HOUSE OF ASSEMBLY

Wednesday, 26 May 2021

The SPEAKER (Hon. J.B. Teague) 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

ELECTORAL (BAN ON CORFLUTES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 March 2021.)

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (10:32): I rise this morning to make a very brief contribution to the Electoral (Ban on Corflutes) Amendment Bill, a bill for which I have very significant support for a range of reasons, but largely because I know that is the position of my community in the electorate seat of Black.

I have surveyed, spoken and listened to many of the people who live in suburbs like Hallett Cove, Seacliff, Marino, Sheidow Park, Trott Park and Seaview Downs, and the vast majority tell me they are sick of the visual pollution created by election posters at election time. They are sick of the distraction they cause along our main thoroughfares.

Also, as we become increasingly environmentally aware and see the very significant leadership that the state of South Australia is taking in reducing our ecological footprint and reducing the generation of plastic waste, they want to see these election posters disappear, not just from a visual pollution point of view but also because of their generation of unnecessary plastics.

As the local member for Black and also in my capacity as the state Minister for Environment and Water, with a role in pushing forward the policy agenda around the reduction in plastic pollution and plastic waste, I support this from a policy point of view and from an environmental sustainability sense.

I have been in and around politics now for the best part of a decade. I have been involved in putting up posters with my face on them, for better or worse, along Brighton Road, Majors Road, Ocean Boulevard, Lonsdale Road and Main South Road. My electorate seems to have lots of major arterial roads and, as a consequence, I have felt the need in the past to put up lots of posters. Part of that is because if I did not do that, whether I liked it or not, my political opponent would have put up lots of them and then people would ask, 'Where has David Speirs gone? Is he not standing?'

In my view, there is a need to level the playing field and create a much greater sense of electoral equality by removing these posters from public property, from Stobie poles, from telegraph poles, from pieces of public infrastructure where it is currently allowed and appropriate to display election posters. Let's get rid of them and encourage candidates and members of parliament to use alternative means.

We are in the electronic age now; it is 2021. There are lots of opportunities to get our message across via social media, via electronic newsletters. There is obviously still a place for mail and paper material as well, but of course nothing beats those face-to-face interactions on the doorstep, in the supermarket, on the street corner and at events around our electorates.

I strongly support this legislation. I think the general direction of it is appropriate. It will be welcomed across South Australia and I know that it will be welcomed in the southern suburbs of Adelaide I am privileged to represent. I look forward to seeing this legislation move forward into law in some form or another in the coming months.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (10:36): I thank the member for Waite for introducing this bill. I

acknowledge the powerful contribution just made by one of our generation Ys—I think you are, not X. He is a generation Y, he is that young; he is nearly into the Z category. Here we have the voice of youth in our parliament making a contribution and telling us why, in the 21st century, this bill is important. I wholly endorse what has been presented.

I want to thank the member for Waite for progressing this part of the reform. It has certainly been the intention of the government to get rid of corflutes, and we have made that very clear publicly. The Electoral (Miscellaneous) Amendment Bill, which was an ill-fated bill, with OPV and corflutes and a number of other very important reforms, did not progress from the other place. I do not in any way reflect on their vote in that regard but just note the fact that it did not progress. The member for Waite has quickly adopted the provisions for the banning of corflutes in this bill as its single purpose, and I thank him for doing that. I hope that those in the other place recognise the significance of this part of the reform, which really must be advanced.

Incidentally, I should point out that the Local Government Association, in relation to their advocacy in this regard, are also keen to get rid of corflutes and for it to be part of their reforms, which is of course under consideration. Again, I do not want to present that further, other than to say that this is an important advance. The main relatively minor difference in this bill from the previous proposal presented is that the proposed number of corflutes within the 50-metre zone outside polling booths is now six per candidate or group. We note that and that is absolutely fine.

Those of us represented in this house are the Liberal Party of Australia (SA Division), the Australian Labor Party and, of course, the Independents, who have had various affiliations in the past. We acknowledge that other political parties are also represented in the other place and form part of our total parliament. Whether you are an Independent or whether you are a member of a small, medium or large party, in the sense of its numerical membership, you will be able to have the same number: six corflutes within that 50-metre zone for polling day and for the pre-poll services.

We accept that. It does produce some equity. I hope, for all of us who have been involved in elections—and many of us who will continue to be—that that will ensure we minimise that midnight or 1am flurry for polling days to be able to capture the most advantageous points—

Ms Bedford: When was the last time you put up a corflute?

The Hon. V.A. CHAPMAN: You would be surprised.

The SPEAKER: The Deputy Premier won't respond to interjections.

The Hon. V.A. CHAPMAN: Further to those early morning attendances, you then wait patiently to ensure that your secured spot is not sabotaged by some other candidate between then and 8am. This will be the end of that sort of nonsense, and we will be able to accept that there is an equitable and reasonable presentation, whatever the level of attractiveness of the picture on the poster you are going to present. We will have some equity in that regard.

I think the public will accept that as an important initiative on election day, that they are not in some way being bombarded, especially where there are very significant numbers of candidates standing for election. That is a double-edged benefit. Most importantly, it is an opportunity for environmental reform which, frankly, is advocated for by not only the Y generation but also the Minister for Environment, who has a special interest, expertise and understanding in this area. I think that is reflective across the generations.

Polypropylene is not widely recycled, with only two main recycling methods: mechanical recycling, which is complicated due to concerns around food contact and separating types of plastics, and recycling through chemical methods to break down the corflute. Beyond the corflute itself, the cable ties and other fixtures that are required to suspend the corflutes often get cut and left on the ground. So we have environmental impact in its production, its display, its removal, its disposal and all the bits and pieces that go with it.

I know that some of us, over the years, have donated second-hand corflutes to schools to cut up and use as art supplies—

The Hon. D.C. van Holst Pellekaan: Good for tree planting as well.

The Hon. V.A. CHAPMAN: Good for tree planting, yes. In fact, you can use either a milk carton around a tree plant or a bit of corflute, which is pretty good. Interestingly, last week I was in the Northern Territory and they use a product that looks exactly like corflutes—but without our lovely pictures on them—as a book secure area.

In particular, the Strehlow foundation in Alice Springs decided during COVID that they would act to try to preserve a number of their books, so they created, out of what is corflute material, outdoor boxes for special records. I had a chance to have a look at the beautiful, tiny Frieda Strehlow diary from the 1800s, which was to be specially preserved in its own little box. I was surprised to see that, and I thought, 'Goodness, there's one useful use of the corflute material.' It is designed to keep and preserve those for future generations. Otherwise, I would say corflutes are very limited in their application and are a blight in terms of being able to re-use and recycle them.

There are some parts of our state that have not involved themselves in the use of corflutes, and one of them is my home territory of Kangaroo Island. In the 1970s, everyone would have a banner up around polling day saying to vote for whoever their favourite candidate or party was. There were also a few things on cars and things of that nature, but there was no corflute uptake. At the time, moving into the 1980s when suddenly there were all these corflutes everywhere, as a local community they decided it was not for them. They did not think they should be on their roads, attached to their trees, stuck to Stobie poles or displayed in their towns. They just did not have them.

It was agreed between the candidates. I think the current member for Mawson used them in the last election, which was a bit of a break from tradition, and I think other candidates therefore took that up. Nevertheless, largely that has been respected and democracy has not fallen apart. There have still been people elected in those regions. There has not been some groundswell of civil unrest as a result of not being able to see the picture of their favoured candidate hanging on a tree or on a Stobie pole.

Critically, in that regard, the forms of communication that we have now in 2021 that we did not have in 1980 mean that the information source is not public meetings and corflutes alone. We have a massive number of other electronic means upon which we can get immediate, reliable and quite extensive information about prospective candidates and the policies that they are standing for at the touch of a phone.

So I would encourage members to support this legislation to ban the use of corflutes on public roads for environmental, public safety and cost reasons, and of course due to the availability of other methods of communication, and to end this blight on our political horizon during elections.

Mr BROWN: I move:

That the debate be adjourned.

The house divided on the motion:

Ayes.....21
Noes 19
Majority 2

AYES

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

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Gardner, J.A.W.	Harvey, R.M. (teller)
Knoll, S.K.	Luethen, P.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.

NOES

Pisoni, D.G.	Sanderson, R.	Speirs, D.J.
Treloar, P.A.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

PAIRS

Bignell, L.W.K.	Marshall, S.S.	Koutsantonis, A.
Tarzia, V.A.	Piccolo, A.	Power, C.

Motion thus carried; debate adjourned.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (CONSTITUTION OF COMMISSION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 May 2021.)

Mr KNOLL (Schubert) (10:53): I rise to speak to this bill put forward by the member for Light. I think maybe he thinks he is still the shadow minister for planning, but, alas, he is not.

The Hon. V.A. Chapman: He was too busy. He had to go back and work in his electorate, remember?

Mr KNOLL: He did, he had to go back and concentrate on his marginal seat. This measure, which has been advocated for by the member for Light, is not a new proposition. For the awareness of the house, what this seeks to do is put in a positive obligation that somebody has to have skills or knowledge in agriculture or land—to have that background—to sit on the State Planning Commission.

It seems to me to be a bit odd that this is the specific and single criterion the member for Light thinks is lacking in the current commission. There are only four members of the commission, and by virtue of that they need to have a broad set of understanding of land use planning issues and different sectors of our economy and built form, but for some reason this is the one issue that the member for Light thinks needs to be tackled. Interestingly, I do not think the member for Light has made the case for what would be different or what would be improved with the passage of this bill or indeed what the deficit is with the current members of the board and the decisions they have made with regard to regional land use planning.

As such, I do not think this is worthy of support, for two reasons: first off, because this government's record through the code reform process of improving the productivity and variety of land uses for primary production land in regional South Australia is one of the great successes of the planning reform process. In fact, opening up primary production land to be able to be used for small-scale retail and small-scale production associated with primary production activities is a massive step forward.

I know for my community, whether you are growing sheep or whether you are growing fruit to be dried, the ability to process in a small-scale way on your property and then sell that product on your property is a great step forward. It is something that was made more difficult before and is something that through the code reform process we have been able to make easier.

The second thing that I think is a massive step forward is helping farmers diversify through better engagement with the tourism industry. Again, what has happened through the code is an increased ability for small-scale tourism facilities to be built on primary production land. I will give one really good example that the member for Narungga took me to when I was minister. It was a small distillery on Yorke Peninsula that essentially made spirits from the grain that was grown on the property—a fantastic step forward.

The comment at the time from the guy running the joint was, 'If I was just a broadacre farmer, I wouldn't be here, but the fact that we're able to value-add our produce, to diversify our business, to capture more of the value chain means that we can keep doing what we're doing on farm and we can have a better life and a better income.' That is a massive step forward.

Again, I think we have done a whole lot to try to codify and better understand rural living. I think we have done a whole lot to improve buffer zone issues where we see interface between primary production land and more intensive land uses. All of these things show that this government's record and this commission's record of improving the productivity of primary production land means that there is no issue.

I think I do know, potentially, where this has come from. I saw it because I think recently the member for Light met a constituent in my electorate, a gentleman who would be known to many in this chamber, a guy by the name of Peter Grocke. Peter has long been an advocate for change—more radical change—to land use on his primary production property. Certainly, I do not think I am misrepresenting Peter in saying that he does not think that the current planning system compensates him properly for what he believes has happened with encroachments on his land and his ability to produce on his farm free from interference. Essentially, he is trying to progress an idea that we need to better enshrine a right to farm.

That said, the 2012 Barossa preservation act and the mirror legislation down in McLaren Vale have enshrined in law that primary production land is sacrosanct and should be kept for primary production or associated purposes. But, unfortunately, some advocates and some landowners who have a degree of proximity to urban environments—not necessarily directly adjacent; in fact, the number I have spoken to over my time as minister were not necessarily adjacent but were adjacent to the ones who were adjacent—essentially wanted to have their land rezoned for some sort of housing or rural living developments so that that land could be subdivided and sold at a reasonable profit. It is a valid argument for a landowner to make but not one that I think can be supported or should be supported in an isolated context.

I took a very disciplined approach, and it is something this government has also taken a disciplined approach on. In trying to identify the most appropriate and best use for a piece of land, what should be taken into consideration is that, in the broader context of land use planning in South Australia, we need to do what is right for that land as distinct from using the planning system as a way to be able to up-zone land to provide financial windfalls for individuals.

Let's say, for instance, company X are going broke but, if they could just get their land rezoned from a shed to housing, they would be able to subdivide that land, make some money and it would make everything okay. Taking into account that financial consideration, in my view, is not what planning should be about. Planning should be about finding the highest and best use for that land, and I think that is the principle by which this current system operates and the one which it should continue to operate under.

The case has not been made for why this very surgical and specific amendment needs to be passed. There is no case that has been made. On that basis, narrowing what should otherwise be a broad remit and a broad range of skills and experience that individual commission members bring to their position would be a negative step, and that is why I do not think this bill should be supported.

While I am on my feet, I want to thank the current commission members for their work. They have been through a pretty tough, difficult time trying to navigate bringing in a nation-leading planning code. I want to put on the record my thanks to the former chair Michael Lennon. He has been through reform processes in planning for the past 30 years, and his depth of experience really did help to give context and showed that a lot of the discussions we are having are the same discussions we have been having for 30 or 40 years.

I want to thank the current commission and the new chair, Helen Dyer. She is a woman with a wealth of experience and is certainly a very worthy appointment to that cause. Again, as someone who has been around for a long time, she provides that context. The other commission members, Craig Holden and Alan Holmes—again, people with a wealth of experience across a variety of sectors—all do a brilliant job.

With that, the member for Light may have more that he wishes to contribute to make the case for why this bill needs to be passed but, as it stands, that has not been made. I think that the

way the system is operating is as this parliament intended and that it is actually providing beneficial outcomes for regional South Australians.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:03): I rise to indicate that the government will be opposing the bill presented by the member for Light, namely, the Planning and Development Infrastructure (Constitution of Commission) Amendment Bill 2021. As has been indicated, there has been a failure to put any persuasive case to add the experience of a state planning commissioner, namely, in rural land use or agriculture. Furthermore, I would suggest it is inconsistent with the current terms of requisite knowledge or representation in the act.

Let me start with the first, the merit of adding in rural land use and agriculture as a single additional area of expertise for at least one of the commission members. The current act provides for members of the commission to share expertise across a broad range of disciplines that span the planning sector to ensure that they have knowledge and representation to make informed decisions. These areas are required as set out in section 18(2) of the PDI Act and are as follows:

(a) economics, commerce or finance;

(b) planning, urban design or architecture;

(c) development or building construction;

(d) the provision of or management of infrastructure or transport systems;

(e) social or environmental policy or science;

(f) local government, public administration or law.

This is part of legislation under the Planning, Development and Infrastructure Act 2016 driven and introduced by the former planning minister, Minister Rau. The Labor government of the day presented this alternative framework for planning and it was very substantially amended during the debates that we had.

I do not recall the areas of expertise for qualification for appointment to the commission being challenged. They may have been. My recollection is that the member for Narungga at the time, Mr Steven Griffiths, was the shadow minister, and I know that he spent many months dealing with hundreds of amendments that were presented during the debate on this bill, but I do not recall that being an area of concern. There seemed to be general acceptance that there would be an independent state planning commission and that it would comprise members who had this level of expertise.

What is curious about this amendment within the envelope is it is the only suggested area of land use that is to be incorporated. If one were to say, 'We want to recognise people in all different pursuits of land use,' then you would think that would be the basis upon which this amendment would be presented.

Secondly, just within the rural land use or agriculture that is presented here, I have no idea—and I have reread the presentation by the member for Light—as to the basis for this being defined in this way, and not other areas of land use, especially viticulture. He purports to be the duty member for Schubert in his presentation; he tells us that. It is an area that is dominated by viticulture, which even he acknowledges is at times in tension with agriculture. Why is he then specifying agriculture and not horticulture or viticulture or fishing, or any other rural land pursuit or ocean pursuit, within this definition?

To me, it is a scrambled together throw-in to try to make it look like he has some area of sympathy for those who are working or living or recreating in a rural area. For the life of me, if he wants to represent the area that he is in, he has sadly missed an opportunity to consider very substantial industries within that northern region for that purpose. For all those reasons, I would say this reference to an increase in area of expertise on the State Planning Commission is without merit.

I also indicate that the first phase of the Planning, Development and Infrastructure Act occurred as of 19 March this year. The Development Act of 1991 is dead, and we now have a new regime. The member for Schubert has acknowledged the work of the commission in the role they played in not only the transition to the PDI Act but also the implementation of planning reforms for

ePlanning. It has been massive. It has certainly been the most advanced in Australia as to the accessibility of material in relation to this new medium by which planning transactions are employed, and we thank the commission for their role in that regard.

They have been established as the state's independent principal planning body that provides advice and makes recommendations in relation to the administration of the act. They do not represent particular vested interests in relation to land use, and I think for good reason. That is why the areas of expertise are presented in the act already. The assistance that they currently provide to both state government and local government, together with an extensive period of advice to the community and business organisations in respect of planning, development and infrastructure, is already well known.

The members currently comprise Helen Dyer as the commissioner, Craig Holden, Allan Holmes and Sally Smith, who sits as the head of the Planning and Land Use Services division in that commission. They are currently undertaking another area of important work. Having completed the implementation of all the machinery operations for the new PDI Act, they must address a number of other issues.

I just remind members that section 18 of the act requires that commission members must collectively have the relevant skills and experience listed, and I have referred to them. It may not be considered reasonable or practical to seek a member with specific rural land use or agriculture experience, as that person's experience will have less relevance to the significant number of the commission's functions or those that do not involve rural land use or agriculture.

I also remind members that section 19 of the Planning, Development and Infrastructure Act allows the commission to appoint one or two persons to act as additional members of the commission for the purpose of dealing with any matter arising under this act, so it falls within their capacity to call upon other areas of expertise. It may be considered practical in the future to appoint a member with experience in relation to rural land use, agriculture or any other area of expertise for the purposes of planning.

The important work that they are now doing, which I bring to the house's attention, deals with two initiatives that have direct relevance to rural and agricultural areas, which is dealing with the state's regional plans. I have to say that it was very disappointing coming in as the new minister to find that all of these state rural plans are dated 2011 and 2013—they are way out of date. It is 2021, and these should have been updated by the previous government. While we have been dealing with the immediate issue of planning reforms, I have asked them to now get on with that aspect because it clearly needs to be done.

There is also the environment and food production areas review, and that work is being undertaken. Thirdly, there were some reviews that were done to deal with some anomalies that have been identified in respect of the character preservation zones. The member for Schubert has mentioned that one is in the Barossa and one is in McLaren Vale, and that is a matter that also has their attention.

In relation to dealing with our metropolitan growth, which relates particularly to the environment and food production areas and to the regional plans, I expect that we will have some reports for consideration of the industries generally, and of course the public will take an interest in this. Aspects such as land supply are critical for both the development of the state and for those who are going to be invested in undertaking those developments. So it is a critical area that we need to get on with, and our government is doing precisely that. So I indicate that we oppose the bill.

Time expired.

Mr PEDERICK (Hammond) (11:13): I rise to speak to the Planning and Development Infrastructure (Constitution of Commission) Amendment Bill, moved by the member for Light, and support all the comments made by the Deputy Premier and the member for Schubert. Planning can be fraught and, at the ground level, different planners can have different views.

Recently, in Murray Bridge there was a decision on a proposal and on all the evidence the council supported this proposal. Two planners on the panel said yes, two said no and then it was left to the councillor on the panel to either approve that project or not. Despite the councillor having full authority from the council to approve the project, they did not. That has since been remedied with another application and I wish the proponents of that project all the best. They have worked for many years—they know who they are—and I applaud them for sticking at it.

These issues around the interface of agriculture and urban development, whether it is the often-had conversation around agriculture or mining, the biggest encroachment we have on agricultural land for all time in this state is urban encroachment. There is absolutely no doubt and we need to have robust planning laws and robust planning legislation and we also need to have sensible legislation.

I have said this in this place before that my father knew every acre—because they were acres back then—between Gepps Cross and Gawler as paddocks. Look at it now. Urban sprawl happens, as does regional sprawl. Look at the disaster of Mount Barker's early years, when the developers took control and it went berserk and infrastructure did not keep up with the development.

I note that the Attorney mentioned the environment and food production areas. Part of the legislation was debated on the birthday—I call it the birthday because it was a big birthday—of the planning act in 2016. I, too, note the extraordinary work by the shadow minister at the time, the former member for Goyder, Steven Griffiths, in bringing multiple papers to our party room on different amendments coming forward. I have mentioned in this place before that the former member for Enfield, former Minister Rau, brought in 300 amendments to his own bill.

An honourable member: Shocking.

Mr PEDERICK: It was outrageous. It was being made up as it went along and this was the full birth date of the planning act, so we were second-guessing on the floor. I cannot imagine how many grey hairs the former member for Goyder got because of this. I know he put countless hours into deciphering what was coming up next from the government of the day—and then it got worse.

There were 50 clauses in committee, which I have mentioned in this place before. Once we debated the bill and it had gone through, at about clause 50 the former member for Enfield threw in the environment and food protection areas. It took multiple questions from me and others as to what that meant. In the end, the former member for Enfield had to admit that it was essentially a replication of the Barossa protected area and the McLaren Vale protected area, and this area went from somewhere around Kapunda right down to Goolwa in the south.

Some people may think that is a great thing, but you end up with all sorts of absurd things that happen around the legislation, where horticulturalists cannot have a second property on their property. I know through the Environment, Resources and Development Committee we remedied that, I think in the Wakefield council, or a council in the northern area. It does create a whole lot of issues. As the member for Schubert rightfully said, 'Where's the opportunity for value-add businesses?' whether it is places like a gin distillery on a barley farm on Yorke Peninsula; opportunities for vignerons, for example, and what they can do on their property; or whether, as I have already said, it is dryland farmers and options they can utilise on their land.

We have this ridiculous situation in my electorate where on one side of the river, if you are in the Rural City of Murray Bridge, the environment and food protection area rules are in play, but if you go over the other side to Coorong District Council, where I reside, they do not come into play. It promotes all sorts of different investment opportunities, and not just investment opportunities but opportunities for the landholder, the person practising agriculture. I am very pleased to see that the review is coming up for the environment and food protection areas. I think it had a five-year sunset clause or a review clause in it, and we will be debating it soon.

We have to be realistic. Yes, we do have to produce food, but we also need to house people during a boom that is happening in regional areas through this time. I am certain that COVID-19 has impacted on the growth of regional areas, whether it is Mount Barker, which is booming away as the fastest growing regional centre in South Australia, or Murray Bridge in my electorate of Hammond, which is the second fastest growing regional centre in South Australia. Mount Gambier would be having the same growing pains in the member for Mount Gambier's electorate. It is a great problem to have, that essentially there is barely a house available. However, when you have a billion dollars worth of development going on, as is happening in my electorate, we have to find houses.

I am having these conversations with relevant bodies and relevant people, but we have a meatworks that is working on the beef project as we speak. The earth is being moved out at Thomas Foods out on Mannum Road, and they will need somewhere around 450 workers when that opens.

At the end of the day, they will need 2,000 workers, with another 4½ thousand affiliated jobs revolving around that meatworks, which will be the most modern meatworks in the world.

Apart from that, we have growth in a whole range of areas. Big River Pork has expanded as well. Whether it is Ingham's chickens or Costa mushrooms, the growth is just amazing. That is apart from all the small, medium and larger manufacturers of various industrial goods around the electorate and the service companies that go with all those needs of an electorate.

Another area we need to be concentrating on is rezoning. I certainly know that there is plenty of room inside the town boundaries of Murray Bridge at the moment, bar Gifford Hill, for potentially 3½ thousand housing blocks that can be rezoned. If they are not already in a rezoned area, they need to be rezoned pronto by the local council. Gifford Hill, thankfully, because it was already in place before the legislation of 2016, stayed out of the environment and food protection area—that is where the racetrack is just outside of Murray Bridge—and will have another 3½ thousand opportunities for housing into the future.

Certainly, I concur with what has been said today and I acknowledge the Attorney's comments that people can be essentially subbed on to the commission at any particular point in time. In regard to this bill, if someone with particular agriculture expertise needs to be appointed for certain items, they can be subbed on. I do agree with our position in opposing this bill.

Debate adjourned on motion of Mr Brown.

RETAIL AND COMMERCIAL LEASES (DESIGNATED ANCHOR LEASE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 March 2021.)

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (11:24): I rise to speak on the member for Florey's private member's bill, which has been introduced into this place in order to insert a new hardship provision into the Retail and Commercial Leases Act. I further note that the Attorney-General has indicated the government will not be supporting this bill for various reasons indicated in her speech, which I can go through as well.

In terms of the bill itself, in layman's terms it seeks to force landlords to renegotiate rental agreements with specialist retail tenants as a consequence of an anchor tenant leaving a shopping centre. This is meant to be undertaken within three months of an anchor tenant providing notice of their departure. Further, until the rent review is determined by an independent valuer, the rent would be reduced by the greater of either 10 per cent or an amount prescribed in the regulations.

Of course, this came in response to and in the midst of COVID. It bears in mind overall retail shopping within shopping centres and malls across South Australia and Australia. We can see that there really is a symbiotic relationship between the big anchor tenants who draw the bulk of pedestrians through and the specialist retail tenants who flourish around them.

Anchor tenants could be supermarkets like Coles, Woolworths, Aldi or Foodland here in South Australia, or it could be a cinema—down at Glenelg we have the GU Film House—or even a department store that provides a big drawcard. They tend to be the tenant that attracts the highest volume of foot traffic to a specified area, and then that benefits those smaller specialist retail tenants around them. It builds an ecosystem and, as I said, it is usually quite symbiotic.

If I look at some of the situations in the electorate of Morphett, we have the Bayside Village Shopping Centre down at Glenelg, which is on the corner of Jetty Road and Brighton Road. It has a large Woolworths, which certainly is fantastic. I was down there just last Friday with the Rotary Club of Holdfast Bay and we were holding a food drive. When people went to do their shopping, we provided them with a list of non-perishable items and toiletries so that, if they could, they would buy just one extra item, pop it in their shopping trolley and leave it with the Rotary Club on the way out. We then collected all those items and gave them to some really worthy charities, including Mary's Kitchen at St Andrew's by the Sea Uniting Church, which is one of those groups that helps feed not only the homeless but those who are struggling.

That was fantastic, and the generosity of some people was amazing. We had shoppers who came up with their shopping trolley—it would not have been full but certainly you could not see the

bottom—and said, 'Here, have this,' and it had one of everything: soup, baked beans, cereal, deodorant, Cup a Soup. It was fantastic. You could see that the Woolworths definitely attracted a lot of people, hence why the very worthy Rotary Club set up there.

Of course, there are also other great magnets of activity that draw people in there. We have Australia Post, where people need to do their post. That is another fantastic facility that you could argue really helps bring people there. We have the BWS in there as well, which is reasonably popular. They are really quite substantive businesses.

Then there are the smaller specialty retail shops. They include, but are not limited to—I never like to leave them out—multiple cafes, like Il Kafe, which is a great one where I quite often go to meet constituents and talk through the issues of the day, and Kicco, which is very popular and in the mall itself as you walk through. We also have a great travel agent in Phil Hoffmann Travel. Obviously, with the closing of international borders and cruise ships, he has done it tough, but he has kept a positive relationship. I have tried to work closely with him to see where I as the local member can assist and draw to the attention of the powers that be the challenges he faces. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Motions

TAFE, REGIONAL BOARDS

Mr BELL (Mount Gambier) (11:30): I move:

That this house—

(a) recognises the importance of TAFE as a major education provider in regional South Australia;

(b) moves to establish regional TAFE boards, similar to the model used for regional health boards, with financial and course autonomy; and

(c) ensures that these boards be accountable and responsive to their communities.

In preparing for today's private member's motion, my mind was drawn back to 27 October 2016—a fair while ago now—when the Statutory Authorities Review Committee held inquiries into TAFE. Members on that committee included the Hon. Rob Lucas and the Hon. Stephen Wade, both MLCs. When reading through the contribution I made back in 2016, it is quite interesting that many of the things I talked about have actually come to fruition.

Whilst I am talking about TAFE, it could easily be broadened out to vocational education in regional areas. I see TAFE as having a very important and specific role as a publicly funded entity. That role extends into areas that may not be profitable, from just a pure economics point of view, and therefore not picked up by other private RTOs and private providers.

TAFE has a wider importance to the fabric of a community and, in particular for me, regional communities. I guess I have been blessed in a way to have an educational background. I have seen TAFE certainly operate far more effectively than it currently operates, and that was operated under a campus board. In fact, one of the main chairs of that board was David Mezinec, who now runs Tenison Woods College, our Catholic secondary school in Mount Gambier.

At that time, the campus was certainly proactive and responsive to our community needs, but it also had a social element to it. It ran courses and looked after some of the most disadvantaged people in our community. Those courses would not have been viable, just from a pure economics point of view, and therefore would not have been picked up by private providers. Once you understand this space, you can see that private providers play a very important role. The compliance requirements they have to go through from the Australian Quality Training Framework are very onerous.

That is where I see a central role for TAFE, the compliance aspects of it, in making sure that the courses that are run are fully compliant, that the paperwork and checking and the administration of it is done at a central location. But what we are seeing with TAFE is quite honestly the complete destruction of the current publicly funded vocational offerings, in particular in regional areas.

I will go back to 2016 when I presented to this committee and I quoted from *AEU Journal SA's* edition of 25 May 2016. This is what I said at that time, directly from this:

> We've seen it all before. How do you close down a service you no longer want, even when it ticks all the boxes? You change the conditions of delivery so that it can no longer meet expectations, you starve it of support and funding, you add a layer of management and bureaucracy and then you make it personal. You isolate the staff providing the service, caution them about speaking up or garnering external support. You pit worker against worker to compete for jobs. You talk it up publicly and suggest other options that are supposedly cheaper but you know will fail to deliver. The service loses its connection to business and the community and the knowledge, expertise and skills of professional practitioners. It becomes so ineffective that no one really notices it when the doors are closed.

If I look back to 2016 to what has happened here with my local TAFE, that is exactly what has happened at a local level. I have plenty of examples of it. Obviously, I cannot read the people's names because they are TAFE employees, but very clearly in any correspondence that I have had with TAFE staff, it has 'Please note', under this person's contract, they are not allowed to talk to anybody, in particular the local MP, about issues relating to TAFE.

This person's specific email wanted to make sure that I was aware—and this was from the end of last year—that there are massive cuts that are being made to Mount Gambier courses. Half of the courses at Mount Gambier are now gone. There are changes to the courses where there is meant to be consultation and none of this has occurred. They are increasingly moving to an online delivery platform which lecturer after lecturer tells me will not fit the expectations of business nor will it provide the quality outcomes for the participants at TAFE.

Then we go to the employers who are contacting me, saying that the offerings at TAFE are not fitting their needs. Their apprentices are online or now needing to travel to Adelaide to complete courses that were being offered in Mount Gambier. Again, there are a number of employers who are giving me this message loud and clear. If we go back to my comments just a couple of minutes ago, it is exactly what we have been talking about if you want to starve an organisation and perhaps have an ulterior motive of where you would like to see that go.

I touched on the point of courses that may not be economically viable but are intrinsically valuable to a community and the fabric of a community. That is where I see the importance of regional TAFE with a regional board which I would like to see incorporate the private providers because, quite frankly, we are not big enough to have duplication of services. So where there is opportunity to leverage off of private providers, we should be doing it. But TAFE needs to provide, I believe, that cornerstone of vocational education.

What I do not understand is that I saw the same characteristics in regional health over many years. The Liberal Party came to the last election with a plan for regional health boards. I would have to say from my own experience (and others may have quite different experiences) that my regional health board is a very high-functioning board, attuned to our community. It has brought the health advisory council on board and engagement with community is strong, and I firmly believe that it is the right decision to make from a regional health perspective.

I cannot understand why we would not be looking at a regional vocational board that would try to achieve the same outcomes and productivity for a community because, quite frankly, we are seeing a denigration of the quality of service and the people from my electorate having to travel further. The reason they are having to travel is that over the past 10 years 13 TAFE campuses have been closed.

These include Millicent, Naracoorte, Gawler, Bordertown, Tea Tree Gully, Morphettville, Roseworthy, Cleve, Waikerie, Renmark, Panorama, Marleston, Port Adelaide and Parafield. On top of that, there are efficiency targets of $11.5 million, efficiency targets being another word for budget cuts, which are seeing the vocational sector being starved of funds.

Unless you have local management that can engage with your business community, engage with the participants of your community and hold accountability for that campus and delivery, I think the current model is fraught with danger, and its path, unfortunately, is laid out for us all to see. We have to acknowledge that TAFE have some encumbrances that private providers do not have. Down in Mount Gambier, the TAFE building is a massive building, yet TAFE only use probably a third to half of that building. It would have to pay the rates on the entire premises, so there has to be some recognition of the disadvantage TAFE has.

Going beyond that, the thing that concerns me in not having a local board is the missed opportunities. I look at forestry as a key opportunity for vocational education: 30 per cent of our employment workforce is tied to the forest industry, yet the training is scattered all across this state and half of Victoria because nobody is coordinating the forest industry and the various players within it to centralise that training at Mount Gambier.

We are talking not just of what you would think of forest training but of diesel mechanics and safety courses—a whole range of vocational training that should be delivered in our local area, but there is no local board and no local connection pulling all those threads together to have the forest industry invest in vocational education in our region, which would benefit our entire community. That leads to more and more young people travelling, putting their safety at risk.

I remember being a little bit younger than I am now and what a week away training at the age of 18 or 19 would involve—in some cases, late nights and some frivolity perhaps. That training should and could easily be offered in a district as large as Mount Gambier for others to access. It is vitally important that we seriously look at this and establish regional TAFE boards or regional vocational education boards not only to deal with the current training but to project forward into our future needs the greater connection between our secondary schools, which are the feeder opportunities for vocational education. These were done. It is not rocket science.

All I am saying is that we go back to a model that actually worked, a model that was responsive to a community and a model that met the needs of vocational training in our electorate. I think probably one of the greatest mistakes was the Skills for All initiative. It totally distorted training and, in my opinion, watered it down to a point which has been hard to recover from. We need this cornerstone of vocational education. TAFE is that cornerstone and for regional areas it is the bedrock for other vocational training to leverage off.

Mr HUGHES (Giles) (11:45): I fully support the motion. I think it is an excellent motion and, in some ways, it is back to the future. We did have regional boards in the past; in fact, there have been a number of different variations over the years when it comes to TAFE. One of the issues with TAFE—and this is potentially another restructure—is that when we were in government we were not blameless.

