LEGISLATIVE COUNCIL

Tuesday, 24 September 2024

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

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

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (DESIGNATED LIVE MUSIC VENUES AND PROTECTION OF CROWN AND ANCHOR HOTEL) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

APPROPRIATION BILL 2024

Assent

His Excellency the Governor's Deputy assented to the bill.

STATUTES AMENDMENT (IDENTITY THEFT) BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

EVIDENCE (ABORIGINAL TRADITIONAL LAWS AND CUSTOMS) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

FORFEITURE BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

SPENT CONVICTIONS (PART 8A FINDINGS) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

BAIL (TERROR SUSPECTS AND FIREARM PARTS) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

STATUTES AMENDMENT (PUBLIC TRUSTEE AND LITIGATION GUARDIAN) BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

CRIMINAL LAW CONSOLIDATION (RECRUITING CHILDREN TO COMMIT CRIME) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

LATE PAYMENT OF GOVERNMENT DEBTS (INTEREST) (REVIEW) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

SENTENCING (SERIOUS CHILD SEX OFFENDERS) AMENDMENT BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

EXPLOSIVES BILL

Assent

His Excellency the Governor's Deputy assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Judicial Conduct Commissioner—Report, 2023-24
[Ordered to be published]

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

Reports, 2023-24—
Retail and Commercial Leases Act 1995—Disputed Lodged
South Australian Government Boards and Committees Information
Regulations under Acts—
Heritage Places Act 1993—Prescribed Rate of Interest
Regulations under National Schemes—
Education and Care Services National Law—Miscellaneous (No 2)
Determination of the Remuneration Tribunal No. 4 of 2024—Minimum and maximum Chief Executive Officer remuneration for the District Council of Coober Pedy
Report of the Remuneration Tribunal No. 4 of 2024—2024 review of minimum and maximum remuneration for the District Council of Coober Pedy Local Government Chief Executive Officer

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

Reports, 2023-24—
Equal Opportunity SA
South Australian Civil and Administrative Tribunal
Government Response to recommendations contained in the Finding of Inquest into the death of Ms Ardebby Oh Chua Report handed down on 23 January 2024
Report of actions taken by the South Australian Civil and Administrative Tribunal in relation to the Coronial inquest into the death of Christopher Lens

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

Architectural Practice Board of SA—Report, 2023-24
Festival Plaza Code Amendment—Early Commencement

Ministerial Statement

DRAFT GREATER ADELAIDE REGIONAL PLAN

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): I table a copy of a ministerial statement relating to the draft

Greater Adelaide Regional Plan made earlier today in another place by my colleague the Hon. Nick Champion MP, Minister for Planning.

Parliamentary Procedure

VISITORS

The PRESIDENT: I take the opportunity to welcome officers from the Parliament of Victoria, who are visiting our parliament this week as part of an exchange program between the two parliaments. You are very welcome.

Question Time

HORTICULTURAL FOOD SAFETY REGULATIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries about melons, berries and leafy vegetables.

Leave granted.

The Hon. N.J. CENTOFANTI: I have been in conversations with the growers and stakeholders of the commercial horticultural sector, who are alarmed by a horticultural food safety regulations discussion paper. Despite being told multiple times during the consultation stage that an additional fee, dubbed a 'lettuce tax', for food safety certification of melons, berries and assorted leafy vegetables was unfair, unworkable and unnecessary, the Department of Primary Industries has still gone ahead with presenting the exact fees and regulations that industry advised not to introduce. My questions to the Minister for Primary Industries are:

1. Does the minister concede that this new fee does nothing to improve food safety standards for already regulated and certified growers?

2. Does the minister concede that this is yet another tax on farmers that will directly impact on the cost of fresh produce for South Australians?

3. Will the minister commit, on the record, to not following through with the discussion paper and commit to not implementing a new food safety certification fee for those regulated growers who already paid for, and have obtained, a food safety certificate?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:32): I thank the honourable member for her question. First, a little bit of background: this is about food safety, and I would imagine that most consumers would expect that when they buy berries, leafy vegetables and melons they are already subject to food safety requirements, and would be surprised to hear that that has not necessarily been the case until now. There are new national standards under the national Food Standards Code for these, and the task now is to work out how we can best apply them here in South Australia. The discussion paper that has been released refers to possible options, and it asks industry for feedback and to suggest any other options. It does not propose a new tax.

I am advised that there has been an increase in the number of incidents involving foodborne disease, including horticulture, with horticulture accounting for nearly 10 per cent of all recalls. When recalls occur it obviously puts additional pressure on producers and growers. We don't want to see food recalls because it indicates that there is something that has broken down in terms of the chain. I think the public is keen to have confidence that their food is safe from disease.

A discussion paper, it may surprise those opposite to know, is for discussion. That is why it's called a discussion paper. It puts forward options and it invites other options. Feedback is open until the middle of October. I look forward to getting a briefing from the department on what that feedback is.

HORTICULTURAL FOOD SAFETY REGULATIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): Supplementary: how many South Australian regulated lettuce, melon or berry businesses have had incidents of foodborne diseases in the last five years?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): I am happy to take that on notice and, if that information is available, bring back a response.

HORTICULTURAL FOOD SAFETY REGULATIONS

The Hon. R.A. SIMMS (14:34): Supplementary: is the minister concerned that the discussion paper and debate about the discussion paper could potentially lead to an increase in food prices, particularly given grocery prices are already spiking here in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): The AUSVEG representative was in the media today and was asked particularly did he think if such a fee were to proceed whether it would impact prices. He said no. I am happy to defer to the industry opinion in regard to that particular matter.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): My questions are to the Minister for Primary Industries on the topic of the tomato brown rugose fruit virus:

1. Has the minister spoken to her interstate colleagues to ensure their testing protocols are sufficient and that enough surveillance is being done in other states, particularly those that have enacted movement control orders?

2. Will the minister commit to the establishment of an accredited laboratory testing facility here in South Australia for the virus, and, if so, when will it be established?

3. Can the minister provide more details on compensation planning and arrangements, given the scale of the impact from the current restrictions?

4. Will the minister guarantee that all affected growers will receive compensation?

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. As I think I have mentioned here in this place before, PIRSA is responding to a detection of tomato brown rugose fruit virus at three properties in the Northern Adelaide Plains region. That comes after PIRSA was contacted by a commercial tomato-growing facility on the Northern Adelaide Plains to report a suspected positive result from a laboratory test.

As I have mentioned, the disease is currently considered exotic to Australia. It affects tomatoes, capsicums and chillies. It's highly contagious and is listed on the National Priority Plant Pests list. The virus is listed as a regulated pest in South Australia's Ministerial Notice No. 2, Declared Pests and Quarantine Areas, pursuant to the Plant Health Act 2009.

The infected plants are not known to pose any risk whatsoever to human health. Infected plants will show symptoms such as mosaic patterns, yellowing and deformities on leaves, and the fruits develop brown wrinkled spots, deformities and uneven ripening, which reduces their yield and marketability.

The virus spreads easily through mechanical transmission, as well as a number of other methods. It is considered a significant risk to Australia's $5.8 billion vegetable industry due to reduced yield and quality of produce. I am advised that that reduction in yield can be as much as 75 per cent. Quarantine orders on individual businesses, of course, are not applied lightly. PIRSA has been in close communication with the affected business regarding the quarantine orders.

These measures are first and foremost designed to try to limit the spread of the disease, which preserves the right to aim for eradication of the virus in Australia if it is deemed technically feasible to do that. At the same time, the quarantine measures allow assurance to domestic and international trading partners that they can continue to accept fruit from the large number of South Australian tomato businesses that are not affected directly by the outbreak. Response measures are underway in South Australia, and there has been a strong focus on sampling crops to delimit the extent of the spread.

In terms of some of the other questions that the honourable member has asked, there is a national committee that considers exotic diseases. That committee has met and that has representatives from, I understand, all the jurisdictions, including, of course, South Australia. I have been urging that they consider as a matter of urgency the proposed protocol for dealing with businesses that have had quarantine measures applied to them so that there is a clear pathway out of quarantine for those businesses.

Because this is the first time that this disease has been detected in Australia, those protocols do not yet exist in terms of being adopted and agreed to. That process is continuing at the moment. I have spoken with some of my interstate counterparts, as well as nationally, about the importance of getting those protocols considered and agreed to as soon as possible.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Supplementary: does the minister have the powers to use ministerial discretion for compensation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): There are a number of different mechanisms that can be taken when there is an outbreak of a disease. There are national agreements that may be in place and that may apply. PIRSA is currently investigating the different options that might be available.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40): Supplementary: does the minister have ministerial powers of discretion for compensation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): I just answered that question.

Members interjecting:

The PRESIDENT: Order!

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40): Further supplementary, Mr President. She didn't answer in the first place—

Members interjecting:

The PRESIDENT: Order! I will listen to it.

The Hon. N.J. CENTOFANTI: Further supplementary: when undergoing testing and sampling, has PIRSA assessed the risk of cross-contamination when personnel visit multiple farms in the single day, especially when if one of the farms is contaminated?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): Yes, they have.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. F. PANGALLO (14:40): Can the minister explain why tonnes of perfectly edible tomatoes are being destroyed and are not able to be sold in South Australia, despite assurances that they can be treated to eliminate the virus?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): Certainly, I can. At the moment we have restrictions to trade in various different forms to three different states: Queensland, New South Wales and Western Australia. Some of those restrictions apply on a state basis—namely, Queensland and Western Australia. The third, New South Wales, is not applying it to the entire state.

If we were to lift the current restrictions and enable fruit to be sold here in South Australia, fruit from one of the infected properties, there is a very high likelihood that all states would close their borders to all South Australian tomatoes. That would affect all the businesses that do not currently have the disease, that are potentially many hundreds of kilometres away, and cause a significantly

increased negative impact to our South Australian growers. That is why the quarantine measures are so important, and that is why they are currently in place.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:42): My question is to the Minister for Primary Industries and Regional Development on the topic of the tomato brown rugose fruit virus. Does the minister have the powers to use ministerial discretion for compensation for growers and businesses subject to quarantine orders; and, if so, will she use them?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42): I answered that question, almost exactly, a few minutes ago, when I said that we are investigating all the options available.

HOMICIDE VICTIM SUPPORT GROUP

The Hon. R.P. WORTLEY (14:42): My question is to the Attorney-General regarding the Homicide Victim Support Group of South Australia. Will the Attorney-General inform the council about the landmark anniversary being celebrated by the Homicide Victim Support Group of South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I thank the honourable member for his question. The Homicide Victim Support Group of South Australia is a dedicated volunteer group that, for the past 30 years, has provided guidance and support to people who have lost a friend or a loved one to homicide.

As I said, established some 30 years ago by Ms Lynette Nitschke, the support group has provided a critical support network, helping guide families and friends of people tragically lost to homicide through the justice system and beyond during what is undoubtedly the most difficult period of their lives. The loss of a family member or friend to homicide is, for most, unimaginable, but for those assisted by the support group that tragedy is their reality. Providing that much needed support to these people is no easy task for volunteers, many of whom have also experienced the tragic loss of a loved one to homicide.

One of those remarkable people is Ms Lynette Nitschke who, after setting up the victim support group 30 years ago, has been the group's chair the vast majority of that time. This 30-year anniversary of the Homicide Victim Support Group will mark Lynette's incredible commitment to the role and her final year being formally involved in the group, as she takes a well-earned step back.

I would like to personally thank Lynette for her 30 years of service to the community, and service to those members of the community who are most in need of support, having to face that unimaginable loss of a loved one. I wish Lynette, as she steps away from the group, all the best for the next chapter of her life and look forward to seeing the continued good work that members of the Homicide Victim Support Group undertakes.

I am pleased to advise the chamber that this government has been able to support this group of volunteers to continue and bolster their good work through providing funding in last year's budget, allowing them to provide further outreach to the community and to provide support. I would like to thank all of the members and the volunteers that make up this invaluable support and information network in South Australia.

BATTERY HEN CAGES

The Hon. T.A. FRANKS (14:44): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries on the topic of the resolution to ban battery hen cages by 2036.

Leave granted.

The Hon. T.A. FRANKS: As part of the updated code, specifically the Australian Animal Welfare Standards and Guidelines for Poultry code, the minister would be very well aware that now over a year ago, in August 2023, a cross-jurisdictional decision was reached to ban battery hen

cages by the year 2036. It is still over a decade away. So it will happen, but it can happen more quickly. There is no need to wait, and eight in 10 Australians would support that change right now.

The ACT banned battery cages in 2014. In 2013, Tasmania prohibited any new battery hen cages operators opening up in that state. My question, therefore, to the minister is: what is the Malinauskas government doing to ban battery hen cages in our state and to support those eight in 10 consumers who do not want battery hen eggs produced in our state and do not want to buy them?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I thank the honourable member for her question. It is accurate that there has been a national agreement in regard to this matter. PIRSA is working through how we will implement this particular matter. I think it is also important to note that there remains a range of different opportunities in terms of the type of poultry methods that are used, including furnished cages, barn hens and free range, and all of those have a current role to play. With the outbreak of avian influenza, that perhaps has given additional visibility of some of the disease issues that are also faced with different methods and so it's an important consideration as we go forward.

BATTERY HEN CAGES

The Hon. T.A. FRANKS (14:47): Supplementary: has the Malinauskas government done anything to progress banning battery hen cages in our state?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): As I mentioned, PIRSA has been working on how this will be implemented. That includes consultation with industry, of course.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:47): My question is to the Minister for Primary Industries on the tomato brown rugose fruit virus. Given that we now are more than six weeks post detection of the virus, can the minister inform the chamber whether the South Australian government is acting to eradicate the virus as opposed to managing this virus, and does she agree that a coordinated and consistent national approach is needed to support our local growers, especially since the virus doesn't stop at state lines?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48): I thank the honourable member for her question. I think it was somewhat answered in my previous answer about this virus just a few minutes ago; however, I am happy to elaborate further. When there is a disease that is exotic to Australia, so it hasn't been detected here before, and is considered to have a particular risk—as this one certainly does—then there are arrangements under national agreements that kick in. So hence the national discussions and decisions around whether it's considered to be able to be eradicated or whether we must move to a management plan.

At the moment, it's still considered to be feasible to eradicate—there hasn't been a decision to overturn that—and therefore that is why the quarantine measures that I alluded to in a previous answer are in place. It's important to note that it's still, as far as we can tell, contained to three properties in terms of the testing that has been returned and, therefore, the chances of eradication are quite positive.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:49): Supplementary: with the management plan for eradication, how has the government communicated to industry? What are the communication plans that the government has in terms of communication back into your action plan?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49): There are a number of methods that occur. One of the things we did quite early on after the detection of this disease was to appoint an industry liaison person. I am not sure if that's the official title but that's the purpose of the role, and that has been Mr Jordan Brooke-Barnett from AUSVEG, who has been able to liaise between PIRSA and industry. Of course, the various people involved in the biosecurity section of PIRSA as well as others have been in close liaison on a national level.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:50): Supplementary: what is the timeline for industry to be notified as to whether or not the virus will be eradicated or managed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): At the moment the goal is to eradicate the disease. In terms of a timeline, if there was any change to that decision then obviously industry would be notified as soon as possible.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:50): Supplementary: if the government or a national committee moved to a management strategy, will businesses still be compensated for their loss?

The PRESIDENT: I am not sure that arises from the original answer, but you are on your feet, minister, if you would like to answer it, please.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): Yes, actually I am not sure that it does. My concern is more that this is speculating, 'What if this?', 'What if that?', 'What if that?' so I think it's a hypothetical question.

The PRESIDENT: The Hon. Mr Pangallo, a final supplementary question.

The Hon. N.J. Centofanti: Tens of millions of dollars.

The PRESIDENT: Order!

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. F. PANGALLO (14:51): In relation to the eradication program, can the minister tell us how many tests are still outstanding for the virus and for how long?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I have some information that may go part or all the way to answering that question. As I mentioned, PIRSA has been working closely with the affected businesses; also the Australian government's Department of Agriculture, Fisheries and Forestry; fellow interstate biosecurity agencies; and industry.

I am advised that over 2,900 samples have already been collected to help to confirm how far the disease may have spread. I am advised that results have been received for over 2,000 of those samples and, to date, the disease has only been confirmed on three properties.

KICK OFF YA BOOTS

The Hon. J.E. HANSON (14:52): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the *Kick off ya Boots* theatre show which has taken place in Loxton and its importance as a mental health and wellbeing initiative?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): I thank the honourable member for his question and his ongoing interest in regional matters. It was an absolute pleasure to attend one of last weekend's performances of *Kick off ya Boots* at the Lutheran Peace Hall in Loxton. It was also good to have Nadia Clancy, member for Elder in the other place, in attendance in her role as the Premier's Advocate for Suicide Prevention, given *Kick off ya Boots* has an important role as a mental health and wellbeing initiative for local farmers, producers and residents.

Kick off ya Boots is the latest show from Little Town Productions, which is a volunteer-based organisation that has held over 125 performances, viewed by approximately 40,000 people since 1999. Indeed, I am advised that over the last 25 years Little Town Productions has performed a Christmas nativity story at the St Peter's Lutheran Church in Loxton, which has drawn large crowds both locally and regionally. So their role in the Riverland community is well established, important and appreciated as a means for connection and bringing people together through the joy of

performing and all of the skills and benefits that performance brings to those who are involved, while at the same time spreading an important message to the wider community.

Kick off ya Boots is produced in association with ifarmwell, a farmer mental health initiative of the Department for Rural Health at the University of South Australia. Many members might be familiar with Associate Professor Kate Gunn, who is central to that and who I had the pleasure of meeting at a recent event in Mount Gambier. This year's show was written by Mr John Gladigau, founder and playwright of Little Town and also a director of Grain Producers SA. I must say, he has done an incredible job in putting together the show with his fantastic cast and crew, the result being a great celebration of what it means to live and farm in regional and rural communities.

In addition to that, the show explored the difficult topics of succession planning, drought, financial security and some of the other tough realities that face our farming communities. I was very impressed with the messages, which were essentially, among others, that it is okay to not be perfect, it is okay to reach out and it is okay to access support.

In watching the show, it is apparent how connected to the story those who were performing it are, something that could only come from the story being told by those who have experienced the tough realities of farming life and regional communities themselves.

While it was fantastic to see the great performances from farmers and other locals for farmers, it was really heartening to see so many people from all walks of life enjoying the show and picking up the important messages that it so clearly gets across. John and his crew will be back at Lutheran Peace Hall in Loxton this weekend, with performances on Friday 27th and Saturday 28th.

The performance includes an amazing three-course dinner as well. It was particularly encouraging to see volunteers doing that. The local high school provided the waiting service and I understand that it was volunteers doing the cooking as well, which was absolutely amazing. I was told last week that they were booked out, but I would encourage anyone interested to make inquiries because it is certainly worth seeing.

So, again, I want to congratulate all those involved in putting this production together. There are so many benefits for those involved in the show and for the audience who come along to see it. It is a great example of a community organisation that is making a huge difference and delivering an important message in a unique, fun and educative way and I loved some of the local in jokes—they were great.

KICK OFF YA BOOTS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:56): Supplementary: did the minister visit any grapegrowers to view any frost-damaged vineyards, which are causing significant anxiety to the community and are impacting mental health, whilst in the Riverland for the *Kick off ya Boots* production?

The PRESIDENT: The Hon. Mr Pangallo.

ABORIGINAL GOVERNANCE

The Hon. F. PANGALLO (14:56): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about Aboriginal governance.

Leave granted.

The Hon. F. PANGALLO: While I am on my feet, I would like to acknowledge in the gallery today respected Aboriginal elder and longtime Davenport resident Malcolm 'Tiger' McKenzie, whose advocacy for his people over many decades is to be applauded.

The PRESIDENT: Of course, the Hon. Mr Pangallo, that is out of order, but move on.

The Hon. F. PANGALLO: In 2020, 10 senior and respected Aboriginal leaders across the state met with former Premier Steven Marshall to implore him to hold a parliamentary inquiry into Aboriginal governance. They were concerned that the lack of capacity on Aboriginal boards, historical and comprehensive regulatory failure, and allegations that notoriously corrupt Aboriginal leaders were being protected by their lawyers all meant that benefits, both financial and economic, were not

being adequately provided to members of Aboriginal corporations, specifically the native title bodies. That group included a past chair of the APY lands, past chair of the State Aboriginal Heritage Committee, CEO of the Aboriginal Legal Rights Movement, the past native title commissioner for South Australia and others of similar seniority.

The former Premier granted their request and the inquiry proceeded in February 2021, making a number of important recommendations in the final report that was tabled on 15 November 2022. The principal recommendation sought to amend the South Australian Trustee Act in a similar manner to that which has recently taken place in Western Australia to provide greater disclosure and transparency to beneficiaries of Aboriginal trusts. As minister, you did not accept any of the recommendations of the committee.

Running parallel to this is the much publicised Rangelea judgement currently being appealed by colourful Rangelea Director, Vincent Coulthard, which is seen nationally as the bellwether legal judgement relating to the failure of these many very wealthy Aboriginal trusts across Australia to provide benefit disclosure and transparency to their members. My questions to the minister are:

1. Can you provide details on why you rejected all the recommendations of the inquiry?

2. If Mr Coulthard's appeal fails, will you amend the South Australian Trustee Act legislation as recommended by the standing committee along similar lines to what is being done in Western Australia?

3. Are you prepared to provide copies of the inquiry report to South Australian Voice members and seek their views on the recommendations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59): I thank the honourable member for his questions. I might take them in reverse order and I am sure that, if I don't remember the first ones asked, the honourable member will remind me. In relation to what the South Australian Voice engage upon, that is a matter for the South Australian Voice. It is not up to me to decide exactly what it is they contribute; that is the whole point of having people elected to represent the communities. They will decide on what they wish to engage. If there is something they wish to take up, they are more than free to do so.

In relation to matters to do with the laws of trust and how they operate in South Australia, I would be more than happy to pass on to the minister responsible for that area of governance in South Australia, the Hon. Andrea Michaels, the Minister for Consumer and Business Affairs, the views expressed here for the honourable member's input. Was there a first question?

ABORIGINAL GOVERNANCE

The Hon. F. PANGALLO (15:00): Supplementary: can the minister provide details on why he rejected all the recommendations of the inquiry?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member. I am happy to go back and look at that. I know there was some discussion around the time on singling out only Aboriginal groups for an inquiry and not a broader look at governance issues to do with non-Aboriginal groups, but I am happy to go back and have a look at those.

CFMEU

The Hon. J.M.A. LENSINK (15:01): I seek leave to make a brief explanation before directing a question to the Attorney-General in relation to the CFMEU.

Leave granted.

The Hon. J.M.A. LENSINK: I understand, and I think it has been reported in this chamber, that the South Australian police have completed their investigation into the South Australian branch, concluding that no criminal behaviour has been found. However, there are ongoing concerns about the CFMEU in our community and inappropriate conduct persisting. My questions for the Attorney therefore are:

1. Given these ongoing concerns, does it concern the minister that elements still contain influence within South Australia's construction industry?

2. Will he outline his support for the CFMEU being placed into administration and what were the reasons if they were not criminal but inappropriate?

3. In light of broader national concerns about corruption and bikie links, does he believe it is appropriate for associates to operate without further external oversight?

4. Does he continue to engage with the CFMEU?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I thank the honourable member for her question. I am not sure what she means by associates, but I am sure she will clarify that by way of a supplementary. In relation to the first part of the question, 'Does this government support the CFMEU construction and general divisions in South Australia, Victoria, New South Wales and Queensland being placed into administration and the federal body?' yes, the South Australian government does support that.

The honourable member talked about the fact that the police didn't find any evidence of criminality, I think, on construction sites but, as I have said in this chamber in the last few weeks, most people who saw the national media reporting, particularly on the television and in the newspapers, would have been disturbed at what they saw in relation to the Victorian CFMEU. It was the Victorian CFMEU that were administering the South Australian branch, so we think the appropriate action has been taken.

CFMEU

The Hon. J.M.A. LENSINK (15:03): Supplementary: does the minister himself continue to engage with the CFMEU?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I don't believe I have had any contact with anyone, or I can't recall it, since the administration of the construction and general division. I don't think I have had contact with anyone from the other divisions either, but I certainly would expect to continue to have contact with other parts of, certainly, the CFMEU. The forestry division of the CFMEU is headed up by a very close family friend of some 30 years' standing, Brad Coates in Mount Gambier, who is one of the most respected unionists around the country.

I will certainly continue, as I have for decades now, to have contact with the forestry division of the CFMEU about the needs of the forestry industry, particularly in a place like the Limestone Coast of this state that is so important for our economy, and also the manufacturing division. I don't think I have had any contact with any officials from there, but certainly that is an important part of the South Australian economy as well.

NAIDOC WEEK

The Hon. M. EL DANNAWI (15:04): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about this year's NAIDOC Week events in Port Augusta?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:04): I thank the honourable member for her question. It is a great pleasure to visit regions at any time of the year, but particularly during NAIDOC Week, which I only get to do every few years because there are so many events in Adelaide during NAIDOC Week. It was great this year to have a chance to get up to Port Augusta and join in many of their celebrations, including the Culture Fest day of celebration and sharing of Aboriginal and Torres Strait Islander culture.

Events for the week kicked off in Port Augusta with a smoking ceremony and corporate breakfast, followed by an opening ceremony. Held at 50 Wharflands on the Esplanade in the centre of Port Augusta, Culture Fest was very well attended both by locals and visitors, young and old, who enjoyed a day of performances, talks and the many stalls that were on offer.

One of those stalls was preparing a well-known bush tucker food with a twist, a creation called damper twisties, where damper was cut into thin strips and wound around wooden sticks, sealing off one end before cooking them over coals and filling them with butter and any other fillings you might like. Sir, I would highly recommend next time you are in Port Augusta—you visit that part of the world often—trying a damper twisty.

Other stalls had activities for the many kids who were in attendance, such as cupcake decorating and colouring of Dreamtime stories and animations, and a stall from Umeewarra Media was handing out T-shirts with the fantastic local Port Augusta NAIDOC design. It was a pleasure to spend most of the day with locals, chatting with many community members, who were treated to a fabulous line-up of performers during the day, including some internationally renowned dancers and singers.

There were performances from Kungkra, Dem Mob, JKLMS, Eddie Peters and Nancy Bates. Traditional dancing was also a significant part of the event, with a special feature from the Umeewarra dancers, the Yankunytjatjara men, the Meuram Mer dancers and a group of 13 performers from the Torres Strait Islands who travelled a long distance to share their talents and their culture with the local Port Augusta community.

The NAIDOC Week included many other events, including a Colour Run, a scarf workshop and the annual tradition of Port Augusta's NAIDOC Week quiz night, which is hosted by the winner of the previous year's quiz. After an enjoyable night, I was very pleased to be on the table that won the quiz night, but now have, I am told, a commitment to help host the quiz night next year in Port Augusta.

This week's NAIDOC events provided a great opportunity for community members to engage and celebrate Aboriginal Torres Strait Islander cultures, histories and achievements. I thank Port Augusta for putting on a fantastic NAIDOC Week. I look forward to returning next year to the NAIDOC Week quiz night, and invite any members of the council who wish to do so to join us.

HEALTH WORKFORCE

The Hon. R.A. SIMMS (15:08): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Industrial Relations and Public Sector on the topic of health workers.

Leave granted.

