocketing rents. I really urge the Malinauskas government to support that, and also to ensure that in this upcoming budget there is provision made for concessions for renters to address some of the cost-of-living pressures they are facing at the moment.

We are also calling for the government to take action on minimum rental standards. We are very concerned that many tenants are living in housing that is expensive to heat and cool and does not meet community expectations. We know, of course, that that results in increased energy bills for people who are already dealing with the rental crisis. We need to ensure that there are standards that keep our homes cool during summer but also warm during the winter months, and we are heading into the winter period at the moment.

We also need the government to take action in terms of building more public housing. I do recognise some of the announcements that the government has made in that regard, but the Greens are concerned that existing public housing tenants are going to be displaced, and that there is not a clear plan in terms of managing what is happening to those tenants during the construction phase.

We also need to see a public builder established, so that we can fast track the maintenance of existing social housing stock. I think all members of the South Australian community were dismayed to hear the news of subcontractors not being paid for their work by private provider Spotless. That is appalling, and the government needs to take real action on that in this budget. Set up a public builder, so that we can fast track the construction of public homes, but also fast track the maintenance work that is long overdue.

I note that the Liberals have spoken a little bit about the housing crisis in their remarks. I am not surprised because it was the Liberal Party that invented the housing crisis in Canberra with the policies of John Howard. The chickens have now come to roost through the exorbitant negative gearing policies, which the Liberal Party ramped up, and the capital gains concessions.

All of these things have overheated the housing market and, of course, they were aided and abetted in that project by the Labor Party here in South Australia that sold off our public housing stock. It has been a bipartisan project that has created the housing crisis, but the Labor Party here have a responsibility to do what they can to fix it, obviously here in South Australia but also over in Canberra, and they need to radically ramp up the investment in public housing.

We need to also see action on education in this budget because many families are already paying exorbitant fees to send their children to public schools, and the Greens have been calling for many years now to scrap public school fees, so that these schools are accessible to everybody. It does seem very unfair that parents are paying quite excessive materials and services charges and other fees, particularly in the middle of a cost-of-living crisis. We need to see adequate funding for our hospitals and our public health system. I do recognise that the Malinauskas government was swept to power on a pledge to fix our health system, and they have made some progress but they need to do a lot better. We need to see the implementation of the recommendations of the Ambulance Employees Association, including the provision of specialised transit wards.

We also need to see more GP positions being created, and the Greens have been calling for that: GPs who are focused on free consults for people with a health care card. We also need to see the government scrap ambulance call-out fees. It is really concerning to us that pensioners and concession card holders are being slugged up to $1,200 for a call-out fee for an ambulance if they do not have insurance. That is really concerning because what that means is that someone could be dissuaded from calling an ambulance if they are in a crisis situation and if they need help.

Finally, we need to see some action on public transport, and I do agree with the remarks of the Hon. Ben Hood. We do need to see a focus on regional public transport, and public transport across the board. In Queensland, the state government there have announced recently 50¢ fares for public transport to try to get people onto public transport, recognising that people are facing pressure at the bowser because we know that petrol prices are going up and up. That would be a really good initiative that the state Labor government could implement in this coming budget, to try to get people back onto public transport.

Also, there is a plethora of really good ideas in the report of the Select Committee on Public and Active Transport that was handed down over 12 months ago. If the minister is ever willing to meet with me, I would be happy to talk to him about those ideas. There are some really good opportunities that the Labor government could take up in this budget when it comes to public transport infrastructure if they are willing to make that a priority, recognising that it would reduce some of the cost-of-living pressures that families are under and also do something good for our environment, which we know is desperately needed.

