HOUSE OF ASSEMBLY

Wednesday, 22 July 2020

The SPEAKER (Hon. V.A. Tarzia) took the chair at 10:30 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which the parliament is assembled and the custodians of the sacred lands of our state.

Bills

SENTENCING (REDUCTION OF SENTENCES) AMENDMENT BILL

Introduction and First Reading

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (10:32): Obtained leave and introduced a bill for an act to amend the Sentencing Act 2017. Read a first time.

Standing Orders Suspension

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (10:32): I move:

That standing orders be so far suspended as to enable the bill to pass through all remaining stages without delay.

The house divided on the motion:

Ayes.....21
Noes 23
Majority 2

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Knoll, S.K.	Luethen, P.
Marshall, S.S.	McBride, N.	Murray, S.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Power, C.	Sanderson, R.	Speirs, D.J.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

Motion thus negatived.

Second Reading

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (10:39): I move:

That this bill be now read a second time.

I rise to talk to the Sentencing (Reduction of Sentences) Amendment Bill, which the South Australian parliamentary Labor Party believes should be an absolute priority of the parliament. I would like to

put on the record our disappointment that the government decided to vote against the suspension of standing orders so as to enable the swift passage of this bill through the parliament.

We on this side of the chamber believe that nothing is more important than our obligation to protect the children within our community. Nothing is more important than providing parents with the confidence that their parliamentarians—the people in positions of leadership—are acting swiftly and expeditiously to make sure that the laws of the land are strong and protect everybody against those who would do them harm.

That obligation goes beyond the protection of children; it goes to protecting the community against other would-be offenders of serious categories of offences. I think that is particularly pertinent in light of recent stories that have appeared in the media and shocked many South Australians and concerned us all. The objectives of the bill are simple: community safety and confidence in our justice system. It achieves these objectives by reforming the current sentencing reduction scheme set out in section 40 of the Sentencing Act 2017. This scheme applies when an offender pleads guilty to an offence and the matter does not go to trial.

Offenders can receive a discount of up to 40 per cent, with the amount reducing in steps down to 10 per cent depending on how early a person pleads guilty. This bill will reduce the maximum level of discount by five percentage points across the board for guilty pleas to indictable offences. For the most serious offences, the bill goes even further by reducing the discount by another 10 percentage points. This means that child sex offenders like Mr Bahrami can only receive a 25 per cent discount instead of a 40 per cent discount.

This serious category will include murder, rape, causing death or serious injury by use of a vehicle, and sexual offences. Most importantly, it will cover sexual offences against children and the sexual exploitation of children. The recent sentence handed down to Mr Bahrami for the aggravated indecent assault of a 10-year-old girl is a tragic illustration. Bahrami will be entitled to release around April 2022. We cannot afford for this to be repeated. Not only that, but this is an example that should never have happened.

The government has sat on the report of a retired Supreme Court justice for more than one year. This Attorney-General has sat on this report for more than one year. She has somehow tried to blame COVID-19 as an excuse for this, but COVID-19 has not prevented the Attorney-General from prioritising the ability of SCs to change their titles to QCs. This matter, however, somehow escapes the ability of the Attorney-General to respond to that report.

It was only after Labor announced that it would legislate and sent a copy of our bill to the government that it promised to do the same. Yet again, the Attorney-General is following the lead of Labor; however, we still have not seen the government's bill. This is just another example of all talk from an Attorney-General who prefers to deal with gift card legislation and titles for senior lawyers rather than community safety. The community expects and deserves better.

Labor has brought this bill because the government has failed to act on this issue and bring its own bill to the parliament. The government has a report that it commissioned in September 2018 and was provided to the Attorney-General in June 2019. What Labor seeks to do in this bill is act on the recommendations of the government's own report.

The report was prepared by the experienced and well-respected Brian Martin QC. Mr Martin holds an Order of Australia, is a former judge of the Supreme Court of South Australia and later a chief justice of the Northern Territory. The report makes 12 recommendations for changes to the Sentencing Act and those changes encompass a wholesale reduction of discounts. In the report, Mr Martin makes the following observation:

> It is apparent from my conclusions that, in my view, the sentence reduction scheme is not meeting community expectations and is a source of disquiet among reasonably minded members of the community. Further, in respect of major indictable matters, the scheme has not achieved the appropriate balance between the benefit to the community of an early plea of guilty, and the need to ensure that offenders are adequately punished and held accountable to the community. However, it must be recognised that the disenchantment with the current maximum percentages is primarily experienced in cases of serious crimes.

The report also considers that the current maximum is too high and states:

…there is a widespread view within the community that, put simply, 40% is too high. This is a major source of distress for victims.

What has the government and, in particular, the Attorney-General done with this report and its 12 recommendations? The short answer is absolutely nothing. Apparently, they are consulting on a draft bill and the Attorney-General, as I said, claims that COVID-19 is the source of the delay. Where are the priorities from the Attorney-General in regard to community safety? Labor has supported the government at every turn in other areas.

The Attorney-General is pressing ahead with the Legal Practitioners (Senior and Queen's Counsel) Amendment Bill 2020 because there is potential confusion about titles for senior lawyers. During the COVID-19 period, most bill briefings from the government have involved a videoconference with a ministerial staffer and a representative from the department. For that bill, the Attorney-General walked from her ministerial suite on Pirie Street to Parliament House to personally assure the opposition that the bill was not her priority. The bill was not her priority, yet it demanded her walking from Pirie Street to parliament to make that statement.

The government then sought to progress that bill at every opportunity—so prioritising changing titles while community safety comes second. She has made no mention of reports from retired judges about sentencing reform. This shows the government's true colours: if you are a group of well-connected professionals, then you get a bill into parliament ASAP, but if you are a victim of a child sex offence the perpetrator can get out early because the government has other priorities.

Instead of acting on a report that gathered dust in her in-tray for more than a year, the Attorney-General took the extraordinary step of blaming judges. She called out judges, and I quote:

…for failing to exercise flexibility in sentencing and giving criminals 40 per cent discounts almost without exception.

It is a brave Attorney-General who criticises the judiciary when she could have fixed the problem at any time in the past year. We have seen the government this week blame administrative errors for potentially illegally claiming tens of thousands of dollars in taxpayer funds, but they are just following the Attorney's example of not taking personal responsibility for their actions.

The Martin report recognised that sentencing judges require some additional guidance in implementing the sentencing reduction scheme and made recommendations to that effect. Labor's bill acts on these recommendations. This means that, even when offenders plead guilty early enough to qualify for the lower maximum of 25 per cent, they may get less. The bill requires consideration of matters such as the offender's reason for pleading, the strength of the prosecution care and prior offending.

Finally, on the recommendation of Brian Martin, the bill empowers the court to increase the percentage reduction by up to 5 per cent in rare and exceptional circumstances. Again, consistent with the expert advice, the new reductions will only apply to the District Court and Supreme Court, which hear indictable offences. The Magistrates Court will retain the current maximum discount levels for less serious summary matters.

The government has an opportunity to fix this today. By passing this bill, Labor seeks to prevent another appalling sentencing outcome like the Bahrami case. If the parliament supports the bill, we can achieve this by the end of the week, before we rise for the winter break. If the government is against us on this bill, then it is on their heads if another case like Bahrami comes before the courts before this is fixed. Labor told the community our plan. Labor gave our bill to the government. Labor is standing here today to protect the community. All we need is the government to stand up and support sensible reforms to protect our children and our community.

Upon the advice of the shadow attorney-general, I took the rather unpleasant step of familiarising myself with some of the tragic detail of what occurred in the Bahrami case. I do not intend to explain that or put it on the record in this house because it is sincerely too tragic to mention. All of us in this place, particularly those of us who are parents, understand that children should never be subjected to the sort of horrific crime and tragedy that occurred in a set of Kilburn toilets.

We cannot undo that tragedy, but what we can do is go a long way to making sure that it does not happen again. That is our solemn obligation. That is what that the people in this community

expect of us. It was unfortunate to read in the judge's sentencing remarks a reference to his concern that there was a prospect of reoffending occurring in this matter, which begs the question: how can someone get out in potentially less than two years' time?

If you were familiar with what Bahrami did, if you were familiar with the depth of the tragedy that has been imposed upon that 10-year-old girl and others who were made to witness that event, if you were familiar with the fact that the judge is concerned about the risk of reoffending, and you were familiar with the fact that that is all culminating in a potential risk being realised to the community in fewer than two years' time through the release of this individual, then you would feel absolutely compelled to act on this legislation today because any delay is a denial of the tragic reality that this yet may happen again.

These horrific crimes happen and when they happen the parliament needs to be able to say to itself quite honestly that it has done everything it possibly can to ensure that those individuals are in gaol for as long as possible, under the law, to ensure that the community is protected. I have less interest in the desire for retribution than I have in community protection: this government's responsibility, this Attorney-General's solemn obligation to the people who she claims to represent. There is no good reason to not pass this bill today. It is the government's own report that has underpinned the development of this bill. It should be completely bipartisan.

The Attorney-General has put on the public record that she wants to do something about this—well, now she has that chance. She has sat on her hands for in excess of 12 months. She has talked a good game when it became an issue in the media, but now is her opportunity to show her true colours: vote for this bill all the way through, right here and now.

Put the law of the land in place so that people like Bahrami, when they offend again in a serious manner, cannot find themselves released with a 40 per cent discount. Empower the courts to do their job to keep our community safe and we can all go home and rest easy in the knowledge that we have done our jobs. Anything less is a failure of that duty. We will not have it on this side of house; the choice is now yours. I commend the bill to the house.

The Hon. V.A. CHAPMAN: I will make a few brief remarks in relation to why the government will not be supporting this bill.

The SPEAKER: Attorney-General, as per standing order 238—

Members interjecting:

The SPEAKER: Please, members! After the bill is published, the second reading may be moved at once or made an order of the day for a later time. The second reading of the bill is moved immediately after its first reading since the suspension of standing orders did not get up. The debate on the bill is at once adjourned until a future day. So, at this point in time, we must adjourn.

The Hon. V.A. CHAPMAN: Okay, I am happy with that. Thank you.

The Hon. S.C. Mullighan: The library has some Benny Hill music, if you'd like me to get it for you.

The SPEAKER: Member for Lee, I am trying to sort this out, thank you.

Debate adjourned on motion of Mr Pederick.

Parliamentary Procedure

SITTINGS AND BUSINESS

Mr BROWN (Playford) (10:54): I move:

That the time allocated for Private Members Business, Bills, be extended until 12.15pm.

Motion carried.

Mr BROWN: I move:

That Private Members Business, Bills, Order of the Day Nos 1 to 34 be postponed and taken into consideration after Order of the Day No. 35.

The SPEAKER: I think the noes have it. Call it for the noes; we have no division.

Mr Brown: Divide!

The SPEAKER: For the avoidance of any doubt, I did hear something. It has now been clarified that it was a division call, so we will have the division. Please ring the bells.

The house divided on the motion:

Ayes.....21
Noes 24
Majority 3

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Power, C.	Sanderson, R.
Speirs, D.J.	Teague, J.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

Motion thus negatived.

Bills

HEALTH CARE (SAFE ACCESS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 June 2020.)

The Hon. G.G. BROCK (Frome) (11:03): I will be very quick because I know there could be other speakers. As I indicated last time, I have some friends who have been personally involved with safe access into these clinics. It has been traumatic enough for them to make that decision at the start without having to be confronted by people outside these clinics actually putting more pressure on them.

There are a lot of things I could say, but I do support this bill. I also support the right of young women to make the ultimate decision in regard to these things. As I said, the decisions made sometimes come back, but it is a decision they are making at that particular time. If anything, I would rather see far more services for young women to enable them to have some direct consultation, some commitment, to talk about these issues.

Unfortunately, these things have been happening for many, many years and they will continue to happen, but I do support this bill. I also support the decision that these young women ultimately make. As I said, I have had personal friends who have come to that. I want to reiterate that

a lot of people have said to me, 'Why is this bill happening when the fact is nothing has ever eventuated?' but this is to prevent this happening in the future so, again, I support the bill.

Debate adjourned on motion of Mr Brown.

Parliamentary Procedure

SITTINGS AND BUSINESS

Mr BROWN (Playford) (11:05): I move:

That Private Members Business, Orders of the Day Nos 2 to 34 be postponed and taken into consideration after Private Members Business No. 35.

Motion negatived.

Bills

HEALTH CARE (SAFE ACCESS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms LUETHEN (King) (11:06): I rise to contribute to the Health Care (Safe Access) Amendment Bill 2020. I thank the member for Hurtle Vale for bringing this bill and the Attorney-General for her help in answering my questions so far so that I can best represent my constituents' views. In government, this is a conscience vote and, as usual, I have given careful thought to views shared with me by my community members. I am thankful to those of you in my local community for taking the time to share your views on this important topic.

I have received feedback from my constituents for and against this bill. It is my intention to take a position that will take into account the wishes expressed to me by those who have made contributions. Key representations raised for my King electorate include a desire to ensure that we protect the rights of staff and patients to privacy, enabling safe access to any health services without fear of intimidation, harassment or obstruction.

I have had requests that community members will be able to continue to pray silently and requests for the right to freedom of speech and expression. This week, at my regular coffee catch-up a concern was raised whether the businesses surrounding these premises will still be able to effectively operate in the exclusion zone, and it is my understanding that this is so. Lastly, there is a desire that the women accessing these services will have access to appropriate counselling inside the health service locations to help them explore all the options regarding their decision.

The October 2019 SA Law Reform Institute report on abortion notes that SA Health services and the Pregnancy Advisory Centre provide support and decision-making regarding all reproductive options. I have had a request from the Australian Christian Lobby to consider support of silent prayer, restricting the legislation to only the Woodville site, and support for people to display written signs offering assistance.

I have closely read the abovementioned 2019 law reform abortion report and examined the bill to see how it supports all the representations made to me by my King community, and I have also considered what I myself can support as a conscience vote. It is my understanding that the bill aims to establish exclusion zones (health access zones) of at least 150 metres around protected premises. It is my understanding from my discussions with the Attorney-General that changes have been made to the current bill we are now considering to make it more specific about what types of behaviours are prohibited within the proposed health access zones. As at 16 June 2020, ‘prohibitive behaviour’ means:

(a) to threaten, intimidate or harass another person; or

(b) to obstruct another person approaching, entering or leaving protected premises; or

(c) to record (by any means whatsoever) images of a person approaching, entering or leaving premises; or

(d) to communicate by any means in relation to abortions in a manner that is able to be seen or heard by a person accessing, attempting to access, or leaving protected premises and that is reasonably likely to cause distress or anxiety;

I would certainly never support any persons being harassed, abused or assaulted. It is my understanding from conversations with the Attorney-General that the 2020 bill now mirrors Victoria's legislation, which limits the prohibition on communication within a health access zone to a communication which is 'reasonably likely to cause distress or anxiety'.

I have been advised that whether or not the communication is likely to cause a person distress or anxiety is a matter of fact to be determined objectively. Therefore, my understanding is that the bill in its current form will achieve the desire expressed by some of my constituents to protect people from harassment. It is also my understanding that the bill will support peaceful prayer if those praying do not attempt to communicate in any way with persons accessing these health services.

The safe access zones are proposed to protect the safety and wellbeing and respect the privacy and personal autonomy of persons accessing the services. With reference to freedom of speech, I have obtained information from the Attorney-General's office that the issue of health access zones was considered last year by the High Court in Clubb v Edwards and Preston v Avery 2019. In Clubb v Edwards, the High Court unanimously held Victoria's and Tasmania's health access zone legislation to be constitutionally valid, having found that neither states' laws offended the implied freedom of political communication.

Addressing the additional representations by the Australian Christian Lobby, I do support the proposal to pray silently if this does not interfere in any way with persons coming or going from the health services. Furthermore, it has been expressed to me by those who wish to pray that there is no intention to harass anyone accessing a health service, and I accept the sincerity of the individuals I have spoken personally to.

The Human Rights Law Centre has rightly pointed out that where silent prayer amounts to harassment, intimidation or obstruction it will be appropriately prohibited. I do not support the Australian Christian Lobby's suggestion to offer written signs of assistance to people accessing these health services because the law reform report tells us that the unwelcome nature of such conduct and its adverse effect have been widely noted.

The Human Rights Law Centre has said that many studies have identified the adverse impacts of anti-abortion activities outside clinics on patients and staff, including psychological distress, anger, fear and delays in accessing abortion or post-abortion care, which in turn can increase the risk of health complications. Accessing these services, as with accessing any health service, is a personal decision.

The right to protest must be balanced with other rights and freedoms. They include a right to reproductive health and rights to privacy and personal autonomy. Women should feel safe, secure and unquestioned as they make their decisions regarding their pregnancy. Over two-thirds of the survey respondents to the SALRI submissions supported the introduction of safe access zones. We need less judgement and angst in our world. We need more love, respect, kindness and understanding. We need to work together to find ways to eliminate harassment, abuse, intimidation and assault, especially when people are going about their everyday business accessing a medical centre, hospital, school or sporting facility, or just going to their workplace.

In preparing for this motion, I came across research that stated that 95 to 99 per cent of women surveyed at various times up to three years after a termination reported that this was the right decision for them. For the remaining 1 to 5 per cent who may regret their decision, research says that social stigma and low social support are the primary causes of their misery. This is where people who care deeply about others can offer their assistance and caring support if they know people in their circle of influence who might need their support. Also, there are counselling services that exist for this purpose in South Australia.

As a mother of two, I feel a pregnancy and becoming a mother is perhaps one of the most determinative aspects of a woman's life and, therefore, this must be her choice. It is my experience that often society's expectations about women today are limited by stereotypes, social customs and expectations. Women need to be able to make this choice to access these services unobstructed by

others and, without this right, they do not have the same status as men. I cannot think of any examples of any protests or harassment which take place today to stop a man from accessing a health service. I commend the bill to the house.

The Hon. Z.L. BETTISON (Ramsay) (11:15): I rise to speak in support of the Health Care (Safe Access) Amendment Bill. This bill is about ensuring that women can have safe and private access to pregnancy advice. At its heart, this bill recognises that family planning is health care and that those needing and providing abortion services require and deserve the same respectful and private environment as applies to all other healthcare services.

The legislation is necessary to ensure women and staff can access this essential and sensitive healthcare service without fear, intimidation, harassment or obstruction. This bill, which supports safety for both patients and workers, will align South Australia with other Australian states that have passed similar legislation.

The High Court of Australia has found safe access zone laws to be constitutional and do not unnecessarily burden communication or the right to protest because the laws legitimately protect the safety, wellbeing, privacy and dignity of people accessing pregnancy advisory centres. Safe access zone laws enable the state to fulfil obligations to respect and protect human rights and to provide a safe place of employment under national and international law.

This legislation also protects women from conduct that has been recognised as violence against women. This legislation will prohibit the following behaviour within 150 metres of a pregnancy advisory centre:

- to threaten, intimidate or harass another person;
- to obstruct another person approaching, entering or leaving a protected premises;
- to record images of a person approaching, entering or leaving protected premises; or
- to communicate, or attempt to communicate, with a person about the subject of abortion.

Given that these protected premises are South Australian government health facilities, employing South Australian public servants in the health sector, placing a restriction on such behaviours seems eminently reasonable.

It is not acceptable that women attending a pregnancy advisory centre, whether it be to access an abortion or receive information, counselling or other health-related treatment, should be subjected to the unsolicited views of private individuals when entering or leaving. It is equally not acceptable that South Australian public servants be subjected to the same. The Charles Sturt council has received complaints from the Pregnancy Advisory Centre staff, visitors and local residents about protesters intimidating and harassing, blocking pedestrian access into the centre, displaying 'offensive' images and placing signage upon local private property.

Recently, the South Australian Law Reform Institute investigated safe access zones and this report made recommendations. This bill aims to legislate these recommendations, offering protections for staff, visitors and, most importantly, patients of pregnancy advisory centres. It brings South Australia into line with national standards. I commend the bill to the house.

Mr COWDREY (Colton) (11:19): I rise to give a brief contribution and to keep my community informed on this issue. I intend to vote in support of the bill at the second reading to continue debate. I will also be taking the opportunity in committee to ask a range of questions on behalf of members of my community. I am also interested in understanding the practical implications and operation of the bill in a local context. I will then provide a further and more fulsome contribution regarding my position at the third reading.

Mr SZAKACS (Cheltenham) (11:20): I rise briefly to put on the record my support for this bill as the local member for an area where this will have an acute effect on people's lives. I rise as a local member who does not have a lived experience of the harassment that these workers and women face on a daily basis attending this clinic, but that does not change my resolve to always use my voice in this house to stand up for workers' and women's rights broadly, particularly when it comes to accessing safe and accessible health care.

It also bemuses me that we sit in purgatory sometimes with these social issues, particularly what is a genuinely difficult issue around matters of life, but it always strikes me that, if this was an issue that was affecting men, this would have been done a decade ago. If this was an issue that had protesters harassing men who were seeking a vasectomy, we would not be standing here trying to debate the merits or otherwise of prayer or silent prayer. If this was an issue that was affecting men's contraception, or in fact any of the privileges that men enjoy in our community, this would have been an issue dealt with by now. That is why it is incumbent upon me as a man in this house to use my voice to wholeheartedly support this issue.

I will not be supporting amendments that seek to carve out the ability for silent prayer, and that is for a couple of reasons; one is that it is very clear in my mind that the carve out of silent prayer is a backhanded and subversive way to codify the right to harass women seeking health care. As the local member, I know the streets around this clinic pretty well. On my count, there are eight Christian churches within a 750-metre radius of this clinic, so if the question is about somewhere to pray I am sure that one of those churches would gladly open their doors in the free and democratic exercise of faith in this country.

A doorstep of an abortion clinic is not the place where I, who was raised a Christian and proudly define myself as a Catholic man, would stand to express my faith. My faith is entirely different from the abomination that we see on the steps of these abortion clinics. I congratulate those women who have stood and continue to fight this issue. I wish we were not having to fight it. I wish I was not standing here to lend my voice of support, but I will and always will.

Mr PATTERSON (Morphett) (11:23): I also acknowledge from the outset of this debate that, anytime in parliament we speak and discuss matters relating to abortion, many people have strongly held views. I received correspondence both for and against this bill in my electorate office and have answered those inquiries.

It is also useful to point out to them that this debate is not about whether abortion should or should not occur. That has been legal under certain circumstances in South Australia since legislation was passed in 1969. As part of that legislation, South Australian residents up to 23 weeks pregnant can have an early medication or surgical abortion in South Australia. That means that people attend pharmacies and public hospitals here in South Australia amongst many other patients, so they are not able to be identified. Where the issue has raised its head, most unfortunately, is at the Pregnancy Advisory Centre, and that is one of the matters this bill seeks to address.

Previous members have spoken of the very difficult and sometimes heartbreaking personal decisions that principally women, but oftentimes also their partners, have to make about whether to have an abortion. In just about every single case, this decision is not a decision taken lightly. In fact, it is an emotional decision that I acknowledge can cause anxiety and grief not only at the time but also long afterwards.

Under these circumstances, I am opposed to behaviour which is threatening, intimidating or harassing towards a person who is entering or leaving a protected premises as defined in this bill, whether they be workers or women or their partners attending the facility. I understand—not through lived experience but through having it explained to me as a local MP—that this behaviour can cause increased distress and anxiety. I have found that most people in the community are of the same view; some of those people may not be in favour of abortions but certainly understand that this behaviour increases anxiety.

I also acknowledge that in prohibiting certain behaviours, this bill will limit the ability of some individuals to express themselves. I am mindful of making decisions on restricting the right to protest. To my way of thinking, this matter is distinct from those rights of public assembly to communicate politically and that we should all seek to protect; rather, it becomes a restriction on the ability to communicate to someone else about a lawful, moral decision made by that individual.

If people are protesting against abortion, it is my belief that it is better to send the message to parliamentarians and the public more broadly and seek to make change via a peaceful, respectful protest—for example, on the steps of parliament—rather than get in the way of, or harass, or cause anxiety to individuals who are making a very difficult decision.

A previous version of this bill placed limits on all forms of communication within a health access zone, which would have had much more serious implications on freedom of speech. These were restrictions that I could not have supported. In terms of what is not classified as prohibited behaviour in a health access zone, the Attorney-General stated in her contribution that people would not be prevented from undertaking silent prayer as a consequence of this amendment bill.

The Minister for Environment and Water seeks to provide certainty in order to avoid any doubt in section 48C by inserting a new paragraph (c) in subsection (2), which would allow people to engage in silent prayer within a health access zone. This would enable people to peacefully and silently provide prayer for individuals as they enter or leave a protected premises. This provides the opportunity for people who feel a heartfelt desire to assist and express their faith.

I support this amended version of the bill, should it get up, which helps provide a balance that is of comfort to many people in our community—a comfort to those who would like to express their faith and care through silent prayer, while at the same time allowing people to enter and leave protected premises with dignity. It ensures that those people—principally women—accessing a legal medical procedure can do so safely and free of additional distress.

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (11:28): I wish to speak very briefly because, as is always the frustration with private members' business, the more we all speak, the less likely we are to actually effect change. I put on record my earnest support for this legislation and for the intent of the legislation. I look forward to further reform in abortion because, although the member for Morphett refers to abortion being legal, it is in fact still in the criminal code and in my view does not belong there.

I wish to put on record that I do not believe that the act of anyone seeking to influence a woman's choice about her pregnancy, and seeking to do that outside the place where difficult decisions are being made and difficult actions are being undertaken, is in any way legitimate freedom of speech. Freedom of speech exists in being able to express your views to the public generally—no problem—but to use that as a form of intimidation is not acceptable.

For me, that translates also to this notion of silent prayer. I do not know what goes on inside people's heads. I cannot say if they are communicating with God or not, and I cannot say whether they are attempting to communicate with God or not, but I can say that if people who are opposed to abortion are sitting and lining a street where a woman must walk past in order to go through one of the most difficult experiences of her life that woman will experience that as intimidation and threat.

I see no reason to excuse it on the basis of a claim to faith. If one has faith, one can communicate with one's god in any location. It does not exempt you from breaking the law. It is not acceptable for an animal rights activist who breaks into a facility and prays to say, 'I'm allowed to be here because I'm praying.' It is not acceptable for someone to break into my house and commit break and enter but say, 'I'm allowed to do that because I'm praying.' The importance of maintaining the respect and dignity for women who are going through this experience is paramount. I therefore will not be falling for the amendment being proposed by the member for Black, the Minister for Environment and Water.

I am open to hearing more about the question of the role of journalists. No-one wants to suppress the right of journalists to stand outside health facilities and report on matters that are of interest to the public, nor does anyone want to see that used by people who are seeking to influence the woman who is walking through the door in a way that dissuades her from making a decision that is hers to make. Therefore, at the moment I am leaning towards supporting the member for Heysen's amendment, but I am interested in making sure that we are preserving the rights of journalists to report legitimately on legitimate matters of public interest, rather than seeking to influence or shame women.

I thank the members who are going to be voting in favour of this and I respect those who choose not to. That is the right we have in a conscience vote and I hope that we are able to proceed with that hastily.