The Hon. R.A. SIMMS: Today, it has been reported that in Victoria an agreement has been reached between the government and the union to increase paramedic wages. It comes after negotiations have been ongoing since February 2023 and resulted in industrial action in March. Under the four-year agreement, paramedics will now receive wage increases ranging from just under 17 per cent to 33 per cent over four years. Victorian Ambulance Union secretary, Danny Hill, has said that senior paramedics will soon become some of the most well compensated in the country.

My question to the Minister for Industrial Relations and Public Sector is: what is the government doing to ensure that South Australia can compete for qualified health workers with other states that are willing to pay much higher wages than here in South Australia, and will the government commit to matching the pay increases we have seen in other jurisdictions to stop paramedics from leaving South Australia and potentially compounding the ramping crisis that Labor promised to fix?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for his question and his interest in these areas and his slightly, as always, provocative questions. If his question is will I make a commitment here in question time to match the very highest offer that occurs anywhere around Australia for every aspect of an enterprise bargaining agreement, no I won't. What I will commit to is what we said before the election and we have continued to do: enter each round of bargaining for an industrial agreement in good faith with their representatives in a particular union.

The honourable member mentioned paramedics. I haven't seen the details of exactly what was negotiated, what reforms went with pay increases which might be efficiency reforms within the EB and what parts of the workforce and paramedics different pay rises might apply to, but what I will

say is that genuine desire to bargain in good faith was on display very soon after we came to government. Members will recall that for the four long years of a Liberal government under the former minister, the Hon. Rob Lucas, who would stand up and very proudly demonise union leaders, there was not a pay rise in the whole four years for ambulance workers in South Australia.

I am very proud that as a new Labor government we were able to come to an agreement with the union that represents ambulance workers, voted on by the members of that union, not just for a pay rise for the years going forward over the three years of that industrial agreement but for back pay in each year that they missed.

Members interjecting:

The Hon. K.J. MAHER: For the back pay in each year that they missed. So we will continue to negotiate in good faith with each industrial agreement that comes up for discussion.

HEALTH WORKFORCE

The Hon. R.A. SIMMS (15:11): Supplementary: given the minister has ruled out matching the pay offer made in Victoria, is he concerned that South Australia is at risk of losing health workers to other states?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): I will reiterate again what I think I answered—what the honourable member's question is: will I here and now agree to the highest settlement that occurs in every area in the health system in EBs right around the country? No, I won't do that, but it's not just pay that makes South Australia a particularly attractive place to live. I think the honourable member will agree that this city and this state have many natural benefits, over and above many other cities and states around Australia, that contribute to so many people wanting to call Adelaide home.

DAVENPORT COMMUNITY

The Hon. H.M. GIROLAMO (15:11): I seek leave to make a brief explanation before addressing questions to the Minister for Aboriginal Affairs on the topic of the Davenport Community Council Incorporated.

Leave granted.

The Hon. H.M. GIROLAMO: Members of the Davenport community have contacted the opposition because they feel ignored by this government after raising repeated concerns about the Davenport Community Council Incorporated and its abilities to manage services and deliver outcomes for the benefit of the Davenport community residents. So my questions to the Minister for Aboriginal Affairs are:

1. As Minister for Aboriginal Affairs how is the minister ensuring that the Davenport Community Council Incorporated is complying with the provisions of its lease with the trust and trust act and the associations act?

2. How is the minister ensuring appropriate financial transparency and communications are afforded to all members of the Davenport community?

3. Has the minister formally written to the Hon. Andrea Michaels MP, Minister for Consumer and Business Affairs, on behalf of the members of the Davenport community who have approached him in regard to their concerns around the operations of the council and its role and powers?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): I thank the honourable member for her question. She is right in terms of the fact that there is a relationship between the Davenport Community Council Incorporated and the Aboriginal Lands Trust. DCII are the head leaseholders from the lands trust of the land that the Davenport community incorporates. A number of years ago the Aboriginal Lands Trust, under I think it was section 45 of the Aboriginal Lands Trust Act 1966, appointed I think it is referred to as a community manager to manage the affairs of the leased land.

I know that I get concerns raised with me in different areas right around South Australia, and I have always encouraged and I will continue to encourage people who have concerns to raise them with the appropriate body who can take action. If there is a concern around how the lease or issues to do with the lease are being managed, the Aboriginal Lands Trust are the appropriate body, as I have let people who have raised concerns with me in these sorts of matters around South Australia know.

In relation to compliance with obligations as an association, again, the appropriate regulator here is Consumer and Business Services, which I understand has had, and may even continue to have, involvement with DCCI. If people have concerns about the way that is operating, it would be much more appropriate for that body to have investigations to look at remedies than for me, as the minister, to try to step in where I don't have the power to do so under legislation.

DAVENPORT COMMUNITY

The Hon. H.M. GIROLAMO (15:14): Supplementary: when did the minister last visit Davenport?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:15): I thank the honourable member for her question. I am trying to think: I may have visited during NAIDOC Week, while I was there for a couple of days. If not, it would have been a couple of months before that—certainly at least once, and I suspect more times than that, during the course of this year.

DAVENPORT COMMUNITY

The Hon. H.M. GIROLAMO (15:15): Supplementary: will the minister commit to engaging with members of the Davenport community to address their concerns?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:15): I engage very regularly with members of the Davenport community, the greater Port Augusta Aboriginal community and the South Australian Aboriginal community—very regularly. As per the answer I gave to a question about events during NAIDOC Week in Port Augusta, I would have spoken to dozens of members of the Davenport community and the Port Augusta Aboriginal community during my time there.

WOMEN TOGETHER LEARNING

The Hon. T.T. NGO (15:15): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the chamber on the recent Women Together Learning Stepping into Leadership graduation?

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. The Women Together Learning (WoTL) Stepping into Leadership graduation was held last Thursday evening. It is always an event that I thoroughly enjoy attending for many reasons but particularly because it provides me an opportunity to hear from some of the array of women from many different backgrounds, including this year's graduates and also from alumni from previous years.

The Stepping into Leadership program has been proudly supported by the Department of Primary Industries since its inception in 2012. The program is specifically designed for emerging leaders in agriculture and agribusiness and provides professional development, coaching, networking and mentoring support to 15 women across South Australia. Currently facilitated by Jeanette Long from Ag Consulting Co and Sharon Honner from Spectra Coaching, it has so far provided valuable professional development opportunities to well over 150 women, and still counting.

The program includes a two-day leadership workshop, one-on-one mentoring sessions and a one-day workshop and networking event, as well as coaching sessions and webinars. The graduation event is a chance to welcome the graduates into the fantastic alumni group, who are collectively making a significant contribution to agriculture and rural and regional communities in South Australia. It is also a fantastic networking opportunity for the graduates to meet other women working in agriculture, agribusiness and the regions.

As I have said many times in this chamber, our state's agricultural sector is incredibly important to South Australia. Women's involvement in our agricultural sector is extensive and varied, and this was clearly demonstrated by the different women we heard from on Thursday evening.

One of the speakers was Courtney Higgs, a Stepping into Leadership graduate from this year. Courtney is a sales agronomist and was also the South Australian Rural Ambassador in 2022. Her commitment to and enthusiasm for agriculture and innovation is clear. In her speech she discussed the importance of authenticity to thrive and be a leader, something which can be difficult, particularly for women in male-dominated industries. It is encouraging to have women such as Courtney, who are stepping up in agriculture and are offering their unique skills and insights to both industry and the community more broadly.

I am so pleased that we have a program in our state which is of the calibre of the Stepping into Leadership program. The program offers an important and safe forum for women to develop their leadership skills and advance their aspirations. It is clear that the high-quality skills and training provided through the program have contributed to building careers and valuable networks for graduates and alumni alike.

I am pleased to share that PIRSA has again committed to funding to assist with running the Stepping into Leadership program in 2025, which will support another cohort of 15 women to participate in the program and go on to make impactful contributions to their communities and industries.

Applications for the 2025 program are now open. I look forward to meeting the next cohort of women who take up this fantastic opportunity for development. I would like to congratulate the graduates on completing the program. I look forward to seeing their leadership journeys and the ever-expanding impact they will have on their communities, businesses and industries and on our state more broadly.

GENDERED LANGUAGE

The Hon. S.L. GAME (15:19): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding school-age children being asked about their pronouns.

Leave granted.

The Hon. S.L. GAME: It was reported in *The Advertiser* this month that across Victoria children as young as five will be asked to identify as he, she or they as part of new taxpayer-funded guidelines being rolled out at public libraries. Staff will also need to avoid gendered language and will offer pronoun badges, pins or lanyards to library patrons. This is all part of a government-funded initiative known as the 'rainbow toolkit', which includes adding books on gender diversity to library collections, promoting drag story-time sessions and not assuming the sexuality of any patrons. This initiative was introduced and funded following a survey of 156 respondents from LGBTQIA+ families and 80 respondents from public library staff.

Evidence exists this is also happening in South Australia and my office recently received a written account of a girl at a rural South Australian school being asked, 'What are your preferred pronouns?' and she replied, 'Can't you see that I am a girl?' My question to the Attorney-General is: what is the state government doing to ensure South Australian children are kept safe from pressures to prematurely confront adult concepts like sex and gender in what need to be safe spaces like public libraries?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I can tell you one thing we are doing as a government to ensure South Australian children are kept safe, and that's a bill that we are going to be discussing this afternoon for a start. In relation to the rallying against gender-specific or gendered language that the honourable member seems so excised by, we recall that only in this term of parliament members sitting opposite rallied against the removal of gendered language from the standing orders.

They thought that was wokeness gone mad, and then they found out a few days later that that king of woke, the Hon. Rob Lucas, had already done that a number of years before—this whole

idea that it's some recent creation that we don't try to refer to a woman as 'chairman' and other sorts of things is wokeness gone mad. The Hon. Rob Lucas was on to this years and years ago. We are absolutely committed to keeping children safe and we are committed to people being referred to in a correct and respectful way.

CFMEU

The Hon. B.R. HOOD (15:22): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the CFMEU.

Leave granted.

The Hon. B.R. HOOD: Last week, the administrator appointed to run the Victorian branch of the CFMEU, Mark Irving KC, provided a response to the interim report from Geoffrey Watson SC, who was tasked to investigate allegations of crime and corruption in that union. Mr Irving's response confirms that he is initiating a detailed investigation into the South Australian branch in relation to sexual harassment of female delegates, unlawful kickbacks, menacing, violent and threatening behaviour by delegates, outlaw motorcycle gang connections to the branch, and breaches of fiduciary obligations as well as any other corruption or criminal activity in the sector. My questions to the Attorney-General are:

1. Has the Attorney read Mark Irving KC's response to the interim report of Geoffrey Watson SC into the potential criminal links in the CFMEU?

2. As Minister for Industrial Relations, does he share Mr Irving's view that the matters addressed by Mr Watson are of the utmost seriousness and concern?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): I thank the honourable member for his question. As I have answered just earlier today and in weeks gone by in this chamber, yes, I think most Australians would have been concerned about what they have seen in the national media about behaviour of some elements of the CFMEU's general and construction division. As I have answered just earlier today in question time, we as a state government support the administration.

In relation to the report: yes, I think I have read the one or have looked through the report the honourable member refers to, but I am very keen to be kept informed of everything that's going on in relation to the CFMEU and how it applies in South Australia because, of course, the South Australian branch was under the administration of the Victorian branch up until recently before the administrators were appointed. Going to the honourable member's question, it's not just the Victorian division but I think it's also the New South Wales, the Queensland and the South Australian divisions that the construction and general division are in administration.

WORK HEALTH AND SAFETY MINISTERS' MEETING

The Hon. R.B. MARTIN (15:24): My question is to the Minister for Industrial Relations and Public Sector. Could the minister please inform the council about the recent meeting of commonwealth, state and territory work health and safety ministers?

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 his question and his interest in work health and safety. I know he has dedicated a fair portion of his life to protecting the safety of workers in South Australia through the mighty trade union movement.

Last week, I was very pleased to attend a national meeting of commonwealth, state and territory work health and safety ministers to discuss issues of national concern in our work health and safety system. In recent months these national meetings have been highly consequential, with unanimous approval earlier this year to place a ban on the manufacture and use of dangerous engineered stone products throughout Australia.

One of the most significant matters discussed at last week's meeting—that South Australia specifically requested to be considered—was dispute resolution processes for work health and safety issues. Earlier this year the parliament passed the Work Health and Safety (Review Recommendations) Amendment Act to implement recommendations of an independent review that

was conducted by Mr John Merritt in 2022. It put in place new dispute resolution processes that would allow a worker, an employer, or their representatives, to seek assistance at the South Australian Employment Tribunal in resolving health and safety disputes.

These reforms were very closely aligned with the changes that were made in 2017 in Queensland following a review of its own health and safety laws, as well as being based on recommendations of the review of model WHS laws conducted by current Safe Work Australia CEO, Marie Boland, in 2018.

I am very pleased to advise that following a discussion at the work health and safety ministers' meeting the commonwealth, state and territory work health and safety ministers have agreed to re-examine recommendations of the Boland review and have tasked Safe Work Australia with scoping options to improve practical dispute resolution processes under the model WHS laws and to provide WHS ministers with a report within six months.

WHS ministers also agreed to a request that Safe Work look at other recommendations made by the South Australian and Queensland reviews for national consistency. This resolution is a significant step to better work health and safety systems, and demonstrates that South Australia can help lead a national dialogue in these sorts of issues and areas.

This is not the only important issue dealt with at that particular meeting, however. Ministers received an update from the new commonwealth Minister for Employment and Workplace Relations, Senator the Hon. Murray Watt, confirming that the commonwealth intends to put in place a national importation ban on engineered stone benchtops, panels and slabs from 1 January 2025 to complement the recent prohibition under work health and safety laws.

The ministers also discussed the inaugural Silica National Strategic Plan, developed by the Asbestos and Silica Safety and Eradication Agency, aimed at eradicating silica-related diseases in Australia and supporting workers who have developed those diseases.

These are significant matters that go to improving the safety and welfare of our community, and I look forward to continually collaborating with my interstate colleagues on these international work health and safety reforms.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I go to the Hon. Ms Bonaros, I acknowledge the presence in the gallery today of Adelaide Deputy Lord Mayor Keiran Snape.

Question Time

JURY REPRESENTATION, FIRST NATIONS AUSTRALIANS

The Hon. C. BONAROS (15:28): I seek leave to make a brief explanation before asking the Attorney and Minister for Aboriginal Affairs a question regarding the representation of First Nations Australians on juries.

Leave granted.

The Hon. C. BONAROS: In June 2023, the country's peak judicial body, the Australian Institute of Judicial Administration, released 'The Australian Jury in Black And White: Barriers to Indigenous Representation'. The report was commissioned following the trial of Senior Constable Zachary Rolfe, who was found not guilty of murdering Walpiri man Kumanjayi Walker. Despite First Nations people's accounting for one-third of the entire Northern Territory population, the jury did not include a single Aboriginal person.

The report itself notes that juries, 'routinely failed to include First Nations jurors' and suggests, 'there is a strong argument for giving serious consideration to restructuring jury representation to affirmatively include First Nations jurors.' A social sciences informed model referenced in the report is prefaced on research that shows '[juries] must have at least three minorities to successfully resist the group pressure of the majority in jury decision-making processes'.

Meanwhile, as *The Australian* reports, former Queensland Supreme Court judge Roslyn Atkinson delivered the 2024 Selden Society lecture last month, highlighting:

> [The under-representation of First Nations Australians on juries] is a continuing problem, just as the under-representation of women was…If juries are meant to be members of the community who are peers of the defendant, then it is critical that First Nations people are also fairly represented on juries.

My questions to the Attorney are: has the Attorney considered the report that I have referenced, and has consideration been given to affirmative action measures to address under-representation of First Nations people on juries here in our state, and has consideration been given to the degree to which exclusion from jury service due to living beyond the jury district boundary impacts First Nations South Australians?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:30): I thank the honourable member for her important questions. They are very good questions and ones that I have had a number of discussions about already, including in reference to the report that the honourable member mentions.

It is not just on juries but it is in many aspects of the justice system, particularly the criminal justice system, that Aboriginal people have been dismally under-represented for many, many years. It was only last year that, for the first time in the history of this state and the colony that preceded it, an Aboriginal person presided over a court in South Australia when we appointed two remarkably able women from the Legal Services Commission as magistrates in South Australia.

We know that Aboriginal people make up far too high a proportion of those who come before the courts and those who are sentenced in our courts. We led the way at the turn of the last century, in 1988, with the establishment in Murray Bridge and Port Adelaide of a Nunga sentencing court, where Aboriginal elders were able to be part of the sentencing process for people who plead guilty and, during the term of this parliament, we have passed legislation to back the establishment of Nunga courts, which are now operating in a number of other areas, including Maitland, Port Lincoln and Yalata.

In relation to Aboriginal and Torres Strait Islander representation on juries, the evidence is clear from reports, including the one the honourable member mentioned, that Aboriginal people are very under-represented on juries. There is a current study—I think it is the University of New South Wales which is undertaking the study—looking at some of the factors that contribute to that. I am very keen to make sure where we can as South Australians, and the South Australian Attorney-General's Department, that we provide information to that study, and I look forward to seeing what that study recommends and discussing this matter with attorneys-general from around Australia.

Parliamentary Procedure

ANSWERS TABLED

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

Bills

CONVERSION PRACTICES PROHIBITION BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:33): I move:

> That this bill be now read a second time.

I am proud to present to the council the Conversion Practices Prohibition Bill 2024. At the last state election, the South Australian Labor Party made a clear commitment: Labor is fundamentally opposed to the practice of conversion therapy, which tries to change someone's sexual orientation or gender identity, and, if elected, will work to ensure this practice does not occur in South Australia.

Today, the government is delivering on that important commitment. We know that gender identity and sexual orientation are core parts of who we are as people. We know that these parts of human identity cannot be changed, and we know that practices which try to change these immutable characteristics can cause significant and lasting damage to victims. Today, the government stands shoulder to shoulder with our LGBTIQA+ community, and we are sending a clear message: you are loved just the way you are.

At the outset, I would like to thank the many people who have assisted the government in considering our approach to this issue and in formulating this legislation. Since the 2022 state election, we have had a significant number of representations from the LGBTIQA+ community. This includes from the South Australian Rainbow Advocacy Alliance, Equality Australia, the Minister for Human Services' LGBTIQA+ Ministerial Advisory Committee, and many other organisations, many other individuals and, very bravely, victim survivors.

All of these advocates have called on us to deliver on our election commitment by legislating to prohibit conversion practices in this state, and that is what this bill seeks to do. The term 'conversion practices' refers to practices, treatments or sustained efforts that are directed at an individual and are intended to cause a change to that individual's sexual orientation or gender identity.

These practices cause enormous harm, and that harm is fundamentally because these efforts try to change elements of our identity and humanity that simply cannot be changed. I have heard directly from survivors about the significant and lasting harm that they have suffered because of these conversion practices.

Further to the two moving stories that the Deputy Premier, the Hon. Susan Close, shared in the other place when introducing this bill, I would like to share a further account from a brave survivor of conversion practices. They did not want to be identified, I will refer to them as Craig. Craig has generously allowed me to share his story today. He said:

> Conversion therapy was my only hope to become a straight, heterosexual male and please my Heavenly Creator.
>
> Without converting, I was destined to the eternal burning fire and torture of hell.
>
> My church ostracised me, constantly having 'the gay' prayed away.
>
> I was told that I was under Satan's control. I was disowned by family and friends.
>
> Conversion therapy told me that I was gay because I had a dominant mother and absent father.
>
> It caused untold damage to my mental health. I felt unworthy, wrong and damaged. I attempted suicide numerous times.
>
> I was referred to a psychiatrist who prescribed the maximum dosage of antidepressants and mood stabilisers.
>
> However, this psychiatrist was the very first person that told me that it's okay and acceptable to be gay and that I was not broken and didn't need 'fixing'.
>
> He attested my poor mental health was a consequence of the conversion therapy program I underwent in Adelaide in the 1990s, and the actions of the 'well meaning' (but wrong) church.
>
> The church was attempting to 'save me' from the eternal fire of hell.
>
> The church should instead be a place of welcome, acceptance and love. Conversion therapy must be abolished.

It is clear to the South Australian government that legislation to prohibit these practices is essential to avoid the harm that they are causing to too many South Australians. In doing so, we recognise a simple truth: that there is nothing wrong with being gay, or bisexual, or asexual, or transgender, or in any way part of the LGBTIQA+ community. In this state and in this country diversity should be celebrated, not erased.

This bill says to the LGBTIQA+ community in South Australia, as I said, that you are loved just the way you are. And those few who would seek to change or suppress the core parts of who we are as people should be prohibited from doing so not just by ethics or community expectations but by the laws of this state.

I now turn to the specifics of this legislation, much of which has been outlined by the Deputy Premier in the other place, but I repeat it now for the record and for the information of members in this place before we consider this bill in the committee stage later today.

This bill is closely modelled on the New South Wales Conversion Practices Ban Act 2024 that passed the NSW parliament in March, but with some differences to reflect a South Australian context. The NSW act was drafted based on extensive public and stakeholder consultation. The SA bill defines a conversion practice to mean a practice, treatment or sustained effort that consists of more than one event, or occurs on more than one occasion, and that is:

- directed to an individual on the basis of the individual's sexual orientation or gender identity; and
- directed to changing or suppressing the individual's sexual orientation or gender identity.

Sexual orientation is defined in the bill to mean an individual's orientation towards individuals of the same sex, different sex, and includes having a lack of sexual attraction to any sex, otherwise known as asexuality. The bill provides that a conversion practice does not include:

- clinically appropriate health services or treatments (for example, assisting an individual with therapeutic identity exploration or advising an individual about the potential impacts of gender-affirming medical treatment);
- genuinely facilitating an individual's coping skills, development or identity exploration to meet the individual's needs, including by providing acceptance, support or understanding to the individual;
- the use by a person, without more, of expressions:
    - in particular, expressions of a belief or principle, including a religious belief or principle and in prayer; and
    - expressions that a belief or principle ought to be followed or applied.

This provision makes clear that a general expression about a religious belief, or a system of beliefs, is not prohibited. This could be made to a group or to an individual. It could be through a sermon or a simple one-on-one conversation that does not seek to target the individual and change their sexual or gender orientation. This goes to the heart of freedom of expression, religious freedom of expression and the freedom to speak one's mind when it comes to particular beliefs.

I want to further make clear that a conversion practice does not include religious teachings or prayers presented to a general audience as this is not 'directed at an individual on the basis of that individual's sexual orientation or gender identity'. For clarity, the bill also contains a list of examples of behaviours that do not constitute a conversion practice. These include:

- stating what relevant religious teachings are or what a religion says about a specific topic;
- general requirements in relation to religious orders or membership or leadership of a religious community;
- general rules in educational institutions; and
- parents discussing or providing guidance on matters relating to sexual orientation, gender identity, sexual activity or religion with their children.

In relation to the last example, it should be made very clear that parents are not prevented from being able to have challenging discussions or conversations or provide guidance about these matters with their children. Such parent to child discussions are not captured by the bill. This exception is there to make this very clear. As defined in the bill, a parent of a child includes a step-parent or a person who stand in loco parentis to the child. This definition is drawn from the existing definition in the Child Safety (Prohibited Persons) Regulations 2019.

It will also be an offence to perform a conversion practice on a person with the intention of changing or suppressing the person's sexual orientation or gender identity that causes serious harm

to the person. The maximum penalty for this offence will be five years' imprisonment. 'Harm' is defined to mean physical or mental harm, whether temporary or permanent. 'Mental harm' means psychological harm and includes mental illness, nervous shock, distress, anxiety or fear that is more than trivial. 'Serious harm' is harm that endangers a person's life or is substantial. As defined in the bill, serious harm may be caused by a combination of conversion practices and must be assessed by considering the totality of those practices. It will also be an offence to:

- take a person from the state or arrange for a person to be taken from the state with the intention that a conversion practice is to be performed on the person outside of the state; or
- engage a person from outside of the state to provide or deliver a conversion practice in the state.

For each of these offences, the maximum penalty will be three years' imprisonment or $15,000, or both of those penalties. These criminal offences, separate from the civil scheme, will apply regardless of whether harm was or could have been caused by the conversion practice. Further, all of the bill's offences apply whether or not consent to the performance of conversion practices is given by either:

- the individual; or
- if the individual lacks capacity, a parent, guardian or other person who has decision-making authority.

Consent is not a defence in any circumstance. The bill will also create a civil response scheme to support survivors and facilitate appropriate resolutions between parties.

A further amendment will be made to the Equal Opportunity Act 1984 to insert a new provision into Part 6 to provide that it is unlawful to perform a conversion practice on any person or to arrange for a conversion practice to be performed on any other person. Importantly, the bill makes clear that the existing functions of the equal opportunity commissioner under section 11 of the Equal Opportunity Act will also operate in relation to conversion practices, which includes the commissioner's research, data collection and education functions.

A complaint regarding a conversion practice may first be brought as a complaint to the Commissioner for Equal Opportunity and can then be subject to conciliation, and if not resolved by agreement may be brought to the South Australian Civil and Administrative Tribunal (SACAT) for resolution. This operation reflects how the existing victimisation and sexual harassment provisions operate in the Equal Opportunity Act. Under the Equal Opportunity Act, a complaint must be brought by the person purporting to have suffered discrimination, or, under this bill, a conversion practice.

We have heard from survivors of conversion practices that they see it as important that others be able to make complaints on behalf of the victim, who may not be in a position to do so. This is something that I am carefully considering, but given it goes much broader to the general operation of the Equal Opportunity Act, it is outside the scope of this bill and will be considered in the near future.

Consistent with the current operation of the Equal Opportunity Act in other areas, a complaint regarding conversion practices must be lodged within 12 months of the date on which the contravention is alleged to have been committed (or, if a series of acts is alleged, within 12 months of the last of those acts). However, it should be made clear that the Commissioner for Equal Opportunity has a discretion to extend the time for lodging a complaint, even if the 12-month time limit has expired, so long as they are satisfied that there is good reason for the complaint being made outside this timeframe and it is just and equitable to do so.

This is an important existing discretion of the commissioner to highlight, considering that in many cases of conversion practices it is common for targeted individuals to take years, sometimes decades, to realise that what has happened to them was a conversion practice, let alone to have the courage to come forward and make a complaint. This context will be an important consideration for the commissioner when assessing whether to exercise their discretion to extend the time limit for the civil complaints scheme, and it is anticipated that this discretion to consider waiving the time limit will be exercised in most circumstances based on feedback from survivors.

If a complaint alleges a contravention by a registered health practitioner in the course of practising a health profession, pursuant to the definitions in the Health Practitioner Regulation National Law, the Commissioner for Equal Opportunity must refer that complaint to the relevant health complaints entity. The Commissioner for Equal Opportunity is then prevented from proceeding or otherwise dealing with the complaint under the Equal Opportunity Act. I note that currently in South Australia there is some existing legislation that restricts certain conversion practices, namely, in the space of health practitioners.

The combination of the Health Practitioner Regulation National Law, the federal Australian Consumer Law and, specific to South Australia, the Health and Community Services Complaints Act 2004 combine to effectively prohibit conversion practices across various health and community service settings and in trade and commerce.

This bill proscribes that a review of the legislation must occur as soon as possible after a period of three years from the commencement, with a report to be tabled in parliament within four years after commencement. This will ensure that the effectiveness of the bill can be appropriately reviewed.