In concluding my remarks, we really hope in the Greens that the government take serious action on the cost-of-living crisis that is gripping our state. I think that is the standard by which the community will measure the success of this next Labor budget, and I really urge them to heed the advice of the Greens and all the community groups that have been calling for support for South Australians who are struggling in the middle of this crisis.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:57): I thank all honourable members for their contributions and I look forward to the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

STANDING ORDERS COMMITTEE: FIRST NATIONS VOICE

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:59): I move:

That the report of the Standing Orders Committee on the First Nations Voice, 2024, be adopted.

I am pleased to bring this report of the Standing Orders Committee in relation to the First Nations Voice before the council before the report is adopted and laid before Her Excellency the Governor for her approval of the changes to the standing orders. Regardless of one's views on the legislation that the report refers to, it is the case that it has been the will of this parliament that the First Nations Voice Act 2023 come into effect, and we need to give effect to that by standing orders to allow certain aspects of that legislation to come into operation. The proposed changes simply give practical effect to those provisions.

Since the act passed in March 2023, the inaugural First Nations Voice elections have been held. There were 113 nominations, which on a pro rata basis is an approximately 2,500 per cent greater number of nominations than were received for the House of Assembly for the last state election. All positions have now been filled for the six regions.

The standing orders that are proposed provide for the presiding members of the State Voice to be able to give an annual address to the joint sittings of both houses of parliament and to address parliament once in either the House of Assembly or the Legislative Council on legislation, and they enable the council or a minister to request that the State Voice provide them with a report or with an address in relation to a matter or a bill. I look forward to seeing these changes come into effect and witnessing the presiding members have their say in this place. I want to thank the members of the Standing Orders Committee for the collegial way in which we have discussed these matters and have arrived at what is before us today.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (18:02): I rise on behalf of the opposition to briefly speak to the standing orders changes necessitated by the passing of the State First Nations Voice Act, which was introduced by this state Labor government and which passed this parliament without opposition support in February 2023.

The Liberal Party have already placed on the record our position in opposition to the State First Nations Voice, and we have also placed on the record our support for the repeal bill put forward by One Nation. It is a position that we believe is shared by the majority of South Australians, displayed by the failure of the Federal Voice, with more than 64 per cent of South Australians voting no at the referendum and the very low voter turnout at the inaugural First Nations Voice elections.

We have heard some say that the referendum and the State Voice are separate issues and that the referendum was about constitutional change. When the Malinauskas Labor government sought to pass their First Nations Voice Bill, in doing so they also made an amendment to our state's constitution, a fact I think many within our community would be surprised to find out.

We do not support the State Voice, because we believe that another layer of bureaucracy will not equal practical outcomes for Indigenous communities here in South Australia. We also think that one of the fundamental problems with this legislation is that it rests on the notion that parliamentary democracy cannot represent certain minorities. This is simply an attack on parliamentary democracy in principle. Just to be clear, our strong opposition to the State Voice remains.

Nevertheless, this piece of legislation has passed the parliament. When the government passed this legislation, the changes to the way our parliament operates were such that there is now a need to change the standing orders that govern how this place operates. It is with a pragmatic acknowledgement that the Legislative Council is now required to make changes to its standing orders to comply with the legislative requirements of this act that I make this contribution.

It should be noted that the government will likely have the votes required to pass the standing orders changes in the form they would like them to operate; nonetheless, I will place on the record some of the opposition's concerns pertaining to the proposed changes. One such concern is the ability for a minister to request an address or report from the Voice without a resolution of the council. This is completely out of step with the normal practices and procedures of the Legislative Council.

Specifically, there are no other circumstances where a minister can request that the council be addressed on a particular topic, and it be binding. The opposition is firmly of the view that any request for such an address or for representation to be made to the council, as it is with all other matters, should be solely at the discretion of the majority of the members of the Legislative Council.

If a minister is of the view that the council would profit from an address of the Voice, then that minister may prosecute their case in order to persuade a majority of council members to support their attempt to facilitate the desired address and to then vote accordingly. This has been the very long-held convention of the council, that the Legislative Council is its own ultimate authority and is not subject to the will of any individual member. The Liberal Party does not support any proposal that results in the Legislative Council's capacity to be its own supreme authority being altered.