Mr ODENWALDER (Elizabeth) (11:31): I rise to make a very brief contribution. I do not want to delay the passage of this bill nor, indeed, any of the other important matters before us today. This is one of those odd times when we have to find a balance between freedoms and rights on both

sides, and I think both those arguments have been very well expressed over the last few weeks during this debate. I think particularly of the member for West Torrens' contribution in detailing the Labor Party's particular history with freedom of association and freedom of protest, and I think that is a right and a freedom we should always fight jealously for.

Ultimately, in the balance we are talking about today, my vote will come down on the side of the women who are seeking to make these difficult decisions and seeking to implement these difficult decisions for their own health care and for their own lives. I do support this bill. It has not been difficult and I do respect that there are very strongly held views on both sides.

I echo the sentiments of the member for Morphett that this is not a bill about abortion; this is about women's safe and free access to legally acquirable health care and advice. I think we should support that. On balance, the measures in this bill provide that, and the freedoms they limit are worth the rights they confer on these women.

For the same reason, I also do not support the Minister for Environment's amendment to allow an exemption for silent prayer for all the arguments that have been put today. I obviously support people's right to prayer and right to their faith, but I agree entirely with the observations that have been made that if you believe in prayer it can be made anywhere and is as effective in your own home or in your church as it is on the front steps of a clinic.

Again, like the deputy leader, I am unclear entirely how the member for Heysen's amendments will affect this legislation, but I look forward to that debate in the committee stage. Other than that, I support the bill.

Mr MURRAY (Davenport) (11:34): I rise to briefly put on the record my views and the views expressed to me by members of my community in regard to this bill. I reiterate the point of view that this is not a debate about abortion. This is primarily a debate about a balance of rights, and I make it very clear that to me primacy must go to the right of privacy for people accessing what is a legal service. The right of people to do so free of vociferous and objectionable behaviour is, to me, the primary issue we need to focus on.

I am concerned about freedom of expression, and I reiterate and endorse some salient parts of the view of my colleague the member for Cheltenham in terms of our viewpoints, our cultural backgrounds, etc., but again this is not about whether we do or do not believe vis-a-vis abortion. It is primarily about balancing the rights of women who are seeking to access these services with the freedom of expression and, similarly, the freedom of the press.

The balance we strike during our debate will determine for me where I land in relation to this bill. There has been considerable concern in my community about the need for clarity on the way in which the zones are measured. The bill literally reads as if you have, for example, one foot and one arm inside an access zone, then you are deemed to be in it and you are up for $10,000. So it is very, very important that we provide clarity. For example, at the Flinders Medical Centre in particular there is a perception in the community that that whole precinct will be off limits, etc., and there is a determination on the part of many people to have that clarified.

I am particularly concerned about legislation that effectively bans a particular point of view. I note that the legislation enables protests of any sort on a topic other than abortion. It would therefore be quite permissible under the legislation, by way of example, to have a protest mounted, for argument's sake, on the subject of climate change and pillorying and/or criticising those who have used fossil fuel who arrive at the location of this facility. That may seem trite, but the point is that that can be, in my view, an alternative way of providing distress, harassment, etc. I think banning one point of view but enabling conflict and vociferous expression of protest, ostensibly on another subject, is a dangerous path for us to tread.

Similarly, I am opposed to carving out exemptions for so-called freedom of the press, if for no other reason than I think we will find a whole lot of amateur journalists attending the zones—none of them journalists in the strict sense of the word. Again, if we look at the legislation it is fairly relaxed in the way it prescribes what a journalist is. I am, I reiterate, opposed to any form of vociferous, objectionable and in-your-face protests against women accessing these services. As a result, I am supportive of the removal of exemption that is foreshadowed by the member for Heysen.

On balance, if we are to ensure the provision of the right to protest in these zones about a subject other than abortion, I think it is reasonable in terms of redressing that imbalance against people holding a particular point of view. It is not an unreasonable balance to afford people at least the right to be there and pray silently. In the event that there is no support for people being in the zone to pray silently, I cannot see how it is possible to allow any form of protest in these zones against these women for any reason whatsoever. Either we are providing them with privacy or we are not.

As I said, I will determine my final position depending on where we get to with some of those discussions. In so saying, I conclude my remarks.

Mr DULUK (Waite) (11:39): I also rise to speak on the Health Care (Safe Access) Amendment Bill. As many members have already canvassed in this house, we have all received representations from our constituents both for and against the bill as moved by the member for Hurtle Vale. I would like to acknowledge her strong interest in these areas and also the importance for parliament to continue to have these debates because they are very important. Indeed, they go to the heart of why we are here and also why we are here to represent our constituents.

I would like to foreshadow that if this bill passes at second reading, which I expect it to, I will be supporting the amendments as moved by the member for Black in terms of the provision of silent prayer in this legislation. There is a very important debate to be had in society around freedoms, freedom of speech, and of course fundamental freedoms of people to access services that are legal in a non-divisive manner as well, and how we balance that as a parliament versus the basic freedom of association and respectful and peaceful protest.

I know the Attorney-General in her remarks has stated that silent prayer will not be prohibited under this legislation and, as the member for Black said in foreshadowing the movement of his amendment, by enshrining that into this legislation we are ensuring that those assumptions are indeed correct and form part of this legislation. Certainly, at the committee stage I will be supporting the member for Black's amendments.

Mr PICTON (Kaurna) (11:41): I rise to indicate my support for this bill. I thank the people who have contacted me on both sides of the debate for their genuinely held beliefs. Personally, I have always supported a woman's right to choose and I believe that the majority of my electorate do. I also support the need to provide unobstructed access to health services. I understand that this bill involves restrictions; however, on balance, I believe that they are needed for sound reasons.

At its heart, and in its drafting, this bill is about preventing threats, preventing intimidation, preventing harassment and preventing obstruction of those women accessing these services. No threats or intimidation should apply to people in the zone, and I will take that approach at the committee stage as well if the bill is supported.

My personal view of the drafting of this legislation as presented is that silent prayer could occur as long as it does not intimidate, threaten or harass, which are the key tenets of this legislation. Hence, I do not believe that the member for Black's amendment is required or should be supported. I believe it is best that the protection against harassment is very clear in the law.

I indicate that I also therefore agree with the member for Heysen and his proposed amendments, and I agree that if those sections are removed that would provide additional clarity in regard to the protections. I thank people for raising their divergent views. I think it is welcome that we can have this debate, but on balance I will be supporting the legislation.

The Hon. A. PICCOLO (Light) (11:42): I will make a brief contribution. The issue has been well covered by a number of speakers both for and against the proposal. My understanding is that the main objective of this bill is to ensure the safety, wellbeing, privacy and dignity of people accessing abortion services, as well as health professionals and other people providing abortion services. I do not have a difficulty with that principle at all; in fact, in a civil society I think that is quite a reasonable expectation.

I would like to point out that in this clause there are two fundamental principles. There is the principle about a person's right to access services. Debate on this and other matters in the future should not be limited to health services. There is a whole range of other services that people have a

right to access, if they are lawful, and it is important that we remember that in this debate and future debates. Every time we restrict these rights we then open the door for other rights to be also restricted in the future, and that brings me to my second point.

The second principle in this particular clause, which is very important, is effectively the right of assembly. The right of assembly is a fundamental principle in a democratic society, and that right of assembly should also not prohibit other people from exercising their rights as human beings in our society. Therefore, we need to find an appropriate balance.

I am also aware, from the years I have been on this planet, that a number of workers have also had their rights to freely access their workplace affected by protests. It would also be fair to say that a number of people on this side of the chamber may have participated in that behaviour and also actually encouraged that behaviour if they did not agree with those workers going to a certain place of work. That does concern me a bit.

If we are saying that a group of workers should be able to go to their workplace unhindered, no problem. I think it is a fundamental right that people should be able to go to their workplace—whatever the workplace is—unhindered, assuming that the activity is lawful. In this bill we are seeking to carve out a restriction on that right of assembly, and my concern is that passing such proposals opens it up to using the same argument in other workplaces in the future.

Where do we draw the line about that workplace? Is it based on whether or not you think the activities are appropriate? That is a very grey area, and we should think twice about that. Workers do have an absolute right to go to their workplace without intimidation, etc. Workers in health centres have that right as well, and I support that. However, let us not pretend that we do not support contrary behaviour in other places. We have, and we still do; we see it on the television quite regularly. That does puzzle and worry me.

Another concern—and I hope this will be clarified in the committee stage—is that we have heard two views in this bill about the so-called right to silent prayer. Personally I have difficulty with that language, 'the right to prayer'. I do not think anyone has a right to religion above other beliefs. The right to any belief should be protected by law, whether it is a religious belief or a non-religious belief. I do not have a difficulty with that; they should be protected.

I think there are some difficulties with carving out a protection for a 'right to prayer', which in this context may be interpreted as a religious belief. However, having said that, on this issue today I have heard the view expressed that the bill as it stands does provide for the right to silent prayer, but I have also heard people say that they do not support the right to silent prayer. That is a fair position, but my concern is whether or not the bill actually enshrines that. If it does not, will those people who do not believe in the right to prayer move amendments to remove it?

It cannot be both ways. You cannot have a bill that says, yes, it is implied in the bill that you can do it, and therefore you oppose the amendment to clarify that, but at the same time say if that is the case—as I understand the Attorney-General has advised—then you cannot stand here and support the bill without carving that out and removing it. It has to be one or the other.

Based on those questions, which will be answered in the committee stage, I indicate that, while I am not happy with the wording, my preference is to support the minister's amendment for that reason, because it does clarify it. If people want to clarify it, they should clarify it by supporting that amendment or clarify it by moving an amendment to remove it. At the moment it seems that we have two points of view in this debate which oppose each other. It cannot be both, and we need to clarify that. With those comments, I indicate I will support the bill and that I am more than likely to support the amendment put by the minister as well.

Ms COOK (Hurtle Vale) (11:48): I thank all members for their contributions, whether in support or providing alternative views, and look forward to a respectful committee stage. I hope we will not be held up for unnecessary reasons.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. A. PICCOLO: I would like to ask the question I flagged in my second reading speech. Does the definition of 'prohibited behaviour' include silent prayer?

Ms COOK: Any behaviour within the zone that intimidates, harasses or obstructs people attending the premises would be within that scope. No particular other behaviours, other than those intended to cause harm to the people attending the premises, is included in the scope.

The Hon. A. PICCOLO: Just to clarify, if a person was in silent prayer—not obstructing, not intimidating, etc., all the things which the member has already mentioned—that would not constitute 'prohibited behaviour'?

Ms COOK: I would question why anybody needs to loiter within 150 metres of a premises where a healthcare procedure is legally being accessed, but any behaviours being undertaken within that zone will be open to interpretation by the police. If they believe that that person is harassing, obstructing, intimidating or causing harm to the person, that person would be putting themselves at risk. I would suggest that there are millions of hectares of land outside the 150 metres where you can silently pray or do whatever you wish to do. As my mother said, 'God will hear you everywhere.'

Mr DULUK: A point of clarification for the member for Hurtle Vale: in relation to what the member for Light is referring to, is loitering deemed to be silent prayer?

Ms COOK: It is a case-by-case basis, but if the person who is present within the 150-metre zone has designs to intimidate, harass or threaten—imagine if it was your sister or your aunty—then you would consider that to be one of those other behaviours.

Mr COWDREY: Just to be clear, is the test based on the intent of the individual who is within that zone or the person entering the zone and their understanding of that behaviour?

Ms COOK: To clarify, the 'prohibitive behaviour' definition means to threaten, intimidate or harass another person, or obstruct another person approaching, entering or leaving protected premises. It is clearly defined in here, as well as the recording, etc., of images of people; so, that is then to be interpreted under the law. That is the definition. If you are doing any behaviour that causes this, then you put yourself at risk.

The Hon. D.J. SPEIRS: My question is in terms of the occurrence of silent prayer. Who would undertake that interpretation of one of those things that the member for Hurtle Vale mentions, that is, intimidating, threatening, etc? Whose job would it be under this legislation to make that interpretation?

Ms COOK: I think I have already said that, and it would be the police. It is a criminal activity. It is the police.

Mr COWDREY: My question is with regard to the local context of the Woodville area. Obviously, a range of council by-laws are in place at the moment which, in some ways, address some of the concerns regarding this issue from one side of the argument. From a practical perspective, what is the operational change that would be seen from this law? For instance, at the moment those groups that intend being outside that premises have to apply through the council to get a permit to be present in that area.

With the inclusion, I guess, of silent prayer, would you envisage that those people who have applied for a permit would then be able to enter that area, within which they are currently not permitted, if all they are engaging in is silent prayer?

Ms COOK: I think it is pretty clear. I am not sure where the misunderstanding would be. People are free to undertake activities outside the 150 metres. They are not going to be undertaking those activities that are deemed to harass, threaten, intimidate, provoke, whatever, people within that 150 metres. I think it is pretty clear.

The Hon. D.J. SPEIRS: It is certainly not clear, which is why we are asking these questions as parliamentarians. In her second reading speech, the Attorney-General of South Australia said that her view was that silent prayer would be allowed in these safe zones. My question to the member is:

is it the view of the member for Hurtle Vale that silent prayer undertaken in a respectful, silent way would be allowed within these zones, or is her view contrary to the Attorney-General's?

Ms COOK: I am not a spokesperson for the Attorney-General, but what I will say again is that any behaviour—whether it is camping, cooking a barbecue, or whatever—that is designed to or is actually threatening, intimidating, provoking or harassing people attending a legal healthcare premises for the procedure of an abortion or to care for those people, then the interpretation or the judgement is an objective one by the police about what that behaviour is actually doing.

Mr MURRAY: While we are dealing with definitions, I have a question with respect to protected premises. Perhaps the best example of the concern I have and many of my constituents have is if I use Woodville as an example. I am keen to understand where the 150 metres starts and ends at the Woodville site. How is it measured? Is it from the front door, is it from the perimeter, is it from the building in which the abortions are conducted, or is it the site in its totality? I will provide an example to the member for Hurtle Vale. Woodville sits on a 1.6 hectare site. The site is 141 by roughly 114 metres in size.

Ms Cook: I know it is.

Mr MURRAY: Yes. The problem is it is all on one title, so it is not divisible in any legal sense as I understand it. My question is: are we measuring it from the front door? Are we measuring it from the perimeter? Where do the 150 metres start?

Ms COOK: The perimeter.

Mr MURRAY: The perimeter being the natural title; is that right?

Ms COOK: Yes, from the edge of the property. I cannot be more clear, I do not think. I am happy to take you and show you. But it is from the perimeter of the property.

Mr MURRAY: For clarity then, that means by way of example with my own electorate that the entire perimeter of Flinders Medical Centre is the operative boundary, not just inside Flinders itself but the entire perimeter including bus stations and the like which are within 150 metres.

Ms COOK: Thanks for your last question. It is the perimeter of the premises, the perimeter of the property, the edge boundary.

Mr COWDREY: I want to go back to the question again of 'intent' versus 'perceived' in terms of the behaviours that have been outlined as prohibited under the bill. What one person's perception of offensive behaviour is or what one person's interpretation of silent prayer is, whether somebody would be offended by that or not would be different depending on the person walking in the door.

So if we are leaving this to police discretion to make an interpretation based on that, are we effectively asking the person who has taken offence to the behaviour to report to police, or will the police be proactively determining behaviour based on these criteria and then making an assessment? I think this is absolutely crucial to this that we get this part right for the direction of SAPOL and for the clarity of behaviours in the area.

Ms COOK: Thanks for your thoughtful question. I refer you to the Summary Offences Act. These interpretations are undertaken all of the time by our trusted police officers who then use the test to whether this is actually harassing or causing harm under the definitions in the act and then ultimately it could be challenged and then it is up to the judiciary. That is how our laws operate. I think that might be his last question.

The ACTING CHAIR (Mr Pederick): You are going to have to find a friend after this one but, seeing it is a conscience vote, I will let you go, member for Colton.

Mr COWDREY: The judiciary do rely in some circumstances on the interpretation of parliament and the view that we put forward, so it is up to us to at least provide some level of clarity of what we would determine that to be here today.

Ms COOK: The intention really is irrelevant. It is actually what is reasonably likely to cause distress and anxiety to these vulnerable people attending. We all surely believe in this.

Mr PATTERSON: My question is in regard to the definition of 'public area'. From that, I assume that someone who buys a house—and we are not necessarily talking about just one specific site in Woodville but, as the member for Davenport said, the Flinders Medical Centre or whatever. If it is a private residence, if they so wish, are they able to potentially have behaviour that might be prohibited, but it is occurring on their private property?

Ms COOK: Sorry, could you repeat that little bit? Are you talking about within the 150-metre perimeter?

Mr PATTERSON: So, for example, either a protected premises now or one in the future that opens up. There is a private house in there, people have bought the house privately. They may undertake behaviour that, in this sense, is threatening, intimidating or harassing. But because it is on private property, would that be prohibited as part of this?

Ms COOK: I refer you back to other answers. If it is within the zone defined under this act and the behaviour is designed to cause distress or anxiety, then it would be prohibited wherever it occurs within that 150 metres.

Mr PATTERSON: In terms of the definition, it states:

> …is entitled to use or that is open to, or used by, the public or a section of the public (whether access is unrestricted or subject to payment of money, membership of a body or otherwise).

Could you clear up what you mean by 'a section of the public'. How big is that? Is that classified as two people? Is it classified as a hundred, a thousand? As an example, would a church potentially be classified as open to a section of the public?

Ms COOK: I will clarify this. If your property is located within the 150 metres and you are within your property doing something—a rain dance or whatever with a kind of T-shirt on—nothing can be done about you within your private property unless you breach the law in terms of what you are doing to other people. In terms of a space, this could be a church or it could be a coffee shop or something. Is that what you are saying?

Mr PATTERSON: Yes, I have moved from private residence to now something that is a bit more open to the public but not just a public council park.

Ms COOK: If you are within the confines of the premises and you are not breaching any other law in terms of what you are doing to people, again it is within a property. It is not out on the streets intimidating, harassing and approaching people. That is different.

The Hon. D.C. VAN HOLST PELLEKAAN: I want to come back to the issue raised by the member for Colton and the Minister for Environment and Water. I have listened very closely to what the member for Hurtle Vale has said. One of the reasons we have this committee phase is so that we can ask some pretty open questions in a less formal environment to try to get a lot of things clarified. The other reason we do this is that not everything can be clarified to the nth degree, and down the track the judiciary will come back to some of this debate and look very closely at what the parliament wanted and specifically at what the proponent of legislation or changes to legislation wanted if it is passed.

I understand that there is a definition about intimidating or harassing or inappropriate behaviour, and I understand that there is an intention that the police would make that judgement if called upon to do so or if they thought of their own volition they would do so, but can I ask you directly: if silent prayer was occurring and it was not causing any harm under the definition of the obstruction zone with regard to intimidation, etc., do you believe that that silent prayer would be allowed under this bill? Is it your intention that that silent prayer within the 150 metres, which does not contravene the definition you have shared with us a few times, would be okay?

Ms COOK: Any presence or behaviour of any kind within the 150-metre zone that does not cause distress or anxiety to other people attending the clinic for the purposes of abortion, whether it be workers or visitors or patients, is okay—any behaviour. If you cause distress or anxiety, or you are there with intent to cause distress or anxiety, then so be it: you are subjected to the law.

There is no reason to carve out one behaviour over another within this act at all. This is a test for all behaviours outside, whatever you are doing. If you are undertaking silent prayer, why on earth do you have to be near a healthcare facility? It is a ridiculous notion, absolutely ridiculous.

People who attend church know they can pray wherever they like; there are the corners of the globe in which to do this. The only reason you would sit and loiter in front of a clinic where a woman, and her family, is at the most vulnerable point in her life is to threaten, intimidate, harass and try to subject that person to change their mind. Any behaviour that causes distress and anxiety is outlawed under this act.

The Hon. D.C. VAN HOLST PELLEKAAN: Chair, I am not trying to go into the judgements or the pros or cons of it, but if I understand the member correctly she is saying that the only reason a person would particulate in silent prayer within that zone around the facility would be to deliberately cause stress or anxiety. Consequently, putting aside the judgements of the police, in her mind, and her intention of the bill, silent prayer of any sort would be expressly forbidden under this bill?

Ms COOK: There is nothing expressly forbidden under this bill except a behaviour that is intended to cause, or actually causes, distress or anxiety.

The Hon. D.C. VAN HOLST PELLEKAAN: I get that because that is what you have said quite a few times—

Ms Cook: Correct—and I will keep saying it.

The Hon. D.C. VAN HOLST PELLEKAAN: And that will be true, but it is not the entire truth. There is more clarification that we need. I think if any one of us checks *Hansard* what the member said in her second-last answer and what I said in my second-last contribution actually do match. It is clear that the member does not want to give an answer and I respect her choice.

Ms Cook interjecting:

The Hon. D.C. VAN HOLST PELLEKAAN: Sorry?

Ms Cook: Not really; I just don't want anyone there.

The ACTING CHAIR (Mr Pederick): Hang on, one at a time. Just let him keep going.

The Hon. D.C. VAN HOLST PELLEKAAN: I did ask her a question. There is an amendment that is coming or not coming that is based on exactly what we are talking about at the moment. If the member does not want to, or is not in a position to, or thinks it is not appropriate to rule in or rule out silent prayer that does not fall under the definition of the harassment that she shared, then we will deal with the amendment, I am sure.

I am sure it is going to come; it will not come from me. I will ask a question following on from her statement—and I will paraphrase—'Why on earth would anybody loiter and undertake silent prayer unless they had an intention to intimidate or cause harm in other ways?' Would silent prayer that does not intimidate or fall under that definition, in her own mind (because that will be important later) fall within or outside of what would be allowed? I just ask for a really direct answer, not the definition again.

Ms COOK: Thank you. I refer to my previous answer.

Mr SZAKACS: My question is to the member for Hurtle Vale. Member, would it be fair to put it to you that your response in this regard would be that in determining the interpretation of 'harass, intimidate or otherwise' in terms of behaviour within an access zone, parliament and the court would be taken to the objects of the act?

The objects of the act in this case are the protection of the safety, wellbeing, privacy and dignity of people accessing health care. Would the interpretation of the behaviour in that zone be taken back to the objects of the act and whether the behaviour impedes upon the enjoyment of those objects by workers or people seeking health care?

Ms COOK: Thank you for the question: yes.

Progress reported; committee to sit again.

Motions

WORLD SUICIDE PREVENTION DAY

The Hon. G.G. BROCK (Frome) (12:15): I move:

That this house—

(a) acknowledges that 9 September 2020 is World Suicide Prevention Day;

(b) acknowledges that world prevention day started in 2003;

(c) acknowledges that in excess of 3,000 people die from suicide every year;

(d) acknowledges that suicide is one of the largest causes of death each year;

(e) encourages people of all ages to openly discuss and acknowledge deaths by suicide;

(f) encourages people of all ages to openly discuss their mental health and wellbeing issues with family and friends;

(g) acknowledges the everlasting impact and effect of any death on family members and others; and

(h) encourages the state government to provide sufficient support, both financial and other support, as necessary.

The member for Heysen has just seen me, and he has a couple of small adjustments in the dates and there a couple of words missing. He is going to put through an amendment, which I do not have a problem with; however, what I would have done is spoken to the member and had the member adjust it himself.

Suicide is a matter that the general public does not talk openly about even though there are more than 3,000 Australians each year who end their life. This equates to about eight per day. That may not sound like a lot when mentioned in that manner; however, we lose more people to suicide than we do to road deaths. Aboriginal and Torres Strait Islander people have higher suicide rates compared with the general population; in fact, they are twice as high.

Suicide is also the leading cause of death among young people. In 2017, suicide accounted for more than one-third—in actual fact, 36 per cent of young people aged 15 to 24. To prevent suicide and reduce these numbers, it is important to make sure all Australians get the support they need. It is very important that we discuss this issue openly without fear of feeling weak or not macho.

In 2018, as I said earlier, in excess of 3,000 Australian people took their own life and these figures are identified by the relevant authorities. These do not include motor vehicle accidents, where comments have been made to me by members of SAPOL across all regions that over 30 per cent of road deaths could be attributed to suicide. For each life lost to suicide, the impact is felt by up to 135 people, including family members, work colleagues, friends, and first responders at the time of death.

Australia is a unique, rich and diverse society that is made up of a range of cultures, backgrounds, religions and different nationalities, and it is these experiences that make our society what it is today. I am a strong believer that every person deserves to live in an inclusive, just and equal society that respects and promotes individuality, dignity and diversity and supports people to live a meaningful, rich and fulfilling life.

For many Australians, however, experiences of discrimination, isolation or additional challenges due to their cultural background, religion or beliefs are prevalent, and these experiences may have an impact on an individual, a family or a community's mental health and wellbeing. Today, with the current challenge of COVID-19, with our health issues and the economic employment future, we need to be very mindful of the concerns and feelings of our multicultural communities. In my own community at Port Pirie, we have several different nationalities and what I consider is a blueprint for other locations with multicultural populations to look at. In Port Pirie and our surrounds, we are very concerned with everyone and make no differentiation to any of the cultures.

As a male, when I was brought up I was encouraged not to speak about any issues such as mental health or anxiety concerns for fear of being targeted physically or subconsciously feeling that I was a failure. From my own personal experiences, I have always talked about taking the first step. That is probably the hardest thing a male person—or anyone for that matter—can do; that is, to

realise and accept that you actually may have something wrong with you or acknowledge the fact that you need an out, you need a spell to gather your feelings or emotions.

However, once you have taken the first step, things get a hell of a lot easier. This was the case with my late brother, who resided in Melbourne during a period of time when he appeared to be withdrawing from his normal jovial self. As a family, we live in different locations in South Australia. We knew there appeared to be something disturbing him.

We asked what we could do to cheer him up and tried to ascertain what was disturbing him. His comments were that there was nothing wrong, only that he was tired. To our regret to this day, we did not push the issue further, as he allowed his feelings of fear to overcome his ability to control his emotions and he eventually took his own life.

To this day, I cannot completely read the note that he was writing to his family as it expressed his fear, his feelings of failure, his thoughts about his remaining family members and the tears that he was crying while he was doing this on his computer. It brings to those remaining the understanding the trauma these people must be going through whilst contemplating their next move.

Daily challenges, emotional distress and suicide can affect anyone regardless of their race, religion or gender. The challenges, the pressures and stresses that we face can impact on our physical, emotional and mental health and also our wellbeing and it can be helpful to receive support. For some men, accessing services and seeking support can be a challenge and it is a very difficult first step to take. There are many signs that can be identified:

- physical symptoms such as headaches, muscle aches, tension, weight loss or gain;
- feeling angry or aggressive;
- increased nervousness, agitation, or restlessness;
- increased use of alcohol or drugs, or increased gambling;
- feeling helpless or out of control;
- losing interest in activities that you usually enjoy;
- thoughts of harming yourself or others; and
- feeling helpless, guilty or like a failure or a burden to others.

Sometimes we, myself included, may overlook our younger generations, whom many of us consider do not have any problems that may lead to them contemplating suicide. Let me reassure members here that this could not be further from the truth. I came across some secondary school students a couple years ago and inquired how they were going and their comments were, 'Stressed out of my mind.'