As I said at the outset, this bill is the culmination of a significant body of work since the 2022 state election. In addition to the groups I mentioned, and the individuals involved in those groups and many others in the community, I would particularly like to thank people from my office and my department: Patrick Stewart and Elliette Kirkbride of my office, and Rebecca Schell, Laira Krieg and Kellie Tilbrook from the Attorney-General's Department, for their enormous efforts in helping develop this legislation. I also acknowledge the work and advocacy of my colleague the Minister for Human Services, the Hon. Nat Cook, over many years. I also thank the Deputy Premier, the Hon, Susan Close, for the compassion and skill with which she took carriage of this bill in the other place.

I also particularly note my colleague the Hon. Ian Hunter, who has been a relentless advocate on this issue and for his community for so many years. I am especially grateful to the many representatives of religious groups and faith organisations who have spent time with me and my office. These conversations are not always easy for faith-based organisations, but their time, patience and thoughtfulness has ensured we can tackle the harm being caused by conversion practices, without restricting the religious freedoms that all South Australians should have access to.

But, most of all, I would like to thank those many individuals, advocates and campaigners who have taken the time to speak with me and my colleagues over many years about the importance of taking action on this issue:

- to the survivors who have so bravely shared their stories;
- to the family members who have stood up for their loved ones;
- to those from equality organisations, who so often do a significant amount of work not for money but out of love; and
- to everyone who shared their knowledge and experience and life with us, thank you.

This bill would not be before us today had it not been for your work. While there is more debate to come, I am hopeful that today this parliament will support this bill and afford the protections to your community that are so long overdue. I commend the bill to the house and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the measure.

4—Meaning of conversion practice

This clause defines a conversion practice as a practice, treatment or sustained effort that consists of more than 1 event or occurs on more than 1 occasion, and that is directed to an individual on the basis of their sexual orientation or gender identity and is directed to changing or suppressing that sexual orientation or gender identity.

5—Objects

This clause outlines the objects of the measure.

Part 2—Offences in relation to conversion practices

6—Offence to engage in conversion practice that causes mental or physical harm

A person who provides or delivers a conversion practice to an individual intending to change or suppress the individual's sexual orientation or gender identity and who causes serious harm to the individual is guilty of an offence punishable by 5 years imprisonment.

7—Offence to take individual from SA, or engage person outside SA, for conversion practices

A person who takes an individual from SA, or arranges for the individual to be taken from SA, intending that a conversion practice be delivered or provided to the individual outside SA or who engages a person outside SA to provide or deliver a conversion practice to an individual in SA, is guilty of an offence punishable by imprisonment for 3 years or a fine of $15,000, or both.

Part 3—Miscellaneous

8—Review of Act

A review of the Act must be conducted after 3 years.

9—Regulations

This is a regulation making power.

Schedule 1—Related amendment of *Equal Opportunity Act 1984*

1—Insertion of section 86A

Proposed section 86A provides that it is unlawful for a person to provide or deliver a conversion practice to an individual or to arrange for a person to provide or deliver a conversion practice to an individual.

2—Amendment of section 93—Making of complaints

If a complaint alleges a contravention of section 86A by a registered health practitioner in the course of their practice, the Commissioner must refer the complaint to the relevant health complaints entity (and the Commissioner may not proceed to investigate or otherwise deal with the complaint under the *Equal Opportunity Act 1984*).

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:48): I rise today to indicate that this bill is a conscience vote for the Liberal Party and to express my opposition to the bill for a number of reasons relating to the interpretation/application of the bill but also because I seriously question the necessity of this bill. The only type of legislation that should ever be introduced is that which is truly necessary to address a clear and present issue and which respects the rights and freedoms of individuals, whilst balancing the need of society as a whole.

I am yet to be convinced that there is a clear and present issue facing our state that needs this type of legislation, and the member for Port Adelaide certainly did not present any cogent evidence that this bill is necessary in her second reading explanation in the other house. In her speech, the honourable member referred to two cases which sounded distressing, but to criminalise and imprison a person for such behaviour is entirely unacceptable. Those cases do not involve any form of electroshock therapy or any similar unacceptable practice.

When I was briefed by the Attorney-General's office, they told me there was a small number of people who were performing conversion practices but they were causing significant harm. I note the Attorney in his second reading explanation spoke about historical events. However, they have not spoken about current specific cases and provided me with any information on what those practices look like.

I am not the only one who has serious questions about the driver of this bill. In fact, I would like to read out a statement by the Greek Orthodox Archdiocese of Australia, Diocese of Adelaide, regarding the Conversion Practices Prohibition Bill 2024:

The Greek Orthodox Faith has, at its core, a deep respect for the dignity of the human person—dignity that is inseparable from personal freedom. When a person's freedom is restricted it impacts that person's dignity.

With this in mind, the Diocese of Adelaide expresses its opposition to the Government's Conversion Practices Prohibition Bill 2024, which passed the lower house on 11 September and is currently before the Legislative Council. The Diocese is concerned that the Bill (if enacted) would unduly restrict human freedom and dignity.

It goes on to say:

Of greatest concern is the fact that there are no concrete examples of the kinds of practices that this Bill is actually targeting. This has been compounded by the Government using its numbers in the lower house to suspend standing orders to ram it through with minimal discussion—which has not allowed much time for public consultation and debate. And while the Bill contains many explicit examples of what does not constitute Conversion Practice, there are no examples of what does constitute a Conversion Practice. Proponents of the Bill have also not been able to provide much (if any) information on actual instances of a Conversion Practice. The result is that it is not entirely clear what kind of practices this Bill is designed to outlaw and where the precise boundary between a protected practice and an outlawed practice might lie. Indeed, we are left wondering why this Bill is even necessary—surely if these Conversion Practices were widespread there would be plenty of real-world examples?

The term 'conversion therapy' or 'conversion practice' evokes the now condemned aversion therapy formerly offered to homosexuals during the 1980s through the public hospital system. There is no evidence that this is still being practised anywhere in Australia or that, if it were, existing health regulations and criminal law would be inadequate.

Rather than addressing a genuine problem, it seems that the activists who first brought these laws to Australia were following the example of a campaign by US activists to suggest that torture was still a problem. Although the pivotal testimony of Sam Brinton was discredited in the US, notably by the LGBTIQ+ press, no-one seems to have questioned the claim that conversion practices are a problem in Australia.

The Preventing Harm, Promoting Justice report, which has passed for evidence so far, certainly does not stand up to any sort of critical scrutiny. So far, nothing has been presented to me, either from faith community groups or members of the community, to persuade me of this bill's necessity or, indeed, urgency.

I point out that the government introduced this bill last week in the other house and is now calling it to a vote in this place. Why that urgency? If this was such a serious issue in our society, then why not allow time for debate, time for stakeholder engagement and feedback, time to consider the merits or otherwise of the bill, especially given that it encroaches upon such serious topics as freedom of speech, freedom of movement, freedom of thought, conscience and religion, privacy for the family, parental rights and the protection of children, and imposes criminal penalties on those who are in the main in counselling and pastoral type roles and who have a genuine desire to help and support.

This bill is draconian in nature, full of vague definitions and ambiguities, another example of the government's heavy-handed, overreaching approach. There is no obvious need for it. It will do more harm than good. For those reasons, I will be opposing it.

The bill refers to vague and highly subjective concepts such as 'harm', 'substantial harm', 'temporary harm', 'suppressing an individual's sexual orientation', 'genuinely assisting', 'genuinely facilitating' and 'fear that is more than trivial'. Importantly, it does not define gender identity at all. I do not envy any judge who will need to make decisions under this legislation nor any prosecutor who has carriage of the matter. It is filled with ambiguous terms, vague definitions and inconsistencies.

Since the ostensible justification for this legislation does not seem to add up it is legitimate to speculate about what interests are really being served here. One of the key concerns for me with this type of legislation is its potential to interfere with family relationships and discussions. This bill appears to provide carve-outs for certain activities and interactions, specifically stating that they are not conversion practices.

One of the supposed carve-outs is for parents. Parents—and that term has been defined in the bill—who discuss and provide guidance to their children relating to their sexual orientation will not be seen as engaging in a conversion practice. Whilst it may have the veneer of some form of protection I have three main concerns relating to that section of the bill.

My first concern relates to the definition of parent. It is defined to include a person who stands in loco parentis to the child, which is a Latin term for 'in place of the parent', referring to the legal responsibility of a person other than the biological parent to take on the functions and responsibilities of a parent, so it could include grandparents, legal guardians and even teachers. The requirement is that the person has taken on the role of a parent.

That leaves some obvious red flags concerning those in a child's life who are not taking on that role but are nonetheless involved or present in some way. This bill leaves open the very real possibility that an aunty who is not in loco parentis is criminalised for having a well-meaning conversation with their niece or nephew or the child about their sexuality. The same can be said for a sibling who is over 18 years old speaking with their younger sibling. They could face up to five years' imprisonment. This is government overreach at its best, and I know the Hon. Frank Pangallo intends to move an amendment which I believe will address those concerns.

My second concern relating to what I will refer to as the parental exemption is what it does not provide for. Parents could be criminalised if they pray for their children or arrange for their children to see a counsellor or a pastor. On my reading there is no exemption for that type of behaviour.

My third concern is the way that this exemption does not cater for those parents who wish to discuss or provide guidance for their adult child. If a parent has a discussion with their 19-year-old child about their sex, then they could be criminalised under this bill. If a parent discourages their daughter's interest in prostitution as a career, does that count as suppression? I note that the Hon. Laura Henderson will be moving an amendment to provide an exemption—

There being a disturbance in the President's gallery:

The PRESIDENT: Leader, just sit down for a second. I know that this is an extremely sensitive debate. Members of the public who are in the President's gallery, you are welcome but you will listen in silence. I will not tolerate any disruption to the Legislative Council. Leader, continue. Please be respectful.

The Hon. N.J. CENTOFANTI: I note that the Hon. Laura Henderson will be moving an amendment to provide an exemption for parents communicating with their adult children. If they decline medical sex trait modification for their children, could that result in criminal action? This situation is not hypothetical. Until recently the Victorian Equal Opportunity and Human Rights Commission website advised that examples of prohibited practices included:

> a parent rejecting the recommendations of qualified health professionals and refusing to support their child's request for medical treatment that will prevent changes from puberty that do not align with the child's gender identity because the parent believes it is against nature and a boy should be a boy and a girl should be a girl.

There are credible reports from New South Wales of clinicians in Maple Leaf House coercing parents into agreeing to medical sex trait modification for their children with the threat of legal action if they disagree. That sort of behaviour is not beyond the realm of possibility in South Australia if this bill becomes law. That is unacceptable, and I reiterate that I do not support, in any way, legislation that interferes with family relationships and criminalises parents for having conversations with their children. We should never cross this line. It is not the duty of any governing body to legislate in this area.

The government seems not to care for the genuine needs of those in our community. The reality is that this bill may hinder people's ability to obtain help if they need it and indeed want it—and indeed ask for it. The role of a counsellor, pastor or other care provider is to provide support and guidance to those who come to them, but people will be far more reluctant to provide support or counsel unless it follows a certain narrative. Under this bill, if a person came to a counsellor and asked for help and support to remain in a heterosexual relationship, which was provided according to that person's wishes, that counsellor could later be charged with a criminal offence if substantial harm is proven. One counsellor recently told me that if this bill becomes law she will quit work as a counsellor.

On the subject of medical gender affirmation, this law will inhibit discussions between health practitioners and their patients about the risks and benefits of different treatment options. Without full disclosure on these points and without support for different treatment options being readily available,

the necessary preconditions for informed consent cannot be met. Failure in this regard opens a potential minefield of litigation that is already playing out internationally, with the Keira Bell case in the UK and the case now being brought by Chloe Cole and Layla Jane against Kaiser Permanente in the US.

The demands for an investigation of medical gender affirmation for children in Australia are only growing in urgency. Having acted to deny such an inquiry in South Australia as recently as February this year, the Malinauskas Labor government cannot pretend to be ignorant of the growing controversy. How can the government refuse to investigate the problem in February and now propose to legislate in haste and without full consideration of the consequences in a way that will promote a potentially problematic model of care while discouraging alternative forms of treatment?

How, under the government's proposed bill, are we to be sure that children with unexplored health comorbidities are not being funnelled towards medical sex-trait modification simply because they have not been provided with alternative options? How are detransitioners to find the support they need? Will they need to leave the state to find that support? Will those who help them be punished for doing so? I intend to bring an amendment to address the serious inadequacies of this bill.

The concept of substantial harm is highly subjective and could even comprise of temporary mental harm—how temporary, we do not know. That is another uncertain term in the bill. Would it include the substantial harm of pubertal suppression, cross-sex hormones, breast amputation and/or genital surgery suffered by those who once did, but no longer do, identify as transgender? Substantial harm could comprise of mental harm that is, and I quote from the bill, 'fear that is more than trivial'. Again, what does that expression mean? All these vague terms and ambiguous definitions are, to be quite frank, embarrassing for the government.

One of the most troubling aspects of the bill is the fact that consent is not a defence. To make that very clear, even if a person has asked for or agreed to the treatment, the giver of the treatment, so to speak, could be criminally liable. This is absolutely extraordinary, especially given that consent in today's society has become the ultimate gatekeeper, legitimising actions in relationships, workplaces and other domains. I will be moving an amendment to address the issue of consent for those people who are over the age of 18.

The government, true to form, has not provided us with the time needed to adequately consult with community groups and other stakeholders. However, I was still able to obtain some feedback from community and faith leaders, as follows. Dave Shepherd, senior pastor of Hills Baptist Church, with a combined congregation of over 1,800 people, wrote to me and said:

> I'm concerned about this bill and the impact it will have on me and my pastors who genuinely wish to help those who are in need. The bill is vague and ambiguous. I'm not clear what I will be able to do or say and I'm not clear on what I need to say to my staff. I can't believe that the Malinauskas Labor government has introduced this bill. There is no need for it. I haven't heard of any harmful conversion practices happening in SA. This is unnecessary government interference and I am disappointed that I was not consulted prior to its introduction.

Jeremy Jaques, Senior Pastor of Gateway Church, with a congregation of 340, has written to me as follows:

> Over the years, I have met with several people who are struggling with their sexuality or gender identity. I believe it is important that we are not hindered by providing the support and counsel that is needed, including being able to provide them with advice that accords with the Bible.
>
> The bill does refer to the ability to express a belief or principle, including a religious belief or principle. But that relates to beliefs or principles. It doesn't provide an exemption for those who wish to provide personal advice that is specific to an individual's situation.
>
> I am concerned that as a pastor, the bill could potentially criminalise me and my staff if we speak specifically to someone along the lines that 'I don't think you (a male) ought to identify as a woman'. This is a direct attack on our freedom of religion and expression and I cannot support this bill in its current form.

Reverend Ian Clarkson, former senior retired church leader, now leader of HopeNet SA, a teaching ministry to large and smaller churches across the state, wrote to me and said the following:

> The exclusion of 'without more' is ambiguous and could capture authorised pastoral work in certain cases. For example: A sermon, lecture, or teaching session on Biblical sexuality would likely include New Testament teaching

on such things as adultery, homosexual practice, pornographic addictions and more. These could well evoke some listeners to want to engage further with the pastor or presenter. It is normal for that to happen after a sermon or like situation.

This happened many times in my pastoral practice. A person comes up asking to have an appointment to further the discussion on some aspect of sexuality. This bill would limit such engagement to one session and 'no more'. Thus, it would dangerously impair the appropriate, expected process of pastoral work carried out either individually by a pastor or pastoral counsellor or within the context of church teaching.

Besides this the provision here would intimidate the free practice of ministry, have a practitioner 'looking over his shoulder' and even chill him against the normal initiative of follow up which is a normal and expected part of this work.

At the very least, this bill needs amendment and at best it ought to be rejected allowing SA to lead other States in fairness and intelligence in this dubious legislative area. I cannot support this Bill.

Pastor Barry Manual, who has pastored a congregation of 500 in the southern suburbs of Adelaide, wrote this email to me:

There is no evidence today of harmful therapies to change a person's sexual orientation. Therefore, this bill is not necessary.

Will an individual of their own volition be free to go to a pastor and ask for prayer multiple times about their same sex attraction? If not, then their right to freedom of choice and religious freedom is being denied.

How [can] an exemption for transgender treatments in the bill be allowed? Transgender treatments are being challenged widely and are harmful to an individual's wellbeing. The bill must be rejected.

Aside from the personal correspondence that I have received, my office also received a letter co-signed by the Baptist Churches of South Australia and Northern Territory, the Presbyterian Church of South Australia, the National Director of Church Health, the Director of Public Affairs at the Seventh Day Adventist Church and the Executive Director of Freedom for Faith. That letter stated, and I quote:

We cannot support the bill in its current form. We call on the Government and Opposition to address...significant issues before progressing [it].

I think we can confidently say that the vast majority of society do not believe that traditional so-called 'conversion practices' are acceptable. Let me be clear: this is not the debate we are having here today. As I have said previously, there is no evidence to suggest those practices are currently occurring in South Australia.

The debate we are having today is about the blurring of the lines so much so that an individual can be trying to offer genuine support to another individual who has asked for help, and then be accused of committing a crime for doing so after the fact. That is the reality of this bill, and as someone who fundamentally believes in individual rights, individual freedoms and individual responsibility, that is not a reality I can support.

The Hon. J.M.A. LENSINK (16:09): I rise to indicate that I will be supporting this legislation, and am pleased to hear that a lot of us agree that a number of the stories we have heard are distressing and that the practices should not be allowed to continue. Conversion practices are practices, treatments or sustained efforts that consist of more than one event—according to this bill—occurring on more than one occasion that is directed to an individual on the basis of their sexual orientation or gender identity for the purposes of changing that individual's sexual orientation or gender identity.

The harm from conversion practices was recognised by the former Marshall Liberal government. In December 2019 the Chief Psychiatrist issued an internal memorandum to all public mental health services regarding the inappropriateness of such practices, seeking confirmation that they would not be provided. That was also extended to all local health networks, to confirm that they did not engage in such practices.

These practices, and variations of them, use coercive psychological, physical or spiritual interventions, and they have been put forward by professionals, priests and church ministers, even life coaches and counsellors. A number of health practitioner bodies—professional bodies such as the Australian and New Zealand College of Psychiatrists, the Psychological Society of Australia, and the Australian Association of Social Workers—have recognised their harm and do not endorse them as therapeutic practices.

In relation to the South Australian legislation, in particular, I would like to acknowledge those in our community who have fought for this and advocated for it, in particular Jace Reh and SARAA. I also acknowledge the Hon. Ian Hunter, who I think shared the concerns I had that this legislation may have been given a quiet burial in the back of the Labor Party election promises. I am pleased to see they are honouring that commitment to bring this legislation forward.

The legislation is quite novel in a number of jurisdictions, and therefore does not go as far as some advocates would like. It has being crafted quite carefully; as the Attorney-General knows, I do not congratulate him on many occasions, but on this occasion I think it has been crafted to take into consideration a lot of the issues that have been raised with me over time by people of faith and people who are concerned about whether this will interfere with the sorts of conversations people might have in the family home with their children, their siblings and the like, in relation to questioning and other things that take place.

In relation to some of the specific clauses, it is quite a high test to be able to demonstrate that significant harm has taken place, and that is potentially one of the things that advocates have commented on, that it is too high. I also note that within normal health practice there are specific clauses—namely clause 4(3) which deals with health services, parts (a) and (b)—to enable them to engage in services or treatments as part of their practice without them fearing they may be prosecuted. Clauses 4(3)(c) and 4(4) provide some exemptions and examples of faith and religious organisations, educators, educational institutions and parents. That is a respectful balance in terms of ensuring those conversations are separated from what is going to result in harm.

There is a chap who has been an advocate in this space for quite some time, Anthony-Venn Brown OAM. Anthony Venn-Brown was a former Assemblies of God pastor who preached in the eighties. I have actually heard him preach as a youth pastor at the Paradise Assembly of God. He is a member of the baby boomer generation, and he has written a book called *A Life of Unlearning: A preacher's struggle with his homosexuality, church and faith*.

I read a particular chapter which has been published in a book called *Gay Conversion Practices in Memoir, Film and Fiction: Stories of Repentance and Defiance*, which is edited by James E. Bennett and Marguerite Johnson. His is chapter 1, and I have taken the opportunity to read it in detail. I think he outlines his process in writing his memoir, which has been a guide for people over many years. He has rewritten it twice and talks about the culture at the time when he was growing up being very much viewing anything other than being straight, for want of a better word, as sexual deviation—and within his family, and certainly within his church, the pressure that he felt to fit in—and therefore viewed what he was feeling as a young man as deviation.

It is quite a detailed chapter. I am obviously not going to go through it in detail, but he went through some horrendous experiences, and I think, like a lot of people who have undergone these practices, felt so bad by the end of it that a number of people that he has known have committed suicide because it was such a torturous thing for them to go through. I think the conclusion that he reached was he had attempted and followed the guiding and the teachings that he was provided by his church leadership. He even was in a residential program and just was not able to be cured of being a gay man. He says at this point:

> I'm fortunate to be in a good place now, but many survivors of conversion 'therapy' are not. Conversion 'therapy', whether informal or informal religious settings, is always harmful because it is based on a false premise that if you are gay, lesbian, bisexual, transgender or gender diverse, something is wrong with you.

He has had a number of people who have read his book, and come across his book, which has been cathartic for those individuals, that they have been able to recognise that they have been through the same experience and, because of the deeply buried shame, it has enabled them to appreciate that they are not the one with the issue; this is the way they are. No matter what teachings or treatments or 'therapies' are undertaken, this is not going to change.

He has also written some work in relation to the changes in practices over time, or the changes in language over time. I think it is fair to say that there is less of this activity going on. He talks about some of the organisations—I think Exodus International, which ceased to exist, and some of the individuals who had been involved in that organisation have apologised. Certainly, if you had been a child of the fifties or the sixties or the seventies you may have been subject to this on a regular

basis, and it would have been very difficult for you to find others and to fit in with your church. He also says that the American Psychiatric Association removal of homosexuality from its list of mental disorders in 1973 was very significant.

My understanding is that it does still exist today. There are not many people who will be prepared to speak out about this, it is so traumatic. I am certainly not going to read into the *Hansard* some of these stories because they will retraumatise us all, particularly for the people in the gallery. Anthony Venn-Brown talks about a collective range of language that has been used over the years. I will provide this to Hansard because it has the quotation marks that I think are important. He states:

> These include, "conversion therapy", so called "conversion therapy", conversion "therapy", gay "cure", the "change is possible" message/practices, ex-gay/reparative/conversion "therapy"…pray the gay away, sexual orientation and gender identity change efforts, trying to change or suppress "unwanted same-sex attraction"/gender identity, suppress sexual orientation and gender identity, and the forced celibacy movement, LGBTQ "conversion" practices…

And the like. He goes on:

> Whilst terminology has constantly changed over the last 50 years, two things have remained constant. The harm the ideology and practices have caused to 10,000s of lives along with an incalculable amount that took their own lives, when self-hatred, intense cognitive dissonance and failures caused depression to set in.
>
> The harm has been well documented for decades since the end of the 1990s. In 2015, The Columbia Law School brought together a number of peer-reviewed studies published over the last 30 years that addressed the question of whether conversion therapy (CT) can alter sexual orientation without causing harm.

Unsurprisingly, they did. From his book *A Life of Unlearning* there are a couple of very hard quotes. I acknowledge these are American examples where the practices are much more widespread. Matt from Pennsylvania said, 'I made a lot of friends in conversion therapy. Out of forty, only six are still alive (one died naturally, the rest suicide).' Steve, a Mormon who spent 12 years of his life in the Mormon ex-gay program Evergreen, said in a YouTube testimonial that a third of the Denver group he was involved in had committed suicide. Anthony Venn-Brown goes on to say:

> Legislation with penalties is a serious wake-up call to people in religious circles who still hold on to the outdated beliefs that being gay or transgender is unnatural/dysfunctional/against God's order and can be changed. It would be naïve to think that legislation has/will fix everything. Legislation doesn't change beliefs. So harm will continue to happen in those contexts, covertly and overtly.

He later says:

> We can safely say that the work will only be over when every church, denomination, and religious organisation is completely LGBTQ affirming.

I acknowledge his work over many decades as someone who has lived experience and as someone who has been in touch with so many people who have been through these practices. I thank those individuals in South Australia who have reached out to me and been brave enough to tell me their stories. I support the legislation and I am unlikely to support any of the amendments.

The Hon. L.A. HENDERSON (16:23): I rise today to speak against the Conversion Practices Prohibition Bill 2024. In doing so, I indicate that this is a conscience vote for the Liberal Party. I note that the Labor government is ramming this legislation through at a rapid rate. In just one sitting day, the bill was introduced to the House of Assembly, taken through all stages and then received in the Legislative Council and read a first time. Today, the Attorney-General has read his second reading explanation. Meanwhile, the government has indicated that it intends for all stages to be completed today.

I do not understand why the government has thought it appropriate to ram through such legislation, yet when the Hon. Frank Pangallo sought to establish a select committee to inquire into gender dysphoria and gender-affirming care it was reported that the government would not be supporting its establishment. At the time, Premier Peter Malinauskas was reported to have said, and I quote:

> I am not too sure if a parliamentary inquiry that would be highly political in nature and that would only seek to perpetuate the culture wars is the best way to do a proper examination of medical policy.

He went on to say:

I would much rather any sort of examination of this to be done in a methodical, policy-based way, based on the science, the best available medical advice.

To my knowledge, no such inquiry has been established by the government. Nonetheless, today we see legislation covering this very issue without having allowed this vital conversation through a parliamentary inquiry.

By someone who I often hear referred to as apparently a 'conservative Premier', this government is trying to control the conversations that people are having around their dinner table. When did we become the police of personal conversations? We talk of small government and less overreach, but this bill is incredible overreach into the personal lives of people in this state. Across the weekend, we saw an article in *The Advertiser* about individuals who:

…say they are being subjected to high levels of 'corrective' processes including brutal coercive practices such as 'corrective rape', forced marriages and exorcisms…

I do query if such behaviour would already be captured by other legislation and how far spread such practices are in South Australia but, to be clear, that behaviour should not be condoned and is not acceptable. However, my concern is that this bill goes beyond what I think would spring to mind for many people when they hear of the terms 'conversion therapy' or 'conversion practices'. This bill defines 'conversion practice' as:

…practice, treatment or sustained effort that consists of more than 1 event or occurs on more than 1 occasion, and that is—

(a) directed to an individual on the basis of the individual's sexual orientation or gender identity; and

(b) directed to changing or suppressing the individual's sexual orientation or gender identity.

My query is: what is the threshold of suppressing an individual's gender identity and sexual orientation? Is it refusing a man who identifies as a woman to participate in women's sport or use a women's bathroom? Is it refusing or neglecting to use someone's preferred pronouns on multiple occasions?

I am not sure when it became controversial to say that men should not participate in women's sport and that it poses a risk to female players for men to do so, not to mention the fact that it is not fair as men are biologically built differently and therefore have an advantage or that many women feel unsafe at the idea that men could use a female bathroom.

Should it be the case if this bill passes that members of the community could not push back on this, it would be of great concern, but we are seeing an ever-increasing push to forget basic biology and for gender ideology.

I thank members of the community who have contacted me in relation to this bill. It has been raised with me that there has been a lack of public scrutiny around this bill. Quite frankly, I think that is evidenced by the rate at which this government is trying to ram this legislation through the parliament. I will say that many within the religious community have concerns around this legislation.

