

LEGISLATIVE COUNCIL**Tuesday, 29 October 2024**

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

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

*Bills***AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) (MISCELLANEOUS) AMENDMENT BILL***Assent*

Her Excellency the Governor assented to the bill.

CHILD SEX OFFENDERS REGISTRATION (PUBLIC REGISTER) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL*Assent*

Her Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Independent Commission Against Corruption—Integrity State 2023-24:
Corruption Prevention Recommendations
[Ordered to be published]
Report of the Auditor-General—Report 11 of 2024: State finances—
insights on the 2024-25 Budget

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

Reports, 2023-24—
Coast Protection Board
Department for Environment and Water
Mamungari Conservation Park Co-management Board
South Eastern Water Conservation and Drainage Board

By the Minister for Aboriginal Affairs (Hon. K.J. Maher) on behalf of the Minister for Primary Industries and Regional Development (Hon. C.M. Scriven)—

By Laws under Acts—
Renmark Paringa Council—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 7—Waste Management

Early Commencement of the Inter-War Housing Heritage Code Amendment by the City of Norwood Payneham and St Peters

Parliamentary Committees

SELECT COMMITTEE ON DOLPHINS IN ADELAIDE DOLPHIN SANCTUARY AND PORT RIVER

The Hon. T.A. FRANKS (14:20): I bring up the report of the select committee, together with the minutes of proceedings and evidence.

Report received and ordered to be published.

Parliamentary Procedure

ANSWERS TABLED

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

Personal Explanation

PAIRING ARRANGEMENTS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:23): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.S. LEE: I rise today to make a personal explanation about the pairing arrangement on Wednesday 16 October 2024 in relation to the Termination of Pregnancy (Terminations and Live Births) Amendment Bill 2024. First of all, I want to acknowledge that it was a regrettable situation. I have conveyed my sincere apologies to the Hon. Michelle Lensink privately and she has graciously accepted it, for which I am truly thankful. I believe it is also important for me to place my earnest apologies on the record to the Hon. Michelle Lensink in parliament today and at the same time provide an explanation to the Legislative Council about what took place last Wednesday night.

On Wednesday 16 October 2024, many visitors were invited to come into Parliament House to listen to the debate in relation the bill. What people may not realise was my unexpected encounter with a very persistent visitor. It is important for honourable members to know that I have never had any prior dealings with or met this individual before that evening; however, the person seemed to be knowledgeable about every member of the Legislative Council.

The encounter with this external visitor made me feel very vulnerable on the night. I was not thinking clearly and was put into a compromising situation. I made an unthinkable decision under pressure because I had a grave concern about my upper house preselection arising out of the various media reports. To provide some context, please allow me to quote from InDaily on 30 July 2024. I quote:

Three sources have told InDaily that the Right may try to dump long-time Upper House MP Jing Lee, a moderate, into an unwinnable spot on the 2026 Legislative Council ticket.

Similar opinions were reported in *The Advertiser* and other media, which negatively compounded the perceived risk I was feeling. The pressure and stress I felt compelled me to withdraw my pair with the Hon. Michelle Lensink MLC. Everything happened very quickly. I informed the Hon. Michelle Lensink about my decision so that she could arrange another pair with another member. As I have never experienced anything like it before, I went into a panic mode, my mind went blank and I was blindsided by fear.

I believe people who know me would observe that my actions were out of character that evening. Unfortunately, no-one knew that I was under tremendous stress on 16 October 2024. It was a horrible experience for me and I hope no other members of parliament will ever have to go through this type of ordeal. I am deeply sorry about what happened, particularly the misunderstanding, confusion and stress that impacted on the Hon. Michelle Lensink and other colleagues.

Every employee, including members of parliament, deserves a safe, protective and supportive workplace. Unfortunately, I felt unsafe and not supported that evening. Bullying, harassment and intimidation by external parties, as well as those working in this place, is not appropriate or acceptable under any circumstances.

When it comes to a conscience vote, we often have to make difficult decisions on sensitive emotional matters. I am sure each one of us try our very best to maintain respectful debates and minimise the use of harmful and divisive language when it comes to sensitive subject matter, such as the termination of pregnancy.

Unfortunately, the situation last Wednesday was escalated to have an external person attempting to inappropriately influence the voting of members. This becomes a very serious matter, as per the statement given by the President on Thursday 17 October 2024 before question time. I am glad to learn that the President is taking into consideration the complaints made by many members of the Legislative Council. I want to sincerely thank the President for his reminder to members, where he said, and I quote:

I strongly remind members that they must take responsibility for the behaviour of their guests and ensure that their guests' conduct does not undermine the privileges, powers and immunities of the parliament.

For those who care to know, I have been traumatised by the incident last Wednesday night. I have suffered from a lack of sleep and continue to experience anxiety. It is such an irony that October is the month designated for mental health, and the 2024 theme set by the World Federation of Mental Health is workplace mental health.

While I appreciate that this place is operating in an adversarial environment, for the sake of the mental wellbeing of everyone concerned my concluding remark is to respectfully ask honourable members to be a bit kinder and compassionate to each other during Mental Health Month. Mr President, I thank you and I also thank all honourable members for allowing me the privilege to provide my personal explanation today.

Question Time

KNIFE LAWS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): My question is to the Attorney-General regarding knife laws in this state. Does the Attorney-General support the Liberal opposition's summary offences (unlawful selling of knives) amendment bill 2024?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:29): I am glad the Liberal Party is supporting the Labor government's legislation. I might just give a bit of context to this.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I thank the honourable member for what would usually be a government question so that we can talk about how the Liberals are copying what we are doing, but I appreciate that the honourable member has had to think of questions outside her usual sphere and ask about law and order questions. Although it would be more a government question, I am happy to answer it.

Earlier this year, I think at the very end of August, we released a comprehensive discussion paper on the issues of knife crimes in South Australia—very, very comprehensive, more than 100 submissions to this comprehensive discussion paper—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo, the Hon. Mrs Henderson and the Leader of the Opposition, let's hear the answer.

The Hon. K.J. MAHER: —suggesting a wide range of possible reforms in relation to the laws regarding knife possession and its consequences.

Under the Rann government we had the toughest legislation in the country and led the country. We have had a good look at what is happening in other jurisdictions to make sure we retain that mantle in South Australia. As I said, we had more than 100 submissions to our thorough discussion paper, including new suggestions that we are taking into account. I suspect that in the very first week of sitting next year we will have legislation that will include the one tiny bit that the L-plate leadership of the Liberal Party has come up with today.

What the Liberal leadership has suggested—and I accept they are very, very new to their positions. I think the member for Bragg, Jack Batty in the other place, has had a few weeks in the position and the transport minister's young friend Vincent Tarzia, the member for Hartley, has had a month or two as leader, but together they have come up with just one element of what the Labor Party has suggested, and what that is is raising the age to buy knives from 16 to 18, which was part of the reforms we put out for discussion.

I am pleased the Liberal Party have grabbed hold of just one thing that we are going to do. Unfortunately, in their inexperience, they have not included anything else—none of the other reforms that we have suggested. They have one reform: raising the age from 16 to 18. I think in their view a seven year old can't go into a kitchen drawer and get out a knife because that is impossible to do. That in itself will not tackle the problem properly.

That is why in our discussion paper we had a whole range of other measures. They included increased powers for law enforcement to use metal detectors in places like public transport hubs. I suspect that our bill, in our first week of sitting, will include other things, such as shopping centres. That is why it included widening, for the purposes of the aggravated offence, the definition of 'schools'—not just a high school or primary school but a university, a TAFE, a preschool or child care. That is in conjunction with other measures we put in place: expanded declared public precincts in retail areas.

Just this weekend we announced further laws with the support of the industry and with the support of the union representing retail workers to have workplace protection orders so that not just a retail outlet but a shopping centre or indeed an industry association could make an application to the Magistrates Court to ban people who threaten or behave intimidatingly towards retail workers. While we welcome the new inexperienced Liberal leadership team jumping on board with a tiny element of our reforms, it is just not good enough. They have let down everyone.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: Who knows, they may in the future get a bit more experience and look to do things more comprehensively, but they are showing no signs of it.

KNIFE LAWS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): Supplementary: noting the Attorney's intention to introduce legislation next year, will the Attorney support the Liberal opposition's amendment bill in the interim to help keep South Australians safe?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:33): Unfortunately, as I have already answered, they have taken one tiny little element and they've got nothing else around it.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I expect that when we come early next year, when we have our comprehensive bill to tackle knife crime, that has been developed with the input of SAPOL and people with concerns, I have no doubt that the inexperienced Leader of the Opposition will have no choice but to jump on board immediately.

What I am sure we won't see when we introduce that early next year is hours and hours and hours of delaying tactics from the honourable member's team in the lower house to try to stop important law and order reform passing the lower house. I am sure the honourable Leader of the

Opposition in this chamber will talk to her colleagues and say, 'Don't do what you usually do. This is important reform that we must pass in the lower house.' I thank the honourable member for her indications of support already for our important reforms.

The PRESIDENT: Before I call on the Leader of the Opposition for her supplementary, Attorney, I am not sure you should be reflecting on the other place and the goings-on of the other place.

Members interjecting:

The PRESIDENT: Order! The Hon. Mrs Henderson, if you want to chat, go out to the back.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Don't encourage her, Attorney.

KNIFE LAWS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): Supplementary: is the Attorney-General risking the safety of South Australians by delaying laws of this nature?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): Absolutely not. What we are doing is making laws in a thorough, considered way to protect South Australians as much as possible. If the honourable member really thinks that all there is to do about knife crime is to raise the age, then I think South Australians will be deeply disappointed at their attitude to protecting them.

KNIFE LAWS

The Hon. R.A. SIMMS (14:35): Supplementary: when will the government start addressing the causes of crime, such as knife crime, rather than engaging with this race to the bottom with the opposition?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): We do all those things simultaneously.

KNIFE LAWS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Final supplementary: when will the Attorney-General release the outcome of the 'Tackling knife crime in South Australia' discussion paper?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): I can tell you when we will release the ultimate form of the outcome: when we introduce that legislation at the very start of next sitting year in parliament.

ELDER ABUSE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): I seek leave to make a brief explanation prior to addressing a question to the Attorney-General regarding the rise of elder abuse.

Leave granted.

The Hon. N.J. CENTOFANTI: A *Sunday Mail* report from 28 September noted that the reporting of elder abuse has increased 400 per cent in South Australia over the past five years. It is presumed in the sector and by experts that the true figure of abuse is actually much higher than reported. The article states, and I quote:

Most common are reports of verbal, physical, emotional and financial abuse, including, increasingly instances of coercive control. There are also reported cases of neglect and theft, in which an older person's property is sold or savings emptied.

My questions to the Attorney-General are:

1. Has the Attorney-General been briefed by Minister Nat Cook, the minister responsible for South Australia's seniors and ageing well, about the shocking increase in reported elder abuse?

2. Has the Attorney and his government any plans to improve the legislation around elder abuse, in particular increasing penalty deterrents and consequences?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I thank the honourable member for her question. I certainly have regular discussions with my colleague, the member who is responsible in this area for older people, the Hon. Nat Cook, in relation to a number of things, including elder abuse, but also, importantly, recently the issue of restrictive practices, particularly when people have lost capacity and they are in different forms of accommodation.

As the honourable member indicates, elder abuse is a significant, difficult and rising area, in some cases, to tackle. There are significant laws in place already in relation to theft and abuse. One area that the honourable member mentioned was coercive control. Of course, we have had a large discussion on coercive control. It was work that started under my predecessor, the former Attorney-General, the Hon. Vickie Chapman, and was continued with the heavy involvement of the Hon. Katrine Hildyard in another place. We have legislation before the parliament in relation to coercive control as it applies to domestic partners.

Certainly, the issue has been raised in relation to coercive control and how far and wide it should apply beside just domestic partners. It is something we did consider very carefully when drafting that coercive control legislation and took into account a lot of feedback from people who work in the sector of domestic, family and sexual violence. The coercive control bill we have, quite deliberately after that feedback, is in relation to current or former domestic partners, rather than what might apply much more extensively to other family members, older people, children, etc. It doesn't mean it is not important, but we wanted to make sure we were targeting coercive control where we see the horrific outcomes of women losing their life very often.

Because we are tackling coercive control for domestic partners, as other jurisdictions and other places around the world have done, it doesn't mean we are closed off to other ideas that might increase the safety for older people, and we are always open to looking at ways we can do that.

BAIL CONDITIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): I seek leave to make a brief explanation prior to addressing questions to the Attorney-General regarding bail arrangements.

Leave granted.

The Hon. N.J. CENTOFANTI: In an article from *The Advertiser* on 23 August this year it was reported that a member of the Hells Angels bikie gang, who had earlier been arrested after allegedly meeting with other members, was granted permission to travel overseas for a holiday in Manila with his partner. Another Hells Angels member in the same case was given permission to travel to the UK, while two other members were granted permission to travel to Canberra to attend a Hells Angels meeting earlier this year. SA Police have stated that they fear that monitoring movements overseas will be difficult in terms of compliance and that allowing these variations to bail conditions sends a poor message. My questions to the Attorney are:

1. Is he aware that members of organised crime are being allowed to travel out of the state and country whilst on bail, despite having no reasonable purpose for travel?

2. What actions will he take to ensure that dangerous criminals aren't allowed to travel freely on holidays whilst they are on bail and can potentially escape from justice or cause further problems?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): I thank the honourable member for her question. I don't recall, but I am happy to check, this being raised with SAPOL in relation to the particular instances the honourable member refers to. Of course, bail is something that is governed by the laws

we pass in this parliament and then determined in the case of police bail by the authorities and then court-ordered bail, based on the conditions we set down here.

South Australia unapologetically has by far the toughest anti-bikie laws of anywhere in the country. Merely associating with another member of an outlaw motorcycle gang can be a criminal offence in South Australia. Merely attending a premises that is a declared place for the purposes of our legislation—a known place that outlaw motorcycle gangs own or operate from—can be a criminal offence in South Australia. We have just seen in recent months, I think it was in the suburb of Pooraka, another address added to those declared places in South Australia that make it an offence for a member of an outlaw motorcycle gang to attend those places.

We have by far the toughest laws in Australia, and unapologetically so. Occasionally those laws are tested. Since this term of government we have had a High Court challenge to the validity of one of our laws, which was not found in favour of a declaration that my predecessor, the Hon. Vickie Chapman, made in relation to one of these declared places. The very afternoon that the High Court found that the former Attorney-General's declaration to be invalid, we announced legislation to fix that, which this chamber and the other chamber passed very quickly to make sure we continue to have the toughest laws anywhere in Australia.

If there are concerns in SAPOL that are raised with me, we are very open to making sure we continue to have that exceptionally tough regime that sees the excesses and the misery that are peddled on families and communities by outlaw motorcycle gangs are not nearly to the extent in this state that we see in some other states.

BAIL CONDITIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:42): Supplementary: does the Attorney agree with SAPOL that allowing these bail conditions sends a poor message?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): As I said, I haven't seen the article I think the honourable member refers to, but it hasn't been raised by SAPOL. I have reasonably regular meetings with SAPOL and if it is raised it is certainly something we will have a good look at as a government.

GIG ECONOMY

The Hon. R.P. WORTLEY (14:43): My question is to the Attorney-General. Can the minister tell the council about the McKell Institute boardroom lunch?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43): I thank the honourable member for his question. The McKell Institute, which launched relatively recently in South Australia, does important work encouraging discussion about public policy, particularly between unions, business groups, academics and the wider community. It was a pleasure to be invited to and join the McKell Institute for a boardroom lunch earlier this year on Friday 11 October. This event provided a valuable opportunity to engage in important discussions about the gig economy in South Australia.

The gig economy obviously has a large presence in South Australia, as it does in all jurisdictions in this country and most parts of the world. Many South Australians benefit from the convenience of these platforms and also from the opportunities for employment they have provided. However, I think it is widely acknowledged across the country that governments and parliament should look at this industry, and whether our industrial relations laws ought to be adapted to ensure they reflect the specific circumstances faced by workers and businesses in this emerging area.

The federal government has made significant strides in introducing significant legislative reforms in this space; these include granting the Fair Work Commission the power to set minimum standards for employee-like workers in the gig economy and a framework for handling unfair deactivation disputes. The federal government is also providing a jurisdiction to deal with disputes about unfair deactivation from a digital platform by employee-like workers.

In South Australia, our former colleague the Hon. Irene Pnevmatikos chaired the Select Committee on the Gig Economy. She chaired it until her retirement, after which the mantle was taken

up by the Hon. Robert Simms. The report of that committee sets out a range of areas for further consideration, which provided valuable talking points at the McKell Institute event. The state government and, I think, all South Australians want to see gig economy workers receiving fair pay and conditions, dignity at work and a safe work environment, like any other employee in this state.

We do not want to see the gig platforms circumventing or undercutting important workplace protections which have been established over decades and over the last century. We also want to ensure South Australian businesses are not being undercut by providers who are evading the same regulatory requirements that they themselves are subject to, but we acknowledge the significant and important role that gig platforms now play in our economy in this state.