This really threw me back after having discussions with them, not mentioning the word 'suicide' but just in general conversation. It was a mixture of several issues: their upcoming school examinations, as well as issues at home with their parents having financial issues. Also, in a couple of cases, it was because of bullying, both physical, mental and also bullying on social media. In this case, it was on Facebook.

To be honest, I did not know how to bring the word 'suicide' into the conversation; however, they did as part of the ensuing discussion. During the conversation, I allowed them to discuss how they felt without making any suggestions myself. I will state here that I have gone through some of these very traumatic incidents myself throughout my own life, but I have also been able to openly discuss them with people who actually were prepared to listen to my concerns without giving their advice.

Challenges, difficulties and mental health concerns affect us all and do not discriminate based on age. For younger people, there can often be barriers to seeking support due to feelings of isolation, not feeling understood or the gravity of their concerns being dismissed, and not knowing where or how to seek support or who to speak to. Having a safe space to express worries, feelings

and concerns can be beneficial in working through these difficulties and also increase connectedness and confidence and the ability to be heard freely without discrimination.

Those in police and emergency services roles—which includes police, paramedics, fire and rescue and state emergency personnel—are working on the front line to protect us and to ensure our safety. As such, they can be frequently exposed to highly stressful and traumatic situations. Each person will experience these situations differently, and how they respond will differ from person to person. For some, this may impact on their mental health and wellbeing. There was a period of time when we thought it was only Vietnam veterans who suffered from post-traumatic stress disorder, which I have spoken to previously in this house—not the younger ones coming through today.

Veterans and those currently serving, and their families, face unique experiences during their military career. Transitioning to civilian life is sometimes very hard and traumatic. Service and transition can impact many different parts of a person's life: mental health, wellbeing, physical health, family relationships, social connection, sense of self-worth and belonging, employment prospects, finances and housing.

People who reside in regional areas often say, 'I don't know what to say, so I don't say anything at all.' But those of us living in these communities know each other quite well. We are in the best position to notice when the stress is getting too much. We just need to be ready to look out for each other, stay connected, ask if we are okay. If the answer is no, then do not take that for an answer. Just keep talking to these people to ensure they know that you are there to help them out.

Living in a rural community can be a life-enriching experience that many urbanites do not understand. Dealing with the impacts of the unpredictable and dramatic Australian weather and elements builds an amazing resilience in rural communities, but it often comes at a cost. We only have to look at the drought and the recent fires across all of regional South Australia and Kangaroo Island. This will have a great impact on the mental health, wellbeing and physical feelings of these people. Social and geographical isolation can cause disadvantages in accessing health and wellbeing services. When support services are needed they are sometimes too few and too far away. Quite often governments say there are plenty of funds, but sometimes there are no bums on seats.

That last comment is one of the reasons that I am undertaking to challenge the stigma of men's mental health because too often the stigma is there and people do not want to take that extra step and say, 'I have an issue. I have an anxiety issue. I have a mental health issue.' So I am undertaking a challenge to challenge the stigma of men's mental health. It will hopefully raise sufficient funds to establish a connect centre in Port Pirie to allow for counsellors to be located in the building and for personal, confidential face-to-face contact to be made by those who are suffering these feelings and anxieties, not via telecommunication.

In closing, I know that there are lots of issues across all of regional South Australia and all of Australia, but there are certain things that we as a society, and men in particular, do not talk about. There are lots of issues out there. If we talk about these things we feel we are a failure or not part of the macho image of Australian men. Also, the fact is there are a lot of people out there with these issues who try to get that message across. The visual and the personal contact will be there, but when people try to broach the subject, 'I have an issue,' a lot of people are too scared to listen to them. They are not too sure what to say, so they avoid them.

If any of us here see someone—friends, family, anyone—and know they have a problem and know their behaviour is a bit different, then persevere with them; look after them. Do not tell them that they need assistance. Get them to work through their issues. As I said, I have been through all these issues because I have had lots of personal tragedies throughout my life. I have been able to go through those tragedies—those challenges—with people around me. Those people have listened to what I fear, and I think everybody else has to be able to do this: talk freely with those friends, associates or family. Just be there and make certain we are all there to help each other out.

I commend this to the house. I am looking forward to my challenge for mental health, and will always continue to try to challenge the stigma attached to it. A lot of people out there think that if you have a mental health issue, you have an anxiety issue, that can lead to suicidal issues. We have to get rid of that stigma and encourage people to be open and transparent, and all of us have to help them out through their very difficult journey. I commend this motion to the house.

Mr TEAGUE (Heysen) (12:30): I rise to support the member for Frome's motion. As he indicated, there are a number of minor amendments I will move, and I was pleased to discuss those with the member for Frome this morning. I note his remarks. There is no desire on my part to do anything other than to appropriately reflect support for the motion. I move to amend the motion of the member for Frome as follows:

(a) acknowledges that 10 September 2020 is World Suicide Prevention Day;

(b) acknowledges that World Suicide Prevention Day started in 2003:

(c) acknowledges that in excess of 3,000 Australians die by suicide every year;

(d) acknowledges that suicide is one of the largest causes of death each year;

(e) encourages people of all ages to openly discuss and acknowledge deaths by suicide;

(f) encourages people of all ages to openly discuss their mental health and wellbeing issues with family and friends;

(g) acknowledges the everlasting impact and effect of any death on family members and others; and

(h) encourages the state government to work with other governments, non-government organisations, and the community to ensure financial and other supports are available to prevent suicide.

Ms Bedford interjecting:

Mr TEAGUE: Yes, I can read them out. The amendments I move are that at paragraph (a) it is 10 September that is World Suicide Prevention Day rather than 9 September, as set out in the original motion; at paragraph (b) the word 'Suicide' is inserted, acknowledging that World Suicide Prevention Day started in 2003; and at (c) noting that in excess of 3,000 Australians die by suicide every year and, in that respect, indicating that this is very much a matter on our shores. It is not a global number but a significant number in Australia. My amendments also amend paragraph (h) to read:

(h) encourages the state government to work with other governments, non-government organisations, and the community to ensure financial and other supports are available to prevent suicide.

I do not understand that the amendments are opposed; indeed, they are intended to clarify and are provided with great respect.

At the outset, I acknowledge, commend and respect the member for Frome for bringing this motion to the house, and with those amendments I indicate my support for the motion. More particularly, his modesty left him until towards the end to indicate his participation in the challenge in August, challenging the stigma of men's mental health. I wish to advert to that and encourage him and wish him all the very best.

Ms Bedford interjecting:

Mr TEAGUE: I understand that it is to take place on 14 August, and it sounds as though it may not be just me who is being very much encouraged to 'Challenge Geoff.' So I do that and wish him all the very best in what is part of his ongoing and multifaceted contribution to this important debate.

We know, and I do not mean to be trite in expressing the fact, that suicide is an emotive and challenging subject that touches on very many people's lives. I will refer briefly to what I regard as very significant initiatives by the government in relation to suicide prevention. Those activities include the establishment of a Premier's Advocate for Suicide Prevention (Hon. John Dawkins of another place). I had the opportunity to work with him in my role as chair of the Premier's issues group for suicide prevention, a group that has been established, upon working with the Commissioner for Public Sector Employment, to develop a whole of government agency response with a view to tackling suicide prevention.

We know that suicide, as has been adverted to by the member for Frome, is the leading cause of death for people aged between 15 and 44, and it results in the greatest number of years of potential life lost. On average over the last five years, as the motion indicates, more than 3,000 Australians have been lost to suicide each year, with the ripple effects of each loss impacting upon tens of thousands of people.

It is also important to recognise that this affects people in some groups to a much higher extent, in particular, Aboriginal and Torres Strait Islander people; people who have been in state-based care; people who identify as lesbian, gay, transgender, queer and intersex; and those from culturally and linguistically diverse backgrounds. The risk may also vary by age group, including older persons, and there is a variety of associated reasons for that.

For each of these groups, the needs are often varied and complex, and our efforts need to be directed to reaching these groups and providing them with the supports they need. In this respect, I wish to recognise in particular one of the standout suicide prevention networks, one of many around the state that do tremendous work locally to reach out to communities in relevant ways.

The Strathalbyn and Communities Suicide Prevention Network has been leading the way in that part of my electorate of Heysen, drawing as it does on a very diverse range of people who are active in the community, people who have a lived experience, professional practice that relates to health and wellbeing, and people who are broadly community minded.

In that respect, I very much echo and amplify the observations of the member for Frome that a key part of what that network does, and I know so many other networks do, is to bring to light the possibility to discuss how people are feeling—'How are you going? Are you okay?'—and to keep on exploring those things that may be causing individual people difficulty.

In the present circumstances of COVID-19, I should note in particular that the government established the COVID-19 Virtual Support Network during April of this year. That is doing important work in the specific circumstances of both stress and isolation that people find themselves in at this time, and I commend the work that is being done in that area.

We have also seen negative impacts recently in relation to mental health challenges of people affected throughout the Adelaide Hills and Kangaroo Island, the result of the recent significant devastation caused by bushfires felt throughout those areas of our state in particular, as well as those fires that have affected other parts of the state and the country.

Since 2003, World Suicide Prevention Day has sought to improve community understanding and suicide prevention by raising awareness, by breaking down stigma and by improving attitudes towards people experiencing thoughts of suicide. There is a Suicide Prevention Plan 2017-2021 in place. It is up for review in 2021, and I am pleased to say that the Marshall Liberal government is committed to ensuring that the people of South Australia continue to receive the best possible mental health services. With those remarks, I commend the motion as amended.

Mr BELL (Mount Gambier) (12:40): I rise to support the motion by the fantastic member for Frome and acknowledge all those South Australians working to raise the profile of the importance of mental health. Right now, agencies are reporting unprecedented demand for support. Since March, Lifeline has received almost 90,000 calls a month—quite literally that is a call every 30 seconds. I would like to give thanks to all those people who have staffed Lifeline, Beyond Blue and the COVID-19 hotlines during this time.

As restrictions ease and tighten there are rises and falls in demand. I encourage people to find the help they need. It is important for people to find what works for them, and this may or may not be a standard clinician or support line. Often, taking that first step and admitting to yourself that you need help and support is always the hardest.

In my electorate, there are many people doing amazing work in the field of mental health and suicide prevention. I would like to commend the late Eve Barratt, who was a passionate advocate and driver of social change in this sector. Her pioneering work culminated in the Mount Gambier Suicide Prevention Network, the state's first such network. Eve was the local chief executive of Lifeline, and had a long-running involvement with Mount Gambier Prison introducing the groundbreaking Listener program, which has been running for more than two decades. The program is the longest running suicide prevention peer support service run in prison establishments in Australia. In 2014, Eve said:

…suicide is a community issue and requires a community response and everyone in the community can play a part.

Another person who is raising the importance of mental health locally is Matthew Brookes, who is the public face of a group called Lifeboat South East. A few years ago, Matthew had to deal with a series of events in his personal and professional life, and stress and worry developed into anxiety and depression. Knowing that he needed something else to keep him on track following more traditional forms of treatment, Matthew started up Lifeboat.

Matthew was the first to admit that he is not the type of bloke to just walk into a meeting, and so Lifeboat operates a little bit differently. When the group meets it is a very relaxed, casual atmosphere, and there is no real formality or pressure to talk unless you want to. As another avenue of reaching out to those who may not feel comfortable meeting in person, the group produces a podcast on different topics for people to listen to in their own time. As Matthew says, 'Everyone's ride is different. It takes a whole community to look out for each other.'

Mount Gambier's Tracey Wanganeen is a member of the Premier's Council on Suicide Prevention and also the coordinator of the StandBy—Support After Suicide organisation. The program is one of Australia's largest dedicated suicide postvention programs. During the pandemic, Tracey has spoken out about the importance of putting yourself first and looking out for others. She has encouraged people to talk to others, ring a hotline anonymously if they need, and also be aware of changes in family and friends. It is important to remember that even the toughest and most stoic of us can fluctuate when it comes to mental health.

Nel Jans is the coordinator for The Junction, which has centres in Mount Gambier and Millicent. The idea for The Junction began back in 2008 through a group of mental health organisations and individuals who recognised a need in the community for those people past the acute stage of their mental illness but who still needed assistance and support. For some people, the ongoing effects of mental illness can affect their lives for years or even decades. The Junction provides that ongoing support to get you back on your feet.

Their activities include cooking, healthy living, exercise and positive psychology sessions. They are all designed to give people the chance to work on social inclusion, coping skills and healthy relationships—all those little things that are key to getting people back to themselves. So to Eve, Nel, Matthew and Tracey, and all those people working in this sector, I thank you for raising the profile of mental health and for the positive ripple effect you and your organisations have had on the Limestone Coast community. I thank you for your continued persistence and hard work at a time when your own mental health should be a focus.

The South Australian Mental Health Strategic Plan states that 45 per cent of South Australians will experience a diagnosable mental illness at some point in their life and that the remaining 55 per cent are likely, in some way, to have to care for or be impacted by those who do. These statistics were published prior to the pandemic and I think it is fair to state that these numbers will rise significantly. Mental health and wellbeing is an issue affecting every single South Australian and it should be a priority for all of us. I commend the motion to the house.

Mr DULUK (Waite) (12:46): I would also like to speak in favour of the motion moved by the member for Frome and I thank him for the numerous occasions since we have been in the house together for speaking up on these issues. Incredibly, eight Australians take their life every day by suicide in Australia. It is quite an incredible statistic. Of those many thousands who take their own life, over 75 per cent are male. Each year, a further 65,000 Australians attempt suicide and a further million reach out to Lifeline for support, with Lifeline taking a call about every 30 seconds. Just considering those stats in and of themselves is quite phenomenal.

I think we all know all of us in this chamber are affected by suicide and know people who have attempted to take their life or may have taken their life, and it is distressing for all of us. As the member for Frome alluded to, we all have our challenges with mental health and the most important thing to do is to be able to talk about it, to be able to know where to go and, most importantly, to be able to speak in an open and protected environment which is so important. As the member for Frome alluded to in his contribution, it is important for us to reach out and to be able to be listened to and to be able to listen on behalf of people as well.

As the member for Mount Gambier alluded to in his contribution, there are thousands of volunteers and people who work in the mental health space across our communities. As the member

for Heysen said, he has a suicide prevention group in Strath and I have a very active one in the Mitcham Hills as well. I would like to thank Rob and Lyn and the very young at heart Mary Strange, who is well into her 90s now and actively participates in the Mitcham Hills Suicide Prevention Network group. I thank them for their advocacy in my community.

As the motion alludes to, it is about awareness and reducing the stigma around mental health and suicide. Using the four-step method can help save lives, first of all by asking, 'Are you okay?' and then it is about actively listening and engaging. If someone has experienced difficulties, encourage them to take action by finding a relevant organisation or counselling service or visiting a GP. Issues as big as these cannot be left unmet. I was going to say 'untreated' but I think 'unmet' is a more important word to use.

Start up a conversation. Talk to your family and friends. It is so important. As members of parliament, I think we should do exactly what the member for Frome has done in his motion: talk about the issues. Yesterday, I and many of my colleagues here signed the National Communications Charter, which is the pledge to help reduce the stigma around mental health and promote the use of safe language when discussing mental illness or suicide.

The use of safe language is so important. For example, we know that, especially in the media, especially in a political context, the media use very inflammatory language. They might say 'political suicide' or 'noose around her neck'. This is quite a common theme that you will hear used by journalists in relation to politics and politicians. This language is most unhelpful. It is unnecessary and we know that there is a whole body of work that has been done in the community about the right language.

I think that it is important not just for us as members of parliament to use the right language around these issues but also for those in the media, when talking about and describing politics, to not use words associated with the stigma of mental health or words associated with suicide. That is for everyone who works in the media.

The National Communications Charter is a resource for uniting people to align with the 2017-2021 South Australian Suicide Prevention Plan. As I said, it is very worthy of MPs to sign up to use the right language and to support our communities, as the member for Frome is doing in his community, to raise awareness to beat this terrible affliction on our society.

The Hon. A. PICCOLO (Light) (12:50): I rise briefly to speak on behalf of the opposition and indicate our support for this motion. It is a very comprehensive and a very good motion and a timely motion. As other speakers have said—and I will not repeat what they have said—in this time of this health crisis and economic crisis the pressures on families and individuals are very high and those sorts of pressures can lead to a greater conflict not only between individuals and within families but also within individuals themselves when, as the member for Frome said, they might see themselves as failures.

We now have the highest unemployment in this state for 20 years and that would have a huge bearing on a number of individuals and families in terms of their mental wellbeing in that it puts a lot more pressure on those individuals.

The Hon. G.G. Brock: And families.

The Hon. A. PICCOLO: And their families, that is quite correct. In support of that, I recently had a discussion with all the principals in my schools. They all indicated increased demand for counselling services for their students. There are students who are feeling pressure directly, in terms of their own loss of employment, not being able to participate in society or a whole range of other factors. Compounding that is often the pressure on a family if one of the parents or both parents have lost their job. It is an additional pressure. The schools have indicated that they have had a huge spike in the demand for counselling and I would like to commend the schools for the way they have responded quite positively.

When I spoke to my own youth advisory panel about issues that impact on young people, they raised mental health as the number one issue. It was also touched upon that anybody of any race, religion, etc., can be affected by mental health but culture does impact how people respond to this. A lot of the emerging communities in my electorate struggle with this and a number of students

are disadvantaged in my electorate because their parents do not understand how to deal with mental health because in their country of origin they treat it quite differently or do not accept that it exists and so those children have a double whammy in this regard. We need to make sure we reach out to them and cater for them.

A lot of good work is being done in the community. I would like to acknowledge the work done by Dr Naomi Rutten in my community. She is a GP who specialises in mental health, particularly around mental health coming from trauma. She not only works as a GP but works with schools and individuals and does an excellent job in raising awareness and our response to people with mental health issues, as does my local suicide prevention committee, which works really hard to increase the profile and reduce the stigma. I think that this motion is trying to reduce the stigma attached to it.

I would also like to acknowledge the great work done by my local newspaper *The Bunyip* in raising these issues at a community level because I think that at a community level is where we can be most effective. I think that we need to be doing more at this time. Certainly, the feedback I get is that there is a lack of resources on the ground to help not only at the young people level but at all levels, so I think that all governments of any persuasion really need to put a greater focus on this issue and make more resources available. When you have people waiting up to two or three months to see a health professional—

The Hon. G.G. Brock: It's too late.

The Hon. A. PICCOLO: That is correct: it is too late. In particular, I would also like to acknowledge the contribution made by our veterans who are suffering from mental health issues. I have had a number come to my office who have said, 'I can't see a doctor for two or three months.' As the member for Frome quite rightly points out, that is just too late. We really need to tackle this issue much more strongly and I hope this motion in some way increases awareness and government and community responses to this. I commend the motion on behalf of the opposition.

The Hon. G.G. BROCK: I certainly thank everybody for their contribution and acknowledge the amendment moved by the member for Heysen. I have no problems; let's get the house to accept this. I look forward to the future improvement of resources on the ground from all governments.

Amendment carried; motion as amended carried.

VICTORY IN THE PACIFIC DAY

The Hon. A. PICCOLO (Light) (12:56): I move:

That this house—

(a) acknowledges that 15 August 2020 marks the 75th anniversary of the Allies' Victory in the Pacific (VP Day);

(b) recognises the human suffering wrought by the Pacific conflict;

(c) remembers the approximately 17,500 Australians killed in the Pacific conflict;

(d) recognises the attacks on Australian territory and the real threat of a Japanese invasion of Australia during the war in the Pacific; and

(e) honours the courage, resilience and sacrifice of all allied forces, medical officers, intelligence staff, and all who contributed on the home front to the successful allied war effort.

15 August 2020 marks the 75th anniversary of the allied Victory in the Pacific. Approximately 17,500 Australians were killed in the Pacific conflict. Victory in the Pacific Day (or VP Day) is commemorated across Australia and the world. As the anniversary of the day World War II ended, it is a date we will never forget.

On 15 August 1945, Japan accepted the allied nations' terms of surrender and Australian prime minister Ben Chifley announced that the war was over. On VP Day, we remember Australia's war efforts from 1942 to 1945 in the Pacific region, including in Singapore, Borneo, Malaya, Papua, New Guinea and New Britain.

It was a time when people worked hard and cooperated to defend the nation. We commemorate those who served in the war. Some 40,000 Australians did not return home to their

families. Over 17,000 of them lost their lives while fighting in the war against Japan, some 8,000 of whom died in Japanese captivity.

I encourage Australians to pause and reflect on the 75th anniversary of Victory in the Pacific Day, marking the end of the Second World War. Victory in the Pacific Day marks Japan's unconditional surrender to the Allies after more than three years of war. During the Second World War, almost one million Australian men and women served.

On Victory in the Pacific Day, we recognise those who served our nation, honour those veterans who remain and remember those who are no longer with us. We owe these men and women a great debt of gratitude and we will never forget.

Mr TEAGUE (Heysen) (12:57): I rise to indicate the government's support for the motion. I commend the member for Light for bringing it to the house, and in the circumstances will confine my remarks to commending the motion to the house.

The ACTING SPEAKER (Mr Pederick): If the member for Light speaks, he closes the debate.

The Hon. A. PICCOLO: It has all been said, Mr Acting Speaker.

Motion carried.

Sitting suspended from 12:58 to 14:00.

Petitions

TEACHERS REGISTRATION BOARD

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition): Presented a petition signed by 11,606 residents of South Australia requesting the house to urge the government to ensure the political independence of the Teachers Registration Board and to maintain its current composition and nomination processes.

Members interjecting:

The SPEAKER: The Minister for Education is called to order.

Members interjecting:

The SPEAKER: I do not want to get rid of anyone yet.

Parliamentary Procedure

ANSWERS TABLED

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

Ministerial Statement

SPRINGBANK EDUCATION REVIEW

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.A.W. GARDNER: The recently concluded Springbank Education Review looked at how the public education system can best serve the interests of current and future students living in the local area currently zoned to Springbank Secondary College. While the Education and Children's Services Act 2019 only requires that such a review be tabled in the parliament, along with reasons for the minister's decisions in the event that a decision is made to close a school, I formed a view that the level of public interest in the Springbank Education Review meant it would be appropriate to share the document in any case, notwithstanding that the decision has been made to keep the school open.

The review committee worked hard to assess the needs of local students. Nearly 300 individuals and groups made submissions, some on behalf of larger groups. The member for Elder, Carolyn Power, for example, collected nearly 800 responses to her survey, which she incorporated into her submission.

Members interjecting:

The SPEAKER: Order! Leave was granted.

The Hon. J.A.W. GARDNER: Most submissions reflected one of two key themes. Some argued for the area to be rezoned to Unley High School to guarantee their child the chance to attend this large mainstream public high school with its broad range of subject choices. Others spoke about their strong desire to maintain the slightly different educational approach offered at Springbank Secondary College as an option within the public system. As Minister for Education, I read each of the 295 submissions to the review and I sought further advice from the Department for Education about the viability of some of the suggestions that came forward.

Some submissions argued for a shared zone, but this would not have guaranteed local students a position at Unley High School. It should be noted that in other schools that share a zone families can suggest their preference between the relevant schools in the shared zone when enrolling their child, but it does not give any guarantee that the family will get their preferred placement in the event that one school is more popular than the other. Therefore, this suggestion would not have provided a satisfactory solution to meet the needs of the overwhelming majority of members of the local community.

Very few submissions argued for the status quo with no changes. Indeed, some of the strongest advocates for the retention of Springbank Secondary College argued that it was important that it continue to serve a particular purpose in the public education system by providing an option as a smaller school, with its capacity of up to 450 students, which would be lost if all students in the zone were attending. If Springbank Secondary College were to become the school of choice for even a majority of the public school students who are living in the zone, it would require an expanded capacity and would arguably no longer be providing the same sort of environment that the current families value so much.

Ms Power's submission argued for consideration of a compromise, one that explored whether Springbank Secondary College—

Mr PICTON: Point of order, Mr Speaker: standing order 123 is that members should not be referred to by their name, and this has happened twice in this ministerial statement.

The SPEAKER: I will listen carefully. The minister also has leave. I suppose leave could also be withdrawn if this sort of behaviour continues, but I will caution the minister. He should know better, and I will listen carefully.

The Hon. J.A.W. GARDNER: Thank you, sir. The member for Elder's submission argued for consideration of a compromise, one that explored whether Springbank Secondary College could indeed benefit from continuing as an unzoned school and reassigning the area to the Unley High School zone. She argued:

> …if the school were to become unzoned, it would be in a position to pitch itself as a truly specialist school of choice that might appeal to certain cohorts of students more broadly, whose families are not currently giving consideration to coming to Springbank Secondary College.

Having assessed the submissions, and on further examination of enrolment trends, I have been convinced that this compromise is the best way forward. It is a win-win outcome for the community and the public education system, for advocates for rezoning—

Ms Stinson interjecting:

The SPEAKER: Order, member for Badcoe!

The Hon. J.A.W. GARDNER: —and for advocates for the retention of the school. The review was beneficial in helping us to resolve the best way forward for Springbank Secondary College, Unley High School and the broader community. The number of submissions talking about

the merits of the school has given us confidence that Springbank can continue to grow and get closer to its capacity of 450 students in the coming years.

The decisions I have made as a result of the review are therefore as follows. From 2021, all homes within the current Springbank Secondary College zone will become part of the Unley High School zone. The state government has invested in significant infrastructure works at Unley High School currently underway, which should expand its capacity to at least 1,700 students by the 2022 school year.

Springbank Secondary College will now serve the community in the years ahead as an unzoned school, accepting enrolments from students living anywhere in South Australia who are interested in its specialist programs. It will benefit from a $10 million investment in its built infrastructure, which will support the school's pursuit of excellence—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —in its focus areas. I am confident that we have now arrived at a solution that best meets the needs both of students who are at Springbank Secondary College and of all the other families in the local area as well. I am grateful to everybody in the community who has taken the time to share their views, and I look forward to seeing the building works take place at both schools.

Families who wish to enrol their child at either school for the 2021 school year, or indeed later other years, are encouraged to contact either school directly through their websites: Unley High School at uhs.sa.edu.au; or Springbank Secondary College at springbanksc.sa.edu.au.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Education (Hon. J.A.W. Gardner)—

Springbank Secondary College Review Report—2020

By the Minister for Environment and Water (Hon. D.J. Speirs)—

Kanku-Breakaways Conservation Park Co-management Board—Annual Report 2017-18
South Australian—Victorian Border Groundwaters Agreement Review Committee—
Annual Report 2018-19

Parliament House Matters

CHAMBER PHOTOGRAPHY

The SPEAKER: Before I call the member for Heysen, honourable members, for your information I just remind you all that we do have an accredited photographer in the gallery today.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr TEAGUE (Heysen) (14:11): I bring up the 10th report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:12): My question is to the Premier of South Australia. Why won't the Premier show leadership and dismiss the ministers who have taken thousands of dollars of taxpayers' money for their own benefit incorrectly?

The Hon. J.A.W. GARDNER: Point of order, sir: standing order 97 says things about the way you should ask a question, and the Leader of the Opposition has not complied with that mechanism at all in the construction of that blatantly political question.