These standing orders in which the minister can request a report or address from the Voice on any legislation also raise the issue of timeliness regarding the passage of legislation. This government has been at pains to communicate to those in this place and to the people of South Australia that the Voice cannot and will not be a block on legislation being passed in either house. While that may have been the intention, these standing orders give no indication on the time required for the Voice to respond to requests nor when the requested report or address would be given. It is of concern that the ambiguity of this change could frustrate the timely passage of legislation, intentionally or not.

Another concern is the dual notification of the same bill and its inconsistency with the act. According to section 39(1), the Clerk of the Legislative Council or House of Assembly, as the case requires, must cause the State First Nations Voice to be given notice of the introduction of each bill in the council or assembly. Given that when a bill is passed through one chamber, the bill is then received by the other chamber, this standing order seems inconsistent with legislative requirements of the State First Nations Voice.

It is also inconsistent Liberal Party values; that is, we do not support the creation of another layer of bureaucracy or paperwork for parliament administration staff that will inevitably arise out of this standing order change. It is important to note that members of this place are not provided with notification by the Clerk nor the government when bills are introduced in this place or the other place. Currently, members of parliament and members of the community alike are able to monitor legislation in parliament by way of the publicly available *Notice Paper* and *Hansard.* We fear that, whilst the intention may be noble, this new standing order may create some confusion when members of the First Nations Voice are notified twice of the same bill.

There are a number of concerns we have on these standing order changes. However, we have overarching concerns with the legislation itself. It is important that these concerns are placed on the record, and we hope that the government listens and takes these concerns seriously.

Motion carried.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (18:07): I move:

That the amendment to joint standing order 16 and new standing orders 16A and 16B adopted by the House of Assembly be agreed to and presented to the Governor by the President for approval pursuant to section 55 of the Constitution Act 1934.

Motion carried.

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

That new standing orders 276A, 323A, 323B and 323C be adopted and be presented to the Governor by the President for approval pursuant to section 55 of the Constitution Act 1934.

Motion carried.

Bills

SUPREME COURT (DISTRIBUTION OF BUSINESS) AMENDMENT BILL

Final Stages

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

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The House of Assembly informed the Legislative Council that it had appointed Mr Fulbrook to the committee in place of Mr Odenwalder (resigned).

At 18:09 the council adjourned until Wednesday 5 June 2024 at 14:15.

Answers to Questions

SHOPPING CENTRE DISABILITY ACCESS

332 The Hon. T.A. FRANKS (7 March 2024).

1. How many of our shopping centres do not have safe or proper access, to and within, for people with disabilities?

2. How does Equal Opportunity SA follow up on complaints logged through the Disability Access Reporting Tool on the Equal Opportunity SA website?

3. Will the Malinauskas government commit to an audit of South Australian shopping centres to ensure they are fit for purpose and safe and proper for people with disabilities?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): In response to part I, the Minister for Planning and Urban Development has advised:

The information requested is not collected (or required to be collected) by any state or local authority and is therefore unable to be provided.

Accurate data about the number of shopping centres that exist in South Australia is unavailable.

However, the Planning, Development and Infrastructure Act 2016 which is the legislation that regulates the design, construction and maintenance of buildings, requires that new buildings be assessed against the Planning and Design Code and the Building Code, which includes the minimum standards for access to and within buildings, including shopping centres, for people with a disability.

Councils have the authority to inspect building work during construction to ensure compliance with approved documentation, including that the necessary access for people with disabilities is provided. However, the ongoing statutory monitoring of existing buildings (and any related data collection) is risk based and is limited to the fire safety aspects (such as sprinklers). This monitoring function, which can result in a building being upgraded, is undertaken by councils' building fire safety committees.