One of the concerns that has been raised with me includes a lack of clarity on the role of teachers within the legislation. There is a concern that if teachers are not equated with parents within the bill, the individual conversations with students at religious schools who are struggling with genuine gender confusion could no longer be protected conversations that had been had in good faith.

Another concern is that the religious exemptions appear to only apply in general terms and not to individual or small group conversations within religious schools. For example, while a school's student code of conduct may hold a position in line with their biblical world view regarding sexuality, the school could potentially be limited in their ability to provide individual support for students to aid them in compliance with such a code.

There is concern that the bill appears to promote an affirmation-only approach to conversations about gender and sexuality. There are queries as to whether religious schools will not be protected for expressing a biblical viewpoint of sexuality which may be in direct contradiction to taking an affirmation approach.

Concerns have been raised with me about the reduction of freedom for anyone to have a different opinion without fear of retribution. Someone rightly put to me that an unintended consequence of this bill is that those who are wanting to talk to their support network may no longer be able to do so.

Concerns have been raised with me about the impact on grandparents being able to speak freely with their grandchildren without fear. Concerns have also been raised that, even if an adult consents, it is still an offence. We are taking away personal autonomy and choice. Consenting adults should be able to work these issues through.

Under this bill a person commits an offence if they provide or deliver a conversion practice to an individual with the intention of changing or suppressing the individual's sexual orientation or gender identity and that causes serious harm to the individual. Serious harm in this bill means harm that endangers a person's life or harm that is substantial. It is my view that this bill presents issues with establishing clear causation.

Regarding the question of 'but for' the behaviour set out in subclause (1))(a) would the harm have occurred, with that in mind, I indicate that I will be moving an amendment to clearly establish a requirement for causation. In my proposed amendment, which will be amendment No.1 [Henderson-1], a conversion practice needs to have been the sole cause of the harm or have substantially contributed to the harm. This amendment is modelled off the definition of 'cause' provided for in the Criminal Law Consolidation Act. I believe this is a commonsense proposal.

In light of the committee the Hon. Frank Pangallo had sought to establish about gender dysphoria and gender-affirming care, I had the opportunity to hear about the experience of parents of children who were seeking medical assistance and gender-affirming care. Concerns were raised with me about the ability for parents to have a voice in this process. I also had the opportunity to hear from people who had detransitioned, and the long-term impact this has had on them. These are important conversations to be had.

The Deputy Premier has indicated in her second reading that parents are not prevented from being able to have challenging discussions or provide guidance about these matters with their children, and such a parent-to-child discussion is not captured by this bill. I indicate that I will be moving a number of amendments to better safeguard this protection. Amendment No. 2 [Henderson-1], amendment No. 3 [Henderson-1], amendment No. 4 [Henderson-1], amendment No. 5 [Henderson-1] and amendment No. 6 [Henderson-1] seek to address this.

I firmly believe that, no matter how old a child is, a parent will always be their parent. This means that parents should be able to have open and honest conversations with their children, regardless of their age. Therefore, I will be proposing an amendment to replace the word 'child' with 'individual' to ensure that parents can continue to fulfil their parental responsibilities, even after their child turns 18.

Clause 4(3) sets out what a conversion practice does not include. In this clause an example is provided for parents discussing or providing guidance on matters relating to sexual orientation, gender identity, sexual activity or religion with their children. I will be moving amendment No. 5 [Henderson-1] to make this an explicit exemption within the bill to ensure clarity for parents, rather than it being provided as an example. My proposed amendment also provides an exemption for a parent of an individual, where the individual is a child under 18 years of age, exercising any powers and responsibilities as a parent of the child.

It is my firm view that the parliament should not be intervening in a parent's ability to parent or shape their family values. Amendment No. 6 [Henderson-1] is consequential to amendment No. 5 as it removes the example provided, as it would be better safeguarded in the legislation, should that amendment be successful. I believe these amendments are common sense and seek to ensure that parents can continue to have these conversations with their children, no matter their age. I note that the offences set out in the bill apply irrespective of whether consent is given by the individual or, if the individual lacks legal capacity, a parent, guardian or other person who has decision-making authority for the individual.

I understand the Hon. Nicola Centofanti will be moving a number of amendments to address this and indicate that I will be supporting these amendments. I believe it is important for medical practitioners to be safeguarded to be able to do their job without fear of falling foul of this legislation should they refuse to provide puberty blockers or propose an alternative viewpoint to their patient, other than an affirmation approach. I believe the amendments proposed by the Hon. Nicola Centofanti better achieve this and indicate that I will be supporting them.

I indicate that I will support the amendment in the name of the Hon. Dennis Hood, which seeks to add the requirement for a conversion practice to have been delivered to the individual outside of South Australia, and that the conversion practice caused serious harm to the individual. Currently, under the proposed bill the individual ought to only have taken or arranged for an individual to be taken from SA with the intention that a conversion practice be delivered or provided to the individual outside of South Australia or engaged a person outside South Australia to provide or deliver a conversion practice to the individual in South Australia.

I indicate that I will be supporting amendments in the name of the Hon. Frank Pangallo. I particularly draw attention to his amendments that are looking to ensure that this cannot apply retrospectively. I indicate that I will not be supporting amendments in the name of the Hon. Tammy Franks and the Hon. Robert Simms.

The Hon. R.A. Simms: I am really surprised.

The Hon. L.A. HENDERSON: I am sure that is a great surprise. It has been put to me that this bill is a solution looking for a problem, and I tend to agree. It is the notion that government should interfere with parental guidance, even if it comes to adult children, that undermines the autonomy of the family unit and the fundamental principle of freedom in a liberal democracy.

Government intrusion into such a private realm is a serious infringement of such personal liberty. We must acknowledge that parents have a unique understanding of their child's needs, strengths and challenges. It is not for us as a parliament to tell parents what conversations they can and cannot have around their dinner table. For this reason, among many others, I will be opposing this bill. With that, I conclude my remarks.

The Hon. B.R. HOOD (16:36): I rise briefly to make some remarks on the Conversion Practices Prohibition Bill and to support the amendments of my colleagues, the Hon. Nicola Centofanti, the Hon. Dennis Hood, the Hon. Laura Henderson and the Hon. Frank Pangallo. In doing so, I echo the concerns of members about the ambiguities and the overreach of this bill. The majority of the concerns have already been aired by my colleagues and have been reported on in national media, including *The Australian* today.

The religious and charitable bodies that I have spoken to have many concerns regarding this bill, including that they will be prohibited from providing guidance to those in their congregations who reach out for their support. They fear being criminalised for preaching their deeply held beliefs and providing pastoral care to those who come to them in desperation for support and guidance. This bill in its original form has overreaching issues, not only to our faith leaders but to mums and dads across the community. It contains inadequate protections for parents, which the Hon. Nicola Centofanti and the Hon. Laura Henderson have spoken to, and faith leaders who engage in conversations about sexuality and gender.

The amendments proposed by my colleagues seek to overcome the bill's limitations, including that faith leaders are confined only to expressing a religious belief, including in prayer, without doing anything more. This naturally raises questions about whether it impinges on the rights of faith leaders to teach their long-held beliefs without fear of breaking the law.

Serious questions, as I have said, are also raised about the limitations this bill imposes on parental rights. Should the Equal Opportunity Commission be empowered to investigate relationships between parents and children and to impose binding orders on them, it would be a gross overreach and intrusion of government into our homes.

I understand that Christian Schools Australia, the largest association of its kind—which educates over 10,000 students in South Australia—has written to all members of parliament yesterday to communicate to them their grave concerns. They are worried about what this rushed

legislation will mean for their teachers, who engage with students who are struggling with gender confusion.

They are concerned that religious exemptions appear only to apply in generality and not to individuals or in small group conversations within schools, and they have strong concerns about the promotion of an affirmation-only approach to conversations about gender and sexuality. They want clarity that they will be protected for expressing biblical viewpoints about sexuality and gender which may be in direct contradiction to an affirmation-only approach.

Ultimately, Christian Schools Australia, and indeed many faith groups, teachers and others I have spoken to on this topic, are concerned about the lack of public scrutiny of a bill that was only proposed less than two weeks ago. In conclusion—I was just going to make some brief remarks—I am sure most, if not all, of my colleagues in this place are opposed to the coercive and harmful conversion therapy practices of past decades which are used to justify their banning today. I share the concerns of faith leaders, of schools and of concerned parents about the ramifications of this bill before us, and as this is a conscience vote for the Liberal Party I will be opposing the bill.

The Hon. H.M. GIROLAMO (16:39): I rise today to speak on the Conversion Practices Prohibition Bill 2024. From the outset I will indicate that I will not be supporting the bill. There are several key questions we need to address regarding the Conversion Practices Prohibition Bill 2024, and I will be exploring these further during the committee stage.

Firstly, on my understanding these instances of conversion practices are extremely rare, and truly harmful practices have been outlawed for decades. This raises the question of whether this bill is even necessary.

Secondly, what does this bill mean when referring to causing substantial harm? The lack of clear definition creates uncertainty within the bill, making it difficult to understand the true impact of the legislation. We would all agree that no-one should be causing substantial harm to another individual, but how this bill is defined and ultimately administered is the question.

This bill imposes a 'one strike and you are out' approach. This creates an environment of uncertainty and fear, especially for families, doctors and religious leaders. Additionally, what are the implications for doctors under new section 86A? The vague language could leave medical professionals at risk of prosecution simply for doing their jobs, exploring potential concerns a patient may have regarding their gender or sexuality and providing standard care and advice.

The concept of suppressing someone's identity is also unclear. What is this referring to and what would constitute 'suppression of identity'? This also appears to be vague and unclear, creating further fear within our community. These questions highlight significant flaws in the bill that must be addressed to ensure it does not unfairly target families, religious communities or medical professionals.

One of my primary concerns is that parents could face criminal charges simply for holding views or beliefs that differ from those of their adult children, particularly when it comes to sexuality or gender identity, putting family relationships at risk and setting a dangerous precedent for government overreach into private family matters.

This bill offers no protections for siblings or extended family members who may find themselves facing legal action if they are accused of gender conversion practices based on subjective interpretations of their actions or words. The risk of being subjected to complaints for attempting to provide guidance or counsel, even in good faith, could tear families apart.

I am deeply concerned about the broader implications of this bill for religious freedoms and freedom of speech. The right to pray for someone, to offer counsel and to share one's belief is a cornerstone of many religious practices. To criminalise these acts is an unacceptable infringement on individual liberties and the right of religious communities. This bill also presents an unacceptable risk to parents, religious leaders and anyone who seeks to support others in the line of their faith.

I would also like to highlight my concern that this bill is not considered a conscience issue by the Labor Party, echoing past decisions that have stifled genuine debate and reflection within their own ranks. This is yet another instance where Labor Party members are pressured to align with the

left-leaning agenda instead of having the freedom to voice their true opinions. As a member of a party that values freedom of speech and religious liberty, I am proud to stand in a broad church where differing views are respected and conscience votes are allowed on critical issues like this one.

There are more questions than answers raised by this bill that speaks to the heart of our freedom: freedom of speech and freedom of religion. This bill is unnecessary and poses significant risks to parents, siblings and other family members, exposing them to potential criminal charges and legal action. This legislation encroaches on religious freedoms and the right to freedom of speech—fundamental values that must be protected. This is an area I will always seek to protect.

The Hon. D.G.E. HOOD (16:43): Members of this place would probably know, I expect, that I consider myself a Christian. What they may not know, however, is that this is a Christian who has had a lesbian friend for about 35 years now—quite a good friend, who I meet with regularly and talk with from time to time. They also may not know that my Uncle Jeff, who I loved dearly, who is no longer with us, unfortunately—he has passed away, but we were very close at times—considered himself homosexual. He was gay. I say that and put that on the record just so that I make it clear: I have absolutely no bigotry, no ill feeling towards people who might consider themselves not heterosexual, if I can put it that way.

My relationship with those two individuals has been an important part of my life, and I hope to think it has been an important part of their life as well. There are some things we do not agree on, and there are many things we do agree on. I offer that to the chamber for the background, if you like, of the contribution I am about to give. In doing so, I am sure it will come as no surprise to anyone in this place that I rise to oppose the Conversion Practices Prohibition Bill 2024. There are a number of reasons for this, which I will outline briefly.

I will start by asking a few questions of the government, and the first one is: what is the specific need for this bill? By that, I mean how many of these events or practices have been documented to have actually occurred in South Australia, resulting in harm or serious harm as is required by the bill? Specifically, where has it occurred, when has it occurred, and what groups or individuals have been shown to be conducting the sorts of activities that the bill targets? The answer, I suspect, is very few, if any at all.

As members are aware, I have been a church member—which of course is the main target of this bill, although it is not limited to churches—for some 35 years, and I have never seen or even heard of this sort of thing, not once. That being the case, this bill appears unnecessary. Whilst some will cheer loudly for it, I think it unlikely that it will ever actually result in a successful prosecution.

My second question is: who has consulted on this bill? The Attorney did mention some consultation in his second reading explanation, but specifically I ask: was the Islamic Society of South Australia consulted? Was Australian Christian Churches consulted and all the various bodies they represent? Were the representatives of the Jewish community consulted? If so, what were their responses?

Senior religious figures in South Australia whom I have had time to converse with over the very short period that we have had to deal with this bill—just less than a week—advised me that they were not consulted and see no reason for this bill as they are not aware of the occurrence of such practices at all.

In addition to that, I have received correspondence from a number of faith leaders in my community: Melinda Cousins, the Director of Ministries at Baptist Churches South Australia and Northern Territory; David Gunning, the moderator at the Presbyterian Church of South Australia; Gary Hourigan, the National Director of Church Health at the International Network of Churches; Kojo Akomeah, the Director of Public Affairs and Religious Liberty at the Seventh-Day Adventist Church of Australia; Mike Southon, the Executive Director of Freedom of Faith; and so it goes on.

I have also received correspondence from the Greek Orthodox Archdiocese of Australia and from Christian Schools Australia. In total, the representation, all the people whom these individuals represent, would be in the many thousands, all of whom expressed their dissatisfaction with the bill and queried its purpose, given that, in the eyes of many of them, these practices simply just do not occur anymore.

Thirdly, I ask the government if they are aware of any attempted or actual prosecutions occurring under similar provisions elsewhere in Australia. If so, how many have resulted in convictions and what penalties have been applied when these provisions have been applied?

I pose this question because, in my research for this bill, I have been unable to discover a single case of a successful prosecution having occurred in any other Australian jurisdiction where legislation similar to this has been enacted. In fact, I have not been able to find evidence of even charges being laid under similar provisions in other states. I may stand to be corrected on that—as we all know, we have had very limited time to research this bill; just one week—but if I am incorrect about that I would appreciate the Attorney setting me straight in his summing-up.

Turning to the bill itself, it is a reasonably simple bill in terms of what constitutes the meaning of so-called conversion practice, as detailed in clause 4. Following that, the bill's objectives are stated clearly in clause 5, specifically:

(a) to recognise and prevent the harm caused by conversion practices; and

(b) to promote respectful and open discussions regarding sexuality and gender.

It should be obvious to all of us that any harm caused to anyone in virtually any circumstances is undesirable and regrettable, and practices should be altered to avoid or minimise harm wherever it may occur in all walks of life. Which one of us would condone harm being done?

However, it must be pointed out that people conducting these practices, as it is called by the bill, no doubt actually intend to support and assist the individual. I have no doubt that they certainly do not set out to deliberately harm them; in fact, it is reasonable to assume that their intentions are precisely the opposite—that is, they aim to help, not harm.

The important issue of what constitutes harm—an obviously subjective term—is dealt with in clause 3, where it reads, and I quote, 'harm means physical or mental harm (whether temporary or permanent)'. Of course, this raises the issue of how it is determined if actual harm has occurred. This is obviously a grey area where well-meaning individuals can and will disagree. To some, an individual being urged to reflect on their lifestyle or sexuality will be enough for them to conclude that harm is being done, but of course this view will not be universal as others will not consider this to be sufficient to be considered harmful.

I understand, of course, that the word 'harm' is used in other acts, but it is not usually used within the context of a person willingly consenting to an activity. Harm is considered to be done when one is subject to something that they did not and normally would not consent to. This raises one of my primary concerns about the bill, which is that it potentially criminalises well-intentioned individuals who are merely seeking to provide guidance to a friend, a colleague, a brother, a sister, or other acquaintance.

Friends and family do not normally seek to harm one another, yet this bill allows for their views, their guidance, their prayers, their opinions and their advice—call it what you like—to be considered harm. This is a step too far, in my view, and, again, would almost never be the intention of the individual who provides their opinion or assistance, especially when it is sought from them by someone they care about.

The following situation provides an example of what may constitute criminal behaviour if this bill is enacted. A person who may be experiencing gender confusion seeks the guidance of their 18-year-old sister, who gives that person their best, well-meaning, most sincere advice, resulting in the person seeking the advice after their second meeting deciding that their sister was right and that they are in fact heterosexual and no longer experiencing gender confusion. That would be a criminal offence under this bill, as I read it.

Secondly, as consent is not offered as a defence by the bill, the sister whose advice was sought in this example, despite their best intentions and genuine desire to help their sister, is at risk of being jailed for up to five years at any point in their future if their conversations are deemed to be a conversion practice; that is, if they are deemed to be seeking to, quoting directly from the bill, change or suppress the 'individual's sexual orientation or gender identity' under clause 4(1)(b).

My understanding of the bill is that this example could also be reversed; that is, that although it is not how we might normally think of these situations, it would also appear possible under the bill that if the person whose advice was sought—that is, the 18-year-old sister—is homosexual and encourages the person seeking advice to change or suppress their heterosexuality, then under clause 4(1)(b) they, too, are at risk of being caught by this bill and face up to five years in prison.

In this example, the 18-year-old sister may be guilty of attempting to 'change or suppress the individual's sexual orientation or gender identity', as the bill requires. I have no doubt that this is not the intention of the bill but it does meet the definition outlined in clause 4(1)(b) as I read it and therefore places the person in this example at risk of facing criminal charges and up to five years in prison as well as it does in the first example.

I will now turn to the stated objectives of the bill. The first object of the bill, as stated in clause 5(a), is 'to recognise and prevent the harm caused by conversion practices'. The fact that harm occurs as a direct result of such practices is simply stated as fact in this clause. However, the fundamental presumption that the bill makes—namely, that conversion practices are inherently harmful—is contrary to the findings of the study which is known as 'Free to Change'.

The study was published in 2021 and surveyed 78 people who once considered themselves to be either lesbian, gay, bisexual or transsexual (LGBT). The survey asked the subject simply, 'Does conversion therapy constitute harm or help?' The subjects were aged from 18 to over 66, with 59 per cent male and 41 per cent female. They were from Australia, the United States, Canada, the UK, France, Israel, Malta, Brazil, Europe and Asia, and 67.9 per cent were tertiary educated. The study found that, following counselling, the subjects self-reported a 75.6 per cent reduction in suicidal ideation, a 93.6 per cent reduction in anxiety, a 94.9 per cent improvement in self-image, and 74.4 per cent reported improvements in their relationships generally.

This data gives pause for thought and at least suggests—although I acknowledge that it does not prove—that those who have actually experienced so-called conversion practices have a very different view of the experience (some of them do, anyway) than those arguing against it and the assumptions made in the objects of this bill.

Whilst the first stated object of the bill is tenuous, it is the second object of the bill, as outlined in clause 5(b), where the bill fails most significantly. The objective of the bill states that it exists to 'promote respectful and open discussions regarding sexuality and gender.' There is nothing wrong with that, but how is this possible when the bill provides that if person A suggests on more than one occasion that person B may be gender confused, and should consider, or reconsider, their path, they are actually at risk of up to five years' jail?

I do not see that encouraging healthy conversations at all. In fact, I think it is clear that the threat of this type of penalty will not promote respectful and open discussion, as the bill suggests in object 5(b) but quite the opposite. It is much more likely to shut down these discussions completely, and leave a person seeking help, guidance or advice in a potentially even more vulnerable position than they were before they sought help.

I am genuinely concerned about this, and I know it is something my uncle battled with from time to time. This potential outcome—that is, shutting down respectful conversations—runs completely contrary to the widely prevailing and I think correct view that discussion, inquiry and assistance is almost always to be encouraged and facilitated, especially when someone asks for it. The R U OK? movement is a good example of open, honest dialogue leading to improved outcomes and well-being. Why should this situation be any different?

Sometimes difficult discussions can lead to improved outcomes and circumstances, especially when they are willingly sought by someone who feels the need to talk openly with someone they trust. So whilst one of the objectives of this bill is to encourage dialogue, I fear that in fact the reverse is much more likely to eventuate.

In conclusion, I wish to state plainly for the record that I do not support any instance where harm or serious harm occurs to any group of people, and I am sure that is true of all members in this place. LGBTI people should be treated with the same respect as anyone else. Conversations, advice or commentary on such entirely personal matters must always be sensitive and respectful; however,

I firmly believe that the potential risk of alleged harm, as it is called, is significantly overstated by this bill, especially in light of the findings of the Free to Change study, where people who have actually experienced a type of conversion practice—counselling—reported substantially improved positive outcomes in their own personal cases.

For that reason I indicate that I will be opposing the bill. I do have a couple of amendments that have been foreshadowed by other members. I will not go into the detail of them now; we will get to them when we get to the committee stage.

The Hon. T.A. FRANKS (16:56): I rise as the first of two Green speakers today to support the Conversion Practices Prohibition Bill 2024. That will probably come as no surprise: indeed, when we were asked, during the election, by the South Australian Rainbow Advocacy Alliance, we were very happy to support a ban on conversion practices.

I note that all the political parties in that election were asked that question; it was the number one concern of the South Australian Rainbow Advocacy Alliance (SARAA). If you have not been paying attention to elections and campaigns perhaps you could be excused for not knowing that this debate was coming, but if you are in a political party I would have thought you got that correspondence and you have known about this issue for quite some time.

I also draw members' attention to the fact that back in 2018 the 'Preventing Harm, Providing Justice' document was provided to all Australian attorney-generals. That document outlined the supports needed for survivors of conversion practices and identified areas that required further investigation, particularly the experiences of trans and gender-diverse survivors and those from diverse faith and cultural backgrounds. As I said, that report was sent to all attorney-generals, and was widely publicly available, in 2018—that is some years ago now. I imagine it might make good bedtime reading for some members of this place.

I also draw members' attention to the document 'Improving Spiritual Health Care for LGBTQA+ Australians: Beyond Conversion Practices', a community report under the auspices of the Victorian state government with Macquarie University in Sydney, La Trobe University in Victoria, the Australian GLBTIQ Multicultural Council, and the Brave Network. I seek leave to table this report.

Leave granted.

The Hon. T.A. FRANKS: The report is authored by Timothy W. Jones, Jennifer Power, Tiffany Jones, Joel Anderson, Nathan Despott, Maria Pallotta-Chiarolli, Percy Gurtler, Christine Migliorini. Hopefully, it will provide some educative reading should this debate go over the dinner break, and I do encourage those members who say they have never heard of this conversion practice thing, that they do not know where it occurs and that we need to name where and when these issues were raised, to do so. Perhaps it will provide some enlightened committee debate, unlike the second reading debate we have had so far in some contributions.

This bill has been a very long time coming for the many survivors, advocates and organisations who have worked tirelessly to end the harmful practice of conversion, trying to change or suppress a person's sexuality or gender identity. As I noted, it was a SARAA election ask of all political parties who contested the state election and, indeed, the Malinauskas then opposition, now government, responded to that with a commitment to ban conversion practices. That is what brings this bill here today. The Greens also responded to that, and pledged to support that ban.

It is important, of course, to recognise from the outset this actually comes far too late for many. Many who came before us never got to live a life where they were free to be their true selves, where they could live their lives openly with pride and with joy, to be the person that they were, or to be with the person that they loved. It comes too late for those who took their own lives because they were told that they were lesser, that they were broken or that they were unworthy, or that they were sinners, or that their identity was a disorder, that they were sick. Who they really were was erased. They were harmed.

I note that this bill before us is very welcome. I also know that it is not completely what survivors asked for. This bill is not what they wanted in full. They have told that yet again they must wait longer, with no guarantees for how much longer they must wait. It is, however, a good thing that

this bill is here for debate. The Greens have consistently opposed conversion practices and ideologies. We have advocated for a complete ban on these things.

I note the words in the New South Wales debate, which I have acquainted myself with earlier today, a debate that went until 6am in the morning, a debate that was in a house with more diversity than this one, where the numbers were not guaranteed. I remind the Labor Party that when the Labor Party votes en bloc, they only need two more votes in this council, and in this parliament, to pass their legislative agenda. I note the two Greens will be speaking and have fully committed to banning gay conversion practice or conversion practices in general, and so you had those two votes all along. You will have those two votes today, and we will raise the issues that have been put to us by survivors as to where you need to improve and do more.

For those who do not know anyone who has been subjected to conversion practices, I remind members in this place of someone who is well-known to myself and the Hon. Rob Simms. In fact, he used to be the Hon. Rob Simms's boss at one point: Dr Bob Brown. Dr Bob Brown, the first openly gay man in the Australian parliament, has spoken openly about how when he was a young medical student in Canberra he struggled with his homosexuality—he was a Christian—and he consented to conversion practice. He received electric shocks while being shown photos of naked men, not just for one session but for multiple sessions.

So if you think that this is mythical and it is not in the here and now, I do not know if you have heard of Dr Bob Brown, former Senator, former Leader of the Greens, but maybe look him up. He is just one of many, many people who have survived this in our community and, unfortunately, the voices of those who took their lives and suffered such harm will not ever be heard because they are no longer here to tell their stories.

The practice Dr Bob Brown underwent as a student was intended to shock him straight. It almost drove him to suicide. That was, of course, a long time ago in the 1960s. I think some of you in this chamber were probably alive then—I dare say, possibly the majority—yet even today this practice does continue, albeit to a lesser extent and a more hidden extent.

I note that there have been members of this place today who say that this is an issue that no longer exists, that they have never heard of it happening, that they do not know about it happening and they have never had anyone in South Australia tell them that it has happened to them in contemporary times. There have been briefings. There has been correspondence.

I know the Hon. Rob Simms and myself have sat in rooms with people who are South Australian survivors much younger than Dr Bob Brown who have asked for this reform. So I say, if you have not heard the stories of these people, perhaps you were not listening or looking out for it. I would not be surprised by that because you seem to have missed the memos to date that have been quite publicly put forward in the public debate on this issue.

I want to acknowledge that this is not a new issue even into this council, and the hard work of those who bring this issue before us in this bill today. Some are in the public gallery and some are on our red leather seats, the more comfortable ones. I want to acknowledge particularly, in the other place, Minister Nat Cook and in this place the Hon. Ian Hunter as well as the Hon. Michelle Lensink, all of whom in different ways have raised this issue time and time again. The Greens have been very happy to support your efforts and commend you for the work that you have done for so long.

Of course, conversion practice is a pseudoscience. It is based on archaic and bigoted ideology. It is based on an idea that people from the LGBTQIA+ communities are broken, disordered or unworthy. It has nasty negative impacts on people's lives, and especially so for people of faith. That 2018 report by La Trobe University, the Human Rights Law Centre, and Gay and Lesbian Health Victoria told of the lived experiences of 15 people and their struggle to reconcile their sexuality and transgender identities with the beliefs and practices of their religious community.