The SPEAKER: Yes, okay. Here's what I'm going to do here. Because he is the leader I offer him great latitude. The question—

An honourable member interjecting:

The SPEAKER: Sometimes; sometimes others also need it. What I'm going to do is I am going to allow the question on the basis that it is the Leader of the Opposition and it is the first question. However, it was somewhat accusatory in nature. It arguably contains argument, so what I am going to do is I am going to allow the Premier to provide an answer to refute that accusatory tone, and I am going to be unimpressed if there are points of order about debate. The Premier has the call. I would like to hear the answer.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:13): Thank you very much, sir, and I thank the Leader of the Opposition for his question. This government is shining a light on country MP allowances.

Members interjecting:

The SPEAKER: Order! I have allowed the question.

The Hon. S.S. MARSHALL: We are providing a greater level of scrutiny on this allowance—

Members interjecting:

The SPEAKER: Premier, please be seated. I have allowed the question. I am going to call a few members to order for that cacophony of noise. The members for Kaurna, Lee and Cheltenham are called to order. The Premier has the call.

The Hon. S.S. MARSHALL: Thank you very much, sir. Since this issue has been raised with the government, we have moved swiftly to change the arrangements—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —with which the allowance records are provided to the people of South Australia. Under the previous government that was in for 16 years, I didn't see any reform in this area whatsoever.

Ms Hildyard interjecting:

The SPEAKER: Member for Reynell!

The Hon. S.S. MARSHALL: In fact, sir, you would be more than aware that, with regard to this allowance, the former government presided over a situation where this was reported to the people of South Australia once per year just with a total dollar amount per member. By contrast, sir, as you would be more than aware—

Members interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —both this house and the Legislative Council will be providing monthly advice to the people of South Australia on what claims are made, by whom and for what dates. I think this is providing a much greater—

The Hon. A. Koutsantonis: Like Christmas!

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —level of scrutiny. It was interesting this morning; I was listening to the radio—

Members interjecting:

The SPEAKER: Member for West Torrens!

The Hon. S.S. MARSHALL: —and I was listening to the Leader of the Opposition speak and he was talking about the standards that he is going to be applying to his front bench.

Members interjecting:

The SPEAKER: Member for Cheltenham!

The Hon. S.S. MARSHALL: This must make many people in his team very uncomfortable at the moment because he talked about the inappropriate spending of taxpayer dollars and set a threshold. We hope that nothing will come to light with regard to, for example, long boozy lunches, the consumption of alcohol at the taxpayers' expense. The Leader of the Opposition has made it clear that this will not be tolerated; in fact, he went further to say on the radio this morning—and I hope I am quoting correctly—that he would sack people if anything came to light. There must be some people who are looking decidedly worried at the moment.

Members interjecting:

The SPEAKER: Member for Morphett!

The Hon. S.S. MARSHALL: At the moment, they are just gesticulating, but later they will be praying that nothing comes to light because the Leader of the Opposition has set his standard of performance. I note that this was not a standard that was observed when they were in government. They weren't careful with the expenditure of taxpayer dollars.

Members interjecting:

The SPEAKER: Member for Playford!

The Hon. S.S. MARSHALL: By contrast, since coming to government we have significantly reduced the number of ministerial advisers, reduced the number of government cars, reduced the amount—

Members interjecting:

The SPEAKER: Member for Lee!

The Hon. S.S. MARSHALL: —of government advertising, put a ban on booze and entertainment.

Members interjecting:

The Hon. S.S. MARSHALL: 'What? What?' the member for West Torrens says, 'Why are you looking at me?' I don't know! But we may be looking at you very soon, sir—not you, sir, but the member for West Torrens. The reality is the country members' accommodation allowance is an area which needs far greater scrutiny going forward and that is exactly and precisely what we have done. Not only—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —an improvement to the best standard that exists in the country, but we have gone beyond that: monthly reporting by a member with the dates, available for every single member of the public to scrutinise—

Members interjecting:

The Hon. S.S. MARSHALL: —to ask questions about. That's the standard that we have put in place.

The SPEAKER: The member for Kaurna is warned for a second and final time for those most muscular interjections—

The Hon. S.C. Mullighan: Muscular?

The SPEAKER: —yes—during the Premier's answer.

MINISTERIAL RESPONSIBILITIES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:17): My question is to the Premier. Does the Premier still believe in his public statements regarding ministerial responsibility? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr MALINAUSKAS: On 6 January 2017, the then opposition leader, now Premier, stated, 'This is the thing about the Westminster system and that is ministerial responsibility. You stuff up and you've got to pay the price.' On 1 May 2017, he stated, 'I would expect the minister to resign. If they didn't resign I would have the courage to sack them.' On 3 May 2017, he stated, 'If we are elected, ministers will take responsibility. That is the tradition under the Westminster system and it will be the Liberals that reinstitute that tradition.'

The SPEAKER: The Minister for Education.

The Hon. J.A.W. GARDNER: Speaker Atkinson insisted that when members were quoting from previous statements that had privilege attached to them, the whole context of the statement should be provided, including making sure that quotes are not edited to suit the needs of the person asking the question.

The SPEAKER: I will take on face value that it was accurate, and I have no reason to believe anything else. I will reflect on that as well but I will hear the answer. We have the question; leave was granted.

Members interjecting:

The SPEAKER: Order! Leave was not withdrawn. The question has been allowed. I would like to have someone answer. Would someone like to answer the question?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:19): I am very pleased to answer this question. As the Manager of Government Business has pointed out, it is difficult to recall exactly which atrocity I was referring to under the previous regime; there were so many. I am trying to recall whether that was the Oakden scandal where the previous government failed our most vulnerable older citizens or one of the manifold other atrocities they committed against the people of South Australia over an extended period of time.

Ms Cook interjecting:

The SPEAKER: Member for Hurtle Vale!

The Hon. S.S. MARSHALL: Members on my side have all assured me that their claims fall within the guidelines. Where there have been administrative errors, they have reported those to the Clerk, have corrected the record and have made reimbursements. I do not believe there has been any deliberate dishonesty—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

The Hon. S.S. MARSHALL: —with regard to this matter, whereas if we look at the date and the issue that was discussed in the question I think we would have a much greater set of circumstances to respond to.

MINISTERIAL ACCOUNTABILITY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:20): My question is again to the Premier. Does he stand by his previous public remarks regarding ministerial accountability made on 1 March 2018? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr MALINAUSKAS: On 1 March 2018, on the eve of an election, ABC radio presenter David Bevan asked the then opposition leader:

If there is a scandal and you're lucky enough to be Premier and a Minister says, 'I'm sorry, I wasn't told.' And it is astonishing that he didn't know. Will that Minister lose [his] job?

The then opposition leader replied:

Absolutely and I would expect the Minister to resign. Any self-respecting minister would resign if this happened on their watch and I've made this clear right from day one. If a minister didn't resign to this sort of ineptitude I would have no hesitation whatsoever about sacking that Minister.

Mr Picton interjecting:

The SPEAKER: Before I hear the Premier's answer, the member for Kaurna can leave for the remainder of question time under 137A.

The honourable member for Kaurna having withdrawn from the chamber:

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The Minister for Education is warned. The Premier has the call.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:22): I just refer the honourable member to my previous answer.

Members interjecting:

The SPEAKER: Order!

SMALL BUSINESS GRANTS

Mr PATTERSON (Morphett) (14:22): My question is to the Attorney-General. Can the Attorney-General update the house on the work the government is doing to assist local traders during COVID-19?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:22): I am very happy to do so, and I thank the member for the question. Of course, he has a very important and thriving area down in Glenelg, a great place for all South Australians to visit, especially in the summer.

Mr Szakacs interjecting:

The SPEAKER: Member for Cheltenham!

The Hon. V.A. CHAPMAN: The Hutt Street precinct, along with Rundle Street and O'Connell Street, is a very active area within our city of Adelaide space, which largely operates as a great hub of hospitality but also has a number of retailers in a condensed space and in retail strips. We have seen a number of traders, through COVID-19, obviously face very difficult times, and I'm pleased to say, in the Hutt Street area particularly, there have been 75 businesses that have benefited from the assistance of the government's $10,000 emergency cash grants for small business.

The member for Adelaide, the Hon. Rachel Sanderson, has been tireless as the local member in raising this issue to advocate for the security of the local retail sector across her electorate of Adelaide. In this particular area, there had been the announcement of the excellent Hutt St Centre, which provides services for those who are unable to provide for all their own shelter and food needs. That has created some aspects of disquiet but, as a government, we have continued to work with the Hutt St Centre and other services with the Minister for Human Services and, of course, the Hutt Street traders.

Members might recall that the Justice Rehabilitation Fund was established back in 2016 to recoup funds in relation to some of the proceeds of crime for drug offences. Although it didn't seem to have any money in it for a long time after it was established in 2016, since we have been in office there has been an accumulation of funds. We have been able to allocate this money to give to the Hutt Street traders—this is from Pirie Street down to South Terrace—to purchase and install safety hardware as part of their crime prevention strategy.

I remind members that there is also the Hutt Street and CitySafe CCTV network, which is a joint initiative of the Adelaide city council. I would also like to thank the chair of the Hutt Street Traders

Association, Ms Colette Slight, who has been rolling out the CCTV into the Hutt Street area. Keeping the community safe has been an important part of our government achieving to support this critical retail precinct. As I say, it is certainly a hub of hospitality and it is one which we want to continue to support.

I thank those in the Hutt Street Traders Association, the member for Adelaide particularly, and all of those who serve at the highly commended Hutt St Centre, which now will, I think, have the benefit to assist the support of all those who visit this precinct and enjoy their hospitality.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:25): My question is to the Premier. What penalty has the Premier imposed on his ministers for taking tens of thousands of dollars of taxpayers' money they were not entitled to?

The Hon. J.A.W. GARDNER: Point of order: standing order 97. That question contained argument, claimed fact.

The SPEAKER: Point of order on the point of order.

The Hon. S.C. MULLIGHAN: These are not arguments: these are established facts laid before the house yesterday.

The SPEAKER: There was certainly a characterisation of that, and I do believe that it did offend the standing orders, so I am going to rule that way, but I will allow the member for West Torrens to perhaps come up with another question.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:26): My question is to the Premier. Has the Premier cautioned and reprimanded his ministers for their conduct?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:26): I made it very clear to every single member in my team, whether they be in this house or whether they be in the other place, that they are responsible for any allowances which they claim and the accuracy of those. I asked every member of my team not only to look at what had happened in the last month or three months or six months or since we came to government—

Mr Malinauskas: Yes, but what if they did the wrong thing?

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —but to look over the last 10 years. This was the standard which we set. Members have done a huge amount of work to go through all of those, to check them against their diary and, if there were any administrative errors, to immediately identify those, report them to the Clerk, and immediately rectify that situation.

I can't speak for what has happened with any direction from the Leader of the Opposition to members in the ALP both past or present, or other members of this parliament, whether they have gone through and looked at every single one of their transactions over a 10-year period, but what I can say is that on my side I have made it very clear: members are responsible—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —for the accuracy of those applications. We have a responsibility to every member of the public—

The Hon. S.C. Mullighan: Apparently they are not responsible.

The SPEAKER: Member for Lee!

The Hon. S.S. MARSHALL: —to make sure that those applications for moneys from the public are done so in strict accordance with the guidelines.

Dr Close interjecting:

The SPEAKER: Deputy leader!

The Hon. S.S. MARSHALL: It is true that there have been some administrative errors over the last 10 years. We are talking about tens of thousands of transactions which have needed to be checked, dates for members that have existed in this place for the last 10 years, and there have been errors and they have been identified.

Mr Brown: And what's happened to them? Nothing.

The SPEAKER: Member for Playford!

The Hon. S.S. MARSHALL: What we don't know at this stage is whether there are any errors—

The Hon. S.C. Mullighan: They had to attend the birth of Jesus.

The Hon. S.S. MARSHALL: —on the accounts of any members of the Australian Labor Party.

The SPEAKER: The member for Lee can leave for 20 minutes.

The honourable member for Lee having withdrawn from the chamber:

The Hon. S.S. MARSHALL: We have heard absolutely nothing from the Leader of the Opposition with regard to what threshold he has set, what expectation he has set for his members. He has not made a public statement about his members. He has not made any public statement whatsoever.

Members interjecting:

The SPEAKER: Members on my left, with all respect, I am not going to tolerate that level of interjection today, so if it continues members will be departing the chamber. We've got the question; I would like to hear the Premier's answer, and then I will come back to those on my left. Premier.

The Hon. S.S. MARSHALL: Thank you, sir. I have not heard any public statement from the Leader of the Opposition whatsoever requiring his members to go back and check every single one of their transactions. I'm not sure whether I just overheard something then—I will check *Hansard*—but the reality is, we have made that expectation on this—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —side of the parliament. More than that, more than going backwards for 10 years—

Ms Stinson interjecting:

The SPEAKER: Member for Badcoe!

The Hon. S.S. MARSHALL: —what we have done on this side of the chamber is ensure that going forward there is absolute scrutiny on this issue with monthly publication of information. More than that—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —we have also, as a government, written to the Auditor-General to have far greater scrutiny of this issue going forward. In fact, we have even suggested that maybe it is time to have random audits on individual members. We do this because we need to assure the people of South Australia that we have tightened up the arrangements that existed for decades and decades, certainly over the full 16 years of the previous government. We have tightened up those arrangements going forward.

PUBLIC SECTOR ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:30): My question is to the Premier. Can the Premier assure the house that there are no other administrative errors not yet reported by his members?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:30): Not that I'm aware of. But, as you would be aware, sir, this is a matter that has been referred to the Auditor-General, by both yourself and the President of the Legislative Council, and so we await any advice from him. What I have done, though, is to make it very clear to all the members on my side of this parliament to make sure that they have gone back and checked the accuracy of the claims they have made not over the last 12 months or 24 months but over the last 10 years. We haven't heard that commitment—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —from the Australian Labor Party.

SCHOOL INFRASTRUCTURE PROJECTS

Mr CREGAN (Kavel) (14:31): My question is to the Minister for Education. Can the minister advise the house as to the impacts of the Marshall government's significant capital works program for schools in my community and across South Australia?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:31): I thank the member for Kavel for his question, and I also note his longstanding and deep and abiding interest in supporting young people's education in his community. The member for Kavel's parents were teachers, and their legacy continues in his endeavours to support education in schools in the towns and cities of Kavel.

I advise the house that the residents in the Kavel electorate are supported by a member of parliament who communicates regularly with ministers. As the Minister for Education, I hear very regularly from the member for Kavel about some of the needs of his schools, in particular in the Mount Barker area with its growing population and some of the challenges that potentially may place on the local education infrastructure in the years ahead.

I advise the member for Kavel and his community that, not just as a result of the weekly phone calls from the member for Kavel about this issue, we are keeping a very close eye on that. I am about to outline works at some of his schools and we will keep a close eye on the needs of some of the other schools. The member for Kavel regularly talks about the needs of Mount Barker South Primary School, a school that he has taken me to more than once—indeed, he brought the governing council chair in to meet me not that long ago—and Littlehampton Primary School, which are also facing capacity challenges.

There is work that we are going to be in a position to look at in the years ahead as the population in Mount Barker potentially grows. We will be keeping a very close eye on that. We are pleased that, as a part of the $1.3 billion in capital works that is in the state budget for educational upgrades around South Australia, there are a couple of particular upgrades within the member for Kavel's electorate. Mount Barker High School has a $6 million project and building work has already commenced. It commenced in April, with completion expected in August next year. The students at Mount Barker High School will see the benefit of the work being done by BluBuilt Constructions Pty Ltd.

The redevelopment will see demolition, new works and refurbishment to existing facilities. It will see the school grow to a capacity of an expected population of approximately 850 students in the foreseeable future. There is refurbishment of the upper level of building 1, providing new general learning areas and service learning areas.

There is an extension to the existing gymnasium, providing a performing arts studio for the site, with an adjacent general learning area. Indeed, the performing arts studio can be subdivided into three general learning area-size teaching areas so that it can be flexibly configured to the needs of either a larger performance or indeed smaller presentations. There is also significant work to

ensure disability compliance across the site, demolition of some facilities and a small outdoor teaching area.

But wait, there's more. Since work has begun, we have also added hearing augmentation being provided to all areas in the scope and, indeed, refurbishment of building 6 to accommodate relocation of administration. To deal with a particularly concerning issue for a number of members of the school community with the longstanding safety and compliance challenges, they can now be fixed with that relocation.

Mount Barker Primary School also has a project in scope. It did have an $8.5 million allocation that has been added to by this government, so it's now a shade under $10 million going to support the redevelopment at Mount Barker Primary School. That includes the construction of a new two-storey building comprising new admin facilities; general learning areas, service learning areas and flexible areas; a new disability unit; flexible spaces for learning and specialist amenities; and some demolition of aged buildings.

That project is out to tender for the construction contract and is actually due to close this week. It's anticipated that construction will commence in October this year, with completion expected around the beginning or just before the beginning of the 2022 school year.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:35): My question is to the Minister for Transport and Infrastructure. Is the minister prepared to explain to the house in detail what specific expenses he incurred while staying at his parents' house?

The Hon. J.A.W. GARDNER: Point of order, sir: you have drawn the house's attention on numerous occasions to Speaker Such's ruling in relation to standing order 96. The public affairs for which ministers are responsible in this house are not the same as public interest.

The SPEAKER: Yes, I have it here. I would like to remind members of my ruling made in the house on 30 June, where I indicated that questions asked by members regarding claims for country members' accommodation allowance are out of order. I went on to quote Speaker Such from 2005. I do uphold that point of order.

The Hon. A. KOUTSANTONIS: Can I ask a point of clarification, sir?

The SPEAKER: No, you can have another question. You know better, member for West Torrens. Let's give you another question.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:36): Thank you, sir. My question is to the Minister for Transport and Infrastructure. Why didn't the minister admit—

The Hon. D.C. van Holst Pellekaan: Argument.

The SPEAKER: The Minister for Energy and Mining is called to order. I know he is trying to be helpful, but I would like to hear the question.

The Hon. A. KOUTSANTONIS: My question is to the Minister for Transport and Infrastructure. Why didn't the minister admit that he pays board to stay at his parents' home in various media appearances this morning? Did he forget?

The Hon. J.A.W. GARDNER: Point of order, sir: exactly the same point of order as with the last question. This is a reframing of the question that was asked previously using a different form of political speech.

The SPEAKER: A question seeking, if you like, an expression of opinion containing argument—yes, Erskine May tells us that is out of order. I uphold the point of order. Perhaps a question could be asked, and maybe seek leave of the house to insert some fact. That would potentially be another way around it, but I uphold the point of order. I will give the member for West Torrens another question.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:37): Thank you, sir. My question is to the Minister for Transport and Infrastructure. Why didn't the minister answer all the questions of the journalists that were posed to him this morning? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: This morning on 891 radio, the minister was asked by David Bevan if he paid board at his parents' house and he refused to answer.

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker.

Members interjecting:

The SPEAKER: The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: I don't know how many times the member for West Torrens understands, but standing order 96 is pretty clear. You have identified what the position is—

Members interjecting:

The Hon. V.A. CHAPMAN: No, he hasn't; he has allowed leave. We have allowed leave.

The SPEAKER: Thank you for the point of order, Deputy Premier. The questions could have been about a whole variety of things. On balance, I'm going to allow that question in. If someone would like to answer that question, I am going to allow that question.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:38): Thank you, Mr Speaker. I thank the member for West Torrens for his question and note the answer that I gave in the house yesterday in relation to my own circumstances. I reiterate that I do incur expenses and I believe that I have acted within the guidelines.

Again, what I have sought to do here is to put this matter beyond doubt by repaying the money. I think that's a step that I need to take to make sure that we put this matter and this issue beyond doubt. I know there are those who would like to try to characterise some wrongdoing; that's simply not the case. What I am doing here is acting in a way that puts this matter beyond doubt by repaying this proactively until there is ambiguity that is resolved by the Remuneration Tribunal.

LOCAL GOVERNMENT ACCOUNTABILITY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:39): My question is to the Minister for Local Government. Are all local government councillors required to declare all income to the council on which they serve?

Ms Cook interjecting:

The SPEAKER: The member for Hurtle Vale is warned.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:39): I thank the Leader of the Opposition for the question. I am not aware of a requirement that requires councillors to declare private income to their council. Councillors are paid; they are paid to be a councillor and that amount varies depending on the size of the council, the number of councillors and a whole series of things. I am not aware. Again, if there is some sort of requirement that I am unaware of, I will bring that back to the house. I am certainly unaware of a requirement of councillors to declare private income.

SOUTH AUSTRALIAN FILM INDUSTRY

Mr McBRIDE (MacKillop) (14:40): My question is to the Minister for Innovation and Skills. Can the minister update the house on how the Marshall Liberal government is supporting the South Australian economy by growing the screen industry?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:40): I thank the member for MacKillop for his question. Of course, *Storm Boy* was twice shot in the member for

MacKillop's own electorate. Our screen industry plays an important role in growing our state's economy. The screen sector contributes more than $120 million to the economy each year and employs around 1,200 people.

Our post-production, digital and visual effects rebate has seen the South Australian PDV expenditure grow to $66 million. Last month, we were the first to announce access to the PDV rebate to the game industry sector. Through the COVID-19 pandemic, the South Australian Film Corporation has led the way. The corporation played an important role in developing a new set of national working guidelines for COVID-19 safe screen production, which provide practical guidance and support to Australian screen businesses to enable production to resume.

We are looking forward to major new projects coming to South Australia: the new feature film, *The Unknown Man* is to start production and the resumption of production in Adelaide of the ABC comedy series, *Aftertaste*. These productions are likely to employ a couple of hundred people in South Australia, from tradies to artists to crew and support staff. The Morrison government's new $400 million federal location incentive is great news for our local crews, vendors and thriving PDV sector.

With international productions not only providing employment but also training and upskilling opportunities, we know that there is about $1 billion worth of productions either shut down or delayed around the world, all looking for new locations to continue their work, and South Australia is perfectly positioned to pitch for a share of this business. South Australia's success with *Mortal Kombat* will greatly assist us to make strong bids for this work and position our screen sector to strongly contribute to the economic recovery post-COVID in South Australia.

For every two jobs created in the screen industry, a third job is created in the economy: in hospitality, travel, accommodation and the trades. Major productions, including the state's biggest ever screen production, *Mortal Kombat*, which to date has employed over 800 South Australians, show the state's capacity to deliver. It has provided a strong pipeline of work to the entire South Australian screen sector, including significant work for our world-class post-production digital and visual effects (PDV) industry. There are still 180 people employed by *Mortal Kombat* in South Australia until October in post-production.

With South Australia one of the safest places in the world right now, and one of the first places in the world to resume production, and with a COVIDSafe plan, we are out of the box early to start production. South Australia's screen industry will help us come back stronger than before.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:43): My question is to the Minister for Transport and Infrastructure. How much board does the minister pay his parents when he stays there?

The Hon. J.A.W. GARDNER: Point of order, sir: standing order 96. As Speaker Such has ruled, public affairs, for which ministers are responsible to the house, are not the same as public interest.

The SPEAKER: Yes. The minister is not responsible to the house for how much board he pays his parents.

The Hon. A. KOUTSANTONIS: Point of order, sir, on the point of order: income and contracts are to be declared on the Register of Members' Interests—

The SPEAKER: So would you like to rephrase the question?

The Hon. D.C. van Holst Pellekaan: This is an expense.

The Hon. A. KOUTSANTONIS: It is an expense.

The SPEAKER: Would you like to rephrase the question, member for West Torrens?

The Hon. A. KOUTSANTONIS: My question is to the Minister for Transport and Infrastructure: does he have a contractual arrangement with his parents?

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker: again, it's a problem. If the member has a question about the register of interests, fine, but that is clearly nothing to do with the register of interests.

The SPEAKER: Yes. If the member for West Torrens can relate that question to the register of interests, then perhaps the question has a flavour of merit to it. I am going to give you one last go. If we can't get it right, we are going to move on.

The Hon. A. KOUTSANTONIS: Thank you very much for your indulgence, sir. My question is to the Minister for Transport and Infrastructure. Has the minister made all declarations of all contracts he has in place for board on his declaration of member's interests?

The SPEAKER: I am going to allow that question.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:45): My register of interests is up to date and I make the declarations that I need to on that register of interests.

Members interjecting:

The SPEAKER: Order! Do not insult the former Speaker. The member for West Torrens has the call.

REGISTER OF MEMBERS' INTERESTS

The Hon. A. KOUTSANTONIS (West Torrens) (14:45): My question is to the Minister for Local Government. Does the minister's father, Councillor Franz Knoll, declare the income he receives from the minister on his Register of Members' Interests at the Adelaide city council?

The Hon. V.A. CHAPMAN: That is just completely out of order and a continued defiance of your ruling, as you have said.

The SPEAKER: Yes, I uphold the point of order. We are moving on to the member for Colton.

KINSHIP CARERS

Mr COWDREY (Colton) (14:46): My question is to the Minister for Child Protection. Can the minister update the house on how the Marshall Liberal government is providing culturally safe and responsible services, advocacy and support for Aboriginal children, young people and their carers?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:46): I thank the member for Colton for his important question. Improving outcomes for children and young people is at the heart of everything we do. The Marshall Liberal government is committed to improving the outcomes for Aboriginal children and young people. Our government is dedicated to providing culturally safe and responsive services, advocacy and support for Aboriginal children and their carers.

To that effect, I am proud to inform the house that we have announced a new policy for growth in Aboriginal kinship care, a two-year pilot program to deliver specialised support services for kinship carers of Aboriginal children and young people. This program will support kinship carers to maintain connection to culture for Aboriginal children in their care. It also further embeds the Aboriginal child placement principle and reflects the good results achieved interstate that place more Aboriginal children with kin and unifies more families by working with them in a culturally respectful way.

Through the sharing of knowledge and practical skills and training, delivered by Aboriginal community-controlled organisations, the program will support kinship carers to maintain connection to culture and community. This will complement the existing work of the Department for Child Protection's kinship care program and will also increase the minimum representation of Aboriginal Community Controlled Organisations (ACCOs) for procurement to 6 per cent, which is well above our own target. This pilot program is another way our government is working to attain the goals of

the DCP Strategic Plan 2019-22 and our Aboriginal Action Plan 2019-20. It is important that children and young people develop a sense of self identity and lifelong connections.

Kinship carers play a critical role in developing and maintaining connections with family, community and culture for Aboriginal children and young people. Nowhere is the facilitation of skills and training more important than when we are delivering better services for our children in care. The expertise of the Aboriginal Community Controlled Organisations AFSS, KWY and InComPro will specifically allow for the facilitation of the training of carers in how to maintain these cultural connections.

It will also provide advice and help carers to understand and navigate systems, resolve issues and access services. It will help manage the impacts of intergenerational trauma for children and young people and connect them to practical supports, services and networks, such as trauma specialists, education and health services. It will also educate carers on utilising existing networks and provide specialised knowledge to connect carers to Aboriginal community and culture. Finally, a key focus of this pilot program will be to provide support to regional and remote carers.

As a government, we are doing a lot of work in this area. To name a few of our initiatives, on coming into government in 2018 we appointed April Lawrie as our first Commissioner for Aboriginal Children and Young People. We have formed in DCP the Aboriginal Practice Directorate, led by Tracy Rigney. Through the Department of Human Services, we have an Aboriginal-specific intensive family support service that is being managed through KWY for the western suburbs. We also have family group conferencing, with a specific Aboriginal focus.