I think there were things that we did to TAFE that I did not find acceptable as a person that lives in the regions. I do not think the record of the current government is good because, clearly, TAFE is being hollowed out in regional areas. It is being degraded. Courses are being cut and courses are being diminished. You get the feeling that this is a deliberate strategy on the part of TAFE management operating within the constraints they have in Adelaide.

I mentioned yesterday the cutback to Certificate III in Hairdressing in Whyalla and the consequences of that. Apprentices are now expected to go to Adelaide for two-week training blocks. Some of those people are school-based apprentices as young as 16. Are they going to go to Adelaide for two weeks? Who is going to accompany them? Who is going to pick up the costs associated with going to Adelaide? I have had mature-age apprentices approach me to say that the cutback to certificate III in Whyalla means that they will have to pull out because they have kids. They cannot afford to go to Adelaide and do those two-week blocks. This has been a very successful course over many years.

I quoted yesterday some of the people who have commented on my Facebook page. There are hundreds of comments about what a backward step this is when it comes to certificate III, but people then started to talk about the other courses that have also been lost over time. If you go to the TAFE building now, like the one at Mount Gambier, it is a big facility and parts of it are empty.

When I was first advocating for the new high school in Whyalla, to close the current high schools and get rid of that poor model we had with the transition to a senior high school, the $100 million commitment that Labor made to a new school was in my view part of a greater educational precinct, given that you had a new high school that was going to be next to the university and next to a TAFE.

Yet we see at TAFE the degradation that is going on, a degradation that is to the disadvantage of people from the regions. For instance, with the hairdressing course, people would come down from Port Augusta, and it would also service the smaller communities on Eyre Peninsula.

That is all going to be lost now. Also, as an indication of what is going on with TAFE in Whyalla—and this is very similar to what the member for Mount Gambier was saying—our major employer that took on 21 apprentices this year is no longer using TAFE. TAFE used to be the provider of choice, but because of the degradation at TAFE that is 21 apprentices lost in the metal trades and the electrical trades.

They are probably fortunate in that they work for a big employer, so when they do go to Adelaide this year for their block training they will not be out of pocket; that big employer will pick that up. However, when you look at the smaller contractors that are also dependent upon apprentices going to TAFE to do metal trades courses or electrical courses, they are not going to be in the same position. They are not going to be able to shoulder the burden.

When I went around and spoke to nearly all the hairdressing salons in Whyalla, a number of them indicated that in future it is going to be very difficult to have an apprentice because the local training is no longer there. I could go on at length about specific courses that have been degraded or lost in Whyalla and elsewhere in the region, but I think there is an overarching problem.

I was critical of the government I was part of because some of our people, back then, had also drunk the contestability Kool-Aid. When you drink the contestability Kool-Aid, out the window goes—or at least is diminished—that sense of social obligation that is incredibly important in regional communities, because we do have thin markets.

That is not to say that a properly funded, robust and responsive vocational education sector is not important in the city as well, but it is incredibly important in the regions—and there are additional costs there. As the member for Mount Gambier said, there are a whole range of fixed costs with the facilities that have been run over the years when it comes to regional communities.

You get people coming up to you and talking about how TAFE used to be incredibly vibrant once upon a time. It used to have lots of students there. In some respects, online learning has been used to diminish what happens in regional communities. One person who is doing child care in Whyalla sent me a message, a person called Donna Hosking. This is what she had to say:

> I signed up to do diploma in early childhood education at [the] Whyalla TAFE because I wanted class learning and an educator on site. Within days told no lecturer only someone [to] come to Whyalla to assess. All classes online. Adelaide got class teaching one and a half days a week. We got two hours a week by Skype, so no time for [any] questions.

This is how it has been degraded.

Once upon a time you did have lecturers there. We are going to see the loss of the lecturer when it comes to hairdressing as well; a 0.5 lecturer and she is going to be lost, someone who is highly respected in Whyalla for the work she did at TAFE. That position is going to be lost, and they are saying, 'Oh well, we'll bring someone up from Adelaide.' They have not decided yet whether that person is going to fly up or drive up.

You get this all the time, this chip, chip, chipping away. My view is that the ultimate agenda is to benefit elements of the private sector. We need an incredibly strong TAFE, especially for regional communities. It has to be well funded and it has to be responsive.

That is one of the important things about devolving responsibility down to the regional level, because then people will be more responsive to the companies, the students and the apprentices who live in that region. The fact that a big company like GFG, a major employer, no longer uses TAFE is deeply concerning. It sends an incredibly poor message.

We do have to reinvigorate that sense of social obligation when it comes to country communities. We do have to realise that is going to cost more if we are serious—and I am always serious about the sense of having that access, that equity. As someone with an incredibly strong egalitarian ethos, to see the way country apprentices and country students are being increasingly treated is not a good thing.

We have to have a really hard look at what has gone on. I believe that our party needs to have a cold hard look at what we did when we were in power and we need to hold the current government to account for what they are currently doing. We need to get back to a strong commitment to a well-funded public education provider, not just for the city but especially for regional areas.

Mr BOYER (Wright) (11:55): I am pleased to have the opportunity to rise to support the motion from the member for Mount Gambier. As per the comments of the member for Giles, it is timely that this motion comes before us now, given some of the issues that we are grappling with in regional areas around training and skills.

I have a little bit of background in the issues that the member for Mount Gambier spoke about specifically in his contribution because earlier this year I went to Mount Gambier at the invitation of the member to discuss with local training providers the issues they are facing. I know that the issues they are facing are similar to issues experienced by training providers in regional and rural areas of South Australia and Australia more generally all around the country. It is something that the member for Giles touched upon in his contribution as well.

I was very thankful that the member for Mount Gambier organised that round table and especially thankful, as someone who is relatively new to these portfolios and, certainly when I ventured down to Mount Gambier for the round table, very new to the portfolios, for the very frank and honest way the attendees spoke about, first of all, how they thought the previous Labor government performed in these areas and how they think the current government is performing and the challenges they face and what we can do to address those.

As someone who has worked in ministerial staff land for some time, I know that we try to kid ourselves sometimes that we can do the kind of research and consultation that is required to make good decisions for the whole of the state through sitting in our offices in Adelaide, but nothing beats face-to-face consultation, particularly when it comes to consulting with regional areas, and talking on a one-on-one basis, as I had the opportunity to do in Mount Gambier recently with the people who face those issues on a daily basis.

As the member for Mount Gambier mentioned in his comments, TAFE is the major vocational training provider in regional areas. That is not always because there is less overall demand in those areas and that there is not demand to necessarily support private providers. Sometimes it is because it is just not economically viable for those private providers to set up in some of those smaller communities.

I believe TAFE will always have an important role to play in our state as the public provider of vocational education and training, and the member for Giles and I, and I am sure other people in this chamber, fundamentally and unashamedly believe that all South Australians have the right to public education at all stages of their lives. Public education at its core is about access. It is about making sure that doors are open to people who would ordinarily not have those opportunities, and that should be at preschool, primary, secondary and tertiary levels.

We know that we have an economy in South Australia, and indeed a global economy, that is very different from what it used to be, and we have certainly seen that in our state with the decline of traditional manufacturing. The need to be nimble on our feet, in terms of the skills and training we are providing to the community, is more important than ever, particularly in the case of the decline of that traditional manufacturing base, which has meant making sure that the vocational education and training sector is also open and accessible to older South Australians who may have been in long-term jobs in industries such as automotive and with employers like Holden's who need to retrain to find work in new and emerging areas.

I believe that TAFE plays a very important role in that by being a strong public training provider. It also potentially gives the government of the day a bit more leverage and a bit more flexibility in being responsive to those changing training needs.

Certainly, when we talk about its offerings in regional communities like Mount Gambier and elsewhere, TAFE is at its best when the voices of the local community are really embedded in the decision-making. Whether that be through local engagement with the employers that will be ideally taking on the staff who are trained and offering them employment opportunities or hearing about the emerging needs of communities, or what the students and staff themselves need, it is critical that those local communities are heard. That was overwhelmingly the feedback that I had at the round table that was convened by the member for Mount Gambier.

I would like to quickly touch on how TAFE boards are working just across the border from Mount Gambier in south-west Victoria, which is where I grew up, and I spent a lot of time in the Mount

Gambier area as a young person as well. There are TAFE boards in that area that I think for some time now have been making decisions in the interests of their local communities, and the South West Institute of TAFE is a very good example.

The decision-making structure they have adopted means that the priorities of the regional centres that use that TAFE—and in that case it is areas like Warrnambool, Portland and Hamilton, which would be areas that would face a lot of the same kinds of challenges and skills needs (certainly in the case of Portland) faced in the Mount Gambier area—are really factored into the decisions.

Ultimately, it means that the course offerings are a better fit, and I think it acts also as a check and balance to make sure that, in an ideal world, the kinds of decisions the member for Giles just spoke about that have occurred in Whyalla, with hairdressing no longer being offered by TAFE there, do not happen.

I think its value is really twofold: it is to make sure that the course offering is accurate and that there is a bit of a check and balance against any aberrations in terms of what is being offered. I believe that South West Institute of TAFE has won the Australian Training Award for large training provider for the last five years, so there is obviously some kind of merit and value that is being recognised nationally.

I accept that the concept of regional boards might seem like a fairly simple one, and there is probably no need to over-egg the pudding. I take on face value the representations made to me by the member Mount Gambier and the regional training providers that I have heard from about how they think this can add value. I do not think anyone has spoken more passionately than the member for Giles about the need for making sure that local communities are listened to in decision-making.

I have certainly hopped onto his Facebook page and had a look at the incredible number of comments and feedback from the local community of Whyalla about those decisions. If you are in any doubt about how people feel, I suggest that anyone who might be so inclined should hop on there too and have a little look for themselves.

I would like to thank the member Mount Gambier for moving the motion, and I thank him again for being proactive and inviting me down to his area and convening that round table. It is certainly something I would like to do again and I am very pleased to offer the opposition's support for the motion.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (12:02): I move to amend the motion as follows:

In paragraph (b), replace 'moves to establish' with 'consider establishing'; and in paragraph (c), replace 'these boards' with 'regional campuses'.

The motion will now read:

That this house—

(a) recognises the importance of TAFE as a major education provider in regional South Australia;

(b) consider establishing regional TAFE boards, similar to the model used for regional health boards, with financial and course autonomy; and

(c) ensures that regional campuses be accountable and responsive to their communities.

I thank the member for Mount Gambier for bringing this motion to the parliament and for the constructive way the debate has been held. In his comments, I think that he had a lot of significant merit in the way he brought this to the debate. I also acknowledge the member for Giles and the member for Wright. While I do not necessarily agree with everything they said, I also identify that there are some specific things they said that speak to a truth of the challenges confronting the TAFE and the training sector in South Australia that have been confronting us for some time. I think some of the insight that both of them brought to their comments have some merit; I disagree with some aspects.

In moving this amendment, I am seeking to ensure that this house can stand united in reflecting the core desire of the member for Mount Gambier in bringing the motion in a way that is not overly prescriptive on either the government or the TAFE organisation itself or that would potentially lead to unintended consequences.

One of the comments made by the member for Wright in his contribution was to talk about the regional TAFE authority that I think operates in the south-west of Victoria. Indeed, he identified that the Victorian structure for TAFE is significantly different from our South Australian structure on a number of levels. There are actually a number of TAFE SA equivalents operating separately in Victoria because there is a scale that allows that to be the case.

One of the things that I am keen that such a reform of TAFE as is proposed by the member for Mount Gambier not lead to is a further release of silos in operation. The scale of TAFE SA as a statewide organisation can lend to flexibilities and the opportunities for courses to be offered that would not necessarily be able to be offered if a local TAFE authority was completely responsible for their own funding, autonomy of courses and so forth. In Victoria, there is certainly a scale. There is a scale to regional communities. There is a scale to training providers that is enabling them in what is, I believe, a more contestable market than we have or are proposing to have in South Australia to operate in that way.

The second part of the proposition where I think there is some difference—and it is a difference the member for Mount Gambier, I would submit, has with the opposition, and the government would side with the member for Mount Gambier—is indeed the value of those regional TAFE campuses and those city TAFE campuses being able to have some shared use with the non-government training providers.

At its core, what we are seeking to deliver in our training system here in South Australia is a system that will see every student, every young person or an older worker seeking re-skilling or upskilling, to be able to further their career, to be given the opportunity to have quality training that will enhance their job prospects going forward, giving them a new career or indeed the ability to tap into advanced career pathways.

The second group of people I think we are all seeking to support are those businesses and industries, whether new or established, that are looking for a skilled workforce. One of the key challenges here—and the member for Mount Gambier touched on this in raising his concerns about Skills for All—is that the purpose of training is more than a holistic educational exercise to improve the mental and intellectual capacity of an individual, like primary or tertiary education might potentially be in some ways, but it is to help people find a job. We are seeking to enhance people's capacity to get a job. That means there must either be jobs for them or a very high likelihood that there will be jobs for them.

For example, TAFE is helping to support South Australia's future industry needs by radically enhancing the offering we have in areas like cybersecurity, where we have developed a new traineeship pathway, as an example in IT, or in areas like shipbuilding, where we have developed new pathways into shipbuilding in conjunction with the Naval Shipbuilding College. These are areas where there will be jobs, and we are getting ready in advance. TAFE SA, as our public training provider, has a wonderful opportunity to enhance that or, indeed, work with the industry skills councils, as we do now, to identify the job vacancies and the job opportunities that are there now and make sure we are providing for those opportunities going forward, meeting the needs of students first and meeting the needs of business and industry second.

The member for Wright characterised one of the philosophical differences between the government and the opposition when he said that at every stage in people's lives there should be a public education offering for them. Instinctively, I am okay with the broad concept but, frankly, when it comes to training, sometimes a publicly subsidised training outcome can be as useful as a public training outcome.

There are group training organisations and registered training organisations in this state delivering high-quality training that is meeting the needs of business and industry and students, and I am equally satisfied with one of those outcomes as I am with a government training outcome. The member for Wright himself said that he met with broad training providers when he went to Mount Gambier, and indeed there are opportunities where a non-government training provider might well potentially find the solution for a student's needs or for a workforce need that TAFE SA is not equipped to do.

We see examples of these, particularly in the industry-led non-government organisations. Whether it is PIA, the Housing Industry Association or the MTA, a range of these organisations are delivering courses in exactly the way in which employers want, because the employers are funding them to do so. I would not want at any point to cut out those organisations from having the opportunity to deliver for students and businesses.

When we are talking about the country, the third particular area that we need to think about is the needs of that broader local country community because the educational offerings, the training offerings and the needs of those businesses are much more than just the individual outcomes for a student or for a business; they are symptomatic of the success of that country town. That is why having a look at how we deal with country training has value. Indeed, it is something that the TAFE SA organisation is looking at the moment. I am happy to further enhance that investigation by giving consideration to this motion, and so I encourage people to support the amendment to give consideration to that motion.

One example of the way that the amendment would enhance what this motion offers is that it would give us the capacity to have a look at the way in which TAFE SA and non-government training providers integrate in country regions. If TAFE SA were to have these regional boards in and of themselves, as in Victoria for example, you are looking at having a whole wealth of smaller, less nimble individual training providers in effect that are then in a much more contestable space than we have at the moment where we are supporting TAFE SA to deliver in a way that the state needs, that the government needs to on behalf of the state. Then, when there are non-government providers able to support or offer something differentiated, that can be part of it too.

At this point I would say that it is really important that with all the challenges, whether it is in relation to things in Mount Gambier or Whyalla or other aspects of country SA or TAFE SA across the city, you have to take into account the underlying conditions. When people talk about the way in which TAFE operated in 2010 or 2011 when it was not a corporatised organisation, before the Portolesi reforms to TAFE SA, it was a different world. It was a world before that 2011 to 2014 period that saw 500 staff removed from TAFE SA.

An FOI that Minister Pisoni identified when he was in opposition showed that between 1 January 2011 and 30 September 2014 there was a reduction of 545 staff, either TAFE SA employees or DFEEST employees but working in traditional TAFE SA positions. Further budget decisions made between 2015 and 2017 put what the TAFE SA board has argued—and I agree with them—were unrealistic savings measures and fanciful revenue projections imposed on TAFE SA in an ongoing way as a result of those deliberate budget decisions between 2015 and 2017.

Responding to that, over the first three budgets, we put an extra $170 million into TAFE and we are investigating how we can better support TAFE SA going forward. That means for the country as well, particularly for students, for businesses, industries and regional communities. I thank members for their contributions to this debate. I think they are constructive and I urge all members to support the amendments and the amended motion if it is amended.

Mr PEDERICK (Hammond) (12:12): I rise to speak to this motion by the member for Mount Gambier and note the amendment moved by the education minister. I note the original motion:

> That this house–
>
> (a) recognises the importance of TAFE as a major education provider in regional South Australia;
>
> (b) moves to establish regional TAFE boards, similar to the model used for regional health boards, with financial and course autonomy; and
>
> (c) ensures that these boards be accountable and responsive to their communities.

I note our amendment:

> That this house—
>
> (a) recognises the importance of TAFE as a major education provider in regional South Australia;
>
> (b) considers establishing regional TAFE boards, similar to the model used for regional health boards, with financial and course autonomy; and
>
> (c) ensures that regional campuses be accountable and responsive to their communities.

In supporting the amended motion, I acknowledge that TAFE does make and has made a valuable contribution to regional communities. Over time, though, some of the issues that have arisen when making TAFE the best training provider it could be relate to bureaucracy in the background in different governments over many, many years.

We could all name TAFE facilities that have been under-utilised, for whatever reason. I do not know. I have facilities in Murray Bridge. We have excellent workshop facilities, welding, machine work, mechanic facilities and trade training facilities, and they are extremely under-utilised, yet I have two schools in the region building their own trade training centres. I know in the past I have had discussions with people on my side of government, and with the opposition when they were in government, about making the best of facilities across the board so that general education providers can utilise the facilities.

That said, there has also been some excellent work done through TAFE. I know in Murray Bridge we have courses involving hairdressing. It is pretty simple to cut my hair: clippers and a few snips and an apprentice can do it pretty quickly. Other people demand a bit more attention. Also a valuable training part of the local TAFE in Murray Bridge is the aged-care training. As we all get older, most of us may need it into the future. That training is vital for aged-care providers across the board.

Currently, one of the great outcomes that we have assisted in as a government is the skilling of people in hospitality, working with our TAFE to train them up for the new hotel that is soon to be opened at Murray Bridge, the new six-storey Bridgeport Hotel. We have assisted with the funding of training people there. There are 150 jobs going into this hotel. I know from talking to the general manager, Mary-Lou Corcoran, who would not be unknown in this place, that there are 52 long-term unemployed. She has made sure that she is very inclusive with who she hires. People with all ranges of abilities are getting the training to bring them up to speed to function in that hotel.

One of the things that people are being trained for is the responsible service of alcohol. There are different courses online and we all know that volunteers, including ourselves if we want to work at the footy club bar for instance, have to have a responsible service of alcohol ticket. If you deal with the one where you have to use the videos, you may have different levels of success, but you can get through it.

What is happening with the hotel is everyone, whether they are assigned initially as hospitality staff directly in bar work or whether they are cleaners or room attendants, is getting their responsible service of alcohol as part of that training. Across the board, they are all having that opportunity to get the appropriate hospitality tickets to get through.

It was a pleasure to speak to one of these classes recently. I think they were a bit stunned. I said, 'I haven't got a ticket to do anything, but I have bumbled along and I suppose we are going sort of okay.' I did stress to them that they want to achieve all the levels of training that they can because it will only benefit them in the future.

That is a great thing that is happening as we speak. It is going to be a fast ramp-up. There is going to be some soft entry into the hotel in the next little while. Next week, there is a breakfast there and some of us are staying the night before. They will barely have the doonas out the boxes, let alone on the beds, I think.

In a real coup as part of the soft entry, as I call it, Mary-Lou Corcoran realised that the Australian Institute of Sport had a problem with their waterways in Sydney for rowing training. She made the call and said, 'Come to Murray Bridge and we will host you.' It is going to be pretty raw and the cobwebs will be ironed out really quickly, and then the official opening will happen a few weeks later. That shows what we are doing just in one item of training locally using TAFE facilities.

Another thing TAFE at Murray Bridge are doing really well is opening up the facility as a learning hub for people at all levels of training, right through to tertiary training, with quiet areas where people can go to do their remote study from the Murray Bridge TAFE campus. I have been to multiple openings there of various aspects of the hub, and it is great. If people cannot find quiet time and time to do their university work or training work, they can go there, find a quiet space and get online.

As we have seen with COVID, there has been so much more online work done in university education and other education where it is done remotely. I see it with my eldest lad, Mack, who is

doing his third year in mechanical engineering. This year, he is just starting to go back to do a little bit more work at the University of Adelaide, but a lot of the lecture work is done remotely, as it can be.

I also want to pick up on what the minister mentioned before about training across the board in South Australia. Sometimes training does not directly suit different providers, and sometimes that is because of the bureaucratic impediments that are put in place. A classic one TAFE did struggle with was shearing training—I had some direct input from some shearing trainers locally—and that is being picked up by another provider. I just want to acknowledge in the broad training space the training providers right across the board who train our people into the future.

My own bit of training with TAFE many years ago in the early eighties (I think it was 1980 or 1982, so I am starting to show my age) was on-farm training. I think it was the second course in the state. As I said—I have already let it out that I do not have a ticket—I did not quite complete the course because I went away at the time to work at the gas fields in the Cooper Basin, but that was no fault of TAFE as the training provider.

I certainly support the amended motion and I support TAFE. May they go on to educate people well into the future and support training across the board, and may we always get fantastic outcomes for all those people who go along and seek better skills, as our trainees do through our electorate offices, to get their Certificate III in Business. I support the amended motion.

The Hon. G.G. BROCK (Frome) (12:23): Today, I would also like to talk to the member for Mount Gambier's motion regarding regional TAFE. For far too long, governments of both persuasions have fully understood the great importance of regional TAFE locations and facilities. Our regional people always seem to fit in with the metropolitan advisers' recommendations, and I mean this with great sincerity.

For our regional people, for many years it appears to have been the notion that these facilities have to break even, and on many occasions they have to produce a profit, which then goes back into general revenue. We all must remember that regional people do not have the great luxury of public transport going past their homes, nor do regional people have the luxury of the same opportunity as metropolitan people who have to secure the relevant certificates in the various categories employers require for positions that are advertised.

I have heard it all before: let's make training the best we can by providing the best facilities, the best equipment and the best tutors. To do this, we have to have mass enrolments, which makes the expenditure of funds for these facilities meet the financial requirements. We must remember where all royalties come from to this government, to any government—where most of our food is produced and where all the requirements come from for the manufacture of many of our staple diets, including bread and meat and other commodities. They all come from the regions, but successive governments have centralised the best teaching facilities—all in Adelaide—and expect people who need to get the required certificates to come to Adelaide. What for? To satisfy the decision to centralise the teaching facilities.

Not everyone can afford to pay for accommodation during their training period. Not everyone can afford the extra food away from their homes. Not everyone, particularly those who may be looking to get extra training to get a better paying job, can afford to pay the above costs and also the cost of wear and tear on their vehicles and the cost of fuel, which I might add is more stable in regional areas and more volatile in the city.

I have also heard of various courses not progressing, as the required number of students is not met, which, according to the financial people, needs to be met to meet the costs involved with that training. I have mentioned to many people across the regions and at TAFE, 'If you don't have the required numbers at your particular location, why don't you look at other sites that may also not have the required numbers to provide that course and between the two or three different sites use the technology that we have today—for example, Skype or Zoom?'

However, there are many courses where students may need to have hands on. The member for Mount Gambier and others have mentioned the issue that certain trades have to have their hands on and cannot do it via Zoom. If that is the case, and it is the training that businesses are looking for, then the government of the day needs to provide these people with suitable training for those

industries and not have the person away for two or three weeks at extra cost, not to mention the emotional impact on their families.

I ask: do we charge primary school children to be educated? Do we charge secondary students to achieve their SACE? The answers are, no, we do not. Do we say to the smaller schools across our regions that if they do not have the sufficient number of students in a particular year of education that we will not teach that particular year in that school? Again, the answer is no. I ask the question to those involved: why do we do this to the people in our regional locations when they may not have the numbers to make it sustainable?

We all know we need to have the qualifications to achieve the requirements of the ever-changing world we are in at the moment. If we do not allow our regional people to get those requirements, then these regional people will not be able to better themselves, nor will they be able to contribute to the future direction of our state and country.

There are many regional people who may be in an occupation with a lower skill and who want to improve their opportunities. It is absolutely critical for productivity and future employment for young regional people to acquire workforce skills that employers want. There are many regional people who may also have had their previous employment impacted by the COVID-19 pandemic; some of these jobs may not come back and people may need retraining to get further employment.

As mentioned by the member for Mount Gambier, are we supplying training for those jobs that are emerging in various locations? The issue is we have to bring it back to the regional locations. The regional boards and the regional facilities know exactly what is happening in the regions and they can be advised by the people in the regions who actually need it. I know there are certain jobs where the training may have to come to Adelaide, but there are a lot of jobs where the training can be done in the regions. In my particular area, we have lots of jobs in the social justice area, aged care, the NDIS and so on. The member for Whyalla indicated hairdressing. We have that opportunity in Port Pirie and I do not want to lose that either.

It has been stated to me over many years that country children do not have the ability to achieve the same as metropolitan children. I question this and say to students whenever I am visiting the various schools across my electorate, 'If you want to do something and you are passionate about it, have a shot at it. If the door opens, put your foot in it and see where it leads you. If you want to do something, don't let anybody tell you that you cannot do it. Believe in yourself and ask many questions.' If someone asked me, 'What if I don't succeed in that particular decision?', my answer to that would be, 'Get up and walk again.'

In closing, I think it is critical that governments look at their role in supporting people who may be at the bottom of the queue and who potentially suffer inequity to get improvement in their lives. Regional people are very hardworking and very passionate about what they have out there, but what they do not want to do is to have to come down to the city. Our employers need those people to be trained on the job, not away in the city.

We have locations out there, but there is no public transport, so the issue is: how do those people get to their regional locations? That is the other issue we have: there is no public transport coming into those locations. They have to do that training and get their certificate III, II, IV, or whatever it may be, to keep their job and to keep their Centrelink going.

We have to really start looking at the whole operation of education and further training across all regional South Australia. Years ago, Port Pirie had a massive facility, a big campus, but over the years it has deteriorated, and I blame both sides. There have been fewer and fewer courses coming into the facility. Just recently, in the last 12 months, some of TAFE's operations were relocated to one side of the building. My information is that it was to save rental or payment to DPTI that was managing it. This is some time ago.

We now have non-government facilities—education and other office staff—going into a training facility. I think that gives the opportunity for any government to then say, 'We can't do any more courses here because we don't have any more room.' We need to use these facilities out there.

The member for Mount Gambier has indicated that he has a great facility down there that is not fully utilised. We have a great facility at Port Pirie. The Port Pirie campus is one of the biggest in

South Australia but it is not fully utilised. We are now using some of that facility for non-government agencies. What is happening is that they are coming away from commercial rentals in the city itself and into government facilities, which is therefore impacting not only on the opportunities for training facilities there but also there is a financial loss for the commercial facilities out in the community. Certainly, I wholeheartedly agree with the member for Mount Gambier's notice of motion and give it 100 per cent support.

The Hon. A. PICCOLO (Light) (12:31): I would like to make just a brief contribution to this debate, particularly in the context of paragraph (a) of the motion, which recognises the importance of TAFE as a major education and skills provider not only in regional South Australia but also right across South Australia, and particularly in my electorate.

From where I stand, and certainly from the feedback I am getting from people in my electorate, people do question this government's commitment to the TAFE sector. Certainly the view that has been put to me is that what people can see from this government's ongoing funding cuts to the TAFE sector is a dismantling and a deskilling of the TAFE sector.

I will provide some examples of how it impacts on my electorate of Light and more broadly on the people in the northern suburbs, because there have been a number of cuts to programs in this area that have, as the member for Frome has just mentioned, imposed additional costs on people who enter the TAFE system, and that is certainly true for people in my electorate.

There are some courses in the building trades that have been shifted from Elizabeth TAFE, which services both the northern suburbs and Gawler as well as some of the Barossa areas. Some of these courses have been moved down to the other end of the town, the other end of the city, on the premise that it is actually better for students to have these programs miles away from their homes, which incurs additional costs for them.

One of the courses, I understand, is now being provided online through an interstate company. As some speakers have already mentioned, often a lot of trades require hands-on teaching. It is very important for these people to actually gain hands-on teaching. Again, it has been done more cheaply through a company in Victoria, and therefore the students and our young people are the greatest losers as a result of cuts to the TAFE sector.

That was particularly true and made very obvious to my community last year when TAFE, like many organisations, had to close its doors for a while. They did their best to try to transfer some of the teaching to online teaching, and I acknowledge that the TAFE administration did do that and that the teachers were keen to do that.

The biggest lot of feedback I got from students who do a trades type of training was that a lot of the training did not lend itself to online learning. A lot of the people who do trades studies do them because they like that face-to-face contact, they like that hands-on training, and that is how they learn: they learn through doing. They learn in the classroom, they learn on the job, they learn from actually doing things, and it is very hard to learn that sort of stuff online. I understand why TAFE is moving more things to online. They are trying to reduce budgets and maintain their programs and support for students and young people in our communities. It is actually making it harder for our young people to learn.

We are often told, and I have been to a number of places where we are often told that this government has decided to make TAFE more competitive, that TAFE now operates a much more competitive VET sector. We are often given figures of how much cheaper the private sector can do it compared with TAFE. It is interesting. These figures are, in my view, quite deceptive. It is like comparing a medical course with a legal studies course, saying that the law faculty can deliver many more graduates than the medical faculty can in costs. They are two different things.

When you compare the costs of running TAFE—and this is the more important point to make—when the government guts TAFE and all the high-demand, low-cost programs are given to the private sector, of course you are going to shift all the revenue to the private sector and keep the costs in the public sector. I will give you an example. Business studies programs are no longer available to students in metropolitan Adelaide through TAFE. For those who have trainees, previously they would send the trainee to do their business studies through TAFE. That is no longer the case. They now have to send them to a private provider.

What this government has done is use some false justification. It is not creating competition; it is actually reducing competition in the marketplace by taking TAFE out of the sector for training courses in some really key areas, and business studies is one. There are a whole range of other programs where TAFE can no longer compete on the open market for students. This whole story about trying to create a more competitive sector is just nonsense.

This government is not committed to the TAFE sector. It is keen to dismantle the TAFE sector. It is deskilling the TAFE sector, and our communities are the poorer for it. Not only are metropolitan communities poorer but regional communities would also be poorer for this. TAFE, as the member for Hammond said, has been the bulwark of education and skills training in regional areas, and quite rightly so.

I think it is very important to remember that, in a lot of areas, were it not for the TAFE system people just would not access post-secondary education. TAFE, as the motion says, is very important to our sector. I do not believe this government is committed to the TAFE sector. What I have seen from my own area is that they have done nothing but try to dismantle it, undermine it and deskill it.

Also interesting, from a political point of view, is the undermining of the current CEO of TAFE. That is very interesting. Why all of a sudden would the government be party to undermining its own CEO? I assume he is probably saying that some of this stuff is actually hurting our students. He is probably telling the government the truth. This government does not like the truth—we know that. It gets rid of people who tell it the truth.

This undermining of the CEO is just part of the dismantling of our TAFE sector in this state, when we should be building it up to make sure that we have the skills and abilities in our community for our young people and other people who want to retrain. There are a whole range of sectors that require additional people. We should be building and supporting the TAFE sector right across the state and particularly in our regional areas. With those comments, I certainly support those parts of the motion that indicate and recognise that TAFE is very important to the state.

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (12:39): Firstly, may I congratulate the member for Mount Gambier on bringing this motion to the house. I congratulate the Minister for Education, who is the minister responsible for running TAFE or certainly the minister that TAFE is responsible to. I support the amendments brought forward by the Minister for Education to this place.

I want to use this opportunity to perform a bit of a reality check, particularly for the member for Light and the member for Wright, about the history of TAFE. If you recall, Mr Speaker, and you will see it on my LinkedIn CV, I was a student of TAFE. I did a wood machining apprenticeship, starting back in 1980. It was an apprenticeship of about eight weeks a year for the first two years and four weeks in the third year.

Of course, the bulk of any apprenticeship is the on-the-job training, which is very important for the vocational education system. That is why this government has been delivering more on-the-job training opportunities through our Skilling South Australia program. We have recognised that there is a cost to on-the-job training for employers, and we have gone into partnership with those employers to remove barriers for them to participate in the process and to bring in enablers with some additional funding.

For many decades, debate about funding for vocational education has been about the classroom component and the out-of-job component. We are the first government that has recognised that there is more than just the cost of the classroom component of apprenticeships, traineeships and vocational education, and we have supported employers in that process. In doing so, we have turned the training system around here in South Australia.

When we came to office, we were in the sixth year of tumbling commencement rates for apprenticeships and traineeships in South Australia. In the period from 2012 to 2018, we saw on average a 19 per cent reduction in the number of apprenticeship and traineeship commencements in South Australia. We signed a deal with the federal government for our Skilling South Australia program, which was $100 million of state money and $100 million of federal money, in the first week of September 2018.

From that period, we began supporting employers. In the meantime, we had already started re-establishing industry skills councils in South Australia so that we had the intelligence straight from the factory floor about where those skills were needed, what skills were needed and what barriers there were for employers. But we did not just then design a single one-size-fits-all model, which is the model of vocational education that was handed from the previous government year after year—one size fits all, change your business to suit the qualifications you need or the rules to access this particular program. What we have done is actually bespoke designed programs for individual industries and even for individual businesses if they require them.

Consequently, within the first full quarter of implementing the Skilling South Australia program, we were able to arrest the decline of commencements in South Australia. In the March quarter of 2019, we actually saw growth in commencements of apprenticeships and traineeships in South Australia for the first time since 2012, and we have been growing ever since in that place. We have done that because we have started the process of repairing TAFE.

You will recall that, in the lead-up to the 2018 election, TAFE was in the middle of a crisis. It had failed 16 random audits from ASQA. In other words, ASQA had, at random, chosen 16 courses that TAFE was delivering, audited those courses and they all failed. There were two ongoing investigations into TAFE. The chair of TAFE, Peter Vaughan, was sacked. Robin Murt disappeared and was nowhere to be seen.