That report provided a comprehensive history of the conversion movement in our nation—not in America but in our nation of Australia—together with legal analysis and recommendations for reform. Since then, many other jurisdictions have acted far more swiftly than ours. Indeed, the bill that we debate here today is based on that New South Wales model. It is not the preferred model

and the Victorian model has been held to a higher standard and advocated for. I note again and just observe that the numbers were there to move the best model possible, but the political will was not.

However, as with so many other issues regarding sex, sexuality, gender and religion or perhaps women's rights, in South Australia, where we used to lead, we now lag and we are playing catch-up. But catch-up we are doing today, and that is indeed a very good thing. The stated intent of this bill is to prohibit change or suppression practices and to ensure that all people, regardless of their sexual orientation, gender identity or gender expression, feel welcome and valued in our state. Surely that is something that members of the South Australian parliament should all support, so that we allow all South Australians to live authentically and with pride.

I do know there are some weaknesses in the legislation and I draw members' attention to the correspondence of SOGICE and Amnesty International. SOGICE stands for the Sexual Orientation and Gender Identity Change Efforts survivors' group, and on 16 September 2024 they wrote to some members of this place. I seek leave to table this correspondence from SOGICE and Amnesty International of 16 September 2024.

Leave granted.

The Hon. T.A. FRANKS: That letter was signed off by SOGICE survivors Nathan Despott, Chris Csabs and Patrick McIvor—real people, survivors. Perhaps the Liberal Party members who oppose this bill and see no need for it might want to look them up and have a chat. Along with National Director of Amnesty International Australia, Sam Klintworth, it is also endorsed by Professor Tiffany Jones, School of Education, Director of Research and Innovation, Macquarie University; Dr Maria Pallotta-Chiarolli OAM, SA Honorary Fellow, Deakin University; and the Australian GLBTIQ Multicultural Council (AGMC), which is Australia's primary community leader body focusing on the rights and inclusion of LGBTIQ+ people from Australia's diverse cultural communities.

These are words that should have been read by members of this place perhaps before making a contribution on this bill if they seem to think that there is no reason for this bill. That letter reads in part:

Critical response to the SA Conversion Practices Prohibition Bill 2024

The current bill has similarities to the legislation passed by the NSW Parliament in March, however this falls short of the standard set by the survivor-led model adopted in Victoria. While we are pleased that the SA government is finally moving toward stopping these practices, it is vitally important that the legislation be designed in a way that allows it to navigate the deceptive and ambiguous—

ambiguous—

nature of conversion practices and their proponents. We have determined that the bill, in its current form, will not be sufficiently effective at preventing harm or stopping it where it is already occurring.

They go on to ask for amendments, which the Greens are very happy to put into this debate today, knowing that it is unlikely that they will get government support, but certainly we hope that the government will make commitments for further action on these areas about the definition of 'conversion practices'.

They also raise their concerns about the conduct directed at inducing a person to change or suppress their sexual orientation or gender identity, the lack of an independent third-party reporting function and that a 12-month window period for complaints under our South Australian equal opportunity commissioner's powers is inadequate. The Greens will be moving not only that that 12-month limitation be removed in its entirety but, should the council not like that approach, we will see if they will accept six years rather than one year being that limitation.

Further, there is insufficient authority for the Equal Opportunity Commission to actually make referrals to other bodies and that is a real weakness here. The South Australian bill does not explicitly empower the equal opportunity commissioner to refer complaints or matters pertaining to conversion practices to any other entity other than the existing powers to refer matters to SACAT and a proposed mandatory referral is to 'the relevant health complaints entity', stipulated in schedule 1. We will seek to amend that to strengthen it.

The Greens certainly do commend those members of the Labor Party and Rainbow Labor who have brought this bill to this parliament today. We urge you to work with us in the Greens to get better laws faster and we hope—certainly, Attorney-General, I know that you have had a longstanding commitment to these issues—that we can continue to progress that work.

It is a good thing that this bill is before us; however, it is disappointing that the New South Wales' approach has been taken rather than the Victorian one. Faith-based practitioners have subjected people to exorcisms and medically abusive interventions, such as chemical castrations, and these things are utterly unacceptable.

I note that the politics around is not to ask for more because we might go backwards and, certainly with some of the debate this afternoon, I can understand the fear of taking on these issues. However, the numbers in parliament are the numbers that they are at the moment and I certainly think it would have been better to have had the best model before this parliament rather than the second or lesser yet again.

The law, of course, as that 2018 report states, is only one part of the solution because a ban will not impact the informal practices among adults that we know are prevalent in Australia's conversion movement and may drive them further underground in certain faith communities. That is why that report recommended a multifaceted approach, implemented in partnership with religious institutions and communities to help not harm LGBT people of faith.

I note that there has been a lot of talk about the churches opposing this, but I draw member's attention to another piece of correspondence that we all received earlier this month—19 September 2024. It was written to the Premier, but it was cc'd to all of us, an open letter from the Uniting Church clergy to support the government bill on conversion therapy. That letter read:

> We are Ministers in the Uniting Church in Australia from across South Australia, united in our desire to see LGBTQA+ conversion practices banned across our state. We are writing to indicate our support for the Government Bill, which has been introduced to the SA Parliament, prohibiting activities that seek to change the sexual orientation or gender identity of an individual ("conversion therapy"). The Bill seeks to prohibit change or suppression practices and establishes a civil complaints mechanism.
>
> South Australia remains one of the last jurisdictions in Australia to tackle these harmful practices, which are based on the false ideology that a person's sexual orientation or gender identity can be changed or supressed.
>
> The life-lasting pain and trauma this causes people has been well documented, with people often driven away from their faith, families and friends. In denying the humanity of LGBTQA+ people, these practices are at odds with religious teachings that we are all children of God and equal in dignity.
>
> These practices have already been banned in New South Wales, Victoria, the ACT and, in part, Queensland. Most recently, New South Wales legislation was passed with multipartisan support and the backing of faith leaders, recognising the vulnerable LGBTQA+ people can be protected from harm while also protecting freedom of expression and freedom of religious belief.
>
> Faith should never be a means to cause harm to others, and we denounce discrimination in all its forms. As Christian ministers, we support this legislation. The scriptures speak of all living creatures being given life by God's spirit (Genesis 1:1-2, 29-30; Ps 104:24-30). God shapes our identity in that process of giving life and bringing to birth the identity of a new human being. Furthermore, all creatures are sentient beings—we have a soul, a state of being and a life fully formed and given by God. All human beings are created with the spirit of God within us.

Again, Genesis and Job are cited. The letter continues:

> There are no exceptions to this in biblical understanding.
>
> The Uniting Church in Australia has had a long-term commitment to supporting and valuing LGBTQA+ people in our churches and in society, and we see our support for this legislation to be a careful extension of this commitment. In 2022 the National Assembly of the Church passed resolutions that recognised that "sexual orientation and gender identity change efforts (SOGICE), often referred to as conversion therapy, are harmful to people's mental health and wellbeing".
>
> We have included with this letter a copy of the UCA National Assembly resource document SOGICE, and we would encourage you and your colleagues to read over this important work.

I am not sure how that memo was lost on members either—it was sent to all of us. The letter is signed off by the Reverend Richard Telfer and the Reverend Deacon Olly Ponsonby of the Church of the Trinity and the Clayton Wesley Uniting Church respectively. It is also signed by: Reverend Dr Sarah Agnew, Minister, Christ Church Uniting, Wayville; Reverend Dr Jonathan Barker, active

retirement; Reverend Geoff Bridge, active retirement; Reverend Leanne Davis, Wimala Presbytery; Reverend Linda Driver, Minister, Brougham Place Uniting Church; Reverend Nola Gibbons, Presbytery of Southern SA; Reverend Dr Paul Goh, President-Elect and Justice Officer, Synod of SA, UCA; Reverend Deacon Bill Harris, retired; Reverend Judi Hartwig, Minister, Belair UCA; Reverend Sr Mandy Harvey, Spiritual Care Chaplain, QEH; Reverend Jennifer Hughes, Executive Officer, Mission Resourcing, Synod of SA; Reverend John Hughes, Minister, Pilgrim Uniting Church; Reverend Geoff Hurst, Minister, St Andrews by the Sea, Glenelg; Reverend David Ingleton, retired; Reverend Leanne Jenski, Chaplain, St Andrew's Hospital; Reverend Peter R. McDonald, Minister, Uniting Communities Inc.; Reverend Deacon Christa Megaw, Minister, Henley Fulham Uniting Church; Reverend Ann Phillips, Minister, Woodville Uniting Church; Reverend Andrea Prior, retired; Reverend Deacon Chelsea Size, Spiritual Care Coordinator, Eldercare; Reverend Deacon Jesse Size, Spiritual Care Chaplain, QEH; Reverend Deacon Adam Tretheway, Presbytery of Southern SA; Reverend Paul Turley, Minister, Scots Church, Adelaide; Reverend Dave Williamson, Chaplain, the Memorial Hospital and Flinders University; and Reverend Deacon Sarah Williamson, Chaplain, Flinders Hospital. That is just to name a few.

Despite the Greens identifying some concerns with this bill today—and as I said there are some weaknesses here—it is a good thing that the archaic and cruel practice of conversion therapy will be banned by the legislation we hope to pass today. Survivors, advocates and supporters will celebrate another gain, but not quite the victory we should have. The government comes to this place, as I say, secure in the knowledge it only needed two extra votes to pass their legislation, and they have that in spades. I am sure that other members, other than the Greens, are going to support this, and I certainly note again the Hon. Michelle Lensink's contribution.

Reading that debate in New South Wales, that was a far harder debate, I think, a more difficult challenge to get it through that parliament. The South Australian parliament really should have lifted its eyes and looked to the Victorian parliament for the model, but I do acknowledge in particular what is a gain today, that would not have happened without those in the community who have called on us as their representatives to make it so.

I particularly acknowledge the South Australian Rainbow Advocacy Alliance (SARAA), Equality Australia, Brave, the Sexual Orientation and Gender Identity Change Efforts (SOGICE) survivors, Amnesty International, Thorne Harbour Health, and allies and survivors—Oliver, Anna, Megan, Jace, Leeann, Varo, Becc—all of whom were willing to talk to any member of this place, either to share their stories of survivors or to make it known as allies that they were there for conversations to inform and educate members of this place, should you have simply ever made the effort to email or lift up the phone and talk to them.

I acknowledge also the role of local government in this and that the Adelaide City Council actually moved a motion that was moved by Deputy Lord Mayor Keiran Snape and seconded by councillor David Elliott back in April 2023. That motion from the Adelaide City Council asked the state government to progress its pledge to ban conversion practices. I am happy to see a nice local government-state government harmony today, that we are finally doing something that the Adelaide City Council has asked us to do. I would say not to get too used to it.

I do believe, in closing, that there are calls today for celebrations at the end of this debate, which I suspect will be a slightly arduous one. I wish the Attorney-General well with answering some of those questions. There will be more work to do and again I urge the Attorney-General to look to the Greens, because we are ready, willing and able to make these things happen with you. We are here today working on this. The job is, of course, far from complete, but we will not finish tonight; we will persist. With that, I commend this bill and look forward to the committee stage.

The Hon. F. PANGALLO (17:24): I rise to speak in opposition to this bill. Firstly, I note that this bill was introduced and passed in the House of Assembly on 11 September 2024 and is before us in the Legislative Council today as government priority number one, only 13 days later. There has been no time to properly consider the bill, like New South Wales did between September 2023 and March 2024; no committee of review calling for, receiving and considering submissions, like Queensland did for the same legislation. It was introduced without warning on 11 September in the other place, standing orders were suspended and the Deputy Premier rammed it through with barely a whimper of opposition from the Liberals.

Now it is here as a priority. Why? Is this legislation really needed? Where is the evidence to support it? This is Labor's left pandering to a minority of activists. This legislation is not about abhorrent and perverse practices in having a person change their sexual orientation. It is about putting a stop to the gender transition, gender dysphoria debate that is raging. Labor is not interested in learning more about the wellbeing of non-binary persons. Otherwise, they would have engaged with the community more than they have. This is nothing more than ideological policy on the run and fulfilling an election commitment.

You might recall the Premier, in refusing to allow a conscience vote on my gender dysphoria motion earlier this year, saying he was not going to participate in any culture war debate, but this is exactly what he is doing here, except the other side gets no say. I note he has not even spoken about it. There has been no scrutiny or analysis of the bill against other jurisdictions or best practice overseas, including no reference to expert reports, like the explosive Cass review, or leading academics and health experts such as psychiatrist Dr Andrew Amos, child psychologist Dr Jillian Spencer, medical organisations and academic institutions across the world like Sweden's University of Gothenburg, which published a paper titled 'Gender reassignment of children is a big experiment'.

Experiment is a word that should send shivers down the spine of anyone, but not in this place, where I doubt many members have actually taken the time to research this area in detail. They just do what they are told, like mushrooms. Indeed, I am sure other members are receiving an avalanche of emails expressing concern about the bill and complaining of not being consulted. I received complaints from both for and against advocacy groups and individuals. Given the government has not conducted a parliamentary inquiry into this bill, like other states and territories, what broad public consultation occurred, and where are the detailed reports?

They must have been lost in the mail, because we have not received them, because, as is typical of this government, they know they virtually control both houses and have the numbers to ram through anything they like without proper consultation and without any scrutiny. They know how to pander to minority populist opinion and placate certain crossbenchers to deliver on election promises, even if it is 2½ years after the election.

As members in this place know, Peter Malinauskas killed off my call for a landmark gender dysphoria inquiry. His excuse—

The PRESIDENT: The Hon. Mr Pangallo, refer to the Premier as the Premier or the member for Croydon, the honourable—

The Hon. F. PANGALLO: Okay. As members in this place know, the member for Croydon, the Premier, the Hon. Peter Malinauskas, killed off my call for a landmark gender dysphoria inquiry. His excuse was as lame as they come. The Premier withheld a conscience vote from his Labor Party room members that would have allowed for Australia's first ever parliamentary inquiry into gender dysphoria. Several members of the ALP were ready to support my motion calling for an inquiry amid a major increase in the number of young people transitioning in South Australia and reports, such as the Cass review, which led to widespread change in the UK. Another excuse our populist Premier gave for his decision was that he did not think it was parliament's role to be involved in medical decisions, even though it has been going on now for eons.

There was to be nothing warring about an inquiry; it was to undertake a substantive in-depth look at current practices, future practices and best practice and to ensure that we have top-quality medical treatment and support available for all South Australians.

The medicalisation of childhood gender distress is a multibillion dollar global industry, buoyed by strong advocacy groups and lobbyists. It is spin for a political leader to label this issue as a question of pure science or medicine, because the actual medical experts are calling for such an inquiry. As reported in *The Australian* today:

> Dozens of doctors, specialists and child mental health practitioners have signed an open letter stating they have 'serious professional concerns' about a report which will inform the development of clinical guidance for NSW Health's statewide youth trans and gender diverse service.

Those 46 signatories went so far as to say that the NSW Health-commissioned Evidence Check, brokered by the Sax Institute, which appraises new evidence about interventions for young people with gender dysphoria, should be 'publicly retracted as false and/or misleading'.

The open letter claims assertions about the benefits of gender affirming care for minors 'must be supported by proper evidence', which the Evidence Check 'has failed to provide'.

The signatories, which include top endocrinologist [Dr] David Torpy and former head of the anaesthetics at Canberra Hospital and Calvary Public Hospital [Dr] Paul Burt, argued the Evidence Check 'did not include the highly relevant systematic reviews and findings of the Cass Review' which 'dramatically lessens the value and relevance of the report'. The letter, also signed by psychiatrist Jillian Spencer, who has been openly critical of gender-affirming policies, said the Evidence Check includes 'very low-quality studies…treated as high quality upon which they based their erroneous conclusions'.

The Sax Institute identified 17 studies on puberty suppression treatment and concluded that 'newly identified evidence reinforced the previous findings regarding benefits and effectiveness. That is, [puberty suppression] agents (generally referred to as GnRHa) were reported to be safe, effective and reversible'. Risks, it said, included reduction in bone density.

The open letter argued the assertions that puberty blockers are reversible were 'scientifically unsupported' and 'the references provided do not support their assertion'.

There were a number of claims that the letter-writers raised as 'serious flaws', including alleging the report made 'false claims' about the findings of British reviews 'regarding the alleged benefits of puberty blockers'.

Any procedure that permanently alters a child's sexual organs and reproductive capacity before they have reached the age of consent should not be walled off from questions of ethics, sociology, ideology, world view or, indeed, politics.

Many children who fell prey to these treatments are now speaking up, like Californian Chloe Cole, who recently testified on Capitol Hill in Washington DC and presented to a forum I hosted here in Adelaide recently. Some patients of gender dysphoria clinics will be forever grateful and happy; others, like Chloe Cole and countless others like her, will live their entire lives with permanent physiological and psychological damage.

For them and their families, it is not a culture war but a war on their minds, bodies, relationships, hopes and dreams. In fact, the culture wars cop-out from the Premier is actually a double betrayal: it clothes timidity in virtue, all the while accusing of vice the brave few, including medical experts of international standing, who represent the majority and are standing up to defend the vulnerable.

Meanwhile, this government rams through legislation carrying significant criminal provisions that reaches into our families and homes, institutions and medical and allied health practices. We will have laws that can criminalise and even jail brothers, sisters, grandparents and relatives for having meaningful conversations that may be totally misconstrued by others with an agenda.

We have preposterous situations interstate where a male transitioning to female says men can breastfeed babies. Trying to convince that person that it is not medically possible could land you in trouble under this bill. We have had a court rule that biological men can become biological women and vice versa. It is crackpot pseudoscience—quackery sanctioned by a judgement. Science says men do not produce hormone levels enough to lactate, although it may be done using drugs and hormones. Who would want to give that to babies? What has our society come to?

On the other side of the chamber, the opposition have made this a conscience vote and were almost silent in the other place. Perhaps they have reasoned there is no point opposing the government. Perhaps they are bereft of legislative courage. I will acknowledge those Liberals in this place who have scrambled some amendments—the Hon. Nicola Centofanti, the Hon. Dennis Hood and the Hon. Laura Henderson—which, of course, I will be supporting, but, as members in this place know, that is not my approach and will never be.

We are a house of review and revision. South Australian legislation is strengthened when robust debate and consultation occurs, but it seems that the government has less of an appetite for this. I am prepared to tell it like it is for South Australians, not just to appease the powerful lobby groups and advocates that do not represent the majority of this state.

So let's be really honest and up-front about this bill. It is not a bill to prevent conversion of an individual's sexual orientation. Like the mental health treatments of old, such as lobotomies or delivering electrical currents to body parts, conversion of a person's sexual orientation has not been practised in this country for decades. Consensual retreats, treatments and counselling were available to men and women who were same-sex attracted or bisexually attracted 40 years ago. This stopped in the 1980s as society viewed it, rightly, as both inappropriate and ineffective. Sexual orientation is not an illness nor a problem needing to be fixed.

While historic conversion practices are not and should not be acceptable today, this bill is an overreach, pandering to a very small but vocal minority. There is no data or evidence to support it, yet there is plenty of ideology fuelling it. This bill is really about gender identity and gender transition, from one gender to another. Sexual orientation and gender identity are two different things but this bill, in its definition of 'conversion practice', conflates them into one.

This is a populist but disingenuous sleight of hand. It is not a bill to stop antiquated sexual identity conversion practices; they had already stopped a long time ago. It is designed to shut down debate and discussion about transgender issues, and yet another subtle attack on religion, despite the apparent inclusion of so-called exemptions which could easily be picked to pieces in any future litigation. Not one jurisdiction that has debated this legislation could cite one example of these outdated and redundant practices still being used this century.

This is a bill purported to enshrine positive and encouraging gender transition practices as lawful, and to silence caution, further consideration, alternate options, further in-depth counselling, and fully informed decision-making. This legislation criminalises and silences any discussion of gender transition between consenting individuals other than the few carved-out exceptions of medical practitioners and registered allied health professionals like psychologists and counsellors.

The public will be outraged when they realise what it actually does—no wonder the rush today. Let me be clear: a loving and caring cautionary discussion between siblings about gender on more than one occasion that goes through all the issues is now criminalised, even if the other person initiated it and agreed to it, unless you fall into one of these very few exceptions. This has very real potential consequences, even if the government says it will not happen. It has happened in other legislation in the past, where innocent persons have been unwittingly caught up. There is no consent defence for anyone in this bill, so if you find yourself an unwitting defendant in a matter with an anonymous plaintiff, good luck. You are going to need it.

Even then, I am sure there are going to be a lot of allied health professionals like counsellors who will choose not to practise in this area to avoid the risk of being dragged before the Equal Opportunity Commission, their professional body, or SACAT. School counsellors, psychologists, nurses and pastoral support staff may not want to be the crash test dummies to see what the 'general rules' exception for faith-based schools really means.

That will be a question I will have for the Attorney-General: just what does 'general rules' for faith-based schools, religious schools, really mean? Similarly, they will not want to be the precedent test cases for what is 'serious harm' or 'anxiety that is more than trivial', whatever they may be found to mean by SACAT or the courts.

My amendments significantly improve the bill by making it abundantly clear that the bill is not retrospective. It should not be a litigation trigger for claimants who, under this bill, can lodge a complaint anonymously. I will ask the government about the retrospectivity of the civil redress scheme that is part of the bill during the debate. My position is that no elements of this bill should be retrospective.

Secondly, my amendment expands the example of what does not constitute a conversion practice to include family members. Family members will be defined as (a) a parent of the individual; (b) a grandparent of the individual; (c) a sibling of the individual (including a stepbrother or stepsister); (d) an aunt or uncle of the individual; or (e) a first cousin of the individual, and this includes a godparent of the individual.

The Greens have filed amendments. They are troubling amendments, and I will not be supporting them. They seek to expand retrospectivity, allow third parties who are not the aggrieved

party to make complaints and, most concerning, amend the meaning of conversion practices so that the 'practice' does not have to occur on more than one occasion. Essentially, a single conversation about gender identity could land you prosecuted for an offence carrying a five-year maximum term of imprisonment. Just so everyone is aware, here are some other crimes that carry the same penalty: aggravated stalking; driving without due care causing death; aggravated assault with an offensive weapon; aggravated affray; criminal trespass; and attempting to pervert the course of justice.

In closing, I would like to acknowledge the generous advice and assistance of advocates and opponents alike, including Dr Rachel Carling, the Acting Director of Public Policy with Christian Schools Australia, and the Hon. Greg Donnelly MLC in the New South Wales parliament. I expect I will ultimately vote against the bill—amended or not—as it is bad legislation that would be better developed through a robust committee process. But, as I have noted, it is a sad fact that in South Australia the government has the numbers and is therefore content on passing the good, the bad and the very bad without debate or time for consultation.

My stand should not be viewed as showing disrespect or opposition to the LGBTQ+ community. They have rights like anyone else. I respect the views of all members, even those I do not agree with. This is about avoiding disastrous and unnecessary consequences within families, from conventional ones to blended and the diverse.

The Hon. S.L. GAME (17:46): I rise briefly to oppose the government's Conversion Practices Prohibition Bill. This bill silences respectful and open discussion by declaring that religious beliefs and values are wrong, dangerous and could possibly lead to what this government wants to be defined as criminal behaviour with a maximum five-year prison term.

However, the potential harm caused by conversion practices is not confined to one direction on the spectrum of gender and sexuality. The bill defines conversion practices 'as those practices that are directed to an individual and are intended to cause a change to that individual's sexual orientation and gender identity'. Consequently, this definition could capture practices directed at an individual to change from a more traditional or religious understanding of gender and sexuality to a more progressive and fluid one.

It would appear this government has forgotten that many in our community confronting challenges associated with gender identity and sexuality also hold traditional religious perspectives on these issues. If we are going to have an open, respectful discussion, all perspectives need to be able to be heard, and individuals need to be provided with the opportunity to hear and respond to different ideas about gender and sexuality so they can make an informed decision.

Our primary concern should be to uphold the right and freedom of an individual to make informed choices about their identity and future, and this means empowering the individual to critically evaluate all ideological narratives emanating from both sides of the fence. It is important to note that for this new criminal offence of performing a conversion practice, the defence of 'consent' is not available under any circumstances. I fully support the restriction of extreme gender ideologies being forced on our children and young people and have introduced my own bill for this growing problem in our education system.

The Hon. C. BONAROS (17:47): For the benefit of the public record, I rise to indicate my support for the bill. I do not intend to speak at any length other than to echo the sentiments of others who have spoken in support of the bill and also to commend all those who have worked tirelessly on this issue in terms of getting this bill before us, noting of course that we are amongst the last jurisdictions to implement the reforms. I guess on that point we have a track record in this place of following other jurisdictions when they have already done the groundwork for us, and I would put this bill fairly and squarely in that basket.

Whilst the bill adopts the New South Wales approach, I do note that it does have some tweaks that have been made taking into account the very specific concerns that have been raised in South Australia, particularly amongst our religious communities. I do appreciate the comments of the Hon. Tammy Franks and note in that regard that there is the insertion of a review clause that will enable further consideration at a later point of how the legislation is tracking. I also acknowledge the undertakings of government with respect to the Equal Opportunity Act and commissioner.

Finally, I indicate for the record that it is my intention not to support any of the amendments that have been proposed on that basis. The only point I would make after listening to today's contributions—and I have listened carefully—is, if it is not occurring, as has been suggested by members in this place, then I do not really see the harm. I note again that we are amongst the last jurisdictions. I think there is only one other that does not have some sort of mirroring legislation in place, so that is a little bit lost on me.

The other thing is that I probably take a very practical approach to this issue. Underpinning that practical approach is how anyone can think that they can convert an individual through the use of any of these practices is simply beyond my comprehension. I do not get it. I acknowledge from the contributions today that there are very differing views with respect to that but, like I said, just because some members have claimed it is not occurring, that is not a reason not to legislate for it. Of course, the veracity of that claim has been challenged, and I think quite rightly. With those words, I indicate my support for the bill.

The Hon. R.A. SIMMS (17:51): I rise to speak in favour of this bill. The Greens believe that our laws need to ensure everybody can live a life where their human rights are respected and where they are safe from harm. We have a long-term commitment to championing the rights of the queer community in this state and we welcome this bill finally coming to this parliament.

This bill to ban conversion practices is the culmination of a long campaign by the LGBTI community. It is a campaign that has been nation wide. New South Wales, Victoria and the ACT have already banned these harmful practices. Queensland has banned them within healthcare environments, Western Australia and Tasmania have committed to reform, and it was a promise of the Malinauskas government that they would tackle this issue if elected. There is no secret about that. It was part of the Labor Party's election platform and they were elected to form government. So, much to the relief of many, they have acted upon that election commitment.

I want to acknowledge the leadership of some of my colleagues in this place over many years on this issue: The Hon. Tammy Franks, who has been a staunch ally and voice for LGBTI South Australians; the Hon. Ian Hunter, who has been a tireless warrior for LGBTI rights and a loud and consistent voice for our community; and the Hon. Michelle Lensink, who has long championed this reform and always supported the LGBTI community in this place. I also acknowledge members in the other place—the Hon. Nat Cook and the Hon. Susan Close—as well as the work of the Attorney-General, Kyam Maher, and his team in preparing this bill for us.