We have also set up a family scoping unit within DCP, which is Kanggarendi, which has increased the number of children in kinship care by 27 per cent since coming into government. In January, the Department for Child Protection released our Aboriginal procurement policy in order to have more of our Aboriginal community-controlled organisations provide services, and we have already doubled the state goal in that area. Last year, I launched the DCP Aboriginal Action Plan—

The Hon. S.C. Mullighan: Thank you, Mr Speaker.

The SPEAKER: No, I haven't given you the call yet.

The Hon. S.C. Mullighan: But the time has expired, sir.

The SPEAKER: Minister, would you be able to wrap up now, please.

The Hon. R. SANDERSON: Yes. There is still a lot more to do, Mr Speaker—

An honourable member: Time!

The SPEAKER: Order!

The Hon. R. SANDERSON: —but I am very pleased with the work that has been achieved.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. S.C. MULLIGHAN (Lee) (14:51): My question is to the Minister for Transport and Infrastructure. Why can't the minister detail to the house what expenses he incurs when he stays overnight at his parents' house?

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker: again, this is completely out of order. It's exactly a direct breach of your ruling.

The SPEAKER: Yes, I don't need an impromptu speech. The member for Lee should know better. He is lucky not to leave the house for that question. I will take another one.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. S.C. MULLIGHAN (Lee) (14:51): Thank you, sir. I will try something more specific. My question again is to the Minister for Transport and Infrastructure. Do the minister's parents have a coin-operated laundry available for his use when he stays with them?

The Hon. V.A. CHAPMAN: Point of order.

The SPEAKER: Member for Lee, the minister is not responsible to the house for what parents have or don't have—

The Hon. V.A. CHAPMAN: Or coin-operated laundries.

The SPEAKER: Yes, exactly. So, member for Lee, I am going to ask you to leave for the remainder of question time. You should know better.

The honourable member for Lee having departed from the chamber:

The SPEAKER: I am going to allow one more from the opposition and then we are moving to the member for Heysen. Let's not descend into something that's unruly. Let's be more dignified than that, please.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:52): My question is to the Minister for Transport and Infrastructure. Can the minister assure the house that his principal place of residence, being the most direct route, is indeed 75 kilometres from the Adelaide GPO, making him eligible for the country members' accommodation allowance?

The Hon. V.A. CHAPMAN: Again, I repeat this is not public business under standing order 96.

The SPEAKER: Yes, I uphold the point of order. The member for Heysen, and I will come back to those on my left.

VIRTUAL POWER PLANT

Mr TEAGUE (Heysen) (14:52): My question is to the Minister for Energy and Mining. Can the minister update the house on how the innovative South Australian virtual power plant is delivering cheaper energy bills for South Australian Housing Trust residents?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:52): I thank the member for Heysen for that question—and, yes, I can. It's a real pleasure to do that. As members would know, storage is a key component of our energy solution to make electricity more affordable, more reliable and cleaner for all South Australians.

We have our Grid Scale Storage Fund, we have our Home Battery Scheme, and I am pleased to share with the house that over 12½ thousand people have signed up for the Home Battery Scheme—a tremendous achievement. Those 12½ thousand homes will all receive significant benefits, and by doing so they will also provide benefits to all other electricity consumers.

With regard to the innovative virtual power plant to which the member refers, that is going very well also. Phases 1 and 2 have been completed; 1,100 Housing Trust homes now have solar and batteries installed. They are achieving incredibly well for those people. In addition to those 1,100 homes there are another 250 homes which do not have the equipment but which are participating in the virtual power plant scheme and they also receive a reduced electricity bill.

From 1 July this year the VPP households—the ones that have the equipment and, importantly, the ones that don't but are still in the scheme—will pay a retail residential electricity price 22 per cent below the default market offer for South Australia. That is significant. It is about $105 per year in savings, and that is on top of the savings last year and on top of the savings the year before. Electricity prices in South Australia are coming down for many, many reasons.

We work very collaboratively with industry to make these things happen. We are thrilled to be providing Housing SA tenants directly cheaper electricity through these schemes. The VPP was actually one of the very first to join with the Australian Energy Market Operator to provide frequency control and other ancillary services to the market.

The VPP has actually proven itself with regard to the quality of the grid: a cost avoidance from shocks coming from outside South Australia that would otherwise have negatively impacted South Australia with regard to the supply of electricity. The VPP was absolutely critical in partnership with AEMO to make sure that those shocks were absolutely minimised, so an enormous and important cost saving for all South Australians.

I am also really pleased to say that while the South Australian VPP—partnering, importantly, I should say, with Tesla—is going very well, we now have six virtual power plants operating in South Australia and it has led to an enormous range of opportunities. The other virtual power plants are with AGL, Simply Energy, Stoddart, ShineHub and Sonnen. This work is going incredibly well.

At the last election, the previous government started the virtual power plant. I give credit to them for getting that going, and we also developed our Home Battery Scheme from opposition. Most people thought that whoever won government would keep their scheme and scrap the other. So, while their scheme was on rocky ground, what we decided to do was do both. It was going to be in the best interests of all South Australians for us to introduce the Home Battery Scheme and also to help recover the virtual power plant, which the previous government started.

We are proudly doing both because they are both in the best interests of South Australian electricity consumers, who are receiving cheaper, cleaner and more reliable electricity under the Marshall Liberal government.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:57): Mr Speaker, my question is to you. If the Minister for Transport and Infrastructure is not responsible to the house for claiming the country members' travel allowance, who is?

The SPEAKER (14:57): What I might do is to take this opportunity to talk a little bit about the practice of processing these claims and how that works. In respect of the member for West Torrens' query regarding this, because I think this is useful to members, to the public and also to our friends in the media, I am advised that the Clerk or the delegated officers of the house, if you like, on receipt of a claim form, will check the form to confirm that the number of days claimed are correct, that the number does not exceed the maximum number of days that can be claimed for the financial year or that the amount that is claimed per day is not exceeded.

No doubt members are familiar with the content of the country members' claim form, which requires the member making the claim to, if you like, certify that their usual place of residence is where it is and they have incurred the expenses claimed. If officers of the house then have any concerns regarding the detail included on the claim form, the officer will confirm the details with the member. Upon confirmation of the details set out in the claim form, the officer will approve the payment and the claim will be processed for payment.

The Clerk certainly cannot approve a payment, if you like, for claims that are known to him or her to be invalid or unlawful. Any such claim would be usually returned to the member unless there was a view that the claim is irregular, in which case the claim would be forwarded to the Speaker for necessary action. So I don't directly get involved with the processing of claims, if you like. The Clerk has delegated authority, and then he also delegates that authority on to staff in the parliament.

I hope that goes a long way to explaining a little bit more about the claim situation. Ultimately, the allowance is administered by the house and, for example, some of these questions may be better asked, perhaps, during the estimates. I hope that gives the member some update as to the background into these claims.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:59): Supplementary: can I inquire—and obviously if it is not available, to take on notice—whether since December 2018 any applications that have been presented to the Clerk have been rejected?

The SPEAKER (14:59): I will certainly take that on notice, Attorney.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:00): My question is to the Premier. Does the Premier believe it is okay for taxpayers to be charged $234 a night for one of his ministers to spend a night with mum and dad?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:00): I thank the Leader of the Opposition for his question. With regard to the rate, I think the Leader of the Opposition would be

more than aware that this is a rate which is set by the independent Remuneration Tribunal here in South Australia. They look at a range of issues. They do seek submissions.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The Leader of the Opposition, on behalf of his party, is quite within his rights to put that submission into the Remuneration Tribunal when they call for submissions. I believe that there is a window to put the submission in as we speak. My belief is that this is something which should continue in the fashion to which it has been put in place here in South Australia. I note that it is very similar to the arrangements—

Members interjecting:

The Hon. S.S. MARSHALL: —which exist in other jurisdictions.

The SPEAKER: The member for Playford can leave for the remainder of question time. The member for King has the call.

The honourable member for Playford having withdrawn from the chamber:

WASTE MANAGEMENT

Ms LUETHEN (King) (15:01): My question is to the Minister for Environment and Water. Can the minister update the house about how the Marshall Liberal government is supporting South Australians to improve household waste disposal practices?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:01): It is great to be able to answer this question from the member for King and I know that she is passionate about helping her community reduce its environmental footprint, particularly when it comes to effective waste management. I have been following her social media and seeing her walking around the hills and vales of Golden Grove, Greenwith and the other suburbs in her electorate, handing out those Which Bin fridge magnets so that her community can lift their awareness and understanding of what to put in which bin and do their bit effectively. The member for King is right behind that movement towards better waste management in our north-eastern suburbs.

We know that since the COVID pandemic came to Australia unfortunately waste management, particularly where we can record in South Australia, is not going as well as it could do. We have seen a 10 per cent spike in the amount of waste created at household level during COVID-19, and we believe that's largely because of people doing things differently in terms of the change of habits in the way they live their lives.

Daily rituals have changed and so, with people staying at home more, they are generating more waste at household level, particularly food waste. This is what the member for King has been working hard to reduce in her community: food waste. We know that about 40 per cent of all waste that goes into the bin for municipal general waste—that is largely the red bin across Adelaide and a blue-lidded bin in a couple of councils—is food waste.

We can drive this down because getting food waste out of that bin, out of landfill, will reduce greenhouse gas emissions and will also end up going through industrial composting if processed through the green bin, the organics bin, leading to better, healthier, more water-retentive South Australian soils and, of course, creating more jobs. We know that by processing green waste effectively through the green organics bin we create three times the number of jobs than if waste simply goes into landfill. So there is a win-win-win coming from doing this effectively.

We have been working hard through Green Industries South Australia to work with local councils in particular and private businesses as well to lift the standard of how green waste is managed at a community level and at council level. I am delighted to be able to provide the house with information that we have provided $1.58 million in funding to assist particularly local councils—a couple of the private businesses along the way, but largely local councils—in diverting green waste from landfill. This funding will go towards helping councils provide households with things like kitchen caddies and biodegradable bags so that food scraps can go from the kitchen worktop into the kitchen caddy. It just makes it easier to put it into the green bin.

We are also working with councils on opt-in food waste programs, where certain households that want to be involved and that make a choice to be involved can put up their hand to get a weekly green bin collection, further enhancing the amount of green waste that goes through the industrial composting process. We do strongly think this is the right direction to go in, and the member for King knows that. She is getting out there into her community, raising awareness of these programs and encouraging people to do the right thing when it comes to green waste.

MARINE PARKS, SANCTUARY ZONES

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:05): My question is to the Minister for Environment and Water. Will the minister guarantee that the commercial fishing sector will not be given immediate access to the sanctuary areas the minister proposes to remove protection from before parliament has been able to consider a disallowance motion?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:05): I thank the deputy leader for her question. As I have updated this house before, this has been a very challenging process over many years to get the right balance between conservation, regional jobs and economic development. We know that the process of creating marine parks in South Australia was manhandled under the previous government and caused huge angst. I have sat at the kitchen tables of fishers around this state who have contemplated doing terrible things—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —because of the way they were treated by the previous government. It has been heartbreaking to sit with those fishers and see how they have suffered at the hands of an ideological, purist, leftist regime which sought to strip away the opportunity—

The Hon. A. KOUTSANTONIS: Point of order: debate.

The SPEAKER: I have given the minister some opportunity to get to the point; I expect him to do so relatively soon.

The Hon. D.J. SPEIRS: It is always good to have a bit of compare and contrast, and I was contrasting that leftist, ideologically driven regime with this government, which is taking a pragmatic approach, sitting down with—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —conservationists and co-designing—that's a word that was used, of course, by my predecessor, the Hon. Ian Hunter: co-designing a new engagement paradigm. We don't want to go back to those old days, but occasionally, when Ian Hunter is not involved, sometimes co-designing does work. We sat down, the conservation sector and the fishers—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —and we were able to work towards a process. Not everyone agreed all of the time, but we were able to get much closer together, and I was incredibly encouraged by the way the conservation sector and the fishing sector were able to work together to nuance the debate and get those boundaries a bit closer to what both sides wanted.

They did not agree on everything, and they are the first to concede that, but I think it was a process of co-design which has led to those two sectors understanding each other better, having better relationships going forward, and having more trust between one another. They are actually still working through this process. While the consultation has ended, I know those two sectors are still in talks about how they will balance fishing and economic development alongside conservation going forward.

In the coming weeks, we will get to a point where those proposals are brought into parliament and there will be an opportunity, of course, for those regulations to be disallowed. I am very confident

that they will pass this house. It will be for the crossbenchers in the other place to work alongside the fishing sector and the conservation sector and understand how that co-design has occurred, how those two parties have come together. We will see if we can get a piece of work that enables both economic development and conservation. We are much closer than we ever were under the previous government. We are progressing in a good direction, and I look forward to continuing to work with both of those groups because it has been an encouraging process to date.

MEMBERS, ACCOMMODATION ALLOWANCES

The SPEAKER (15:09): Before I call the deputy leader for another question, further to the question asked to me by the Attorney-General regarding country members' accommodation allowance claims, I am reliably informed and I can advise the house that I have been advised that no claims have been rejected by officers of the house or referred to me as Speaker since December 2018.

MARINE PARKS, SANCTUARY ZONES

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:09): My question is again to the Minister for Environment and Water. Does the minister accept that he was wrong when he stated to the house that the environment movement agreed on most of the changes in cutting back sanctuary zones? With your leave and that of the house, I will explain.

Leave granted.

Dr CLOSE: On 13 May 2020, the minister told the house the environment movement, and I quote, 'agreed on most of the changes we are taking forward'. But in a letter to the minister dated 9 April the Conservation Council, Pew Charitable Trust and the Wilderness Society expressed their strong opposition to the proposed changes stating, and I quote:

> It would be impossible to justify stripping away key parts of a well established, successful conservation asset that is delivering significant value to the state's economic and social health.

Members interjecting:

The SPEAKER: Order! Time is ticking. It is your question time. Minister for Environment and Water.

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:11): No, I don't agree.

PUBLIC SCHOOLS

Mr BASHAM (Finniss) (15:11): My question is to the Minister for Education. Can the minister please update the house on the preparation for new schools being opened in 2022?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:11): I thank the member for Finniss for this question because it is a great opportunity to talk about some very exciting developments in four particular areas of South Australia where new schools will be opening in 2022.

Of course, the member for Finniss is aware that the most recent addition to the group of areas that will be receiving a new public school in 2022 is his own, as the people of Goolwa from term 1, 2022 will for the first time have a public high school offering within that town and its surrounding area, an area servicing 7½ thousand residents, far and away the largest town and community in South Australia without a local high school offering.

The people of Goolwa previously had a private school with an R-12 campus offering a certain service. That school has relocated all of its service to the Victor Harbor campus that it operates, providing the taxpayers of South Australia with a unique opportunity to obtain a piece of land with many of the facilities that we would need to provide a new school. Therefore, for $10 million now committed in the budget by the Marshall Liberal government—up to $10 million—we will refit that school to make it disability compliant. We will be widening doors, we will be enhancing electrical, we will be making sure everything is up to code.

It will be a new high school supporting, we anticipate, 400 students when it is fully open from 7 to 12. It is possible that it may grow because, of course, we know that Goolwa is a growing area.

The mayor of Goolwa and the CE, who were there on the weekend and were absolutely thrilled to hear the announcement, informed me that there could be as many as 10,000 residents in that area going forward.

At the moment, those families have their children on buses for up to three hours a day, depending on where they are in the area, going to Victor Harbor or Strathalbyn or Mount Compass to go to school. Indeed, one of the absolutely heartbreaking things the mayor instilled in me was that when children turn 12 or 13 in Goolwa they learn that they have to leave town to do anything. That will no longer be the case.

So the member for Finniss should be congratulated, the mayor should be congratulated and the member for Mayo indeed should be congratulated. I spoke to her before the announcement, and she was advocating for it, and she has certainly welcomed this announcement as well. We look forward to further details being available there.

The other three schools that are being built—$360 million plus—to deliver new schools as a taxpayers' investment, which the Marshall Liberal government made decisions about to ensure they went ahead after the March 2018 election, were in Angle Vale, Aldinga and Whyalla. These are important investments by the taxpayers of South Australia, which the Marshall Liberal government is overseeing and will deliver. Those schools will service their communities well, the growing communities in Angle Vale and Aldinga in particular, and in Whyalla.

The member for Giles and I spoke about this a number times after the March 2018 election. As he put to me, the very significant importance for that community of seeing the old concept of two junior high schools and one senior high school, which doesn't work adequately for the people in his area in Whyalla, is no longer going to be the case. Instead, there will be one school servicing the town and we are very pleased to advise that Alison Colbeck, who has been the principal of Willunga Primary School for the last five years, will lead the new Aldinga B-12 School. She is very well known to the member for Mawson.

Joe Priolo, who has been the principal of Salisbury East High School and is very well known to the member for King, will lead the new Angle Vale B-12 School. Tricia Richman, who is currently the principal of Edward John Eyre High School and was previously at Whyalla High School and is very well known to the member for Giles, will lead the new Whyalla school. These three principals will do an outstanding job for these communities and we can't wait to see the work they do in the next year and a half to get those schools ready to go and to service the needs of their community.

Grievance Debate

TEACHERS REGISTRATION BOARD

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:15): I am torn between talking about education and the environment. I am going to do my best to do both, but I will start with education because we have seen over 11,000 signatures today presented from teachers, from both private and public schools, outraged and hurt that the minister and the government have disregarded their professionalism to the extent that they have tried to put through parliament a bill that deprives the Teachers Registration Board, which is the professional standards board, of having very many teachers on it.

The Hon. J.A.W. GARDNER: Point of order: the member is reflecting on a bill that is currently before this house.

The SPEAKER: Yes, I caution the member and I trust that she will reflect on my ruling to not reflect on a bill that is before the house, but I will listen carefully to her contribution.

Dr CLOSE: I have merely referred to the bill that is in the house to the extent that it has prompted a petition that has been allowed to be tabled today. But what I would like to muse on is the question of the level of respect, or in fact disrespect, that this government shows to teachers.

What happened during the COVID crisis? We hear a lot of rhetoric. 'We thought our teachers were great and our teachers did such a terrific job,' but the government in fact treated teachers with a huge amount of disrespect. Did it make sure that every school and every classroom had sufficient

soap and sufficient hand sanitiser immediately? No, it did not. Did it give the teachers time to go onto online teaching? No, for a couple of weeks they had to try to prepare both. They had to deliver both.

Then it finally gave them some time off, leading into the school holidays. Those teachers worked every day of that last week and every day of the school holidays moving online. With three days' notice, suddenly they were told, 'We don't want you to do that anymore. We want you to abandon the timetabling that you have done. We want you to abandon all the work that you have done. You can now go back to teaching face to face.' That treats teachers as if they are simply a machine that can be turned on and off.

Teachers were understandably very concerned about the risk in schools. It is not ridiculous to think that there might be a risk of virus transmission inside a school. We know, and we are so grateful amidst this horror, that at least young children do not appear to get a bad version of this virus or at least very infrequently, but that was not clearly known early on. Nor is it true that there are only young children at schools. One of my children is taller than I am. He may still be at school, but how is he any different from a young adult who is known to be a superspreader? Of course, all the teachers and all the other staff are adults interacting with each other. They are being forced to go out and are not able to self-isolate. They were concerned.

This government did a report, which we now know was dated at the end of March, looking into the health impacts and the consequences of interacting at school, and that report had a lot of questions. It was not settled that it was 100 per cent safe. 'Of course, don't be so silly. Go straight back to work.' Was it released? Was it given to the teachers as professionals so that they would be able to make their own judgements? No, it was not because this government tried to hide it until *The Advertiser* got hold of it towards the end of May.

But I can tell you what this government did think was kind of cute and what the minister thought would be quite nice. He picked up that teachers were a bit annoyed with him. He picked up that they thought they were being treated as babysitting machines and were being removed from their board that we must not speak about, so he sent them all a chocolate. On the front of the little card he wrote, 'Thanks for being a rock when the world is (Violet) Crumbling.' It was a Violet Crumble chocolate.

Members interjecting:

Dr CLOSE: I know; that is nice. I am not saying that is not nice, but do you know what is really nice? Treating teachers with respect and treating teachers as the professionals they are. I hope the government, now having received that petition, has heard that message.

I want to very briefly turn to this question of the minister thinking that he was not wrong when he said that the environment movement was 'largely on board with the changes for the marine park sanctuaries'. Not only was he wrong about that, because the environment movement is absolutely furious—and I have received thousands of emails from South Australians who are begging this government not to remove the protections from the sanctuaries—but he is also wrong to suggest that there is any justification from his own report.

His own report that he commissioned—that he did not choose to share with the fishing industry and that he did not choose to share with the environmentalists when they were undertaking their consultation and discussions—said that this had absolutely no justification. It said that it will 'reduce the effectiveness of the marine park network in protecting and conserving marine biodiversity habitats'. That is a disgraceful decision to make, yet this government spent $120,000 on that report.

CHAFFEY ELECTORATE

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:21): I rise today to speak about some of the goings on in the great electorate of Chaffey. Last Friday, it was great to be in Berri, in the Riverland, to be part of the announcement and launch of the 5G tower—

Members interjecting:

The SPEAKER: Order!

The Hon. T.J. WHETSTONE: For the uninitiated who occasionally might understand where the regions are and the lack of digital connectivity, what we saw in Berri on Friday was the launch of the 5G network. It was a great opportunity for me to go up there and meet with Mark Bolton, Telstra's district manager. As a sign of goodwill, Mark announced, opened and launched the 5G capability in Berri. It was a great outcome for the people of Berri.

Yes, they had been in and out of service for around a week due to the upgrade of that facility, the tower and all the works. What I will say is that for those who waited, great things have come. The 5G network has hit the Riverland and I am expecting to see more Telstra service networks in the area. I extend the invitation to other telcos: if they are looking to come up to the Riverland and also provide that extended 5G network, I welcome them. It is about connecting the Riverland with the world.

The capacity for the bandwidth and speed is an outstanding success for the people of the Riverland. For far too long—and the Riverland is a shining example—we have missed digital connections over a long period of time. People have been working from home and businesses have been decentralising; they now have the benefit of that 5G capability.

I must say, that is an outstanding achievement. But wait, there is more. Telstra also went out to Bower, a town that borders Chaffey and Stuart. In another great outcome, Bower now has mobile phone reception. We have seen a further upgrade. This government has put in place a blackspot program in collaboration with the commonwealth.

Bower has mobile phone reception and they are celebrating. They have called out for this for a long period of time, and with the strong advocacy of myself and the member for Stuart, the state government has partnered with the telcos and the commonwealth government's Mobile Black Spot Program to provide another service in regional South Australia. This is enhancing what the regions mean to the South Australian economy. It is a $25 billion economy and the Riverland is proud to be part of it as a shining light.

The Minister for Education was today talking about upgrading schools in regional centres. Last Friday, I called in to the Glossop senior campus, where construction has begun for the amalgamation of the middle and senior campuses. Once again, this is a great outcome for Chaffey. I thank the Minister for Education for his foresight in bringing those two campuses together, as well as bringing year 7 into high school. It will be a great outcome. I am looking forward to that community and the transition because it is a really exciting time. Since coming into this parliament, I have worked on the amalgamation of those two campuses. I have worked with three principals to get this project up and that school is celebrating because of the increased capacity.

I also want to make an individual acknowledgement of a Riverlander who has been a great community supporter and a great sporting contributor to the Cobdogla community. Shane Nettle has been an outstanding contributor and is well known and respected around the tennis circuit in the Riverland. Shane was recently named the winner of the Rural Volunteer Achievement Award at the Tennis SA awards. I thank him for all his work and for coaching the young and up-and-coming tennis stars.

Cobdogla is home to some of our great young juniors, and none more important than Luke Saville, a junior Wimbledon champion, as well as the Rischbieths, and there are many more budding junior champions coming out of the Cobdogla Tennis Club. Shane started off as a junior at Cobdogla and he has volunteered for almost 35 years. He has been recognised for his coaching work, his fundraising efforts and his ongoing teaching at the Cobdogla Primary School. I thank him for that, as does the Cobdogla community. Shane is a deserving recipient of this award and I congratulate him.

GILES ELECTORATE

Mr HUGHES (Giles) (15:26): I rise today to talk about three separate issues to do with my electorate. One is the steel industry and another is the Australian giant cuttlefish, but I will start with something that I believe is a tragedy and probably in some ways a predictable tragedy.

In December 2019, I wrote to the Minister for Child Protection. I wrote in relation to a very small group of young people who were doing a lot of damage in my community. Part of the letter states:

> There are grave concerns in the community that the behaviour of the group—made [up] of very young children and teenagers—is escalating and it is highly likely that someone will be seriously injured or worse.
>
> The reason I am writing to you is because it has been brought to my attention that some of the offenders are under the Guardianship of the [minister].

I wrote that because, as the responsible Minister for Child Protection, you need to take some action. There were thousands of dollars worth of damage done, with all sorts of things happening in the community, but my concern was that things would escalate, that someone would get seriously hurt and that it needed to be addressed.

When I wrote the letter, I also put in a freedom of information request to a particular unit within the South Australian police force to see how many Whyalla guardianship children were reported as missing and absent. These reports are held by the police. I got that information back. In early 2018, the numbers were very small, that is, a maximum of 11. There were two in July 2018, but then this spiked and the numbers increased to 99 reported missing children under the guardianship of the minister. Some of these were definitely multiple reports.

In the following year, 2019, each month high numbers of children under the guardianship of the minister were reported as missing. I flagged in the letter to the minister, I flagged in a letter to the Attorney-General and I flagged in a letter to the Minister for Health, from an ice perspective, the need to do stuff in our community, that there was a real issue in the Whyalla community and that there was an issue with kids under the guardianship of the minister.

Just the other day, in Whyalla we saw the tragic death of a 20 year old. The driver of the car was a 12 year old. There was another child in the car who was seriously injured. The 12 year old is facing charges as a result of his actions, but I do not want to go into that. What I do want to say is that this was, in a sense, predictable. I had flagged that something serious was going to happen in my community if action was not taken.

I am not here to score some cheap point against the government, because these issues are often extremely complex. Some of the families these kids come from have incredibly challenging circumstances. What I did want to flag to the minister was the real importance of serious early intervention in families to stop kids going off the rails. These kids now are going off the rails and they are going to be living with what has happened for the rest of their lives.

If we do not provide serious resources for the Department for Child Protection and the people who work within it, if we do not provide greater tools, if we do not provide greater options for the courts when imposing orders and if we do not have much stronger evidence-based intervention when it comes to families, then when it comes to children at risk, we are going to get circumstances like this again and again.

As I said, I am not here to score points against the government, because this is complex stuff and it happens in all our communities across the state. I am sure we can all point to examples where things have gone wrong. I qualified as a social worker. I have never worked as a social worker, but I know a lot of social workers. I know the frustration that we tackle at the acute end of things, but we need the real resources to go into prevention and family intervention early on in those first years of life and, indeed, even before the child is born.