In response to part II, the Attorney-General has advised:

The Disability Access Reporting Tool (DART) is an online form developed by Equal Opportunity SA to empower those who experience disability discrimination in public venues to exercise their rights and complain directly to service providers. It was created as an alternative (or precursor) to making a formal complaint to Equal Opportunity SA.

Prior to completing the form, users are told that an email will be sent to the venue operator informing it of their concerns, and their accessibility rights as a person with a disability.

Users are also informed that by completing the DART they are not making a complaint to Equal Opportunity SA, and that it will not act on the information provided. However, users are also provided with a link to the 'Making a Complaint' page of Equal Opportunity SA's website should they prefer to make a formal complaint on which action can be taken.

In response to part III, the Minister for Human Services has advised:

While there is no arrangement for a proactive audit of shopping centres, a range of public premises–including shops, cinemas, restaurants, theatres and other places–are subject to various regulatory systems linked to accessibility. At the point of construction, these include the National Construction Code along with Ministerial Building Standards while renovations or changes of use during the life of a building may trigger requirements for improved disability access under the Planning, Development and Infrastructure Act 2016. The Minister for Health has also established an enforceable code under the South Australian Public Health Act 2011, the Code of Practice for the Provision of Facilities for Sanitation and Personal Hygiene, that provides additional requirements relating to disability accessible bathrooms in public places.

In addition to state instruments referred to above, the commonwealth's Disability Discrimination Act 1992 makes it unlawful to discriminate against a person because of disability when providing goods, services or facilities, or access to public places.

Concerns regarding individual premises may be raised with the South Australian Equal Opportunity Commission, the Australian Human Rights Commission and various other bodies depending on the nature of the concern.

Concerns that a building fails to meet relevant building standards should be reported to the relevant local council. In addition to formal compliance arrangements to manage circumstances where access is not up to standard, informal tools such as DART help people to share information about access issues. The Pavely App, developed with financial backing from the Government of South Australia, also provides a platform for members of the community to recognise, promote and celebrate businesses and public facilities that are disability friendly or exceed regulatory requirements.

Both the Australian Human Rights Commission and the Code of Practice for the Provision of Facilities for Sanitation and Personal Hygiene note that places that are compliant with disability access requirements, such as Australian Standards 1428.1 and 1428.2 may be rendered inaccessible by the areas then being used for storage or other purposes that impede access. This highlights the importance of the community reporting issues and concerns noting that a proactive audit, even it confirms compliance with relevant building standards at a point in time, may not indicate facilities and spaces are genuinely accessible due to poor use or management.

FESTIVAL TOWER PROPOSAL

335 The Hon. S.L. GAME (21 March 2024). Can the Minister for Housing and Urban Development advise:

1. Has the government considered a proposal or is the government aware of a proposal to build a second festival tower on the Future Stage site?

2. Can the government rule out a second festival tower on the Future Stage site?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Housing and Urban Development has advised:

1. Yes.

2. No.

On 9 April 2024 the Premier and the Minister for Housing and Urban Development announced a new development, subject to planning approvals and leasing pre-commitments, by Walker Corporation for a proposed 38-storey high-rise tower at Festival Plaza.

Further information can be found on the ministerial statement provided to the House of Assembly on 9 April 2024, by the Premier of South Australia, the Hon. Peter Malinauskas MP.

HOMESEEKER

339 The Hon. R.A. SIMMS (10 April 2024). Can the Minister for Human Services advise:

1. Over the last five years, what percentage of houses and units advertised on HomeSeeker were already built and ready to move in to?

2. Over the last five years, how many affordable houses and units have been removed from HomeSeeker after they failed to sell?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Human Services has advised:

1. The HomeSeeker SA website was launched in February 2021.

In that period 53 (3.2 per cent) of the properties advertised on the HomeSeeker SA website were built and ready to move in to.

2. Properties are listed on HomeSeeker SA for a set period of time, during which they are available for sale only to eligible home buyers. The period of time is currently 60 days.