As is so often the case when it comes to LGBTI law reform in South Australia, it has taken cooperation from across the parliament and voices from all sides of politics to get movement on this. It is my hope that members of the Liberal opposition will seize this opportunity to continue our state's proud tradition of achieving LGBTI law reform in a multipartisan way and support this bill. I note the statements made by many on the opposition benches, but I do hope that more members will join the Hon. Michelle Lensink in coming on board and embracing this opportunity.

I also want to acknowledge the survivors of conversion practices, and I thank them for sharing their stories with us. I want to thank the groups that have amplified their voices and advocate for this change: Equality Australia, SARAA, the Sexual Orientation and Gender Identity Change Efforts survivors, and the Brave Network, amongst many others.

As an out and proud gay man, one of only two in this parliament, I do want to take a little bit of time to reflect on the significance of this bill and what it means for the LGBTI community. Fundamental to conversion practices is a belief that there is something shameful about differences in human sexuality and gender identity. Indeed, being part of the LGBTI community is so shameful that you need to repress and alter your own identity.

Despite the far-right conspiracy theories about LGBTI people trying to recruit others to the cause, it is the virtues of heterosexuality that are being promoted actively by conversion practices. It is that world view that is being imposed on LGBTI people.

In moving to ban these practices in this state, this parliament will be sending a clear message to LGBTI South Australians that we do not need to change. That is a vital message for LGBTI people to hear. I know that many LGBTI young people in particular struggle with feelings of fear and shame

and that is one of the reasons why conversion practices are so damaging because they feed into those feelings. They reinforce them by forcing young people to deny their true selves and so the consequences of those practices can be lifelong.

I should make it very clear that I never endured conversion practices as a young person, but I do remember how challenging it was grappling with those feelings of shame growing up and so I hate to imagine what it would have been like to have those fears and anxieties being reinforced under the guise of therapy.

I was about 12 when I first realised that I was gay, but for me the bullying started much earlier, well before I actually understood that I was a gay person. I think I would have been about eight or nine when I first started being called a 'poof' and a range of other things I will not repeat on *Hansard*. Most of the bullying for me centred around the way I walked and the way I talked. It continued on and off throughout my high school years. As a result, I really dreaded what it would be like to try to live a gay life and I certainly never imagined that I would have the opportunities that I have had in my life—the opportunity to stand for parliament, let alone have anybody actually vote for me.

Through the leadership of LGBTI activists who have come before, those opportunities did come for me and for other gay men of my generation. I do salute the work of people like the Hon. Ian Hunter and many others who have been carrying that fight for so many years. Indeed, today I have a happy and a healthy life. When I came out in my early 20s, I was fortunate enough to be supported by friends and family, but I know that everybody is not so lucky and that is why these conversion practices are so dangerous because they prey on young people in particular when they are going through such a challenging, vulnerable period in their lives.

When I gave my first speech in the federal parliament back in 2015, I remarked then that things really do get better and again I do want to use this opportunity to say to any young people who are struggling with their own journeys that this is still the case—things do get better. Stay brave, stay strong and know that things are continuing to change.

This bill is powerful not just because it stamps out conversion practices—and that is a very worthy aim—but because it strikes at the heart of the shame that has been part of the LGBTI experience for far too long.

One of the great things I have observed during my time in politics is the tremendous advances that we have seen in the rights of gay men. Marriage equality is an example of laws that have had a really transformative effect. Indeed, over the last few years since we have seen those amazing changes and the changes that have flowed in community attitude, I have had the courage to do things I never thought I would be able to do here in Adelaide—holding a partner's hand or kissing them on the street without fear of being bashed or verbally abused.

The experiences of younger gay men today are so different to my own experiences and those of other gay men in my generation and that is a truly wonderful thing to observe. It gives me hope that, just as we have seen some really amazing advances in our rights and freedoms, these opportunities will flow through to the rest of the LGBTI community.

Indeed, the big challenge for gay men like myself is to continue the fight for other members of our LGBTI community who need our help. We cannot leave our trans friends behind and today it seems that, like the gay men of the eighties and the nineties and the noughties, trans people are the new targets of right-wing ideologues and the right-wing culture warriors who seek to demonise difference and impose their world views on others. They are now targeting trans kids and I see this bill as being an important way of standing up for those young people.

I will make a few remarks about some of the statements that have been made in the debate. It does strike me as very odd that so many of those who profess to be liberal would seek to impose their morality on others and to exercise control over the personal lives of other people. Surely exercising that kind of control over others or trying to change them is the antithesis of liberalism.

I have also noticed there have been some bizarre falsehoods that have featured during this debate. I will not address all of them, but I think it is often the feature of LGBTI law reform, not only here in South Australia but across the country, that whenever there is an attempt to try to enhance

the rights of LGBTI people we are told the sky will fall in. I remember, during the debate about marriage equality, that people suggested that people like the Hon. Mr Hunter and I would seek to marry our pets if marriage equality became part of our law.

I remember when I was on the Adelaide City Council and proposed a rainbow walk for Light Square that we had evidence to the council—a deputation was made from some opponents—that young children would throw themselves down the rainbow walk and into the traffic, and that this project was a safety hazard. These are the sorts of ridiculous claims so often made when we are trying to advance the rights of LGBTI people.

Today, we have heard that this bill will simultaneously do nothing whilst also being a threat to our way of life and undermining the role of the family unit. Opponents of this bill cannot have it both ways; you cannot walk both sides of the street. This bill is worthy of support because it continues to move us in the right direction.

It is important to note this is not just a matter that concerns the LGBTI community and that many other groups have opposed conversion practices. The Australian Medical Association has called for all state and territory governments to impose a ban. In a media release coinciding with the release of a position statement back in 2021, their president, Dr Omar Khorshid, said:

> Conversion practices are a blatant example of the discrimination faced by LGBTIA+ people in Australia and have no place in our society.

The AMA noted the fact that conversion practices have no medical basis, and states:

> There is strong agreement in the medical profession in Australia that conversion practices have no medical benefit or scientific basis, and that there is evidence of significant harms resulting from such practices.

I note the statement made in her contribution by the Hon. Nicola Centofanti, where she said she had been contacted by a counsellor who said they would not practice should this ban on conversion practices be put in place. I think that is good news, because anybody who would seek to operate as a counsellor and deploy conversion practices should not be working in that field. That is one less troublesome person in that profession.

Some people might believe these arcane practices are a thing of the past. Sadly, these practices do still take place in South Australia. I have heard, as have other members in this place, from survivors who have shared their experiences with us, and I commend them for their bravery in talking about challenging and traumatic events.

Up to one in 10 LGBTI Australians remain vulnerable to conversion practices, with about 4 per cent of all Australians aged 14 to 21 having experienced some form of conversion practice. There is significant harm that comes with these practices, including acute distress, ongoing mental health issues, severe anxiety, depression, symptoms of chronic trauma and PTSD. Some organisations and communities disguise their attempts to suppress someone's sexuality or gender identity as counselling or care. Often these activities are not undertaken by anybody with any formal training in counselling, and they can cause irrevocable harm to people who are convinced or forced to go through such a process.

Sometimes these things are labelled therapy, but therapeutic attempts to alter sexual orientation and gender identity have been discredited by the psychological community for years. In 2015 a report by the Office of the United Nations High Commissioner for Human Rights included conversion therapy in its list of practices that are categorised as torture and ill treatment. Many conversion programs have claimed they only exist to help those who express a desire to change. However, survivors have reported they were coerced by parents or community figures as a result of the ideologies within their religious beliefs.

Many survivors have expressed they were driven by fear of rejection from their family and their community, and therefore they were considered willing, when in fact it was much more complex than that. As I have detailed earlier, so many LGBTI young people confront the circumstances that I faced, where they desperately want to change because they fear what the future might hold. I think it is morally wrong for people to prey on young people in those circumstances.

Any activity that seeks to suppress a person's sexual orientation or gender identity is based on the false premise that queer people are broken and need to be fixed. These practices are steeped in bigotry and discrimination. Rather than recognising and supporting someone in an affirming way, they deny someone the understanding of their true identity.

As stated by my colleague the Hon. Tammy Franks, the Greens firmly believe conversion practices must be banned. We also want to ensure that the government is going to provide services and support to survivors. It is important that we do not just have a legislative approach but that we also provide ongoing support for these people.

My colleague the Hon. Tammy Franks has been engaging with stakeholders and has prepared a series of amendments to improve the bill. She has outlined the basis of these within her second reading speech. Additionally, I will move one amendment, should the Hon. Tammy Franks' amendment not be successful, which will extend the reporting period to six years, and I will speak a little bit more about that in the committee stage.

I do understand that some members of the LGBTI community will look at this bill and say that it does not go far enough. I understand that. The Greens hear you and that is why we are advancing these amendments, but if these amendments fail we will of course be voting in favour of this bill. While the bill is not perfect, it represents another important milestone in the journey for LGBTI rights in our state, and of course the fight continues. Those who seek to change LGBTI people or to bully us into denying our identities must know this: we are here, we are queer, we are going to keep up the fight; out of the closet, into the streets and into the parliament.

Sitting suspended from 18:06 to 19:46.

The Hon. I.K. HUNTER (19:46): I rise this evening to make a brief contribution to the debate. I am going to start off by saying some nice things and then I might say something not quite so nice and then I think I might turn my mind to the amendments before us and hopefully say a few conciliatory things.

First of all, I want to acknowledge the survivors of conversion therapy, or practices as we call it now, who have come forward and shared their lived experience with members of parliament, sharing their personal stories, the impacts on their lives and on their families. It takes great courage to do that.

To shift to something not quite so pleasant, I might say I was offended on their behalf when many of the people who rose today opposing the bill basically said that they do not exist. The survivors do not exist because the conversion practices do not exist and they have never come across it and how could it be so that we are moving a bill where there are no victims. But the victims were here, in the gallery, listening to the contribution being looked at by the MPs, or perhaps not looked at, whilst they were being told that their lives do not exist. The things that they went through, the experiences that they had, did not eventuate. I found that very difficult to comprehend how someone could do that, given the very people who will attest to what happened to them are sitting right here in the gallery listening to that contribution. I found that objectionable.

But I really want to pay tribute to those who are brave, and came forward and shared their experiences with the government and with the Attorney and many others of us, and allowed us to craft a piece of legislation that addressed at least some of those issues that they have lived through. I want to also thank community organisations like SARAA and several others who helped us through this process, who represented the community, the rainbow community, the queer community and gave us a broad overview of the impact of conversion practices over the years.

I want to acknowledge the work of my friend Minister Nat Cook in the other place, who has persevered, arguing for a model of law that addresses the issues that have been raised by survivors, in particular. It is not a model that suits bureaucrats or MPs but a model that addresses the concerns of the survivors of conversion practices. Minister Cook has been very, very forthright in pressing the government to deliver on the election promise.

I want to acknowledge the contributions made by a couple of members who made it very plain that this legislation actually does not come out of nowhere. It was an election promise taken to the last election. It was an election promise that this Labor government, subsequently elected,

promised to deliver in this term of government. Let's not pretend that this has suddenly appeared out of nowhere and that you have not had warning that this is coming. This has been on our books since at least the last election. In fact, it was Labor Party policy before the election. There is no pretence that can withstand criticism that this has suddenly burst upon us unannounced.

I also want to thank Deputy Premier Susan Close in the other place for her heartfelt contribution on introducing the legislation and her second reading speech. I note the emotional contribution that she made, knowing how intensely personal this issue is for her and her family. I am very, very grateful that the Deputy Premier stood up and did this because, of course, when things are so personal in one's life it is tough sometimes to do that in front of a chamber of people like this.

I say thank you to my friend Deputy Premier Susan Close, who has been working with me for probably over 35 years now on progressive campaigns. We first got together to work on a campaign to ban the keeping of dolphins and whales in South Australia. That was quite a long time ago. The success of that campaign encouraged both of us to keep the fires burning and, indeed, enter into parliament.

I also want to make mention of some of my crossbench colleagues. I know to do so is sometimes inadvisable because praise from the Hon. Ian Hunter is sometimes not exactly what you want to hear from your colleagues. It could be career limiting in some instances, but I think in this instance tonight it is due. So I would like to first of all say thank you to the Hon. Tammy Franks for her support over the years and her championing of issues that are important to the queer community in South Australia. The Hon. Tammy Franks has been a whirlwind of action, support, criticism sometimes, sometimes appropriately so and other times I think probably not, but nonetheless the Hon. Tammy Franks has been stalwart and solid and I am very grateful for her comradeship in this place on progressive issues—oh God, she is here!

Moving right along, I also want to say thank you to the Hon. Connie Bonaros who has a burning rage and energy against injustice—injustice of any sort. The Hon. Ms Bonaros has, as the Hon. Kyam Maher will know, a propensity for getting you into a corner and beating you up until you see the virtue of her position. It is a powerful method of acting that she has in this chamber. She is a very effective member of this place, a very effective parliamentarian and one of the great legislators I think that we have seen in this place over a decade or so. The Hon. Ms Bonaros has also been a great defender of our community and I want to say thank you very much to her.

Then there is the young gun, the second gay in the village, the Hon. Rob Simms, who comes along in his short pants, having learnt some very, very bad practices in the Senate and the Adelaide City Council, which we are finally trying to beat out of him. The Hon. Mr Simms gave a very powerful speech this afternoon. Again, it takes a considerable amount of bravery to stand up and share with this chamber, and the millions of people who are listening through the interweb, the worldwide whatever it is we are broadcasting on tonight, their life experience and how the legislation we are dealing with actually brings to the fore things that have happened to them in their life, things that have been difficult to deal with, things that still cause an emotional impact years and years and years after you have experienced them.

So consider that with the victims of conversion practices who may have gone through this 15 or 20 years ago. The emotional impacts and the trauma that was caused to them are still being felt now. They are still being felt when they hear some of the contributions that were made in this chamber this afternoon, but I have said I am not going to talk terribly badly about all of that, and I will not.

The other person I want to speak about is the Hon. Michelle Lensink, who was in this place before I entered it and has been a very strong supporter of Adelaide's and South Australia's queer community. The Hon. Michelle Lensink had been, sometimes, one of the only voices standing up for our community until I got here, and then Robert as well. I have to say with great admiration, Michelle, that your contributions to our broad community have been noticed and welcomed but, also, you are a bit of a hero to many people, and particularly when you get into the karaoke phase at dancing—which I think people will expect you to do sometime later. Having given that career-limiting praise to a few people, we will see where that goes.

I also want to make mention of another friend of mine, the highly empathetic Attorney-General, who occasionally cannot help expressing his emotions when he is in here in this place on his feet. When he is given the opportunity to right enormous wrongs to people who have suffered terribly from harms, the Attorney-General becomes their champion and he feels it, I think, and we all feel it with him.

I want to say to the Attorney that we have had some rather muscular discussions/robust policy debates about this bill as it is been developed. I am grateful to him for that, for testing my ideas but also for having the courage to bring this forward at such a time, despite the fact that some people have been saying that in fact there has not been enough time on consultation. The Hon. Attorney-General Kyam Maher has been another strong supporter of our queer community, our rainbow family, and I want to say thank you very much for bringing this legislation to the parliament. I might say one more unkind thing because I cannot help myself.

I find it curious, and other honourable members have made passing reference to this tonight, that some of the contributions, particularly from the opposition in this place, have come from people who have stood up and told us conversion therapy does not exist: 'It does not happen, never seen it, no-one has ever spoken to me about it, it is not possible. I have been living my life in these organisations for 20 years and nothing has ever come in front of me about it.' And then at the same time, or to play tag, another opposition member gets up and says, 'In any case, why are you trying to stop it? We don't think you should try to stop this.'

So we have one opposition person saying it does not exist, it does not happen, and another opposition person saying, 'Well, you shouldn't be stopping it anyway.' This disconnect, this cognitive dissonance going on, I find very hard to reconcile. I think there is a very big hole in the arguments put forward by those opposite that on one level they are saying, 'It doesn't happen,' and on another level, 'Leave us to continue to do these things.' It just does not fit well, I do not think.

I now want to turn to the vast number of amendments that have been put forward, and I would class them into two groups. One of them is—how to be polite—nonsensical, and the other group is well-meaning but I think not helpful, and I want to talk about those.

There are, it has to be said, some points of contention in the legislation that has been brought forward that have been contended by some survivors—not all—of conversion therapy who think, as the Hon. Tammy Franks told us in her contribution, that we could have had a better bill and we could have picked up elements from the Victorian proposals. To an extent, you can understand that but they are different models.

The three main concerns from some of those survivors are essentially in clause 4—Meaning of conversion practice, which talks about the need to have more than one event, a sustained process of conversion. The other is really associated with the existing practices and the equal opportunity legislation whereby there is a time limit on acting on a complaint and there is also the absence of an ability to have third parties taking action.

Yes, I can understand why proponents would like to see some of that put into the body of this legislation rather than relying on what is existing in the EO Act, and I can see why some proponents do not believe we should say there is only a breach of the legislation if the conversion practice occurs more than once. But let me say this: in fact, almost all of the evidence of conversion practices that has been brought forward is of multiple instances of conversion practices—not entirely, but almost all. So I think the concern over that first part is probably not as warranted as it is put about to be.

The other concern I really have to say I have more understanding of and would support, except to say that the Hon. Susan Close and the Attorney-General in this place both have outlined in their second reading contributions a commitment to look at that more broadly because it applies to the Equal Opportunity Act, is there are instances where third parties cannot take action under that legislation in relation to other instances, not in relation to this legislation before us, and the Attorney has said he wants to actually go away and look at that.

To do that broadly is probably preferable to making a piecemeal change in this legislation, not making a change in the Equal Opportunity Act and having to do that review and come back to

make changes again. So whilst I understand the desire from people to have those changes made in the bill, I accept the Attorney's commitment to go away and have a look at this more broadly across several pieces of legislation.

I want to say, essentially, that I hear the desire to improve this bill that is before us. I think some of the concerns that are raised are not necessarily as crucial as people are saying they are, and I hold to the Attorney's commitment that he is going to review the Equal Opportunity Act provisions relating to third-party action.

Finally, I want to close by saying this act, in fact, is a good piece of legislation. It does some very important work. One of the unheralded parts of the legislation, which really has not been covered very well today or tonight, is the fact that it sets up a civil course of action. There is, of course, the criminal side, which is plain and which most people have focused on during the debate, but as has been noted by I think the Hon. Michelle Lensink and a few others, it is a high bar to meet, and the evidentiary requirements will be difficult, particularly when you are dealing with one person and a psychologist or one person and a doctor or one person and a pastor. How do you prove that? It is going to be a high bar.

A civil action is not as high a bar and, importantly, civil action will bring with it a potential for compensation payments. If that is not enough to scare people and dissuade them from indulging in these criminal practices, I do not know what is.

The important thing from my perspective about this legislation, if we listen to the opposition, who are saying it does not exist, is, well, okay, great, it does not exist. Here is a bill that has great educative value to our community. It lays out what our values and our principles are and says, 'If you're not doing this, that's great. If you are, you better stop.'

Legislation does that a lot. Legislation is often brought in to express the values of our community, the principles that we stand for and as an educative tool for the community about what is acceptable and what is not, and this bill does that in spades. So I commend the bill to the house. I reiterate that we will not be supporting any amendments from anybody this evening, and I look forward to the bill passing in an unadulterated form.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (20:03): I thank all members for their contributions tonight, which have generally been made in a respectful manner. It is an issue that is often a difficult issue to discuss. We have talked about the people who have firsthand experience, the people who have been in the chamber tonight, the people who were in the chamber when the Deputy Premier introduced this legislation a couple of weeks ago. This bill is about them, but more than that, it is about the people who are not here—the people who, as Michelle Lensink outlined, are not here anymore because many have taken their own lives as a direct result of some of these practices. This is what the bill is about.

There are elements of the bill that recognise the right to express your religious views as you see fit with protections in the bill. I know some members have outlined some of the concerns that faith leaders have expressed. I think the Hon. Nicola Centofanti outlined some of the correspondence that she had received and I think that was reinforced by the Hon. Dennis Hood. I think there were particular congregations that the Hon. Nicola Centofanti went through and gave numbers of the congregations of each of those. I think of the one she mentioned with a total sum of 6,240 parishioners in their congregations, and that is a significant number of South Australians whose concerns we ought to consider when we are looking at these bills.

I also want to read out some of the views that have been expressed by faith leaders in South Australia. The moderator of the Uniting Church in South Australia has had this to say about the bill before us:

> The Uniting Church does not support conversion practices, and supports this…legislation that seeks to protect the health, rights and dignity of individuals and our community.

According to the 2021 census, the Uniting Church counted some 84,797 South Australians as members of their church. The Anglican Church had this to say:

All people are made in the image of God and therefore we must treat all people equitably no matter who they are and the circumstances in which they find themselves.

Said the Most Reverend Geoff Smith, Archbishop of Adelaide:

The Anglican Church strongly supports the banning of conversion practices directed at changing or suppressing the sexual orientation or gender identity of individuals.

According to the 2021 census, the Anglican Church covers some 127,970 South Australians. The Catholic Church said this about the bill that is before us:

The Catholic Archdiocese supports the banning of conversion practices in South Australia. We are deeply appreciative of the Labor government, through the Attorney-General, for consultation with us.

Again, according to the 2021 census, the Catholic Church represents some 273,882 South Australians. Collectively, those three Christian denominations represent some 486,649 South Australians who find it in their hearts and in the teachings of what they believe to support this bill. I think that is especially compelling.

I want to address some of the instances that have been raised about what constitutes conversion practices. I am sure once we get into the committee stage there will be questions and there will be members who will put a hypothetical scenario and say, 'Is this a conversion practice or not?' I want to make it very clear: I am not intending in any way, shape or form to take on the role of a jury or a judge in looking at a factual situation and trying to assess it and giving you a judgement tonight.

What I will say is: questions have been raised about the examples provided in clause 4(4), some of the exemptions. To be clear, these are example provisions. They are examples and they are not exhaustive. One example in the bill that has been raised is in relation to parents. The bill provides that:

(d) parents discussing, or providing guidance on, matters relating to sexual orientation, gender identity, sexual activity or religion with their children.

is not a conversion practice. What remains is significant: the definition of a conversion practice itself. As long as the conduct does not fall into the definition of a conversion practice, then this bill does not capture it. Discussions or the provision of guidance between parents and their adult children, between family members and between grandparents and grandchildren are not conversion practices.

There has been much made of the criminal offences created in this legislation. The threshold for the clause 6 criminal offence is serious harm. In any scenario involving the clause 6 offence, it is important that members remember the requirement that serious harm is caused to the victim in order for the offence to be made out. If it is not serious harm, it is not covered in the criminal definition. Serious harm is defined in the bill. Harm is defined in the bill. Mental harm is defined in the bill. Causation is a concept the courts are well equipped to deal with, as they do every single day that a court sits.

The bill also states that serious harm might be caused by a combination of conversion practices and must be assessed by the totality of the conversion practices. It is a matter for the court in the circumstances of the issue to determine causation. Of course, a person can only be convicted of the offence if all the elements are proved beyond a reasonable doubt. This idea that many ordinary interactions are going to be criminalised is fanciful, and it is wrong.

It has been mentioned before, but one of the things that has been very curious about this debate is members have talked about the fact that this is going to create a criminal offence for daily interactions that people have all the time, but in the very next breath it is said that conversion practices do not happen anymore. We have heard tonight a range of views expressed by those who have never talked to a survivor, or never sought the privilege of talking to a survivor, that conversion practices do not happen anymore, or that they do not happen this century, or that they have not happened for many decades. Having had the privilege of talking to people, particularly over the last few weeks, it certainly does occur and it has occurred in recent times, and that is exactly why we have this bill before us tonight.

Bill read a second time.

Committee Stage

Clauses 1 and 2 passed.

Clause 3.

The Hon. L.A. HENDERSON: I have a series of amendments standing in my name: amendment No. 1 [Henderson-1], amendment No. 2 [Henderson-1], amendment No. 3 [Henderson-1] and amendment No. 4 [Henderson-1], that all relate to clause 3. Amendment No. 1 is in relation to causation. The amendment seeks to establish causation in the bill. The definition of 'cause' has been broadened to apply to any form of harm, but of course the offence in the bill only applies in relation to serious harm.

The CHAIR: The Hon. Mrs Henderson, we are actually going to deal with your first amendment first. The other three you can speak to en bloc, and possibly move them en bloc.

The Hon. L.A. HENDERSON: I move:

Amendment No 1 [Henderson–1]—

Page 2, after line 8—Insert:

> *cause*—a conversion practice causes harm if the conversion practice is the sole cause of the harm or substantially contributes to the harm;

The definition of 'cause' in the amendment is reflective of that found in the Criminal Law Consolidation Act. I note that the Attorney-General has touched on cause in his summing-up. However, I would just reflect that it is important to ensure that there is a correlation and a relationship between the cause and effect, between the event or action and the result, and that the conduct of the individual is either the sole cause of the harm or substantially contributes to the harm. If cause is not required to be defined, I would query why it is set out in the Criminal Law Consolidation Act if it is not required to be set out in this act.

The Hon. K.J. MAHER: We will be opposing this amendment. As the Hon. Ian Hunter has said, the government will be opposing all amendments on this bill. As I briefly touched on in my second reading speech, the concept of causation is exceptionally well known to the courts. It will be a matter for the court to determine whether serious harm has been caused to the individual, beyond a reasonable doubt.

The Hon. N.J. CENTOFANTI: I have some questions for the minister in regard to interpretation of definitions. In regard to the definition of 'harm', can the Attorney please indicate—

The CHAIR: The honourable leader, we are talking about clause 3 at the moment. Does this relate to clause 3?

The Hon. N.J. CENTOFANTI: Yes, I believe so. Can the Attorney-General please indicate to the chamber what is meant by temporary physical or mental harm?

The Hon. K.J. MAHER: 'Harm' means physical or mental harm, whether temporary or permanent. That will be up to the court to determine. As I said in my second reading sum-up, I am not going to get into hypotheticals about a particular scenario or 'What precisely do you think, as the Attorney-General handling this bill, is meant by that?' We rely on judges, we rely on magistrates, day in, day out, to interpret the acts that we make. I have no doubt that they will do a good job at that, as they always do.

The Hon. N.J. CENTOFANTI: I appreciate the Attorney's response except to say that often during court proceedings judges will look to committee stages, and indeed second reading speeches, in regard to various bills. Can the Attorney-General please advise the chamber of what duration or conditions would distinguish temporary harm from permanent harm?

The Hon. K.J. MAHER: I think it is more typical that courts will seek assistance from second reading speeches rather than committee stages, but be that as it may, when words appear in legislation, the courts will interpret them.

The Hon. T.A. FRANKS: Does the Attorney have any concerns that the courts will not be able to understand the words 'physical' or 'mental harm' or 'temporary' or 'permanent'? Are these words that are strange to the courts?

The Hon. K.J. MAHER: Having known many judges and magistrates, I have every confidence they will understand what those words mean.

The Hon. N.J. CENTOFANTI: Can the Attorney-General indicate to the chamber what is meant by 'fear that is more than trivial'?

The Hon. K.J. MAHER: Sorry, I do not have a dictionary with me at the moment, but often judges and magistrates do employ devices such as dictionaries, which have meanings in them.

The Hon. L.A. HENDERSON: The Criminal Law Consolidation Act defines 'mental harm' as 'psychological harm and does not include emotional reactions such as distress, grief, fear or anger unless they result in psychological harm'. A question for the minister: why has the definition of 'mental harm' in this bill included emotional reactions such as distress and fear within the definition?