PEG IT FORWARD

Ms LUETHEN (King) (15:31): I rise today to talk about a moving and remarkable act of kindness happening in the King community. I am going to call this kind act 'peg it forward'. A few weeks ago, I visited local business owner Jo Murphy at her shop, called Chic by Design, in the Golden Grove Shopping Centre. Jo stocks this wonderful shop with beautiful gifts, and Jo's daughter, Jessie, also works with Jo.

On Jo's shop counter was a huge basket of pegs with short, inspiring messages written on them. I asked what these pegs were for and Jo told me they were made by a local lady to give away. She offered me a peg, and it said, 'Love the life you live.' That afternoon, I chose to sit out in the shopping centre courtyard, at a small table under a tree, and sign some of my constituent letters. Jessie brought the basket of pegs out to me in case anyone who stopped to chat with me might like a peg.

The first lady who stopped to say hello to me picked out a peg and read her message. It was heart stopping to see tears spring into her eyes as she told me that the message was exactly what she had needed and that she was very grateful for her peg. Jo and Jessie have said to me that they have had the very same experience, with people saying their messages have been very relevant to their circumstances. We have discovered now that these baskets of pegs are actually on many local counters.

I asked Jo and Jessie if they could help me discover where the wonderful pegs were coming from. They found out that these were Pamela's pegs, made by local King resident Pam Sawyer, and now I have Pam's story to tell, as Estia Health has written it up. The story is that when Pam moved into her Estia home, she brought blessings with her. Pam mentioned to staff that she enjoyed burning quotes into wooden pegs and that she was hoping to continue this hobby in her new home.

Here is their story of how it was only after getting to know Pam that a bigger picture came to light. The story goes that just before becoming ill Pam said she asked God where He wanted her pegs to go. She heard 'hospitals' and thought, 'What a great idea—to the patients.' Then she heard 'staff' and decided staff need encouragement also. When Pam told her daughter Robyn about her vision, the two of them packed pegs into clear containers and gave them to folks visiting hospitals.

Two weeks later, when Pam was in hospital herself, she realised she could give pegs to the hospital staff who came to her room. About 200 pegs were given out in less than two weeks. One staff member told Pam that the pegs had changed the entire atmosphere in the ward because everyone was stopping each other in passing to see what each other's peg said. Pam's daughter Annette helps Pam add magnets and pictures to these pegs, and friends come in to help with the peg distribution to workplaces, nursing homes and shopping centres. Pam said she can see the vision of all her nursing home sites feeling the love of her pegs. She calls it God's work in action.

The centre writes that visitors stop to read Pam's pegboard, wanting to buy a peg, but Pam has always made it clear that they are free. She just wants people to take a peg that inspires them or speaks to them, or to take the pegs for friends who might just need one. What a wonderful act of goodwill and kindness, creating positivity and hope by distributing inspirational messages throughout our local area via something as simple as a peg. I am so keen to learn how many people in my local community have got pegged. I have heard Pam is not well, and I send Pam and her family my kindest and sincerest thoughts and thank Pam, her daughters and Estia Health for the positive impact these pegs have had.

Throughout the coronavirus, it has been heartbreaking to hear how grandparents have had to wave to their grandchildren through windows, it was tragic to attend funerals by livestream, it is distressing to hear that people have lost their jobs, to see businesses close and to know that people are suffering mentally and financially. That is why our Marshall Liberal government is focused every day on the health of South Australians and on creating more jobs in South Australia.

Kind acts like Pam's are so valuable right now. When we get through this crisis, every handshake and hug will mean so much more. As we rebuild our economy, we must all keep reaching out to others so that we all get through this together. If anyone in my community has another story of kindness, I would love to hear it.

EYRE PENINSULA VISIT

The Hon. Z.L. BETTISON (Ramsay) (15:36): Earlier this month, I had the opportunity to tour Spencer Gulf and Eyre Peninsula. The focus of my tour was to speak to tourism operators and organisations, to talk to local mayors and to have the opportunity to touch base with my colleagues as local members. When I started my tour, I took the opportunity to look up silo and art tours of South Australia and that led me to some absolutely beautiful silos at Kimba, Wirrabara and Tumby Bay, and I enjoyed that time immensely.

Let me touch base on some of the great people I met with, people who, frankly, have had the toughest year of their life. Coronavirus (COVID-19) has caused enormous pain for the tourism industry. In our regions, 42 per cent of the visitor economy is spent, so they themselves have been impacted as severely as people in the hotels here in Adelaide. The regions have been impacted enormously. They shared with me—which is often the story—their dedication to build the business.

The fact that they had to shut down, stand down people and make people redundant was heartbreaking for many of them.

I started my tour in Port Pirie. It was great to have a Sunday Chinese dinner with Geoff Brock. The next morning, I had a meeting at Cafe Safavi, and thanks to Mark Phillips, from the Federal Hotel, who has invested heavily in doing up that hotel; and Glen Christie, the local tourism officer. We then went on to Wirrabara and Port Augusta, where there is amazing street art just under the Joy Baluch Bridge, which has still not been extended, a project that was agreed under the former Labor government. They are just doing site works now, but the street art is fantastic in Port Augusta.

Then I went through to Kimba and on to Tumby Bay, where I met with Sam Telfer, the local mayor, who is also the President of the LGA. In 2019, Tumby Bay won an award for the best street art in the whole of Australia, and it was fantastic to see it. Unfortunately, it had to be cancelled this year, but it will go ahead in 2021. I then went on to Port Lincoln, which I have to say is a beautiful place, and I encourage everyone to get over to Eyre Peninsula. I had the opportunity to meet with the local member, Peter Treloar, the Mayor of Port Lincoln, Brad Flaherty, and representatives from the RDA, and can I thank Dion and Sondra for their time.

Probably the one thing that impressed me more than everything was the opportunity to meet Craig and Sandy from the Fresh Fish Place. Craig started off pole fishing for tuna when he was a younger man, and he built his business processing fish out the back of their operation. Then they built a retail facility selling fresh fish to locals. Now they have become part and parcel of the tourism offering in Port Lincoln, and particularly when we had 20 cruise ships a year stopping in Port Lincoln, they were one of the key places for tourists to visit. Can I thank Craig and Sandy for the opportunity to speak with them about the impact of COVID. It was wonderful to see a kingfish that had come straight out of the ocean and a beautiful great big tuna as well, and I was really pleased to hear that they are exporting their whiting around Australia and overseas.

I then had the opportunity to spend some time with Xplore Eyre, and I ran into the Australian Coastal Safaris people as well. They have been incredibly exposed, because mostly they took around international tourists and they have gone away. I also spent some time in Whyalla meeting the Mayor Clare McLaughlin, and, of course, our local member, Eddie Hughes, as well as staying at the Discovery Parks. I ended my tour in Clare, and can I thank Alison Meaney from Bukirk Glamping, Mick Mittiga from Brice Lodge, and the RDA chair, Bill, and Colin and Christine from the Clare Tourism Association for meeting with me.

The key message I heard is that this government has not supported the tourism industry enough. They are suffering. What they need is certainty and long-term commitments.

COLTON ELECTORATE COMMUNITY SPORT

Mr COWDREY (Colton) (15:41): I wish to provide an update on community sport in the electorate. As everyone is now well aware, the impact of the COVID-19 pandemic and the associated restrictions brought some seasons to a halt and prohibited others from starting at all. Just prior to the implementation of restrictions, I had the pleasure of viewing the first women's and men's double-header for the Fulham United Football Club (the round ball version that is) at the West Beach Parks Football Centre. Both teams took on West Adelaide that night and, despite the westerly blowing in across the ground, it drew arguably one of the biggest crowds Fulham had played in front of at that venue. Unfortunately, it may likely be the last time that may happen this season.

In the midst of the first range of restrictions, the Adelaide Football League was postponed. Unfortunately, it also coincided with and meant that the new facilities at the Lockleys Oval, the new home of the Lockleys Football Club (with the oval ball edition, of course) the West Beach Soccer Club and the West Torrens Baseball Club would be delayed indefinitely.

However, as a proud supporter of the Lockleys Football Club I am happy to report that I attended the Demons first game of 2020. You may like to know, sir, that Lockleys fairly handily disposed of Eastern Park that day in one of the highest scoring affairs I have seen in local football—certainly not a score seen in the AFL, but that is a discussion for another day. It was 23 goals 14 (152) to 8 goals 10 (58), a significant victory on that day.

It was fantastic to see the club utilising the new complex and change rooms. There are still a few management details the council needs to work through with the clubs involved, but nonetheless it is a considerable improvement on the old red brick—and I must say much beloved—former change rooms. It is also worthwhile to note that, as we speak, the Demons sit atop the D5 ladder unbeaten.

Likewise, I am also a proud supporter of the Henley Football Club. I visited the opening home game of the Sharks' season at Shark Park, or Henley Memorial for those of that persuasion, and it was great to see so many familiar faces back at the ground supporting their local club. It is those sorts of interactions that I think many in our community have missed during the course of the pandemic. No matter the quality of the football or the inaccuracy of the goal kicking as it was on that day, seeing community clubs like the Sharks back up and running is something we are all happy to see.

In the same vein, I had the privilege of helping out at the Henley Surf Club recently. The club put the call out for some assistance in tidying up to get ready for the reopening of the surf club restaurant when the relevant restrictions were lifted. The turnout was fantastic. We were all diligent and put to work straight away on that morning. I put my many years of experience on the back of a high-pressure water cleaner to good use—a staple piece of equipment for pool cleaning.

It is this sort of resilience and desire to help out that makes our community sports clubs special, to see so many of the Henley Surf Club members down there helping out, being put to work for the betterment of their local community club. It is these sorts of things and times like this that really help us to appreciate what they deliver for our community. So, if you can, if you are in the position to go and have a meal at the West Beach or the Henley Beach surf clubs or get along to a local sports game, let's do our very best to support our local clubs.

Winter is one of the toughest times our local businesses face in the coastal areas. Whether it is the eateries at Henley Square, the strip shops at West Beach, Glenelg North or at Henley South, the shopping centre at Fulham Gardens or the local shops or takeaways at Kidman Park, Fulham or Lockleys, traditionally the winter period is a hard slog. This year has been tough economically right across our state, but the timing of the easing of restrictions has come at a difficult time for small businesses on the coast. So I encourage our whole community to where you can eat, shop and support our local small businesses so that they can emerge stronger than before.

Bills

SENTENCING (SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:46): Obtained leave and introduced a bill for an act to amend the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:47): I move:

That this bill be now read a second time.

This bill seeks to address a number of issues with the serious repeat offender provisions in part 3, division 4 of the Sentencing Act 2017, which I hereafter refer to as 'the act'. The act became operational on 30 April 2018, but some of the issues with the serious repeat offender provisions were already present when they formed part of the repealed Criminal Law (Sentencing) Act 1988.

The serious repeat offender provisions contained in part 3, division 4 of the act are designed to ensure that offenders who have committed a certain number of serious offences and continue to offend are punished more severely for their subsequent offending. There is a list of serious offences that, upon conviction, count towards the threshold for becoming a serious repeat offender and being sentenced as such.

In order to count towards the threshold, offences (other than the serious firearm offences) must have a maximum penalty of imprisonment of at least five years and, in the case of the first two categories, a term of imprisonment must have actually been (or, in the case of offences before the court where the provisions are considered, will be) imposed.

There are four categories of offending which, if met, will mean that a person will automatically be taken to be a serious repeat offender. These are:

(a) when a person has committed on at least three separate occasions a category A serious offence to which the division applies;

(b) when a person has committed on at least three separate occasions a serious offence to which the division applies;

(c) when a person has committed on at least two separate occasions a serious sexual offence against a person under the age of 14 years; and

(d) when a person has committed on at least two separate occasions a category A serious offence.

Once an offender meets the threshold in any of these four categories they automatically become a serious repeat offender and must be sentenced as such for all subsequent offences, whether they are serious or not, for the rest of their life.

When sentencing a serious repeat offender, the sentencing court is not bound to ensure that the sentence it imposes is proportional to the offence, or any non-parole period that must be at least four-fifths of the sentence. The automatic application of these provisions can only be varied if the offender gives evidence on oath that satisfies a court that their circumstances are so exceptional as to outweigh the paramount consideration of protection of the community and personal and general deterrence, and that in all the circumstances it is not appropriate for them to be sentenced as a serious repeat offender.

Prior to 2016 the now repealed Criminal Law (Sentencing) Act had slightly different provisions, with only a person who was convicted of three category A serious offences on separate occasions automatically taken to be a serious repeat offender. Offenders in the other three categories were only serious repeat offenders if the court declared them to be; in other words, the court retained a discretion in relation to these other three categories.

With the enactment of the new Sentencing Act 2017, which commenced operation on 30 April 2018, the court's discretion was removed and all four of the categories operated automatically. The removal of the court's discretion created an overlap and inconsistency between the two categories (a) and (d), making category (a) now redundant. Confronted with this anomaly, some judges opted to construe this in the defendant's favour, that is, not applying category (d) and therefore requiring the offender to have committed three rather than two offences for sentencing them as a serious repeat offender.

The changes in 2017 also created an overlap between categories (a) and (b) in that all the category A serious offences in (a) were also serious offences in (b). This means that the distinction between three category A offences and three serious offences is essentially meaningless. The bill makes amendments to remove these overlaps and inconsistencies. The current provisions are also difficult for the courts, prosecutors and defence counsel to apply in practice due to the imprecise way in which the offences are described.

The report provided by SAPOL about an offender does not generally contain sufficient information about the circumstances of offending or the provisions of the legislation under which historical charges were brought to apply the serious repeat offender provisions. It therefore becomes necessary to access other records such as sentencing remarks or offenders' case files to ascertain the circumstances of the offending and exactly what aspects were proved beyond reasonable doubt in the resulting convictions. The concept of a home invasion illustrates this difficulty.

To amount to a home invasion, as defined in the current provisions, the offence charged needs to be a serious criminal trespass in a place of residence contrary to section 170 of the Criminal Law Consolidation Act 1935. However, the current provisions also require that a person was lawfully present in the residence at the time or that the offender was reckless about whether anyone else was present. Substantial research is therefore necessary to determine whether these elements were present and that the court found them to be proved beyond reasonable doubt such that the offence counts as a serious repeat offender provision.

Where an offender has an extensive criminal history it becomes necessary to examine a large number of offences to determine whether a category A serious offence or an offence to which this division applies, serious offence, serious firearm offence or other criteria are met for the two or three offences. In the case of serious sexual offences, it is necessary to determine whether there are two separate offences against victims under 14.

Where offences were committed under interstate legislation, the task of obtaining more detail as to the circumstances surrounding an offence is even more difficult. Prosecutors must work out from a bare description in a criminal history report, the section of the interstate law that was contravened and whether the same conduct at the relevant time would have amounted to the offence contrary to South Australian law for which a penalty of at least five years' imprisonment was applicable.

It may be necessary to seek more information from the interstate authorities. Researching of an offender's criminal history in this way is labour intensive, has resource implications for prosecuting authorities and the courts and can lead to delays in sentencing. In addition, there is some doubt as to whether suspended and community-based custodial sentences are to be counted for the purposes of these provisions. Well, it is another piece of legislation we have to clean up. This bill addresses all of these issues.

Given the extent of the changes required, sections 52 and 53 of the act have been rewritten in a simplified form. Under the bill, the inconsistency between categories (a) and (d) and overlap between categories (a) and (b) are removed. Section 53(1) provides that a person will automatically become a serious repeat offender if they, whether an adult or as a youth, have been convicted of at least three serious offences committed on separate occasions or at least two serious sexual offences (defined in section 52 to be offences where the victim is under the age of 14 at the time of the offence).

There is greater clarity as to which offences are included as serious offences, with the new descriptions in section 52 referring, where relevant, to the section in the Criminal Law Consolidation Act 1935 (the CLCA) that creates them. All of the current category A offences are included in the list of serious offences and so the confusing concept of category A offences has been dispensed with.

As is the case currently, serious sexual offences that are committed against persons over 18 years are serious offences to which the threshold of three offences applies. Offences committed interstate are to be assessed by reference to conduct to determine whether they should be counted towards the serious repeat offender threshold in this state. Suspended and community-based custodial sentences are not counted as sentences of imprisonment for the purposes of these provisions.

Other matters of detail to note include the replacement of 'home invasion' with the offence of serious criminal trespass in a place of residence, namely, an offence under section 170 of the Criminal Law Consolidation Act, and the addition of aggravated criminal trespass to the list of serious offences. The reference to violent offences has been omitted, noting that this category of offence is already covered by the inclusion of all offences under part 3 of the Criminal Law Consolidation Act. An offence under section 51 of the Criminal Law Consolidation Act (sexual exploitation of a person with a cognitive impairment) has been added to the definition of 'serious sexual offence'.

Pursuant to the transitional provisions in schedule 1, the amendments will apply to a sentence imposed after their commencement regardless of whether the offence was committed before or after that commencement or whether the defendant is being sentenced at first instance or on appeal. The amended provisions do not affect any sentence already imposed. Corresponding amendments are made to section 55(1) of the act, which establishes the threshold for a court to make a declaration of a youth as a recidivist young offender. The court retains a discretion as to whether to sentence a youth as such.

This is a relatively small bill, but it is an important one that will ensure that serious repeat offender provisions are more readily understood and applied. They mandate a robust sentencing response to those who repeatedly flout the law by ensuring they can be more harshly punished for an offending once the threshold of serious offences has been reached and that any non-parole period is at least 80 per cent of the head sentence.

I do not in any way criticise the former government for the introduction of serious repeat offender legislation. I had a lot to say about its application to youths at the time, but I commended the government for developing this aspect in the sentencing law, but there were mistakes made and clearly they have been identified. They make it very difficult for police investigators generally, obviously those assessing interstate matters, and also the courts in trying to work out where they start with the application of this law. Without this clarity it is going to continue. I urge members to consider this.

I appreciate the significant work of the courts, the DPP's office, SAPOL, the Legal Services Commission and the Law Society, in particular. I mention it at this point because these things seem to be simple when we prepare legislation, but this is yet again a circumstance where it has really unravelled in its application. It is not easy to resolve, but we have worked on it and this one is ready to progress. I seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary 1—Short title 2—Commencement 3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Sentencing Act 2017

4—Substitution of sections 52 and 53

This clause substitutes a simplified version of section 53 (and necessary associated definitions in new section 52).

5—Amendment of section 55—Declaration that youth is recidivist young offender

This clause makes matching amendments to section 55(1).

Schedule 1—Transitional provisions etc

1—Application of amendments

The transitional provision clarifies that the amendments apply to sentencing occurring after commencement (but not to any sentencing that has already occurred).

Debate adjourned on motion of Mr Odenwalder.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:01): Obtained leave and introduced a bill for an act to amend various acts within the portfolio of the Attorney-General. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:01): I move:

That this bill be now read a second time.

I indicate that this bill makes miscellaneous amendments to various acts committed to the Attorney-General. Whilst they might address minor and technical matters, they are significant in the application of the law. They cover a number of significant areas in relation to Bail Act provisions, the Criminal Law Consolidation Act provisions and a number of the SACAT and court acts.

To begin with, the bill first amends the Bail Act 1985 and the Youth Court Act 1993. Parts 2 and 9 of the bill amend the Bail Act 1985 and the Youth Court Act 1993 to address an omission in relation to the Statutes Amendment (Bail Authorities) Bill 2020. As members might recall, the bail authorities bill, which recently passed the parliament, amended the Bail Act and other various acts so as to provide that each of the Supreme Court, District Court and Magistrates Court are bail authorities pursuant to the Bail Act and to allow each of those courts to make court rules specifically in relation to bail applications.

Following the passage of the bill, the Youth Court raised concerns with me regarding the possible exclusion of the Youth Court as a bail authority as a result of the amendments made by the bail authorities bill. This is because, unlike the amendments made by the bail authorities bill, the existing Bail Act implicitly recognises the Youth Court as a bail authority. While this issue was not identified prior to the passage of the bail authorities bill, despite previous consultation with the Chief Justice, Chief Judge and Chief Magistrate, it has now been rectified.

It is appropriate that the Youth Court continue to be included as a bail authority for the purpose of the Bail Act. For the avoidance of doubt, the bill therefore brings the Bail Act and Youth Court Act in the same terms as the bail authorities bill to expressly prescribe the Youth Court as a bail authority pursuant to the Bail Act and to allow the Youth Court to make court rules in relation to bail applications. For the benefit of members, the Youth Court provides a number of services to persons under 18 years of age. In addition to adoption matters and child protection matters, they have a significant responsibility in relation to dealing with the criminal conduct of our young people.

Part 3 of the bill makes various amendments to the Criminal Law Consolidation Act 1935 (the CLCA) to address a range of issues which have arisen in recent months. Firstly, the bill amends the prescribed emergency worker provisions in the CLCA to address certain inconsistencies arising from the operation of each of the offences in sections 20AA and 20AB in comparison to other relevant offences which may be committed against the person as provided in division 7A of the CLCA.

Relevantly, the bill inserts a definition of 'reckless conduct' for the purposes of 20AA and substitutes the definition of 'harm' in section 20AB so that each of these terms has the same meaning as they appear in division 7A. In addition, a further amendment is made to section 20AA to clarify that harm caused to a prescribed emergency worker as a result of coming into contact with human biological material must be established as a separate element of offence.

Secondly, an amendment is made to section 269X to allow for a defendant to be remanded to a prison pending determination by the court of the defendant's mental capacity where considered clinically appropriate. These amendments respond to concerns which have been raised by the courts, namely, that remand to a prison is currently not permitted under the Criminal Law Consolidation Act even where it would not be clinically inappropriate in circumstances. In this way, the bill will provide the courts with greater flexibility to determine appropriate custodial arrangements for defendants whose mental competency is being investigated.

The bill distinguishes between two categories of defendants. The first is defendants who are still in the process of having their mental competency to commit an offence or their mental fitness to stand trial investigated. The second is defendants who have already been assessed as being liable to supervision, either by reason of mental incompetency or unfitness to plead, but for whom the precise terms of any orders are yet to be finalised. In the case of the first category, the amendments allow for the defendant to be remanded to a prison unless:

- the defendant is an involuntary patient at a treatment centre subject to an inpatient treatment order, in which case the defendant must continue to be confined at the treatment centre for the duration of the order and any subsequent orders that may be made; or
- the designated officer is satisfied that the defendant is not being detained in an appropriate form of custody, in which case the designated officer may determine an appropriate form of custody. In the first instance, they can be remanded into a prison, except in a couple of circumstances where it may be necessary for them to be placed in another facility.

In the case of the second category of defendants (i.e., those defendants who have already been deemed liable to detention), the amendments allow for the defendant to be committed to an appropriate form of custody as may be determined by the minister until some subsequent date when the defendant is brought again before the court. This amendment has been carefully drafted with the assistance of the Chief Psychiatrist and the courts to ensure it reflects best practice for defendants.

Thirdly, a further amendment is made to section 86A of the CLCA to replace outdated references to the Children's Protection and Young Offenders Act 1979 with the Young Offenders Act 1993, and the children's court with the Youth Court, to reflect current arrangements. This reflects

legislative changes which have passed under previous governments. Part 4 of the bill amends the Oaths Act 1936 to allow for the Attorney-General, rather than the Governor, to appoint certain persons as a commissioner for taking affidavits in the Supreme Court.

An expected use of this power is to authorise certain employees of Forensic Science SA to take affidavits in-house. Forensic Science SA staff are regularly required to provide expert evidence in criminal cases. The Criminal Procedure Act 1921 currently requires all witness statements in serious criminal matters to be filed as affidavits during the committal process. These affidavits must be sworn before an authorised person, such as a lawyer or justice of the peace. Forensic Science SA currently provides over 1,500 witness statements each year. This creates practical difficulties for Forensic Science SA in arranging for authorised persons to witness the hundreds of statements their staff are required to make.

Section 28(1)(e) of the Oaths Act currently requires the appointment of authorised persons, including Forensic Science SA staff, as commissioners for taking affidavits to be made by the Governor in Executive Council. This is a very time-consuming process. The bill proposes to simplify this process by allowing the Attorney-General to directly appoint authorised persons via gazettal notice.

Part 5 of the bill amends the definition of occupational liability in the Professional Standards Act 2004 to remove the exclusion of equitable damages from the operation of the limited liability afforded by professional standards schemes. Currently, the Professional Standards Act limits the definition of occupational liability to only include civil liability arising in tort contract or statute. As a result, claims for equitable compensation, for example, breach of fiduciary duty or unconscionability, fall outside the scope of the capped liability offered to occupational associations with the professional standards schemes in place.

The concern is that this may encourage the tactic of making equitable claims to evade the intended operation of the act. These tactics increase the uncertainty of litigation, as well as the cost of insurance premiums, which are ultimately likely to end up being borne by the consumer, contrary to the intention of the act. Consistent with the position of all other Australian jurisdictions, the bill amends the definition of occupational liability so that the capped liability afforded by professional standards schemes is taken to apply to civil liability arising in tort contract or otherwise.

Part 6 of the bill amends the South Australian Civil and Administrative Tribunal Act 2013 (SACAT Act) to provide that either a District Court judge or a Supreme Court judge may be appointed as the President of SACAT. Currently, the SACAT Act provides that only a Supreme Court judge may be appointed as the President of SACAT. These amendments arise as a consequence of the recent establishment of the new Court of Appeal.

The concern is that, having divided the work of the Supreme Court into the Court of Appeal and the general division, there will be an increased cost impact should an additional Supreme Court judge need to be absorbed into either of these divisions in the event of a SACAT president who holds a dual commission as a Supreme Court judge under the SACAT Act resigning their position as a SACAT president or not seeking reappointment to that position at the end of their statutory five-year term.

It is noted that, aside from the valuation appeals and other minor former Supreme Court jurisdictions, the majority of the more senior jurisdictions conferred on SACAT are jurisdictions that have been transferred from the District Court's Administrative and Disciplinary Division. Also, the President of the South Australian Employment Tribunal is a District Court judge. Consistent with the SAET president, the amendments ensure that any District Court judge appointed as a President of SACAT will have the same rank, title, status and precedence as a judge of the Supreme Court.

For the avoidance of any doubt, these changes will only apply after the existing SACAT president, the Hon. Justice Judy Hughes, has left office as SACAT president and a new SACAT president is to be appointed.

Part 7 of the bill amends the Summary Offences Act 1953 to provide exclusions for the operation of the offence in section 21OC of that act, which is yet to commence.

Section 21OC introduces a new offence for a person who supplies liquor or possess or transports liquor with the intention to supply it to a person in a prescribed area.

Prescribed area, for the purpose of section 21OC, means an area comprised of a public place or public places specified in a notice under section 131 of the Liquor Licensing Act 1997, trust land within the meaning of the Aboriginal Lands Trust Act 2013, 'the lands' within the meaning of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 or 'the lands' within the meaning of the Maralinga Tjarutja Land Rights Act 1984.

The section 21OC offence was introduced as part of a package of reforms within the Summary Offences (Liquor Offences) Amendment Bill 2018 to target and reduce the incidence of the unlawful sale of liquor and supply of liquor to vulnerable, predominantly Aboriginal communities where the possession and consumption of liquor is generally prohibited, colloquially known as 'grog running'. Members may recall this bill was first introduced by the former government and subsequently reintroduced and passed by this government in 2018.