This was the legacy of the previous Labor government for TAFE. This is on top of TAFE, under the orders of the previous government—despite the fact that in 2012 they took a bill to this place that gave TAFE autonomy and made it a statutory body—closing 14 TAFE campuses in regional South Australia and around the suburbs, and giving around 550 TAFE staff their marching orders with redundancy packages.

Overnight and without warning in March 2015, we also saw non-government providers that had access to the Subsidised Training List told that they would no longer have access to that list, and that money was redirected to support TAFE. The justification by the previous government at the time for doing that was because they were going to make TAFE competitive by 2018-19. That was their promise to the people of South Australia when they made that dramatic change in 2015 to remove many of those non-government providers.

Those providers had had access to the Subsidised Training List and had been servicing apprentices, trainees and others who were doing vocational education in South Australia for many, many years. People lost their businesses and people lost their homes. I understand there were even people who took their own life because of the effect of that government decision by the previous government.

That set the scene as to what we inherited when we came to office in 2018. Since that time, the Minister for Education has worked diligently to rebuild the TAFE network. Not only have we seen the re-establishment of ASQA accreditation to TAFE, which we have seen granted for a seven-year period, but we have also now seen TAFE in partnership with the Naval Group and other defence industries, doing things that TAFE was not even doing several years ago in the training sector. It is evolving. We are working with TAFE to fix the lack of training opportunities in South Australia.

When we came to office there were about 350 courses available on the subsidised training list, and that was a cost-cutting exercise by the previous government. We have now expanded that to over 800 courses. We do not decide through a committee that sits in some dark corner somewhere as to how many courses we decide we fund and what industries we support.

The trigger for releasing that funding to subsidised training is somebody being offered a paid traineeship or apprenticeship. That is the market indicator. The boss is putting their hand in their pocket and paying a salary—there is your demand for that skill—and that automatically releases the subsidised training for that employer, with whatever RTO they choose. There is no funding that is reserved for any particular RTO. All RTOs that are registered can access the Subsidised Training List.

A lot has happened since we inherited the basket case that was left to the South Australian people by the previous government, not just the basket case of TAFE but the basket case of the entire vocational education system in South Australia. It is important that we recognise the sentiment of the member for Mount Gambier and the amendment to the motion by the Minister for Education.

We are getting on with the job. We are working with regional South Australia to ensure that there are many more training opportunities in South Australia than we inherited from the previous government.

The SPEAKER: Before I call the member for Mount Gambier, I indicate that the amendment that has been moved by the Minister for Education is in order, pursuant to standing order 161, and is in the appropriate form and moved and seconded in accordance with standing order 162, so the amendment is before the house appropriately.

Mr BELL (Mount Gambier) (12:49): I would like to thank the members for Giles, Wright, Morialta, Hammond, Frome, Light and Unley for their contributions today on this very important topic. It is pleasing to see some agreement on moving forward, and that is the intent of this motion: to try to help pave a way forward that will improve TAFE but, more broadly, will improve vocational education, in particular for regional areas. With that, I have had negotiations with the minister involved and will be supporting the amended motion.

Amendment carried; motion as amended carried.

CHILD PROTECTION

Ms LUETHEN (King) (12:51): I move:

That this house–

(a) recognises that National Child Protection Month 2021 is held during September to raise awareness of child abuse prevention;

(b) congratulates the Marshall Liberal government on its whole-of-government strategy for keeping families and children safe and well;

(c) acknowledges that protecting children from abuse is a whole-of-community responsibility and it is 'everybody's business'; and

(d) urges this house to raise awareness of cybersafety programs and the challenges faced by our children online (such as grooming, cyberbullying, online reputation management and sharing of images) to protect children from harm.

We have National Child Protection Week in September and a National Child Abuse Prevention Month; however, child protection is a focus for our government every day. We all have a part to play in protecting all children. By building capability in our community, which is the Liberal way, we will build stronger communities which will create safer environments for our children to grow up in. Our focus is for the community to be safe and strong.

Protecting the most vulnerable within our community, especially children, can only be achieved if we work together. Our children are our future and their protection must be our priority. In 2021, the theme of Child Protection Week is 'Every child in every community needs a fair go'. I agree. Every child deserves a fair go.

When I started to share the statistics of child abuse in Australia on my social media seven years ago, a friend told me, 'You are making people feel uncomfortable.' What I wish people would understand is a child suffering abuse is much more uncomfortable than you will ever be. As one of my friends Cristina says, 'I tell the truth about child abuse. If you prefer things sugar coated, you should go a bakery.'

Adult survivors of child abuse and rape wish they did not have to remember their past and relive their painful childhood memories. However, these memories do not go away. By speaking up and sharing the reality of child abuse, we are trying to create an awareness of the prevalence, experience and impacts of child abuse because children do not only suffer immediate hurt, they suffer in many different ways for the rest of their lives, struggling through fearful flashbacks, fighting their own disbelief, being alienated from family members for speaking up, and even not being in touch with their own emotions. While people may choose to ignore or deny the reality of child abuse and child rape, too many child victims are suffering in silence.

National Child Protection Week is an important opportunity for everyone in the community to open their eyes and their hearts to risk feeling uncomfortable and to think about how each of us can work together in our community to keep children safe. It means thinking about whether you could open your home to one of the many children living in state care in South Australia.

I acknowledge today part of my speech may make people feel uncomfortable but I know we cannot stay silent if children are to be protected and given every chance of having a fair go to reach their full potential. With this in mind today, I wish to touch on child sexual abuse in Australia. It is estimated that one in five children in Australia will be sexually abused as children; over 90 per cent by someone they know and trust. When I started researching child abuse seven years ago, I found out that:

- child sexual abuse does not discriminate: it knows no socio-economic or cultural barriers;
- only 3 per cent of victims will disclose;
- children try to tell, on average, 13 times but they are not understood or believed;
- only 2 per cent of perpetrators will be convicted; and
- parents do not like to think about, contemplate or talk about child sexual abuse, but we need them to.

I have been advocating for the Keeping Safe: Child Protection Curriculum to be taught more effectively across our South Australian schools so that every South Australian child is given the language, skills and knowledge to speak up about being unsafe.

When I was 12 and overheard a family member telling a friend how they were sexually abused by one of our family members, the penny dropped and I said, 'That happened to me too.' Until that point, I did not know that the abuse was not normal. The Keeping Safe curriculum teaches children in an age-appropriate way how to keep safe. It empowers children to speak up. It teaches them about private parts, boundaries, consent. It teaches them 'My body is my body and what I say goes.'

I am pleased to say that, with the education minister's support, we have made progress over the past year with the SA education department to work with schools to offer additional assistance to teachers to more effectively deliver and embed the Keeping Safe curriculum, and, additionally, school staff have been given further training to identify children at risk of abuse. I am proud to be working with a government that takes seriously our responsibilities and duties to children, and I am proud to be part of a government that is taking action.

I became involved in politics because of Labor's lack of action to protect children. Throughout Labor's 16-year calamity, the Rann and Weatherill governments' failings were laid bare by the Layton report, the Mullighan inquiry, a parliamentary select committee, the Debelle inquiry, the coronial inquest into death of Chloe Valentine and the Nyland royal commission. We even had the Hyde review, which Labor, true to its culture of cover-ups and secrecy, refused to release.

In contrast, the Liberal Premier appointed a dedicated child protection minister in March 2018 in recognition of the importance of child protection. We are focused on reforming our child protection system by better supporting our children under guardianship, by individualising their care and focusing on family-based care options and supports. Child protection staff are being supported by filling long-term vacancies, improving their work conditions and being listened to and respected when they express ideas on how to make positive changes. I thank the minister, her advisers, all departmental stakeholders, staff and so many caring volunteers who work tirelessly and strive to provide the best outcomes for South Australian children.

In the past seven years I have spoken to so many families impacted by abuse, and survivors who have told me their stories. I have listened and I am taking on board that information and working with my colleagues to improve our child protection system. Since forming government in March, the Marshall Liberal government has delivered on many of its child protection promises. First up, an audit was conducted of nearly 500 children and young people living in residential commercial care. This identified that 47 per cent were suitable for home-based placements, and as a result the department has been working with the non-government sector, their awareness-raising and recruitment campaigns to identify new people who are willing to become foster carers.

The Marshall Liberal government has delivered on our election commitment to extend payments to carers, looking after children and young people to age 21, and we are now working towards better supports for young people transitioning from residential care. The Marshall Liberal government is also investing more in early intervention and reunification programs, and since the

last election the Marshall Liberal government's whole-of-government approach to child protection has delivered a very positive U-turn in child protection.

As the member for King, I am proud to say that almost 90 children in Adelaide's north have avoided entering the child protection system altogether, thanks to a $3 million intensive family support pilot program delivered by our government. Since the program's August 2019 commencement, the Safe Kids, Families Together program has completed work with 38 families, including 11 children who were at risk of removal. In relation to the mobile and online safety of children, the child protection department have reviewed all relevant policies for residential care. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Petitions

VOLUNTARY ASSISTED DYING BILL

Mr DULUK (Waite): Presented a petition signed by 234 residents of the electorate of Waite requesting the house to urge the government to pass the Voluntary Assisted Dying Bill 2020.

BRIGHTON ROAD

The Hon. A. KOUTSANTONIS (West Torrens): Presented a petition signed by 102 residents of South Australia requesting the house to urge the government to provide the community with a comprehensive business case for proposed roadworks on Brighton Road.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answer to a question be distributed and printed in *Hansard*.

Ministerial Statement

KANGAROO ISLAND PLANTATION TIMBERS

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:01): I rise to make a statement about quotes and assertions that appear in the *Sunday Mail* article by Mr Paul Ashenden on Sunday 23 May entitled, 'Chapman "too close" on wharf decision'.

The Hon. A. KOUTSANTONIS: Point of order, sir.

The SPEAKER: Does the Deputy Premier seek leave to do so?

The Hon. A. KOUTSANTONIS: Point of order, sir.

The SPEAKER: The Deputy Premier might resume her seat.

The Hon. A. KOUTSANTONIS: The minister has not sought leave, sir.

The SPEAKER: I am just addressing that, member for West Torrens. Does the Deputy Premier seek leave?

The Hon. V.A. CHAPMAN: Sir, I do.

The SPEAKER: Leave is sought; is leave granted?

Honourable members: Yes, sir.

The SPEAKER: Leave is granted, Deputy Premier.

The Hon. V.A. CHAPMAN: This article appears to be prompted by evidence provided at the Select Committee on Matters Relating to the Timber Industry in the Limestone Coast, held on 30 April on Kangaroo Island, whereby committee members the Hon. Frank Pangallo and the Hon. Russell Wortley suggest that I should recuse myself as the Minister for Planning and Local

Government from making a determination about a port development at Smith Bay, given my longstanding association with Kangaroo Island.

Notwithstanding this recommendation, in the same breath both members also appeared to indicate concern that the port had not already been approved and that the government had somehow caused the delay in achieving this outcome. Through you, Mr Speaker, I wish to assist those members, who are unaware of the project, by providing a brief summary and its assessment to date. Kangaroo Island Plantation Timbers has proposed a deepwater port facility at Smith Bay on the north coast of Kangaroo Island to assist with moving timber from their plantation to the mainland for processing.

As with many projects of this scale, and as it was lodged prior to the introduction of the new Planning and Design Code, the proposal has been considered under the major development assessment process of the old Development Act 1993. This includes the creation of an environment impact statement, consultation with the relevant council, state government agencies and the community before drafting an assessment report and providing a recommendation to the Minister for Planning and Local Government for a final decision.

As members may appreciate, ensuring all relevant information is collected and thoroughly assessed before being approved is of the utmost importance to the applicant and the community. This can often be a time-consuming process, particularly when further information is required to be supplied by the applicant, as was the case here.

On 24 December 2020, I as minister agreed to release a second addendum to the EIS for public consultation on the basis that information provided by KIPT significantly affected the substance of the original EIS. These important matters included (as were outlined at the recent inquiry by Mr Lamb):

- the design of the facility, in particular those structures within or having a direct impact on the marine environment;
- how matters pertaining to marine pest management are proposed to be managed; and
- how matters pertaining to road traffic management are proposed to be dealt with.

The second addendum was placed on consultation from 14 January to 12 February 2021. A public meeting was held at Kingscote on 2 February 2021. The submissions received from this consultation were provided to KIPT, which lodged a second response document on 12 March 2021. On 14 April 2021 I noted the second addendum to the EIS, including the submissions received during the public consultation and the response document prepared and provided by KIPT in their reply. The State Planning Commission is currently assessing the overall proposal, which will culminate in an assessment report ultimately for my consideration. This is yet to be provided.

As provided to the journalist prior to the publishing of the story, while I was born on the island and have significant family history there, I have no conflict of interest in relation to this matter. I have no pecuniary interest in the affected property or the business of KIPT, nor any property or industry associated with or potentially impacted by the proposed wharf.

For completeness, I advise the house that as planning minister I have also had a decision-making role in another major project on Kangaroo Island, namely, the Southern Ocean Lodge. I can report to the house that at no time have I received any request to recuse myself from this project by Mr Pangallo, Mr Wortley or anyone else.

Let me be clear: the Marshall government has a longstanding commitment to Kangaroo Island. Kangaroo Island is home to some of the world's most stunning natural landscapes, hosting around 30 per cent of South Australia's total international visitor nights, and it is an important part of South Australia's identity as a clean, green destination. It is also important to our state's economy, particularly in fishing, agriculture, tourism and, more recently, forestry.

The Hon. S.C. MULLIGHAN: Point of order, Mr Speaker: the time has expired for the giving of a personal explanation by the Deputy Premier.

The SPEAKER: The ministerial statement is being given by leave. There is, I am advised, 15 minutes allowed for the giving of the statement.

The Hon. S.C. MULLIGHAN: I am sorry, Mr Speaker, but the Deputy Premier did not indicate that she would be seeking leave to make a ministerial statement.

An honourable member: She did.

The Hon. S.C. MULLIGHAN: No, she sought leave of the house to make a statement in response to assertions that were made about her in an article in the *Sunday Mail* by journalist Paul Ashenden. That is a personal explanation—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —the time for which has already expired.

Members interjecting:

The SPEAKER: Order! The context in which leave was sought—and I indicate belatedly—was in the context of my having called on the minister for the purposes of presenting papers, giving notices of motion and providing ministerial statements. A ministerial statement in writing has been circulated in the house, including to me, and my understanding is that the minister is clearly addressing that document. In all the circumstances, there is no point of order. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: The bushfires that occurred in late 2019/early 2020 have obviously had a massive impact on the island. In addition to immediate response efforts to contain and put out the fires, the state government introduced new tax relief options and fee-waiving measures to assist islanders get back on their feet quickly. Additionally, the Marshall Liberal government announced in June last year up to $52 million of works to rebuild Kangaroo Island's nature-based tourism economy. We assisted to fast-track the redevelopment efforts of the Southern Ocean Lodge, and supported ecotourism through the approval of eco-pods at Flinders Chase.

Our government is committed to the ongoing recovery and success of Kangaroo Island, and every minister at the Marshall cabinet table shares this vision. Nonetheless, the roles and responsibilities of a minister are of incredible importance, and adherence to the Ministerial Code of Conduct is something I take very seriously.

I am one of 40 per cent of Kangaroo Island ratepayers who do not live on Kangaroo Island. To hear both Mr Wortley and Mr Pangello, both of whom also—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. V.A. CHAPMAN: —have an interest on properties on Kangaroo Island—not to mention the member for Torrens—assert that I have a conflict of interest in assessing this matter when they are making recommendations on the same subject matter beggars belief.

Furthermore, it is unfortunate to only learn of this position through *Hansard*. Quite recently I was approached by Mr Pangello and asked what the status of the project was. He could have shared his views with me then and I could have disavowed him of any misgivings at that time. In contrast, KIPT executive director, Ms Shauna Black, was very measured when she was questioned about my alleged impartiality. Unfortunately, it did not make it to the *Sunday Mail* publication so I will share it with you now. She says this, quote—

Members interjecting:

The SPEAKER: The member for Lee and the member for West Torrens are called to order!

The Hon. V.A. CHAPMAN: Ms Black says:

First of all, I need to say I don't think the minister has made it clear that she opposes Smith Bay. She has not said anything in public that would lead us to believe that she opposes Smith Bay.

Mr Malinauskas interjecting:

The SPEAKER: The leader!

The Hon. V.A. CHAPMAN: I continue:

The minister is a smart woman, and she is a woman who understands the law. I don't want to impugn her reputation here because I think that's not fair. I agree with you that obviously it's common knowledge that Ms Chapman owns property here on Kangaroo Island. As such, you could be led to believe that she understands the politics of the island pretty closely. We have put our faith in the scientific assessment and the process, and we would hope that politics would not be playing a part.

The assessment for the proposed port at Smith Bay is an important one, and I know that there is significant interest by people on the island about the outcome of KIPT's proposal.

Having determined that I do not have a conflict of interest in this matter, I share Ms Black's faith in the assessment process and I await the Planning Commission's report with interest. I assure the house that, just as I have with five other major projects, including two ports, this application will be given due consideration and a prompt determination. If it stacks up, it will be approved, and if it doesn't it won't.

Members interjecting:

The SPEAKER: I call to order the member for Chaffey, I call to order the member for Playford and I warn the member for Lee.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE

Mr COWDREY (Colton) (14:13): I bring up the ninth report of the committee, entitled 'Inquiry into essential production and supply chain security in the context of emergency circumstances in South Australia'.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr TRELOAR (Flinders) (14:14): I bring up the report of the committee, entitled Report on House of Assembly petition No. 13 of 2020—Maintenance of the Current Composition of the Teachers Registration Board.

Report received.

Mr TRELOAR: I bring up the 38th report of the committee, entitled Subordinate Legislation.

Report received.

Mr TRELOAR: I bring up the 39th report of the committee, entitled Subordinate Legislation.

Report received and read.

Parliamentary Procedure

VISITORS

The SPEAKER: I draw honourable members' attention to the presence in the Speaker's gallery of the Hon. Michael Wright, former member for Lee. Welcome.

Question Time

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:17): My question is to the Minister for Trade and Investment. Did the minister meet with Sally Zou at the Sails Restaurant in Robe last Tuesday?

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:17): I thank the member for the question. Yes, I was in Robe last Tuesday. Yes, I was at a function where there were many local businesses, including the aforementioned person.

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:18): My question is to the Minister for Trade and Investment. Why did the minister meet Ms Sally Zou in Robe?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:18): I thank the member for the question. The—

Members interjecting:

The SPEAKER: The Minister for Trade and Investment is seeking the call.

The Hon. S.J.R. PATTERSON: I thank the member for the question. As I said before, I was in Robe, I had a meeting with many local businesses, and the person you mentioned was there, but I was not primarily there to meet that person.

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:18): My question is to the Minister for Trade and Investment. Did the minister discuss the local rock lobster industry with Sally Zou and how the government could assist her company, Aus Food Alliance, with export opportunities when he met with her last week in Robe?

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:19): I thank the member for the question. At the meeting, of course, I had the opportunity as the Minister for Trade and Investment to talk to all the business owners there about how important the food and agricultural sector is to the state's economy.

I said that it was a $15 billion sector here in this state, and we have an ambition over the next 10 years to grow the economic impact to the state to the tune of $23 billion. That's an ambitious target. That's going to rely on working with the existing industry, listening to what they say is the way forward, and also introducing value-add processes. A topical question that I basically discussed was around market access issues.

We are having market access issues with some important sectors of our economy, whether that be wine, whether that be timber or whether that be rock lobster. I was able to take them through the $5.4 million Wine Export Recovery and Expansion Program and how that can play out with wineries in the Coonawarra, in the Limestone Coast.

Of course, that relies on expanding into other markets because there are customers in many markets for our wine, whether that be in some of our established markets—the US—or whether that be in the UK where there is certainly an appetite for our wine. These are sophisticated markets and will require a lot of work. We are not saying this is easy, but we are there to work alongside industry, to work alongside the federal government, and to help them expand.

There are also the emerging countries where wine is a great opportunity. We know that they have an appetite for our South Australian wine, whether that be in Japan, for example, or South Korea, where they show that they have that appetite. Those wineries want to grow more, and so it's about again assisting them to grow into those markets as well. Then there are the developing countries as well. India is an example.

We see great opportunity in India. It has a massive population equivalent to China. However, access into India is quite challenging. They are different to other countries and, of course, they are at the start of the journey in terms of appreciating South Australian wine. Our hope is that they will see South Australian wine as a premium product, so we can expand into there.

So you can see there are a lot of different markets that our wine exporters can go into. When you compare it to rock lobster, the challenge there is that the bulk of our rock lobster exports go into China, so effectively one market. At the moment, there are no tariffs involved in rock lobsters. The issue is around potential contamination. As a government, we are working with our rock lobster industry to get to the bottom of that to give them the best chance to prove that in fact our product

coming out of South Australian waters—the cool waters of South Australia—is clean and it's a premium produce.

Of course, we will be working through those issues trying to help our rock lobster industry get access to China again, where possible. While the Chinese government and customs officials are looking at our rock lobster, if they are on the tarmac for too long in the customs ports, the live lobsters cannot survive because of the heat involved, and they wither and die and so no longer can be sold into market to customers. So that is a concerning issue, of course, and we talked through that. It was really about listening to them. It wasn't telling them, 'This is what we think you should do as a government.' It was about listening to industry so they could provide input and we as a government could assist them.

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:23): My question is to the Minister for Trade and Investment. Was the meeting with Sally Zou facilitated by Pyne and Partners, headed by former federal Liberal minister, Christopher Pyne?

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:23): The meeting I was at was facilitated by Pyne and Partners.

The SPEAKER: The member for West Torrens.

Members interjecting:

The SPEAKER: Order, members on my right and members on my left! The member for West Torrens is seeking the call. I have given the call to the member for West Torrens. He is entitled to be heard in silence.

Members interjecting:

The SPEAKER: Members on my right! The member for West Torrens has the call.

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:23): My question is to the Minister for Trade and Investment. Did the minister check prior to meeting with Sally Zou whether Pyne and Partners, a registered lobbyist, had listed Sally Zou's company as a client before the minister met with her?

Members interjecting:

The SPEAKER: Order!

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:24): I will ask you to repeat the question because I missed a bit of it.

The SPEAKER: It might just serve as a reminder of the importance not only for me in the chair but for all members. The member for West Torrens has the call. He is entitled to be heard in silence. Member for West Torrens, you might repeat the question.

The Hon. A. KOUTSANTONIS: My question is to the Minister for Trade and Investment. Did the minister check with Pyne and Partners, a registered lobbyist, if they had listed Sally Zou's company as a client before the minister met with her?

The Hon. V.A. CHAPMAN: Just in case—

Members interjecting:

The SPEAKER: Order! The Deputy Premier might resume her seat.

Members interjecting:

The SPEAKER: Order! The member for Chaffey will cease interjecting. I will just indicate that a chorus of interjection is disorderly. There will be no chorus of interjections on my right or on my left. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: The member may not be aware but the Lobbyists Act now covers the provisions and obligations in relation to both the registration and other matters that are

required in relation to the lobbyist. That is a matter of the lobbyist's obligation, not the parties they represent.

Members interjecting:

The SPEAKER: Order! Before I call the member for West Torrens, I call to order the member for Schubert.

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:25): My question is to the Minister for Trade and Investment. Did Aus Food Alliance host the event the minister was attending?

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:25): I think I was hosted there by Pyne and Partners.

STATE BASKETBALL CENTRE

Mr COWDREY (Colton) (14:25): My question is to the Minister for Infrastructure and Transport. Can the minister please update the house on how the Marshall Liberal government is creating job opportunities with the new home of basketball at Wayville?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:26): I thank the member for his question. Can I say that basketball is booming at the moment. Participation is up, be it pick-up games, social games in the park, three-on-three games, inclusive basketball, wheelchair basketball, mini basketball, youth or senior organised competitions.

The sport has never been stronger. That is why South Australian basketball players and fans are cheering at the news that they will soon have a new home for basketball with a $15 million investment by the Marshall Liberal government. I want to take some time out to elaborate on this because this announcement is a slam dunk.

Members interjecting:

The Hon. C.L. WINGARD: They love it; they are ready for more. It is a slam dunk for basketball and it is a massive score to assist the sport so they can rebound from years of neglect from those opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: You can see what I am doing here, can't you? In fact, people may say the opposition's support for basketball was a basket case when they were in government; in fact, it was probably more a bunch of dribble on their behalf. Maybe it was even completely foul, but that has all changed under the Marshall government. We are not going to pass up on a good opportunity here. We will work overtime to deliver this project and will get basketball back in the zone.

This is a good project and you can see why the sport is creating such a hoopla over our support for basketball. Having a new purpose-built facility centrally based at the Wayville showground will be a massive boost for the sport and create more opportunities for grassroots to community, high performance and the elite level as well. The new centre will become the headquarters for Basketball SA, country basketball, SA wheelchair basketball and the Adelaide Lightning as well.

The project will add four additional courts and create a show court, seating around 1,600. The new facility will cater for the community through the high-performance basketball and seed local and district, state and national league teams training at this venue. The development will allow Basketball SA to expand and have local and country tournaments, which will be a great outcome, as well as their high-performance programs. This will be a huge payoff for basketball fans. Adelaide has been calling out for this for a long period of time and its ability to work with country basketball, as well, will be outstanding.

What it also shows is that our government has worked hard to steer us through COVID and then rebound and we are now open for sporting business. This smart and savvy investment will be

a big boost for the local economy. It will create 64 jobs in the process of construction and continue our great job-creating legacy as a government here in South Australia.

The project will also enable Basketball SA to attract and host national championships and showcase this facility to the rest of Australia. Bringing these events to South Australia will not only be great for basketball but fantastic for our economy, as well, and will bring people from all over the country to stay in hotels and to stay at the caravan park there at the Adelaide Showground, to eat in our restaurants and boost jobs as well. Speaking of the Showground, the collaboration here has been outstanding. Of course, this facility will be used during the Royal Show, as well, so it is a project that is a win-win for the entire community.

It is all part of our state sports infrastructure plan. There are other projects that we are delivering as we take South Australia into a golden sporting era: $15 million for the home of basketball, $45 million for the upgrade of Hindmarsh Stadium, $44 million for the upgrade of Memorial Drive, more than $20 million towards a state centre of football, $12 million for the upgrade of Netball SA Stadium, $5 million of investment towards Thebarton Oval and $6 million into the Athletics Stadium. This is a key project for grassroots sports.

There is also $35 million for grassroots sports and we ask them to apply for that. We will have a $24 million announcement coming very shortly for those grassroots sports, but it is another part of how we are creating jobs and building what truly matters for South Australia.

Ms Cook interjecting:

The SPEAKER: The member for Hurtle Vale is called to order.

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:30): My question is to the Minister for Trade and Investment. Given the point the Deputy Premier made, did Pyne and Partners advise the minister that Ms Sally Zou's companies were clients of theirs?

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:30): I don't believe the Premier made any point.

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: The member for West Torrens on a point of order.

The Hon. A. KOUTSANTONIS: I think the minister is confused and answered the wrong question.

The Hon. V.A. Chapman: Is that the point of order?

The Hon. A. KOUTSANTONIS: Yes.

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. A. KOUTSANTONIS: I will repeat the question, sir.

Members interjecting:

The SPEAKER: Order! The member for West Torrens has the call.

Members interjecting:

The SPEAKER: Members on my right will cease interjecting.

The Hon. A. KOUTSANTONIS: My question is to the Minister for Trade and Investment.

The SPEAKER: No, member for West Torrens, you have risen on a point of order. You are welcome to articulate your point of order.

The Hon. A. KOUTSANTONIS: I will go to the question, sir.

The SPEAKER: There is no point of order. The member for West Torrens will resume his seat. Has the minister concluded his answer? The minister has concluded his answer.

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (14:31): My question is to the Minister for Trade and Investment. Did Pyne and Partners advise the minister if Ms Sally Zou's companies were clients of theirs?

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker: that is exactly the same question which has been previously put and which I have answered.

Members interjecting:

The SPEAKER: Order! The leader is called to order. I don't uphold the point of order at this point. The question has been asked and I will give the minister the opportunity.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:31): Yes, I refer to my previous answer.

Members interjecting:

The SPEAKER: Members on my right! The leader has the call.

ENERGY AND EMISSIONS REDUCTION AGREEMENT

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:32): My question is to the Premier. What is the total dollar value of the new energy deal announced in a memorandum of understanding by the Premier and the Prime Minister on 18 April 2021?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:32): That memorandum of understanding was just over a billion dollars and, from memory, it was around $420 million from the state and about $660 million of federal value, bringing together some existing programs and some new programs. It is a terrific opportunity for South Australia, I have to say.

One of the greatest benefits of that MOU was aligning terrific opportunities from the federal government in their obviously nationwide approach to energy and aligning some of those programs specifically with South Australia so that together we can develop more than either of us could alone.

The Hon. C.L. Wingard interjecting:

The SPEAKER: The Minister for Infrastructure and Transport is called to order.

The Hon. D.C. VAN HOLST PELLEKAAN: Another terrific opportunity was to be able to attract far more than our population share would normally have attracted into our state through this memorandum of understanding. The federal government has some existing programs out there that are available to run across the entire country. Normally, each state and territory would aim for their population share of most of these federal programs. Each state and territory aspires to achieve a lot more than the population share, and certainly in this case we managed to do that.

Our energy policies are clear for all to see. We are very focused on continuing to get further reductions in the cost of electricity, continuing to reduce emissions through the generation of electricity and continuing to improve the reliability of our grid. We are, this calendar year, running on approximately 60 per cent renewable energy, 40 per cent gas. AEMO independently estimates that by 2025 that will have changed to approximately 78 per cent renewable energy in South Australia, so 22 per cent gas.

One of the terrific features of this memorandum of understanding is that, while South Australia continues to use less gas for our electricity generation, and while we progress towards net 100 per cent renewable energy electricity generation in South Australia by 2030, we will continue to produce gas in South Australia. The Cooper Basin and the Otway Basin are very important gas production precincts in South Australia.

As we use less gas in South Australia, that will free up our production of gas to support the Eastern States. While we know the Eastern States, and looking particularly with regard to Victoria and New South Wales, are transitioning away from coal towards gas and towards renewable energy, we are actually ahead of them transitioning away from gas towards renewable energy. The gas that

we free up in South Australia, the gas that we produce that creates jobs and contributes enormously to our economy, that freed up gas as we use less of it will go to the Eastern States and support the Eastern States in decarbonising their energy system as well.

So, while they are behind us in that decarbonisation, we can still support ourselves and support those Eastern States—just one example of very constructive dovetailing of federal and state energy policies through this MOU.

ENERGY AND EMISSIONS REDUCTION AGREEMENT

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:36): My question is to the Premier. Is the memorandum of understanding announced by the Premier and the Prime Minister in Clare publicly available and will the government table a copy of the MOU in the House of Assembly?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:36): There is an enormous amount of information public about this MOU. There is also a—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: There is an enormous amount of information publicly available about this memorandum of understanding. It would be quite unusual if the Prime Minister and the Premier came together to make an announcement but didn't share a great deal of information. We are also very close to finalising a draft.

Members interjecting:

The SPEAKER: Order! The member for West Torrens is warned.

Members interjecting:

The SPEAKER: The member for Lee will cease interjecting.

Members interjecting:

The SPEAKER: The Premier will cease interjecting.

Members interjecting:

The SPEAKER: The Premier is called to order.

Members interjecting:

The SPEAKER: The Deputy Premier is called to order.

Members interjecting:

The SPEAKER: Members on my right! The minister will resume his seat for a moment. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: We are very close to finalising the draft. The concrete terms of that draft are agreed. The specifics are agreed and locked in between the state and the federal government, between the Marshall government and the—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: The key terms, the key conditions, the key determinants of this MOU are set. There is a small amount of work to do just to finalise the document before it is made public. I know those opposite can't wait to get it because they will learn a lot from it. They can't wait to get it because it might start to create the foundation of their so far non-existent energy policy.

Those opposite who gave South Australia by many accounts the most expensive electricity in the world, and more and more unacceptable blackouts, are pretending to care about emissions while at the same time spending over $600 million of taxpayers' money on dirty diesel generators. I am not surprised those opposite want to see the memorandum of understanding. They are desperate

to get advice on energy policy from wherever they can get it. Our energy policy is very transparent. We developed our energy policy in opposition, we took it to the last election—

Members interjecting:

The SPEAKER: Order, the member for Wright!

The Hon. D.C. VAN HOLST PELLEKAAN: —and we are delivering it.

Members interjecting:

The SPEAKER: The member for Wright is warned.

The Hon. D.C. VAN HOLST PELLEKAAN: And that energy policy that we are delivering is working. The foundation of this memorandum of understanding is there for all to see. The federal government put out media releases, the state government put out media releases, we have answered questions in all sorts of different formats, sharing the important information that is attached to this, including my answer to the previous question, and those opposite will just have to wait a little while longer to get the actual document when it is finalised.

Perhaps then they will be able to start to develop their energy policy instead of the fictitious positions that they have taken publicly to oppose the interconnector, to support the interconnector, to oppose the interconnector. Of course, as we get closer to the election they will have to start to firm up those things, and no doubt this memorandum of understanding will help them do that.

The SPEAKER: Before I call the member for Hammond, I warn the member for Playford, I warn for a second time the member for Lee and the member for West Torrens, and I warn the leader and the member for Chaffey.

REGIONAL JOBS

Mr PEDERICK (Hammond) (14:41): My question is to the Minister for Primary Industries and Regional Development. Can the minister advise the house on how many job opportunities are currently available through agriculture and what that means for local businesses?

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (14:41): I thank the member for Hammond for his important question. I had the opportunity to be in his part of the world down at Pinnaroo a few weeks ago to celebrate with the Pinnaroo community on becoming Ag Town of the Year. It is a really important part of the Mallee and a very important town in agriculture in South Australia.

On my way back, I took the opportunity to pull in to see the work that is being done by Parilla Premium Potatoes. They are investing an enormous amount in the Mallee: $35 million worth of investment being built at the moment. There are 107 full-time equivalents employed in that construction work, with 40 full-time jobs on the other side. This is an amazing investment in the heart of the potato-growing area. To see the washing and packing facility going up, it is an amazing piece of work.

Also in Hammond we are seeing the investment from Thomas Foods, just north of Murray Bridge, following the devastating fire that they experienced a few years ago. We are seeing the investment that they are putting in there, and over 2,000 jobs will be tied up with that facility going forward once that is fully operational.