This was very much a feature of the discussion at the most recent McKell Institute event, which was attended by organisations including the Ai Group, SA Unions, the Transport Workers' Union, St Vincent de Paul, the South Australian Business Chamber and academics from Flinders Uni and the Uni of Adelaide. It was a very welcome opportunity to bring together a diverse range of stakeholders to discuss important policy issues in the gig economy. I would like to thank those who attended for their thoughtful engagement, and particularly the McKell Institute CEO Ed Cavanough and South Australian director Gemma Beale. I look forward to the work of the McKell Institute and engaging in more very worthwhile discussions in the future.

GIG ECONOMY

The Hon. R.A. SIMMS (14:46): Supplementary: the report to which the minister referred contained a number of recommendations. When will the government provide a formal response to these recommendations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46): I thank the honourable member for his question. It does provide a number of important recommendations. Many of those are things that the federal government has better or exclusive jurisdiction over. There are some, including taxation and work health and safety, that we are looking at as a government.

CHILDREN IN DETENTION

The Hon. R.A. SIMMS (14:46): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of children in detention.

Leave granted.

The Hon. R.A. SIMMS: Article 37 of the United Nations Convention on the Rights of the Child sets out binding principles for sentencing juvenile offenders by stating, and I quote:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time...

In 2022, in a report on South Australia's progress on recommendations made by the United Nations Committee on the Rights of the Child, the Commissioner for Children and Young People noted that, in 2022, there were 292 children and young people detained at the Kurlana Tapa Youth Justice Centre, with 47 per cent of those being First Nations children. That same year, 52 children between the ages of 10 and 13 were admitted to custody. My question to the Attorney-General, therefore, is: how many kids are currently being detained in Kurlana Tapa, and how many children will spend this Christmas in detention?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member. I think that at any given time it numbers in the dozens of children who are detained at Kurlana Tapa youth detention facility in South Australia. As of earlier this week, I think it was 45 or 46 children detained. I will double-check that, and if it's wildly incorrect by more than a few I am happy to bring back a response, but I think it is 45 or 46 at the present time. How many there will be in just under two months I can't predict, but, as I have said, it's been in the order of dozens over the last few years, I think.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (14:48): Supplementary: in light of the number of children currently being held in detention, when will the government finally raise the age of criminal responsibility here in South Australia, in line with the recommendations of the United Nations and so many other groups?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for his question. Once again, I acknowledge his steadfast and consistent advocacy for raising the age in South Australia.

As I have informed the chamber before, we do not have a policy in relation to that as a government. We have done an extensive amount of work in relation to if that did happen what would take its place. I have said before that our overriding priority in looking at this issue is community safety. If you raise the age, what else do you have rather than a criminal justice response—a therapeutic and family support response—to make the community safer? That work continues.

RELIGIOUS VILIFICATION LAWS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:49): I seek leave to make an explanation before asking a question of the Attorney-General about anti-discrimination law.

Leave granted.

The Hon. J.S. LEE: In an article from *The Advertiser* on 27 August 2024 it was shockingly reported that a dead kangaroo was dumped in front of a mosque in Park Holme. Footage obtained by 7NEWS shows a hooded individual crossing Marion Road with a dead kangaroo inside a wheelbarrow. The individual then dumps the kangaroo by a tree in front of the Marion Mosque and leaves. In a Facebook post the Islamic Society of South Australia said this:

...appears to be a form of symbolic aggression or harassment, targeting the Muslim community with the intent to provoke fear, anger or unease.

The use of a dead animal and the choice of a place of worship is a deeply disrespectful and an Islamophobic motive.

On 16 November 2023, I asked the Attorney-General in this chamber what actions were being taken to combat the increase in religious vilification. The Attorney-General stated that 'we are continuing to review that work'. My questions to the Attorney-General are:

1. Can the Attorney-General provide an update on what the Labor government has done to strengthen anti-discrimination laws against religious vilification?
2. Does the Attorney-General believe that the government should have acted earlier to strengthen our laws on religious vilification to prevent this horrendous action, such as dumping dead kangaroos in front of places of worship?
3. What message is the Attorney-General sending to our Muslim and multicultural communities by not taking action to strengthen our religious vilification laws?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for her question. The factual scenario the honourable member has laid out may not be captured by any form of changes to our Equal Opportunity Act. There may be laws that do capture the factual scenario the honourable member has set out in terms of vilification, harassment or threats to safety, but certainly in terms of discrimination, any form of discrimination based on a characteristic of a person is abhorrent. We generally pride ourselves as a country that has successfully become a very multicultural society with a great deal of tolerance and inclusion.

I certainly have had representations about religious discrimination from a range of stakeholders. It is something we are prepared to consider and will continue to consider. But in terms of things that are acts of violence there are laws that are already in place.

NATIONAL REDRESS SCHEME

The Hon. M. EL DANNAWI (14:52): My question is to the Attorney-General. Will the Attorney-General inform the council about the recent National Redress Scheme survivor round table he hosted, along with the Hon. Amanda Rishworth MP, Minister for Social Services?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for her question. I have talked a little bit about this in the past. We have had an opportunity to look at the National Redress Scheme, and the point of doing that was to look at what changes may be made. I am happy to inform the chamber further than what I have informed before about the National Redress Scheme in Adelaide. There was one in Perth prior to the Hon. Amanda Rishworth's redress scheme round table in Adelaide. I am pleased to report that as a result of the experiences of the brave victim survivors the federal government will consider in the second half of the scheme any changes that may be made. I look forward to the results of those.

SPORTING FACILITIES

The Hon. S.L. GAME (14:54): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Treasurer, regarding Mount Barker's Summit Sport and Recreation Park and the state government's investment in sporting facilities in Lyndoch.

Leave granted.

The Hon. S.L. GAME: It has been reported in recent days that Lyndoch Recreation Park will host both of the AFL Gather Round matches in 2025 after a \$42 million transformation funded mainly by the state government and the local council bringing it up to AFL standard. Mount Barker's \$23 million Summit Sport and Recreation Park was part of the first three Gather Round fixtures but has been overlooked for 2025 in favour of the still-being-constructed Lyndoch facility.

The Mount Barker facility is essentially not being used by the Hills Football League due to issues with fencing, the clubroom, parking and costs to users. Just last week, a local cricket association announced it will not play any matches at Summit Sport and Recreation Park this summer. My questions to the Attorney-General, representing the Treasurer, are: given just three AFL matches have been played at Mount Barker, what will the government do to ensure the significant taxpayer investment in this facility is ultimately justified, and can it promise that the new Lyndoch facility will be delivering value for taxpayer money?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I thank the honourable member for her question. I will certainly refer that to the relevant minister in another place and bring back a reply.

YOUTH REOFFENDERS

The Hon. H.M. GIROLAMO (14:55): I seek leave to provide a brief explanation before asking a question of the Attorney-General regarding youth reoffenders.

Leave granted.

The Hon. H.M. GIROLAMO: On 23 October, an *Advertiser* article reported police are frustrated by repeat offending of youths being let out on bail by the Youth Court. The latest alleged offenders are facing dozens of charges, including serious criminal trespass involving 16 residential and business break-ins. In his capacity as the Attorney-General, my questions are: what advice has the Attorney-General provided to the Minister for Human Services in regard to youth repeat offenders and, if no advice has been provided, when will the Attorney-General step in to address the rapidly increasing crime wave amongst South Australian youths?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56): I haven't seen the statistics that show a very substantial increase in youth offending, but I don't see all the statistics that come out. I am happy for the honourable member to provide them to me to inform me of those. I note in the, I think, 12 months to August there were a number of areas of offending that were significantly down. There were some areas that were slightly up. I am happy to receive that information from the honourable member.

In relation to changes to laws, we are always looking at ways to make South Australia safer. Just in response to the Leader of the Opposition's first question today, I was able to outline a number of ways we are looking to make South Australia safer in relation to changes to knife laws in Australia, in relation to protecting people in their workplaces and in relation to declared public precincts. We are always happy if there are suggestions. Not infrequently, we will have suggestions from the police about things that, from their experience, they would like to see changed. They are often acted upon, and we will continue to do that.

YOUTH REOFFENDERS

The Hon. H.M. GIROLAMO (14:57): Supplementary: does the Attorney-General believe repeat young offenders should have higher or more serious bail requirements to prevent the harmful disruption to the community of their reoffending?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): These sorts of matters are taken into account regularly by the Youth Court under the laws that we set down as this parliament.

ART FOR JUSTICE

The Hon. R.B. MARTIN (14:58): My question is to the Attorney-General. Will the minister please inform the council about this year's Art for Justice event put on by JusticeNet SA?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I would be more than delighted to do so. I note that JusticeNet is an important organisation and not-for-profit that provides crucial assistance to South Australians requiring pro bono legal assistance. Many members of the council are very well aware of the walk. As I look around the chamber, I see many who are regular walkers on the Walk for Justice, which is a fundraiser for JusticeNet each year. I and a number of my colleagues here have been regular attendees at the Walk for Justice.

Art for Justice is another event the organisation puts on each year to fund its vital services. The first Art for Justice was held in 2022 along with live music and local wine. Guests at Art for Justice are privileged to watch South Australia's artists create a piece of live art inspired by one of the hundreds of matters the organisation has provided assistance on in the previous year.

This year, local painter Julia Townsend created a piece entitled *Joan's Journey* about a woman escaping an abusive relationship and the legal struggle she faced in finding and keeping suitable accommodation while she rebuilt her life. The piece was auctioned off at the end of the night, with all guests to receive a print of the completed art.

Guests were once again given exclusive after hours access to a curated tour of the Art Gallery's current exhibitions, with this year's group being shown *Reimagining the Renaissance* by acting senior curator of the art program, Tansy Curtin. I congratulate the team at JusticeNet for all that they do, day in day out, particularly on another successful fundraising event that allows them to continue to do this work.

STATE VOICE TO PARLIAMENT

The Hon. T.A. FRANKS (15:00): My question to the Attorney-General and Minister for Aboriginal Affairs is: when will we see the First Nations Voice to Parliament represent their Voice to this parliament? Will it be in November, as he has previously advised?

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 very much for her question. I was just speaking about this yesterday to the head of the secretariat of the First Nations Voice. The intention is at the end of this year. I believe that negotiations are currently underway for that to happen somewhere towards the start of that final scheduled sitting week at the end of November, before the potential optional sitting week. It is still scheduled for that.

Of course, discussions will be underway with the officers of the parliament to make sure how that will work, but I am very much looking forward to that first interaction with our South Australian

State First Nations Voice with that first address, and then I expect over the course of next year contributions on pieces of legislation within the parliament.

I do note that there have been a couple of contributions already on legislation that the government has been developing. I think my colleague the Minister for Education, the member for Wright, the Hon. Blair Boyer, on a piece of legislation in the other chamber spoke about the changes that have been made as a result of some of the submissions that were put forward by the Voice.

It is very welcome that they are making a difference to what government does in terms of legislation. I would expect to see people from the Voice in this parliament more next year as their administrative practices and procedures are developed, and contributing not just in the development but actually to this chamber, as the legislation envisages.

CFMEU

The Hon. B.R. HOOD (15:02): I seek leave to make a brief explanation before asking a question of the Attorney-General, the Minister for Industrial Relations, regarding the CFMEU.

Leave granted.

The Hon. B.R. HOOD: It has been reported over the weekend in *The Sunday Mail* that a shadow war is being waged for control of the CFMEU, with bikers recruiting released prisoners to work on construction sites to issue threats and intimidation. Despite Mark Irving KC's appointment as CFMEU administrator, investigation has found it is business as usual, as delegates with bikie links sacked by the CFMEU simply turn up the following day as labourers. My questions to the Minister for Industrial Relations are:

1. Has the Attorney met with the CFMEU administrator, Mark Irving KC, to discuss his investigation into the South Australian branch of the CFMEU?
2. If so, what is the status of that investigation and can he provide an update to the chamber?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I thank the honourable member for his question. As I have said before, this South Australian Labor government fully supports the actions taken by the federal government in relation to the administration of elements of the CFMEU's general and construction division in various jurisdictions around Australia.

I have read with concern a couple of the reports in the media over the weekend that the honourable member refers to. I can't remember when, but I think I have a scheduled meeting with the administrator, Mark Irving KC, in the coming weeks, so I can have a discussion and get a flavour of some of the issues that are being faced as well as anything that can be gleaned about the South Australian situation and what the future holds.

We have said it before, and we remain very steadfast that we would like to see the South Australian CFMEU Construction and General Division run by South Australians as soon as is appropriate. The building and construction industry is a very dangerous industry. People lose their lives in this industry, and the workers deserve a strong and functioning union to represent their interests, particularly their work health and safety interests, that have been impacted by the former involvement, as has come to light with various media reports in the months preceding, of the Victorian division.

So we welcome the administration, and I look forward to meeting with the administrator myself in the coming weeks. In the not-too-distant future, we will have an opportunity as this parliament to take firm action on the South Australian branch of the CFMEU—and I look forward to that happening as well because we wouldn't want a transfer of functions to a South Australian division—hopefully this week to make sure that we are doing all that we can to stamp out lawlessness in the union sector.

AUSTRALIAN GUARDIANSHIP AND ADMINISTRATION COUNCIL

The Hon. J.E. HANSON (15:05): My question is to the Attorney-General. Will the minister inform the council about the Australian Guardianship and Administration Council meeting that he attended?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I thank the honourable member for his question, and I would be most pleased to. It was a pleasure to attend the biannual meeting of the Australian Guardianship and Administration Council hosted this year in Adelaide by the South Australian Public Advocate, the Public Trustee and the South Australian Civil and Administrative Tribunal. The council meeting delegates were comprised of public advocates and tribunals, heads of tribunals, as well as public trustees from all Australian jurisdictions to discuss matters regarding the status of Australian guardianship and administration.

I thank the chair of the council, Dr John Chesterman, and the Public Advocate, Anne Gale, from South Australia as deputy chair for inviting me to open proceedings on the final day of this important meeting. Delegates of the meeting were in Adelaide from 16 to 18 October and attended separate sessions with advocates, trustees and heads of tribunals prior to the meeting on the Friday of all of those parties.

The council was established in 1993 and has 23 membership organisations across every state and territory in Australia. It meets twice yearly—once in person, once online—and aims to advance the common goals of member organisations in the complex area of administration and guardianship. Across the two days, council delegates discussed a range of important topics, including human rights for adults with decision-making impairment, safeguarding adults with decision-making impairment, guardianship, administration and power of attorney laws across jurisdictions, and the new federal Aged Care Act.

I would like to thank all attendees at the council and all staff from their respective units who perform such a critical function to ensure that our most vulnerable adults who need help in decision-making are afforded the protection and the assistance at some of the most difficult times of their lives. I acknowledge that this work is often undertaken in challenging family and social situations, and I thank the people who day-in day-out do this difficult but important work.

ABORIGINAL LANDS TRUST

The Hon. F. PANGALLO (15:07): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the Aboriginal Lands Trust (ALT).

Leave granted.

The Hon. F. PANGALLO: The ALT is looking for its fourth chief executive in less than two years. In a job advertisement, the ALT says it is seeking, and I quote:

...a passionate and committed leader with well-developed interpersonal communication, negotiation and dispute-resolution skills, who is dedicated to appropriately and effectively managing an organisation embedded in a complex, sensitive and diverse area encompassing a broad spectrum of Aboriginal needs.

Further, it is seeking someone with a thorough knowledge and understanding of the Aboriginal Lands Trust Act 2013, and the Aboriginal Lands Trust Regulations 2014, presumably to ensure appropriate governance, compliance and implementation.

Like the dubious selection process that has played out with the search for a new general manager for the APY Lands, there are serious concerns from sections of the Aboriginal community that the probity of this selection process may be compromised without proper oversight. My questions to the minister are:

1. What has happened to the current chief executive, the ALT's fourth chief executive in two years? Did they resign, were they sacked, or didn't they have their contract renewed?

2. Why were the appointments so short lived of the two successors who replaced the highly respected former ALT chief executive John Chester, whose contract wasn't renewed in 2022,

after more than five years in the role, without a reason being given and despite him wanting to stay on?

3. Were both or either of their removals in any way connected with the administrator's investigation into the Davenport community, which is alleged to have found evidence of misappropriation, fraud or other criminal activity?

4. Can you confirm those positions were not advertised at the time, the reasons why not, and who approved those appointments?

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. I assume, in his question, when he said, 'Were those positions advertised,' he means previous chief executives of the Aboriginal Lands Trust. I assume that's what he is referring to.

The Hon. F. Pangallo: Yes.

The Hon. K.J. MAHER: In relation to some of the commentary around investigations in relation to Davenport and criminal activity, as I have said before, I am certainly not aware of any of that. If the honourable member is aware of criminal activity, I sincerely hope that has been reported to the proper authorities.

I am aware that there is a recruitment process underway for the Chief Executive of the Aboriginal Lands Trust. I understand that the previous Chief Executive of the Aboriginal Lands Trust moved on from that position to take up different opportunities. The Aboriginal Lands Trust is an important part of the machinery of Aboriginal affairs in South Australia, created in 1966 under Minister for Aboriginal Affairs at the time, Don Dunstan. It was the first Aboriginal land rights legislation anywhere in the country.