This package of reforms was introduced because of the recognised need to address alcohol-related harm occurring in some vulnerable remote Aboriginal communities. New measures were needed to protect those communities from alcohol-related harm, including harm such as serious violence, disorder, antisocial behaviour, family and domestic violence and resultant health problems.

Currently, the APY and Aboriginal Lands Trust have exercised their statutory power to introduce regulations and by-laws prohibiting the consumption and possession of liquor within areas of their own communities in accordance with those regulations and by-laws. These regulations and by-laws seek to address the issue of alcohol abuse in these communities and have identified harms by limiting liquor possession and consumption.

The proposed provision disallows the offence created by section 21OC for persons in prescribed areas or parts of prescribed areas where the consumption and/or possession of liquor is not unlawful. Under this bill, the application of the offence in section 21OC will therefore be consistent with the laws applying in prescribed areas in relation to the consumption and/or possession of liquor.

The bill will ensure that the section 21OC offence is consistent with the Aboriginal communities' own self-determined position in relation to regulating the possession and use of liquor. It is intended that under this bill, section 21OC will work together with and complement existing and future regulations and by-laws introduced by Aboriginal communities in prescribed areas to aid in the effectiveness of their laws regulating the possession and consumption of liquor.

The exclusions were formally proposed to be included in the regulations; however, following further consideration and consultation with the interested parties, including representatives of the communities affected by the new offence, it was determined to include them in the Summary Offences Act 1953. This will make it clear that it is parliament's intention that section 21OC will work together with the affected communities' laws within the prescribed areas to stem the flow of liquor into those vulnerable communities.

Lastly, part 8 of the bill amends section 48 of Young Offenders Act 1993 to provide that the offence of escape from custody does not apply to a youth who is detained subject to a youth treatment order under the Controlled Substances Act 1984. As members will be aware, the Controlled Substances (Youth Treatment Orders) Amendment Bill 2019, which we recently passed in this parliament to allow for mandatory treatment of youths in certain circumstances, provides the Youth Court with an option to order treatment for those children and young people experiencing drug dependency.

Consistent with the principles of best care, which underpin the youth treatment order scheme, the amendments in this bill ensure that a youth who escapes from custody while subject to detention under a youth treatment order will not be liable to any criminal sanctions. Just to remind members, that is to ensure that they are there in respect of having treatment, at this stage, not being at the premises for the purposes of the remainder of their sentence.

This concludes the matters that are the subject of the portfolio bill. While this bill covers many different areas, it deals with important issues to ensure our justice system works efficiently and effectively for our community. I commend the bill to members and indicate that with the complexity

and number of reforms in this bill, although some are identified as relatively minor that, as with all our bills, briefings will of course be made available. If extra time is sought to have those briefings, we would be pleased to have an indication of that from the opposition or crossbenchers in relation to these matters.

I commend the bill, as I have indicated, and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 5—Bail authorities

This clause provides that the Youth Court is a bail authority.

Part 3—Amendment of Criminal Law Consolidation Act 1935

5—Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc

This clause clarifies that causing human biological material to come into contact with a prescribed emergency worker may cause harm to the worker, but will not be taken to have caused harm to the worker.

This clause also inserts a definition of 'recklessly' into section 20AA.

6—Amendment of section 20AB—Further offence involving use of human biological material

This section substitutes the definition of 'harm' in section 20AB.

7—Amendment of section 86A—Using motor vehicle without consent

This clause replaces outdated references to the *Children's Protection and Young Offenders Act 1979* and the 'Children's Court' with the updated references.

8—Amendment of section 269X—Power of court to deal with defendant before proceedings completed

This clause amends section 269X(1) to provide that, if an investigation into, inter alia, a defendant's mental competence is to occur, the court may order that the defendant be detained as though the defendant were remanded in custody awaiting trial or sentence, until such time as the relevant investigation is concluded.

However, if the defendant is, at the time of such an order, an involuntary inpatient at a treatment centre in accordance with the *Mental Health Act 1993*, the defendant is to remain in that treatment centre during the course of the investigation. If the relevant investigation is not concluded at the time the defendant is released from the treatment centre, the defendant is to be detained as if remanded in custody awaiting trial or sentence.

This clause also provides that where the designated officer is, at any time, satisfied that a defendant who is detained in these circumstances is not being detained in an appropriate form of custody, the designated officer may determine an appropriate form of custody.

This clause further amends section 269X(2) to provide that, where a defendant is liable to a supervision order under Part 8A of the *Criminal Law Consolidation Act 1935*, but unresolved questions remain as to how the defendant should be dealt with, the court may commit the defendant to an appropriate form of custody determined by the Minister.

9—Transitional provision

This clause provides that if a defendant is in a form of custody pursuant to an order made before the commencement of clause 8 of this measure, the custody of the defendant may, after such commencement, be determined in accordance with section 289X as amended by this measure.

Part 4—Amendment of *Oaths Act 1936*

10—Amendment of section 28—Commissioners for taking affidavits

This clause amends section 28(1)(e) such that the Attorney-General, by notice published in the Gazette, rather than the Governor, may appoint persons other than those already listed in section 28(1) to be Commissioners for taking affidavits in the Supreme Court.

Part 5—Amendment of Professional Standards Act 2004

11—Amendment of section 4—Interpretation

This clause broadens the definition of 'occupational liability' such that it is not limited to liability arising from tort, contract or statute, but can include liability arising in equity.

12—Amendment of section 5—Application of Act

This clause broadens the application of the Act, such that it is not limited to liability arising from tort, contract or statute, but can include liability arising in equity.

Part 6—Amendment of South Australian Civil and Administrative Tribunal Act 2013

13—Amendment of section 10—Appointment of President

This clause amends section 10 to provide that the President of the South Australian Civil and Administrative Tribunal may be a judge of the Supreme Court or the District Court.

Part 7—Amendment of Summary Offences Act 1953

14—Amendment of section 21OC—Supply etc of liquor in certain areas

This clause provides three exceptions to the offence set out in section 21OC(1) of the *Summary Offences Act 1953* (inserted by the *Summary Offences (Liquor Offences) Amendment Act 2018* which is yet to commence) relating to the legality of the consumption or possession of liquor by the third person under another Act or law.

Part 8—Amendment of Young Offenders Act 1993

15—Amendment of section 48—Escape from custody

This clause substitutes section 48(6) to add that section 48 does not apply to a youth subject to a detention order under Part 7A of the *Controlled Substances Act 1984*.

Part 9—Amendment of *Youth Court Act 1993*

16—Amendment of section 32—Rules of Court

The Youth Court will be a bail authority by force of this measure under Part 2. This clause allows Rules of the Court to be made regulating the making of bail applications.

Debate adjourned on motion of Mr Odenwalder.

CORRECTIONAL SERVICES (ACCOUNTABILITY AND OTHER MEASURES) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 2 July 2020.)

Clause 11.

Mr ODENWALDER: This is clause 11, prisoners' mail. This subsection relates to letters sent or proposed to be sent by prisoners. I think, obviously, it is a good measure. This protects victims and it prevents offenders getting in touch with co-offenders, and those sorts things. This is a commendable measure, which is why I introduced it two years ago when we first debated this act in the previous parliament.

My question will be a recurring question, I think, over the next half an hour or so. If this measure was seen as important to the overall aims of this bill and to the overall aims of the department and the act, why was it rejected two years ago?

The Hon. C.L. WINGARD: Just to circumvent your going over the questions numerous times as you have alluded to—and I think I am probably going over old ground from when we were doing this a little bit before—I made it very clear that in the 16 years when Labor was in government they did not get this bill through. We are doing it now.

We did bring forward some amendments to this bill as part of our first 100 days commitment to make sure that we were strengthening our corrections system and delivering against our election commitments, of course, to keep unsavoury characters out of prisons, to stop unsavoury activities happening inside prisons, and that has been a really, really big success. That was a focus of the bill when we delivered it the first time.

We have since gone away and beefed up the bill that Labor failed to get through in their 16 years of government, and I do emphasise the lengthy duration there. That was 16 years they had to deliver it. They did not deliver it. But, again, I make the point—and I can make it again all afternoon if you want to keep going there—that we have gone away and strengthened this bill, made it a better bill, made it a stronger bill, and, yes, we have included things that were in the original bill that Labor failed to pass.

Mr ODENWALDER: Thank you for that answer, minister. I accept your belief that you have beefed up the bill. I accept that that is a truth in your mind, but it still does not answer the question of why this measure, which has not been beefed up as far as I can see and which is entirely consistent with the measure I put up two years ago, was not accepted by you then but is now seen as essential legislation today.

The Hon. C.L. WINGARD: Again, I am not wanting to repeat myself, because we will be here for a long time, but you are asking the same question, so I am going to have to give you the same answer, and that is the bill that we introduced when we first came into government after 16 years of failed Labor policy, after the election of 2018 that our side won, was part of our commitment to deliver on a number of issues in the first 100 days. That was our focus. That was our commitment.

We took that to the election. It was an election that we won, and we delivered on our commitments. It is what we like to do and it is the way that we like to govern. We have delivered on that election commitment. That was what we did in the first 100 days. I am very happy to go away and work on this. It is just over two years we have been in government now, so that is not the 16-year history of Labor and their failure to deliver this bill. However, we are here now and we can progress this, and if you agree with this amendment then you can pass it and we can move on.

Mr ODENWALDER: Well, you will be happy to know that I do agree with it.

Clause passed.

Clause 12 passed.

Clause 13.

Mr ODENWALDER: My only question on clause 13 is a broad one. Can you explain what it does and how it changes current practice? I am struggling to get my head around it. I wonder whether you can just put on the record what this clause does and how it changes the current practices of the department.

The Hon. C.L. WINGARD: Yes, thank you. I am informed that this is strengthening controls and goes towards meeting the recommendations from the Ombudsman in 2017. Currently, there is no legislative requirement with regard to circumstances around keeping a prisoner apart from other prisoners for a period exceeding 30 days. The proposed amendment provides for a maximum period for which prisoners can be kept separately and apart, and provides that this can be exceeded only under exceptional circumstances.

Currently, the minister is only involved as per section 39(9) when a prisoner is separated for a period exceeding five days, or in the case of an aggregate of five days within a 10-day period. The proposed new provisions provide that if the CE extends a prisoner's period of separation for a further 30 days, the minister must be informed.

Clause passed.

Clauses 14 to 17 passed.

Clause 18.

Mr ODENWALDER: Now we get to the part where some new criminal offences are created, offences which can take place within prisons. On the surface, I do not think I have any particular problem with them. We are talking about the first one in terms of riot, disrupting security or order.

Can the minister explain what happens now operationally when prisoners assemble, as defined in the new subsection (3), and why was it seen as necessary to criminalise this behaviour; was it not already criminal? Sorry, this is just for unlawful assembly.

The Hon. C.L. WINGARD: As I am informed, currently under the act there are no provisions with regard to prisoners being involved in riot or mutiny. Prisoners involved that sort of activity can only be dealt with via a breach of regulation.

Mr ODENWALDER: My question refers to new section 49(1), which is simply about unlawful assembly; (2) is about riot or mutiny and we will get to that, but this is about unlawful assembly.

The Hon. C.L. WINGARD: Can you rephrase your question, then, because I think that—

Mr ODENWALDER: What happens now when prisoners unlawfully assemble?

The Hon. C.L. WINGARD: They can only be dealt with through the regulation. That was the point that I made, that they can only be dealt with through the regulation. It is not an offence. I have an example here, to put it in context, which might clarify the question you are asking. For example, if a number of prisoners congregated on an oval and they refused to comply with directions, however no property damage occurred, then no charges can be laid, but it would of course disrupt the good order of the prison.

Mr ODENWALDER: Getting onto subsection (2) about riot and mutiny—again, I do not have a particular problem with this behaviour been criminalised—I am just wondering about the wording of paragraph (a), which states:

> (a) if, during the riot or mutiny, the prisoner wilfully and unlawfully damages or destroys, or attempts to damage or destroy, property that is part of a correctional institution and the security of the correctional institution is endangered by the act—imprisonment for 15 years;

How would one define a situation where the security of a correctional institution is endangered? It seems to me that the only way you can charge this particular offence is if that element of the offence is satisfied.

The Hon. C.L. WINGARD: A couple of examples I have been given include doing things like damaging locks or damaging security cameras within the prison. That would fit under the example you raised.

Mr ODENWALDER: As a hypothetical situation, then, in a prison where there are a large number of prisoners throwing things around—whatever they have to hand to throw, whether it be books or clothes or whatever it is they have to hand—

The Hon. C.L. Wingard: I would be hoping they all behave themselves and are doing the right thing.

Mr ODENWALDER: I am not saying it happens; it is completely hypothetical, of course. I know your prisons are well run, minister.

The Hon. C.L. Wingard: That happened back when they were full and overflowing. I remember the days.

Mr ODENWALDER: We will get to that. So in a hypothetical situation where locks were not being damaged, where you could not prove the element that the security of the correctional institution was endangered in any way, would that mean there was no offence at all, no offence of riot or mutiny?

The Hon. C.L. Wingard: If they are not doing anything, yes, there is no offence.

Mr ODENWALDER: Well, let's not be facetious; it is a serious question. If they are not damaging anything that threatens the security of the institution, is it not an offence?

The Hon. C.L. WINGARD: Just to clarify, if you go down to paragraphs (a), (b)(i) and (ii), (c) and (d), 'in any other case—imprisonment for 4 years.' Tell James to stop sending you texts.

The CHAIR: Member for Elizabeth, you have had three and one of clarification. It is a big clause, so I will allow you one more, but from here on in we will do just three per clause. Given that 18 is an extensive clause I will allow another question on that.

Mr ODENWALDER: I appreciate your indulgence, sir. This is a fairly simple one; I fear I wasted my last one. It seems to me, reading the new section 49(2)(b), that a prisoner could face 10 years of imprisonment simply for threatening to damage property; is that right? It states:

> (b) if, during a riot or mutiny, the prisoner—
>
> (i) demands something be done or not be done with threats of injury or detriment to any person or property;

So 'Give me a cigarette or I'll smash this window.'

The Hon. C.L. WINGARD: I am informed that, yes, they would have to go to court and through the normal proceedings. If it were proven that the action was untoward and inappropriate, then that penalty would apply.

Clause passed.

Clauses 19 to 22 passed.

Clause 23.

Mr ODENWALDER: This could apply equally to clauses 24 and 25. It is a simple question. Was this measure and the measures in clauses 24 and 25 sought by the chair of the Parole Board? As a secondary question, were there any requests of the Parole Board or the chair of the Parole Board that have not been satisfied by this bill?

The Hon. C.L. WINGARD: The first part to the answer is, yes, these were requested by the Parole Board and have been agreed to by DCS. The second part, not that I am aware of.

Mr ODENWALDER: Will you endeavour to find out, minister?

The Hon. C.L. WINGARD: Yes.

Clause passed.

Clauses 24 and 25 passed.

Clause 26.

Mr ODENWALDER: I think we are on the home stretch, minister. I hope we are. Again, this is a good, sensible amendment.

The Hon. C.L. WINGARD: Thank you.

Mr ODENWALDER: You are welcome. Just to refresh to your memory, Chair, this amendment is about automatic release on parole. There are certain types of offenders who do not get automatic release on parole for offences for which they have been imprisoned for five years and a non-parole period is set. As a general rule, automatic parole is given to those prisoners who have been sentenced to an imprisonment of less than five years and for whom a non-parole period has been fixed. It does not apply to quite a broad range of offenders, but until now it has applied to serious drug offenders.

This is a good tidying-up measure but, again, the question is this, minister—and I am anticipating the answer. This was a measure in the 2017 bill. When you brought the new bill in 2018—again, I believe we supported all aspects of that bill but we did suggest this as an amendment; we thought it was a sensible amendment in 2017—why was it not included?

The Hon. C.L. WINGARD: I appreciate the repeating of that question and the frustration you have, knowing that you spent a lot of time on the backbench whilst this bill was kicked around by your party when they were in government. I know you were not in that position for those full 16 years, but I do understand your frustration that it was not progressed.

Again, you are right: the elements of this do strengthen our government's position, which was very much ratified in our first 100-day plan, and the changes we made to this act as well. It does

go toward our commitment to stamp out drugs in prisons and do all we can, and this does strengthen the bill, so I am glad that we have your support.

Mr ODENWALDER: Can the minister advise how many drug dealers and traffickers have been granted automatic parole under the existing arrangements in the last two years since those amendments were rejected the first time?

The Hon. C.L. WINGARD: I do not have that figure.

Mr ODENWALDER: Will you endeavour to get that figure?

The Hon. C.L. WINGARD: I will endeavour to see if it is available.

Clause passed.

Clauses 27 to 29 passed.

Clause 30.

Mr ODENWALDER: Again, my question is a simple one. It is just to clarify what this section does. Is it that the overall effect of this is that parolees who breach and are then arrested on a Parole Board warrant can now be sent back to prison on the direction of the board rather than brought before a magistrate first? Is that the general effect of this section?

The Hon. C.L. WINGARD: I will give you a brief explanation. Thank you for the question. These provisions introduce swift and certain community sanctions that will see a finite suspension of parole for technical breaches. This sanction is in keeping with the principles of the 10by20 strategy to increase rehabilitation and reduce reoffending and is aimed at addressing technical breaches of parole, such as missed appointments or a failed drug test. It limits section 74 to breaches involving offences of serious parole breaches. The insertion of section 74AAA provides for the lesser breaches of parole, for example a breach of a condition, and allows for a parolee to be returned to prison for a period of up to six months for that breach.

It also allows for a variation or imposition of conditions. For example, it provides for the parolee to reside at a parole facility or specified premises and allows for the parolee to complete additional programs. Again, it is very much around those swift and certain sanctions that I outlined, with a focus on the principles of the 10by20 strategy, so swift it is not intended to deal with serious breaches, such as new offending, but if there is a technical breach this action can be taken to get someone potentially back into a program or back into a facility to help with their rehabilitation.

The CHAIR: A very fulsome answer, I think, member for Elizabeth.

Clause passed.

Clauses 31 to 34 passed.

Clause 35.

Mr ODENWALDER: I will start with a clarification. This is about the types of offences that are reviewable by the Parole Administrative Review Commissioner. My understanding is that the only thing that can trigger a review now is the sentence of life imprisonment, but this change of definition makes reviewable decisions around conspiring or soliciting to commit murder, impeding investigations and included in the definition of murder, an offence of conspiracy to murder and an offence of aiding, abetting, counselling or procuring the commission of murder. Is that the first effect of this section? It broadens out that definition to include more offences that are reviewable by the Parole Administrative Review Commissioner.

The Hon. C.L. WINGARD: Yes.

Mr ODENWALDER: Excellent, that is the answer I wanted. Minister, how many times has a review been requested in the last five years or, if you need to take that on notice, in the time that you have been minister?

The Hon. C.L. WINGARD: I do not have that information. I am happy to take that on notice.

Mr ODENWALDER: Why was this decision seen as necessary and was it supported by the current chair of the Parole Board?

The Hon. C.L. WINGARD: I was seeking clarification there. I am informed this was in the bill back in 2017 as it is laid out, so I will have to seek clarification. I do not think it was raised then or it has not been raised since then, as far as the Parole Board is concerned, as far as I am aware.

Mr ODENWALDER: So the chair of the Parole Board was not consulted again before this was inserted in the bill and brought to this place? So you are not aware of any consultation with the chair of the Parole Board?

The Hon. C.L. WINGARD: To repeat what I said, this was inserted in 2017, so when—

Mr Odenwalder: No—

The Hon. C.L. WINGARD: No, hang on. You have been asking me all the way along about elements of the bill that were the same as before—

Mr Odenwalder: I'm not—

The Hon. C.L. WINGARD: I am clarifying. I am saying that this was in the bill from 2017. It has rolled over into this bill. The carryover fits, if you like. The discussion was had back in 2017 and now it is sitting in this bill. I cannot be any simpler than that.

Mr ODENWALDER: Can I just clarify that please, sir, because I really do feel the question has not been answered.

The CHAIR: Yes, a point of clarification then we will put the clause.

Mr ODENWALDER: I want to know if the chair of the Parole Board supports this change to the corrections act.

The Hon. C.L. WINGARD: Again, we are talking about elements of the previous bill and the consultation that happened back then, under your government, that have rolled over into this bill. The chair of the Parole Board has seen this bill and has not raised any issues. I cannot be any clearer than that.

Clause passed.

Clauses 36 and 37 passed.

Clause 38.

Mr ODENWALDER: This deals with the Prisoner Compensation Quarantine Fund. Minister, are there currently any prisoners with moneys being held in the Prisoner Compensation Quarantine Fund? How many prisoners and how much money?

The Hon. C.L. WINGARD: I do not have the definitive number and I am not sure if that is available. I know there is one prisoner, and this is the example to help clarify this situation. There was a situation where a prisoner sued the department over a medical condition and was granted funds, I am told, from that action even though they had some culpability.

The point is that the crime this person had committed had multiple victims, I am informed, and the offences were drug related. As such, there were no certain victims—no-one could be identified to say they can claim against that. That would fit very much in this wheelhouse of that money going into this situation where 50 per cent would be credited to the Victims of Crime Fund. As I said, in this example that I am giving, there were no certain victims. Being a drug-related crime, there were countless victims but no specific people that could claim against that. Does that answer the question?

Mr ODENWALDER: I appreciate that information. Would you take on notice to find out if there are any prisoners with moneys being held in the fund?

The Hon. C.L. WINGARD: I would have to check around the legal obligations in relation to revealing that information, but I will take that on board in good faith, and if I can get the member more information, I am happy to do so.

Clause passed.

Clauses 39 to 46 passed.

Clause 47.

Mr ODENWALDER: Minister, this is an excellent amendment. I will not ask the obvious question; I will simply ask: have there been any examples during your time as minister or any examples that you are aware of the need for this type of amendment? I think this is a good amendment. Have there been any incidents which have prompted this change?

The Hon. C.L. WINGARD: I do not have any at hand as far as our jurisdiction. I am led to believe it has happened in other jurisdictions. That is the short answer. I do not have that detail for over the last 10 to 15 years. But, again, what has been happening in other jurisdictions does make this a good amendment, so we are happy to move it and we thank you for your support.

Clause passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (16:56): I move:

That this bill be now read a third time.

Mr ODENWALDER (Elizabeth) (16:56): I want to make a few brief remarks. I want to thank the minister for bringing these amendments to this place. It has been a long process and we will not go over that again. This is the culmination of a lot of good work. My one criticism remains that I fear that it has been left too late to influence the ultimate aim of some of this bill, which was to reduce reoffending by 10 per cent by 2020.

I take it on good faith that the minister, as he says often in his public utterances, takes a bipartisan approach to this and supports the measures put in place by the previous government. The ball was set rolling by the previous government and taken up by this government. Again, I say these are good amendments. My only criticism is that they are too late.

It is a pity that the amendments I put forward in this debate were not accepted in their entirety. I appreciate that the minister has agreed to look again at what I suggested as an amendment to his amendment No. 1 in regard to the housing of Aboriginal people in prison and their propensity to be removed and whether that decision can be reviewed. I hope that we can talk about that between the houses, because I think the change made is essentially a change made to my amendment, which turned into a government amendment. I think that change was a step too far and took away from the intent of the amendment, which was to put into effect one of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

I take the minister at his word that we will talk about that between the houses and perhaps come to some sort of agreement once the debate commences. Again, I want to thank the minister for finally bringing these measures to the house and I am glad that we could get it done before the winter recess at least so that these laws may well be in place by the time we come back to this place. I thank the minister and his advisers for their help and assistance. I mean that sincerely. There was some good help in the last week of parliament last time. I commend the bill to the house.

Bill read a third time and passed.

FAIR TRADING (REPEAL OF PART 6A - GIFT CARDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 June 2020.)

Mr PICTON (Kaurna) (16:59): I indicate that I am the lead speaker for the opposition on this important piece of legislation regarding gift cards, which, as I understand it, we probably do not need because the Constitution has taken care of this issue entirely.

We had a situation where, a couple of years ago, we as the parliament, through the Attorney, introduced some legislation covering gift cards that I believe was passed with bipartisan support. The commonwealth has now introduced its own legislation regarding gift cards with stronger penalties than we had in place here in South Australia. They have essentially covered the field in regard to gift card legislation for our country under the Constitution, so we are now repealing 6A of the Fair Trading Act regarding gift card provisions.

The Hon. V.A. Chapman interjecting:

Mr PICTON: Yes, that is exactly what we are doing. The act is very descriptive in terms of the repeal of part 6A—Gift Cards. Essentially, that is what is happening here. It deletes part 6A, which deals with the minimum requirements of the expiry of gift cards, including the maximum penalties of $5,000 for breaches.

The commonwealth passed legislation in late 2019 that provides a national approach to gift card expiry. Noting that the commonwealth legislation covers the field, it is reasonable that we would repeal any state legislation that is in conflict for the clarity of the statute book, even though this legislation is presumably no longer in operation at a state level. I think the community would agree that a national system covering this area is preferable, as many businesses operate on a national basis.

The vast majority of gift cards any South Australian might purchase are largely going to be national gift cards. You certainly cannot go into a supermarket now without seeing a massive wall of gift cards at the end of one of the aisles. They are predominantly on a national basis, so having a national system for the expiry of those and penalties relating to those is appropriate. I, however, would recommend people generally do not buy gift cards. It is a lot more powerful to give people cash than a gift card, which you might lose, or still even under the new national legislation you might run the expiry on.

I still have a horrible memory of when Borders went into liquidation. I am sure many people had a Borders gift card they were given at some stage, and I remember having one that was no longer redeemable. This was probably back in my university days, when that was a material amount of money for me. I am sure that there have been many instances and situations where businesses have gone bust or gone into liquidation, etc., and when those gift cards have no longer been redeemable. Of course, that is a risk if you want to go down the gift card path.

Both the state and commonwealth laws provide for a minimum three-year expiry, although I note that the commonwealth laws impose higher penalties, with fines of up to $6,000 for individuals and $30,000 for corporations. That does raise the question of why the state thought a $5,000 penalty would have been sufficient in its original legislation when we are seeing the commonwealth go a lot further with $30,000. I am informed that both sets of laws allow for certain exemptions when a gift card or voucher is linked to a specific or time-limited event, such as a concert, which of course makes sense in those circumstances.

We understand that despite the commonwealth legislation now prevailing, enforcement and compliance will continue to be undertaken by state-based officials, presumably through the office of consumer and business affairs and its excellent commissioner, Dini Soulio, who has done great work in that area on behalf of the government of South Australia for many years. This is a piece of legislation the opposition is happy to support. As I said, whether or not we pass it, it is likely already to have legal effect in that the commonwealth legislation has prevailed, but I think that this is an important area where consumer protection is warranted.

While some of these purchases may be small, they are important. We want to make sure that the value for the consumer prevails through each of these transactions and that when a consumer buys a gift card they are assured of the protections around it to the extent that the law can provide. With those words, this bill has the support of the opposition.