Since February 2021, there have been 1,660 properties listed on the website, with 700 selling to eligible home buyers during that period. The remaining 960 properties were removed from the website after the listing period and sold on the open market.

AFFORDABLE HOUSING

340 The Hon. R.A. SIMMS (10 April 2024). Can the Minister for Planning advise:

1. Over the last 10 years, how many affordable houses and units have been built under the affordable housing overlay?

2. Over the last 10 years, how many affordable houses and units were due to be built under the affordable housing overlay that have not yet been constructed, or are unlikely to be constructed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Housing and Urban Development has advised:

1. The affordable housing overlay has only been in place since March 2021.

Prior to this, affordable housing was in the previous planning system through a range of inclusionary zones.

Since the commencement of South Australia's Affordable Homes Program and inclusionary zoning planning provisions in 2007, more than 5,100 affordable housing outcomes have been delivered, generating over $1 billion in new housing.

2. There have been commitments to build 3,704 houses and units that have not yet been constructed. This includes houses and units which have been earmarked for future development in housing projects in a staged process.

WOMEN'S AND CHILDREN'S HOSPITAL GENDER CLINIC

348 The Hon. H.M. GIROLAMO (1 May 2024). Can the Minister for Health and Wellbeing advise:

1. Separated by age cohort such: 3-5 years old, 6-10 years old, 11-15 years old, how many clients were being seen by the Women's and Children's Hospital Gender Service as at the 31st of March 2022?

2. Separated by age cohort such: 3-5 years old, 6-10 years old, 11-15 years old, how many clients were being seen by the Women's and Children's Hospital Gender Service as at the 31st of March 2023?

3. Separated by age cohort such: 3-5 years old, 6-10 years old, 11-15 years old, how many clients were being seen by the Women's and Children's Hospital Gender Service as at the 31st of March 2024?

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

Please refer to the table below, noting these numbers include children referred but not necessarily undergoing treatment, as they may still be being assessed:

Age	31 March 2022	31 March 2023	31 March 2024
3-5	2	1	0
6-10	34	31	20
11-15	244	200	152
16-17	122	136	113
18+	31	71	30

VAPING

In reply to **the Hon. S.L. GAME** (19 March 2024).

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

South Australia has made significant progress in reducing smoking prevalence over many years. For example, daily smoking prevalence has decreased significantly from 20.7 per cent in 2010 to 8.2 per cent in 2022.

The surge in the use of e-cigarettes (also known as 'vapes') nationally and internationally, particularly by children and young people, threatens to undo this success. According to the 2022-23 Australian secondary school students' alcohol and drug survey, 28.7 per cent of students in South Australia had used e-cigarettes; a significant increase from 8.9 per cent in 2017.

Enforcement activity in South Australia and interstate has found that vape stores, and other retailers who sell vapes, continue to sell illegal nicotine-containing vapes in large quantities. This illegal activity by vape stores is a key reason why new laws are being introduced nationally, which will strengthen the requirements for e-cigarettes or vapes to be sold in pharmacies, to customers with a medical prescription.

The Therapeutic Goods Administration states on their website that the prescription-only model aims to 'balance the need to prevent adolescents and young adults from taking-up nicotine vaping (and potentially smoking), while enabling current smokers to access these products for smoking cessation with appropriate medical advice.'

Vaping can carry health risks, and ingestion of nicotine poses a poisoning risk. Therefore, a medical practitioner, nurse practitioner or pharmacist, is best placed to assess the potential risks and benefits for a specific patient. They can consider existing health conditions, medication interactions, and other factors that might impact the safety and efficacy of using vaping devices. Requiring a person to obtain a medical prescription and purchase from a pharmacy, allows for medical oversight of the patient's use of the product, its ongoing efficacy for cessation and any associated adverse reactions.