Just shy of 60 years on, it remains a very important part of landholdings for Aboriginal South Australians. Many of the almost, I think it's about, half a million hectares under the care and control of the Aboriginal Lands Trust are former missions, such as the Point McLeay mission, now known as Raukkan; Point Pearce on the Yorke Peninsula; Davenport, just outside of Port Augusta; Gerard in the Riverland; Umoona, which I was at only in the last few days, just outside Coober Pedy; and parts of Yalata on the Far West Coast. These are all examples of ALT land that have had former missions on them and, quite understandably, have a very close connection to generations of Aboriginal people.

As well as being important, it is often a difficult area of public administration in Aboriginal affairs. Some of the internal politics make Labor factional politics look easy to navigate. I do acknowledge that people do, a lot of the time, exceptional work in what are often very difficult situations. I think anyone who was part of the former Aboriginal Lands Parliamentary Standing Committee, when a review was undertaken of the Aboriginal Lands Trust previously, would have understood very intricately just how difficult this area of public administration is, particularly given the passion that many people have for the land that is under the administration of the ALT.

The ALT is a statutory authority that has its own board. The board make the decisions about the employment of the chief executive. I haven't seen the advertisement that the honourable member refers to, but that would seem like an appropriate way to do a recruitment process, to advertise for a new chief executive.

ABORIGINAL LANDS TRUST

The Hon. F. PANGALLO (15:12): Supplementary: can the minister say who will oversee the current selection process and approve the successful candidate's contract?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): As I said at the end of my answer, it's an independent statutory authority. It has a board. The board are the ones who are responsible for those sorts of selection processes.

CHILD SEX OFFENDERS

The Hon. D.G.E. HOOD (15:13): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding child sex offenders in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: During the third annual Operation Child Safe, police searched 161 homes and seized 80 devices of serious child sex offenders in South Australia who are already listed on the national register. As a result of this blitz, 46 arrests were made after photographs and videos of children and drug paraphernalia were discovered, as I said, for people already listed on the register.

Six people were charged with possessing child exploitation material, some others were charged with failing to inform police that they had been in contact with the child, and some 32 were charged for not advising police when they had created a new email or social media account, or if they had purchased or sold a vehicle. Police have told media outlets, including *The Advertiser*, that further charges could still be laid as a result of these operations. My questions to the Attorney-General are:

1. Given the substantial amount of breaches detected by police in this latest exercise, is he satisfied that an annual check on every child sex offender in South Australia listed on the national register is actually sufficient in order to detect breaches? If not, should it be more frequent?

2. Given the Child Sex Offenders Registration (Public Register) Amendment Bill has now passed state parliament, when can South Australians finally expect to see a public child sex offender register here in South Australia, operating and accessible to the community?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14): I thank the honourable member for his question. I acknowledge, congratulate and applaud the South Australia Police for their work in conducting checks on registered child sex offenders. Do I think that a check, however frequent it is, of registered child sex offenders is enough to keep South Australia safe? No, I do not, and that is exactly why we have passed Australian-leading legislation in relation to dangerous child sex offenders.

We have passed legislation in this parliament that will make it the case that a serious child sex offender, receiving a second sentence of jail time, will spend the rest of their life in prison, unless they can convince a court through two independently, court-appointed medical professionals that they are willing and able to control their sexual instincts. Nowhere else in Australia has anything like this, and we are unapologetic for the very harsh sanctions for serious child sex offenders.

Keeping child sex offenders like this locked up for the rest of their lives, until they can convince a court that they should be let out because they can now control their sexual instincts, and then subject to the potential of lifetime electronic monitoring, means that for these sorts of offences the police will not need to check annually (or at any time at all) because they will still be behind bars where they should be in those circumstances.

In addition, as the honourable member referred to, very recently this parliament passed an election commitment in relation to a child sex offender register in South Australia. We are now liaising, continuing as we did while it was before parliament but now that it has passed, in particular with SAPOL about its establishment. That will allow a three-tier possibility of a public child sex offender register. Firstly, if people are failing to meet their reporting obligations, it will allow SAPOL to publish a picture of that child sex offender.

Secondly, someone can make an application to see if there is a registered child sex offender living in their suburb or town. Thirdly, it allows a parent or caregiver, who has a child who has regular unsupervised contact with an adult, to make an application to see whether that person is a registered child sex offender. While I applaud and congratulate SAPOL for the work they do in checking on registered child sex offenders, that in itself is not enough and we have certainly taken some of the firmest action that we have taken in a very long time—and certainly that any parliament has taken—particularly with the indefinite detention of serious child sex offenders in South Australia.

CHILD SEX OFFENDERS

The Hon. D.G.E. HOOD (15:17): Supplementary: when does the Attorney expect the state-based register to be operational?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I am happy to check with SAPOL and bring back an answer. At the very least, information technology issues will need to be put in place for that to occur. 'As soon as is practical' is an answer, but I am happy to find out when it is expected to come online. If some elements of that can be done more quickly, they may come on before other elements, but I am happy to check on that for the honourable member.

LEE, HON. J.S.

The Hon. I.K. HUNTER (15:18): I seek leave to make a brief explanation before asking a question of the Deputy Leader of the Opposition on the topic of her personal statement.

Leave granted.

The Hon. I.K. HUNTER: The Deputy Leader of the Opposition rose today to make a personal explanation, in which she advised the chamber of her feelings in regard to the debate during last Wednesday's sitting and the discussion and debate around the Hon. Ben Hood's bill on abortion. The honourable member in her statement said that a number of complaints have been raised with you, Mr President, and I think you outed me as being one of those people, in your statement to the chamber, in the complaint that I raised with you about the behaviour of a Ms Howe.

In consideration of those complaints that have been raised with you, I believe it is now incumbent on you to consider also the details laid before the chamber in the Hon. Jing Lee's personal statement. It is, however, going to be difficult for you if that is the only information you rely on. It is incumbent on Ms Jing Lee to assist you by naming the person who caused her to be so vulnerable and so unsafe in her workplace—that person from outside the chamber. My question to the Hon. Jing Lee is: who was that person who intimidated you so, to make you feel unsafe and vulnerable at your place of work?

The PRESIDENT: The Hon. Ms Lee, would you choose to answer the question? No.

LEE, HON. J.S.

The Hon. T.A. FRANKS (15:19): Mr President, my question is to you. I ask if you will consider the personal explanation made by the Hon. Jing Lee today as part of the complaint that you are currently considering by members of this place, including the Hon. Ian Hunter, and ask you to clarify whether that complaint involves the behaviour of Professor Joanna Howe?

The PRESIDENT (15:20): The Hon. Ms Franks, indeed it does. I will be making a statement again to this chamber before the end of this sitting week with regard to the course of action, and that is appropriate.

ABORIGINAL COMMUNITY CONTROLLED ORGANISATIONS

The Hon. L.A. HENDERSON (15:20): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding Aboriginal Community Controlled Organisations.

Leave granted.

The Hon. L.A. HENDERSON: The national peak body for Aboriginal and Torres Strait Islander child and family services, namely the Secretariat of National Aboriginal and Islander Child Care (SNAICC), published a report this year titled 'Funding model options for ACCO integrated early years services'. In the report they state that their research has found that 'current funding approaches are not fit for purpose and are failing Aboriginal and Torres Strait Islander children, families and communities'. They state that current funding approaches, and I quote:

1. create barriers for Aboriginal and Torres Strait Islander children and families in accessing early childhood education and care and integrated early years services;

2. limit ACCOs' capacity to deliver holistic, child-centred services needed to support Aboriginal and Torres Strait Islander children and families to thrive; and
3. are not successfully improving early development outcomes for Aboriginal and Torres Strait Islander children.

In addition, the *National Indigenous Times* reported on 3 October this year that the new Wakwakurna Kanyini's CE said that many ACCOs were working in the early intervention and prevention space without being adequately funded or supported for the work they do. My questions to the minister are:

1. What has the government done to address the 'patchwork and piecemeal' funding for ACCOs, as stated by the Secretariat of National Aboriginal and Islander Child Care?
2. How has this minister worked with the Minister for Child Protection to better fund ACCOs?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): I thank the honourable member for her question, and it is a very good question. It is a pleasure to have a question from each of the members of the opposition during the course of question time today.

Aboriginal Community Controlled Organisations (ACCOs) are Aboriginal led and run organisations that provide services to Aboriginal people. ACCOs exist in a very wide range of services, from the provision of legal advice and legal services through ATSILS (Aboriginal and Torres Strait Islander Legal Services), such as the Aboriginal Legal Rights Movement in South Australia, through to areas that deal with working with victim survivors of domestic violence and including areas to do with looking after children in the child protection system.

The organisation that the honourable member mentioned, which is colloquially known as SNAICC, headed by Catherine Liddle, is an exceptionally important advocacy organisation. I am very grateful to regularly be able to have discussions with Catherine, the CEO of SNAICC, about the work that they do. As well, Catherine Liddle, the CEO of SNAICC, is represented on the Joint Council on Closing the Gap, so she attends the meetings with all the ministers and many of the peaks from organisations a number of times each year.

In relation to funding of ACCOs, one of the ambitions of the Joint Council on Closing the Gap is to have services used by Aboriginal people as much as possible be provided by Aboriginal people rather than by governments, and that is an aim that we are signed up to in South Australia. One of the critical steps in doing that is something we completed only very recently.

A task that was required of all participants, which is every state and territory in South Australia who are participants and signatories to the Closing the Gap ambition and members of the Joint Council on Closing the Gap, was to conduct an expenditure review. Unfortunately, when we came to government in March 2022 we found that no work had been started on this requirement of members of the Joint Council of Closing the Gap.

I want to thank senior Treasury officials for the very hard work they undertook in conducting that expenditure review in South Australia to identify where money was being spent in two areas: money that is specifically for Aboriginal programs, such as many that are worked on in the protection of children area, and also money that is spent for the benefit of Aboriginal people in mainstream areas.

We have conducted and published the first ever expenditure review in South Australia of these sorts of funds, which is the first step in looking at ways that we can transfer more of the functions of government to ACCOs, who very often have a better and more connected understanding of the Aboriginal communities they serve.

It is something that I have talked with Catherine Liddle (the head of SNAICC) directly about; it is something that Catherine certainly puts forward at meetings of the Joint Council on Closing the Gap, and I am very pleased that in South Australia we have now taken that first step of the identification of expenditure to then look at how we can make sure that, where it is appropriate, ACCOs receive funding to do the work that they do best.

BURTON DEROSE, MS S.

The Hon. R.P. WORTLEY (15:26): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on the recent passing of Aboriginal leader Ms Sylvia Burton DeRose?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): I thank the honourable member for his question. It is with sadness that I rise today to speak of the recent passing of Ms Burton DeRose, also known as Sylvia 'Ebony' Benson DeRose, a remarkable Aboriginal language interpreter, translator and community leader for Anangu Tjuta. Ms Burton DeRose passed away peacefully on 5 September 2024 at the age of 67 in the community of Amata in the central part of the Anangu Pitjantjatjara Yankunytjatjara lands in the far north-west of South Australia.

Ms Burton DeRose's life was one of extraordinary service and dedication to community and to the preservation of Aboriginal languages. Born in 1957, just across the border in Blackstone in Western Australia, she lived the vast majority of her life in the central desert region spanning Western Australia, South Australia and the Northern Territory.

Her professional achievements were truly outstanding. Ms Burton DeRose was the only National Accreditation Authority for Translators and Interpreters certified practitioner in Australia with dual certification in the Ngaanyatjarra and Pitjantjatjara languages. Her work in translation was extensive and impactful, including her involvement in the Bible in traditional language projects and the creation of a Ngaanyatjarra language dictionary.

Ms Burton DeRose's commitment to her community extended beyond her linguistic work. She served as a member of the APY Executive Board, the NPY Women's Council and the Ngaanyatjarra board. Her leadership was characterised by an unwavering integrity and a steadfast commitment to improving community conditions.

In 2021, at the age of 64, Ms Burton DeRose established Kurranyukutu Mapitjalayini, a community-based language department aimed at empowering professionals and the next generations in Aboriginal interpretation and translation. This initiative exemplifies her dedication to ensuring the continuity and recognition of Aboriginal language skills.

Her recent work included translating materials for the Australian Electoral Commission for the recent referendum and a 100-page translation project for White Ribbon addressing domestic violence, demonstrating her commitment to addressing critical issues affecting Aboriginal communities.

As the Minister for Aboriginal Affairs, I have been fortunate to have known Ms Burton DeRose over many years. In my early days as a regular attendee of the APY lands, both as a Chief of Staff to a former Minister for Aboriginal Affairs and then as the Minister for Aboriginal Affairs, Ms Burton DeRose regularly helped out on ministerial visits as an interpreter and provided welcome support and no-nonsense advice on complex matters outside her interpreting role.

Ms Burton DeRose's passing is a great loss to her family, her community and to South Australia in general. Her legacy as a linguist, community leader and advocate for Aboriginal languages and Aboriginal people and culture will continue to guide others for many years to come. Vale Ms Burton DeRose.

The PRESIDENT: Time having expired for asking questions without notice, I call on the business of the day. But just before I do, honourable members, this chamber is very generous in regard to supplementary questions, probably more so than any other jurisdiction in Australia, and it always has been. However, a supplementary question does not have an explanation. So if your supplementary question does not start with the word 'can', 'will' or 'why', and then 'given'—it is not a hard thing.

Occasionally, I get sick of the Government Whip staring at me when we do not ask a supplementary question in the right way. Occasionally, the Hon. Mr Hunter's death stare is quite formidable. So can I ask members: can you just be mindful? If you are going to ask a supplementary question, it has to start with a question. Then, if you happen to say, 'Given that,' well, so be it.

*Bills***FAIR WORK (REGISTERED ASSOCIATIONS) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 17 October 2024.)

The Hon. H.M. GIROLAMO (15:31): Today, I rise to speak to the Fair Work (Registered Associations) Amendment Bill. From the outset, I would like to indicate my dismay at the Attorney-General's bidding for the Premier's dodgy union deals. Just 12 days ago, on 17 October, the Minister for Industrial Relations, the Hon. Kyam Maher, introduced this bill. A briefing was subsequently held just five days ago, and a couple of hours later it was listed as the government's number one priority for this week's business in this place.

The front-facing clauses of this bill are this government's way of being able to say that they are being tough on the CFMEU. Some of these clauses are very much welcome, and we hope this will prevent Victorian CFMEU branches' illegal activities from seeping their way into South Australia. May I remind the chamber that, for the past two years, we have been calling on this government to protect the South Australian construction industry from this horrendous union. We hope that these amendments will address our concerns and will help to protect the construction industry. In the Attorney-General's second reading speech, he opened by stating, and I quote:

...the state government has strongly supported the federal Labor government's decision to place the CFMEU into administration following disturbing reports of criminal misconduct within the Construction and General Division.

The Attorney-General goes on to explain that this bill's purpose is to safeguard against two avenues by which elements of the CFMEU may attempt to evade federal administration: in short, to prevent the federal division of this militant union from shifting assets into state registered counterparts, such as the Australian Building and Construction Workers' Federation, out of reach of the federal administrator. The second aspect is to prevent officials of the union attempting to operate in an entirely unregistered capacity outside of the established legal framework of the industrial relations system.

Therefore, the amendment bill makes provisions for preventing this behaviour. It intends to prevent unregistered, unlawful activity. I believe this was the original intent of the Attorney-General's bill, and the opposition broadly supports part 3A in the interest of protecting South Australians against unlawful union activity.

However, there are many clauses stashed away within this piece of legislation that have 'Mali's mates' written all over them. The Attorney's second reading speech has conveniently left out parts that give all the power to the Labor right-affiliated unions, such as the SDA and the Health Services Union (HSU), and that block of smaller unaffiliated unions from having the same powers.

Members interjecting:

The PRESIDENT: Order! Take the conversation outside.

The Hon. H.M. GIROLAMO: Thank you, Mr President. In part 2, clauses 11, 12 and 13 change the requirements of registration. The only union that this captures just happens to be the now right-aligned Health Services Union. To remind the chamber, the HSU was recently in the media because of its Victorian branch secretary funnelling \$3 million of union funds into non-existent ghost services. More significantly, we saw Labor's faction war after the HSU moved from the left faction to the right. I wonder how the Attorney-General feels about the Premier throwing his weight around to support his Labor right mates.

Clause 12 completely removes section 132(2), which requires a union to have South Australian based autonomy, subsequently allowing federal unions automatic South Australian registration and therefore powers without even stepping foot in this state. The purpose of this subsection has been laid out by the United Firefighters Union where in an open letter to the Attorney-General they state:

...the public policy reasons behind these provisions is obvious: their intent is to ensure that any Associations which are operating in the South Australian industrial system are controlled by South Australian members and are making decisions about South Australia affairs in South Australia.