Mr PEDERICK (Hammond) (17:05): I rise to make a short contribution in regard to the Fair Trading (Repeal of Part 6A—Gift Cards) Amendment Bill. This is another way the Marshall Liberal government is reducing red tape in this state. When this legislation was passed initially, it was quite legitimate in the fact that there was a deep concern that the allowance for cashing in gift cards was too short a time frame. For that reason, it needed to be extended to make it far more practical.

It is quite easy to receive a gift card, whether it is a Christmas present, a birthday present or just out of the blue. It can be put away in a drawer or a cupboard and disappear, so I think this is very sensible legislation. The bill only became an act in 2018, and that was to ensure that gift cards had a minimum three-year expiry date and to prohibit extra charges after a gift card had been supplied. This was a commitment we took to the election, and it provided our state's consumers greater protection from unreasonable time frames, as I have just indicated, and expectations when redeeming gift cards.

As recently as November 2019, national laws under the Australian Consumer Law (ACL) came into effect that largely duplicate the state-based protections. To simplify the regulation of gift cards in South Australia, we are proposing to repeal the existing gift card provisions under part 6A of the Fair Trading Act 1987 to ensure that the regulation of gift cards is nationally consistent and clear for both consumers and retailers. It will fix up duplication and red tape at the retailer end. As in South Australia, the national protections include a minimum three-year expiry period and prohibit charging post-supply fees.

In addition, the new national regime requires the expiry date to be clearly disclosed on the gift card. The commonwealth legislation also allows for certain exemptions to be prescribed by regulation in the Competition and Consumer Regulations 2010. Whilst there are some minor differences between the commonwealth and state exemptions, these are in the main the same. Repealing the South Australian provisions will simplify the regulation of gift cards by reducing red tape for businesses, in particular those operating across jurisdictions, making the provisions easier to enforce and easier for consumers to understand their rights.

The penalties under the Australian Consumer Law (ACL) offer a strong deterrent against noncompliance. A breach of the requirements relating to the three-year expiry, display of the expiry date, and post-supply fees carry a maximum penalty of $30,000 for a body corporate and $6,000 for other persons. Compliance officers from Consumer and Business Services will continue to be responsible for enforcing these requirements under the Australian Consumer Law, as well as the Australian Competition and Consumer Commission.

Now that the national scheme has been operational for some months, it is best that these provisions are repealed, put in place and let the Australian Consumer Law regime apply consistently across Australia. As indicated earlier in my contribution, this is a realistic and excellent way to get rid of red tape duplication of regulation for businesses to operate by, especially in the COVID environment we are operating in at the minute.

Businesses are hurting, really hurting, but I will acknowledge the support that both we as a state Liberal government and the Scott Morrison federal Liberal national government are giving to businesses and individuals right across this country to make sure that we get out the other side of COVID-19, or the coronavirus as it is.

We certainly have our struggles, as we note, with our interstate friends, whether that be in Victoria or New South Wales, to make a point. I know there are a few gibes about Victoria especially but also about New South Wales, but the thing is that we must all pull together. I acknowledge the other assistance that we have given as a state to send healthcare workers and others interstate to assist these states, because the sooner that all these states can pull through the other side of COVID—and it is looking very dark days at the minute, especially for Victoria—the sooner our businesses and industries can be better off, and a lot of these businesses do manage gift cards.

I think this is an excellent repeal piece of legislation so that we just line up with the national scheme. I commend the bill to the house.

Personal Explanation

TEACHERS REGISTRATION BOARD

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (17:11): I seek leave to make a personal explanation.

Leave granted.

Dr CLOSE: I was just listening to the grievance that I gave earlier today upstairs ready to put it on my Facebook and realised that I had in advertently said 'May' when I meant 'April' referring to a report that was released.

Bills

FAIR TRADING (REPEAL OF PART 6A - GIFT CARDS) AMENDMENT BILL

Second Reading

Debate resumed.

Mr TEAGUE (Heysen) (17:11): I rise to commend this bill to the house, but, perhaps, bearing in mind the contribution of the member for Kaurna, which I listened to carefully. I think that he gave a most thoughtful and succinct expression of support for the bill in terms—

Mr Picton: Peds did alright too.

Mr TEAGUE: Well, it goes without saying that universally we are so grateful to the member for Hammond for his constant and steadfast contribution to this place in so many ways. It is not on every occasion that I would single out the member for Kaurna in that way. In this case, it perhaps helps to illustrate that this bill in itself does not tell any particularly heroic story. The real substance of the story in these circumstances is, of course, the introduction and passage of the original bill in this place in the very early days of the new Marshall Liberal government two years ago.

The occasion now for this parliament to repeal part 6A and these measures comes about in circumstances where the commonwealth has caught up with South Australia. The commonwealth has seen the benefit and the good sense of the measures that were pioneered here in South Australia in the very early days of the new government. As the member for Kaurna has rightly observed, it is appropriate in these circumstances that we now repeal these state-based laws and embrace the national regime and all the benefits that will come to people across the country in having a consistent set of rules that will apply pursuant to the Australian Consumer Law.

We know the three key elements that will now require compliance, the first of which being the now famous three-year expiry with respect to these cards—the fulfilment of the election commitment that has been referred to now on a number of occasions in the course of this debate. Secondly is the requirement—very sensibly, if I may say—to display the expiry date on the card, and thirdly is the prohibition on post-supply fees, all of which are the subject of the provisions in the Australian Consumer Law together with even stronger penalties that will apply across the nation pursuant to those commonwealth provisions in the act and in the regulations.

I will not stay so very long reflecting on the passage of the bill to start with, but it brings back happy memories of my having listened to the contribution of the member for Finniss who, at the time the bill was going through on the first occasion, was approaching a significant birthday and contemplating how it might be of great benefit, were it routinely possible, to seek and obtain a gift card for the purchase of a tractor, something that the member Finniss was then, if not in need of, desiring.

Perhaps with a bit of a rush of blood to the head, I made a contribution that perhaps might not have made its way onto *Hansard* if the member for Finniss had not adverted to it, in offering to say, 'I'll get you a tractor for your 50th birthday.' Having made that offer, I felt compelled to do so and I am pleased to say I acquired a tractor from my good friends at FPAG at Strathalbyn in the days following my promise and then I had the honour to deliver that to the member for Finniss. It is a small digression, but the member for Finniss is now in possession of a fine tractor, albeit not with the help

of a gift card. Traders may see that, were such a thing to be available for those sorts of categories of products in the future, they may have opened up a market for themselves.

It is not the only area in which South Australia is leading the way, of course. Another point of reflection for me in this context is that South Australia very much leads the way in the national context in our response to the COVID-19 public health emergency and the global pandemic that we have all been fighting over the last several months. I note that in many ways in my community there are some clear indications that people have gone ahead and perhaps bought gift cards from local traders over recent months and perhaps with more than the usual desire to support the trader.

I think they have perhaps had slightly less than the usual routine intention simply to redeem the gift card and perhaps with another idea in mind as well: that the gift card might serve as a means of keeping things moving through this period when it is difficult to attend in the store perhaps and it might be something that can be handed on with a view to the recipient then, when they have a chance, going in and even if they did redeem the card use it then as a means to go ahead and purchase something of greater value, having been introduced to the trader.

We know, and that is just one way to illustrate, the value of the provision of a gift card that rises above just the giving of cash as a gift. It can tell the recipient that someone has thought about them and the particular trader, and it can have the effect of supporting local businesses, as has been illustrated in the course of the global pandemic.

Bringing back those happy memories of the early days of the Marshall Liberal government and those immediate steps we have taken in terms of the agenda of the government to bring more jobs, lower costs and better services to the state, in this discrete way we have demonstrated that not only have we led the way in bringing better services to the state by virtue of this groundbreaking legislation but it has been followed and will now be seen for the benefit of all Australians pursuant to the commonwealth provisions in the Australian Consumer Law.

I commend the Attorney-General for leading the way in the first place to get to this proud moment when we can repeal these provisions at the state level. It is a proud moment for the state. I commend the bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:21): I acknowledge and appreciate the contributions of members in supporting this and remind members of the three important things we will add to this legislation.

One is that, along with New South Wales, we were quick to make sure we provided consumer protection in this state. As a parliament, we were one of the early advocates for establishing consumer law in the country and consumer credit law in the 1970s. I am proud of that, and I think every South Australian should be. We need to make sure that where we can provide legislative protection to consumers that is precisely what we do. So we have done that. The commonwealth, along with other jurisdictions, gave some consideration to this.

The second thing I will say is that, in relation to the application of the bill, in the less than two years it has actually operated under state law I am advised there have not actually been any prosecutions of people or persons receiving a penalty, currently up to $5,000 and in some other cases $10,000. I hope that is a sign there is good compliance. Perhaps not everybody knows they can retrieve those Christmas and birthday gift cards that, at least in my household, languish in a drawer until the expiry date renders them useless, that they suddenly have some extra life. That is great, and it is pleasing to see.

I have not had any indication reported to me by the Commissioner for Consumer Affairs, Mr Soulio, that there has been any difficulty in the enforcement of the legislation generally. Hopefully that should not change under commonwealth law and, with the education program that was put out after the commencement of the act here, people have cottoned on.

Thirdly, I would like to say that we do need to tidy up this legislation. We cannot simply leave a state law extant on the basis that the commonwealth law covers the field and ours is rendered, in any utilitarian way, useless. We do need to tidy this up, otherwise we are leaving legislation that could cause confusion for the general population. With that, I thank members for their contributions in dealing with this matter.

Bill read a second time.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:24): I move:

That this bill be now read a third time.

Bill read a third time and passed.

TRAINING AND SKILLS DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 July 2020.)

The Hon. Z.L. BETTISON (Ramsay) (17:24): I move:

That the debate be adjourned.

Motion negatived.

The Hon. Z.L. BETTISON: I rise today on behalf of the state opposition to notify the government that we will not be supporting the Training and Skills Development (Miscellaneous) Amendment Bill.

The DEPUTY SPEAKER: Member for Ramsay, if I can interrupt, you will need to identify yourself as the lead speaker.

The Hon. Z.L. BETTISON: My apologies, Mr Deputy Speaker. I will be the lead speaker for the opposition. I rise today on behalf of the state opposition to notify the government that we will not be supporting the Training and Skills Development (Miscellaneous) Amendment Bill 2020 if it is voted on this week, owing to the fact that this very bill is still out for consultation.

We have very much informed a clear process that was outlined on the website YourSAy, which is a very useful tool introduced by the former Labor government to inform the community and stakeholders of when we are having discussions and debates. That website stated that the consultation will be open until 20 August, but we find ourselves bringing it to the house for debate one month earlier. The opposition reserves its right to support the bill at a later date depending upon the consultation that is currently being undertaken.

On 2 July, the minister introduced the Training and Skills Development (Miscellaneous) Amendment Bill 2020. On the same day, the state opposition sought a briefing from the minister's office as soon as possible. As soon as the minister spoke, they sought a briefing. The opposition was initially offered the briefing on 20 July, the day before it was set to be debated here in parliament.

The opposition rejected this offer and requested one with a more appropriate time frame, noting that the shadow minister needs time to consult with stakeholders and make a submission to cabinet before this matter is voted on. A briefing was then given last Tuesday, 14 July. As I said, this bill was introduced by the minister earlier this month; however, this bill is still out for consultation on the YourSAy website, which has an advertised closing date of 20 August.

The opposition spoke to stakeholders as late as yesterday who are either yet to be consulted or were not aware of the bill at all despite being key stakeholders in this area. We on this side of the house believe in consultation. We believe in everyone having the right to be listened to. What the state government is saying in this instance to the industry and employee representative organisations who represent thousands of apprentices and trainees in the workplace is that their opinions do not matter. They are saying, 'We are going to push ahead with what we want, and we are going to tell you how it is going to be, but we will pretend to consult along the way.'

By pushing forward, the minister and the state government are missing the opportunity of undertaking proper stakeholder consultation to deliver positive outcomes and perhaps needed amendments to the Training and Skills Development (Miscellaneous) Amendment Bill, and this is all because the minister wants to rush it through. I have to ask: why after going slow and steady for two years reforming this area, is there now a mad dash to debate and pass this bill now?

We have runs on the board from this minister, when he has rushed debates before and he has rushed bills through. He might be wise to remember what happened the last time he rushed through legislation in this place—the minister's notorious CITB amendment bill—when he pushed through legislation, providing the opposition with a briefing only the day before the legislation was introduced. Why does he do this time after time? What happened to transparency?

This is such an important area in South Australia to support young men and women, or people older than young men and women, who want to move into a new industry through traineeships and apprenticeships. Let's remind ourselves of what happened to the CITB amendment bill. That bill ended up locked in the other place for months on end because the minister did a sloppy job rushing through the legislative changes to help him get his mates on the board. I urge the minister to learn from his mistakes and not to make the same mistake twice.

We on this side of the house value consultation, we value feedback and we think that there should be appropriate levels of consultation with key stakeholders. While there may be merit in amending some sections of the bill, this should be done in due course with regard to all feedback received. It is a pointless exercise to undertake consultation if you are going to rush it through the parliament. What I want to know is: who is this minister listening to? Who is urging him to rush this bill through?

There are significant changes proposed in this bill. It proposes the establishment of the South Australian skills commission. How surprising that there is a consolidation of power here because all the members are going to be appointed by the minister, and we know what the minister's record is like. We know he has no interest in having employee representation on the board but he does like to make sure his mates are there. The question comes: will they be qualified?

We are rushing through this bill without the consultation process that was advertised, and we have to ask ourselves: what is the rush? Is there a rush to put people on this commission who do not have experience in vocational education and training? We know that that happened on the Construction Industry Training Board, when people were put on that board without adequate experience. The minister has runs on the board for trying to ignore legislative requirements by just removing legislative requirements. Once again, this bill will be looking to establish a South Australian skills commissioner, again to be appointed by the minister: a consolidation of power within the minister.

It deserves transparency. It deserves time for consultation and questioning. The bill also proposes to enable the minister to expand the scope of trades and declared vocations, and this raises the question whether one of the motivations of the minister is to assist him with his struggling apprenticeship numbers. Why do we need to expand it? I saw some of the wording. It is about agility and it is about accessibility, but where are the words about protection for these young workers? Where are the words about supporting these young workers to make sure that they are in safe workplaces and to make sure that they are getting the skills and training that they need?

The bill also proposes to change the employer registration process to remove criteria from the legislation relating to the employer's premises, the equipment and training methods, who will be supervising the work of the apprenticeship or the trainee, and the ratio of apprentices and trainees to supervisors. These are fairly serious topics. It goes to the core of safety. It goes to the core of responsibility for those people who are in charge of supporting these workers as they train on the job and develop their skills.

Our concern is that, instead of the current registration process, we are going to see that employers will be registered almost automatically, with the ability to declare an employer a prohibited employer after problems arise. This is a significant change. It is important that all key stakeholders, industry and employer representative bodies are consulted before rushing this through parliament.

The minister is seeking to increase the probation period for apprentices and trainees to six months, meaning, for example, that a person undertaking a 12-month traineeship would spend 50 per cent of their traineeship under probation. Who has called for this proposal? Who is the minister listening to? We all have trainees here; it is a great process. I have had several trainees during my time as the member for Ramsay. They come in to the office four days a week and spend one day a week at TAFE in order to receive their certificate in business.

It just does not pass the pub test that these trainees could be on probation for six months. It concerns me that this is an attempt to make it easier to access cheap labour in a labour-intensive trade that can be turned over quickly. These are the questions that we need to be asking. Who is asking for this six-month probation period? The opposition has spoken with key stakeholders as recently as this week who are not aware of these proposed changes. A consequence of such a change—

The Hon. D.G. Pisoni: Name them!

The DEPUTY SPEAKER: Order!

The Hon. Z.L. BETTISON: —to probation periods would be that a training contract could be ended without reason within six months of a probation period merely by giving written notice. This is reducing the protection of people who are most vulnerable in the workplace, those new workers who are there to learn. This is a concern.

The bill is also proposing a fee for employers on transfer of a trainee or apprentice. The stated intent is sound: to reduce poaching of apprentices from an employer who has invested in early training. However, this proposal may have unintended consequences that could work against apprentices. It makes no sense to rush through such changes, especially when key stakeholders, who will be the most heavily impacted by this change, are still supposedly having their say.

We therefore advocate that this government does not bring this bill to a vote this week. Why go out and publicly say that you are going to consult to 20 August and here we are debating this on 22 July? It is insulting people. You either believe in transparency and consultation or you do not. These are just some of the questions we have that will arise during this amendment bill, which is 56 pages long. I know it has been 12 years since we have looked at this bill and at changes to the act, so it deserves attention.

We all know there is something that this minister does not like: it is unions. As a very proud member of the Labor Party, I know who I am and I know who I support. I know that I stand up for workers because they need to have a voice. They particularly need to have a voice when people have a blind hatred for their ability to unionise and speak with that voice. In the eight years I have been in this parliament, this minister has constantly criticised unions—almost as often as he has told everyone he used to be an apprentice.

There has been constant criticism, over and over again, so it is not surprising that this bill is proposing to remove the need to consult with SA Unions about the appointment of at least one member of the commission. It will also remove the requirement to consult with Business SA about the appointment of at least one member. You have to ask yourself why we are seeing this consolidation of power so that the minister decides who is going to be the commissioner and who is going to be on the commission.

I have talked about unions and we know how the minister feels about them. This is despite the fact that the minister's own department recognises that unions represent thousands of workers who actively contribute to the skills sector. His department recognises that those that represent employees are key stakeholders. We know he has runs on the board by removing union representation. He has already taken the vast majority of employee representatives off the Construction Industry Training Board, a board that was set up to bring unions and employers in the industry together.

Instead, he put people on that board who were mates. We have had many questions in this house about whether they were credible candidates or whether being members of the Unley Forum made them the most important credible candidates. We have to ask the question: if the parliament simply grants the minister's wish and allows him the ability to appoint whoever he wants to this rebranded skills commission, can the minister be trusted to appoint credible candidates?

Training and skills are a really important part of our future. One of my motivations for being part of politics is supporting people to get their first job. Once you have your first job it is easy to get the second job. For me, it is fundamental how we support people at the beginning of their careers or if they are upskilling their careers and moving on. There is no doubt at all that there is opportunity here. I do not doubt that at all. There is opportunity to contemporise and modernise what we are

offering, but we have questions. Why is this rushed? There does not appear to be any reason for this haste. Why go out and advertise if you are then going to ignore it?

The opposition has worked in a bipartisan manner to support the government on many COVID-19 related pieces of legislation. What is being proposed is a significant change to the Training and Skills Development (Miscellaneous) Amendment Bill. It should simply not be passed without thorough scrutiny. If it were up to the minister, the opposition would have first received a briefing on this significant piece of legislation just on Monday 20 July, knowing full well that the matter could be debated the next day. Minister, come on, this is a significant piece of legislation.

The Hon. D.G. Pisoni interjecting:

The Hon. Z.L. BETTISON: I am advised that that is what was offered.

The Hon. D.G. Pisoni interjecting:

The DEPUTY SPEAKER: Order!

The Hon. Z.L. BETTISON: I am not going to indulge you. After spending over a decade on the opposition benches, the minister knows that there is a party room process in place for both the government and opposition that requires each piece of legislation to be taken to their respective cabinets and for stakeholders to be consulted. It would be constructive if the minister decided to approach the skills portfolio in a bipartisan manner and sought to work constructively with the opposition for the benefit of the state, instead of instinctively and constantly going into battle as if we do not support this, as if we are not interested and as if it was 'us against them.' It is just not true.

You must remember to engage and consult. We do not want another mistake by the government of failing to learn from its mistakes. The minister has stated that he wants to develop a more responsive training system that is flexible, easy to navigate and geared towards the workforce needs of industry. If that is the case, the minister needs to show some maturity and work with industry stakeholders, employee representatives and the opposition so that the end result is legislation that has widespread support. That would be a better outcome for the sector and for South Australia overall.

The opposition is not opposed to reforming the Training and Skills Development Act. We are not opposed to it, but we are forced to oppose it in this situation. We are not opposed to reform, but we are opposed to the rushing through of this bill. We welcome the opportunity to look at this legislation and work constructively with the government to achieve reforms that will benefit the whole industry, but this needs to be done once consultation is completed and once many questions raised by all stakeholders have been addressed. I urge the minister to work constructively to achieve good legislation change that will benefit the whole of the skills sector. If he will not do that and forces the bill to be voted upon this week, the opposition will have to oppose it in its entirety because it is still out for consultation.

This is such an important area. We have an unemployment rate of 8.8 per cent. That is something that everyone in this house is concerned about. We know that this is something that has to be at the forefront of our thoughts. It has to be about jobs. It has to be about investment. Along with that, it is about our skills and industry, and a fundamental part of that is apprentices and traineeships. My father had an apprenticeship; he is a fitter and turner. It has served him very well throughout his time. He is very proud of the certification he holds. While the minister has told us many times that he was an apprentice—and we might laugh—it is something to be proud of.

The Hon. D.G. Pisoni: Why do you laugh?

The Hon. Z.L. BETTISON: Because you constantly say it, all the time. It is something to be proud of, having a trade or traineeship—

The Hon. D.G. Pisoni: But why do you laugh? It's bizarre. You treat it like a disability.

The DEPUTY SPEAKER: Order, minister! Continue, member for Ramsay.

The Hon. Z.L. BETTISON: As the lead speaker for the opposition, I am very disappointed to say that we will not be supporting the Training and Skills Development (Miscellaneous)

Amendment Bill if it is to be voted on this week and we make that decision because the bill is still out for consultation.

Mr TEAGUE (Heysen) (17:47): I am very pleased to have the opportunity to rise and make some brief remarks, if I may. I have listened very carefully to the member for Ramsay. Far be it from me, but if the reason for the opposition blocking this bill at this time is grounded primarily or solely on the proposition that it is because the bill is still out for consultation, then that falls away immediately.

What we are talking about is a practical circumstance: the year is getting on. The year is progressing and we on this side of the house are all about action. We are about delivering the better outcomes that we have committed ourselves to and not just talking about them. The government is conscious that the parliament is about to go into a period of some extended break. Consultation is ongoing. There is no doubt about that and it will continue.

Consultation does not pull up stumps directly because the matter is being debated in this house. Consultation, I am told as recently as a few moments ago by the minister, is proceeding in earnest. In terms of the progress of the bill, it is very important that we deal with it in this house so that consultation can continue to occur and so that developments between the houses can be taken into account and the new regime can be in place with a view to the commissioner commencing work on 1 January next year.

I am further advised that it is important to go about this in an orderly way and without unduly wasting time or standing in the way on some notion of the adequacy at this time or the completeness of consultation because, but for the extraordinary circumstances that we have all been fighting against in terms of the COVID public health emergency and the global pandemic, we would have had, in the course of an ordinary year, a process in which we would have been able to have this bill introduced in September. It would have been able to be progressed in a way that would have allowed the commencement of the new commissioner's work in the new year, and all the machinery in place around that would have been possible.

That is not the case because we are in the midst of circumstances that have in other places gone so far as to shut down the entire machinery of parliaments. That has not been the case in this state because of the extraordinary leadership that South Australia has shown in its response to the pandemic. So here we are, able to have continued our parliamentary process more or less uninterrupted throughout the course of the year, but in the most extraordinary and trying circumstances.

It is for that reason that, while the timetable remains exactly the same, there is no endeavour to move this through in some rushed way somehow to take advantage of the parliament. On the contrary, the intent is to ensure that in parallel the bill is moving through, the consultation is continuing and we can ensure that there is actual practical machinery in place in time for the start of next year. In bringing this bill to the house, the minister is continuing an extraordinary record so far of development on the skills and training side.

So when the minister brings this bill to the house in these circumstances, it is not against some sort of background of a thought bubble. If the minister says, 'I need this to continue to prosecute our skills and training agenda,' then I will certainly put my hand to the wheel to ensure that that can occur because, as I have said once or twice in the course of these remarks, we are about ensuring that real outcomes are being delivered on the ground, and that is to be contrasted in fairly stark terms with those who it would appear on the other side of the house really have nothing to say in terms of actual practical outcomes. They would perhaps rather see the matter continuing to be aired so that members opposite can continue to talk about it. We on this side of the house are, by contrast, about action.

One of the measures that has just been brought to my attention in terms of demonstrated outcomes—improvement that forms part of the track record in the very early days of the Marshall Liberal government and this tremendous minister—is the 114 per cent increase that we have seen in apprenticeships for those over the age of 45 over the recent course.

We know that in recent days and weeks the federal government has announced its JobTrainer program. There is a skills agenda that state governments of all stripes have signed up to.

I think Western Australia is the one outlier as things stand—that is my understanding—but all are coming on board with the prospect that there will be 340,000 new training places on offer. That will be backed by $1.5 billion of federal government investment in apprenticeship wage subsidy programs, and that federal program will be in areas of key relevance to the state, including health care and in manufacturing and in trade.

I for one, as a proud member of this parliament representing, as I do, the good people of Heysen, want to see this state and this government fully equipped to cooperate and participate and turbocharge the work that is going on in terms of skills and training at the federal level. We will be able better to do that if we put our house in order by progressing this important legislation in an orderly way and not sitting on our hands and saying, 'Well, we cannot do anything about it because there might still be some level of consultation.'

On that point—and, again, to drive it home, I hope that I might, with respect, have some capacity to persuade the member for Ramsay and those opposite perhaps to reconsider their view over the course of the coming hours—that is for the reason that it is the stakeholders themselves, those who are being consulted and will continue to be, who are driving this process.

They know that the government's focus on skills and on training places is critically important, and it is those groups that will continue to be consulted over the course of the passage of the bill that I am sure will continue to remind the government, and will I am sure bring it to the attention of those opposite as well, just how important it is that we progress this bill and that in turn we do all that we can in this state to deliver continuing strong outcomes in terms of training and apprenticeships over the period going forward.

Much has been said by the member for Ramsay in the course of her contribution about the role of the minister. I draw particular attention to clause 11 of the bill and I commend, in the course of any quiet moment that members may have in reflecting on where we have got to and how we are reforming this area, the important role of the minister in leading the way on the skills and training front. Those functions of the minister that are there described are so tremendously important. They include the establishing of priorities, of leading the way in managing the state system of vocational education and promoting opportunities. I would like to expand further on those important roles when I may have an opportunity to continue my remarks with leave.

Leave granted; debate adjourned.

COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) (NO. 2) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

CONTROLLED SUBSTANCES (CONFIDENTIALITY AND OTHER MATTERS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 18:00 the house adjourned until Thursday 23 July 2020 at 11:00.

Answers to Questions

HEALTH AND WELLBEING DEPARTMENT

149 Mr PICTON (Kaurna) (1 July 2020). As at 17 June how many staff currently work in the Department for Health and Wellbeing contact tracing team?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

As at 17 June 2020, there were 37 staff involved in contact tracing.

CORONAVIRUS

152 Mr PICTON (Kaurna) (1 July 2020). Which providers have been engaged to provide home hospital care for COVID-19 patients, and how much funding has been spent for each provider as at 17 June 2020?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

Provider	Amount (GST Exclusive)
Genwise Health	$176,562.50
Calvary Home Care Services	$8,217.00
Home Support Services	$11,535.00
Pop-Up Community Care	$3,146.87
Royal District Nursing Service of SA	$5,764.44
TOTAL	$205,225.81