The Marshall Liberal government has certainly responded to COVID-19 in a way that is instilling confidence in the ag sector. In the month of April, we have seen right across South Australia 15,300 new jobs, with over 864,000 South Australians employed in South Australia. We have had a great start to the year with exports. We have also seen an enormous return from the mass exodus under Labor of people leaving this state to people actually returning, and we are now seeing growth in interstate migration.

The government is certainly working well with the commonwealth to make sure we are getting these projects on the ground. We continue to invest in making sure we deal with the issues through COVID and making sure we have seasonal workers out there. We are working with the federal government on programs in relation to that. We have also seen the enormous amount of investment

that we have put into the regions through the Regional Growth Fund, with $25 million worth of stimulus funding awarded to support $170 million worth of projects.

Those projects are expected to deliver approximately 1½ thousand jobs to the regions. These are very important to the South Australian economy. The regions have underpinned South Australia—just look at our carpet here in the chamber. The regions are so important to us as part of our economy. The federal government is also investing, putting $3½ million towards a business case for new water to the Barossa. That project could deliver a thousand jobs in that region. This is such an important part of South Australia's economy.

Last night, I also had the pleasure of meeting with the South Australian spirit industry leaders. I joined with the Premier and you, sir, to talk with this wonderful group of people. The amount of drive and investment they are personally putting into their businesses has seen an incredible amount of growth through just a small seed funding from the government to help with their blueprint and other little projects. This has seen enormous growth. We have seen businesses of just a couple of people grow to 100-plus people, with some of these businesses, in a very short time.

This is a very exciting emerging industry. We have also seen recently the commonwealth government make changes to excise tax, which is also going to allow those businesses to grow enormously. There are another thousand jobs to be grown from this. The government is creating jobs for ag, and there are plenty more to come.

ENERGY AND EMISSIONS REDUCTION AGREEMENT

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:45): My question is to the Premier. Within the terms of the memorandum of understanding that is not publicly available, how much hydrogen must be exported under the terms of that MOU or green hydrogen produced in the first instance?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:45): This memorandum of understanding is fundamental to bringing together our state's energy policy and our commonwealth government's energy policy. One of the key components of our understanding together is that the things that we work on will evolve. The things that we work on will evolve.

Mr Malinauskas: What? The things we will work on will evolve?

The SPEAKER: The minister will resume his seat. The leader will cease interjecting. It's a matter that I have addressed a number of times, that the particular form of interjection which is by way of an endeavour to converse one member to another across the chamber is particularly objectionable. The minister is entitled to be heard in silence. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: Anybody who has focused on energy policy in any way whatsoever knows that is a very fast-moving, fast-paced area of work. To just think that you can set and forget in energy is a massive, massive mistake. We've got some very clear things that we have agreed, but let me also say that the work that we do together will evolve. That is entirely as it should be. With regard to hydrogen, we are very focused in South Australia on hydrogen, but other states are also. This is a competitive world.

We know every territory and state government in Australia knows that there is a massive prize to achieve with regard to hydrogen exports. We are not only focused on hydrogen exports. We are focused very much on using the production of hydrogen as a vitally important tool to support our clean energy transition. The production of hydrogen offers an opportunity to use variable load. One of the best things that we can do to get the cost of electricity down across the state is to actually use more electricity when demand is low and use less electricity when demand is high, so electrolysis and production of hydrogen offers a fantastic opportunity in that regard.

From a federal government perspective, quite understandably they are focused on the export opportunity, a multibillion-dollar export opportunity. The federal government is engaging with several states on this work, and it's one of the reasons that achieving that MOU with the federal government has been so important, so that we can essentially be one of the states at the top of the list. Our expectation in South Australia is to be Australia's leader with regard to production, the consumption and the export of clean hydrogen. We are doing many things in that regard, including investing $37 million to upgrade—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order, the Premier!

Members interjecting:

The SPEAKER: Members on my right!

Members interjecting:

The SPEAKER: The minister will resume his seat for a moment. The Premier will not engage in interjection. The matter I have addressed to both the leader and the Premier in the course of this question time, those interjections in particular will cease. The minister has the call and is entitled to be heard in silence. Members on my right will maintain order. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: Thank you very much, Mr Speaker. While those opposite think that $37 million to upgrade the Port Bonython facility is laughable, for whatever reason they think that is—and I hope not every single one of them was laughing at that—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —piece of information.

Members interjecting:

The SPEAKER: Member for Giles!

The Hon. D.C. VAN HOLST PELLEKAAN: We see, and the federal government sees, Port Bonython as a tremendous opportunity to develop a hydrogen export industry. So while we are focused on exports and domestic consumption, we are in partnership—

Mr Brown interjecting:

The SPEAKER: Member for Playford!

The Hon. D.C. VAN HOLST PELLEKAAN: —with the federal government in that regard as well. I hope those opposite are not suggesting that the federal government is not focused on hydrogen production, as we are.

EMPLOYMENT OPPORTUNITIES, WOMEN

Mrs POWER (Elder) (14:50): My question is to the Minister for Innovation and Skills. Can the minister update the house on how the Marshall Liberal government is creating jobs and increasing opportunities for women?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:50): I thank the member for Elder for her question, as well as for her interest in supporting women, particularly those who are victims of domestic violence.

The ABS job figures were released last Thursday, and they were very good news for jobs here in South Australia and for women in particular. We saw an increase of 15,300 jobs in South Australia to a total now of 864,200—an all-time record for the number of people working here in South Australia. More good news, when you dig more deeply into those figures, is that you learn there were 7,300 women in that 15,300 number of jobs created in the previous month.

What is not mentioned in the ABS figures is the fact that on 31 March there were 48,000 South Australians receiving the JobKeeper payment, but on 1 April there were no South Australians receiving the JobKeeper payment, yet they all stayed in the workforce and 15,300 joined them in April.

We know that many of the jobs that were receiving the JobKeeper payment were in industries that were feminised, such as the hospitality sector. We have seen dramatic improvements: there is now the second highest number of women in the workforce in South Australia's history, and our significant investment in skills training is providing more opportunities for all South Australians to work in a skilled career through our $200 million Skilling South Australia program, our JobTrainer

program and our extended Subsidised Training List, which is now up to 809 courses. It was just over 300 courses when we came to office, and it is now over 809 courses.

Further, the latest NCVER data reports that South Australia had an increase over the year of 8 per cent of women commencing an apprenticeship or traineeship here in South Australia—nation-leading. A recent example of a success story here is that of a female plumbing apprentice changing careers. Amber Shelton, a plumbing apprentice who worked on the new Adelaide Oval Hotel, is now a site manager. She loves her career, particularly the learning opportunities and the challenges that come with such an integral role.

It is not just moving women into apprenticeships in masculine areas; it is actually bringing paid training programs into areas that are heavily feminised, such as the care sector. Until this government came to office, women were expected to achieve their Cert III in Individual Support in their own time in the classroom and then work for free for up to eight weeks in order to get their on-the-job training. We have developed a paid pathway here in South Australia where it is a 12-month traineeship and they are paid to learn that. This is real career advancement for women, and South Australia is leading, delivering more career opportunities, more training opportunities for women.

Members interjecting:

The SPEAKER: Member for Hurtle Vale!

The Hon. D.G. PISONI: It is the same for enrolled nursing. We have been working with the nurses union in delivering more paid opportunities here in South Australia for learning in the care sector. We are 100 per cent committed to making sure there are more career opportunities for women in the workforce, making sure more women have the skills they need for higher salaries for the jobs they are doing in the South Australian community. We are committed, and we will continue to roll out that program.

The SPEAKER: Before I call the member for West Torrens, I warn the member for Hurtle Vale and the member for Wright for a second time. I warn the member for Playford for a second time.

GOVERNMENT CONTRACTS

The Hon. A. KOUTSANTONIS (West Torrens) (14:54): My question is to the Minister for Energy and Mining. Can the minister explain to the house why he would know what bidder is in the box seat to win a government tender while that process is still open? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: Today on radio the minister said that H2U was, and I quote, 'One of the companies that was right in the box seat at the moment' regarding this tender.

Members interjecting:

The SPEAKER: Order, members on my right!

Members interjecting:

The SPEAKER: Order! The Minister for Energy and Mining.

Members interjecting:

The SPEAKER: The Minister for Energy and Mining has the call.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:55): This is something that was addressed already on radio—not the statement but the exact same question—so let me just say it again: it wasn't the only one. I actually mentioned two companies, and I said for very good reason that H2U has already announced a project. They intend to build a 70-100 megawatt electrolyser at Port Bonython. It is very straightforward to think that they would be in the running to apply to the Treasurer to access some of this land. I also mentioned Santos.

The Hon. A. Koutsantonis: You shouldn't be saying anything.

The SPEAKER: Order! The member for West Torrens will cease interjecting.

The Hon. S.S. Marshall: Here we go again. They thought Keolis Downer was a major problem. The Auditor-General didn't agree with them.

The SPEAKER: The Premier will cease interjecting.

The Hon. V.A. Chapman: Yes. Look at Gillman. He's the expert.

The SPEAKER: Order!

The Hon. V.A. Chapman: What a joke!

The SPEAKER: The Deputy Premier!

Members interjecting:

The SPEAKER: The minister will resume his seat.

Members interjecting:

The SPEAKER: Order! Members on my right and members on my left, this is not an occasion to engage in a conversation across the floor of the chamber. The Minister for Energy and Mining has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: As the member said in his question, these are some of the companies. He said one of the companies because he only remembered one of the ones I mentioned. But these are some of the companies that are actually very likely to be in the running for this land. It makes perfect sense.

This is a project that has been very well publicised in the hydrogen development industry. Santos, as the member knows, has an agreement to operate the facility there, to export product. There are a number of companies that very obviously will have an interest in this.

If the member opposite is suggesting that the Department of Treasury and Finance is going to in any way step aside from its serious and genuine responsibility with regard to dealing with the disposal of this land, initially as we are at the moment in the expression of interest stage and presumably moving on through to a tender stage—and let's hope for our state's sake that we move through to disposing this land in a way that is beneficial for the taxpayer in many different ways.

Let's hope it is beneficial to the taxpayer with regard to an income for the land, beneficial to the taxpayer with regard to new industries being established on that land and beneficial for the taxpayers, particularly of Upper Spencer Gulf and Eyre Peninsula who no doubt want to have this land developed.

But if the member opposite is suggesting that DTF or the Treasurer in any way are going to be dealing with the disposal of this land inappropriately, then that is a very, very serious accusation—if that is what the member is saying. With regard to commenting on the fact that there are clearly, obviously, organisations that will be well placed to pursue this opportunity, that doesn't mean that any that are not mentioned are not well placed. As he said—'of those in the running'.

This is a very straightforward issue, and it does surprise me that anybody opposite would want to raise this issue or potentially accuse the Treasurer or the Department of Treasury and Finance of dealing with this disposal inappropriately given that those opposite had their experience with regard to the disposal of the Gillman land. If there's an accusation that the Treasurer or the Department of Treasury and Finance is in any way not going to deal with this appropriately then let the member come clean with that accusation.

The SPEAKER: Order! The time for answering the question has expired. Before I call the—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee will cease interjecting.

Members interjecting:

The SPEAKER: Order! The member for West Torrens will resume his seat for a moment. I warn the member for Schubert, I warn for a second time the member for Chaffey, I call to order the member for Colton, I warn the Minister for Infrastructure and Transport, I warn the Deputy Premier, I

warn the Premier. I remind all members that the member asking the question is entitled to be heard in silence and the minister answering the question is entitled to be heard in silence. The member for West Torrens is seeking the call.

GOVERNMENT CONTRACTS

The Hon. A. KOUTSANTONIS (West Torrens) (15:00): My question is to the Minister for Energy and Mining. When was the last time the minister met with representatives of H2U and did he discuss the EOI currently open and any investment at Port Bonython?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:01): I don't remember the last time I met with them. It was a while ago—I would suggest a month or two or three. The person I have engaged with is Dr Attilio Pigneri, who is the principal person. I would be very happy to check this, but I don't believe I have had a structured meeting with H2U for a significant amount of time and I don't believe—

Members interjecting:

The SPEAKER: Members on my left, the minister has the call. The Minister for Energy and Mining will be heard in silence. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: —that I've had an accidental meeting for quite a long time either, to be as frank and open as I can possibly be. Let me check it. If by chance we were at the same function or the same event or conference or something like that, sure, let me have a look.

But, to the other part of the member's question with regard to discussing Port Bonython, I don't believe that has ever happened, other than in the context of their very clear interest in Port Bonython, their publicly stated interest in building a 70 to 100 megawatt electrolyser at Port Bonython and their desire to export green ammonia from Port Bonython. Certainly, we've talked about Port Bonython in the terms of their project development, but I don't believe that the topic of the disposal of the land that's afoot at the moment has ever been discussed between me or anybody from H2U, but I will check that out of an abundance of thoroughness.

WASTE MANAGEMENT

Dr HARVEY (Newland) (15:03): My question is to the Minister for Environment and Water. Can the minister update the house on the Marshall Liberal government's investment in our recycling sector and the benefits of a strong circular economy?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:03): I thank the member for Newland for his question. It was good to be up in his electorate on Monday afternoon talking about wastewater, but today we are here to talk about waste modernisation and the Recycling Modernisation Fund that is a partnership, between the state government, the federal government and private industry, to invest right across the board in South Australia's recycling infrastructure in a very transformative way.

South Australia for many decades has had an enviable reputation when it comes to high-quality waste management and resource recovery. We know that, dating back to the late 1970s, we brought in that container deposit scheme. That really changed the way that South Australians approached waste management and led to a high level of education and understanding in terms of the way we do waste management here, particularly at household levels, so we do have that reputation. A bit more than a decade ago we had the banning of the thinner plastic bags in the context of supermarkets. Then much more recently, on 1 March 2021, we had the banning of a range of single-use plastics.

We have that heritage in South Australia, and it's a great foundation upon which to build the further modernisation and evolution of the recycling industry. We know that investing and recycling infrastructure creates jobs. We know that the re-use, recycling, reprocessing and remanufacturing of waste can create up to nine times as many jobs per tonne of waste than sending it to a conventional landfill solution.

The opportunities there to create jobs are substantial, and that is exactly what the Recycling Modernisation Fund is all about: partnering with state and federal governments and partnering with private industry to see projects get off the ground. It's good for our environment, it's good from a

climate change point of view because less landfill means less carbon emissions and, of course, we also benefit significantly from job creation.

The Recycling Modernisation Fund will see $111 million flow through to industry in South Australia. That will create several hundred jobs during the construction of these infrastructure projects and then in the ongoing operation of them as well. We have been able to see funding distributed right across metropolitan Adelaide and into the regions too.

A snapshot of some of those projects includes nearly $8 million for the Northern Adelaide Waste Management Authority to process more than 40,000 tonnes of fibre from paper and cardboard per year, really lifting the quality of fibre recycling and reprocessing here in South Australia so that that can be much more like a commodity, rather than the contaminated waste that it is at the moment; and $8 million towards the Aurora Group to recycle and produce high-quality glass containers like wine bottles. South Australia is the premier manufacturer of wine bottles in Australia because of our large penetration of the wine sector here, and so the wine sector is hungry for more recycled content, and that's what that project will do.

There are more and more projects right across the city, right across the state, contributing to enhancing and investing in our recycling. It's good for our environment but particularly good for job creation here in South Australia as well.

GOVERNMENT CONTRACTS

The Hon. A. KOUTSANTONIS (West Torrens) (15:07): My question is to the Minister for Energy and Mining. Has H2U ever written, lobbied or made any unsolicited bids to the minister or government for access to government land, including Port Bonython, for any of their projects?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:07): I will check and get an answer. It wouldn't be unusual for a company that wants to access land to write to the government to ask if they can access the land, but let me check that.

It's almost as if those opposite don't want this project to get up. Our government will do every single thing that is appropriate and prudent with regard to the disposal of this land, but wouldn't it be good if we got a great result that a company, whoever it is, or maybe two or three or four companies—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Member for West Torrens!

The Hon. D.C. VAN HOLST PELLEKAAN: —managed to access some of this land and use it for the development of a hydrogen industry? That would be terrific. I don't know why—

Mr Brown interjecting:

The SPEAKER: Member for Playford!

The Hon. D.C. VAN HOLST PELLEKAAN: —any of those people opposite would want to try to run that possibility down. We are very focused on hydrogen; it's one of the things that's in the memorandum of understanding. The memorandum of understanding, as I mentioned before, is focused around work that is ongoing, that is evolving, that is developing. I also said that we are very close to finalising a draft that would be the next evolution of that document. The first evolution of that document, the one that the Prime Minister and the Premier signed, is publicly available. We will make the next draft publicly available as soon as that's finalised.

There is nothing that we are trying to do other than just get on with the job of fixing the mess that we inherited with regard to energy, with regard to not only correcting the seemingly endless blackouts we used to have but correcting the fact that we had the most expensive electricity in the world—some people said—and correcting the fact that the previous government committed more than $600 million of taxpayers' money for dirty diesel generators. As well as correcting all that, we are looking forward, we are moving forward and we are evolving.

The hydrogen industry is one of those very important opportunities we have. It is quite natural that the MOU that is in place, that is public and that is already well known will evolve over time, exactly like the opportunities to contribute not only to cleaner energy export opportunity but to jobs—jobs in Adelaide, jobs in regional areas, jobs in Upper Spencer Gulf and the outback.

The suggestion that for some reason any company should be ruled in or ruled out is not the way we work. We are not at all concerned about talking positively about people's projects, organisations' projects and the things that they want to achieve in South Australia. When others come forward, and other opportunities, other organisations and other companies put a project on the table, if it looks good we will say it looks good. It is as simple as that.

Let me say again that, coming back to the heart of the question, it would not be unusual—if a company wants to access some government-owned land at a particular place to develop a project they have been talking about very publicly—if that organisation did approach the government to try to see if they can access that land. Let me check and just see if that has happened. It is no secret that H2U want to develop a project at Port Bonython, so it would not be a surprise if they had asked for that land.

With regard to that particular land, that is under the responsibility of the Treasurer to decide how to dispose of it. The Treasurer, the Department of Treasury and Finance and the Treasurer's office will go through all the appropriate steps to make sure that land is disposed of in the very best interest of South Australians. As the member opposite is a previous Treasurer, he will understand those obligations extremely well.

GOVERNMENT CONTRACTS

The Hon. A. KOUTSANTONIS (West Torrens) (15:11): My question is to the Minister for Energy and Mining. Can the Minister for Energy and Mining confirm that the current EOI released by the Treasurer does not have a mandatory requirement for any hydrogen facility at Port Bonython in the documents?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:12): Again, another rehash of a radio interview this morning. You would think that more work could be done between now and then, but if the member is just looking to ask the same question and get the same answer, well, here we go. We definitely do want this land at Port Bonython to be integral to the development of a hydrogen industry in South Australia. We want it to be integral to the development of a hydrogen—

The Hon. A. Koutsantonis: But it's not in there.

The SPEAKER: Member for West Torrens!

Mr Malinauskas: Why not put it in there if that's the plan?

The SPEAKER: The leader will cease interjecting. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: We want this land to be integral to the development of a hydrogen—

Members interjecting:

The SPEAKER: The minister will resume his seat for a moment. The leader is warned for a second time. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: We want this land to be integral to the development of a hydrogen industry in South Australia—the production of hydrogen, the consumption of hydrogen and the export of hydrogen.

Members interjecting:

The SPEAKER: Member for Hammond! The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: That desire has been made very clear and very publicly. That is just a fact; everybody knows that. But if those opposite think that it is as simple as just describing exactly the result you want and assuming that internally you know more than everybody else in the universe about how best to develop a hydrogen industry, they are sadly mistaken.

It was actually fascinating to meet with a very important worldwide company yesterday and have representatives of that company say to us, 'How refreshing it is that when your government goes out for a tender it says what the problem is that it wants to have solved. It doesn't actually say,

"This is the answer we have already come with and we want you to do it", like the previous government did.' What they did was disadvantage South Australians.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: What those opposite may not understand is that to develop a hydrogen industry you need an enormous number of other organisations, ancillary organisations to service the hydrogen industry. It might well be that it's some other high-tech organisation with a product hardware/software that can support the hydrogen industry. We are not going to rule out that type of an organisation being able to access some of that land, if that's the right way to go. There is a wide range of service industries that support the mining industry. There is a large range of service industries which will support the hydrogen industry.

If those opposite want us to rule in and rule out exactly who can and who can't access this land, they would be sending the state down the same perilous and destructive path that they led the state down when they were in government. We are wide open with regard to how this hydrogen industry can be developed. We are not going to be prescriptive and say, 'Only this type of company or only this purpose or only this use is actually going to be acceptable to us.' We are making it very clear—we have made it very clear—that we want this land to support the development of a hydrogen industry. That is the case—it is as simple as that.

Who knows what the expressions of interest might throw up? Who knows what the tender documents might throw up? But we are determined that we will use this land for the best interests of all South Australians, and the Treasurer and his department and office will run the tender appropriately.

The SPEAKER: Before I call the member for Chaffey, I call to order the member for Hammond. The member for Playford and the member for West Torrens will leave for the remainder of question time in accordance with standing order 137A.

The honourable members for Playford and West Torrens having withdrawn from the chamber:

ELECTRIC VEHICLES

Mr WHETSTONE (Chaffey) (15:16): My question is to the Minister for Energy and Mining. Can the minister advise the house on how the Marshall Liberal government's electric vehicle statewide charging network is helping South Australia to recover from the pandemic?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:17): I thank the member for Chaffey for this question. Our Electric Vehicle Action Plan is going to do a lot for South Australians, including helping to develop a new industry to help us recover even better from COVID than we already are.

We recently announced that we have had over 600 expressions of interest from industry to support the government in the development of a fast recharging network. We have $14.3 million which will go towards this work. In metro areas, the CBD and all over regional South Australia, 530 recharging networks will support local economies, support the electric vehicle industry and support our clean energy transition.

ROADWORKS SIGNS

Mr ELLIS (Narungga) (15:17): My question is to the Minister for Transport and Infrastructure. Minister, what is being done to alleviate inconvenience to motorists caused by unnecessary roadworks signs? With your leave, and that of the house, Mr Speaker, I will explain a little bit further.

Leave granted.

Mr ELLIS: Due to the extraordinary amount of roadworks in the electorate of Narungga at the moment, there are a significant number of roadworks signs out for no apparent reason, which is causing great distress and inconvenience to motorists. What is being done to alleviate that inconvenience?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:18): I thank the member for the question. It is a great question. I understand his interest in this because of the roadworks that are being done in his electorate. I understand that any sign being left out when it is not warranted would be a bugbear for the people of his community.

What I do have to point out is that when we came to government we were left with a $750 million road maintenance backlog. They don't like talking about it on that side of the chamber, but it is a fact. If we have a look at some of the works that we have done since coming into government, most recently, of course, we put $100 million towards a partnership with the federal government to have $268 million of road maintenance work for the backlog that we were left with. In fact, $7.6 billion of our spend over the next four years—

Mr Picton: Answer the question.

The SPEAKER: Member for Kaurna!

The Hon. C.L. WINGARD: —is going into transport and infrastructure projects. In the member for Narungga's electorate is the Port Wakefield overpass. The duplication of the highway in Port Wakefield is one of those huge projects—$80 million to commence the duplication of the Port Augusta Highway—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

The Hon. C.L. WINGARD: —$46.5 million for the Upper Yorke Peninsula road network; upgrades of $2.2 million for the Kadina to Moonta Road as well, in conjunction with the Copper Coast Council to rehabilitate the existing road there, of course, and the stormwater also. There is $2.1 million for resurfacing works on the Port Wakefield Road near Dublin. That has been greatly appreciated—and it goes on. Hang on, there's more. The economic stimulus response from—

Members interjecting:

The SPEAKER: The member for Reynell!

The Hon. C.L. WINGARD: —the Morrison-Marshall government means $144½ million to go towards shovel-ready projects. I know again the member is very keen on that because some of those works include—

The Hon. S.C. MULLIGHAN: Point of order, sir.

The SPEAKER: The minister will resume his seat for a moment. The member for Lee rises on a point of order.

The Hon. S.C. MULLIGHAN: The question from the member for Narungga was quite specific about why roadwork signs are being left out with no work being undertaken. The minister is merely debating the answer.

The SPEAKER: The point of order is with respect to standing order 98(a). The question which I listened to very carefully referred—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee can leave for the remainder of question time. The member for Lee is perfectly entitled to rise on a point of order and when he does so it's the obligation of the Chair to rule on the point of order, which is precisely what I am doing.

The honourable member for Lee having withdrawn from the chamber:

The SPEAKER: I listened very carefully to the question from the member for Narungga. The question referred certainly to specific matters. It referred also to a range of roadworks going on throughout the state. I am listening very carefully to the minister's answer. The minister has the call.

The Hon. C.L. WINGARD: These are the roads where the roadwork is happening that the member for Narungga alludes to. Again, I congratulate him on his advocacy for his community to make sure these projects get done. But I continue with those works that we are delivering and we are proud to be doing that. Of course, the Copper Coast Highway in the vicinity of Kulpara; the

Spencer Highway, Maitland to Minlaton; Minlaton Road, Minlaton to Stansbury; Maitland Road, Ardrossan to Maitland; and the Yorke Highway, Ardrossan to Minlaton. These combine to about $13 million worth of projects.

With that little list, you can see why the member is concerned about the issue that he has raised and I understand why. Doing these roadworks, of course, creates jobs and it creates jobs in the traffic management industry. It's a very important industry to keep the all the road workers out there who are being supported by this investment we are making safe and it keeps the people using the roads safe as well. We want to do all we can to make sure that we don't impact communities and make sure that we keep productivity at a premium—

Ms Hildyard interjecting:

The SPEAKER: The member for Reynell is called to order.

The Hon. C.L. WINGARD: —and keep speed limits as high as they can be. There was some legislation moved recently which had quite extensive fines for people who were doing the wrong thing. We did move some regulations to put in a smaller fine for people who are caught doing the wrong thing of around $1,250. We have brought it down to a far more reasonable level. The industry was actually very supportive of that to make sure that we get great outcomes. By putting that in place, making sure that people are doing the right thing, it will minimise the number of works.

We do not apologise for that big list of works that I talked about because we need to get these works done and people in our regions in particular where a lot of this is happening are appreciative of that work. We ask them to bear with us, but we will do all we can. If people have incidents where they feel that the roadworks or the signs have been left out a bit longer than they should, we ask them to contact the Traffic Management Centre.

Also, we need to understand, as it has been explained to me by the engineers, that when roadworks surfaces are laid there is a period when they need to be bedded down and that's related to time and also the number of vehicles that travel over that road. We want to make sure that the road improvement works that we are delivering are delivered on time and with a minimal amount of disruption to people in the community. Of course, we know that the RAA has supported this and so, too, has the Freight Council. We are working with communities to make sure that we get these works done, keep people safe as well and keep speed limits at the highest level while safety is of paramount importance.

PUBLIC LIBRARY FUNDING

Mr BELL (Mount Gambier) (15:23): My question is to the Minister for Local Government. Can the minister inform the house whether the $20 million funding agreement between the state government and the LGA for library funding will be renewed after June this year?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:23): I thank the member for the question. In fact, I have had a number of meetings with the LGA, and at their recent statewide meeting the matter was raised by one of the councils. I think from memory it was my own local one at Burnside. I will repeat what I have said to them and publicly since. That is that the Local Government Association, which is the representative of all the councils, is currently in negotiations with the government—in particular, Treasury—in relation to what they see as appropriate for all the council libraries across the state. I repeat what I said then, and that is that we love, on our side of the house, libraries in South Australia. We understand the significance of them across the state.

Members interjecting:

The SPEAKER: Member for Ramsay!

The Hon. V.A. CHAPMAN: The particulars of the funding, in what order it is, how it is structured and those things are still under negotiation, and I will respect that.

NATIONAL RECONCILIATION WEEK

Ms BEDFORD (Florey) (15:24): My question is to the Premier in his role as Minister for Aboriginal Affairs. What events are planned within the parliamentary precinct to commemorate Sorry Day and Reconciliation Week?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:25): It would be a matter for the Joint Parliamentary Service Committee for any parliamentary events, but of course this a very important day that we acknowledge today. National Sorry Day commemorates the Bringing Them Home report, which was handed to the then Labor federal government back on 26 May 1997, so we have had this in place since. I think the first anniversary of that became the first National Sorry Day.

Of course, we in this parliament can acknowledge that we were the first parliament in the country to acknowledge the Bringing Them Home report and make that apology to the stolen generations. That apology was under the premiership of John Olsen, the Liberal Premier at the time. In fact, I think it was delivered by the Minister for Aboriginal Affairs and Reconciliation, the Hon. Dean Brown, himself a former Premier in South Australia.

We do acknowledge this day as a very important day. It is a day that is important in our overall reconciliation agenda here in South Australia. As the member would know, I served on the board of Reconciliation SA for an extended period of time; in fact, eight years—it might have been longer than that; I am just trying to recall; no, it was eight years—right up until the time I became the Minister for Aboriginal Affairs and Reconciliation. In this parliament, I think we have done much to advance the cause in terms of reconciliation in this term of government.

I would like to place on the public record appreciation to you as the Speaker for allowing the Aboriginal flag and the Torres Strait Islander flag to hang in this very chamber. That was done without votes and without any acrimony, and of course it was a practical demonstration of this parliament's pathway towards reconciliation, as it was under the former government when the then Speaker agreed to fly the Aboriginal flag aloft this building.

I note that today we have not only the Aboriginal flag flying on top of this parliament but the Torres Strait Islander flag, which is unusual, because usually we have the Australian flag, the South Australian flag and the Aboriginal flag. Today, we have the Australian flag, the Aboriginal flag and the Torres Strait Islander flag.

It was also a great time for our parliament—and that was the basis of the question: what the parliament is doing—in that we had Dr Roger Thomas, who is our Commissioner for Aboriginal Engagement in South Australia, not just deliver his report to the parliament, he came and presented it in the parliament. To the best of my knowledge, that was the first time we have had an Aboriginal voice in this chamber. I think it was an historic day.

Obviously, now we are finalising our overall push towards establishing a voice to the government and a voice to this parliament, and we are hoping that legislation can be brought in the coming months.

NATIONAL RECONCILIATION WEEK

Ms BEDFORD (Florey) (15:29): A supplementary, again to the Premier: would you consider writing to the Joint Parliamentary Service Committee and organising a function for next year's Reconciliation Week?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:29): Of course, any member of the parliament can do that, and I would encourage them to do that. As I have outlined, obviously the flag recognition on the building today for National Sorry Day and the permanent flag flying in this parliament is very much appreciated.

I think that there are other practical things that we can do. I for one was very keen to see the Balcony Room reappointed, let's just say, and I am very pleased to see that the very first exhibition, which is in that Balcony Room, is a wonderful recognition of the incredible Aboriginal art that we have in South Australia. I think that's another practical way that this parliament is demonstrating that it is committed to reconciliation.

I have received many, many comments from people coming into parliament and heading up to the newly refurbished Balcony Room that they are very pleased to see that wonderful art so very

beautifully displayed. In my own office, I was very fortunate for the Art Gallery of South Australia to place on loan with me a wonderful portrait of David Unaipon who, as you would know, sir, was an incredible Australian inventor and appeared on the $50 note. In fact, I am not sure; he may still appear on the $50 note. I don't have many of those left.

Ms Bedford: He usurped Florey.

The Hon. S.S. MARSHALL: Did he? Well, if anybody was to usurp Florey for that, I am sure David Unaipon would be a very worthy person to do so. I think we all have an obligation to continue to look for practical ways in which we can advance reconciliation. In terms of my government, we have now issued our second iteration of the Aboriginal Action Plan, which is focused on three key themes: creating more jobs, improved services and also improving overall capacity around governance for Aboriginal-controlled organisations. As a parliament, we have the Aboriginal Lands Parliamentary Standing Committee, which I have served on alongside many people in this house and, of course, in the other place.

Whilst there has been much work done, I think we all appreciate there is much work to be done both at a parliamentary level and, importantly, at a government level. That's one of the things that I am very, very committed to doing. It's one of the reasons why in the most recent budget we increased the forecast budget for the Aboriginal Art and Cultures Centre—because we think this is a very practical way of demonstrating reconciliation, promoting more than 60,000 years of Aboriginal songs and storylines and, I think, also creating a space of global significance which will help us to promote the incredible culture and history that we have in South Australia and bring people to our state.

Ms Bedford: So that's a no, then.

The SPEAKER: Order! The member for Florey is called to order.

Personal Explanation

GOVERNMENT CONTRACTS

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:33): I seek leave to make a short statement.

Members interjecting:

The SPEAKER: Order, members on my left! The minister seeks leave to make a personal explanation. I take that as a statement according to standing order 108.

The Hon. D.C. VAN HOLST PELLEKAAN: If it needs to fit in that category.

The SPEAKER: The Minister for Energy and Mining sought leave; is leave granted?

Honourable members: Yes, sir.

Leave granted.

The Hon. D.C. VAN HOLST PELLEKAAN: I was asked by the member for West Torrens about recent meetings with H2U and I said I would get back to the house. I can confirm that my last structured meeting with H2U was on 5 November 2020 along with the Premier and Minister Patterson. My last engagement of any other type was on 27 April, when Dr Pigneri and I were both on an energy panel. It was done by Zoom. I was in Parliament House. I am not sure where Dr Pigneri was, but I can assure the house that we did not discuss anything that wasn't recorded or pertinent to that panel. We had no side discussions whatsoever. I can also confirm that H2U have discussed the matter of land access with the government. As they have a project with current government support, they have ongoing reporting obligations around the progress of their project.

Grievance Debate

ZOU, MS S.

The Hon. A. KOUTSANTONIS (West Torrens) (15:35): Well, there were some very interesting revelations in question time today, especially from the Minister for Trade and Investment.

Let's be clear about this: we asked him a series of questions today and, when we got close to the point where we wanted some answers from him, the government would not let him answer.

He is relatively junior—fair enough, I accept that—but I have to say that when you ask a minister, 'Were you informed at the meeting you were at whether the people who had organised the meeting had registered the people you were meeting as clients?' and he would not answer, would not tell us whether he was told, and you have to ask why.