So why has the Attorney-General introduced an amendment to remove this? Why has the Attorney-General not allowed any time for consultation? What has occurred or been demanded of him as a result of the legislation being rushed through in just 12 days? To further quote the United Firefighters Union, their letter stated:

Simply summed up: this regime is a poorly conceived rushed mess that does little good for anyone, but which could potentially cause harm.

There are further significant concerns in here that could be discussed for hours on end. The question is: why has the Labor left-aligned Attorney-General allowed Labor right clauses into his CFMEU-focused bill?

The opposition is highly cautious of the contents of this bill. My advice to the Attorney-General is to question the intentions of the makers of these clauses and perhaps question the motives of the Premier.

The Hon. S.L. GAME (15:36): I rise to speak on the government's Fair Work (Registered Associations) Amendment Bill 2024. I acknowledge the government's stated intention with this bill is to support the federal Labor government's decision to place the CFMEU into administration following disturbing reports of criminal misconduct. The state Attorney-General was clear that the federal government has recommended that the state government take complementary action to safeguard against attempts by the CFMEU to evade federal administration in South Australia.

As part of this proposal the bill seeks to amend the state Fair Work Act to prevent the CFMEU and affiliated members from attempting to evade administration by operating in an unregistered capacity in South Australia.

My office has been contacted by a number of different unions and industrial associations about the proposed amendments. In particular the Public Service Association, a large and locally registered South Australian industrial organisation representing thousands of public workers, has expressed some concern. It is not my intention to enter into any factional union-Labor Party politics, but as a member of this chamber it is my duty to represent the views of all South Australians.

It has been said that South Australian workers will be most effectively represented by organisations based from their own state. The PSA has informed the chamber about the current existing issues with the Victorian operations of the Health Services Union. Given the criminal misconduct of the Victorian CFMEU, the PSA is concerned about the influence of the HSU on South Australia's industrial relations framework.

That being said, my office has also been contacted by Professionals Australia, a federally registered employee organisation representing professional engineers and scientists in the South Australian public sector. As a federally registered organisation Professionals Australia stands to benefit from the amended registration requirements, as it will enable them to have greater standing in South Australia and thereby allow for more effective representation for their South Australian members. Professionals Australia acknowledges and values its relationship with the PSA, and I thank the director of South Australia for meeting with my office to discuss his support for these amendments.

The Hon. C. BONAROS (15:38): I rise to speak briefly on the Fair Work (Registered Associations) Amendment Bill 2024. At the outset, in relation to one aspect of this bill I am on the record when it comes to my position regarding the CFMEU or indeed any union for that matter. I remain opposed to the way in which the CFMEU was placed under administration by the federal government and the underlying need for this legislation. It was an extraordinary and unprecedented use of power and sadly one that left the federal government with no choice but to negotiate with the opposition.

You do not have to be a union supporter or indeed a Labor member to understand the implications of this. The fact remains, though, what happened federally happened. That ship has well and truly sailed, and we cannot undo it, so now we need to focus on the choices that we have before

us. The choice before us is a model that gets the CFMEU in SA out of administration as soon as possible and back on its own two feet in the best way possible or, effectively, wait and see what happens federally and potentially end up with a bill that is far more punitive and draconian in terms of the administration and, at worst, actually results in the deregistering of a union.

I do not want to see the process for the CFMEU in SA prolonged. I do not think anyone does. What I do want, and what we should all want, is for our union to be operating in SA effectively. It is not just me: if you take time to speak with builders, developers and stakeholders in this area, they will tell you this is simply not the case at the moment. The prolonged administration, whichever way you spin it, is not good for SA, plain and simple. That is not a risk I am willing to take.

On that front, I am satisfied the provisions of the bill do meet the objective of having administration over as soon as possible. I am satisfied the legislation is drafted in such a way as it pertains to those factors to encourage that end, and I am satisfied that the government has lived up to its commitment to deliver that sensible outcome for South Australia. This is what we should all be focused on, and let me tell you why.

It is easy to get lost in the politics around this issue, and particularly this issue. It is easy to get lost in the politics of this bill in the factional divisions of the Labor Party and everything that comes with that, but that comes at great expense. Something that is often overlooked in these debates is that what our workers need right now is certainty and security. What our government projects need right now is stability. What our builders and developers need right now is certainty, security and stability. Politicising this issue does not achieve those ends: it feeds them.

I, for one, have not supported government projects in this place only to now see them undermined by uncertainty, and I do not say that lightly. When that happens, the reality is we all pay. Projects blow out, timelines blow out, and it is a lose-lose for all of us. It is a lose-lose for the state, it is a lose-lose for workers. Again, that is simply not a risk I am willing to take, and I sincerely hope that we can elevate the debate above party politics when it comes to this aspect of the bill.

The second element of the bill, of course, that I suspect will be tied up in politics a little more is that which relates to registration. I think that will be canvassed by other members in this place as well, but overwhelmingly I have to agree with the Attorney's assessment when he and his trusted adviser tell me, in the numerous discussions that we have had since this bill was introduced, that the registration scheme is in a mess. I think Professionals Australia has articulated this mess quite well. They, as we know, along with other unions that operate in this jurisdiction, are registered federally. I will use Professionals Australia as the example, and their correspondence that I quote I think sums this up very well. They say:

Notwithstanding the federal union status [of Professionals Australia], we undertake the functions of a legitimate and active union in the state system including participating in enterprise bargaining, taking industrial action, assisting members with dispute resolution, representing members at industrial liaison forums, maintaining a dialogue with public sector agencies, and representing and advocating for members to the Government about matters of importance to members.

They are here. They have been here for a number of years. The HSU, similarly, is here and has been here for a number of years. As Professionals Australia goes on to explain:

...the status of [that body] as a federally registered union instead of being a state registered association has meant that we have had to employ workarounds at times to provide effective representation to our members under the current [regime that exists in South Australia]. It must also be said that at times we have also faced technical and legalistic objections about the union's standing under the legislation which has been aimed at frustrating the effective representation of our members. This type of objection has been raised by individual agencies, the Industrial Relations and Policy Branch according to the attitudes of the Government of the day.

I appreciate that this aspect of the bill is much more contentious, I think, than the first that I have spoken to, and I can appreciate the sensitivities on both sides. Believe me when I say I think everyone has taken a lot of time to turn their minds to these issues and actually look at what the ramifications are going to be, so if this bill goes ahead without the provisions that are incorporated in it we could very well end up in a situation where members of an existing union that is not registered in the state sphere but is registered in the federal sphere simply ceases to exist and their members are left disenfranchised, so they have no representation.

They have been represented in this jurisdiction up until this point in time. I think both groups that we are talking about have represented members in this state for something like 15 to 20 years, and to leave them effectively in a position where they no longer have that representation is not fair on them. The way the government has sought to address that issue, obviously, is to effectively retrospectively grant them registration through the bill. I am sure other members will elaborate on this further, but it is that element of this bill that has given rise to the level of discussion that has taken place.

I am sure I am not the only one who has received numerous phone calls about this bill. I have tried my level best to see what it is that we can do to level the playing field, if you like, between the two, but overall I think we find ourselves in the position where, in the absence of those—for want of a better term I will call them 'retrospective registration provisions'; I know that is not exactly how the Attorney would describe them—we are creating another problem. Ultimately, that problem will be one that impacts members, and so they should be at the forefront of our considerations in these deliberations, because they are the ones who will bear the brunt of whatever it is that we decide today.

I appreciate that these are complex areas. I do not think many of us who are not involved in the union movement or the Labor Party before this time would even be expected to have an understanding of what being registered or unregistered means, or what red unions versus other unions means, but we know it exists out there and now here we are trying to effectively undo the mess and create more harmony in the registration system that exists in this jurisdiction.

I think the government has gone about that in a way where they tried to achieve that end. I note that there are a number of amendments to be moved in relation to that issue, which we will have to consider when they arise, and indeed the implications of those amendments. I look forward to hearing from the Hon. Tammy Franks and also the Attorney-General in response to those, because the last thing that any of us should want, as I said, is to disenfranchise members who belong to a particular union or association. That is my overriding concern and that will guide my vote in relation to those aspects of this bill today.

With those words, I indicate my support for the government bill—in principle support, if you like—noting of course that we still have to get through the committee stage debate and see where we end up.

The Hon. T.A. FRANKS (15:48): I rise to speak to the Fair Work (Registered Associations) Amendment Bill 2024 on behalf of the Greens. Of course, the Greens are willing to work with the government to get the best outcomes for workers and their legitimate representatives in our union movement, but we do have some serious concerns we would like to see addressed, at least in the committee stage, before we can support it. I also warn the government that should our concerns remain unaddressed in this debate we do reserve the right to oppose the bill at the third reading.

This bill presents some wicked problems. Indeed, we would have appreciated a little more time than one single sitting day to consult with key stakeholders and work through some of their quite serious concerns that have been raised with us, and I have no doubt other members of this council and parliament, before this bill was brought into this chamber—a single sitting day. Not even time for me to submit to the chamber an amendment that did not require suspension of standing orders in terms of the motion that I foreshadow.

My office has been in contact with many unions across the state proactively to find out their position on this bill because that position was not provided to us with the government's second reading or indeed in their consultation. As it currently stands, we are still waiting to hear from several unions. That being said, I would like to thank representatives from the PSA, the CEPU, Professionals Australia, the STA, the ASU, the UFU, the HSU, the AEU, RAFFWU and UWU amongst others, and I think even the Independent Education Union as early as in the last hour, as well, of course, as rank and file unionists who have been in contact with me or my office about this legislation.

There is clearly great interest in this bill and yet there has been no suitable explanation for why we are rushing this, other than, of course, the CFMEU concerns. The government has had the potential to bring in a bill to address the CFMEU concerns for many months now; however, that

debate and the urgency of that CFMEU debate has somewhat been put to rest by the statements of SAPOL on these matters in our state of South Australia.

However, I am also aware that different unions have their own positions and concerns around this particular bill that we now debate and more time would have allowed us to address their concerns to find appropriate solutions that at least the majority of unions could have seen some benefit from. I certainly hope there are no factional pressures being applied to get this bill through as soon as possible, and I note that we have been talking about pressures being put on members of this place today.

I happened to view question time in the other place where the personal explanation of a member here in this place, a Liberal member, was politicised and portrayed as somehow being Liberal opposition bullying of that member, when indeed we know that Professor Joanna Howe is a proudly rank and file Labor member. Yet in the other place, the fact of her Labor membership did not seem to be getting the appropriate attention, and certainly in the online tweets from SA Labor representatives they have focused only on the Liberal opposition behaviours of that debate and they have not in any way criticised one of their own in Professor Joanna Howe.

Another concern raised with me by unionists has been the impact that this bill could have on the freedom for workers to choose their industrial representation. In fact, the current legislation features section 3(k), which states that an object of that act is 'to provide for absolute freedom of association and choice of industrial representation'.

The Greens do understand and support actions to stamp out 'fake unions' like the so-called Red Union movement that we have seen grow in states, particularly in Queensland under COVID. Any union that takes membership fees only to sell out their members and keep the fees for profits is not a real union. The Greens support stamping out those entities.

However, I have also been contacted by constituents who are deeply concerned about what this bill might mean and this debate for genuine progressive worker-led unions which are competing with more established unions, one particular example being the good work of RAFFWU, the Retail and Fast Food Workers Union, which have done some exceptional work for their workers and members.

It is my understanding, and I will seek clarity from the Attorney-General, that RAFFWU is not in any way affected by this bill, but certainly we would not want to see this debate extrapolated and taken further in other measures either here or in other jurisdictions to stamp out the good work of RAFFWU. Under this bill, however, these changes to registration of unions and the powers of those registered and unregistered unions would be significantly impacted.

I have also had contact with unions like Professionals Australia, which under this legislation would be granted state registration as an already federally registered union. Their work in representing their members in South Australia would be greatly improved by this bill and I have been told of examples where employers have tried to dissuade their employees from pursuing actions in the South Australian Employment Tribunal by saying that Professionals Australia does not have standing in the SAET. While this is technically true, currently Professionals Australia have met the means to appear before the SAET if their members file and then appoint Professionals Australia as their representative.

I do have a great deal of sympathy for this predicament. I fear, however, today it has been resolved with a sledgehammer being used to crack a nut. I note that Professionals Australia have actually provided me with one particular example where their members are having difficulty with SA Health and the technicalities around the work that needs to be done to represent them. That particular piece of correspondence from Paul Inglis of Professionals Australia reads:

The dispute is about whether our members who are medical physicists at a certain classification level and above are entitled to an additional week's annual leave under the relevant industrial instruments. These instruments are the Medical Scientists (South Australia Public Sector) Award and the South Australia Public Sector Enterprise Agreement: Salaried 2021. PA has been involved in negotiations for the Agreement dating many years. The dispute relates to the interpretation of how one Part of the agreement relates to another part. PA was involved in those negotiations at the time that the Part was made, which established separate provisions for Medical Physicists (as distinct from Medical Scientists). The issue is even more complicated because the entitlement arises under the Medical Scientists (South Australian Public Sector) Award which permits only the Public Service Association to bring a dispute

and not even an individual member or employee. This means we are having to frame the dispute in a way so it can be heard under the Enterprise Agreement where the members are able to bring a dispute in their own right.

Our members and PA have been trying to resolve the dispute directly with SA Health through discussion and correspondence for over 6 months. We have not been able to resolve the issue so members only option now is to take it to SAET. If PA was recognised under the state system, [we] could take the matter to the SA Employment Tribunal on behalf of our members. However, in the absence of that recognition, each member must file an individual dispute with SAET and name PA as their representative. There is also a question whether PA/members will need to show the disputes procedure in the Agreement has been met by each member of the dispute. The fact that more than one person is affected shows it is a collective dispute to the Tribunal, and could be dealt with in such a manner if PA had standing, however we'll now need to try and join all the individual disputes at the SAET. These are the sorts of barriers and technicalities our members and PA have faced for many years when trying to represent and advocate for our members in the State System

I do have great sympathy for those examples that have been provided to me. I have also had, historically, very excellent dealings with the HSU, one of which was caught on record during the COVID committee when the microphone was left on during a COVID hearing. I also commend them and their work to support workers in the health sector and I have long worked with them and I commend their outstanding work. I also commend the outstanding work of the PSA, most recently on staunchly defending the scientists and other experts at our beloved South Australia Museum.

The other key part of this legislation is of course allowing the federal administrator of the CFMEU to place the South Australian branch into administration if required. While I note the Greens continue to seek democratic rights for CFMEU workers, we do support the government's goal of having the CFMEU in South Australia returned to local and democratically elected leadership, rather than being run out of the Victorian branch. Indeed, I note that the Hon. Connie Bonaros has worked long and hard on that particular issue.

One part of this bill that I do question, at least in terms of why it is part of this legislation at all today, is the decision to extend the maximum length of an enterprise bargaining agreement (EBA) from three years to four years. The unions that I have spoken to have not asked for this to be in the bill and, in fact, many oppose or strongly question the extension. In fact, one union raised with me the possible scenario that in the event of the negotiation for a new EBA, which takes roughly 1½ years, the workers could be stuck with an EBA for up to 5½ years.

Given the pressure of the current cost of living and recent CPI rises, we know that pay rates are not keeping up with cost of living, and this could see workers far worse off if it continues. The government says, regarding the change from three to four years, that it is doing this to bring South Australia in line with, to quote the Attorney-General's second reading speech, 'most jurisdictions across the country'. The Attorney-General then goes on to say that the four-year maximum is commonplace in the commonwealth government, as well as Queensland, Victoria and the ACT governments.

Could he clarify what he meant by three out of the eight state or territory governments being the 'most', which is less than half, or did he have some other figures before him that he has perhaps misquoted? I will certainly be happy to hear his answers on whether or not three out of eight is most or whether he somehow misinterpreted what he was presented with. I note that I had a briefing on that aspect from his adviser in the last couple of hours.

As I say to the government, if they want this change to EBAs, they have to show us and tell us who wants it before ever bringing this proposal before this place. If they cannot prove to us that it is desired by the workers, then who is behind putting up that proposal? I urge the council to oppose that clause. The cynics, of course, suspect that it is to shield the government from political fallout when negotiations will happen more often within the electoral cycle. Call me a cynic. I feel that could be politically motivated, but that is my opinion and the opinion of one member of this council is not necessarily government policy, but I look forward to the government's response to that concern.

There are no easy answers to some of the concerns raised within this bill, which is all the more reason the government should have allowed more time to properly consider this bill and negotiate properly to address some of the problems identified by different unions—not behind closed doors but in full view of a public debate and a debate that would enable members of this council to come to this place with fully formed views and the ability to have properly consulted.

For example, I ask the government: where is the Law Society advice on this particular piece of legislation? Has the Law Society even had the time to provide us with its expertise? We have in this parliament a very perfect vehicle for better consultation on this bill than has been possible to date, and I flag that I will move that this bill be referred to that committee—that is, the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation—for inquiry and report.