The Hon. K.J. MAHER: It is modelled on the New South Wales legislation because of the nature of the offence that we are talking about and the particular circumstances of the behaviour that has been used in the past in conversion practices.

The Hon. N.J. CENTOFANTI: In regard to the definition of 'parent', what types of people are standing 'in loco parentis to the child'?

The Hon. K.J. MAHER: The Latin term essentially means those who stand in the role of a parent. It could be anyone who stands in the role of a parent.

The Hon. N.J. CENTOFANTI: Would that include extended family members, including aunties, uncles, grandparents, siblings?

The Hon. K.J. MAHER: I thank the honourable member for her kind invitation to play the role of a judge and specifically say what exactly will and will not be in that, but I shall leave that to the court.

The Hon. L.A. HENDERSON: I have further amendments for clause 3; would you like me to move them now?

The CHAIR: No. We are going to have to deal with this amendment first when we are finished discussing it.

The Hon. T.A. FRANKS: A question for the mover of the amendment, which inserts:

> cause—a conversion practice causes harm if the conversion practice is the sole cause of the harm or substantially contributes to the harm;

Does the mover accept that conversion practices cause harm?

The Hon. L.A. HENDERSON: This is taken directly from the Criminal Law Consolidation Act and is consistent with what 'cause' would typically be defined as.

The Hon. T.A. FRANKS: Does the mover of the amendment consider that conversion practices cause harm? What is her intention in moving this amendment?

The Hon. L.A. HENDERSON: The intention in moving this amendment is to ensure that there is a direct relationship between the cause and effect of either the event or the action and the result. It is consistent, as the Attorney-General has highlighted, with ordinary interpretation of many laws and should be uncontroversial to ensure that any behaviour that has been identified as falling in breach of this legislation would be what has ultimately resulted in that serious harm.

The Hon. T.A. FRANKS: Does the mover of this amendment accept that conversion practice causes harm?

The Hon. L.A. HENDERSON: What this amendment is trying to deal with is to ensure that if there is harm—I am not denying that there is or is not harm, I am saying that if there is harm, it

needs to be proven that there is a correlation between the actions that have happened and the harm that has eventuated.

The Hon. T.A. FRANKS: Is the mover of the amendment saying that she is not sure if there is harm caused, and can she clarify whether she believes conversion practices cause harm?

The Hon. L.A. HENDERSON: I have put the amendment, clearly articulated. What this amendment is trying to establish is correlation between the behaviour of the individual and the outcome that is ultimately being challenged under this legislation.

Amendment negatived.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–1]—

Page 2, after line 9—Insert:

family member of an individual means—

(a) a parent of the individual; or

(b) a grandparent of the individual; or

(c) a sibling of the individual (including a step-brother or step-sister); or

(d) an aunt or uncle of the individual; or

(e) a first cousin of the individual,

and includes a godparent of the individual;

This amendment is to clarify exactly what a family member is in relation to this legislation. I think just leaving it at 'parent' is not enough; it needs to be broadened. I am proposing here that a family member is also included in this and that is a parent of the individual, a grandparent of the individual, a sibling of the individual (including a stepbrother or stepsister), an aunt or uncle of the individual, or a first cousin of the individual, and I am also including a godparent.

The reason I am doing this is that as it stands at the moment it only is restricted to a parent or parents but it needs to also take in other family members to ensure that they are not caught under this legislation and are then criminalised and even facing a penalty of five years in jail.

The Hon. K.J. MAHER: The government will be opposing this amendment. Any family members, if they are discussing issues such as this, are unlikely to fall foul of what is captured in this bill. The Hon. Mr Pangallo's definition is contextual to his amendment No. 5, which is the key operational amendment, which this then helps define.

In the bill before us, clause 4(4) provides a non-exhaustive list of examples of what does not constitute a conversion practice. This list is not limited only to those categories identified. The purpose of this provision in our bill is to provide some clarity around the operation of this provision using some commonly identified circumstances. One such example is set out at clause 4(4)(d):

parents discussing, or providing guidance on, matters relating to sexual orientation, gender identity, sexual activity or religion with their children.

In the government's view, it is not necessary to extend that example related to parents engaging with their children in this way to family members. 'The parent' is already given a broad definition. Family members, if they are merely engaging in discussions with an individual but are not falling into the definition of a conversion practice in the bill, will not be captured by it in any event.

The Hon. N.J. CENTOFANTI: Given the Attorney-General could not answer my question in regard to what extended family members would or would not fall within in loco parentis category, I indicate that I will be supporting the Hon. Frank Pangallo's amendment.

The Hon. L.A. HENDERSON: I also indicate that I will be supporting the Hon. Mr Pangallo's amendment.

The Hon. D.G.E. HOOD: As will I.

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

The committee divided on the amendment:

Ayes 8
Noes.....13
Majority 5

AYES

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

NOES

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

Amendment thus negatived.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–1]—

Page 2, line 15 [clause 3, definition of *parent*]—Delete 'a child' and substitute 'an individual'

Amendment No 3 [Pangallo–1]—

Page 2, line 16 [clause 3, definition of *parent*, (a)]—Delete 'child' and substitute 'individual'

Amendment No 4 [Pangallo–1]—

Page 2, line 17 [clause 3, definition of *parent*, (b)]—Delete 'child' and substitute 'individual'

Essentially, what these do is expand the definition from 'child' to 'individual'. We do not know what age the child is. There is no indication in this legislation about what constitutes a child and I think having 'an individual' in there casts a wider net.

The Hon. K.J. MAHER: The government will be opposing these amendments. As I have said, we will be opposing all the amendments that are being put by members of the opposition, the Hon. Frank Pangallo and the Greens. The Hon. Ian Hunter has outlined very succinctly the reasons for the government's opposition to all the amendments that are being put forward.

To these ones in particular that I think are identical to ones that have been filed by the Hon. Ms Henderson, very similarly to the last amendment that the Hon. Frank Pangallo moved this amendment proposes, it appears, an expansion of the definition of 'parent' beyond a child to 'an individual'. The term 'parent', found in the bill at clause 4(4)(d), is one of the nominated examples to avoid doubt of what does not constitute a conversion practice. As I have already said, the purpose of clause 4(4) is to provide examples only, so we do not think this is necessary.

The Hon. L.A. HENDERSON: I indicate that I will be supporting these amendments by the Hon. Frank Pangallo. It is my view that no matter how old the child is a parent should be able to continue to have honest conversations with their children and that the amendment to replace 'child' with 'individual' would broadly reflect the expectations of many in the community to be able to continue to have those conversations should parents have concerns.

The Hon. D.G.E. HOOD: Very quickly, I agree with what the Hon. Ms Henderson has just said and I will also be supporting the amendments.

The Hon. N.J. CENTOFANTI: I also concur with the Hon. Ms Henderson and I, too, will be supporting the Hon. Frank Pangallo's amendments.

The Hon. H.M. GIROLAMO: I will also be supporting the amendments, as indicated during my speech.

The Hon. S.L. GAME: I will also be supporting the amendments.

The Hon. T.A. FRANKS: The Greens will be opposing these amendments.

The Hon. C. BONAROS: If I must, I will not be, but I do take exception to the suggestion that honest discussions are limited to those that the member opposite has referred to and none others. In any event, I will not be supporting the amendment.

The Hon. T.A. FRANKS: I note that honest discussions would allow people to be who they actually are.

The Hon. K.J. MAHER: It is probably worth clarifying. I think the Hon. Ms Henderson has misrepresented what this bill is and what it does. To suggest that you cannot have honest discussions because you do not fall in with one of the examples given in clause 4(4) is not what the bill is. If it does not fall within 'conversion practice' as outlined, it is not a conversion practice under the bill, regardless of the relationship you have with someone. I think it is a misrepresentation to suggest that, because it is not specifically mentioned, you are automatically captured. That is not the case.

The Hon. L.A. HENDERSON: For clarity, my reference to 'honest' is purely that parents should be able to have conversations with their children in the nature that they would ordinarily have as a parent would with a child.

Members interjecting:

The CHAIR: Order!

The Hon. T.A. FRANKS: My understanding of a conversation is that it is a two-way process, not a monologue, and so the child also has a role in that conversation and should be able to be honest.

The committee divided on the amendments:

Ayes 8
Noes.....13
Majority 5

AYES

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

NOES

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

Amendments thus negatived; clause passed.

Clause 4.

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

Amendment No 1 [Franks–1]—

Page 3, lines 10 and 11 [clause 4(1)]—Delete 'that consists of more than 1 event or occurs on more than 1 occasion, and'

That means that we are looking at putting into this bill what the survivors have asked for. I refer members to a contribution I made in the second reading, particularly the words of the letter from Amnesty International and the Sexual Orientation and Gender Identity Change Efforts (SOGICE) survivors. The heart of the evidence in that letter is quoted as saying:

> The heart of an evidence-based definition of conversion practices is the presence of the intention to change or suppress the sexual orientation or gender identity of an LGBTQA+ person. Evidence in research also demonstrates that the form or frequency of activities does not necessarily equate to the severity of harm. A single event mediated by a faith leader, family member or clinician that leads to ongoing self-guided practices can be just as harmful.
>
> The single-instance element of this definition in the current bill fails to account for the long-lasting damage of one event or one family member or one faith leader on the lives of:
>
> - LGBTIQA+ people from multi-cultural and multi-faith contexts who will suppress or conceal their selves or agree to practices to avoid other forms of harm, ostracism or shame from their family or communities or from their communities to their families.
> - People with intellectual or cognitive disability in human services settings, or young people in faith settings, whose supporters or families have one meeting whereby they agree to substantially restrict access to information (e.g., blocking access to basic accessible information about sexual orientation or gender, or information about affirming resources or communities) with the aim of suppression of developing self-awareness of sexual or gender identity.
> - Trans people whose psychiatrist or GP refuses or delays a referral with the intention of causing a client to decide to try change or suppress.
>
> Victoria's legislation features a non-exhaustive list of incidents that are included in the definition of conversion practices and are in scope of criminal penalties even if they only occur once:
>
> - Change or Suppression Practices Prohibition Act 2021 (Victoria), s5(3): For the purposes of subsection (1), a practice includes, but is not limited to the following—(a) providing a psychiatry or psychotherapy consultation, treatment or therapy, or any other similar consultation, treatment or therapy; (b) carrying out a religious practice, including but not limited to, a prayer based practice, a deliverance practice or an exorcism; (c) giving a person a referral for the purposes of a change or suppression practice being directed towards the person.

In short, in terms of defining this as not including only one incidence, it does actually negate the severity that one incidence can create and the harm that it can create. With that, I commend the amendment.

The Hon. K.J. MAHER: I rise to say that, as I have indicated before and as the Hon. Ian Hunter has indicated, we will not be supporting any amendments that people are putting forward on this bill. I appreciate the sincerity and the intention of what the honourable member is attempting with this amendment and acknowledge the good intentions in doing so.

Part of the definition of a conversion practice in this bill is that it consists of more than one event or occurs on more than one occasion, and there are a couple of reasons for this in the bill. Firstly, it is internal consistency with the drafting in the bill, the rest of the definition of conversion practice being a practice, treatment or a sustained effort. We think that is internally consistent, particularly with the sustained effort, that it occurs on more than one occasion or consists of more than one event.

This is where in various elements of our criminal law we differ in some respects from New South Wales. For example, the criminal law of stalking in New South Wales can be just one occurrence of that practice taking place. Even though that has the potential to do harm, it is rarely the case that it happens on just one occasion. In South Australia, our stalking laws require it to occur on more than one occasion. So it is for internal consistency within the bill and also consistency with other provisions in our criminal code in South Australia that we have opted for the drafting that consists of more than one event or occurs on more than one occasion.

The Hon. F. PANGALLO: I have a question for the mover. Can the Hon. Tammy Franks give an example of what she believes is 'intent'? What could constitute an intent?

The Hon. T.A. FRANKS: Intent is actually quite well established in law and it would be up to those who interpret this legislation to affirm whether or not intent is established. Intent means you intend to do something. If you stalk somebody, for example, and you intend to do it, that would be

'intent to' in that case. If you accidentally turn up at the same place as somebody and did not have that intention, you would not have had intent. That is one example.

The Hon. F. PANGALLO: Does the mover see that there could be varying degrees of intent?

The Hon. T.A. FRANKS: Of course there could be.

The Hon. F. PANGALLO: As the Attorney-General has mentioned earlier and as was also mentioned in the other house, why should it be up to the courts to give their interpretation of this legislation? Why should the legislators not know what is in here so that judges and others can get a clear idea of the intent of this legislation? We have often seen in matters before the courts that judges, in making decisions or in their judgements, refer to legislation and then refer to second readings in the parliament to get an idea of what the mover of that legislation was intending.

The Hon. T.A. FRANKS: It is hardly quite in this clause, but I would refer the member to the debate on the Acts Interpretation Act when we updated it to ensure that second reading speeches are used by the courts to establish meanings of our legislation. Why a parliament would not determine what the courts do is because we have rule of law in this country, we have separation of powers and we are a democracy based on fundamental principles that I would have thought every member of this council would understand.

The Hon. F. PANGALLO: Another question: why should medical practitioners, clinicians, educational counsellors not be included in instances where perhaps a confused child presents, say at school, as being non-binary? Why should those people, those professionals, not be included in an intent?

The Hon. T.A. FRANKS: I am not sure why the mover is asking that particular question at this point. I find it a little bit odd. It is not in my amendment. I am talking about it only having to be one time that something would happen, rather than more than one time. If you can explain where that is relevant to something happening only one time, rather than more than one time, that would be helpful for me to provide him an answer. I would ask the Chair, does this sit in clause 4 under my amendment?

The CHAIR: I am on the Hon. Ms Franks' amendment, so I will deal with that.

The Hon. N.J. CENTOFANTI: I rise to signal I will not be supporting the Hon. Tammy Franks' amendment.

The Hon. L.A. HENDERSON: I indicate I also will not be supporting the amendment.

The committee divided on the amendment:

Ayes 2
Noes.....19
Majority 17

AYES

Franks, T.A. (teller)	Simms, R.A.

NOES

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

Amendment thus negatived.

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

Amendment No 2 [Franks–1]—

Page 3, lines 14 and 15 [clause 4(1)(b)]—Delete paragraph (b) and substitute:

(b) directed to—

(i) changing or suppressing the individual's sexual orientation or gender identity; or

(ii) inducing the individual to change or suppress their sexual orientation or gender identity.

Again, I refer members to the correspondence that we received from survivors and human rights organisations. This goes to conduct directed at inducing a person to change or suppress their sexual orientation or gender identity, and quoting from that correspondence:

The bill's current definition does not provide sufficient recognition or prohibition of conduct, actions, practices or sustained efforts aimed at inducing a person to change or suppress their sexual orientation or gender identity. Inducement connotes intention, persuasion and influencing. It is more than simply expressing statements of belief or making generic homophobic, biphobic or transphobic comments. There is clear evidence of the harm and role played by these actions and conduct, and both the National Research Project and civil scheme at Victorian Equal Opportunity and Human Rights Commission had produced content providing guidance on this aspect of conversion practices.

Agents who seek to motivate people to participate in conversion practices are frequently the only actors who clearly hold responsibility for the harms caused to a person in the following examples, all of which are instances of inducement and would not fall within the scope of legislative definitions that do not adequately cover inducements:

- A religious leader recommends that a person attend a 'peer support group' of other people who are seeking to change or suppress their sexual orientation, whereby no clear hierarchy (or, potentially, duty of care) exists among those participating in the group. The religious leader does not take part in the group's activities or organisation.
- A leader in an educational institution regularly interacts with young adults who discretely make it known that they are experiencing internal conflict about their same-sex attraction or gender identity. The leader does not discuss or explore the young adults' internal experiences, however the leader does consistently recommend books that they say former students found really helpful to 'address the root causes of their brokenness'. The book contains substantive detail about self-guided practices that are intended to change or suppress readers' same-sex attraction or gender identity.

A central aspect of the survivor-led model of legislation and, indeed the raison d'etre for the Civil Scheme approach, is the appointment of an authority that can deliver education, perform risk assessments, and initiate investigations in contexts that demonstrate clear patterns of action that are most likely directed toward inducement. Examples of these actions are:

- Threatening punishment, ostracism or exclusion (from family, community, God, faith or culture) or withholding necessities due to non-conformity or, conversely, promising spiritual or familial acceptance in exchange for the person attempting to change or suppress their LGBTQA+ identity;
- Presenting the idea that it is possible to change or suppress one's sexual orientation or gender identity and accompanying this information with the following communication or actions:
    - Promises of 'healing' or divine favour
    - Instilling a fear of hell, sin, or social rejection
    - Using psychological manipulation (e.g., suggesting mental illness or spiritual deficiency as the cause of their identity)
    - Teaching that some sexual orientations or gender identities are sinful or unnatural
    - Encouraging secrecy (e.g., urging them to hide their orientation or identity to avoid harm or conflict)
    - Offering praise or rewards for conforming (e.g., praising the person for behaving in a way that aligns with traditional gender norms)
    - Encouraging submission (e.g., teaching that suppressing sexual orientation or gender identity is an act obedience or virtue)
- Offering or mandating conversion practices or 'peer support' with the aim of change or suppression of sexual orientation or gender identity

- Offering prayer or religious rituals (e.g., inviting that person to participate in rituals aimed at 'healing' their identity)
- Advising a person to participate in 'mentorship' or assigning a mentor to 'correct' their behaviour
- Denigrating LGBTQA+ identities or blaming external influences for their existence (e.g., belittling or vilifying LGBTQA+ identities as either less valid or as harmful)
- Consistently framing change or suppression of LGBTQA+ identify as self-improvement
- Consistently promoting figures who have 'successfully' suppressed their identity as an example to follow

With that, I commend the amendment.

The Hon. K.J. MAHER: I thank the honourable member for moving her amendment. The intent of the bill is to capture conduct, which is directed at changing or suppressing an individual's sexual orientation or gender identity. I wish to acknowledge that there are some survivors and advocates who have raised concerns about whether the bill's current definition would cover an inducement, and I wish to make it clear on the record that it is our advice, and it is the intent, that the existing definition includes conduct which goes to inducing an individual to change or suppress their sexual orientation or gender identity.

So it is not that we do not agree with the honourable member, but it is covered already in the bill. That leaves the question: why would we not just accept it if it is already covered in there? The main reason for that is that we are, as much as possible, trying to keep to the consistency of the language within the New South Wales bill, in which it is understood what conduct is captured. So we agree with the intent of the amendment, and it is our advice and intention that it is already captured in the bill under the existing language for inducement.

Amendment negatived.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–2]—

Page 3, after line 38 [clause 4(3)]—Insert:

(ab) the provision of genuine advice by a health service provider to an individual who is seeking treatment relating to their gender identity as to alternative forms of treatment; or

(ac) the provision, by a health service provider, of client-centred counselling or psychotherapy that aims to explore the individual's life experience and gender-related feelings holistically, including (but not restricted to), cognitive behaviour therapy, family therapy, dynamic psychotherapy, and other relational and experiential therapies; or

This amendment adds other circumstances that will not be treated as conversion practices. My reading of section 4(3)(a) of the bill is that it makes an exemption for those practices which are providing gender-affirming treatment, stating that such practices do not amount to a conversion practice. It seems to me that without this exemption there is a very strong argument that a gender-affirming treatment is, and I quote from section 4(1)(b) of the bill, 'directed to changing…the individual's…gender identity.' These practitioners could be in serious trouble under this bill if they did not have this exemption.

So my intention with these amendments is to provide a similar protection or exemption for those providers of health services who suggest alternative forms of treatment to gender affirming. If a practitioner, for instance, suggests or provides cognitive behaviour therapy to a patient rather than gender-affirming treatment, they should be exempt from prosecution.

There are significant benefits to be derived from cognitive behaviour therapy, which is a type of psychotherapy, colloquially known as talking therapy, based on the idea that how you think and act affects how you feel. It can help in many different situations with both mental and physical health problems.

Both (ab) and (ac) are based on a similar concept, but (ab) provides an exemption for advice given on alternate forms of treatment and (ac) refers to services provided by a health service provider. We have deliberately used that expression because it has a broader meaning based on the definition under the Health Practitioner Regulation National Law. A health service is defined to

include services provided by health practitioners, hospital services, mental health services, pharmaceutical services and health education services.

If these exemptions are not included, our health professionals face the very real possibility of being charged with a criminal offence if they advise or provide alternate forms of treatment.

The Hon. K.J. MAHER: The government will not be supporting the amendments. We do not consider they are necessary and will be opposing them. Clause 4(3)(a) makes clear that the bill does not capture health services or treatment provided by registered health practitioners that are clinically appropriate and in compliance with the relevant legal, professional and ethical requirements. Further, clause 4(3)(b) further excludes from the definition of 'a conversion practice' those persons who are genuinely facilitating a person's coping skills, development or identity exploration to meet the individual's needs. This exception can include medical persons such as those practising in a health service or non-medical persons.

The Hon. F. PANGALLO: I wish to indicate I will be supporting the amendment.

The Hon. L.A. HENDERSON: I indicate that I will also be supporting the amendment.

The committee divided on the amendment:

Ayes 8
Noes.....13
Majority 5

AYES

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

NOES

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

Amendment thus negatived.

The Hon. D.G.E. HOOD: I move:

Amendment No 1 [Hood–1]—

Page 4, line 1 [clause 4(3)(c)]—Delete ', without more,'

This is a fairly simple amendment, but before I get to the actual detail of the amendment I will say that I will not be dividing. I can read the numbers and 13-8 seems like a likely outcome to me, so for that reason I will not be dividing if it looks that way. I have spoken with a couple of members in addition to the government, meaning that it is not looking terribly optimistic, but I will move it anyway and I will speak to it.

This is a simple amendment in the sense that it deletes two words from clause 4 and specifically those words are 'without more'. Of course, members would be aware that clause 4 is the clause that outlines the meaning of what is a conversion practice and, I think importantly as well, what is not a conversion practice. It is specifically at clause 4(3)(c) that the words 'without more' are included in the first line. To make it clear to the chamber, in case members are not familiar, (c) says, and this is what is not a conversion practice:

(c) the use by a person, without more,—

the two words I am attempting to strike out—

of the following expressions:

(i) an expression, including in prayer, of a belief or principle, including a religious belief or principle;

(ii) an expression that a belief or principle ought to be followed or applied.

Both of which I agree with. The concern I have is the two words 'without more'. What does that mean? It is not clear to me what that means. I have done what I have been able to in the last week or so to examine other acts to look for those terms. They are quite rare, as far as I can tell, within South Australian legislation. For that reason, it could mean a lot of things.

'Without more' could mean that after you have prayed or expressed a religious belief or principle and you have expressed that that principle should be followed, if you then send that person to a third party—a friend, a relative, a pastor, whoever it may be, somebody who you think may be able to provide some useful advice—my reading of the inclusion of those two words is that they may then cross the threshold and constitute an offence under this bill.

It could be other things, of course—even providing material. I am not sure that is a question for the Attorney, who will respond in a moment, I am sure. Would that cross the threshold under this 'without more' provision or description? Referring the individual to a website or helpline: might that cross the threshold? Aiding them in getting some counselling or suggesting they join some sort of group or something? It is not clear to me what that means. I think the bill is better without it and for that reason I am seeking to have it removed.

The Hon. K.J. MAHER: I indicate that the government will not be supporting this amendment. The words 'without more' in this clause explicitly indicate that the intention is that an expression of religious belief or of any belief or principle by itself is not captured by the bill. The words 'without more' are important in ensuring that conversion practices can be properly addressed when a person uses statements of religious belief alongside other practices and behaviours.

Again, I thank the honourable member for inviting me to put myself in a position of a trier of fact and passing judgement on what may or may not constitute that. I am not going to attempt to do that in those hypothetical situations. However, I will indicate that, in some of the examples the honourable member has given, just doing that one thing would be highly unlikely to fall under the definition because, remember, it needs to be more than one occasion. It cannot be just that one occasion.

The Hon. D.G.E. HOOD: I accept that it needs to be more than one occasion; that is my understanding and I think it is clear in the bill, but what I am unclear about is what 'without more' actually means.

Amendment negatived.

The Hon. N.J. CENTOFANTI: Mr Chairman, before I put my amendment, can I please ask the Attorney a question in regard to this clause?

The CHAIR: We are at clause 4.

The Hon. N.J. CENTOFANTI: Can the Attorney inform the chamber whether the examples that are given of what does not constitute a conversion practice are legally binding?

The Hon. K.J. MAHER: These are a non-exhaustive list of what does not constitute a conversion practice. This is not to say that these are the only things, but it is to give some guidance about the sorts of things that do not constitute a conversion practice. I am not sure what the honourable member means by 'legally binding', but if you do one of these things and it is interpreted as falling into one of those areas by way of example that is something that a court would have to take into account.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–1]—

Page 4, after line 5 [clause 4(3)]—After paragraph (c) insert:

(d) a practice, treatment or sustained effort directed to an individual who is of or over the age of 18 years and who consents to the practice, treatment or effort.

This amendment is aimed at ensuring that what is not a conversion practice is 'a practice, treatment or sustained effort directed to an individual who is of or over the age of 18 years and who consents to the practice, treatment or effort'. Currently, consent is not a defence in the government's bill as it stands. This omission holds grave concerns not just for me but for others, and I will certainly in a moment read out a couple of statements that I have in support of this amendment.

I think these concerns are raised because for adults—that is, those people over 18—there needs to be a level of individual responsibility. Consent in today's society has become the ultimate gatekeeper, legitimising actions in relationships, workplaces and other domains. In practical terms, this bill contemplates that an adult could ask another person for support, prayer or counsel. The care is given and then later the caregiver is charged with a criminal offence, despite the fact that the adult person has asked for that support.

I believe it will create a culture of reluctance among carers and counsellors to help those who are genuinely reaching out for assistance. Obviously, if they do not consent or are under the age of 18, that is an entirely different scenario, but in those circumstances where an adult consents to the assistance or practice, then this should be a defence.

I would like to read out a short paragraph of a statement by, again, the Greek Orthodox Archdiocese of Australia—that is, the diocese of Adelaide—in regard to consent. They state:

Aside from this fundamental question about the necessity of this legislation, there are a number of specific concerns.

Chief of these is the explicit exclusion of consent. It is perhaps understandable that the State should take an interest in protecting people against repeated, unsolicited advice—however, surely it is a violation of personal freedom to also outlaw cases where the advice is solicited? And surely, given that the Bill anticipates that some religions may discourage certain sexual behaviours, it is not a big step to anticipate that some adherents of those religions might solicit counsel to assist? We would not support a Bill of this nature unless an individual be allowed the freedom to consent.

Then a statement in support of the amendment filed by myself regarding consent:

On behalf of its 11,000 supporters in SA, the Australian Christian Lobby (ACL) writes in support of the Hon Nicola Centofanti MLC's amendment to the Conversion Practices Prohibition Bill (SA) filed to establish consent as a defence for engaging in a conversion practice.

It then goes on to state:

The offences created in Part 2 of the legislation (in its current form) capture advice, counsel, and other practices that may have been voluntarily sought by an individual. The effect of these provisions will be to stifle freedom of speech, inhibit the options available to LGBTQI+ individuals seeking advice according to their preferred values and self-determined goals at a given time.

Non-coercive discussions or counselling engaged with by a consenting adult should never be subject to criminal prosecution in a liberal democracy.