Let's face it: Sally Zou is a colourful identity in the Liberal Party. There are rumours that she wrote out a cheque—or she did write out a cheque—to the value of the Premier's birthday numerically. There are rumours that she turned up to his house with a brand-new Land Rover as a gift. These have all been denied, but here is the minister in Robe meeting with Sally Zou and discussing the lobster industry, the beef industry. Of course, Ms Sally Zou has two companies that are involved in this. We also understand that that event was hosted by Sally Zou, paid for by Sally Zou—

The Hon. C.L. Wingard interjecting:

The SPEAKER: Minister!

The Hon. A. KOUTSANTONIS: —and the minister was invited by Pyne and Partners, a consultant, to be there, but he will not answer questions about whether or not he knew that the organisers who were hosting him at that event were registered as clients of the lobbyist who invited him. What does that tell you about probity?

The Hon. V.A. Chapman interjecting:

The Hon. A. KOUTSANTONIS: 'It's a stupid question,' the Attorney-General says. We have Christopher Pyne in the South-East meeting with a minister, inviting him to a function paid for by Sally Zou, to talk about lobster and beef exports. What is Sally Zou's company involved in? Surf and turf, a bit of surf and turf.

These are easy questions to answer by the minister: either he knew or he did not. If he did not know, then explain why he did not know; if he did know, explain and declare it to the house. He chose none of those options: he chose silence. Instead, he chose for the Attorney-General to stand up in his place and simply say, 'I refer you to my previous answer,' which is the way you cover up for junior ministers who might have gone on a bit of a wander on their own on the weekend, a bit of a wander down the path of perhaps trying to raise some money for the Liberal Party.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Perhaps to help out, donate for a mate, trying to help out someone—

The Hon. C.L. Wingard interjecting:

The SPEAKER: The minister is called to order.

The Hon. A. KOUTSANTONIS: —who perhaps has a lot of influence in the Liberal Party through their donations. This is not the end of the topic, but the beginning of the topic.

I want to finish on Port Bonython. I have to say that I was pretty surprised with the response from the minister regarding Port Bonython because we had the Department for Energy and Mining in the Budget and Finance Committee and they were asked directly about whether or not they had a requirement for Port Bonython as a hydrogen hub.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: When we directly asked Dr Heithersay this question, he responded quite directly that there was no requirement for the successful tenderer of the expression of interest for Port Bonython to build anything with hydrogen. The plan is hope—hope that someone will build something with hydrogen.

What is even more concerning is the involvement of the minister today, saying that one company is in the box seat. He even went on to say that it was ahead in its expression of interest. Well, how would the minister know that? Why are ministers commenting on open processes while they are underway? The appropriate answer would have been: the government has put out an EOI, these are our criteria for the EOI and we invite companies to tender and put their best foot forward, not say, 'Oh, the company in the box seat is H2U.'

I asked the minister today: 'Had H2U put in any unsolicited bids for land?' His response was that he did not know. We will wait and see what the answer is to that because if they have, and given his comments today, well, that is a scandal.

Time expired.

The SPEAKER: Before I call the member for Flinders, I warn the Minister for Trade and Investment, I warn the Minister for Infrastructure and Transport for a second time and I warn the member for Reynell.

FLINDERS ELECTORATE

Mr TRELOAR (Flinders) (15:40): As people in this place will be aware, I have a background as a grain farmer, and I awoke yesterday morning here in Adelaide to the sound of rain on the roof—and what a wonderful sound it was. My question almost instantaneously was: I wonder whether we have had that rain at home? And certainly we had.

Eyre Peninsula, which, of course, is a good part of the seat of Flinders, experienced good opening rains, I am going to call them—opening seasonal rains—particularly in the south and west, as is usual. In fact, a little place called Mount Hope topped the state during that last rain event. The rest of Eyre Peninsula did not go without. Much of the cropping belt received between 10 and 20 millimetres, so certainly, enough to give some encouragement to farmers.

The rain spread across Yorke Peninsula, the Mid North and the Adelaide Plains and the Hills. My understanding is that it did not push too far east of that, not too far into the Murray Mallee but, fingers crossed, they will get some rain soon. The paddocks across our grain belt here in South Australia are wafting with a combination of petrichor, paraquat and diesel. It is an unusual combination, but it is enough to warm the cockles of any farmer's heart. Of course, what I mean by that is that the tractors are out in the field preparing and sowing this year's crop.

We were pleased to welcome the Minister for Agriculture to Flinders and Eyre Peninsula just last week. I did take him out to a grain crop property, in particular to talk with one farmer about what he was planning to do with this year's canola crop. Of course, for the first time here in South Australia the state's grain growers have the opportunity to grow GM canola, thanks to the efforts of this parliament—a long overdue opportunity, I might add.

However, that aside, remember that canola is a particularly important crop on Lower Eyre Peninsula, the lower north and probably the Upper South-East across into the Wimmera. Those areas where canola production is intense will benefit most from this. Many canola growers, I understand, are dipping their toe into the water of GM canola. Some have decided not to try any this year. I did hear a report of another grower who has sown his entire canola crop to GM varieties.

That aside, a lot of growers have grown between 20 per cent and 25 per cent canola this year really just to, as I said, dip their toe in the water to try it out. The thing about GM canola in our farming system and situation is that it is tolerant of the chemical known as glyphosate, which means that farmers can sow canola even into a dry seedbed, and when the rains come the canola emerges, as do the weeds invariably and the farmers are able to use glyphosate to take out those weeds.

An interesting development—and we have been aware of this for the past few years—is that some weeds are developing resistance to glyphosate. There are other chemicals, too, which have had resistance issues, and rye-grass is the prime target here as the most difficult to manage in an intense cropping situation.

Rye-grass over a period of time has developed some resistance to glyphosate and some resistance to another chemical called clethodim. Used in isolation, those chemicals are problematic and they become less effective in a resistant population; mix those two chemicals together and all of

a sudden it works again. These are the discoveries we are making through our R&D efforts, the latest technologies, and farmers will no doubt take advantage of continually evolving chemical combinations and other technologies such as GPS guidance.

Despite the vicissitudes of last year through many of our sectors and population, our grain farmers continued to produce. Last year's harvest was slightly below average but, apart from challenges with the barley market into China, commodity prices remain strong and, fingers crossed, commodity prices will stay that way and seasonal conditions will be kind for our farmers this year.

Time expired.

TOURISM INDUSTRY

The Hon. Z.L. BETTISON (Ramsay) (15:45): On the weekend, we had the announcement by the government of the fourth round of the Great State vouchers. Of course, the opposition has been very supportive of the vouchers, and we all know that we were calling for them from June last year. But what remains concerning is the inconsistency with these Great State vouchers and the fact that they do not support all parts of our tourism and visitor economy. Round 1, round 2 and now round 4 are specifically for accommodation providers, and only round 3 was for tourism attractions and operators. Why are you not supporting all of the industry?

We know that this industry—although it has had some rebounds particularly domestically—still requires assistance. This was easily seen in a recent quarterly survey that we have measuring the industry where 34 per cent said they still have reduced staff or operations; 22 per cent said there was a risk of redundancies post the end of JobKeeper; 44 per cent said they are seeing a weaker business outlook; and 46 per cent said they have a lack of forward bookings and there remained uncertainty in regard to border closures and that that makes people reluctant to put their bookings into their system.

The reality is that tourism is an incredible employer here in South Australia, but we have been impacted massively by COVID. At its peak, tourism put $8.1 billion into the state economy. We have now seen a reduction of $3.4 billion. The expectation is that it will probably get to half of that and nthat we will see it come down to $4 billion. The reality is that thousands upon thousands of jobs have been lost in tourism and hospitality. Most significantly, those who work as casuals, and predominantly women who work in tourism and hospitality, have lost their jobs.

There is so much more work to be done. This industry needs our focus and it needs our support. Airport arrivals were down 53.8 per cent, a significant player in our tourism industry. It was so disappointing that there was no assistance in the recent federal budget. We know that so many parts of this economy and so many parts of this sector are being hurt. It is not just me standing up here saying it. Let me quote from the Tourism and Transport Forum:

> We will see more job losses, and we will see many, many business failures out of this and when the borders do finally open [up], in the absence of any additional ongoing support, we'll be lucky to have a tourism industry to welcome international tourists back into the country.

I will also quote from the Australian Chamber of Commerce and Industry:

> It is important to note that parts of the sector unable to pivot to domestic tourism still require support until the impact of international visitation starts trickling back in.

For a local flavour, a comment from Taste the Barossa:

> These voucher schemes need to be called out for what they are! They are a distraction for the general public while the issues remain [that there are]…segments of the industry doing extremely well, without the vouchers, and segments doing it tough with the vouchers.

We need to make sure that these vouchers are supporting everyone. We have consistently called out to increase the value of the vouchers to $200, to allow them to be used on any day and to include boutique accommodation. Most importantly, each and every voucher should be about the whole industry: attractions, operators, accommodation and travel agents. Why we pick and choose is incredibly confusing.

In WA, they have just announced their Stay, Play and Save $200 voucher—a bit of innovation. You book the accommodation on arrival and a mystery voucher to an experience or an attraction in Perth is provided. That is what we should be looking for, not time-restrictive, narrow vouchers. Support this industry. It needs your help.

MATHWIN FAMILY

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:50): I rise to speak about a local family that epitomises service to our community, commitment to great causes and positive engagement with the people around them. The name Gladys Mathwin has a special place in my community, the electorate of Gibson, and rightfully so. Gladys was a woman of such great stature that, even more than 50 years after her death, she continues to have a strong, unmistakable presence in our local community. The legacy she has left is one of great community spirit.

Gladys and her husband, John Mathwin, migrated to Australia from England in 1951. After living for two years at the former Gepps Cross hostel, they bought land in Seacliff Park and built their home and the rest of their lives there. Both John and Gladys were actively involved in the community and were successful, well respected and well liked. John achieved the impressive feat of being elected as the mayor of Brighton five times during his 14 years with the Brighton council. Not that Gladys wanted him in that role, I am told, but his call to duty was far greater and Gladys always supported him. That was all before the Brighton and Glenelg councils joined to form the City of Holdfast Bay, which we have today.

John also stood as a member in this place, representing what was the state electorate of Glenelg at the time. He was of that breed of men for whom no obstacle was too great and no opportunity was wasted. He was a painter and decorator by trade yet, like so many of those born in 1919, the prime of his youth was spent in the mire of war. Fighting in the Second World War, he served in the British Army with a Scottish Assault Engineer unit. At D-day, his unit was tasked with forming a bridgehead on the beaches and then over several rivers. John is said to have described his landing craft as a salt and pepper shaker: as they approached their landing, they were riddled with bullets.

After the war, they moved to Australia in 1951. Just as community minded as her husband, Gladys Mathwin was an avid volunteer from the moment she arrived. She was a member of the Good Neighbour Council, vice-president and patroness of the Seacliff Mothers' and Babies' Health Association, and she was also involved in local sporting clubs. In 1968, the Mathwin family was struck by tragedy. Gladys passed away suddenly—she was aged 42 years.

At the time, John was in his fourth term as mayor and Gladys, the mayoress, was well known in the community. Not long afterwards, the grandstand at Brighton Oval, which had just been built, was named the Gladys Mathwin Memorial Grandstand to commemorate her service to our community. That grandstand was built in 1968, over half a century ago, but it is not the only public site that carries the Mathwin name. Since 1968, John and Gladys have been acknowledged at several other community sites in a gesture by our local community that is fitting and proper.

The Seacliff kindergarten was named Gladys Mathwin House in honour of Gladys's involvement with the Seacliff Mothers' and Babies' Health Association, which worked with the kindergarten. John's community service has also been acknowledged, with the John Mathwin Reserve named after him. I am sure John and Gladys would both be happy to see so many people from our community continuing to use these sites every day of the year. It is absolutely no surprise that today's Mathwin family are still closely involved in the local community in which John and Gladys had made such an impression.

Today, the Mathwin family continues to display outstanding community leadership, most clearly with the Brighton Lacrosse Club. The club's home ground is the Brighton Oval, the very same venue where the Gladys Mathwin Memorial Grandstand had been built.

At last year's AGM, Traci Mathwin was elected the 2021 president of the Brighton Lacrosse Club, replacing Jason Webb, who was in the role for seven years. Traci has a long history with the club and in the years leading up to her current presidency held committee positions, including as vice president. It is great to see her promoting her family's legacy of community-centred service and achievement.

When the old grandstand at Brighton Oval was demolished as part of a massive redevelopment, jointly funded by all three levels of government, there was the need to find some way to keep Gladys' name alive at the iconic sporting precinct. As a result, the new play space at the

centre of Brighton Oval bears the name Gladys Mathwin Memorial Playspace. I am sure Gladys would smile to see the wonderful children and families who are having fun at this very moment on that playground. I know their parents certainly are grateful for it.

It was a true pleasure to see so many of the extended Mathwin family at the official opening of the Brighton Sports Complex and the play space and to hear their stories about John and Gladys. Let me conclude by once again acknowledging the contribution of the Mathwin family to our local community in Gibson throughout history and up to the present day. Long may it continue.

Time expired.

NAKBA DAY

The Hon. A. PICCOLO (Light) (15:55): On 15 May every year, Palestinian people around the world commemorate Nakba Day. Nakba Day refers to the 1948 Palestinian exodus—also known as Al Nakba, literally meaning 'disaster' or 'catastrophe'—which occurred when more than 700,000 Palestinian Arabs fled or were expelled from their homes during the 1948 Palestine War.

The term 'nakba' also refers to the period of war itself and events affecting Palestinian people from December 1947 to January 1949. Between 400 and 600 Palestinian villages were sacked during the war, while urban Palestine was almost entirely extinguished. Many of the Palestinian refugees settled in refugee camps in neighbouring states.

The status of the refugees, and particularly whether Israel will grant them their claimed right to return to their homes or be compensated, is a key issue in the ongoing Israeli-Palestinian conflict. The events of 1948 are commemorated by Palestinian people both in the territories and elsewhere on 15 May, which is, as I said a bit earlier, known as Nakba Day.

This is the background to the most recent conflict. It is important to remember this context because omitting it provides a distorted and misleading understanding of the current hostilities. Over the past few weeks, 232 Palestinians and 12 Israelis have been killed in the current Israeli-Palestinian hostilities. Any loss of life, whether it is Palestinian or Israeli, is cause for great sadness and sorrow.

Sadly, a great deal of the commentary about this recent breakout of hostilities has been disappointing, unhelpful and, in some cases, misleading. The conflict has been framed in the context of two factors: Israel has the right to defend its people, and the dispute is over eviction matters in Jerusalem, particularly East Jerusalem.

Every nation has the right to defend themselves, including the Palestinian people who live in Palestine. This is the point that most commentators, predominantly on the conservative side of politics, appear to omit from their commentary. The land dispute in Jerusalem is no minor matter between a landlord and tenant. It is a major conflict between an occupying force and a native population opposing their dispossession from their homelands.

The actions of the Israeli government to sanction new Jewish settlements in East Jerusalem are not only a breach of international law but also a breach of the laws that govern war. An occupying force is not permitted to dispossess local people from their homes or land. Sadly, in the same way the Israeli government has supported the ongoing annexation of parts of the West Bank, they are now doing the same in East Jerusalem. The world looks on, despite Israeli action being contrary to a number of United Nations General Assembly and Security Council decisions.

President Trump's decision to relocate the US embassy away from Tel Aviv sadly gave the Israelis the green light to move into East Jerusalem. It appears that the current Israeli government has no intention of slowing down the annexation of Palestinian lands for new Jewish settlements, so to ask the Palestinian people to be patient and peaceful while their homes are bulldozed on a daily basis is both unfair and immoral.

It is instructive to listen to the Israeli Prime Minister's language to understand that he has no commitment to either a two-state outcome or a one-state two-peoples outcome. Firstly, he refers to Israel as a Jewish state and secondly, he does not acknowledge the existence of the Palestinian people. He regularly refers to them as Arabs, as if the Palestinian people did not exist as a separate cultural group worthy of their own nation.

In the same way that many peoples make up Europe, many peoples make up the Arab world. This language is conveniently ignored by those who provide a great deal of commentary in support

of the Israeli government's current offensive. Israel is a sovereign state, having the right to defend itself. The Palestinians are a sovereign people, having the right to resist ongoing attempts to annex their lands. International law is on the side of the Palestinian people.

While I acknowledge that it is very difficult to justify violence to resolve disputes, the West must stop looking the other way and avoid seeing the violence the Palestinian people experience every day. The Palestinian people have both a moral and legal right to live peacefully within their own state and homeland alongside their Arab neighbours and the state of Israel. That is why the Palestinian people commemorate Al Nakba day on 15 May every year, just to remind the world that they do exist and they are not an inconvenient truth.

SUSTAINABLE SEWERS PROGRAM

Dr HARVEY (Newland) (16:00): Today, I rise to update the house on work to transition residents from the Tea Tree Gully council's Community Wastewater Management System (CWMS) to SA Water's sewerage network. On Monday just gone, the Minister for Environment and Water and I visited Glenere Drive in Modbury, one of the two pilot projects conducted by SA Water as part of the Tea Tree Gully Sustainable Sewers Program.

It was great to witness the first flush milestone, with the first property transferred from CWMS to SA Water's sewerage network. It was the first time that I, and I believe the minister, had been at a first flush milestone. I think that it was more of a symbolic first flush and that they had not been asked to hold on until we turned up. In any case, it was a very important milestone in a really important project for thousands of people across the north-east.

We met Pauline, a property owner, who was thrilled with the project, being finally taken off an archaic council system, now saving hundreds of dollars a year, having a modern reliable service and not having to open up her driveway and lift out all the dirt to access the septic tank every four years or so.

Another really important point Pauline made to us—and she made this point a number of times—was the really positive experience she had working with SA Water, particularly the community engagement team who works closely with all households as they transition onto SA Water sewerage. We also spoke to John, who lives across the road—I have spoken to him a number of times—and he simply cannot wait until he is connected, and this will not be too far away.

The pilot project is providing SA Water with important insights and knowledge on the complexities of connecting CWMS properties to the SA Water sewerage system. Retrofitting already established areas with modern sewerage on the sort of scale we are dealing with has not really been done before, but there have already been some very important learnings and the project is progressing well.

SA Water has continued to consult with residents throughout this pilot project following the laying of 134 metres of gravity sewer main in December last year. SA Water has been contacting every house and conducting on-property assessments to determine the best connection solution. As I described in this place recently, the works to transition CWMS customers over to SA Water will be conducted in stages, with prioritisation based on a number of factors, particularly the performance of the system, so that those areas with the most problems are being prioritised, but community feedback was also an important part.

SA Water has now released its Sustainable Sewers Transition Plan, which is available to view or download at the Water Talks website. The transition plan includes details around the prioritisation criteria and contains a list and a map of the council catchments for each stage of the transition. As the project progresses, SA Water will write to customers prior to the commencement of on-property investigations to provide a works information sheet and to request customers to book an on-property assessment. Following an on-property assessment, a time line will be provided for the transition and information on the benefits of becoming an SA Water customer, and contacts for more information will also be provided.

The CWMS is an issue that thousands of residents in our community in the north-east have had to put up with for decades. Whether it is skyrocketing prices, sewerage bubbling up in the

backyard or the inconvenience of having to locate and access the septic tank every four years, it is time to fix this problem once and for all.

For far too long, whether by past councils or former governments, the concerns of residents on the CWMS have been ignored, dismissed or simply ridiculed. I am proud to be part of a government that has listened and is wasting no time getting on with the job of fixing this problem. Over the coming years, at no cost to the household, homes will be connected to a modern, reliable sewer system that delivers nationally accepted levels of service for its customers and will save households hundreds of dollars per year.

NARUNGGA ELECTORATE

Mr ELLIS (Narungga) (16:05): I rise today fully aware that in less than a month the next state budget will be handed down and I would like to take this opportunity to put on the record some of the desires and wishes of the good people of Narungga that they would like to see funded, not only next month but going forward as we continue to progress through the years.

As has already been alluded to in question time today, we, the government and the parliament, have made terrific progress in getting stuck into fixing a number of roads in Narungga that have been in desperate need of repair. Some of these roads we have got around to fixing have been waiting some decades for meaningful repair.

The greatest example of that is the Arthurton to Maitland road which has been too skinny, too narrow and too undulating for quite some time and was easily the road on which I have got the most correspondence about throughout my time in parliament. Thankfully that road is well underway and there are now cones and road work signs out there. Works should start soon and hopefully that road will be fixed and widened and smoothed out, not too long from now.

Crash Corner is well underway with a significant amount of dirt being moved around out there to build the overpass so that Crash Corner itself becomes safer. Work is well underway for the duplication of the road through the town to help traffic flow and to make sure that that trip west is a smoother one.

There are a great deal many others. Shoulder sealing is being done between Moonta and Maitland, also between Stansbury and Minlaton. I want to report a story from a constituent who called me to say she is incredibly grateful because she had been concerned for quite some time that that road was too dangerous and very concerned about her sons driving their grain trucks to silo along that road. She was thankful that that road was finally getting its shoulder sealing to become that little bit safer.

As I said, there are a great many roads. We have made a tremendous start on fixing up the roads in Narungga. I totalled it up the other day and we are approaching some $200 million worth of roadworks that have been assigned for our electorate. It is an extraordinary investment, the likes of which have probably not been seen before. But there is always work to do.

As I have said in this place before, I have a petition circulating to demonstrate the community support for a fix for the Wallaroo entrance road when you are travelling from Wallaroo to Kadina. I know that the council is desperately keen to see that road fixed, I know the community are desperately keen to see that road fixed and I hope that that is well on the way to being funded, if not in this budget next month then one soon thereafter.

I have also been fighting since the time I was a candidate to see a fund to help entry roads into our wonderful coastal communities on Yorke Peninsula. I am thinking particularly about communities like Hardwicke Bay and Port Vincent. I visited both as a candidate and talked to progress associations and local residents about how many near misses they have seen out in those entry lanes out the front of their communities and the sheer number of cars, the increasing numbers of cars and trucks that drive down those roads.

I have done some work gathering some statistics and I have made repeated efforts to have those improvements made, those relatively cheap improvements, that will make a significant difference to road safety. I hope sincerely that they are not too far away from being funded as well.

I would also like to see investment in jetties soon. I know the previous minister did some significant work on jetties. We know that in 1996 some 35 jetties were divested from the state government to local councils. I know that Yorke Peninsula Council had 12 divested. Those repair

bills are starting to mount up. It costs a significant amount to fix jetties. For example, the Ardrossan jetty in 2019 was quoted at $670,000 to replace some 120 piles. It is becoming a significant burden on councils. They cannot, in my view, fund those repairs to all 35 jetties themselves and I hope that the state government can step in and put forward a jetty remediation fund to help solve that problem.

I am running out of time but we need to continue to invest in health in Narungga. We have made a tremendous start there as well. Local health networks and, of course, the return of surgical services at Yorketown have been welcomed so wonderfully by the local community who are thankful to have services returned rather than taken away. We need to continue to invest at Wallaroo and we need to continue to invest at hospitals like Maitland which need a revamp of their A&E facilities.

Just quickly, in wrapping up, we need more funding for phone towers, particularly at communities like Tickera and Corny Point. A new sea rescue vessel at Point Turton is now desperately overdue, and there are many other things that I have written to various ministers about over the course of my three-and-a-bit years here. I am looking forward to the budget next month.

To my constituents, I would like to say: please keep getting in touch with me and my office to put forward your ideas and your concerns. We have made tremendous headway working together and securing these improvements that our electorate so desperately needs, but we have only been able to do that together. If we continue working together, I am sure there are many more great things in store for the people of Narungga.

NATIONAL RECONCILIATION WEEK

Ms BEDFORD (Florey) (16:10): Today, we officially commence Reconciliation Week with Sorry Day, and I want to begin by acknowledging we meet on Kaurna land, and I pay my respects to past, present and future elders, the First Nations people of the Australian continent, custodians of the land and water for many, many thousands of years.

This year marks 20 years of Reconciliation Australia and almost three decades of Australia's formal reconciliation process. The theme for Reconciliation Week 2021 is 'More than a word. Reconciliation takes action', urging those who embrace reconciliation and the movement towards taking braver and more impactful actions and those yet to begin the journey to start asking questions and become involved.

Reconciliation Week always remains on 27 May to 3 June to commemorate two significant milestones in the reconciliation journey. Thursday 27 May will mark 54 years since the 1967 referendum was passed successfully in which over 90 per cent of Australians voted to amend the constitution to allow the commonwealth to make laws for Aboriginal people and to include them in the census.

On this day, I always think of my friend and long-time Florey resident Aunty Shirley Peisley, the poster girl of the South Australian campaign, and remember and acknowledge the lifetime commitment, dedication and work for Aboriginal people and encouragement of wider community understanding by her and her generation of activists. Reconciliation Week concludes on 3 June and commemorates the Mabo decision of the High Court in 1992, a legal decision recognising the rights of Aboriginal and Torres Strait Islander people as traditional owners of their land, paving the way for native title.

When I think of Eddie Mabo and his story and struggle, I am filled with admiration and a little bit of embarrassment because it was on that day I realised how little I knew of Aboriginal people and their culture and, at the age of almost 40, I eventually took action. Adelaide people took part in the national Crossing Bridges for Reconciliation marches in 2000 after the Hindmarsh Island bridge became such a divisive issue for us in the 1990s. Many of us remember gathering on the banks of the Torrens on 13 February 2008 by the rotunda to hear a live cross to federal parliament and the reading by the then Prime Minister Kevin Rudd of the National Apology to the Stolen Generations.

Every year, we celebrate the life of Lowitja O'Donoghue through the Don Dunstan Foundation's oration named in her honour, this year's being the 14th, when we will welcome Pat Anderson at Bonython Hall on Tuesday 1 June. The Reconciliation SA Adelaide breakfast continues to grow and be inspiring, led by co-chairs Commissioner for Children and Young People, Helen

Connolly, and holder of many positions within UniSA, Professor Peter Buckskin, another longtime Florey local. This year's event will be held on Friday 28 May.

Over the past year, we have seen further actions as Australians gather to protest Black Lives Matter, and we are seeing more people understanding the truth and speaking up on issues affecting Aboriginal and Torres Strait Islander people. Most recently, on 15 April thousands rallied and marched on the streets of Adelaide and beyond to protest the horrific number of Aboriginal deaths in custody. The protest also marked 30 years since the Royal Commission into Aboriginal Deaths in Custody. Few of the 339 recommendations made were adopted, and since February 1991 at least 447 Indigenous people have died in custody.

Aboriginal people continue to be over-represented in the criminal justice system, comprising 30 per cent of those in custody while only 3 per cent of Australia's total population. It was not until July 2020 that the state government introduced new regulations requiring South Australian police officers to notify the state's Aboriginal legal services as soon as an Aboriginal person enters custody, as was recommended in the 1991 royal commission.

Reconciliation Week celebrates a focus on unity and healing, and it also reminds us of many issues and barriers that still exist. In 2017, the First Nations National Constitutional Convention met to discuss and agree on an approach to better recognise and acknowledge Aboriginal and Torres Strait Islanders within the constitution. The Uluru Statement from the Heart was formulated and outlines two main objectives. The statement seeks to establish a First Nations voice and Aboriginal representation for better engagement between government and Aboriginal communities and the establishment of the Makarrata Commission to supervise truth telling about our history, including invasion, massacre, segregation and stolen children.

It has been four years since this statement was made and the relationship and acknowledgement of Aboriginal and Torres Strait Islanders within government policies and processes remain limited. The South Australian parliament will soon consider planning a process establishing an Indigenous voice to parliament. I commend the Premier and Commissioner Roger Thomas for their work on this important initiative.

Reconciliation Action Plans (RAPs) are developed through a national framework and are designed to contribute to Australia's commitment to reconciliation and continued understanding of the various values, beliefs and languages of Aboriginal and Torres Strait Islanders. While many schools, organisations and workplaces have adopted a plan, many have failed to consult with local Aboriginal and Torres Strait Islander groups to recognise and personalise plans to reflect those communities, while some places, most notably the South Australian parliament, are yet to fully implement a RAP.

Today, Australia is a country that strives to embrace all, and throughout Reconciliation Week we recognise the past struggles and barriers, some overcome but many yet to be resolved. It is important to acknowledge many gaps between Aboriginal and Torres Strait Islander people still remain within our society. To fully commit to this year's theme, 'More than a word. Reconciliation takes action', more statements, plans and strategies need to be actioned.

Bills

CRIMINAL LAW CONSOLIDATION (DRIVING AT EXTREME SPEED) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:15): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:15): I move:

That this bill be now read a second time.

I am pleased to introduce the Criminal Law Consolidation (Driving at Extreme Speed) Amendment Bill 2021. The bill amends the Criminal Law Consolidation Act 1935 to create a new offence of driving at extreme speed. Hoons are a blight on our community who place little or no value on their lives or

the lives of others. This bill recognises the serious risk that hoons pose to the community and provides penalties that reflect the dangerous nature of this type of offending.

The bill provides that people caught driving at 55 km/h or more above the limit in a zone marked 60 or less, or 80 km/h or more in a zone marked above 60, could be gaoled for up to three years, with a mandatory minimum two-year licence disqualification period for the first offence or five years for a subsequent offence. If the offence is committed in aggravating circumstances, the maximum penalty is increased to five years' imprisonment, with a mandatory minimum licence disqualification for five years.

Aggravating factors include where the offence was committed while attempting to escape police pursuit, where the offending caused death or serious harm, where the vehicle driven was stolen, or where the offender was disqualified from driving and knew they were disqualified. The bill excludes police and emergency services workers from the operation of new section 19ADA in certain circumstances. There are also a number of general defences within the Criminal Law Consolidation Act and common law that might apply in some cases, including duress, sudden or extraordinary emergency, or honest and reasonable mistake of fact.

Once enacted, the bill will have a positive impact on road safety. The instant loss of licence provisions will provide protection to the community by removing the alleged offenders from the roads. In addition, offenders who are convicted of the new offence of extreme speed may have their car forfeited to the state. The Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 provides for the forfeiture of motor vehicles following conviction for a forfeiture offence.

Regulation 3A of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Regulations 2007 prescribes indictable offences against part 3, division 6 of the Criminal Law Consolidation Act as forfeiture offences. This means that once the bill is passed, the new extreme speed offences will be forfeiture offences for the purposes of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act.

This bill sends a clear message that this reckless and dangerous behaviour will not be tolerated. I commend the bill to members 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 *Criminal Law Consolidation Act 1935*

4—Amendment of section 5AA—Aggravated offences

This clause amends section 5AA to set out the circumstances that will result in an offence against proposed section 19ADA(1) being an aggravated offence.

5—Amendment of section 19AAB—Interpretation

This clause amends section 19AAB to insert a definition of *Registrar of Motor Vehicles* for the purposes of Part 3 Division 6 of the Act.

6—Insertion of section 19ADA

This clause inserts section 19ADA into Part 3 Division 6 of the Act.

19ADA—Extreme speed

Proposed section 19ADA(1) creates a new offence of driving a motor vehicle at an extreme speed.

A person drives a motor vehicle at an extreme speed if—

(a) the relevant speed limit is 60 kilometres an hour or less and the person drives the vehicle at a speed exceeding the relevant speed limit by 55 kilometres an hour or more; or

(b) the relevant speed limit is more than 60 kilometres an hour and the person drives the vehicle at a speed exceeding the relevant speed limit by 80 kilometres an hour or more.

The *relevant speed limit* is a speed limit that applies to the driver under—

(a) the *Road Traffic Act 1961* (other than section 82 or 83); or

(b) the *Motor Vehicles Act 1959*.

The proposed maximum penalty for the offence is 3 years imprisonment for a basic offence and 5 years imprisonment for an aggravated offence.

The proposed minimum mandatory licence disqualification period is not less than 2 years for a basic offence and not less than 5 years for an aggravated offence.

Drivers of emergency vehicles are exempted from the new offence in the same circumstances as in section 110AAAA of the *Road Traffic Act 1961*.

If a person is tried on a charge of an offence against section 29 (acts endangering life or creating risk of serious harm)—

(a) the person may not be convicted of both the offence against section 29 and an offence against proposed section 19ADA(1) if the charge under proposed section 19ADA(1) arises out of the same set of circumstances that gave rise to the charge under section 29; and

(b) an offence against proposed section 19ADA(1) is not available as an alternative verdict to the charge under section 29 unless the offence against proposed section 19ADA(1) was specified in the instrument of charge as an alternative offence.

For the purposes of determining whether an offence against proposed section 19ADA(1) is a first offence or subsequent offence, a previous offence against section 45A or 46 of the *Road Traffic Act 1961* for which the defendant has been convicted and that was committed within the period of 5 years immediately preceding the commission of the offence under consideration will be taken into account, as will a previous offence (whenever occurring) against this section or another provision of Division 6, or a corresponding previous enactment, for which the defendant has been convicted.

Proposed section 19ADA also contains an evidentiary provision.

7—Amendment of section 19AE—Commissioner of Police to impose immediate licence disqualification or suspension following certain charges against section 19A(1)

This clause amends section 19AE to require a notice of immediate licence disqualification or suspension to contain prescribed particulars and comply with requirements specified in the regulations, to allow such a notice to be withdrawn and a fresh notice issued (as per section 45D of the *Road Traffic Act 1961*), and to delete the definition of *Registrar of Motor Vehicles* which is to be defined in the amended section 19AAB instead.

8—Amendment of section 19AF—Power of police to impose immediate licence disqualification or suspension where offence against section 19A(1) or 19ADA(1)

This clause amends section 19AF so that a police officer can give a person a notice of immediate licence disqualification or suspension under that section if the police officer reasonably believes that the person has committed an offence against proposed section 19ADA(1). Such a notice will cease to have effect—

(a) if a court orders that the licence disqualification or suspension be removed; or

(b) if a determination is made that the person should not be charged with an offence against section 19ADA(1)—at the time the determination is made; or

(c) if proceedings for the offence against section 19ADA(1) to which the notice relates are determined by a court or are withdrawn or otherwise discontinued; or

(d) in any event—at the end of 12 months from the commencement of the prescribed period (which commenced when the person was given the notice).

The clause also amends the section to require a notice of immediate licence disqualification or suspension to contain prescribed particulars and comply with requirements specified in the regulations and to allow such a notice to be withdrawn and a fresh notice issued (as per section 45D of the *Road Traffic Act 1961*).

9—Amendment of section 19B—Alternative verdicts

This clause amends section 19B so that subsections (2) and (3) apply to an offence against proposed section 19ADA(1). This will allow a jury to bring in a verdict that the accused is guilty of a less serious offence if the jury is not satisfied that the accused is guilty of the offence charged. It ranks the offence against proposed section 19ADA(1) less serious than an offence against section 19A(3), but more serious than an offence against section 46 of the *Road Traffic Act 1961*.