I note that in the past—I have been a member of this place for quite a while now—when we have referred off hybrid bills, as is required under the standing orders, to a committee, the committee has reported back within literally one or two days. I would hope that would not be the case here, but this committee could report back literally within one or two weeks but have the full ability to take on board all the considerations and come back to this place with a debate that is supported by the full information and, hopefully, such things as Law Society advice. That committee need not drag things out, and the government holds the numbers on that committee. It was hardly going to recommend that we not proceed, but it would allow for that appropriately informed and more nuanced debate to occur.

It is pretty disappointing that the Labor Malinauskas government would expect to rush through this legislation in literally one sitting day after they introduced it. It hampers the ability of members to do their job of consulting properly. It has hampered me in the ability to have moved a notice of motion for a referral to a committee, and it has certainly put undue stress on many concerned as we work through the fine detail of this bill.

I have tabled some amendments, and I note that the poor parliamentary counsel staff have been absolutely run off their feet this week and were quite surprised to learn that this bill was going to a vote this afternoon. It meant that they had to reschedule their work, and they do such fine work that I can only thank them for that but also apologise for the undue stress we have placed those particular workers under because of a lack of process in this place.

I will say that I do have a number of letters from a number of unions, and literally not a single letter agrees with the other in its entirety. Possibly if you asked 20 different stakeholders in this, you might get 21 different opinions. That does not mean that we should rush through a process. That means we should take a considered approach, debate this appropriately and give ourselves the time to ensure that this debate is supported by the best possible information, the fullest information, and has allowed parliamentary counsel, the Law Society and others to provide their expertise and input. With that, I anticipate quite a few questions should we get to clause 1 of this bill.

The Hon. R.B. MARTIN (16:05): This bill is designed to support the decisive action taken by the federal Labor government in relation to the Construction and General Division of the CFMEU. It ensures that the administration put in place by the federal government cannot be evaded by officials seeking to transfer functions of the union from its federally registered organisation to its state registered organisation.

Building and construction is one of the most dangerous industries in Australia. Construction workers deserve to have access to a strong union that represents their interests, stands up for their health and safety and advocates for fair wages and conditions. However, those workers also deserve to have a union that is free of corruption, intimidation and links to outlaw motorcycle gangs. The action taken by the federal government is designed to clean up the union from the top down, and we hope to see that result in the South Australian branch being removed from Victorian control and back on its own two feet as soon as possible.

This bill also reforms the rules that apply to registered associations in the state industrial relations system to promote a system where all associations should be registered under the act. This will provide a safeguard that the federal administration cannot simply be evaded by officials continuing to act as a trade union in an entirely unregistered capacity. It will also ensure that all unions are subject to supervision by the South Australian Employment Tribunal, improving the accountability of our state industrial relations system.

The Hon. F. PANGALLO (16:07): My office also had a briefing about this bill only yesterday. I share the concerns of other unions, in particular the Public Service Association, the United Firefighters Union and even the Education Union, about some alarming sections of this bill and also its very hasty passage through the other place and for it to go through today.

Members here have not had the time to absorb the consequences of this bill and also adjudicate on its intent. Does it really serve the purpose of improving integrity and formally recognising through the registration process unregistered unions, or is it politically and factionally driven legislation favouring the Premier's unity faction in facilitating the state's registration of the aligned Health Services Union?

The PSA and UFU in particular are not happy at the level of consultation and rightly believe more time was needed to consider implications that may well arise. Ostensibly its design is to address the administration of the CFMEU, but it has wider implications, including that the SA Employment Tribunal could be compelled to register an organisation that could be embroiled in corrupt conduct elsewhere. Another concern is that an interstate-based union could impose its influence on South Australian industrial affairs matters where members would be best served by local representation.

The current act enables unions operating in South Australia to be controlled by its South Australian members. This changes should the bill pass in its current form, raising fears that there could be disruptions to the industrial harmony that has generally applied here—the rogues at the militant CFMEU an exception, of course, since the Victorian branch muscled in on the South Australian branch just over two years ago.

The government dismisses objections from the other unions as being nothing more than turf wars and says the bill is all about accountability, yet it actually removes the South Australian Employment Tribunal's responsibility to make an assessment on accountability.

The Greens' the Hon. Tammy Franks has an amendment to keep the maximum term of the enterprise agreement to three years. I will be supporting that. Again, this appears to be a tactical move by the government to avoid bargaining between elections and I would have appreciated more time to consider this legislation. I will be supporting the amendments of the Hon. Tammy Franks.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:11): I take this opportunity to thank members for their contributions. I will address some things that have been raised in the course of contributions. I might first address something that was very helpfully raised by the Hon. Tammy Franks in relation to the duration of industrial agreements across the country.

Having a look back at my second reading contribution last week, I think I said that if we went to four years it would bring us into line with the maximum term covering most jurisdictions across Australia, including the commonwealth, Queensland, Victorian and ACT systems. It does include all those. As the honourable member points out, it did leave at least one out: the NT is also at the four years and Tasmania is at the five years.

Six states, two territories and one national system: if you included nine industrial relations systems, from the advice from the government department and the maths that I do that adds up to six out of nine or two-thirds already being at four years or above, with Tasmania at five years. I thank the honourable member for her invitation to revisit my arithmetic in relation to what constitutes a majority or most and how many. So if we went to four years, it would be seven out of nine of the systems of the commonwealth, the two territories and the states that would have a maximum of four years or above.

I want to take this opportunity to make a few observations about some of the other matters raised by members, particularly about proposed changes to the registration regime and some of the concerns that have been raised by the Public Service Association.

To put it bluntly, as it stands the registration scheme in the act is a mess. It provides a system where industrial associations can choose to be registered under the act while simultaneously allowing associations to exercise almost all of their functions and powers regardless of whether they are registered under that system or not. This is not the framework one would choose if designing a system from scratch, but the reality is this is the framework that has existed and governed the industrial relations system for many decades now, on which associations have conducted their affairs.

The current act has allowed associations to lawfully participate in the industrial relations systems for many decades while operating under a variety of different organising models, both registered and unregistered. This includes associations solely registered under the state system, it includes associations registered under the federal system and reciprocally registered in the state's system, it includes associations registered in the federal system but not registered in the state system, and it could include associations not registered under any of these systems at all. This is not just a theoretical issue, it is one that needs to be dealt with now because in the context of the CFMEU administration we need to safeguard against any attempt to evade that administration by officials operating as an unregistered association.

One policy position the government has taken with this bill is a simple one: in order to exercise the powers and functions of a trade union in the Australian industrial system, you must be registered under the act. That is important because it ensures that the powers and functions we confer on trade unions are only exercised by those organisations that are responsible and subject to the supervision of the state Industrial Relations Commission.

If those associations breach the law or act oppressively or inappropriately towards their members, they are subject to disciplinary consequences, including potential deregistration. It also means those disciplinary consequences are effective and cannot simply be circumvented by officers and employees of an association continuing to operate in an unregistered capacity.

However, this raises a transitional issue: how do we get from the current mismatch of different arrangements to one where every union in the state system is registered under the act? The reality is that we have a handful of federally registered unions, including both Professionals Australia and the Health Services Union, which have lawfully been representing members of the public sector in South Australia for decades.

You can go back and look at the public sector enterprise agreements negotiated since at least 2010 and see that Professionals Australia and the Health Services Union have been active and coexistent alongside other unions, such as the PSA, for the entire period. That includes representing their members in enterprise bargaining negotiations, running claims in the state's industrial tribunal, participating in industrial action, and representing their members' interests to the government of the day.

The notion that the amendments in this bill would suddenly let those unions into the system is simply not the case. They were already in the system and they have been in the system for decades. If we are going to say that all associations now need to be registered under the act, the critical question to consider is this: do we make that change in a way that acknowledges the industrial reality that those unions are part of the system, or do we do it in a way which would see those unions no longer able to represent their members?

If we suddenly pull the rug out and say that those unions cannot participate in the system unless they obtain registration through a process that never previously applied and where they may not be registered because there are other unions of similar coverage, the practical effect is that we would be disenfranchising many thousands of public sector workers who have chosen those unions to represent their interests over a very significant period of time. The government does not consider that would be an appropriate course.

What this bill does is recognise the industrial reality that those unions are already in the system. The bill adopts the least destructive transitional arrangements, which is to take the system as it exists, provide a pathway for those unions to become registered under the act and then to be bound by the same obligations as everyone else. In our view, that is significantly preferable to perpetuating a system where those unions do not need to be registered at all to exercise their functions and powers, or, much worse, a system that would see those unions cease to be able to represent their members practically overnight.

If, following these amendments, those unions apply for registration through the pathway provided for in this bill, what is the practical effect, compared to the position today, in worksites across South Australia? The practical effect is that those unions will be able to continue representing their members in the public sector in exactly the same way as they have been doing for many years. They

will continue to participate in enterprise bargaining and they will continue to bring claims on behalf of their members and to represent the interests of members.

Nothing in this bill expands their coverage or gives them any advantage over any other registered union. The scope of workers whom they can represent remains just the same as it was before the amendments and as it is under the law today. It is the same law which, it must be emphasised, has already enabled them to represent those members, in some cases for decades.

However, there is one important change to the status quo: unlike today, those unions will have the same legal obligations as any other union registered under the act, including transparency in reporting requirements, supervision by the SAET and the possibility of deregistration if they engage in misconduct. In truth, what this bill does is increase the scrutiny and supervision of those federally registered unions and create a more level playing field between them and other unions registered under the act. In our view, that can only be a good thing for the health of our industrial relations system.

Finally, to the extent that there is a dispute between different public sector unions about who should represent different workers, the act has always contained a mechanism to resolve those disputes. Any union can bring a dispute about a demarcation issue to the SAET and the independent umpire can help to resolve the dispute. If the PSA objects to Professionals Australia or the Health Services Union representing members of the public sector, then, at any time over the past 20 years, they could have asked for the Industrial Relations Commission to step in and help resolve those issues. For reasons that are best known to them, that is not what the PSA have chosen to do at any time over the last couple of decades.

To be very clear, nothing in this bill takes away from the SAET's powers to resolve those demarcation disputes. If there is an issue, for example, between the PSA and other unions, about coverage in the public sector, then we would urge them to consider the assistance of the independent umpire, which is a pathway that has been open to them today, before these changes, and will continue to be open to them following these amendments. I commend the bill to this chamber and look forward to an in-depth committee stage.

Bill read a second time.

Standing Orders Suspension

The Hon. T.A. FRANKS (16:19): I move:

That standing orders be so far suspended as to enable me to move that the bill be withdrawn and referred to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation for inquiry and report.

The council divided on the motion:

Ayes8
Noes.....9
Majority1

AYES

Centofanti, N.J.
Henderson, L.A.
Pangallo, F.

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

Girolamo, H.M.
Hood, D.G.E.

NOES

Bonaros, C.
Game, S.L.
Maher, K.J. (teller)

Bourke, E.S.
Hanson, J.E.
Martin, R.B.

El Dannawi, M.
Hunter, I.K.
Wortley, R.P.

PAIRS

Lensink, J.M.A.

Ngo, T.T.

Lee, J.S.

Scriven, C.M.

Motion thus negatived.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: Before I ask some questions, I will make a few general remarks as I did not have an opportunity to do so during the second reading stage of the debate. I want to express my frustration at the breakneck speed with which the Labor government has embarked on this legislation. Once again, we are seeing legislation that is of a complex nature being introduced into this place at the end of the previous sitting and now rushed through with this head of steam that the government seems to have, telling us all that there is a huge amount of urgency and that this needs to be dealt with pronto.

When there is an opportunity, which the Hon. Tammy Franks has presented, for the government to apply its proposal to the rigour of a parliamentary committee that would actually have an opportunity to consider the implications of the legislation, lo and behold, the government squibs and says, 'No, we can't possibly do that.' What is the urgency? That is the first question I would like to ask the Attorney: why the urgency in relation to this bill? Why could the government not have given members of this place more time to consider the proposal, more time to consult? What level of consultation has the government adopted in relation to this reform?

The Hon. K.J. MAHER: I thank the honourable member for his questions and his concern. In relation to the timing: because we want to make sure it is in effect so that there is no incentive to circumvent the federal administration of the Construction and General Division of the CFMEU in a number of jurisdictions. I think in other jurisdictions similar legislation has gone through in a much shorter time period than what has gone through in here, but I appreciate the honourable member's concerns.

The Hon. R.A. SIMMS: I also asked the Attorney about the consultation that he and his government have undertaken in relation to this reform. Can he provide us with an update on those he has engaged with? We know the Law Society has not been engaged with. Who has he engaged with in crafting this proposal?

The Hon. K.J. MAHER: I have certainly personally, and I know the government has, been involved in discussions with the peak body, SA Unions, and I have certainly benefited from hearing the views of a number of trade unions in South Australia as well as having had discussions with the federal government about its interaction with their federal administration.

The Hon. T.A. FRANKS: The Attorney expressed that there was an urgency around the CFMEU provisions of this bill. Why did he not simply bring forward the CFMEU provisions of this bill?

The Hon. K.J. MAHER: Because it is our view that a number of other provisions in this bill are directly related to that. As I answered to the Hon. Robert Simms, we do not want to create an incentive to circumvent the effect of federal administration by having unions operate as non-registered entities if we are to allow for a path to administration in South Australia.

The Hon. T.A. FRANKS: Can the Attorney please explain for the council the connection between the CFMEU and a change in the maximum time for an enterprise bargaining agreement that is proposed within this bill?

The Hon. K.J. MAHER: As I said, some of the provisions relate directly to that. That is something that is being considered while the act is open. In relation to the maximum time, as I laid out with the very generous help of the Hon. Tammy Franks it brings us into line with the majority, in fact two-thirds exactly, of other jurisdictions: the states, the territories and the national system. While the act was open, it was an opportunity to make that reform to bring us into line with most of the jurisdictions.

I think it is important to note that it is a maximum time. No-one has to have agreements for that length. In my experience in a couple of years as the Minister for Industrial Relations and Public Sector in this government, I am absolutely certain that public sector unions will bargain for what they believe is in the members' best interests. None of them have to bargain for an agreement of that length. It gives the opportunity for it, though.

The Hon. T.A. FRANKS: I thank the Attorney for his recognition of the Greens' generous help. We are always here to generously help. When did the government commence consultation on the enterprise bargaining agreement clause of this bill? On what date?

The Hon. K.J. MAHER: My advice is that it is our recollection that a draft of the bill that would have included that part of it was provided in early September. My advice is that it was on 2 September to SA Unions.

The Hon. T.A. FRANKS: Which unions support this bill in its entirety?

The Hon. K.J. MAHER: I do not have a complete list of which unions support the bill in its entirety. I think it is fair to say that there are some unions that do not support the bill as it is currently constituted, for various reasons. We have heard, and I think other members would have heard, particularly from the PSA, but, as I said in my second reading sum-up, nothing changes in relation to the standing of other unions in relation to the PSA that applied yesterday, should this bill pass.

As I said, I do not have a list of the number of unions that are fully in support of all elements of this bill. I think there are some unions that certainly I have heard or had correspondence from, some only very recently, that fall into the category of they are supportive and would, given a choice, prefer the bill as it is currently put to not having the bill at all.

The Hon. T.A. FRANKS: Which unions support this bill in its entirety?

The Hon. K.J. MAHER: As I said, I do not have a complete list of what category of either of those unions fall into.

The Hon. T.A. FRANKS: Which union supports this bill in its entirety?

The Hon. K.J. MAHER: As I said, there are a number of unions that support the bill in its entirety. I do not have a list of those.

The Hon. T.A. FRANKS: Can the Attorney-General name which unions support this bill in its entirety? It is a simple question. Please just name the unions that do.

The Hon. K.J. MAHER: I thank the honourable member for her invitation once again. There are a number of unions that support the bill in its entirety. There are a number that fall into the category that support it as it is currently constituted and a number that have other concerns. That is up to unions. I know a number of unions have had discussions with a number of members of parliament, so I am sure that they are aware of what support there is, and I do not want to speak on behalf of those unions. I am sure they have done that already with members in this chamber.

The Hon. H.M. GIROLAMO: Can the Attorney please table a list of what unions have raised concerns regarding this bill and how he plans to address them?

The Hon. K.J. MAHER: As regularly happens when we are asked to table exact details of consultation, that is not something this government regularly does, nor has a former government regularly done it.

The Hon. H.M. Girolamo: You cannot even tell us who is agreeing with it, let alone who does not agree with it.

The CHAIR: Order!

The Hon. K.J. MAHER: If she would stop interrupting, I was going to say I thank the honourable member for her invitation to do so.

The Hon. C. BONAROS: Proportionately speaking amongst the unions, is there majority support for the bill that is before the parliament now?

The Hon. K.J. MAHER: Certainly many of the unions do not have a specific view on some of the elements of the bill such as the length of time for industrial agreements in the state's public sector system. Many of the trade unions in South Australia operate in the private sector which is governed by the federal system. In relation to the issues to do with the CFMEU and the registration provisions in the bill, my impression is that a majority of unions are broadly supportive of those.

The Hon. T.A. FRANKS: Attorney, on 25 October you wrote to Senator the Hon. Murray Watt, Minister for Employment and Workplace Relations. In that correspondence you noted:

The South Australian government is not presently aware of any evidence that the criminal links of the Victorian branch have extended to the Construction & General Division's operations in South Australia, noting the outcomes of a recent investigation by South Australia Police into these matters.