Free to Change Australia is just one of many resources available which demonstrates some Australians have greatly benefited from non-affirmative or faith-based counselling to help them change their unwanted same-sex desires or sex confusion.

The amendments filed by the Hon. Nicola Centofanti MLC are necessary in accordance with Australia's international obligations under the ICCPR Art 19 and have the ACL's full support.

The Hon. K.J. MAHER: I thank the honourable member for her contribution and the amendment that she is moving; however, we will not be supporting the amendment. I guess in a real sense this amendment, in the arguments that have been put forward, has been a proxy for whether we should have this legislation at all. We think it is important. We do not think that someone can consent to practices that by definition are harmful and cause harm in relation to this bill.

I note that there are differing views. As the honourable member has pointed out, there are faiths—and I think the faith that the honourable member pointed out—that represent some 11,000 South Australians. I will reiterate, as I said in my second reading speech, support for this bill has been expressed by the Catholic, the Anglican and the Uniting churches of South Australia, which represent, according to the 2021 census, some 486,649 South Australians.

The Hon. L.A. HENDERSON: I indicate I will be supporting the amendment.

The committee divided on the amendment:

Ayes 8
Noes.....13
Majority 5

AYES

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

NOES

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

Amendment thus negatived.

The Hon. L.A. HENDERSON: I move:

Amendment No 5 [Henderson–1]—

Page 4, after line 5 [clause 4(3)]—After paragraph (c) insert:

(d) a parent of an individual—

(i) discussing, or providing guidance on, any matters with the individual (including matters relating to sexual orientation, gender identity, sexual activity or religion); or

(ii) where the individual is a child under 18 years of age—exercising any powers and responsibilities as a parent of the child.

As the bill currently stands, the proposed clause 4(d)(i) in the amendment is provided as an example of what does not constitute a conversion practice under this section. What this amendment seeks to do is to take out the example that the government has provided for in this bill and to provide it as a clear safeguard for parents. The proposed amendment also seeks to create a safeguard to ensure that parents of children under the age of 18 are able to exercise any powers and responsibilities as a parent of the child. I indicate that I do have a lot of support as well from the ACL, and it reads, 'On behalf of its 11,000 supporters in SA—

The Hon. R.A. Simms: ACL?

The Hon. L.A. HENDERSON: The Australian Christian Lobby. The Australian Christian Lobby writes:

In support of the Hon. Laura Henderson MLC's amendments to the Conversion Practices Prohibition Bill filed on 23/09/2024 to expand protections for parental guidance and to establish causation of harm, the Conversion Practices Prohibition Bill in its current form appears only to offer protection to parental guidance where their child/children are under the age of 18. The idea that parental guidance, including parental guidance to adult children, should be subject to government interference undermines both the autonomy of the family unit and the foundational principles of freedom in a liberal democracy. Parents are uniquely equipped with intimate knowledge of their child's needs, strengths and challenges. Government overreach into such a private domain is a serious infringement on personal liberty and risks creating an atmosphere of distrust between parents and children.

I will not go through and read out the part about causation, as we have already dealt with that amendment, but it finishes by saying, 'The amendments filed by the Hon. Laura Henderson MLC have the ACL's full support.'

The Hon. K.J. MAHER: I will not repeat what I said before but, for the same reasons as when we canvassed amendment No. 2 [Henderson-1], we will not support these.

The Hon. R.A. SIMMS: The Greens will not be supporting the amendments. I cannot allow the ACL to be referenced in this debate without highlighting that they should not be considered an authority on reforms of this nature. This is an organisation that has likened homosexuality to smoking in terms of the health risk, and likened same-sex parenting to the stolen generation and a range of other ridiculous comparisons. They are deeply homophobic and an extremist organisation, and the idea that they would be some sort of authority on gay law reform I find deeply insulting and quite frankly ridiculous.

The committee divided on the amendment:

Ayes 8
Noes.....13
Majority 5

AYES

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

NOES

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

Amendment thus negatived.

The Hon. L.A. HENDERSON: I indicate that my final amendment is consequential and I will not be moving it.

The Hon. F. PANGALLO: I believe my amendment No. 5 [Pangallo-1] is consequential to the earlier one, so I will not be moving it.

Clause passed.

Clause 5 passed.

Clause 6.

The Hon. T.A. FRANKS: Chair, you will be delighted to hear that my reading of my amendment is it is consequential and actually progressing it would probably be worse than what I wanted to achieve, so I will not be progressing it.

The Hon. F. PANGALLO: I move:

Amendment No 6 [Pangallo–1]—

Page 4, line 22 [clause 6(1)]—After 'offence if' insert:

, after the commencement of this section,

This amendment is to insert 'after the commencement of this section' to avoid any retrospectivity with this legislation. It has often been said in this place that retrospective legislation should be used in rare circumstances, and I cannot see that applying in this case. I can see that this legislation could also open up historic events that may be hard to prove or even justify.

The Hon. K.J. MAHER: I thank the honourable member for his amendment. We will not be supporting it. That is not because we do not agree, it is because it is unnecessary. The general

principle is that, unless the statute says something different, a new criminal offence will not operate retrospectively. So the honourable member's fears about this being litigated in a retrospective manner may well be founded but it is not necessary to move these amendments.

There is no need to explicitly state in the provision that it only applies after the commencement of this section because we have not explicitly stated that it operates retrospectively. As the honourable member said, retrospectivity is used very sparingly. Very occasionally in the criminal law, for good reason, we explicitly state it in statutes. We have not done so here so the general principle is that it does not operate in that effect.

The Hon. L.A. HENDERSON: I indicate that I will be supporting the amendment.

The committee divided on the amendment:

Ayes 8
Noes.....13
Majority 5

AYES

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

NOES

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

Amendment thus negatived.

The Hon. N.J. CENTOFANTI: In regard to subclause (1)(a), can the Attorney indicate how intention will be established?

The Hon. K.J. MAHER: It will be up to the court to determine, but ultimately it goes to the state of the mind of the person committing the offence. Intention is a very well-known concept in criminal law and it is applied by every level of the courts every day of the week.

The Hon. N.J. CENTOFANTI: Can the Attorney outline what guidance will be provided to mental health professionals, counsellors and spiritual advisers to ensure they can continue providing care without risking criminal liability?

The Hon. K.J. MAHER: The question is: will I or someone in my department be giving legal advice to certain sectors? No, we will not. People will be expected to comply with the law. There is a great deal of guidance contained in this legislation, even to the extent of giving a list of non-exhaustive examples of what are not conversion practices. This gives a lot more guidance about what constitutes the behaviour and the elements of the offence than many other parts of our criminal law.

The CHAIR: The next indicated amendment is in the name of the honourable Leader of the Opposition. It is amendment No. 2 [Centofanti-1].

The Hon. N.J. CENTOFANTI: I indicate that amendment No. 2 [Centofanti-1] is consequential and consequently I will not be moving it.

Clause passed.

Clause 7.

The Hon. D.G.E. HOOD: I move:

Amendment No 1 [Hood–2]—

Page 5, lines 7 to 13 [clause 7(1)]—Delete subclause (1) and substitute:

(1) A person commits an offence if—

(a) that person—

(i) takes an individual from South Australia, or arranges for the individual to be taken from South Australia, with the intention that a conversion practice be delivered or provided to the individual outside South Australia; or

(ii) engages a person outside South Australia to provide or deliver a conversion practice to an individual in South Australia; and

(b) a conversion practice is delivered or provided to the individual outside South Australia; and

(c) the conversion practice causes serious harm to the individual.

Maximum penalty: Imprisonment for 5 years.

It looks long, but it is quite simple. This amendment essentially deletes subclause (1) from clause 7 and replaces it. But the key part of what has been replaced is (b). The rest of it is just copied, that is paragraphs (a)(i) and (ii) are copied from paragraphs (a) and (b) in the bill. Paragraph (b) is the key phrase, the workable phrase. It says, 'a conversion practice is delivered or provided to the individual'. In the bill there is no requirement, once the person is taken out of the state, for the practice to have actually occurred, whereas my amendment requires that the conversion practice is delivered or they attempt to do it, so it actually happened. In the bill that is not required to have actually occurred.

The Hon. K.J. MAHER: We oppose this amendment. The operation of the clause 7 offence of taking an individual from South Australia and engaging a person from outside the state for a conversion practice is to intentionally capture those facilitating a conversion practice for another, whether or not serious harm is caused. The purpose of this engagement offence is essentially to stop the market—it is an offence directed at the demand rather than supply—and it focuses on a different criminal culpability and attracts a lesser penalty than the clause 6 offence, which demands that serious harm be proven. Again, it is also for the sake of consistency with the New South Wales legislation. We oppose the honourable member's amendment.

The Hon. N.J. CENTOFANTI: I indicate I will be supporting the Hon. Dennis Hood's amendment.

The committee divided on the amendment:

Ayes 8
Noes.....13
Majority 5

AYES

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

NOES

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

Amendment thus negatived.

The CHAIR: The Hon. Mr Pangallo, we believe that your amendment is consequential.

The Hon. F. PANGALLO: Yes, it is. I will not be moving it.

The CHAIR: The Hon. Nicola Centofanti, we believe amendment No. 3 [Centofanti-1] is also consequential.

The Hon. N.J. CENTOFANTI: It certainly is, and therefore I will not be moving it.

Clause passed.

Remaining clauses (8 and 9) passed.

Schedule 1.

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

Amendment No 4 [Franks–1]—

Page 6, after line 1—Insert:

A1—Amendment of section 11—Functions of Commissioner

Section 11—after subsection (2) insert:

(2a) The Commissioner must establish a system for the receipt of information from third parties about possible contraventions of section 86A.

This goes to third-party reporting and requires that the commissioner must establish a system for the receipt of information from third parties about possible contraventions of section 86A. This goes, of course, to the EO Act at section 93 with regard to making a complaint. At the moment, as this bill stands, I will acknowledge that it is actually in line with the other workings of the act and other complaints.

It means that the individual aggrieved by the act has to make the complaint, and it makes it difficult for third parties to make that complaint. I will also be looking at the 12-month window that is currently in existence right across the board and will seek, in a further amendment, to amend that to remove the 12-month period. Should the council not like that, the Hon. Rob Simms will see if you will go for six years as a reasonable window in which to make such a complaint.

I move this because in the vast majority of cases survivors do take years to build the confidence and awareness required to seek justice. For most, particularly children, people with a disability or anyone participating in practices ongoing, it is really important that we have independent third-party reporting to prevent that direct harm.

If there is a systemic issue, it would be advantageous for getting to the bottom of this that the commissioner be able to have broadened powers, and indeed that 12-month period, as the future amendment will go to, is just too short. It is just not enough. I believe the Attorney-General will say, 'Yes, we are going to fix this at a future date,' but I would like him to put on the record now that he is going to fix this at a future date.

The Hon. K.J. MAHER: I thank the honourable member for moving the amendment. It is not something we disagree with, and certainly in other areas of the investigation of discrimination and the grounds of discrimination that the equal opportunity commissioner investigates there are circumstances, for instance, where a person may not know that they have even been discriminated against but a third party would have information that that was actually the case.

It is something we are turning our mind to. I appreciate the invitation to place definitively on record that we absolutely will be changing this for all areas in the Equal Opportunity Act. I am not going to do that, but I will indicate, as I did in my second reading contribution, that it is an area we are turning our mind to. We completely understand and appreciate the intention behind the Hon. Tammy Franks' amendment. We will not be supporting it here, but we will be turning our mind to it in the whole operation, including areas of discrimination in the equal opportunities regime.

Amendment negatived.

The CHAIR: Our understanding is that amendment No. 5 is consequential.

The Hon. T.A. FRANKS: No, that is not my understanding. It is actually different. I just spoke to some of the content of it. I move:

Amendment No 5 [Franks–1]—

Page 6, after line 14—Insert:

(1) Section 93(1)—after 'this Act' insert:

(other than section 86A)

(2) Section 93—after subsection (1a) insert:

(1ab) A complaint alleging that a person has acted in contravention of section 86A may be made by any person (whether on behalf of a person aggrieved by the act that is the subject of the complaint or otherwise).

(3) Section 93(2)—delete 'A complaint' and substitute:

Subject to subsection (2aa), a complaint

(4) Section 93—after subsection (2) insert:

(2aa) A complaint alleging a contravention of section 86A may be made at any time after the date on which the contravention (or the last of the acts constituting the contravention) is alleged to have been committed.

I move this amendment in order that the complaint made by a person may be made at any time, rather than within that 12-month period.

The CHAIR: I will get the Hon. Mr Simms to move his now as well.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms–1]—

Page 6, after line 14—Insert:

(1) Section 93(1)—after 'this Act' insert:

(other than section 86A)

(2) Section 93—after subsection (1a) insert:

(1ab) A complaint alleging that a person has acted in contravention of section 86A may be made by any person (whether on behalf of a person aggrieved by the act that is the subject of the complaint or otherwise).

(3) Section 93(2)—delete 'A complaint' and substitute:

Subject to subsection (2aa), a complaint

(4) Section 93—after subsection (2) insert:

(2aa) A complaint alleging a contravention of section 86A may be made within 6 years after the date on which the contravention (or the last of the acts constituting the contravention) is alleged to have been committed.

The amendment is detailed. As the Hon. Ms Franks identified, this gives members an alternative option to consider. In the event that they do not support Ms Franks' amendment, then there is the opportunity to provide an extended window within which people can make a complaint. We are proposing six years, which is consistent with the feedback we have received from groups.

The CHAIR: Are you happy for me to put the amendment?

The Hon. R.A. SIMMS: I thought I moved it at the outset.

The CHAIR: You moved it. I am talking to the Hon. Ms Franks.

The Hon. K.J. MAHER: Once again, we understand the intention behind both movers' views in relation to moving the amendments. Again, it is not something we are opposed to; it is something we are happy to consider.

As was stated in the second reading speeches, in this chamber by myself and in the other place by the Deputy Premier, there is a discretion already for the commissioner to go beyond that

12-month timeframe. As we stated in our second reading speeches, after the very reasons that the honourable members from the Greens have outlined, it is an expectation in many cases with conversion practices that extension would be granted for the very reason that the harm becomes apparent, often after the 12 months, and the actual understanding by many victim survivors of what they have been subjected to often only manifests after 12 months. We have given that guidance for its interpretation in our second reading speeches, but it is something we are not closed to in relation to looking at other aspects of the equal opportunity scheme.

The Hon. N.J. CENTOFANTI: It will come as no surprise that, given the fact that I have not supported the Greens' amendments so far, I indicate that I will not be supporting either the Hon. Tammy Franks' or the Hon. Rob Simms' amendments to schedule 1.

The Hon. L.A. HENDERSON: I also indicate that I will not be supporting the amendments in the name of the Hon. Ms Franks and the Hon. Mr Simms.

The Hon. T.A. Franks' amendment negatived; the Hon. R.A. Simms' amendment negatived.

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

Amendment No 6 [Franks–1]—

Page 6, after line 26—Insert:

3—Amendment of section 93A—Institution of inquiries

Section 93A—after subsection (2) insert:

(2a) If it appears to the Commissioner that a person may have acted in contravention of section 86A, the Commissioner may, of their own motion, refer the matter to the Commissioner for investigation.

4—Insertion of section 96AA

After section 96 insert:

96AA—Referral of certain matters to other relevant entities

Nothing in this Division prevents the Commissioner from referring any matters the subject of a complaint or referral alleging a contravention of section 86A to a law enforcement agency, complaint handling agency or other relevant entity if the Commissioner thinks the matters would be more adequately dealt with by such other agency or entity and that such a referral would be appropriate in the circumstances of the case.

This enables for the institution of inquiries and covers those systemic issues that the commissioner may of their own volition identify an issue and then inquire into, again, getting around the issues that we currently have with the act that it requires the individual to act, who may or may not even be aware. I take comfort from some of the Attorney-General's previous words on the content of these related amendments and I just remind him of the numbers of this place and that the Greens are ready, willing and able to have that phone call and get on with amending the Equal Opportunity Act should this particular amendment fail tonight.

The Hon. K.J. MAHER: I will not repeat myself from the last few amendments. We are not necessarily wholly opposed to the idea. We will not be supporting it tonight. It may be possible for the commissioner, with the consent of the complainant, to either recommend the complainant refer it somewhere else, or to help them do so, but we will not be supporting this amendment tonight.

The Hon. N.J. CENTOFANTI: I will not be supporting the amendment.

The Hon. L.A. HENDERSON: I will not be supporting the amendment.

Amendment negatived; schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (21:48): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 13
Noes.....8
Majority 5

AYES

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

NOES

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

Third reading thus carried; bill passed.

PORTABLE LONG SERVICE LEAVE BILL

Final Stages

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

No.1Page 24, after line 16, insert:

41—Industry board to establish industry fund

(I) An industry board must establish a fund (an *industry fund)* for the purposes of this Act.

(2) The name of the industry fund must comply with any requirement prescribed by the regulations.

(3) The industry fund will be administered by the industry board.

(4) The industry fund will consist of-

(a) levies received by the industry board from employers in its designated sector; and

(b) income and accretions produced by the investment of money from the fund; and

(c) money advanced to the industry board for the purposes of the fund; and

(d) penalties and fines recovered by the industry board under this Act; and

(e) any money required to be paid into an industry fund by the regulations; and

(f) any other money payable to the industry fund under this Act.

(5) There will be payable from the industry fund-

(a) any long service leave benefits that the industry board is liable to pay under this Act; and

(b) costs incurred by the industry board in performing its functions under this Act; and

(c) any payment to another industry board required or contemplated by this Act; and

(d) any payment required or authorised by the regulations; and

(e) any other money required or authorised to be paid from the industry fund under this Act.

42—Exemption from taxes and charges

An industry fund, and all transactions relating to an industry fund, are exempt from all taxes and other charges imposed under a law of the State.

43—Investment of industry fund

(l) An industry board may invest money that is not immediately required for the purposes of its industry fund.

(2) An industry board must, when investing money in an industry fund, take into account policies and guidelines (if any) determined by the Treasurer after consultation with the Minister.

44—Loans for training purposes

(1) An industry board may, with the approval of the Minister and the Treasurer, lend money from its industry fund to an industrial association or organisation for the purpose of establishing or operating a group training scheme for its designated sector.

(2) A loan under subsection (1) will be subject to such terms and conditions as the Minister and the Treasurer think appropriate.

45—Borrowing by industry board

(1) An industry board may, for the purposes of an industry fund, borrow money from the Treasurer or, with the approval of the Treasurer, from any other person.

(2) A liability incurred with the approval of the Treasurer under subsection (1) is guaranteed by the Treasurer.

(3) A liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) will be satisfied out of the Consolidated Account of the State (which is appropriated to the necessary extent).

No. 2 -Page 26, after line 26, insert:

48—Imposition of levy

(1) An employer in a designated sector is liable to pay a levy to the relevant industry board under this section.

(2) Subject to this section, the levy payable by an employer is the declared percentage of the total remuneration paid to each of the employer's designated workers in the designated sector during the period to which the levy relates.

(3) The percentage fixed by an industry board under this section-

(a) may only be varied by the board-

(i) in accordance with an indication to the Minister under section 46(4)(b); and

(ii) after 14 days has elapsed since the provision of the indication; and

(b) must be less than or equal to 3%.

(4) No levy is payable by an employer in respect of-

(a) a designated worker who is employed by the employer for less than 3 days in a month; or

(b) subject to an exception prescribed by the regulations-an apprentice.

(5) The regulations may-

(a) prescribe payments made to or for the benefit of a designated worker that will be taken as constituting remuneration for the purposes of this section; and

(b) prescribe payments made to or for the benefit of a designated worker that will not be taken as constituting remuneration for the purposes of this section.

(6) For the purposes of this section, if an employer pays a designated worker at a rate that exceeds the rate that applies to the designated worker under this Act for the purpose of determining the worker's ordinary weekly pay, the amount of the excess may be disregarded for the purpose of calculating the remuneration paid by the employer.

(7) In this section-

declared percentage means a percentage fixed by the relevant industry board and declared by notice in the Gazette.

49—Returns by employers

(1) Every employer in a designated sector must, within 21 days after the end of each return period, furnish the relevant industry board with a return in the approved form containing such information as may be prescribed or required by the approved form.

(2) The return must be accompanied by the levy payable by the employer in respect of the return period.

(3) An industry board may require an employer to provide-

(a) a certificate signed by the employer, or a person acting on the employer's behalf, verifying the information contained in a return; or

(b) some other verification of the information of a kind stipulated by the board.

(4) An industry board may-

(a) determine that a requirement of this section will not apply to a particular employer or employers of a particular class; and

(b) impose, by notice to the particular employer or by notice in the Gazette, such other requirements on the employer or employers as may be appropriate in the circumstances.

(5) An employer must not contravene a requirement imposed under this section. Maximum civil penalty: $10,000.

(6) An employer who is registered with an industry board but who does not employ any designated workers in a particular return period will nevertheless be taken to be an employer in the particular designated sector for the purposes of this section.

5O—Recovery on default

(1) If an employer-

(a) fails or neglects to furnish a return when required by or under this Act; or

(b) furnishes a return that the relevant industry board has reasonable grounds to believe to be defective in any respect,

the board may make an assessment of the levy payable for the return period on the basis of estimates made by the board.

(2) If an employer fails to pay a levy required by or under this Act, the relevant industry board may make an assessment of the levy payable by the employer.

(3) An industry board must, as soon as is reasonably practicable after making an assessment under this section, give written notice of the assessment to the employer to whom the assessment relates.

(4) An employer to whom a notice of an assessment is given under this section must pay the amount of the assessment within 21 days, or such longer period as the notice may allow.

Maximum civil penalty: $10,000.

51—Penalty for late payment

(1) If an employer fails to furnish a return or to pay a levy as and when required by or under this Act-

(a) the amount of any levy in arrears will be increased by penalty interest at the prescribed rate; and

(b) the relevant industry board may impose on the employer a fine of an amount (not exceeding the prescribed amount) fixed by the board.

(2) An industry board may for any proper reason remit penalty interest or a fine imposed under subsection (1) wholly or in part.

52—Recovery of levies

A levy payable under this Act (and any penalty interest or fine imposed by an industry board) is a debt due to the relevant industry board and may be recovered by the board in a court of competent jurisdiction.

53—Refund of overpayments

(1) If a levy is overpaid, the industry board that received the payment must refund the amount of the overpayment within the period prescribed by the regulations.

(2) If a levy has been paid incorrectly and the relevant industry board subsequently discovers, as a result of an error associated with the payment of the levy, it has made a payment in respect of a long service leave entitlement, or purported long service leave entitlement, for which it was not liable, the board may deduct from an amount that would otherwise be refunded under subsection (1) an amount equal to the payment made by the board as a result of the error.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (21:52): I move:

That this message be taken into consideration on the next day of sitting.

Motion carried.

AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

TOBACCO AND E-CIGARETTE PRODUCTS (E-CIGARETTE AND OTHER REFORMS) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT (PARLIAMENT—EXECUTIVE OFFICER AND CLERKS) BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 21:55 the council adjourned until Wednesday 25 September 2024 at 11:00.

Answers to Questions

NATIONAL PARKS AND WILDLIFE

387 The Hon. T.A. FRANKS (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. Has the Department for Environment and Water yet finalised a policy, permit system and other regulatory requirements in order to implement section 68AA of the National Parks and Wildlife Act 1972?
2. If not, when will this be completed?
3. When will the first wombat burrow protection zone be declared?

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

The Department for Environment and Water is progressing development of a policy to guide implementation of section 68AA of the National Parks and Wildlife Act 1972. It is anticipated that consultation on a draft policy will occur during this financial year. Completion of the policy is subject to finalising consultation.

It is anticipated that a wombat burrow protection zone would not be declared until the policy, permit system and other regulatory requirements relating to section 68AA are complete.

WORLD HERITAGE NOMINATION

388 The Hon. T.A. FRANKS (28 August 2024). Can the Minister for Climate, Environment and Water advise—what has the government done to date to progress the World Heritage nomination of Billie Mocalba/The Great Australian Bight?

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

The South Australian government's support of World Heritage for the Great Australian Bight was first communicated to the Australian government in 2022. Only the Australian government can submit a world heritage nomination.

The Department for Environment and Water was asked to commission an independent review of the world heritage criteria which could be applied to the Great Australian Bight. This review found that there are potential world heritage values which could be further investigated, for both cultural and natural values.

South Australia cannot nominate alone. A nomination process would also require the support and participation of the Australian government and Western Australian government, as the potential World Heritage values on land and sea are located across all three jurisdictions. Discussions are continuing with a view to determining whether a cross-jurisdictional nomination can be progressed and South Australia has repeatedly communicated its support to the Australian government.

KOALA MANAGEMENT PLAN

390 The Hon. T.A. FRANKS (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. How many koalas have been injured and/or killed since the koala management plan, Kangaroo Island, for harvest and remediation operations came into place on 25 March?
2. How many relocations and captures have occurred in this same timeframe? How many were initiated (a) by the timber company AAGIM (b) by community members/wildlife rescuers?

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

Reports provided to the Department for Environment and Water in accordance with the approved AAG Investment Management koala management plan, Kangaroo Island, for harvest and remediation operations updated March 2024 (the AAGIM plan) have detailed that 1,109 koalas have been spotted from 1 April 2024 to 23 August 2024. Over this period, six koalas were taken by AAGIM for assessment and treatment as a result of harvesting operations. Of these six koalas, three are deceased, two have recovered and been released, and one remains in care.

With the exception of the koalas reported above, the department is not aware of any other koalas being relocated or captured in accordance with the AAGIM plan.

ADELAIDE UNIVERSITY MERGER

391 The Hon. T.A. FRANKS (29 August 2024). Can the Minister for Industry, Innovation and Science advise:

What consideration has been given to ensuring that the Adelaide University merger is undertaken in a culturally safe way for Aboriginal academics?

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

The University of South Australia and the University of Adelaide (foundation universities) and Adelaide University are wholly committed to reconciliation and working to embed Aboriginal ways of knowing, being and learning across its activities. Its aim is to become the university of choice for First Nations peoples across Australia.

An important step in the approach is the Aboriginal name for Adelaide University, with engagement, including discussions with elders and representatives from foundation university Aboriginal staff networks, already well progressed. Following cultural consent from elders and Kaurna Warra Karrpanthi, and subject to endorsement and permission, the name will be gazetted and launched.

Adelaide University is also committed to embedding Aboriginal and Torres Strait Islander knowledges across its curriculum, research and student experience. Early work is progressing on deploying a common course on First Nations knowledges, development of a focused Aboriginal and Torres Strait Islander research strategy and a comprehensive plan on access and equity.

The integration program is committed to ensuring Aboriginal and Torres Strait Islander views and knowledges inform the creation of Adelaide University. A First Nations advisory committee with membership from the foundation universities has been established to:

- Inform the development of the Aboriginal and Torres Strait Islander portfolio structure and governance for Adelaide University.
- Provide holistic insight on opportunities to amplify and recognise Aboriginal and Torres Strait Islander knowledges, experiences, and innovations.
- Make recommendations on protocols and proper engagement for Adelaide University.
- Provide advice on best practice in working with Aboriginal and Torres Strait Islander elders, staff, and students.

In combination, these strategies along with the deep knowledge, understanding and engagement of Aboriginal and Torres Strait Islander elders within the foundation universities will contribute to a culturally sensitive approach in the creation of Adelaide University.