Debate adjourned on motion of Hon. Z.L. Bettison.

ELECTORAL (ELECTRONIC DOCUMENTS AND OTHER MATTERS) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:19): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:19): I move:

That this bill be now read a second time.

I am pleased to introduce the Electoral (Electronic Documents and Other Matters) Amendment Bill 2021. This bill is in response to the Electoral Commissioner's report on the 2018 state election, and proposes a number of amendments to the Electoral Act 1985.

The proposed amendments to this bill will improve administration, streamline and modernise processes, and allow for more flexible pre-poll voting options. The bill will enable the state to provide voting services that are more consistent with options available in other jurisdictions, and meet community expectations.

Under this bill, the Electoral Commissioner will be able to establish pre-poll booths anywhere in South Australia up to 12 days before the election. This will replace the existing system, which provides for people to vote at declared institutions such as nursing homes or hospitals and only allows mobile polling booths to be established in regional areas.

The bill provides that voters who attend pre-poll booths established for their district will have the convenience of being able to cast an ordinary vote. The counting of ordinary votes made at pre-polling booths will be able to occur before the close of polls in prescribed circumstances. This will help to ensure that the results of the election are known as soon as possible after the close of polls.

These changes are possible because each voter will be marked off on an electronic electoral roll on a computer at each issuing point in every polling place. With technology constantly evolving and improving, the electronic roll mark-off will ensure there is no risk of any person voting multiple times.

The bill contains amendments so that both voters and candidates will have flexible options of lodging information with the Electoral Commission. The Electoral Commissioner will be able to allow candidates to lodge information for nominations, voting tickets, how-to-vote cards and descriptive information for ballots online. Regulations can be made allowing voters to apply for postal ballots by phone or online.

Amendments have also been made to the date for the close of rolls and the deadline to apply for postal votes. This allows the earlier issue of voting papers, and will maximise opportunities for postal voters to return their postal votes in time to be counted in the election. The bill provides that both election information and public notices will be published on the internet rather than in a newspaper in the first instance; however, it will remain open to the Electoral Commissioner to publish notices in newspapers as is necessary, such as in regional newspapers.

The act already provides voting options for a class of voters who do not have fixed addresses; however, this bill includes new protections for these itinerant electors. If itinerant electors fail to vote or are outside of South Australia for more than one month they will not lose their status, nor will they be fined if they do not vote. This is to avoid creating hardship for people experiencing homelessness and for travelling retirees.

The bill expands the options for assisted voting which are currently available for sight-impaired voters. The class of voters who can access assisted voting and the method of assisted voting will be prescribed by regulations. Overseas voters have been disenfranchised by the increasingly slow postal systems in recent years. For example, regulations could provide that voters

with a range of disabilities and voters living overseas will be able to cast their ballot using telephone-assisted voting.

The misleading advertising provisions contained in section 113 of the act will be amended. Currently, this section allows for the Electoral Commissioner, if satisfied that an electoral advertisement contains a fact that is inaccurate and misleading to a material extent, to request that an advertiser withdraw the advertisement and publish a retraction. The Electoral Commissioner can also make an application to the Supreme Court seeking orders.

The bill removes this decision-making function from the Electoral Commissioner, and provides that an application can be made to the South Australian Civil and Administrative Tribunal to seek orders for retraction and withdrawal of the misleading advertisement. There are rights of appeal to either the Court of Appeal or a single judge of the Supreme Court under the South Australian Civil and Administrative Tribunal Act, depending on the circumstances.

In the 2018 election report, the Electoral Commissioner set out the significant challenges of regulating misleading advertising. The amendments will mean that the Electoral Commissioner will be able to focus on administering the act in the lead-up to an election without having to become involved in potential bipartisan disputes.

The bill also allows for a single authorisation of a poster that comprises multiple how-to-vote cards. This will make preparing these posters simpler for political parties and easier to read for voters. A number of amendments are drafted to allow regulations for the Electoral Commissioner to set out the detail of the proposed processes. This will enable further changes to be made in the future as the technology evolves.

I place on the record my appreciation—and I am sure that of all members of the house—for the work of the Electoral Commission, the commissioner and his staff to ensure that we have this full report from the 2018 election, and have his recommendations from which this bill flows. Thirdly, I wish him well in the forthcoming 18 months in which he is likely to have federal, state and local government elections. He and his team are going to be very busy.

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

4—Amendment of section 4—Interpretation

Certain definitions are amended for the purposes of the measure.

5—Amendment of section 8—Powers and functions of Electoral Commissioner

A function of the Electoral Commissioner to promote and encourage the casting of votes at a polling booth on polling day is deleted.

6—Amendment of section 15—Electoral subdivisions

Subsection (3) relating to remote subdivisions is deleted.

7—Amendment of section 18—Polling places

A requirement to advertise in a newspaper is amended to publication on a website and in any other manner prescribed by the regulations.

8—Repeal of section 25

Section 25 relating to printing of rolls is repealed.

9—Amendment of section 26—Inspection and provision of rolls

This amendment is consequential.

10—Amendment of section 31A—Itinerant persons

2 grounds on which an itinerant elector ceases to be entitled to be enrolled are deleted.

11—Amendment of section 41—Publication of notice of application

A requirement to publish in a newspaper is amended to publication on a website and in any other manner prescribed by the regulations.

12—Amendment of section 48—Contents of writ

The date for the close of rolls (currently, 6 days after the issue of the writ) is amended to the day that falls 2 days after the issue of the writ.

The requirement to publish the writ for an election in a newspaper is amended to publication on a website and in any other manner prescribed by the regulations.

13—Amendment of section 49—Deferral of election

A requirement to publish notice of deferral of an election in a newspaper is amended to publication on a website and in any other manner prescribed by the regulations.

14—Amendment of section 53—Nomination of candidates endorsed by political party

Various references in the section (such as to 'nomination paper') are removed to facilitate electronic nominations.

15—Amendment of section 53A—Nomination of candidate by a person

Similar amendments to those to section 53 are made to this section.

16—Amendment of section 54—Declaration of nominations

This amendment is consequential.

17—Amendment of section 58—Grouping of candidates in Legislative Council election

A requirement relating to a signature is changed to a requirement to endorse in a prescribed manner.

18—Amendment of section 60A—Voting tickets

Various references in the section to written notices and authorisations are changed to facilitate electronic processes.

19—Amendment of section 62—Printing of descriptive information on ballot papers

Various references in the section to written authorisations and signatures are changed to facilitate electronic processes.

20—Amendment of section 65—Properly staffed polling booths to be provided

The reference to 'returning officer for the district' is replaced with 'Electoral Commissioner'. The other amendment requires polling booths to be established at polling places 'for' the district (rather than 'within' the district).

21—Amendment of section 66—Preparation of certain electoral material

The requirement to submit a quantity of how to vote cards is replaced with a requirement to submit them in a manner determined by the Electoral Commissioner (in accordance with any requirements of the Commissioner).

Another amendment is technical.

22—Amendment of section 71—Manner of voting

Voting by attending at a pre-polling booth and voting in the manner prescribed by this Act (not by declaration vote) is authorised. A change is made to section 71(2)(a) that is connected to the amendment to section 65(1)(a). The distance from a polling booth that a voter must be in order to be entitled to make a declaration vote is increased to 20 km. Another amendment relates to residents of a declared institutions.

23—Amendment of section 72—Questions to be put to person claiming to vote

The words 'and the address of the principal place of residence of the claimant' are deleted from the questions to be put to a voter before an authorised officer issues voting papers.

24—Amendment of section 73—Issue of voting papers

A reference to 'written' is deleted. Another amendment proposes relocating certain requirements to the regulations.

25—Amendment of section 74—Issue of declaration voting papers by post or other means

Section 74(1)(b) is amended to remove a reference to 'letter' and to allow certain requirements to be prescribed by regulations. A definition of *designated time* is inserted for the purposes of this amendment. The substitution of subsection (2) is related. A reference to 'mobile polling booth' is substituted with 'pre-polling booth'.

26—Amendment of section 77—Times and places for polling

A reference to determining 'mobile polling booths' as places for voting in remote subdivisions is substituted with 'pre-polling booth' for any places determined by the Electoral Commissioner. Other amendments are consequential.

27—Repeal of section 83

The provision relating to taking declaration votes at a declared institution is deleted.

28—Amendment of heading to Part 9 Division 5A

This amendment is consequential.

29—Amendment of section 84A—Assisted voting for prescribed electors

Currently, the assisted voting scheme relates to sight-impaired electors. The scope of the scheme is broadened to include an elector of a class prescribed by the regulations. Another amendment provides that the regulations may prescribe 1 or more assisted voting methods.

30—Amendment of section 84B—Applying provisions of Act to elector using assisted voting

31—Amendment of section 84C—Electoral Commissioner may determine that assisted voting is not to be used

These amendments are consequential.

32—Amendment of section 85—Compulsory voting

Being an itinerant elector is added to the list of sufficient reasons for failing to vote at an election.

33—Amendment of section 89—Scrutiny

These amendments relate to the commencement of the scrutiny of ordinary votes taken at pre-polling booths before polling day at such times and places and in such manner before the close of poll determined by the Electoral Commissioner.

34—Amendment of section 91—Preliminary scrutiny

Section 91(1)(b)(i)(A) is substituted so that the relevant officer conducting the scrutiny is required to be satisfied of the identity of the elector (which must be verified in a manner prescribed by the regulations).

35—Amendment of section 112A—Special provision relating to how-to-vote cards

New subsection (7a) disapplies section 112A(1)(a) and (b) in relation to a how-to-vote card published as part of other material if that material is an electoral advertisement authorised in accordance with section 112.

36—Amendment of section 113—Misleading advertising

SACAT is authorised to make orders relating to inaccurate and misleading electoral advertisements (currently, this function is conferred on the Electoral Commissioner).

37—Amendment of section 116A—Evidence

This amendment is consequential on the amendment to section 113.

38—Amendment of section 125—Prohibition of canvassing near polling booths

This amendment is consequential on the amendments relating to declared institutions.

39—Insertion of section 129A

New section 129A is inserted:

129A—False or misleading information

An offence is prescribed that a person must not, in giving any information under the Act, make a statement knowing it to be false or misleading or omit any matter from a statement knowing that without that matter the statement is false or misleading.

40—Amendment of section 132—Injunctions

Subsection (2), which prevents an injunction from being granted under section 132 in relation to a contravention of, or non-compliance with, Division 2 of Part 13 of the Act (which sets out offences relating to electoral advertisements, commentaries and other material), is deleted.

Debate adjourned on motion of Hon. Z.L. Bettison.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:26): Obtained leave and introduced a bill for an act to amend the Corporations (Commonwealth Powers) Act 2001. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:26): I move:

That this bill be now read a second time.

I am pleased to introduce the Corporations (Commonwealth Powers) (Termination Day) Amendment Bill 2021. The bill amends the Corporations (Commonwealth Powers) Act 2001 to extend the referrals of power contained in that act for a further 10 years to ensure the continued operation of the Corporations Scheme in South Australia.

As some may know, the Corporations (Commonwealth Powers) Act 2001 refers from the Parliament of South Australia to the Parliament of the Commonwealth two things:

- the power to enact the Corporations Bill 2001 and the Australian Securities and Investment Commission Bill 2001 as laws of the commonwealth extending to each referring state; and
- the power to make express amendments to those acts that are amendments about forming corporations, corporate regulation or regulation of financial products or services. The referrals of power are made pursuant to section 51(xxxvii) of the Australian Constitution, and, in conjunction with identical referrals from all other state parliaments, form the constitutional basis for national legislative scheme for the regulation of corporation and financial products and services, which I will hereafter refer to as the Corporations Scheme.

This scheme commenced on 15 July 2021. It replaced the national scheme laws (based on the Commonwealth's administration of the states' and Northern Territory Corporations Law), the constitutional certainty of which was undermined by the Wakim and Hughes decisions of the High Court. The Corporations Scheme operates as follows:

- All states, including South Australia, have enacted referral legislation in accordance with section 51(xxxvii) of the Constitution, referring the relevant power to the commonwealth parliament.
- In reliance upon the referrals of power, the commonwealth has enacted the Corporations Act 2001 and the Australian Securities and Investments Commission Act 2001, which are collectively referred to as the corporations legislation.
- The Australian Securities and Investments Commission (ASIC) administers the corporations legislation.

Unless terminated earlier, the state referrals of power supporting the Corporations Scheme will terminate on 20th anniversary of the day of commencement of the corporations legislation, namely 15 July 2021, having already been extended for a further five-year period on three previous occasions in 2005, 2011 and 2016 respectively.

Section 5(1) of the Corporations Act provides that the corporations legislation applies only to those states who have referred power to the commonwealth. Section 4(6) of the Corporations Act provides that a state ceases to be a referring state if the state's referral of powers terminate.

Unlike other states, whose referrals can be extended by proclamation, South Australia's referrals of power can only be extended by legislation, and long may that be the case. Accordingly, this bill amends the Corporations (Commonwealth Powers) Act 2001 to extend the referrals of power for a further 10-year period, following consultation with the commonwealth and state and territory ministers of the Legislative Governance Forum on Corporations.

Extending the referrals for a 10-year period will ensure that South Australia can continue to fully participate in the Corporations Scheme until 15 July 2031. This will deliver a positive benefit for the state by providing greater certainty and confidence to South Australian companies and businesses about their rights and obligations under the corporations scheme.

In the event that the Parliament of South Australia does not extend the referrals of power contained in the Corporations (Commonwealth Powers) Act 2001, South Australia will cease to be a referring state. The economy of South Australia would be significantly harmed as a state should it cease to be a referring state. The extent to which the corporations legislation would continue to apply in South Australia would be uncertain.

However, it is likely that there would be little to no corporate regulation in South Australia. Section 5 of the Corporations Act provides that, while the provision of the act can apply to entities, acts and omissions outside of referring states, whether this would be the case in relation to any particular provision would depend upon several factors, such as (1) whether the provision is intended to apply in a non-referring state; and, if so (2) whether the commonwealth has the constitutional power to legislate with respect to the subject matter of the provision.

These provisions can only be determined on a provision-by-provision basis. This uncertainty would also undermine any attempt by the state to establish its own system of corporate and financial regulation, as any South Australian laws that are found to be inconsistent with a valid law of the commonwealth would be invalid to the extent that they are inconsistent.

In any event, establishing and maintaining a separate local regulatory system is likely to be prohibitively expensive. Furthermore, there would be no guarantee that companies registered under a South Australian system would be able to participate in the national scheme on an equal footing with companies registered in referring states.

For South Australia to participate fully in the national economy, it must remain part of the Corporations Scheme. To do this, it must continue to be a referring state. Accordingly, I commend the bill to all members, and I seek leave to insert the explanation of clauses (of which, there are only three) into *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Corporations (Commonwealth Powers) Act 2001*

3—Amendment of section 5—Termination of references

This clause deletes from current section 5(1) '20th' and replaces it with '30th', thereby delaying by 10 years the termination of the references of matters to the Parliament of the Commonwealth under the principal Act. Following this amendment, the references are due to expire on 15 July 2031.

Debate adjourned on motion of Hon. Z.L. Bettison.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:32): Obtained leave to introduce a bill for an act to amend the Building and Construction Industry Security of Payment Act 2009 and to make related amendments to the Building Work Contractors Act 1995 and the Plumbers, Gas Fitters and Electricians Act 1995. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:33): I move:

That this bill be now read a second time.

I am pleased to introduce the Building and Construction Industry Security of Payment (Review Recommendations) Amendment Bill 2021. The bill will make a raft of amendments to the Building and Construction Industry Security of Payment Act 2009 aimed at ensuring better payment practices and improved cashflow for businesses and making related amendments to the Building Work Contractors Act 1995 and the Plumbers, Gas Fitters and Electricians Act 1995.

The cascading nature of contracting within the building and construction industry and imbalances of power in contractual relationships—for example, between a large head contractor and smaller subcontractors—still pose significant problems in the industry. These issues are highlighted in the report of Mr John Murray AM, entitled, 'Review of security of payment laws: building trust and harmony'. That was back in 2017, but it seems even longer ago than that. Hereinafter, I refer to it as the Murray review. The Murray review reports at page 12:

> This hierarchical contractual chain leaves subcontractors not only vulnerable to the consequences of late payment (and therefore having to draw on their own sources of finance, such as overdraft facilities, to meet payment obligations to suppliers and their employees), but also to the risk of insolvency of parties higher up the pyramid.

The Building and Construction Industry Security of Payment Act 2009 establishes a statutory scheme to promote prompt payment to enable a flow of cash down the contractual chain. The statutory scheme ensures that a person who carries out construction work, or who supplies related goods and services under a construction contract, is entitled to receive and able to recover progress payments for carrying out that work or supplying those related goods and services. It also provides a mechanism for the adjudication of payment disputes in the building and construction industry to ensure the rapid resolution of these disputes.

The Building and Construction Industry Security of Payment Act 2009 has not undergone amendment since its commencement. The government is committed to taking action to ensure better payment practices in the industry and to improve protections provided through the progress payment claim procedure and adjudication process. The bill has been informed by a comprehensive consultation process, in addition to the consultation that occurred as part of the Murray review, which I have previously referred to.

The government also undertook an eight-week consultation process by releasing a draft bill for public comment in December 2019. The broad measures in the bill are designed to:

1. Extend the application of the Building and Construction Industry Security of Payment Act 2009;
2. Promote better payment practices in the industry;
3. Improve the power imbalance between head contractors and subcontractors; and
4. Strengthen the integrity of the adjudication process.

The more significant changes include reforms in relation to the application of the act and administration of the act, including:

- extending the application of the act to construction contracts relating to residential premises, where the party for whom the work is carried out resides or will reside in those premises;
- new provisions making it clear that the Small Business Commissioner is responsible for the administration of the act and outlining the Small Business Commissioner's functions; and
- amendment to the definition of the 'business day' to take into account the Christmas-new year closure period, which is generally observed by the industry.

Reforms to the area of progress payments, payment claims and payment schedules include as follows:

- clarification and improved protections in relation to the timing of when a person is entitled to a progress payment;

- strengthening protections in relation to when a progress payment becomes due and payable;
- outlining further requirements to be included in a payment claim to ensure relevant information is provided to the person liable to make payment;
- expressing requirements in relation to the timing of the service of a payment claim that relates to a final payment;
- introducing requirements related to supporting statements and payment claims;
- improvements to the requirements relating to payment schedules, in particular by introducing a form to make it easier for a person on whom a payment claim is served (that is, a respondent) to respond; and
- the timing in relation to when a respondent becomes liable to pay the claimed amount has been amended to make it consistent with other jurisdictions adopting the same model of security of payment legislation.

Reforms to the adjudication process include:

- extending the right to adjudication to parties unable to reach agreement about the return of retention money or any form of security held by a party to the contract in accordance with the requirements to be outlined in the regulations;
- amending the timing in respect of lodging an adjudication application in certain situations;
- introducing a new process for the referral of adjudication applications to an adjudicator, where the Small Business Commissioner will have an increased role and greater oversight of that process;
- amendments to the time frames and notification procedures as a result of the new process for the referral of adjudication applications;
- introducing the ability for an adjudicator to grant an extension of time for lodging an adjudication response;
- inserting a provision making it clear that an adjudicator must make a determination as to whether the adjudicator has jurisdiction to determine the application before determining the application; and
- clarifying the circumstances where a claimant may withdraw from adjudication and the notification procedures.
- Reforms to improve oversight of adjudicators and Authorised Nominating Authorities include:
- the introduction of a registration scheme for adjudicators administered by the Small Business Commissioner, which provides for:
    - the registration and renewal, suspension or cancellation of a registration;
    - an appeals process, where a person dissatisfied with a certain decision of the Small Business Commissioner relating to the registration scheme may appeal to the Administrative and Disciplinary Division of the District Court; and,
    - grading of adjudicators in accordance with guidelines to be published in the *Gazette* and the Small Business Commissioner's website.
- strengthening of the authorisation process by Authorised Nominating Authorities, including a requirement for the renewal of an authority;
- inserting a provision to enable the introduction of a code of conduct by an Authorised Nominating Authority and adjudicators;
- inserting a power to enable the Small Business Commissioner to publish a determination made by the adjudicator if the information does not identify any person or disclose the

address or location of that person, and the identity, address or location of any person referred to in the determination cannot reasonably be determined from the information.

Reforms to strengthen the protections around threatening or intimidating behaviour and unreasonable contractual terms include:

- making it an offence to directly or indirectly insult, threaten or intimidate, or attempt to assault, threaten or intimidate, a person in relation to an entitlement or claim for a progress payment; and
- making void certain provisions in contracts if the requirement to give notice would not be reasonably possible or be unreasonably onerous or serve no commercial purpose.

Reforms aim at monitoring the operation of the act by:

- inserting an express obligation on the Small Business Commissioner to provide an annual report to the minister on the operation and effectiveness of the act; and
- requiring the minister to undertake a review of the reforms in this bill.

The bill includes transitional provisions in relation to the application of the reforms to construction contracts, adjudications, persons eligible to be adjudicated before commencement of the reforms and Authorised Nominating Authorities that have been granted an authority before commencement of the reforms.

Finally, the related amendments to the Building Work Contractors Act 1995 and the Plumbers, Gas Fitters and Electricians Act 1995 allow a prescribed proportion of the contractor licence fees to be paid to the Small Business Commissioner. The prescribed proportion is intended to be $10, indexed over the forward estimates, which will be added to the contractor licence fees. The additional revenue generated by the prescribed proportion will be transferred from the Commissioner of Consumer Affairs to the Small Business Commissioner towards the administrative and regulatory costs associated with carrying out functions under the act.

With all that, I commend the bill to members and I seek leave to insert the explanation of clauses without my reading it into *Hansard*.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Building and Construction Industry Security of Payment Act 2009*

4—Amendment of section 4—Interpretation

This section inserts and updates definitions in the Act to support the provisions in this measure.

5—Amendment of section 7—Application of Act

This amendment removes a prohibition in section (7)(2) of the Act to enable the Act to apply in relation to the carrying out of domestic building work.

6—Insertion of sections 7A and 7B

This clause inserts 2 new sections as follows:

7A—Administration of Act

This section assigns responsibility for the administration of the Act to the Small Business Commissioner.

7B—Commissioner's functions

This section sets out the Commissioner's functions in relation to the Act.

7—Substitution of section 8

This section substitutes the current section in relation to the rights to progress payments as follows:

8—Persons entitled to progress payments

The section sets out when and in what circumstances a person to whom the section applies will be entitled to a progress payment under the Act. The section applies to a person who has undertaken to carry out construction work, or to supply goods and services, under a construction contract but does not apply to such a person who is a company in liquidation or who was not, at the time of entering into the contract an authorised person. An *authorised person* is defined as—

- a person who is authorised under the *Building Work Contractors Act 1995* or the *Plumbers, Gas Fitters and Electricians Act 1995* to perform construction work of the kind to which the undertaking relates;
- a person of a class prescribed by the regulations for the purposes of the definition.

8—Amendment of section 11—Due date for payment

The clause substitutes section 11(1)(a) to provide that a progress payment, under a contract that makes express provision with respect to the matter, will become due and payable either on the day specified in the contract or, if that date falls more than 25 business days after a payment claim is made under Part 3 of the Act, 25 business days after the payment claim is made.

The clause amends section 11(1)(b) to change the due date for a progress payment under a contract that does not make provision in relation to the due date for payment from 15 days after a payment claim is made under Part 3 of the Act to 10 days.

9—Insertion of section 12A

This clause inserts a new section as follows:

12A—Return of retention money

The proposed section provides that parties to a construction contract who are unable to reach agreement about the payment of retention money, or any form of security held by a party to the contract, may have the dispute referred to an adjudicator in accordance with the regulations.

The section further provides the types of determinations an adjudicator may make in relation to a dispute referred under this section. *Retention money* is defined in the section as money retained by a party to a construction contract payable to another party under the contract as security for the performance of obligations by that other party under the contract.

10—Amendment of section 13—Payment claims

The amendments in subclause (1) add new requirements to the form of a payment claim under the Act.

Subclause (2) inserts subsections (2a) and (2b) which provide additional requirements for the form of a payment claim relating to construction work carried out on residential land if the person liable to make the payment is the owner of the land.

Subclause (3) inserts a new subsection (4a) which makes other provisions in relation to a service of a payment claim in relation to a final payment.

Subclause (4) makes a consequential amendment.

Subclause (5) inserts offence provisions as follows:

- a head contractor must not serve a payment claim on the principal unless the claim is accompanied by a supporting statement that indicates it is related to that payment claim with a maximum penalty of $20,000 in the case of a natural person and $110,000 in the case of a body corporate;
- a head contractor must not make a supporting statement knowing that the statement is false or misleading in a material particular in the particular circumstances with a maximum penalty of $20,000 or imprisonment for 1 year in the case of a natural person and $110,000 in the case of a body corporate;
- a head contractor, must, not more than 5 business days after serving a payment claim on the principal, provide a copy of the supporting statement that accompanied the payment claim to each subcontractor, if any, for whom an amount became due and payable in relation to the construction work concerned, with a maximum penalty of $20,000;

Subclause (5) also inserts provisions to be applied in circumstances where the offences against the section are committed by a body corporate, a provision that clarifies that a failure of a head contractor to comply with a requirement of an offence provision will not invalidate the payment claim or the service of the payment claim to which the supporting statement relates, as well as inserting defined terms for the purposes of the section.

11—Amendment of section 14—Payment schedules

Subclauses (1) and (2) amend subsection (2) to provide for payment schedules to be in a form approved by the Commissioner, and include information required by the Commissioner. Subclause (3) changes the time within which a respondent must serve a payment schedule on a claimant from 15 business days to 10 business days.

12—Amendment of section 16—Consequences of not paying claimant in accordance with payment schedule

This amendment is consequential on the amendments in clause 11.

13—Amendment of section 17—Adjudication applications

The amendments in subclauses (1) and (2) are consequential on the amendments in clause 11.

The amendment to subsection (5) in subclause (3) provides that a claimant must, as soon as practicable after making an adjudication application under the section, serve a copy on the respondent.

Subclause (4) inserts new subsections (6) to (13):

- subsection (6) requires an authorised nominating authority (ANA) to refer an adjudication application to the Commissioner (an *adjudication referral*). Under the current provisions of the Act, the ANA appointed the adjudicator.
- subsection (7) sets out the manner and form of an adjudication referral;
- subsections (8) and (9) set out the requirements for the ANA to nominate 3 suitable adjudicators in the adjudication referral;
- subsections (10) and (11) set out the process whereby the Commission refers the application to an adjudicator on receipt of an adjudication referral;
- subsection (12) provides that a failure of an ANA or the Commissioner to request or refer a matter within the time specified in the section does not affect the validity of an adjudication application;
- subsection (13) sets out the requirements for the provision of the adjudication application to the adjudicator.

14—Amendment of section 18—Eligibility criteria for adjudicators

This clause makes a consequential amendment.

15—Amendment of section 19—Appointment of adjudicator

The amendments in this clause are consequential on the Commissioner's referral of adjudication applications to an ANA, and provides that the adjudicator may accept the adjudication application by notice in writing to be served on the Commissioner, the ANA who nominated the adjudicator, the claimant and the respondent. A further amendment to section 19 provides that an adjudicator may not delegate the function of determining an adjudication application.

16—Amendment of section 20—Adjudication responses

This clause provides new and updated requirements for a respondent to lodge a response to the claimant's application with the adjudicator (the *adjudication response*), and provides for the time frame in which the adjudication response must be lodged and the possibility of the adjudicator granting an extension of time for the adjudication response in circumstances set out in the section.

17—Amendment of section 21—Adjudication procedures

Subclause (1) inserts new requirements for the time within which an adjudicator must determine an adjudication, being not before—

- the period within which the respondent may lodge an adjudication response has expired; and
- the adjudicator has made a determination as to whether the adjudicator has jurisdiction to determine the application.

Subclause (2) inserts new subsection (1a) which provides that a determination by an adjudicator under subsection (1)(b) that they have jurisdiction to determine an application will form part of the determination of that application. Subclause (3) makes a consequential amendment.

18—Amendment of section 26—Claimant may make new application in certain circumstances

This clause makes amendments consequential on other amendments in the measure to change the time during which the adjudicator must notify the claimant of their appointment from 4 business days to 10 business days, and provide that the claimant must give notice of their intent to make a new adjudication application to the adjudicator, the respondent, the Commissioner and the ANA who nominated the adjudicator.

19—Substitution of section 27

This section substitutes the current section 27 requirements for the withdrawal from an adjudication with more detailed requirements as follows:

27—Claimant may withdraw from adjudication

Proposed subsection (1) provides that a claimant may withdraw from an adjudication by notifying the adjudicator, the respondent, the Commissioner and the ANA who nominated the adjudicator in writing that the adjudication application is withdrawn.

Proposed subsection (2) provides that an application for adjudication will be taken to have been withdrawn if a respondent to an adjudication application has, before the adjudicator has decided the application, paid the claimed amount stated in the payment claim the subject of the application. In such a case, the claimant must, as soon as practicable, notify the adjudicator, the Commissioner and the ANA who nominated the adjudicator that the application is withdrawn because of the payment.

20—Insertion of Part 3 Division 3A

This clause inserts a new Part 3 Division 3A providing for the registration of adjudicators.

Division 3A—Adjudicators

Subdivision 1—Registration

28A—Application for registration

This section sets out the manner in which a natural person may apply to the Commissioner for registration as an adjudicator.

28B—Determination of application for registration

This section sets out the matters the Commissioner must consider and take into account before determining an application for registration as an adjudicator.

28C—Inquiries into applications for registration

This section gives power to the Commissioner to make certain inquiries for the purposes of assessing the suitability of an applicant for registration as an adjudicator by notice to the applicant.

28D—Decision on application for registration

This section sets out the requirements for the Commissioner to issue a certificate of registration on the grant of an application for registration as an adjudicator. The section further sets out that a decision to impose conditions on a registration or to refuse to grant registration must be provided to the applicant in writing.

28E—Failure to decide application for registration

The section provides that if the Commissioner fails to decide an application for registration within times specified in the section, the Commissioner is taken to have refused to grant the application (in which case the applicant may appeal the decision).

28F—Term of registration

This section provides that the term of registration takes effect from the day on which the certificate of registration is issued or the day on which the registration is renewed and ends on the day falling 3 years after the day on which registration is issued or renewed or an earlier date as specified by the Commissioner.

28G—Conditions of registration

This section sets out the conditions that apply to a registration of an adjudicator and the manner and circumstances in which the Commissioner may impose further conditions on the registration.

28H—Registration required to perform functions of adjudicator

This section makes it an offence for a person to accept or decide an adjudication application unless the person is an adjudicator, with a maximum penalty of $20,000.

Subdivision 2—Renewal of registration

28I—Application for renewal of registration

The proposed section sets out the process for a registered adjudicator to renew their registration.

28J—Inquiries into application for renewal of registration

This section allows the Commissioner to require an applicant for a renewal of registration as an adjudicator to provide information in relation to the renewal.

28K—Registration taken to be in force while application for renewal is considered

This section provides that if a registered adjudicator applies for a renewal of their registration, the applicant's registration is taken to continue in force from the day on which it would have ended until an application for renewal is decided or is taken to be withdrawn.

Subdivision 3—Amendment of registration

28L—Application for amendment of registration

This provision sets out the process by which a registered adjudicator may, on application, have their registration amended.

28M—Inquiries into application for amendment

This section allows the Commissioner to seek further information before amending an application for amendment of the registration of an adjudicator.

Subdivision 4—Suspension or cancellation of registration

28N—Grounds for suspension or cancellation

This section sets out the grounds for suspending or cancelling the registration of an adjudicator. For the purposes of considering whether an adjudicator is a suitable person to continue to hold their registration, the Commissioner is to have regard to the matters the Commissioner considered in deciding the application for a person to be registered as an adjudicator.

28O—Show cause notice

This section provides for the Commissioner to give a registered adjudicator a *show cause notice* if the Commissioner believes that grounds exist to suspend or cancel their registration. The notice must state the following:

- the action (the *proposed action*) the Commissioner proposes to take;
- the grounds for the proposed action;
- an outline of the facts and circumstances forming the basis for the grounds;
- if the proposed action is suspension—the proposed suspension period;
- an invitation to the adjudicator to show within a stated period (the *show cause period*) why the action should not be taken (which must be a period ending not less than 21 days after the show case notice is given to the adjudicator).

28P—Representations

This section allows the adjudicator who has been given a show cause notice to make representations to the Commissioner about the notice during the show cause period.

28Q—Ending show cause process without further action

This section provides for the Commissioner to notify the adjudicator and take no further action in relation to a show cause notice if, after considering representations, the Commissioner no longer believes that grounds exist for the suspension or cancellation of their registration.

28R—Suspension or cancellation

This section sets out the process by which the Commissioner may suspend or cancel a registration if—

- the Commissioner, after considering representations made by the adjudicator, still believes a ground exists to suspend or cancel their registration; or
- there is no written representation in response to a show cause notice.

28S—Immediate suspension of registration

This section provides for the process by which the Commissioner may suspend the registration of an adjudicator at any time if—

- a ground exists to suspend or cancel the registration; and
- it is necessary to suspend the registration because there is an immediate and serious risk of harm to the effectiveness of the adjudication of payment claims under the Act.

28T—Return of cancelled or suspended registration

This section makes it an offence for an adjudicator whose registration has been suspended or cancelled to fail, without reasonable excuse, to return the certificate of registration to the Commissioner within 7 days after receiving notice of the suspension or cancellation of their registration, with a maximum penalty of $10,000 applying.

28U—Effect of suspension or cancellation of registration

This section sets out the effect of the suspension or cancellation of the registration of an adjudicator on an adjudication application referred to them in respect of which the adjudicator has not made a decision before the suspension or cancellation of their registration.

Subdivision 5—Appeal

28V—Appeals

This section provides for the manner in which a person who is dissatisfied with a decision of the Commissioner listed in the section may appeal against the decision to the Administrative and Disciplinary Division of the District Court.

Subdivision 6—Miscellaneous

28W—Grading of adjudicators

This section requires the Commissioner to develop guidelines for the grading of adjudicators and to publish those guidelines in the Gazette and on the Commissioner's website.

28X—Adjudicator to provide information

This section provides that a registered adjudicator must provide the Commissioner with such information as may be requested by the Commissioner in relation to the activities of the adjudicator under the Act (including as to fees charged by the adjudicator), with a maximum penalty of $10,000 applying.