Has anything changed since 25 October to see this bill brought before this place? Are you confident that there are no criminal elements within the CFMEU in South Australia?

The Hon. K.J. MAHER: That was as a result of, I think, inquiries that were undertaken by SAPOL and what SAPOL reported back. Certainly I was concerned, and I think many people, including many members of this parliament, were concerned in recent months with what they saw in the national media about some of the incidents that have occurred, particularly in the Eastern States, and in particular in the Victorian division of the Construction and General Division of the CFMEU.

We do know that for some time South Australia was administered by the Victorian division, so consequently we were concerned about the potential for the influence of the behaviour that we saw nationally play out in Victoria being in South Australia. As I have said as recently as question time today, we support and I suspect all members of this chamber would like to see the operations of the Construction and General Division of the CFMEU in South Australia run responsibly by South Australians and we look forward to that happening as soon as is appropriate to happen.

As I talked about in question time today, the levels of risk and danger that face workers in the construction industry are significant. We see deaths in this industry and we think the workers deserve a well-run and a well-functioning union representing their interests industrially, and particularly in work health and safety. As I said, we had concerns about the influence of Victoria, given what we had seen in national media about some of the behaviour of officials in the Victorian branch, but we look forward, as soon as it is appropriate, to the return of local control of that division in South Australia.

The Hon. T.A. FRANKS: My question to the minister is: did he consult with RAFFWU, the Retail and Fast Food Workers Union on this bill or, indeed, any other piece of legislation or proposal in his time as minister in this particular parliament?

The Hon. K.J. MAHER: I thank the honourable member for her question and I think it was a contribution that the honourable member raised in her second reading. I am happy to say my advice is that an organisation like RAFFWU operates solely in the private sector. Regularly in question time, I get questions from the opposition about private sector industrial matters or disputes; that is not something that comes within the purview of the state industrial relations system.

Regarding what is being proposed in this bill, my advice is it is difficult to see how that would have any impact on any organisation that operates solely in the private sector, which is solely the providence, in those industrial systems, of the federal schemes.

The Hon. T.A. FRANKS: I reiterate my question and ask the minister if he has ever, as minister in this term of parliament, consulted with RAFFWU on any issues. He has done quite a lot of work on retail workers. I would have hoped that he would be able to just simply inform the council that he has consulted with RAFFWU on those issues, particularly on worker safety in the retail and fast food sector.

The Hon. K.J. MAHER: I do not recall having had a meeting with RAFFWU or consulted on changes, but nor has that organisation sought to consult with the government, as far as I am aware, on matters affecting retail workers.

The Hon. H.M. GIROLAMO: Would RAFFWU be considered an unregistered association for the purposes of the bill?

The Hon. K.J. MAHER: As I said in answer to a question from the Hon. Tammy Franks, my advice is that what this bill relates to would not affect them because they operate solely in the private sector, which, for these industrial matters, is solely the providence of the federal system. So this bill does not have anything to do with how they operate.

The Hon. H.M. GIROLAMO: Can the Attorney please outline the purpose of retrospectively registering the two unions, both Professionals Australia and the HSU? What benefits would the registration provide these unions?

The Hon. K.J. MAHER: I am advised that the characterisation of 'retrospectively registering' is not correct; they are only prospectively registered. They do not have an effect as if they have been registered previously. As outlined in my second reading speech, what this bill does is provide a pathway for registration for those unions who have been in the industrial relations system, in many cases for many decades, to continue the functions that they had yesterday, five years ago, 10 years ago.

Importantly, what this does though is, upon gaining access under the pathway that this bill proposes for registration, impose those same obligations as other state registered unions that can see, for failure to abide by those obligations, the potential for deregistration, which they do not have the potential to today. If they are deregistered under what is proposed in this system, that would have very significant implications for them to operate, which we do not have today. In our view, it provides a much greater level of oversight. It does not retrospectively confer any powers but it provides a pathway for prospective registration.

The Hon. C. BONAROS: I apologise: that was my fault in relation to the retrospective, for want of a better word, I think I used when I spoke. But that pathway, just in relation to section 135 of the act, runs through all of the different circumstances under which an organisation may be deregistered. To be clear—and if we use perhaps the most obvious example of the PSA and the HSU—is the PSA subject to all of the qualifications that come under section 135 now in terms of the potential for deregistration? Equally, how does that apply to the HSU in the absence of registration?

The Hon. K.J. MAHER: I am advised, for a locally registered organisation like the PSA, the deregistration of associations provision comes under division 6, section 130. As I think the honourable member was pointing out, for example, the PSA could now be subject to deregistration in the state system. As it currently stands, it is difficult to see how someone like the HSU, in representing the members in a very similar way, would be subject to deregistration because they simply are not registered in the state system.

The Hon. C. BONAROS: I apologise for getting my sections wrong, but to be clear that means that the PSA is held to a higher level in terms of its requirements in relation to registration than is the unregistered HSU currently?

The Hon. K.J. MAHER: That is my advice in effect, yes, because as a state registered organisation they are subject to deregistration if they fail to comply with their obligations. The HSU, not being state registered, does not have the possibility of state registration. If, in the context of the example we are given, the HSU opted to seek the pathway for registration under the state system, it would then be subject to the same possibility of deregistration for not meeting its obligations, but it would be significantly curtailed in its ability to represent members if they were not registered in the state system, which we think is an appropriate thing to do.

The Hon. C. BONAROS: Just leading on from that, and whether we are talking about the HSU or Professionals Australia, if we had an association that was acting oppressively towards any members or class of members that fall within their membership, as outlined in section 130, or if they failed to comply with provisions of this act, then under the current rules as they apply there is no coverage—we are talking about the HSU and Professionals Australia now—and under the rules that are being implemented through this bill those provisions would apply to those bodies?

The Hon. K.J. MAHER: In effect, that is correct. Organisations that operate under federal registration but participate and have done for decades in the state system, like the HSU, are not

registered, are not required to be registered and therefore cannot be deregistered. Under the system we are proposing, should this bill pass, finding a pathway to be registered, to be full participants in the state system, will mean that they are subject to potential deregistration.

The Hon. H.M. GIROLAMO: In regard to the changes being proposed in this bill, will they affect the standing of the two unions under the government's proposed political donation reforms? Is there any impact of the changes being proposed in this bill that will affect the standing of the two unions under the government's proposed political donations reforms?

The Hon. K.J. MAHER interjecting:

The Hon. H.M. GIROLAMO: Yes, both of them.

The Hon. K.J. MAHER: I cannot see any way that that could be the case.

The Hon. H.M. GIROLAMO: Is the Attorney able to clarify the deregistration provision for federal organisations? Could the HSU, for example, be deregistered if they were not being run to the benefit of SA members?

The Hon. K.J. MAHER: I thank the honourable member for her question. That is not the text as it applies in the legislation. The practical effect is that, if there are provisions under the legislation at section 135, such as an organisational branch being administered in a way that is oppressive or unfair to members resident in this state, currently a union like the HSU as a federally registered union, could not be deregistered, although today it is participating to a full extent in the state system. Under the regime being proposed, they would need to be state registered and, if they were acting in a way that is oppressive or unfair to their members resident in South Australia, there would be the potential for deregistration, which currently does not exist.

The Hon. H.M. GIROLAMO: Can Professionals Australia and the HSU bargain on behalf of their members without registration?

The Hon. K.J. MAHER: My advice is they can, they do and they have for decades in this state.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Amendment No 1 [Franks-1]—

Page 3, lines 14 and 15—Delete the definition of *unregistered association* and substitute:

unregistered association means an association, society or body formed to represent, protect or further the interests of employers or employees, other than an association registered under either this Act or the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth;

I do so noting the representations to the Greens of the PSA in seeking to try to find a way forward here. I know the government has in the last hour or so expressed some concerns about the drafting. As I noted in my second reading speech, we have had this for one sitting day. Parliamentary counsel was put under undue pressure to get cracking on requests for amendments. Not only that, I have not had the time to consult very broadly on these amendments, but certainly I have attempted to fulfil what the PSA suggested as a way forward.

I do not know what the position of Professionals Australia or the HSU is on this, but it would have been better, of course, to be having these discussions through a committee process and with the benefit of Law Society advice on all of these matters. I do so to try to generously help the government, as you so aptly put it earlier, and I urge members of this council to consider these amendments as a way to try to perhaps create more debate and clarity on exactly what this bill does.

The Hon. K.J. MAHER: I thank the honourable member for her contribution in bringing forward this amendment. I will confirm for the sake of the deliberations of the committee that the government will be opposing the suite of amendments moved by the Hon. Tammy Franks.

I guess I understand where the Hon. Tammy Franks is coming from in moving this amendment. I understand the intention is to find a halfway house, to look at something that the Public Service Association has suggested that gives effect to what they have stated their concerns are without destroying the intent of what we are trying to do. One of the parts of that intent is to discourage unregistered unions from operating in the light of what the first part of this bill does, and that is to try to make sure that the CFMEU in South Australia do not evade, effectively, administration by either using their state body or becoming unregistered completely.

I have to say it is something that we have considered long and hard over the last couple of months in terms of the drafting of this bill and particularly over the last few weeks: is there a way to take into account the PSA's concerns and find some sort of halfway house in the drafting? Unfortunately, in most of the ways that you would contemplate doing that—and possibly the effect of doing this—would I think, in our reading of it, be to effectively disenfranchise members of Professionals Australia and the Health Services Union in the passing of it.

My advice is that the effect of these amendments, in concert with the remaining clauses in this bill that would be unamended, would be, firstly, that the functions and powers of trade unions under the act would be limited so that they can be exercised by registered associations only. Secondly, the amendments would remove the clause of the bill to provide that pathway for federally registered unions to become state registered.

In our view, that would mean, if the amendments came into effect, the requirement for unions to be state registered would mean that Professionals Australia and the Health Services Union would no longer be able to represent the members as they have done for many years for thousands of members until such time as they register. It would leave in place a system of registration which may not be possible for those unions to become registered, thereby potentially disenfranchising thousands of members simply because there are other unions with similar coverage, even though those unions have coexisted, in some cases, for decades and even though, as I said in my second reading wrap-up, no demarcation disputes have been taken to the SAET in that time.

Our view is the effect of the amendments as proposed, in concert with the unamended sections that would remain, would be to do what we have desperately tried not to do in our drafting and effectively pick a winner—that is, the thousands of members in the public sector in South Australia represented by the federally registered unions. It might be the capacity to destroy their ability, as they have done for a couple of decades here.

I completely understand the motivation behind it. It is something we have considered: is there a way to do that that gives effect to some of the concerns the PSA have raised without destroying the ability of members who have been represented, in some cases for decades, by federally registered unions? Our advice is the amendments, with those remaining provisions that would be unamended, would likely have the effect of disenfranchising those members of federally registered unions.

The Hon. C. BONAROS: I think we all have sympathy for what the Hon. Tammy Franks has attempted to do in the time available. Indeed, I think we have all probably had a crack at trying to find that middle ground and, of course, take into account the PSA's concerns—and genuinely so, because none of us wants to be in this position where we are picking and choosing. Frankly, I do not think it is our role to be in that position. Our role is to focus on the mess that is the registration scheme and how to address that.

I am concerned, though, about the potential risk that the amendments bring with them. I am sure we will get to more of those as we work through the amendments, but it is on that basis that I will not be supporting this amendment. Again, I think we have all genuinely tried to find that middle ground; it appears that it is a very difficult ground to find. With those words, I indicate I will not be supporting amendment No. 1 [Franks-1].

The Hon. H.M. GIROLAMO: I thank the Hon. Tammy Franks for bringing forward these amendments. As the Hon. Connie Bonaros said, we have all been working very hard to put forward constructive amendments. We as the opposition will be supporting the Hon. Tammy Franks' amendments Nos 1 through to 4, not amendments Nos 5 and 6. We will be supporting the others.

Just in the interests of time and to help make more things more efficient, we will support amendments Nos 7, 8 and 9.

The committee divided on the amendment:

Ayes8
 Noes.....9
 Majority1

AYES

Centofanti, N.J.	Franks, T.A. (teller)	Girolamo, H.M.
Henderson, L.A.	Hood, B.R.	Hood, D.G.E.
Pangallo, F.	Simms, R.A.	

NOES

Bonaros, C.	Bourke, E.S.	El Dannawi, M.
Game, S.L.	Hanson, J.E.	Hunter, I.K.
Maher, K.J. (teller)	Martin, R.B.	Wortley, R.P.

PAIRS

Lee, J.S.	Ngo, T.T.	Lensink, J.M.A.
Scriven, C.M.		

Amendment thus negatived; clause passed.

Clauses 5 to 8 passed.

Clause 9.

The Hon. T.A. FRANKS: Regarding clause 9—Amendment of section 83—Duration of enterprise agreement, the bill currently proposes:

Section 83(1)—delete '3 years' and substitute:

4 years

For the reasons that I have articulated in my second reading speech, the Greens oppose this clause. We have seen no consultation, we have seen no established reason, we have seen no rationale, and we see also that if it is such a strong case to do this, why can we not see it brought back to this place, properly consulted on and with evidence of those who support it? We certainly have seen many unions express concerns about this particular clause and ask why it is there. Many even oppose it in their correspondence to us.

The government has not made a case to change the maximum EBA period from three years to four years, so they should go back, do their homework and come back to this place with an established case, if they think they really do have a case. If not, I urge this council to strike out this clause.

The Hon. K.J. MAHER: We will be supporting the clause that we have in our bill for the reasons that I have outlined previously. It brings us into line, according to my arithmetic, with two-thirds of the jurisdictions around Australia. We think it is reasonable, but that is something that can be negotiated: up to four years, which does not impose any requirement on any agreement being that length but provides an extra flexibility both for the government and for unions in negotiations.

The Hon. H.M. GIROLAMO: I have indicated my support for opposing this clause, but can I ask a question in regard to the SAET?

The CHAIR: Yes.

The Hon. H.M. GIROLAMO: Has the Attorney consulted with the SAET, and what was the outcome of that consultation?

The Hon. K.J. MAHER: In relation to this clause, no, we have not consulted with the South Australian Employment Tribunal, and I am not sure what role they would play in the length of an agreement.

The committee divided on the clause:

Ayes9
Noes.....8
Majority1

AYES

Bonaros, C.	Bourke, E.S.	El Dannawi, M.
Game, S.L.	Hanson, J.E.	Hunter, I.K.
Maher, K.J. (teller)	Martin, R.B.	Wortley, R.P.

NOES

Centofanti, N.J.	Franks, T.A. (teller)	Girolamo, H.M.
Henderson, L.A.	Hood, B.R.	Hood, D.G.E.
Pangallo, F.	Simms, R.A.	

PAIRS

Scriven, C.M.	Lensink, J.M.A.	Ngo, T.T.
Lee, J.S.		

Clause thus passed.

Clause 10 passed.

Clause 11.

The CHAIR: The Hon. T.A. Franks has indicated that she will be opposing clause 11.

The Hon. T.A. FRANKS: I can see that the numbers are what the numbers are, and noting that the numbers will only get worse on amendments Nos 5 and 6 in particular, with the lack of support there from the opposition, I just indicate to the chamber I will not be dividing on the next few. But I do intend to divide on the review clause, which is near the end.

My amendment sought to strike out clause 11, which goes to the eligibility of registration. I guess the debates are somewhat consequential, and they have been well aired through the second reading debate.

The Hon. K.J. MAHER: For the sake of completeness and the reasons I outlined in relation to the first amendment moved by the Hon. Tammy Franks, while we completely understand the motivation—these questions have exercised us as well—with the effect of that, we will not be supporting it.

Clause passed.

Clause 12 passed.

Clause 13.

The Hon. T.A. FRANKS: The Greens oppose clause 13, which goes again to registration and to the powers of the SAET and the direction they take. I can add up these numbers. I can see that it is eight to nine and not in the Greens' favour, but certainly I ask members to consider that review clause at this point quite strongly as well.

Clause passed.

Clause 14.

The CHAIR: There is an amendment in the name of the Hon. Ms Franks at clause 14, which is amendment No. 5 [Franks-1].

The Hon. T.A. FRANKS: I would consider this as consequential. Again, it goes to the demarcation and registration arguments, and clearly the numbers are not there. Certainly, again, I indicate my recommendation—

The CHAIR: Did you move the amendment?

The Hon. T.A. FRANKS: I do not have to move anything. It is just that the clause be opposed, so I do not move anything. It is just that we indicate we are going to oppose the clause. It is not an actual amendment. Just for clarity, the Liberal Party will not be supporting the Greens on this particular one, so the numbers actually get worse if we divide—for the Greens, not for everyone else.

The CHAIR: The Hon. Ms Franks, are you moving the amendment standing in your name?

The Hon. T.A. FRANKS: No, Chair. It is consequential and I can see the numbers are on the decline.

Clause passed.

Clauses 15 and 16 passed.

Clause 17.

The CHAIR: There is an amendment in the name of the Hon. Ms Franks; consequential, maybe?