Evidence of the potential effectiveness of e-cigarettes for aiding quitting is currently mixed. The Royal Australian College of General Practitioners has concluded that nicotine vaping products are not a first line treatment for quitting, and that there are a range of other quitting medications and nicotine replacement therapies which have had significantly more testing for safety, quality and efficacy. However, for a person who has unsuccessfully tried to quit with these other aids, a patient may wish to discuss this option with a medical practitioner.

Additionally, the requirement for a prescription is an opportunity to ensure smokers or vapers receive cessation advice from a health practitioner, which has been shown to significantly increase the likelihood of successfully quitting both tobacco and vapes.

The Australian government introduced a bill to federal parliament on 21 March 2024 for these new national e-cigarette regulations. If passed, these e-cigarette laws will prevent domestic manufacture, advertisement, supply and commercial possession of non-therapeutic and disposable single use vapes.

The South Australian government has been an active participant in progressing these national vaping reforms by working together closely with the Australian government and other state and territory governments on the implementation plans needed for a strong legislative framework.

The laws aim to ensure the introduction of comprehensive controls on e-cigarette products across all levels of the supply chain and will represent a significant enhancement to the current laws.

AUTISM STRATEGY

In reply to **the Hon. H.M. GIROLAMO** (20 March 2024).

The Hon. E.S. BOURKE: The Minister for Education, Training and Skills has advised:

The Department for Education is unable to provide data on every autistic child. Records collected in government and non-government schools through the nationally consistent collection of data (NCCD) on school students with disability does not require disability type, but instead reports to a broad category of disability. Autistic students may be reported under different categories.

Many students do not disclose a diagnosis, are awaiting a diagnosis or remain undiagnosed.

It is the Department for Education's position that students should attend school every day unless they are unwell or have an approved exemption in place.

As such, we require schools to follow-up any absence to assess the reason for the absence and the potential for any risk to that student's safety, health, wellbeing and learning.

The Department for Education has flexible learning approaches to suit to different contexts of students. This includes:

- the flexible learning options program for young people enrolled in a South Australian government school who have disengaged from school or may be experiencing a number of other barriers to their school engagement
- temporary exemptions to full-time attendance
- home education
- Aligning Curriculum for Competency and Purposeful Transition (ACCEPT), a small-group educational program offering an intensive level of service for government school enrolled autistic students with a range of other complex behavioural needs where each student's program is personalised based on their assessed educational and developmental needs; and
- Open Access College.

The government's autism inclusion teacher (AIT) initiative supports over 420 government primary schools statewide to build their knowledge and understanding of autism and promote evidence informed practices in supporting autistic learners. AITs have had access to professional development packages about considering school environment contexts in relation to sensory processing and the impact on autistic learners. AITs have also had further training modules that address how to identify barriers, provide adjustments in an autism-specific context, including the impact of environmental triggers, transitions and prior experiences at school for autistic students.

Current training for AITs is focused on supporting school connectedness, with a focus on peer-to-peer relationships and the importance of recognising, celebrating and promoting the diversity of ways connection can be experienced between autistic and non-autistic students. This builds the skills across our system to establish safe and welcoming environments for autistic children and young people.

A recent review of the AIT initiative has found that this initiative is having a positive impact on staff and students.

AUTISM SERVICES

In reply to **the Hon. H.M. GIROLAMO** (21 March 2024).

The Hon. E.S. BOURKE: The Minister for Education, Training and Skills has advised:

The Office for Autism has released a tender to provide eligible school students with access to autism assessments at no cost to their families. With assistance from the Department for Education, the program will prioritise students in Northern Adelaide at risk of being disengaged from education, from low socio-economic backgrounds and those currently awaiting assessment in the public system.

SENTENCING DISCOUNTS

In reply to **the Hon. D.G.E. HOOD** (30 April 2024).