21—Amendment of section 29—Authorised nominating authorities

This clause inserts several new provisions and consequential amendments allowing the Commissioner to authorise an applicant under the section to nominate adjudicators for the purposes of the Act. The section currently provides for a system whereby the Minister gives this authorisation.

22—Insertion of section 29A

This clause inserts a new section as follows:

29A—Code of conduct

The proposed section provides that the Governor may, by regulation, prescribe a code of conduct to be observed by ANAs and adjudicators. Proposed subsection (3) makes it an offence, with a maximum penalty of $5 000 or an expiation fee of $210 for an ANA or adjudicator to fail to comply with a provision of a code of conduct specified in the code.

23—Amendment of section 30—Adjudicator's fees

The clause amends the provisions relating to the fees payable to an adjudicator for adjudicating an adjudication application, including inserting a provision to allow the adjudicator to apply to a court of competent jurisdiction for an order that the amount of fees and expenses be paid in the event that a party fails to pay the adjudicator.

24—Insertion of section 31A

This clause inserts a new section as follows:

31A—Recording and publishing of adjudication determinations

The proposed section provides for the manner and circumstances in which the Commissioner is to keep records and publish adjudication determinations.

25—Insertion of sections 32L and 32M

This clause inserts new offence provisions as follows:

32L—Offence relating to assault etc in relation to progress payments

The proposed section makes it an offence with a maximum penalty of $50,000 in the case of a natural person and $250,000 in the case of a body corporate, for a person to directly, or indirectly assault, threaten or intimidate, or attempt to assault, threaten or intimidate a person in relation to an entitlement to or claim for a progress payment.

32M—Imputing conduct to bodies corporate

The proposed section provides an evidentiary provision for the purposes of an offence against the Act, that the state of mind of an officer, employee or agent of a body corporate acting within the scope of their actual, usual or ostensible authority will be imputed to the body corporate.

26—Amendment of section 33—Certain contract provisions void

The clause inserts a new subsection 33(3) providing that a provision of a contract or other agreement under the Act that is conditional on giving notice will be void if compliance with the requirement would not be possible, be unreasonably onerous or serve no commercial purpose.

27—Amendment of section 34—Service of notices

The clause substitutes section 34(1) to update the service of notice provisions in the Act.

28—Insertion of section 34A

This clause inserts a new section as follows:

34A—Annual report

The proposed section requires the Commissioner to provide an annual report to the Minister in accordance with the requirements set out in the proposed section.

29—Amendment of section 35—Regulations

The clause adds a power to make transitional regulations for the purposes of the measure.

30—Amendment of section 36—Review of Act

The clause adds a requirement for a review of the amendments in this measure.

Schedule 1—Related amendments

Part 1—Amendment of *Building Work Contractors Act 1995*

1—Amendment of section 11—Duration of licence and periodic fee and return etc

This clause amends section 11 to allow a prescribed proportion of the prescribed fee payable by a licensed building work contractor to be paid to the Small Business Commissioner to be applied by the Commissioner towards the administrative and regulatory costs associated with carrying out their functions under the *Building and Construction Industry Security of Payment Act 2009*.

Part 2—Amendment of *Plumbers, Gas Fitters and Electricians Act 1995*

2—Amendment of section 11—Duration of licence and periodic fee and return etc

This clause amends section 11 to allow a prescribed proportion of the prescribed fee payable by a licensed contractor to be paid to the Small Business Commissioner to be applied by the Commissioner towards the administrative and regulatory costs associated with carrying out their functions under the *Building and Construction Industry Security of Payment Act 2009*.

Schedule 2—Transitional provisions

This Schedule contains transitional provision consequential on the enactment of the measure.

Debate adjourned on motion of Hon. Z.L. Bettison.

AQUACULTURE (TOURISM DEVELOPMENT) AMENDMENT BILL

Introduction and First Reading

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (16:43): Obtained leave and introduced a bill for an act to amend the Aquaculture Act 2001. Read a first time.

Second Reading

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (16:43): I move:

That this bill be now read a second time.

I am very pleased to introduce the Aquaculture (Tourism Development) Amendment Bill 2021. The bill will create a more efficient and effective regulatory assessment and approval process for aquaculture-related tourism structures built within the state waters of an aquaculture zone established under the Aquaculture Act 2001, similar to the current regulatory process for aquaculture.

Aquaculture is the fastest growing livestock industry in Australia. It is expected to increase in value nationally to $2 billion by 2027, at a growth rate of 7 per cent per annum, to meet global seafood demand. South Australia is recognised as a world leader in the ecologically sustainable development of aquaculture and currently has the only dedicated aquaculture legislation of its kind in Australia, the Aquaculture Act.

The Aquaculture Act allows the proclamation of aquaculture zone policies which prescribe where aquaculture can occur in dedicated aquaculture zones and also where it cannot occur in

dedicated aquaculture exclusion zones. An extensive consultation and planning process is prescribed for the making of aquaculture zone policies, with 12 currently located in regional coastal areas of the state, including the Limestone Coast, Yorke Peninsula, Eyre Peninsula and the West Coast.

Aquaculture zones provide a one-stop shop point of entry for industry to engage government through the Department of Primary Industries and Regions to assess and approve aquaculture proposals with consideration of ecological sustainable development.

The extension of the one-stop shop approach in the amendment bill streamlines the application process for proponents by removing requirements to separately seek development consent under the Planning, Development and Infrastructure Act 2016 (known as the planning act) from the Planning and Land Use Services division of the Attorney-General's Department, via the State Commission Assessment Panel, and seek an authority to construct on the seabed under the Harbours and Navigation Act 1993 from the transport minister via the Department for Infrastructure and Transport. This will provide greater confidence for industry to invest and grow this valuable and much needed South Australian primary industry.

There are known limitations in the current Aquaculture Act that can be improved to further refine the legislative framework, particularly as they relate to aquaculture-related tourism developments within prescribed aquaculture zones. Currently, the Aquaculture Act does not empower the minister responsible for the administration of the Aquaculture Act and PIRSA to assess and approve non-farming tourism infrastructure in an aquaculture zone even when it is located on an existing aquaculture lease and adds value to the operation.

There have been recent developments of this type that have been located on or directly adjacent to aquaculture leases and licences within the aquaculture zone. To get approval for the Salt Water Pavilion in Coffin Bay, the proponents have had to seek development consent from the Planning and Land Use Services division of the Attorney-General's Department. This is in addition to proponents separately needing to seek an authority to use the seabed from the relevant agency or minister who has care and control over it, which is typically the minister responsible for the administration of the Harbours and Navigation Act via the Department for Infrastructure and Transport.

The proponents do not consider the current process streamlined and this is likely to create uncertainty for potential investors in these types of tourism developments, including aquaculture businesses that want to diversify their operations to further promote their products and industry. To encourage and support innovation, investment and expansion of emerging aquaculture-related tourism developments within the aquaculture zones, I am introducing this bill to amend the Aquaculture Act to enable the complete assessment and approval of applications for tourism developments that complement, promote, are of benefit to, or otherwise directly relate to the aquaculture undertaken within the waters of an aquaculture zone established under it.

The proposed amendments remove the development consent required and alter the seabed authority requirement for aquaculture-related tourism developments within aquaculture zones and replace it with a single assessment and approval process under the Aquaculture Act administered on the minister's behalf by PIRSA, similar to that for aquaculture leases and licences. Arrangements for aquaculture-related tourism developments that may be proposed for locations outside of aquaculture zones are not included in the proposed bill and proponents for these developments would need to follow the current regulatory assessment and approval processes.

The bill proposes that, under the Aquaculture Act, the minister may approve the aquaculture tourism development applications via the grant of two authorities which may contain conditions regulating the development. These are an aquaculture tourism development authorisation which provides approval for the construction of tourism development, similar to development consent, and a tourism lease or a tourism licence which provides approval for the tourism structure to occupy the seabed similar to a seabed authority from the relevant agency or minister who has care and control over it.

The conditions of any aquaculture tourism development authorisation and tourism lease or tourism licence will be similar to those imposed on current development consent, seabed authorities, and aquaculture leases and licences to the extent that they are required. This includes conditions relating to rehabilitation of the seabed, public liability insurance, indemnifying relevant ministers and

the Crown, navigational marking requirements, any rights of exclusive occupation, permitted use of the seabed, the term of a tourism lease or tourism licence, infrastructure maintenance, debris, annual fees, grounds for cancellation, and any environmental monitoring requirements.

To mitigate potential risks from aquaculture tourism development applications, the amendment bill requires the minister to refer conditions contemplated to the EPA for approval prior to granting an aquaculture tourism development authorisation. The concurrence of the relevant agency or minister who has care and control over the seabed must also be sought by the minister for consent to use the seabed prior to granting an aquaculture tourism development authorisation and a tourism lease or tourism licence. These proposed processes are consistent with the current requirements under the Aquaculture Act for the grant of an aquaculture lease and corresponding aquaculture licence within aquaculture zones.

Importantly, to mitigate potential construction risks to public safety which are currently addressed by the planning act, the amendment bill requires building certification. The amendment provisions require that as a mandatory condition of aquaculture tourism development authorisation, prior to any building work being undertaken, the building work must be certified by a building certifier as complying with the provisions of the building rules under the planning act. This provision was recommended by the Planning and Land Use Services division of the Attorney-General's Department and is the same condition required when providing development consent under the planning act.

In addition, the amendment bill provides the ability for the minister to impose further conditions on any aquaculture tourism development authorisation to mitigate potential risks from a proposed tourism development. PIRSA will also review its current ecologically sustainable development risk assessment process for aquaculture licence applications in consultation with the Planning and Land Use Services division of the Attorney-General's Department and amend it to specifically provide for the assessment for aquaculture tourism development applications.

Further, consistent with the current application assessment process under the Aquaculture Act for aquaculture licences within aquaculture zones, the amendment bill incorporates a public notification process prior to granting an aquaculture tourism development authorisation and a tourism lease or tourism licence. This public consultation process will assist with the identification of risks associated with the proposed tourism development, including risks to public amenity.

If a proposed tourism building work application is to overlap any portion of an existing aquaculture lease or corresponding licence within an aquaculture zone, any associated tourism authorities may only be granted with the consent of these entities and any registered specified persons who hold an interest in them.

To adaptively manage the type, amount and location of future aquaculture associated tourism developments within aquaculture zones, there is already sufficient flexibility in the current Aquaculture Act for aquaculture zone policies to prescribe matters relating to aquaculture tourism structures authorised under the act. In addition, there is the provision for the Aquaculture Regulations 2016 (the Aquaculture Regulations) to prescribe the types of tourism developments which may not be in scope or acceptable for assessment and approval under the Aquaculture Act.

The proposed amendments would allow PIRSA to provide a 'one stop shop' service to proponents, such as the service currently provided to aquaculture development proponents within aquaculture zones, to accept, assess and approve applications for aquaculture tourism developments within aquaculture zones.

Consequential amendments have also been made to incorporate decisions not to grant tourism authorisations or to fix conditions on them in statutory reviews available under the Aquaculture Act. Further changes are included to require the publishing of information relating to application and grant of aquaculture tourism authorities on the public register and to incorporate the holders of these authorities in the arrangements for death and bankruptcy and director liability.

PIRSA has consulted with the EPA, Planning and Land Use Services in the Attorney-General's Department, Department for Infrastructure and Transport, and the Department for Environment and Water regarding the proposed amendments within the bill. There are no anticipated additional costs to PIRSA regarding the proposed amendments, as costs associated with the assessment of aquaculture-associated tourism applications and ongoing management of tourism

leases and tourism licences will be cost recovered from proponents. This is consistent with the current process for aquaculture lease and corresponding licences under the Aquaculture Act.

Should this bill receive royal assent and become an act of the parliament, regulations will be drafted to amend the Aquaculture Regulations, as contemplated by the bill. Following proclamation of the bill and variation regulations, the broader community and stakeholders will be notified of the changes, including the application process, through a media release, the PIRSA website, and letters to aquaculture lease and corresponding licence holders.

PIRSA will then progressively review all current aquaculture zone policies and consult with industry to determine if any relevant provisions governing aquaculture-associated tourism developments are required and, if so, undertake the prescribed amendment process under the Aquaculture Act. Enabling the assessment and approval process for aquaculture-related tourism developments through the Aquaculture Act will create a more efficient and effective regulatory process, provide clarity to proponents and in turn create confidence to invest in these new and emerging types of developments.

In enhancing the tourism experience in South Australia, the approvals under the Aquaculture Act will also foster greater social licence and community perception of the aquaculture industry and stimulate economic development and employment in our regions as well. I commend the bill to the house and look forward to further debate. I seek leave to have the explanation of clauses inserted into *Hansard* without reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

These clauses are formal.

2—Commencement

3—Amendment provisions

Part 2—Amendment of Aquaculture Act 2001

4—Insertion of Part 7A

This clause inserts new Part 7A to provide for the Minister with responsibility for the administration of the Aquaculture Act 2001 to authorise aquaculture tourism development within an aquaculture zone if the Minister is satisfied that the relevant building work and commercial tourism activity comprising the development—

(a) will complement, promote, be of benefit to, or otherwise relate directly to aquaculture undertaken within the aquaculture zone; and

(b) can be undertaken in a manner that is ecologically sustainable; and

(c) are consistent with the objects of this Act and any relevant provisions of an applicable aquaculture policy.

Aquaculture tourism development is defined to mean building work undertaken on land underlying State waters within the area of an aquaculture zone for the purposes of undertaking a commercial tourism activity, but does not include an activity, or activity of a class, prescribed by the regulations.

The measure provides that the Planning, Development and Infrastructure Act 2016 does not apply to aquaculture tourism development.

It is proposed that the carrying out of aquaculture tourism development without an authorisation under new Part 7A will be an offence with a maximum penalty of $35,000.

It is proposed that the power of the Minister to grant an aquaculture tourism development authorisation, a tourism lease or a tourism licence in relation to certain land is subject to—

(a) if the land is vested in the Minister responsible for the administration of the Harbors and Navigation Act 1993, the requirement under section 15 of that Act for the concurrence of that Minister; and

(b) if the land is vested in any other entity, the concurrence of that other entity; and

(c) the concurrence of any other entity that may be responsible for the care, control and management of the land.

An aquaculture tourism development authorisation, a tourism lease or a tourism licence may only be granted in relation to certain land with the consent of—

(a) if the land is located within the area of an aquaculture lease—

(i) the lessee of the aquaculture lease; and

(ii) any person specified on the public register as holding an interest in the aquaculture lease; and

(b) if the land is located within the area of an aquaculture licence—

(i) the holder of the aquaculture licence; and

(ii) any person specified on the public register as holding an interest in the aquaculture licence.

An aquaculture tourism development authorisation will be subject to a condition that before any building work is undertaken, the building work be certified by a building certifier as complying with the provisions of the Building Rules to the extent that is appropriate in the circumstances. An aquaculture tourism development authorisation will also be subject to any other conditions as the Minister thinks fit. It will be an offence to contravene, or fail to comply with, a condition of an aquaculture tourism development authorisation with a maximum penalty of $10,000 applying or an expiation fee of $1,000.

Proposed section 58E provides that the Minister may, in connection with an aquaculture tourism development authorisation in an aquaculture zone, grant a lease of, or a licence over, land underlying State waters within the aquaculture zone as the Minister considers appropriate for the purposes of the aquaculture tourism development.

Proposed new Part 7A gives the Minister the power to issue a direction requiring action to be taken if a person fails to take any action required to be taken by the person under a condition of an aquaculture tourism development authorisation, a tourism lease or a tourism licence, or imposed on the cancellation of an aquaculture tourism development authorisation. A failure to comply with a notice will carry an maximum penalty of $35,000.

Proposed new Part 7A also gives the Minister power to issue a direction requiring certain remedial action to be taken if a person carries out aquaculture tourism development without authorisation. A failure to comply with a notice will carry a maximum penalty of $35,000.

5—Amendment of section 59—Reference of matters to EPA

This clause amends section 59 of the Act to include certain matters relating to aquaculture tourism development to be referred to the EPA in accordance with the existing provisions in that section.

6—Amendment of section 60—Reviews

This clause amends section 60 of the Act to add to the matters that may be subject to review in accordance with the existing provisions in that section, namely—

(a) a decision of the Minister not to grant an aquaculture tourism development authorisation, a tourism lease or a tourism licence; and

(b) a decision of the Minister fixing the conditions of an aquaculture tourism development authorisation, a tourism lease or a tourism licence.

7—Amendment of section 80—Public register

This clause amends section 80 of the Act to require certain matters relating to applications for aquaculture tourism development, and aquaculture tourism development authorisations that have been granted, to be included on the public register in accordance with the existing provisions in that section.

8—Amendment of section 82B—Death, bankruptcy etc of lessee or licensee

This clause amends section 82B of the Act to include aquaculture licences, tourism leases and tourism licences under proposed new Part 7A in the instruments that will be, by operation of the section, held by the personal representative of the lease or licence holder in the event of their death.

9—Amendment of section 88—Liability of directors

This clause amends section 88 of the Act to provide for liability for directors of corporations that commit offences against proposed new Part 7A relating to aquaculture tourism development.

10—Amendment of section 90—Evidentiary

This clause amends section 90 of the Act so that, in proceedings for an offence against this Act, an apparently genuine document purporting to be a certificate signed by the Minister certifying any of the following matters is, in the absence of proof to the contrary, proof of the matters certified:

(a) that a person named in the certificate was or was not at a specified time a responsible person for a specified aquaculture tourism development authorisation;

(b) that a person named in the certificate was or was not at a specified time the holder of a specified tourism lease or tourism licence.

Debate adjourned on motion of Hon. Z.L. Bettison.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would like to welcome to the public gallery Mr Norman Schueler OAM, who is the Chair of SAMEAC and has been waiting patiently for the South Australian Multicultural Bill to go back into committee. Welcome.

Bills

SOUTH AUSTRALIAN MULTICULTURAL BILL

Committee Stage

In committee.

(Continued from 25 May 2021.)

Clause 10.

Mr SZAKACS: I will make a contribution to give some further insight into the thinking around this amendment. Of course, the importance of stamping out racism speaks for itself, I hope. Although the Attorney has expressed the government's opposition to this, she has not expressed any contrary view around our principled approach to stamping out racism.

The importance of bumping up the functions of the commission itself has been iterative from the actual consultation report from Multicultural SA, which was published in about 2019. I want to refer to 6.2 Term of Reference 2, page 20, for those following at home, where there is significant descriptive feedback from the department regarding the confusion or lack of understanding from members of the multicultural community around the functions of the commission.

The Hon. V.A. Chapman: Sorry, where is this on page 20?

Mr SZAKACS: It is question 1, which is: 'How well do you understand the Functions of the Commission?' A surprising but unfortunate 83 per cent of respondents in this quite extensive feedback indicated they did not understand fully the functions of the commission. Within both the feedback and the report itself, words such as 'symbolic, ceremonial, more than consultative/participatory and leading public debate' were used.

From my perspective, that certainly is not how I see the commission, but it is important for us to note that when members of the multicultural communities, whether it be members or peaks, determine or consider that there is a lack of understanding about functions and 'a ceremonial, more than a consultative or participatory role', we should think and reflect strongly on that.

Question 2 is: 'What is your understanding of the role of Commission members?' One participant expressed the view that the role of commission members is, and I quote:

> …not just attending community functions. It must be leadership; it must be the most robust formulation of multiculturality.

The opposition's principled approach to the functions of the commission, and our principled approach to why we have moved a series of amendments, including this one to beef up the functions of the commission, is not only because we consider strongly that racism should be stamped out, not only because we consider that the commission should and must take an educative role and function around stamping out racism but also because we are also being responsive to the multicultural community in saying we want the commission to have more functions, we want to understand the functions of the commission more and we want to see the commission given the powers in their functions to be responsive, to be able to exercise their functions and be resourced accordingly and to be, as I have quoted, 'participatory and leading public debate'.

This is absolutely the core of a policy and a principled approach from us about beefing up the functions of the commission and not simply seeing the commission becoming a mere advisory body, as it was in the bill as it came to the house.

The Hon. V.A. CHAPMAN: I thank the member for the further indication from the mover of this amendment as to why this is being proposed. Initially, when we were debating this yesterday and it was proposed on the basis that the Refugee Association had presented it in paragraph 3 on page 1 of their submission, I outlined to the committee at that stage that I did not think it actually reflected a request that was consistent with this amendment.

In fact, they had specifically said that they felt it was important to work cooperatively with the task force and also with the Equal Opportunity Commission in relation to tasks they had. It did not actually express at all a requirement that we add to the responsibilities or functions of this commission to deal with racism or other discriminatory conduct. That, as I pointed out, is the purview of the equal opportunity commission in both an educative role and enforcement. I will not go over that.

The member for Cheltenham has now introduced a second reason he suggests supports the introduction of this amendment, as a result of the Adelaide workshop, in particular, and identified in footnote 94 of the comment referred to in answer to question 1—that is, that seemingly there had been a lack of understanding of what the functions of the commission currently are. Frankly, on the face of it, if they do not understand what it does now, why giving it another job would enhance that is completely beyond me.

However, I make the point—as identified by the footnote reference 94, which is the RSA—that what I see in this record indicates that for the people who fill out these forms and go to this Adelaide stakeholder workshop, there appears to be a seemingly high level of an indication of being unaware of the functions. What questions were put and how that was presented I do not know. If anyone can name the statutory functions, it may be that to have a clear understanding of all they do from their online survey results does not in any way actually support the argument for this amendment being included.

However, question 2 does touch not only on the consultation participants and respondents to it being unaware of the function of the commission but generally on—as the mover quite rightly points out—the expression of one of the participants, which says that the role of the commission is not just attending community functions (presumably they think that is a high priority for them) but it must be leadership and it must be the most 'robust formulation of multiculturality'.

Whoever wrote that or submitted it, the participant expressing that view, I wholeheartedly support them to the extent that, from my knowledge of what the commission does, it does attend a lot of functions. Each of them does, and I think that has been something that has certainly occurred in the last 20 years I have been around this political chamber. That is an important function, but it is not its only one.

If it is going to be an advocate for multiculturality or intercultural matters, then it must do so in a robust and positive manner. It appears from this document that nobody actually put in a participatory response saying, 'We want it to undertake a role of condemning racist behaviour or any other discriminatory practice.' That is not what it says at all. It does not say that.

It says that whatever it does it has to do strongly and with leadership—excellent. It does not say, 'We want it to take on another role, to be the person or group that prosecutes the argument against what we all know is not only abhorrent but illegal behaviour in relation to racist conduct.' I do not need to go through the agencies that otherwise have that responsibility, from police across to the equal opportunity commissioner and others.

I do not see how this further submission about why it is necessary to do it in response to the people who have turned up to the consultations on this translates into this. It simply does not. I read again the Australian Refugee Association's submission, which has put some very sensible matters forward in its submission. It does not say this. It does not say, 'Put this into this bill.' It does not say that.

I maintain the position, on behalf of the government, that the commission have a really important role. They have specified in these functions, I think they have undertaken them admirably

and there is no-one, other than the Australian Labor Party's South Australia division, that is putting forward this proposal.

Not one person has been named. There has been a reference to a submission, which does not say that, and there has been reference to a summary of submissions, which does not say that. It just confirms to me that, in the absence of any information from anybody stepping forward to say, 'We want this in this bill,' other than the Australian Labor Party, that is not only without merit but they have continued to prosecute the introduction of this without a shred of support.

Mr SZAKACS: Nothing quite says 'We support our multicultural communities' than the Attorney-General getting up and arguing against the merits and, in fact, supporting our argument that it is only the Labor Party, in the Attorney's own words, that is willing to stand up and say that every effort should go into stamping out racism, that every effort should go in to raising awareness about racism.

In the Attorney's own words, and let this be known, it is only the Labor Party that is willing to do this. It is a standard that you are walking past, Attorney, that we are willing to stand up, put forward—

The Hon. V.A. Chapman: Don't mislead the house.

The CHAIR: Order!

Mr SZAKACS: I am offended. I ask the Attorney to withdraw and apologise.

The CHAIR: Member for Cheltenham, you—

Members interjecting:

The CHAIR: Let's get back in order here. The member for Cheltenham has taken offence to?

Mr SZAKACS: The Attorney has interjected and accused me of misleading the house, and I ask her to apologise.

The Hon. V.A. Tarzia: No, she said, ‘Don't mislead the house.'

The CHAIR: Order! The Minister for Police and Emergency Services is called to order. You will cease interjecting.

Mr SZAKACS: I ask the Attorney to apologise and withdraw.

The CHAIR: You said, Attorney, from memory, 'Don't mislead the house.'

The Hon. V.A. Chapman: Correct.

The CHAIR: The member for Cheltenham has assumed by that you meant that he was misleading—

The Hon. V.A. Chapman interjecting:

The CHAIR: I know you didn't say it, but he is indicating that to me, Attorney, and it is a serious allegation.

Mr Szakacs interjecting:

The CHAIR: Member for Cheltenham, just wait. It is a serious allegation. The member for Cheltenham is indicating to me that he has taken offence by that, so I would ask the Attorney to withdraw and apologise.

The Hon. V.A. CHAPMAN: I am happy to proceed on the basis of apologising if the member feels offended by that.

Mr Szakacs interjecting:

The CHAIR: No, member for Cheltenham, just wait.

The Hon. V.A. CHAPMAN: If he interprets my indication that he not mislead the house as his doing that, then I withdraw it.

The CHAIR: The Attorney has withdrawn.

Mr SZAKACS: I would consider that in the Attorney's most magnanimous attempt at withdrawal and apology she has again insinuated—somewhat less implicitly and more explicitly—an allegation of misleading, and I ask her to again apologise and withdraw.

The CHAIR: I am not going do that, member for Cheltenham. Yesterday, we had some sarcasm, didn't we, which is unusual in this chamber, and I suspect we have had some again, member for Cheltenham. The Attorney has withdrawn and apologised. I am happy with that. We still have a little way to go in this committee, and I urge all members to focus on the job at hand.

Mr SZAKACS: As I will be more than pleased to again repeat and as has been confirmed by the Attorney, it is only Labor that is willing to move this. It is only Labor that is willing to say that all efforts must be put into stamping out and raising awareness of the harms of racism. Notwithstanding the strong feedback and notwithstanding the personal one-on-one consultations that the member for Badcoe, the member for Ramsay and I have undertaken, again, we are proud. If we are accused of being the only ones willing to move this and say that every effort should be undertaken, I am willing to cop that and I think we are willing to cop that.

The Hon. Z.L. BETTISON: As the mover of this amendment on behalf of the opposition, can I express my disappointment that it appears that the government is not going to support this amendment. Let's remind ourselves what we are proposing to add to the function of the Multicultural Commission: to raise awareness of the harm that racism and other forms of discriminatory behaviour can do to multiculturalism and interculturalism in South Australia.

While I am disappointed that the government has taken a stance not to include this as part of the functions, can I tell you how deeply offended I am by the accusation that we made this up. We have taken our own consultation, we have read the formal consultation that the government did two years ago, but we also have our own conversations with people about this bill.

It is true that there have been people who have raised concerns with me about what the commission does, and I have had commission members raise with me that they would like to be resourced more and have a greater connection to the community and state authorities. I do not think there is anything more important than what this amendment puts forward.

The Attorney is right: you do have the fact that the Equal Opportunity Act can investigate. Racism is illegal, but it happens every single day, and in fact we know it is on the rise. I think, as a key function for this reformed commission, looking at this bill for the first time in 39 years, that it is incredibly important that they should be looking at this.

We are not saying that they have to uphold the law or investigate the law; what we are saying is that they should be increasing the awareness of the harm that racism does, and if we do not increase awareness then we know that we are not going to achieve multiculturalism and interculturalism.

I am disappointed and offended. I do think people in this house think that this is an important issue, that the Australian Labor Party did not make this up, that people raised it with us, that we have a long way to go and that this is a key thing that the commission can take a leadership role on. I ask for people's support for this amendment.

The Hon. V.A. CHAPMAN: I thank the member for Ramsay for coming into this discussion on this amendment, because I accept that she is entirely genuine in her passion for ensuring that we not only respect our multicultural community but that a newly structured commission of responsibility under this legislation is effective. I totally accept that.

It is therefore even more concerning that, in repeating the assertion there are people who have asked for this to be in the bill, they have still not been named. In the entire contribution to date, it has come from paragraph 3 on page 1 of the ARA, which I repeat to this house it does not say, and it has come from page 20 at point 5 in response to questions 1 and 2 from the summary prepared from the responses, and it does not say that.

I do not doubt that there may well be people who have said this to the Australian Labor Party, but who are they? We have not had it from the commission, we have not had it from the two sources that they assert—

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: —so I find it deeply concerning that the Australian Labor Party representatives on this bill come in and say, 'We demand that this be in here for all these reasons, even if you don't find it in these areas that we've cited, but there are other people who have spoken to us who have said we want it.' Well, who are they? What groups? Of all the people who have put submissions in here, of all the groups that have been spoken to—members of the commission themselves—no-one has come forward and said, 'We need to have this in this bill.'

I am sorry that the member for Ramsay is offended that we are not supporting it but, frankly, the first bar—to actually ask the parliament to add in another function for this commission—ought to at least have some indication of who wants it, why it is important, whether other agencies are failing to deliver the merits of something like this and what we should do in that regard, and none of that has been presented. Offended or otherwise as the member for Ramsay might be, I accept she is genuine in her passion on this issue but we cannot support this amendment.

The committee divided on the amendment:

Ayes.....21
Noes 22
Majority 1

AYES

Bedford, F.E.	Bettison, Z.L.	Boyer, B.I.
Brock, G.G.	Brown, M.E. (teller)	Close, S.E.
Cook, N.F.	Duluk, S.	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.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.
Teague, J.B.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

PAIRS

Bignell, L.W.K.	Pederick, A.S.

Amendment thus negatived.

The Hon. Z.L. BETTISON: I move:

Amendment No 7 [Stinson–1]—

Page 7, line 10 [clause 10(e)]—after 'understanding, of' insert 'multiculturalism and'

Amendment No 8 [Stinson–1]—

Page 7, line 12 [clause 10(f)]—after 'multicultural' insert 'and intercultural'

I understand that there has been an agreement to accept these two amendments to raise awareness and promote understanding of multiculturalism and interculturalism and to promote the South Australian multicultural charter and the advantages of a multicultural and intercultural society.

The Hon. V.A. CHAPMAN: We are pleased to support these amendments.

Amendments carried.

Mr SZAKACS: I just have some questions on the clause at large. Attorney, if I could again draw your attention to the Multicultural Legislative Review 2019 Consultation Report I was referring to a little earlier, page 4 this time. Under 'Term of Reference 2: Review the functions and powers of the Commission and ensure its title reflects this', in the third paragraph down, to paraphrase, some of the key feedback or takeaways from the department were promoting and raising awareness of the principles. So, one of the pieces of feedback, one of the takeaways, one of the executive summary recommendations was to promote and raise awareness of the principles.

To give the context insofar as principles are contained within the discussion paper, the majority of those principles have been subsumed within the parliamentary declaration. There were a number of key matters which were originally defined as being principles. In the drafting, they have come in as the parliamentary declaration. The key feedback was that the promotion and raising awareness of those principles—or, in this case now, to paraphrase, the declaration—was a key piece of the outcome of that consultation. Why has that not been included in the bill?

The Hon. V.A. CHAPMAN: Firstly, let me identify that what you are referring to is I think the penultimate paragraph under Term of Reference 2: 'Review the functions and powers of the Commission and ensure its title reflects this.' It states:

> Looking forward, there was overall support for the three revised Commission functions proposed in the Discussion Paper [in brief, they were a) Advice to Government, b) Consultation with any group in order to fulfil the advisory function—

that is to undertake consultations under (g), and then:

> c) Promotion and raising awareness of the principles]

That is under (c):

> (c) to increase awareness and understanding of the diversity of the South Australian community and the implications of that diversity;
>
> (d) to promote unity, understanding and harmony among all communities;
>
> (e) to raise awareness, and promote understanding of the—

intercultural (now) multicultural and intercultural, so I think, yes, they are.

What has happened in addition since then, in the discussion that has resulted in the introduction of a parliamentary declaration, is that some of those have been replicated there as a commitment to confirm what this parliament is signing up to. They are all meritorious and we have passed them and that is to be commended.

I think, yes, we have covered those matters in the drafting that is here. I have not seen any amendment to the contrary, other than the more helpful ones, of course, just moved by the member for Ramsay, which we have accepted to be complete in relation to that. I think we have done exactly as has been suggested.

Mr SZAKACS: Thank you, but with respect I disagree. The matters contained within the declaration now or matters that were referred to in the discussion paper are now referred to in the declaration. That substantive amendment was moved and, not to reflect on a vote of the house, that was defeated. The Attorney has referred a lot to matters that are contained or not contained within submissions or departmental feedback. From the department, there is a very clear recommendation that the declaration should be that monitoring and raising awareness of the declaration should be a function of the commission. Why was that not taken up?

The Hon. V.A. CHAPMAN: I think perhaps the member misunderstands what the process has been here. There has been extensive consultation, written submissions have been received, there have been stakeholder meetings and there has been a report provided, helpfully, to be able to

cover these matters. The bill has been introduced, which was to have outlined the functions, etc., plus have a charter.

The charter is still there and is provided for and is a matter for the commission to work with its communities and to develop. I think they have, as I understand it, until mid-2022 to undertake that role and to do that. It has not been an exclusion of that. What has happened here is that there has been an addition to this bill that sets out a parliamentary declaration, which is an added commitment for us to sign up to. I think that is with merit and I think that has been agreed and we have moved on with it, but it is still a job to be done and there is still work to be done to consider the matters here that the commission needs to work out with its people in the community as to how it drafts that charter.

As I have said before in this house, we have charters now for lots of things. We have charters for the public sector. We have charters for courts, and just about every court I go into has a charter about respecting people who have concerns and making sure that people have a say and all these sorts of things. These are all important commitments the organisation or the service provider signs up to and actually publishes physically and/or on websites.

So that piece of work is still to be done, but it should not be seen as because it is not in this act we have not put everything in here and that somehow or other that is the end of the day. What has been set up here on this framework is to ensure that there is a capacity for a charter and that it be one that we do not set in here—we, this little group, do not set it and demand its terms—but the commission in their role set it in consultation with their own communities.

Mr SZAKACS: Attorney, I understand that the charter is promoting the advantages of multiculturalism and now the function of the commission, thanks to the amendments moved by the member for Ramsay. But your proposition and your view are that the principles, as contained within the consultation, are now subsumed within the declaration.