The Hon. T.A. FRANKS: Consequential, Chair.

Clause passed.

New clause 18.

The Hon. T.A. FRANKS: This is where we try to rise again. The Greens move:
Amendment No 7 [Franks-1]—

Page 11, after line 7—Insert:

18—Review of Act

- (1) The Parliamentary Committee on Occupational Safety Rehabilitation and Compensation established under section 15D of the *Parliamentary Committees Act 1991* must undertake a review of the operation and impact of the amendments to the *Fair Work Act 1994* made by this Act.
- (2) The review must be completed within 3 years after the commencement of this Act and a report on the outcome of the review must be tabled in each House of Parliament within 6 sitting days of the completion of the review.

We have rushed this process. It would be certainly prudent of all members of this council, I would think, to support at least a review of any unintended consequences or, indeed, should you be confident that the decisions we have made today in this council are the right ones, you will be able to show that this has had a positive impact through that process.

It is not a process that will cost the government any money. It is a parliamentary committee that is already a standing committee and charged with such duties. It would be an appropriate use of this committee in three or so years' time, a committee that should have been used in the first place in this debate. I urge members of this council to support this particular amendment, and I will divide on it.

The Hon. K.J. MAHER: I am pleased to say that may not be necessary. In an act of extraordinary generosity, I can indicate that the government shall not be opposing it.

The Hon. C. BONAROS: I love reviews, particularly when they are independent ones, so I indicate my wholehearted support for this amendment.

The Hon. T.A. FRANKS: I will note for the record that if nobody votes against it, I cannot divide on it. I welcome that.

New clause inserted.

Schedule 1.

The Hon. T.A. FRANKS: Chair, for your sake, amendments Nos 8 and 9 are consequential and I will not be proceeding with them.

Schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**TOBACCO AND E-CIGARETTE PRODUCTS (E-CIGARETTE AND OTHER REFORMS)
AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 26 September 2024.)

The Hon. B.R. HOOD (17:15): I rise as the lead speaker for the opposition on the Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Bill 2024. At the outset, I clarify that I will no longer be pursuing the first set of amendments filed under my name regarding controlled purchase operations, but I will be moving a second set of amendments regarding closure orders. I do want to apologise from the outset to my honourable colleagues for the late submission of these amendments and for any confusion caused earlier today with those being shared around.

The opposition does share the concerns of the government and, indeed, all members of this place about the prevalence of smoking and vaping, especially among young people. Smoking continues to be a leading cause of preventable death in Australia, which should give pause to all levels of government.

As my colleague and the relevant shadow minister, the member for Frome, has gone into at length, we will be supporting the intentions at the heart of this bill. However, there are some questions that remain unanswered on certain aspects of the bill that the member for Frome sought clarification on, and additional concerns have been raised between the houses.

I am not sure the Minister for Health has adequately responded to some of those issues the member has raised about the new controlled purchase operations, and I am just going to touch on them now. The House of Assembly was told that these operations will enable minors to be employed in what is essentially a sting operation by authorities to catch out retailers selling tobacco and nicotine products to under-18s.

Given the advice received by parliamentary counsel that there is no known precedent of such operations in Australia, it is only natural that the opposition would seek some clarity from the minister about these new powers. I also note that my colleague from the Greens, the Hon. Rob Simms, has flagged his concerns about these operations in the public sphere. I note that the Hon. Rob Simms has brought a number of amendments to which the opposition is supportive, and I understand the government is also. I think they seek to close that hole or that gap that we were prosecuting to the minister in the other place.

The new addition of section 39 that permits controlled purchase operations allows the minister to authorise any person under 18 to undertake these covert acts. As I said, Mr Simms' amendments will go some way to amend that for a designated child to be the age of or above the age of 16.

While I do appreciate from reading the proceedings from the House of Assembly that controlled purchase operations are used in Western Australia and the Australian Capital Territory, as far as the opposition is aware this is uncharted territory for South Australia. The member for Frome painted a picture of what this could mean—children who are maybe only 10 years old or younger could technically be employed for these purposes—but of course those amendments will seek to block that out.

We are also wanting to go in and look at some of the amendments made by the minister in the other place, namely 6AA with regard to closure orders, and that is what my amendments will speak to when we get to that stage. They have arisen as a result of the Leader of the Opposition meeting with the Shopping Centre Council of Australia today, which raised legitimate concerns on behalf of commercial landlords.

I note that during the earlier briefing to the opposition, we were advised that consultation with the retail sector resulted in broadly supportive feedback about these new measures; however, the Shopping Centre Council of Australia has flagged legitimate concerns about the bill as it applies to interim closure orders. Again, I will speak to these amendments in more detail at the committee stage, but I will briefly outline now what they seek to do.

The amendments seek to (1) ensure that a landlord who has a tenant who is the subject of an interim closure order is informed that the interim closure order has been issued to the tenant once the order has been issued; (2) provide grounds for the landlord to terminate the lease if an interim closure order is issued on that tenant; and (3) that in exercising any right to terminate a lease on the above grounds the landlord is not in breach of any provisions of the Retail and Commercial Leases Act 1995 and their rights and obligations under the act are not adversely affected.

Essentially, we are kind of saying that for a landlord, should there be an interim closure order issued and then the lessee just vacates the shop, it is not sitting there empty on the landlord's hands for up to six months before they can actually do anything about it. We think they are relatively sensible amendments to this bill to protect the rights of the landlords.

In conclusion, while the opposition remains concerned with the previously mentioned aspects of the bill before us, Mr Simms' amendments go some way to relieve that and, of course, my amendments do in terms of landlords. Should the Legislative Council agree with our proposed amendments we would certainly not stand in the way of its passage through the chamber.

The Hon. F. PANGALLO (17:21): I rise to say that I will be supporting this bill and also the amendments of the Hon. Robert Simms. These are extraordinary times we are witnessing in this state. A black market in tobacco has been allowed to flourish unchecked for almost two years or more before the government, not only the state government but also the federal government, have woken up to this criminal activity and the tax evasion that has been going on.

Why? Well, tobacco is as bad and dangerous as illicit drugs and even bootleg tobacco. Do not be surprised to see these criminal gangs also take advantage of the situation because alcohol is becoming so expensive, much like tobacco has become. As a result, we are seeing mafia-style standover tactics and businesses that are being extorted and firebombed. In fact, it is almost a throwback back to the Roaring Twenties in a way with this type of activity that is going on.

There is a police task force that is cracking down on this activity, and I certainly hope it is effective and it starts to wipe out these gangs that seem to be doing these criminal acts with almost impunity, thinking they can get away with it. As I said, I will be supporting the bill and I wholeheartedly commend the Minister for Health on his tough stance against tobacco, smoking and also vaping. I hope it continues in that he supports my bill that was passed here that will ban young people born after 2007 from ever legally buying cigarettes and vapes.

This bill will enable designated persons under the age of 18 to be able to participate in sting operations to catch out the unscrupulous vendors out there. As I said, I will support the

Hon. Rob Simms' amendments. He quite rightly pointed to the fact that you do not want to see really young children being part of these operations.

Something that also concerns me about using young people in these situations, particularly in light of what I have just pointed out about the harmful activity that we are seeing at the moment, are these criminal gangs that are quite active. You would not put it past some of these people to try to strongarm the business proprietors, but I would hope that there would be provisions in place to protect these young people so that their identities are not going to be found out, to avoid placing not only the young people at risk but also their families in the event that they are taking part in this activity.

It is something that needs to be seriously considered here when you are asking young people who are just members of the community to take part in these, what I would regard as, dangerous operations, to be quite honest. These days, you are not dealing with the unscrupulous tobacconist or whatever, these are people who have criminal links and would stop at nothing to try to protect the illicit businesses they have. I would hope that they would not then go after people who are taking part in these activities, particularly young people.

In a way, I think we need to be very mindful of that and I hope that the minister and the department of business and consumer affairs are quite mindful that it is going to be a risk, not just in terms of going into the premises when they are conducting the sting operations but also it could well be risky for the young people taking part. I hope that that is taken care of. With that, as I said, I will be supporting the legislation.

The Hon. R.A. SIMMS (17:26): I rise to indicate support of this legislation on behalf of the Greens. The Greens have always supported a health approach to substance use. We believe that harm minimisation is the most appropriate way to reduce the adverse health, social and economic consequences of alcohol and the use of other drugs. We want to see a reduction in high-risk uses of nicotine and tobacco, as we acknowledge that they are substances that can cause significant harm. Of course, one of the risks around vaping and access to e-cigarettes is that if young people and children get access to these drugs from a very young age, they are going to be using them potentially throughout the life cycle.

It is important for us that there are supports in place to help young people under the age of 15 to move away from nicotine. This is an argument that the Greens have consistently made in the federal parliament and, indeed, in July when the federal government moved to ban the importation, manufacture, sale, supply and commercial possession of vapes in Australia, the Greens made that point.

In the vaping reforms passed by the federal parliament in June, the Greens negotiated with the Albanese government in Canberra to secure some positive measures to support a health approach in relation to e-cigarettes and vapes. Under this new agreement, GPs can continue to prescribe therapeutic vapes. Possession of quantities for personal use will not be subject to criminal charge. There will be a review of the legislation after three years and additional funding will be provided to support young people quitting vaping. I note that this will be of benefit to young people in South Australia as well.

We know that this proposed bill will bring South Australia into line with changes made at the federal level. Some of the changes include increasing penalties for the sale to children, of selling tobacco without a licence, advertising tobacco or cigarette products, or smoking in a smoke-free area. We also welcome the establishment of a five-metre smoke-free and vape-free buffer at public transport stops to support the health of people who are waiting for public transport.

I might take this opportunity to recognise the leadership of Minister Picton. I think he has been a real national leader in this space. Indeed, I recognise his work as a political staffer when he worked for the Hon. Nicola Roxon when she was federal health minister on world-leading legislation to ban tobacco advertising, in effect, on tobacco packets and to implement plain cigarette packaging.

That was a world-leading piece of legislation and I know that before he was a minister Chris Picton worked on that. Here in this parliament the minister has taken up the fight against the big tobacco companies, so I commend him for that. I also echo the statements made by the

Hon. Frank Pangallo that the next step here is surely to phase out the use of cigarettes over time, and the Greens are certainly supportive of the Hon. Frank Pangallo's bill.

I also thank the minister for the collegial way in which he has worked with the Greens in approaching this bill. When the legislation came forward, one of the issues we were concerned about was the potential for young people to be involved in controlled purchase operations or, in effect, sting operations. Our concern was that you could see very young people being involved in these operations, potentially being put at risk, and that appropriate safeguards were not in place. I understand that issue was also of concern to the opposition.

We did not want to go down the path of entirely banning this practice, because we have had advice from the government that the involvement of young people in these operations is of benefit to the broader scheme, because it acts as a potential deterrent. My amendment strikes an appropriate balance between protecting the young people involved and ensuring their safety, whilst also protecting the integrity of the government's scheme. To save time I will talk the chamber through those amendments now during the second reading stage, so that I do not have to do so in committee.

The Greens are proposing that a designated person—that is, a person who can participate in a controlled purchase operation—means a child who is or above the age of 16 years, so in effect it restricts the participation in these activities to 16 and 17 year olds. It makes clear that the minister cannot authorise a designated person to be a controlled purchase officer unless the parent or legal guardian of the person has consented in writing.

The third very important element, which I think points to the issue the Hon. Frank Pangallo raised, is that the authorised officer responsible for supervising any controlled purchase operation involving a designated person—that is, someone who is 16 or 17—will be required to undertake an assessment of the operation and must ensure that appropriate measures are in place to ensure the safety of the designated person during that operation.

I think that should allay some of the concerns honourable members have. It certainly allays the concerns the Greens had when we heard about the involvement of young people in these potential sting operations. I am encouraged by the comments made at the second reading stage that indicate there is broad support in this chamber for that approach.

The Hon. S.L. GAME (17:32): I rise briefly to speak on the Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Bill 2024. This bill outlines the South Australian government's approach to health risks associated with tobacco/e-cigarette products. It also aligns South Australian legislation with recent commonwealth reforms facilitating a coordinated approach to the sale and use of these products.

The bill establishes new requirements for both retail and wholesale licences to sell tobacco and e-cigarette products. Conditions to obtaining a licence have been tightened, including consideration of the applicant's criminal background. The bill prohibits the sale, supply and possession of non-therapeutic vaping products and explicitly bans the sale of any e-cigarette or tobacco product to minors, as well as imposing significant penalties for violations, both for individuals and businesses.

There are increased restrictions on smoking in public spaces, and the bill increases penalties for various violations, as well as increasing enforcement and compliance operations through the seizure of prohibited goods and products. We support any measures aimed at stopping minors from smoking or vaping and support anything that will stop illegal trade and the importation of products that contain unknown contents. However, I reiterate to the chamber that I believe regulated vaping products should be available anywhere that cigarettes are available. I do not support limiting the supply of regulated vaping products.

The Hon. C. BONAROS (17:34): I rise today to speak on the Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Bill and affirm support for this legislation. Members will be acutely aware, particularly given the passage of my bill last year, that we have been warning about the risk associated with illicit tobacco for some time, even foreseeing the dangerous tobacco wars we are now witnessing. I hate to say, 'I told you so,' but I told you so.

When I introduced that bill last year that resulted in those significant penalties, I remember having these discussions very vividly and even the laughs that were had at the warnings of the criminal organisation elements that we are seeing almost daily today here in Adelaide—the standover tactics, the extortion and the bombings. Those warnings were not new at the time that I introduced these proposals last year. They were warnings that had existed for at least, I would say, five years, but the response simply was not there, so I am extraordinarily pleased that the government has finally seen the light and come to us with this bill.

The rise in illicit tobacco sales and conflicts surrounding it is no longer just a distant, Melbourne issue. It is happening here in Adelaide, as we have said, right on our doorstep. They are bold and brutal. When you consider that in the past the penalties and risks were way less than the penalties—significantly less; we are talking about a slap on the wrist, a \$500 fine, at best a \$10,000 penalty—if indeed there was a prosecution, which there had never been, then it is easy to understand why. As I said at the time, this was a market that was absolutely more lucrative than methamphetamine. It was a market that was absolutely more lucrative and less risky for those involved in the trade of illicit tobacco and vapes.

I am pleased to see now that the government is taking steps following the passage of that bill last year, which paved the way for today's reforms. I am pleased particularly to see the announcement at budget time for funds. I keep quoting the figure, but it is about \$16.9 million, just shy of \$17 million, towards enforcement, which of course was the last piece of the puzzle in dealing with this issue.

With responsibility now allocated to a dedicated team at Consumer and Business Services, the government is taking this issue seriously. Importantly, the police are now taking this issue very seriously and, indeed, are having to respond to these issues as they break out on our streets. This move is crucial in enforcing and monitoring our laws and finally providing the structure we need to address these issues.

During last year's debate on that bill that I introduced in this place, I did argue that our laws needed strengthening both as a deterrent and as a penalty against those who exploit loopholes to profit without paying taxes or ensuring necessary product safeguards. At the time that I introduced that bill and spoke on this, across Australia every year we were looking at \$5.9 billion in lost GST. I am sure that number has exploded since then. So that is what we were losing then to the sale of illicit tobacco and vapes across Australia, and that is money that should have been going towards our roads, hospitals, schools and infrastructure.

The bill does just that. It seeks to dramatically increase penalties once again for those who take part in this activity. It also moves to ban the supply of e-cigarettes to minors, a step that is sorely missed. We know that vaping among young people has become a far more pervasive issue than many realise. It is not a small or isolated problem. We have allowed it to reach a scale where, shockingly, an entire underground market for e-cigarettes has emerged, with sales facilitated through platforms like Snapchat and targeted directly at our kids. It is not that hard to get your hands on a vape. It is not that hard to get your hands on these things and on-sell them to other kids. It is reported that around 15 per cent of people aged 15 to 29 are vaping, and that should fill us all with horror and dread. I actually suspect that figure may be significantly underestimated.

Let me tell you this firsthand: the black market price of a vape has absolutely skyrocketed here in Adelaide. A vape that cost you \$45 a few months ago is now selling on that black market for about \$75 to \$80. The risk that we have to address and be very careful about there is that we do not turn kids away from vaping because it is too expensive and back to cigarettes, which are only moderately cheaper.

The fact that you can actually pick up a packet of these cigarettes at any outlet across South Australia, whether it is metro-based or regional-based—I think at last count I had a list of about 75 of 76 of these outlets—for as little as \$15 compared with a packet of regulated cigarettes, which will set you back about \$50, is very concerning. But at the same time, what we do not want is for kids to turn away from a vape because it is going to set them back \$80 and turn towards a packet of cigarettes that is only going to cost them \$15 or \$20. That is a risk that I think the government needs to have front and centre of its mind as we continue to tackle this issue.

We have a generation of young people experimenting with unknown chemicals and taking on risks they barely understand, often encouraged by peer pressure. Any steps we can take—and we need to be taking all those steps—to limit the availability are necessary and welcome.