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

The Sentencing Act 2017 provides for the maximum sentence reduction that a court may make in recognition of a guilty plea. However, the reduction to be given in any particular case is a matter for the sentencing judge, taking into account a number of factors including:

- whether the reduction of the defendant's sentence by the percentage contemplated would be so disproportionate to the seriousness of the offence, or so inappropriate in the case of that particular defendant, that it would, or may, affect public confidence in the administration of justice; and
- whether any genuine remorse on behalf of the defendant for the commission of the offence is so lacking that a reduction of the defendant's sentence by the percentage contemplated would be so inappropriate that it would, or may, affect public confidence in the administration of justice.

This government has progressed a number of important reforms to ensure that the convictions and sentences given to child sex offenders properly reflect the gravity of this type of offending, including:

- 2022 reforms increasing the maximum penalties on a range of child sex offences, including:
- sexual intercourse with a child under 17;
- use of children in commercial sexual acts;
- sexualised communications with children; and
- production, dissemination and possession of child exploitation material and child-like sex dolls;
- 2023 reforms to lower sentence reductions available for pleading guilty to possession of child exploitation material or dealing with child-like sex dolls;
- 2023 reforms to amend the Bail Act 1985 to require bail authorities to consider the harm that child exploitation material causes to children when considering bail for persons charged with such offences (including offences relating to child-like sex dolls).

The government will continue to carefully monitor the operation of the sentencing reduction scheme and will consider further reform if appropriate.

WE'RE EQUAL CAMPAIGN

In reply to **the Hon. R.A. SIMMS** (1 May 2024).

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

There are currently no religious-based schools that are members of the We're Equal initiative. The Department of Education is however currently working on the rollout of We're Equal across 945 schools and pre-schools across South Australia.

We're Equal does not have a view on provisions within the Equal Opportunity Act 1984 (SA) (the Act). It is a values-based educative initiative by Equal Opportunity SA that is designed to assist organisations and businesses to create and sustain zero tolerance for discrimination.

SCHOOLS, NON-BINARY STUDENTS

In reply to **the Hon. F. PANGALLO** (2 May 2024).

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

There is no new policy or procedure. They have been in place since October 2016 with no substantive changes.

The Department for Education's gender diverse and intersex children and young people support procedure clearly states an aim to always have a family inclusive approach. Site leaders are advised to include the child or young person's parents when a child or young person asks for support to affirm their gender or to socially transition.

Education staff do not make decisions about the gender of a student. This is a personal and individual matter for the student and their family with support from medical specialists.

The Department for Education does not override the rights of a child's parents or guardians. Departmental staff have a responsibility to follow policies and procedures that ensure the foreseeable risk of harm to a child or young person in their care is controlled and minimised.

Data reflecting the number of students identifying as non-binary is not available.

FORCED ADOPTION AND VICTIMS' REDRESS

In reply to **the Hon. T.A. FRANKS** (2 May 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): In response to question 1, the Minister for Child Protection has advised:

The South Australian government funds Relationships Australia South Australia Post Adoption Support Services, which provide counselling, information, support and assistance with family search and reunion, and links to other supports and networks statewide. Survivors of forced adoption can access these services.

Relationships Australia South Australia is also funded by the commonwealth government for the provision of the Forced Adoption Support Service. Known as FASS, this very important professional and trauma-informed service provides free and confidential services including casework, emotional support, records tracing, assistance with family searching and intermediary services, group activities, peer support, and therapeutic counselling.

Relationships Australia South Australia has sites across South Australia, including the Riverland and Port Augusta. FASS is accessible to parents who have lost a child to forced adoption, adult adoptees and extended family members. FASS provides services both face-to-face and via telephone, with telehealth counselling available for those who cannot access a Relationships Australia South Australia site.

In response to question 2, I can advise that the South Australian government is not considering implementing a redress scheme at this time.

DRIVING OFFENCES

In reply to **the Hon. H.M. GIROLAMO** (16 May 2024).

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

Courts data does not indicate, for unfinalised matters, whether an individual has had their licence revoked.