I think it is heartening to see the AMA (SA) express clear written support for these measures. The support of our medical community reflects a widespread understanding of the long-term health costs and dangers associated with tobacco and e-cigarettes.

We have seen the power of strong public health policies and the reduction of smoking over the years. Smoke-free areas and advertising restrictions, expanded further by this bill, are just a couple of examples that have shifted smoking culture in our society. I still remember, as I am sure many honourable members do, a time when you could smoke at a restaurant, a pub, a club, or a nightclub. You cannot even imagine that happening today. We have certainly come a long way but we cannot become complacent, particularly with new threats emerging.

If you need any convincing of that, I will just refer back to the time when I worked in the senate and we were in the middle of the negotiations that were taking place—Minister Hunt was the minister at the time—for the TGA approval for vapes. I met with one of the biggest tobacco suppliers. I will not name them. So lucrative was the market for the legal, regulated products, let alone the unregulated products, that this tobacco company actually said to me that they had a strategic policy of moving entirely out of tobacco and into vapes. That is how big a market we are talking about.

It is one that comes with a lot of health risks that we just did not understand or comprehend. That is now compounded by the fact that we have this illicit tobacco vape trade where we simply do not know what people are ingesting, so it is very important that we keep on top of both: the tobacco and the vapes.

The message from the public is equally clear. There is strong support for tougher measures to protect the health of South Australians, especially our young people. The public expect us to take decisive action to curb behaviours that are detrimental to our health, and today we have a clear opportunity to do so. I, like other honourable members in this place, am extremely happy to see the introduction of this bill.

With respect to the amendments, I will say I appreciate and am understanding that there is support for the Hon. Rob Simms' proposal, which is a bit of a compromise in terms of how we deal with minors who may go into premises to attempt to buy one of these products. I will wait until we get to that stage of the debate, but I understand the Hon. Rob Simms has in effect tried to find that middle ground in terms of saying that they cannot do it at all versus providing some parameters around when we can have minors entering premises to attempt to buy those vapes.

Again, I assure you it is not that hard. It is not that hard to go into one of these places. I thought it would be; it is absolutely not that hard. I still have a bucket downstairs in my office, full of all the illicit tobacco that I have managed to collect from lots of places across South Australia. I have sent plenty of photos to the minister.

An honourable member: Where is this?

The Hon. C. BONAROS: In my office. It is extraordinary; it is absolutely extraordinary what you can get your hands on. I think the most impressive packet in that bucket, and I have the price of this because I paid for them—it is not illegal to purchase; it is illegal to sell—is a packet of cigarettes, a carton, labelled 666 or 777, I cannot remember what it is called. It looks like a packet; it even has the little silver lining. Inside that are 24 rolled cigarettes. They look professional. That is chop-chop. It is chop-chop that someone here in the backyard of a factory or a house, or wherever it is, has meticulously rolled into a cigarette. They have made the boxes, they have placed the cigarettes inside and the silver paper is there.

I purchased that packet of cigarettes for \$12. If I had gone to an outlet to buy an equivalent packet of cigarettes, I would have paid between \$58 and \$70 for the same packet of cigarettes. You can absolutely understand why this is so lucrative and why we need these laws to come into place. With that, I support the second reading of this bill and commend the minister for his patience every time I sent him a photo of the cigarettes that I have managed to collect and which are in my office.

The Hon. E.S. BOURKE (17:46): I rise to support this bill. We have made significant progress in South Australia, as many members of this chamber have said, in reducing the prevalence of smoking in our community. Looking back to a time when a majority of people smoked and being exposed to someone else's smoke was a fact of daily life, we can be thankful that has changed.

However, smoking is an addiction that some South Australians still maintain, and it remains a very significant public health challenge. It has a huge impact on the health of the individuals who smoke and it creates a significant demand on our health system, being estimated to cost our system more than \$2 billion every year.

Recent data tells us that that 8.7 per cent of South Australians over the age of 15 years are smokers. We would hope to see a lower figure, but there is encouraging data from the Australian Institute of Health and Welfare showing that the proportion of people aged 14 and over who smoke daily across Australia has dropped from 24 per cent in 1991 to 8.3 per cent in 2022-23. The proportion of people who have never smoked has also risen over the same period, from 49 per cent in 1991 to 65 per cent in 2022-23.

However, in recent years a new public health issue has arisen: the use of e-cigarettes. These devices are commonly known as vapes, and their use is increasing, particularly among young people. Data tells us that vape use in South Australia nearly doubled over just one year among people aged 15 to 29, from 8.4 per cent of people in that age group in 2022 to 15.1 per cent in 2023. For the first time, there are more e-cigarette users than there are smokers among persons in this age group.

Research released late last year by the 'Australian secondary school students' alcohol and drug survey' revealed high school students' rapid uptake of vaping. Since 2017, the percentage of secondary school students across Australia reporting vaping has increased from 4 per cent to 16 per cent. We know that e-cigarette use is also rising among people aged 30 to 59, up from 3.1 per cent in 2022 to 6.7 per cent in 2023.

Vaping can be part of a pathway to help people quit smoking tobacco cigarettes, but clear evidence now tells us that vaping carries its own highly significant health risks. It is quite disappointing to see data suggesting that young people who vape in fact become five times more likely to take up tobacco smoking.

Vapes contain harmful chemicals, heavy metals and toxins found in products such as weed killer, batteries and bug spray. The Malinauskas government is passionate about addressing this growing public health concern. We have seen reforms by the commonwealth government that include:

- regulation regarding flavours, colours and other ingredients;
- requiring pharmaceutical-like packaging; and
- reducing the permitted nicotine content and volume.

The South Australian government has also taken actions to address the growing public health concern of vaping, including:

- running advertising campaigns about vaping across radio, outdoor and social media platforms;
- supporting schools with an education campaign, resources and staff training to help discourage young ones from taking up vaping; and
- introducing new vape and smoke-free areas, which commenced on 1 March 2024, and banning vaping and smoking in a variety of public areas.

The South Australian government seeks to continue our work through the measures included in this bill before us. This bill seeks to amend the act to align South Australia's legislation with the commonwealth legislation as part of the national vaping legislative reforms passed by the Australian parliament in June 2024. This includes creating an offence for the sale and supply of non-therapeutic vaping products and prohibited nicotine products.

This bill also proposes to address a number of requirements that many members have already gone through, but I would also like to highlight a few that have not been suggested already, like banning vending machine sales of tobacco products in public areas, a new authority to ban novel products which are marketed as alternatives to vapes, and creating smoke-free and vape-free buffer zones, which I think have been suggested already by other members.

The increasing prevalence of illicit tobacco being sold across Australia is also of concern. This was raised, obviously, by the Hon. Connie Bonaros, and it is also why the Malinauskas government has committed a further \$16 million over the next four years to tackle this illicit tobacco trade and to take action against anyone seeking to sell e-cigarette products to children and young people.

From July 2024 Consumer and Business Services assumed responsibility of licensing and enforcement functions related to illegal sales of e-cigarettes and illicit tobacco. They are now responsible for assessing new licence applications as well as ensuring existing licensees are complying with the law and investigating and prosecuting offenders.

Law reforms play an important role in driving down the prevalence of smoking and vaping, but it is also important that we provide pathways to make quitting smoking and vaping more accessible. Our government recognises the importance of preventive measures, which is why we made the commitment to create a new, independent agency, called Preventive Health SA. Its mandate is to develop evidence-based programs and policies to keep South Australians healthy. Tobacco and vaping are key priority areas for this new agency. The work of Preventive Health SA includes the development of new and innovative public campaigns aimed at motivating smokers and vapers to quit and is targeting young people to be more informed about the dangers of vaping.

This is an important bill, as all members have highlighted, and one that our community expects. I recognise the significant work that Preventive Health SA and the department have put into this and also the staff and the minister himself. As has been suggested in this chamber, the minister has had a leading advocacy role in this space in changing and shifting the culture of smoking in Australia and one that should be recognised by all.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:53): I thank all members for their contributions. I look forward to the committee stage and, for the sake of the ease of the committee stage, I might indicate that the government will be supporting the amendments put forward by the Hon. Robert Simms.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 38 passed.

Clause 39.

The CHAIR: At clause 39, there are amendments in the names of the Hon. Mr Simms and the Hon. Ben Hood. The Hon. Mr Simms, my understanding is that all your amendments are basically consequential. Would you like to move all the amendments standing in your name?

The Hon. R.A. SIMMS: If that is agreeable to you, Chair, yes. I am happy to move them.

The CHAIR: It is certainly agreeable to the Black Rod, and I always listen to the Black Rod.

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

Amendment No 1 [Simms–1]—

Page 32, after line 15 [clause 39, inserted section 69A]—After the definition of *controlled purchase operation* insert:

designated person means a child who is of or above the age of 16 years;

Amendment No 2 [Simms–1]—

Page 32, line 20 [clause 39, inserted section 69B(1)]—Delete 'a person who is under the age of 18 years' and substitute:

, subject to subsection (1a), a designated person

Amendment No 3 [Simms–1]—

Page 32, after line 21 [clause 39, inserted section 69B]—After subsection (1) insert:

(1a) The Minister must not authorise a designated person to be a controlled purchase officer unless the parent or legal guardian of the person has consented in writing to the proposed authorisation.

Amendment No 4 [Simms–1]—

Page 32, after line 37 [clause 39, inserted section 69C]—After subsection (1) insert:

(1a) An authorised officer responsible for supervising a controlled purchase operation involving a designated person must undertake an assessment of the operation and must ensure that appropriate measures are in place to ensure the safety of the designated person during the operation.

Amendment No 5 [Simms–1]—

Page 32, line 38 [clause 39, inserted section 69C(2)]—Delete 'under the age of 18 years' and substitute 'a designated person'

The Hon. K.J. MAHER: I indicate that we will be supporting these amendments. The amendments will allow the controlled purchase operations to occur as intended by the government's original bill. We acknowledge that minors aged 16 to 18 years of age are the primary intended cohort that would be used in such operations. We thank the Hon. Mr Simms for bringing these amendments, and we will be supporting these and the related amendments that follow.

Amendments carried.

The Hon. B.R. HOOD: I move:

Amendment No 1 [Hood–2]—

Page 33, line 28 [clause 39, inserted section 69CB(3)]—After 'given to' insert:

the owner of the premises and

I appreciate that these amendments have come very late, but these amendments seek to ensure that a landlord who has a tenant who is subject to an interim closure order is informed that the interim closure order has been issued to the tenant once that order has been issued and to provide grounds for the landlord to terminate a lease if the interim closure order is issued on the tenant and, in exercising any right to terminate the lease on the above grounds, the landlord is not in breach of any provision of the Retail and Commercial Leases Act 1995 and their rights and obligations under the act are not adversely affected.

Essentially, the bill does not currently have any requirement for a landlord to be notified that the tenant has been subject to an interim closure order. It also means that a retail space could essentially be left closed for up to six months without the landlord being able to terminate the lease. Again, these amendments hope to strengthen the bill and make it more effective in respect to businesses found to be trading illegal tobacco and nicotine products, that there are some protections for the landlord.

The Hon. K.J. MAHER: I thank the honourable member for his amendment. I appreciate the intention behind the amendment, but the government will not be supporting it. It is the government's view that this amendment would defeat the purpose of the interim closure order as it would take time to locate the property owner. Giving notice to the person apparently in charge or posting a notice in a conspicuous place, for example a shop door, will enable a speedy closure.

I think the member will appreciate knowing that I am advised that CBS will develop a policy that will include writing to the landlord or property manager advising that the retail premises is subject to a closure order, but importantly, this will not hold up the issuing of the order in accordance with the act.

The Hon. I.K. HUNTER: I rise just to remind honourable members of the processes involved in putting up amendments at a late stage. Members should be aware that if amendments come forward after the time of our party room meeting they will not be considered by us, particularly in the case when the minister is involved and not members of this chamber, but generally as well. We need to have the authority of the cabinet to approve these things and if they do not come to our party room in time we will not be supporting them, regardless of the merits.

The Hon. L.A. Henderson: Mr Whip, I will remind you of your amendment last Wednesday.

The CHAIR: Order!

The Hon. R.A. SIMMS: I indicate on behalf of the Greens that we will not be supporting these amendments. As has been acknowledged by the honourable member, they were filed quite late. We have not had an opportunity to consider the implications of the amendments in a fulsome way, but I am persuaded by the government's advice that there is a risk that these amendments could undermine the intention behind the scheme. That is certainly not something the Greens want to do. On that basis, we will not be supporting the amendments.

The Hon. C. BONAROS: I rise to indicate the same, and indeed echo what the Hon. Rob Simms has said in relation to not supporting these amendments. I do note that the government has said that a guideline will be established to deal with this issue of notifying people. We would not want to do anything, certainly, that stands in the way of one of those orders, particularly where it prevents one of these premises from being fire-bombed, for instance.

I think the issue the Hon. Ben Hood has raised is in effect going to be addressed through the guidelines that the Attorney has just foreshadowed, and on that basis I am satisfied that we will deal with this issue appropriately, without any of the unintended consequences that the amendment may give rise to.

Amendment negated.

The CHAIR: The Hon. Ben Hood, you have another amendment which we believe is consequential.

The Hon. B.R. HOOD: It is consequential.

Clause as amended passed.

Remaining clauses (40 to 53), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (18:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PREVENTIVE HEALTH SA BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

OFFICE FOR EARLY CHILDHOOD DEVELOPMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 18:03 the council adjourned until Wednesday 30 October 2024 at 14:15.

*Answers to Questions***CHILD PROTECTION**

In reply to **the Hon. T.A. FRANKS** (10 September 2024).

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

The Department for Child Protection maintains a monitoring system to track progress against all child protection related external review and inquiry recommendations, including recommendations made by the Coroner.

The department coordinates the implementation of individual recommendations across its various directorates and with other agencies as appropriate.

As required by section 25(5) of the Coroners Act 2003, the Department for Child Protection reports on recommendations directed to the department or the Minister for Child Protection.

CHILD PROTECTION

In reply to **the Hon. C. BONAROS** (10 September 2024).

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

Since June 2021, the Coroners Act 2003 has required the state government to table in parliament a formal response to recommendations made by the Coroner.

Additionally, covering the period 2010 to 2022, child protection expert Ms Kate Alexander undertook a review of the government's implementation of coronial inquest recommendations, among other external recommendations, relating to child protection. Ms Alexander's report entitled 'Trust in Culture: A review of child protection in South Australia' was released in November 2022.

PORTABLE LONG SERVICE LEAVE

In reply to **the Hon. H.M. GIROLAMO** (10 September 2024).

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

More than 100 individuals and organisations were consulted through round tables, the release of draft legislation for comment, participation in sector forums, and the release of sector updates outlining changes to draft legislation based on stakeholder feedback.

Submissions on draft legislation were received from the following organisations:

- Ai Group
- Australian Services Union
- Brain Injury SA
- Centacare
- Child And Family Focus SA
- Construction Industry Long Service Leave Board
- Department of Human Services
- Hepatitis SA
- Law Society of SA
- National Disability Services
- Office of the Commissioner for Public Sector Employment
- Recruitment, Consulting and Staffing Association
- SA Business Chamber
- SA Council of Social Service
- Shared Services SA
- Small Business Commissioner SA

Sector forums hosted by the SA Council of Social Service which were attended by a significant number of individuals and organisations other than those outlined above, however an attendance list for these forums is not available.

PUBLIC SCHOOL FUNDING

In reply to **the Hon. R.A. SIMMS** (25 September 2024).

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

Full funding for every school is crucial to achieving a more equitable education system.

I have been actively advocating for the full funding of public schools since becoming the Minister for Education, having made a commitment in opposition to do so.

The Malinauskas Labor government is focused on ensuring the next school reform agreement will fund South Australian public schools at 100 per cent of the Schooling Resource Standard.

Our government is committed to renegotiating the next school reform agreement to ensure all South Australian schools, including public schools, receive their full and fair funding levels.

EDUCATIONAL OUTCOMES FOR BOYS

In reply to **the Hon. S.L. GAME** (25 September 2024).

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

There is no evidence to suggest that the gender of a child's early education teacher has any influence on levels of education attainment later in life. Our early childhood workforce should be celebrated for their dedication to providing all children, regardless of their gender, the best possible start in life.

The Malinauskas Labor government is investing a record \$96.6 million over four years to grow and support South Australia's early childhood workforce and provide support for quality teaching and learning in preparation for universal three-year-old preschool delivery. This unprecedented investment will facilitate new approaches to develop a more diverse workforce, including consideration of age, gender, culture and abilities of educators and teachers.

Further information can be found at:

https://www.earlychildhood.sa.gov.au/__data/assets/pdf_file/0004/922477/Early-Childhood-Workforce-Strategy.pdf

The Malinauskas Labor government is also delivering a \$2 million election commitment for 400 teaching scholarships to get more male primary school teachers in the profession, along with other under-represented groups.

Various awards and recognition programs run by state government agencies celebrate those who make a significant contribution to our state. Award recipients are positive role models for children and young people, highlighting that gender is no barrier to achieving their full potential. This includes the Public Education Awards, celebrating the success of staff in public education and promoting them as role models for children and young people.