We have to give this context. The act, even from the bill that was introduced in this place, has been quite dramatic with changes. But the one thing that is clear is the discussion paper—which is 2½ years old, so there is an issue of currency here—talked about and put a number of propositions around principles. Those principles, almost word for word, are now contained within the declaration. It is the Attorney's view that those words and principles that are now in the declaration are a function of the commission. Would she be so kind as to point to what function of the commission allows that?

The Hon. V.A. CHAPMAN: I think we will just have to agree to disagree. Clearly, I do not think the member understands—

Mr Szakacs interjecting:

The Hon. V.A. CHAPMAN: I think I have answered the question. I think the member clearly has a different view. He has taken the view that somehow or other the submissions now are dated and that they have not perhaps captured everything. Certainly, we have added that a provision in this bill for a parliamentary declaration which has been modified.

But that has not taken away the objective in this act to provide—which it does in this proposed bill, the new structure—for the commission to have a role, not interrupted by this business here. It will still have that role. It will still adopt what it thinks is important to sign up to in relation to those charters. I would understand if the member were raising this to say, 'You chopped out the charter, so we do not need this anymore.' No, we have not. The charter is there.

The charter is yet to be done and what we are putting in the bill is not what is going to be in it, because we are not asking or imposing what is to be in it from here. What we are saying in clause 10 is to require it, under paragraph (f) once it is done, to promote the South Australian Multicultural Charter and the advantages of multiculturalism. It will now have the word 'intercultural' in it as well. We are not demanding here what is in it. We are leaving that to the commission. In consultation with them and over the next 12 months, I expect they would be attending to that.

We take the view in this government that they not only have to have the opportunity to do that but they are best served and best know what is to be in it. Whatever it turns out to be, they will have an obligation under this act then to make sure that it is promoted. That is what we want—their experience, expertise and knowledge to draft it and then for it to be implemented.

On a question of resources being thrown in from time to time, we have canvassed that already in other parts of the debate. But I have given those reassurances and I do not think repeating them is going to make it any different. From the member's point of view, I just think we have to agree to disagree on that.

Clause as amended passed.

Clause 11 passed.

Clause 12.

The Hon. Z.L. BETTISON: I move:

Amendment No 9 [Stinson–1]—

Page 7, line 38 [clause 12(2)]—after 'Commission' insert:

(however, the Multicultural Commission should, if it is reasonably practicable to do so, ensure that the membership of the committee also reflects the matters set out in section 6(2))

The amendment is in addition to the current clause, which states at subclause (2):

(2) The membership of a committee will be determined by the Multicultural Commission and may, but need not, consist of, or include, members of the Multicultural Commission.

The amendment, which I understand is agreed to by the government, adds:

(however, the Multicultural Commission should, if it is reasonably practicable to do so, ensure that the membership of the committee also reflects the matters set out in 6(2))

The Hon. V.A. CHAPMAN: You are quite correct, we are supporting that, and thank you for that amendment.

Amendment carried; clause as amended passed.

Clauses 13 and 14 passed.

Clause 15.

Mr SZAKACS: Clause 15 of the bill, as moved, deals with the use of staff, etc., of the public sector. There has of course been an amendment that has been moved by yourself that was passed around resourcing being made available. Could you explain how those two sections of the proposed act will interplay? One talks about 'as reasonably requested', I think, and the other one talks about 'by agreement'.

The Hon. V.A. CHAPMAN: I think I have canvassed this quite at length, but I am happy to do it again. We have added in a clause to ensure that there be provision for resource to the commission. I have at length indicated my view about how this commission has operated under the previous government, namely, having a structure in which they have the chairman of the board who is also a paid salary person in the public sector.

I thought that was disgraceful, and I said that at length yesterday. I think that is unacceptable and completely denies the opportunity for the board to be independent and to be able to give that advice. However, I am not going to go over all that again. I have made my position very clear on that and I have given you an example in my own division of the State Planning Commission and how that should operate. So that has been added in.

I reassured the parliament yesterday by reading out proposed clause 15, which is now what the question is about, to make sure that that was brought to the attention of the committee, to give that reassurance that, even if there had not been a resolution or there was some tension about what was reasonable between the commission and the government or the minister under clause 9 or something—it was earlier; we have dealt with it—this was a backup; that is, all the 11 people who work for Ms Kennedy here are in that category to be available.

In addition, you may or may not have noticed that there is a direct provision proposed in this bill, I suggest, to strengthen what is in the current act and has been for the last 36 years, and that is clause 19, which reinforces the statutory duty of what the state authorities have to do in the sense of

compliance. That is all the departments. Here we have an express provision for use of the staff to make those available.

I have indicated again my preference in these arrangements that commissions ought to have dedicated staff available to them. I find completely unacceptable this idea of just swapping people when it suits, and then when other priorities come about it may not be available to the commission. It is a model that this previous lot did, and I think that it was unacceptable. I think there is room for change, but that is again a matter for the commission and the minister to have discussions about. In the meantime, it may approach Ms Kennedy here and have access to her staff. That is what that is all about. I thought I had made it very clear yesterday and I hope it is even clearer now.

Mr SZAKACS: Attorney, as you have pointed out, clause 5A relates to 'resources as may reasonably be required' by the commission, the minister responsible in this case being the Premier. Clause 15 talks about 'the Chief Executive of an administrative unit of the Public Service', meaning any other administrative unit within the Public Service. In its current form, does the South Australian Multicultural and Ethnic Affairs Commission currently utilise the resources of any agency other than those administered by its current minister? Does SAMEAC utilise the resources of any other part of the public sector or any other administrative unit or agency?

The Hon. V.A. CHAPMAN: Not that I am aware of. To be clear, this clause talks about 'by agreement with the Chief Executive of an administrative unit'—that is Ms Kennedy, who is sitting here—'of the Public Service'.

Mr Szakacs: It says 'an administrative unit ' not 'the administrative unit'.

The Hon. V.A. CHAPMAN: But that is the administrative unit, so:

…by agreement with the Chief Executive of an administrative unit of the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

We are not talking about the agencies and departments now; we are talking about the administrative unit, which is for this purpose, that is, multicultural and intercultural affairs. So it is the 11 sitting with Ms Kennedy.

What I have pointed out, though, is proposed clause 19, which is a modernised translation of what is already in the current act, and that is the statutory duty of the state authorities, which is all the departments, and what they have to do regarding compliance with a number of things outlined in that. We have a resource issue, where the commission can speak to the minister (the Premier) about direct resources to the commission. We have what I call a backup clause, clause 15, to have the use of the staff. You know my view. I have made it clear now three times, and I will make it a fourth: that is, I think there should be a dedicated resource for that and, third, they have the obligations of the compliance of departments to do what is required of them, as specified in that division.

Mr SZAKACS: To clarify, Attorney, it is your position that clause 15 limits the ability for the multicultural commission to utilise resources of agencies other than Multicultural SA? My question to you was: does the South Australian Multicultural and Ethnic Affairs Commission currently utilise the resources of any agency other than Multicultural SA? Your answer was not that you are aware of. I appreciate that, but is it the case—

The Hon. V.A. CHAPMAN: Just to answer that: yes, to this extent. Everybody has access to information that is in the Public Service—

An honourable member interjecting:

The Hon. V.A. CHAPMAN: Yes, I was about to say that. Just let me check whether they have access to Erma Ranieri. To be clear, I am advised by the drafter of the bill that the administrative unit includes the department, any of the other departments which are not being used at present. They are only using the departments of the multicultural and intercultural unit—multicultural affairs at the moment—but it can be the others.

The discretionary resourcing issue in 5A, I think it is—the one in relation to the minister and commission working out some other arrangement for any other specific resources—is new. At the moment, they are only using these resources. They can have access to other departments, and then the obligation for them to comply with what they have also asked for in relation to those other departments is in clause 19.

Clause passed.

Clauses 16 and 17 passed.

Clause 18.

The CHAIR: We have a number of amendments on clause 18, most of which are consequential. The only one to be moved here, member for Ramsay, is amendment No. 14 on schedule (1).

The Hon. Z.L. BETTISON: I understand that amendment No. 11 is still relevant.

The CHAIR: I apologise to all those watching at home for the delay; we were seeking advice. My understanding is that amendment No. 14 on schedule (1) can still be moved.

The Hon. Z.L. BETTISON: And there is agreement from the government to accept that amendment, so I move:

Amendment No 14 [Stinson–1]—

Page 9, line 28 [clause 18(4)(a)]—After 'Commission' insert 'and the Commissioner for Aboriginal Engagement'

The Hon. V.A. CHAPMAN: I confirm that, yes, the member is quite correct: we are adding the Commissioner for Aboriginal Engagement, which adds into the consultation process that will be required.

Amendment carried.

The CHAIR: Member for Ramsay, my advice is that amendment No. 15 does not need to be moved because it is already included.

The Hon. Z.L. BETTISON: Can I clarify that we are on the same amendment, amendment No. 15 [Stinson-1].

The CHAIR: Yes, that is what we are looking at.

The Hon. Z.L. BETTISON: Is that already in the bill?

The CHAIR: That is the advice I have from parliamentary counsel: parliamentary counsel is saying yes.

The Hon. Z.L. BETTISON: We do have some questions on this clause.

Progress reported; committee to sit again.

Sitting suspended from 18:00 to 19:30.

Parliament House Matters

CHAMBER PHOTOGRAPHY

The SPEAKER (19:30): I now take this moment to remind members that the taking of photographs or video from the floor of the chamber, particularly of other members or of guests in the gallery, is contrary to numerous rulings of former Speakers.

I refer members to my ruling on 10 September 2020 in which I upheld rulings by Speaker Tarzia, on 20 September 2019 and 3 June 2020, and of Speaker Atkinson, on 26 September 2017. As Speaker Atkinson noted at that time, all members have access to the live video broadcast, and the prohibition of photography and video by members does not detract from transparency or accountability. That is a final warning to members that if it happens again it will be a naming offence.

Bills

VOLUNTARY ASSISTED DYING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 May 2021.)

The Hon. S.S. MARSHALL (Dunstan—Premier) (19:31): I rise to speak on the Voluntary Assisted Dying Bill. I support the second reading of this bill. I have supported legislation for assisted dying when it has been before this house previously. I do so again, not because I would avail myself of such laws but because I do not believe that I can deny other South Australians the right to make that choice. In providing this legal option at the end of a person's life, this bill establishes a range of mandatory protections, approvals and reviews to prevent exploitation.

I have every respect for those who do not support voluntary assisted dying. I understand their views and their concerns. I have considered the deep and sensitive moral, ethical, legal, medical and professional considerations associated with this question, but it is also important to recognise that with the passage of these laws we will not be entering on the so-called slippery slope. An entirely voluntary choice will be the foundation of assisted dying under these laws—the right to choose a dignified death, to retain control of your life until its end.

Why should death be a lingering and agonising one? Why should a person in sound mind not be able to reduce suffering at the very end of his or her life after all other efforts to cure an illness, relieve the symptoms and make daily life more bearable have been tried and failed, when there is no more acceptable intervention available, when the only option left is more suffering until death finally arrives?

I am satisfied that there are sufficient precautions and protections in this bill to prevent an otherwise unwilling person being forced to take this step of having their life prematurely ended against their real desire. In taking a position on this bill, one influence has been information from SAPOL and our Coroner's Office. It points to the desperation and isolation many of those with a terminal illness face as their lives draw to a close. It shows that more than 10 per cent of suicides are now attributed to people with a terminal illness.

At times, people in these circumstances are not found for some time after they have inflicted death by their own hand. A dignified end to life is something to which all our citizens are entitled, one that under these new laws would occur under clearly prescribed conditions and proper medical supervision, not in isolation and in desperation.

This is the 17th attempt in the South Australian parliament since 1995 to deal with this question. In the meantime, four years ago voluntary assisted dying laws were passed by the Victorian parliament. They have applied from June 2019. Western Australia followed, with their laws to apply from July this year, largely modelled on Victoria. Tasmania has enacted voluntary assisted dying and a debate in the Queensland parliament is imminent, so neither our nation nor South Australia can be accused of rushing headlong into this matter. There has been lengthy, comprehensive consultation and debate.

I commend our Legislative Council for the respectful and dignified manner in which it has most recently considered this important question. Strong views on both sides of this issue were expressed. I believe that during this debate an important point was made by my cabinet colleague the Hon. Stephen Wade. Our health minister referred to the deliberations and decisions in other jurisdictions as having now developed a well-considered Australian model and nationally consistent legislation in this very sensitive area of health law. It is a consistency that can now support quality of treatment and safe practice. It also reduces the pressure for what is being called medical tourism.

I therefore believe that South Australia can have confidence in joining other states in enacting a model law for voluntary assisted dying. Such a model law includes strict eligibility and approval conditions. Those eligible must be at least 18 years of age; have six months or less to live, or 12 months in cases of neurodegenerative conditions; suffer to an intolerable degree; be mentally competent to make the decision of their own free will—the person requesting voluntary dying must fully understand the decision and be able to communicate their view through a formal request process—and have two doctors separately sign off.

The detailed Victorian laws now being applied based on the model have 68 safeguards in place. Those laws are overseen by a board chaired by a former Supreme Court judge. This board's latest review of the implementation of the laws has found that this has proceeded as planned. There is, for example, no evidence of exploitation or coercion by relatives of those who have opted for voluntary assisted dying. By the end of 2020, 483 people in Victoria had been approved for assisted

dying in the 18 months since the laws came into force. Of those, 224 had gone ahead with assisted dying and 77 per cent of them had incurable cancer.

Prior to the introduction of the legislation we are now considering, a joint committee of this parliament on end-of-life choices conducted an inquiry focused particularly on the Victorian model. During evidence to the committee, the AMA president here in South Australia, Dr Chris Moy, advised this parliament to use the Victorian model as the test case and provide the levels of protection it enshrines. That is what the bill now proposes.

In any implementation of voluntary assisted dying, it is important that quality palliative care remains available to all needing it. My government has committed an additional $16 million to build capacity and ensure equitable access to palliative care services, and we will continue to review the level of service and resources needed in this important area.

In closing, I note that, as in the Victorian and Western Australian jurisdictions, implementation of voluntary assisted dying laws followed an 18-month implementation phase after parliamentary passage of the legislation. This allowed for the consideration of important matters, including clinical guidance, medication protocols and training for participating health practitioners, as well as information for community and health professionals. Should this legislation now pass this parliament, my government will provide the necessary resources to ensure the new laws are implemented effectively and safely.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (19:38): I indicate that I will be supporting the second reading of this bill and I do so for the reasons set out in my contribution to this house on 5 April this year. I simply wish to add my appreciation to the Hon. Stephen Wade in the other place for the preparation and provision of a document that provides us with comprehensive information in respect of institutional conscientious objection. That has been foreshadowed for consideration in committee with amendments, some of which I think we have already seen, and I look forward to that. Other than that, I will be supporting the second reading of the bill.

Ms LUETHEN (King) (19:39): I rise to speak on the Voluntary Assisted Dying Bill 2020. I advise that this bill is a conscience vote for government members and accordingly I speak for myself and my electorate of King. I will be supporting the second reading of the bill and I will consider my position on the third reading after the completion of the committee stage and after consideration of all amendments.

I respect that people in my electorate hold differing views. I understand the objections to a voluntary assisted dying scheme for some of my constituents based on religious grounds, and I respect those grounds. This bill sets out criteria, including that patients need to be over 18, be terminally ill, have a prescribed time period left to live, and the person must make the request to access voluntary assisted dying themselves. They are under no obligation to continue after making the first request.

A registered medical practitioner may accept or refuse the request. On commencement of the first assessment the medical practitioner will determine if the person meets eligibility criteria, including decision-making capacity. If assessed as eligible, the medical practitioner must refer the person to another registered medical practitioner. There are many safeguards.

Like my constituents, I have a strong interest in making sure that euthanasia does not become a vehicle for murder of vulnerable community members. This is of paramount consideration in my deliberations. I have proactively requested feedback on this bill from King constituents for many months and, today, over 70 per cent are asking me to vote for the bill. I will now share some of the feedback to bring the voices of people living in the King electorate to the parliament tonight. These are the people for the bill.

Clare was for. Clare wrote to me and attended one of my coffee catch-ups with her daughter and expressed her wish for me to share her feedback in the debate. Regrettably, Clare passed recently. My deepest condolences go to Clare's family, and I commend her for her incredible strength and courage to speak up on this matter. Here is what Clare told me:

> I am a 52 yo who lives in your electorate.

I have stage 4 bowel cancer (terminal).

I am writing to you because the voluntary assisted dying bill will be debated…

I will be on Parliament steps making my voice heard along with many others and many who can't be there.

I am imploring you to listen to the community which stands at 80% support.

You were elected to represent the will of the people no matter your own opinion.

Imagine if it was your mother or sister or good friend who was suffering a terminal illness.

Would you like to sit by and watch them suffer?

Of course you wouldn't.

But by current laws you would have to.

Imagine how my 4 children, the youngest who is only 12, will feel watching me die slowly and painfully when that time comes.

And it will, sooner rather than later.

Please, please vote with your own conscience, not that of the PM or any other Liberal party member.

[Rest in peace] Clare.

Another:

Please vote yes. My beloved Nan suffered unnecessarily from dementia and health ailments. If she had of been able to die with assistance I wouldn't have had to watch her fade away and sit with her as she passed away in pain and sadness.

Another:

As a cancer/palliative care nurse I see the daily struggles of patients with bad prognoses nearing end-of-life.

There are many of these patients that express their wishes doing things quickly.

Sometimes instead of having a dignified death, they can pass rather traumatically which could have been avoided were they allowed to choose when and how they pass.

This is a memory that remains with the family if they happen to be present for their loved ones passing.

For those with a prognosis of less than 12 months I believe this law will provide peace of mind.

Another:

Please get it passed!

As a recent cancer survivor I would like the peace of mind when my time comes that I will be treated humanely.

Another:

It is illegal not to provide medical help to a dying dog, cat, horse…as it is said to be inhumane, yet it is currently illegal for us to give humans the same assistance—it just doesn't make sense.

Another:

I have nursed many people who are at end stage.

It is heartbreaking for all concerned.

Family under an enormous amount of stress watching their loved ones go painfully through this stage.

The patient often feels they are putting family and friends through something terrible.

Many plead to have their pain and distress not permanently.

I sat with a man in his last hours, no family—they had had enough.

Another:

I have a terminal illness and I strongly agree with this. I should have a choice.

Another:

After nursing my Dad while he suffered such a cruel death from cancer, the sooner this Bill passes the sooner others have the right to choose.

Another:

The elderly who are suffering with loss of dignity or in pain should have the freedom of choice. I saw my 79 year old grandmother suffer in pain with terminal cancer. They couldn't give her a higher dose of morphine as it may have killed her. The laws certainly need to be updated and changed.

Another:

My wife has been diagnosed with terminal bowel cancer and she would like to have the option of choosing when to die if her situation can't be managed with the current protocols and/or laws which exist.

Another:

My husband passed away last November from Motor Neurone Disease. No treatment no cure a slow agonising death. Prognosis 27 months from diagnosis. My husband lasted 13 months from diagnosis. My husband didn't want to live the way he was. Heartbreaking for his family.

Another:

I fully support the bill currently before Parliament, I watched my Mother die a very undignified death, she deserved better. It is time people were given that choice…it is voluntary, not compulsory!

Another:

I watched my beautiful Sister-in-Law die from Brain Cancer last year and even though she was in Palliative Care it was a long painful death and no one should have to go through that terrible experience.

Another:

One of my closest friends currently has stage 4 bowel cancer. Her biggest fear is having her children and husband watch her suffer a long, lingering, painful death which breaks my heart.

Another:

After watching two of my grandparents suffer and die a slow, painful and undignified death, I support voluntary assisted dying more than ever.

Another:

I lost my daughter in law 5 years ago and she suffered terribly towards the end. I would not wish it on anybody and with cancer in our family I hope this bill goes through as soon as possible.

Another:

I worked as a nurse and retired now. I myself may be in a position to want to be able to access this way of dying. I have an illness myself and am on oxygen 24/7. I am of sound mind and knowing when I have sat with patients who say to me 'Please stop the pain'…I can say that I know how they feel.

Another:

I work as a registered nurse and believe people should have the right to choose. There are many suicides due to the current laws.

Another:

My husband has a terminal illness. Neither of us want him to suffer a painful or prolonged existence. This is about choice for dying people.

Another:

Both my Mum and Mother in law both died a horrible, painful, degrading death due to cancer. My Mum would have chosen to end her pain early and my mother in law would have waited till near the end, but the fact remains they did not have that choice, but should have. Give the individual the right to choose to end the pain. Religion should never come into the equation, as no minority should force their beliefs onto anyone else, it should be an individual's choice and right. My mum was religious and believed that her God would forgive her need to end the pain.

Another:

I have a beautiful friend, who has an illness that one day will be so heartbreaking that her wishes are to end her suffering, for not just her but also for the sake of her children, not seeing her suffer, this is her dying Wish, to be given this opportunity to end her own life, please push this through so she can be granted this one last dying Wish, Please…

Another; this is for the against:

As my representative, I am asking you to reject the Voluntary Assisted Dying Bill 2020. This is extremely dangerous legislation. Examples from overseas prove that euthanasia safeguards always change and too many lives

are ultimately taken—some without consent. This is not something we want for South Australia. Instead, we should provide quality palliative care for the sick and elderly, and value their life, especially their final days. We step into areas we ought not to when we say it's okay to determine who should live and who should die. It is not our place to do so.

Against:

I am disturbed by the proposed Voluntary Assisted Dying Bill 2020 and I urge you to reject it. There are many flaws in this bill. Some of them include:

- There is no psychiatrist or palliative care specialist involved;
- There is a 6-12 month timeframe for time of death (depending on the nature of the condition), during which time lifesaving treatments could become available;
- There are inadequate reporting standards—the poison could be given to anyone;
- The two doctors signing off on a patient's suicide don't need to be the treating doctor, or even inform the treating doctor;
- A patient's death certificate will be falsified, recording their terminal illness as the cause of death as opposed to suicide.

Please reject this bill in order to protect the most vulnerable in our community.

Against:

As a nurse of many years in South Australia, I have been placed in the horrendous situation of patients, in difficult moments of life, begging me to end their life. I understand the emotional strain…as a health professional, it has never been part of my ethical or moral right to take another persons life.

In closing, surveys show that around 85 per cent of Australians support the legalisation of voluntary assisted dying to allow for better choice. I commend the bill to the house.

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (19:49): I acknowledge from the outset that any time the parliament discusses matters relating to euthanasia many people have strongly held views about this. As such, this private member's Voluntary Assisted Dying Bill is a conscience vote for Liberal members.

Previous members have spoken of the very difficult and sometimes heartbreaking circumstances that terminally ill people have faced prior to their death. While many other MPs have debated and voted on previous euthanasia legislation, this is the first time I have had the very difficult responsibility to consider euthanasia, and I do so very solemnly.

From my perspective, I have been incredibly fortunate to have been able to raise a family of four children with my wife and not have to face some of the challenging and heartbreaking decisions others have spoken of, having both my parents and my wife's parents alive and healthy. Our grandparents are no longer with us, but they did not suffer to the extent that others have experienced. Undoubtedly, my family has reinforced to me the need to value life.

I am also very mindful that it also important as a member of parliament to respect all views in my electorate and to use those views to assist in coming to difficult decisions, such as on the bill before us. My office has received a large volume of differing views since the legislation was introduced in the other place and, even prior to that, since the Joint Committee on End of Life Choices report was tabled in the South Australian parliament in October 2020.

I want to thank all those constituents who took the time to put into words a way forward and acknowledge that these were heartfelt and would have been highly emotional on occasions. It was also emotional reading. Views such as Janey from Glenelg South, who said:

My 80 year old mother died of lung and heart disease in 2017. She was diagnosed 6 months before, was on constant oxygen from then, two months later she was palliative, the last two weeks of her life were hell.

I have also had nurses who work in palliative care write to me, such as Jacqui from Somerton Park, who said:

I work in palliative care and I see the pain and heartbreak so many families face watching their loved ones die in pain and distress which even palliative care cannot always help. This causes many families much anguish.

Equally, I have people whose views I respect opposed to any form of assisted dying being legislated in SA. Dr Semen of Somerton Park argues:

> When people are dying they need tender loving care and support, not euthanasia…to focus on the important things of life.

He goes on to advocate:

> Hippocratic medicine recognises that caring for patients and killing them are incompatible—allowing doctors to kill detracts from their ability to care, it halts the positive progress of medicine, and destroys patient confidence in doctors and nurses.

The Voluntary Assisted Dying Bill we have before us is based on very similar Victorian legislation, which has been in operation since June 2019. As the End of Life Choices report stated, the Victorian approach, compared with other approaches in the world, had 'the highest levels of safeguards, checks and balances while allowing this end of life choice'.

The most recent review of the operation in Victoria showed that, of those who died from taking the prescribed medicine, almost four in five had terminal cancer. Others had a neurodegenerative disease or other diseases, such as pulmonary fibrosis, cardiomyopathy or chronic obstructive pulmonary disease. The average age of people who died was 71 years old, with the youngest being 32.

Clause 14 of the Voluntary Assisted Dying Bill that we are debating tonight outlines the criteria for a person to be eligible to access voluntary assisted dying: that they must be 18 years or more and have a decision-making capacity and be diagnosed with an advanced incurable disease that is expected to cause death within six months and, for a neurodegenerative disease, within 12 months. Part 3 is prescriptive that a patient's request must be made personally, voluntarily and be enduring.

As opposed to previous euthanasia legislation that has been considered by the South Australian parliament, there are 70 safeguards in place to ensure that this bill is sufficiently clear and appropriately narrow. I have approached the Voluntary Assisted Dying Bill with great caution as, personally, euthanasia is not a choice I am considering. Also, I approach this with empathy and compassion.

I acknowledge that my electorate of Morphett has one of the largest demographics in the South Australian parliament of people over the age of 65. There are numerous aged-care homes: Charles Young and Bupa in Morphettville, Kapara in Glenelg South, Murray Mudge in Glenelg, Allambi in Glengowrie and Somerton Park Aged Care. Many of my constituents have seen their partner or one of their parents go through a terminal illness in terrible pain and they are deeply affected. As a result, they are requesting an option for voluntary assisted dying for terminally ill people with less than six months to live and who are in insufferable pain that cannot be managed with modern medicine.

After much consideration, I am prepared to support this legislation provided that at the committee stage I am satisfied the safeguards in place protect the vulnerable from coercion so that we are not allowing involuntary assisted dying. I also indicate that I will be supporting amendments moved by the member for Davenport to further tighten the assumption of decision-making capacity and protection against coercion. The End of Life Choices report investigated the critical role that palliative care plays, noting:

> Palliative Care is a critical part of our health and wellbeing system although it requires a greater level of funding…

I think you will agree that all members in this debate, whether they are for or against, have recognised that, if this bill passes, funds need to be invested in what is already a nation-leading palliative care system so that terminally ill patients do not feel that voluntary assisted dying is their only choice. Palliative Care SA applauded the Marshall government for investing an additional $16 million over the next four years to build capacity and ensure equitable access to palliative care services.

Further to this, a significant hesitation for me is that enacting this legislation means that we pass a threshold and, once in place, there will be a continued push here in South Australia to loosen the safeguards and broaden access to the scheme. So let me state quite clearly that I could never support schemes that are operating in other parts of the world that allow access to euthanasia for much broader remits than outlined in the bill, such as for mental health reasons, especially in children.

Knowing there is significant opposition to the scheme in some parts of the community, my support is given knowing that section 10 allows for conscientious objection of registered health practitioners. Calvary is a Catholic health and aged-care organisation in South Australia that has served the South Australian community for over 120 years. It operates 40 per cent of the private hospital bed licences. They wrote to all MPs stating:

> …health practitioners work in communities of practice. To simply allow only individual conscientious objection denies the existence of the need for a common purpose.
>
> Accordingly, the Bill needs to recognise not only the individual consciences of clinicians.

Therefore, I indicate I will be supporting amendments moved by the member for Davenport to recognise the conscientious objection of hospitals and residential facilities.

Having this pluralism in the medical profession and medical institutions will also ensure there is sufficient availability of health care for everyone, including those who are not seeking voluntary assisted dying and also for those that are. At the second reading stage, I will ultimately support the bill guided by the significant proportion within the Morphett community that desire this as an option for people in the community with a terminal illness because the legislation is the most conservative in the world and I am satisfied that the 70 safeguards put in place protect the vulnerable from coercion.

I will also look to support amendments that provide even more safeguards to prevent coercion and expand conscientious objection provisions to include hospitals and residential facilities, and in so doing provide a balance that is of comfort to many people in our community who value life and want to have access to a palliative care facility where the only focus of the treating doctors is the patient's care and support.

Mr HUGHES (Giles) (19:59): I rise today to indicate my support for the bill. When the previous bill was before this parliament, which was lost on the casting vote of the Speaker, it was a very difficult period for me. I had just lost my younger brother. It was the hardest speech I have ever given. In debating this bill, we all bring to the chamber the values and principles that guide us and, for what is probably many of us, the very hard-won insight that comes from the loss of loved ones taken by disease and injury.

Individual autonomy is an important principle, and it is clearly one of the driving principles behind the bill before us: the ability to choose what we do with our life if faced with suffering that is both unbearable and hopeless. As important as individual autonomy is, as important as the capacity to choose is, there is something deeper embedded in this bill. It is about giving yet fuller expression to our humanity, in what are profoundly sad circumstances. It is about love, empathy and compassion. It is about recognising the suffering of others. It is about dignity and respect.

You might have a deeply held belief that would lead you never to contemplate assisted dying, or indeed support assisted dying. I respect those beliefs, but in a secular society that is not illiberal you should respect those who do not share your beliefs—those who, in terrible circumstances, might want access to assisted dying. It is not about denying the sanctity of life, or the recognition of what a profound gift any particular life is, a gift that borders on the cusp of impossibility. We do not give away that gift easily. We will cling to it, and only in desperate circumstances might we choose to end it. Even in those circumstances, most will continue to cling to life to the very end.

During the second reading of the previous bill I listened to the words from the then member for Fisher, who said that, as a nurse, she had held the hands of many dying patients—too many than she cared to count. She faced the death of her parents. She said that, after watching both her parents pass away, there should be a choice when it comes to assisted dying, even if that choice is never exercised.

Also during the last debate on the previous bill, the member for Adelaide recounted the harrowing death of her mother, of watching her mother starve to death day by day. Even touch was painful. That leaves a profound mark—it rocks you to the core. It is no wonder that she, like the overwhelming majority of South Australians, supports assisted dying.

Just before we debated the last bill, I lived through my younger brother's dying days, weeks and months. Bowel cancer had spread to his liver, lung and brain. The emotion is still raw. Seventeen years before his death, my dad died of the same cancer that had also spread from the bowel to other organs. If you had asked me before his death whether I supported assisted dying, I would have said

yes, but it would not have been a visceral yes. It would have been about abstract principle, or possibly just plain common sense. Of course, you provide relief in a final way if someone is experiencing profound suffering and despair, and is facing imminent death, and their desire is to end it all.

What was abstract support became real and deep during my dad's dying days. He died at the Concord hospital in Sydney. The palliative care ward was in an old weatherboard building, at the back of the main building. He died in a sometimes curtained-off room shared by four dying men that was part of a larger ward. In that room, the disease robbed my dad of his dignity, and racked his body with pain. Waves of nausea fought with the medication given to control bouts of vomiting. My mum, my sister, my brother and I watched him die over a period of weeks.

That strong, loving larger-than-life man was reduced to barely a living husk. What was the value in that prolonged ending? Absolutely none. No redemption for his suffering, just pain, despair and hopelessness—absolutely pointless. My dad was a strong practising Catholic but, in those last few weeks, he would have gladly accepted assisted dying if it were available.

To go through that experience with my 75-year-old dad was traumatic. To face the same prospect with my younger brother, the brother who I had spent the first 18 months of my life sharing a bedroom with, was almost beyond enduring. My brother received high-quality palliative care as a public patient in the Whyalla Hospital. He was there for eight weeks in a private room with its own toilet, shower, plus a private deck. More importantly, the palliative care he received was exemplary and the staff both caring and professional.

In those dying days, we talked about voluntary euthanasia. He said that he supported assisted dying and that the choice should be available. He said that he could not imagine making that decision to end his life, but could understand that others would. For many, knowing that they have the choice, even if not exercised, provides a degree of comfort and a degree of personal control.

We were wheeling out my brother for a smoke up until the last day. He could still engage in conversation. He was still fully present. He was surrounded by people he loved and the people who loved him. When the final stage came, he lost consciousness—a combination of the progression of the disease, the body giving up and the increasing dose of morphine and other medication. Over those last hours, he seemed to fight for every breath until finally letting go.

There was a stark contrast between my brother's final weeks and my dad's. The quality of the care and the facilities, the passage of time and improvements generated, the particulars of how the cancer played out and the person's mental state all shaped those last days and weeks. It was not a good death, but it was a better death than my dad's, apart from dying way too soon.

Contrary to what has been said by some, voluntary euthanasia does not undermine high-quality palliative care. It should be seen as one of the options available in what is a spectrum of approaches to assisting the dying and the families of the dying. It is no coincidence that those jurisdictions that have introduced assisted dying also have very high-quality palliative care with voluntary euthanasia seen as part of that care.

It should also be noted that the real-world examples of the jurisdictions that have had assisted dying for many years show that there is no evidence of the slippery slope and no evidence of abuse or coercion. The sky will not fall in. Others have addressed the detail of the bill, its intent, the checks and balances and the definition used. I am comfortable with the broad thrust and the particulars of the bill.

Assisted dying is about the exercise of freewill in what are very trying circumstances. It is respect for the individual and the recognition of their autonomy. No man or woman is an island and, for most, the decision to end their life within the proposed legal framework will be a decision taken after discussion with their loved ones. We are all interdependent, we are all individuals, but we are ultimately social animals. It is that capacity to feel, to love, to empathise and to show compassion that makes us fully human; that is why this bill should be supported.

Mr WHETSTONE (Chaffey) (20:08): I, too, rise to speak on the Voluntary Assisted Dying Bill. As a conscience vote, it has weighed very heavily not only on me but on every member of this parliament because we have a responsibility to our constituency. But I think it is much wider than that and it is much broader than that: we have a responsibility to humanity and we have a

responsibility to change the laws here in this state that give people dignity. They give people the opportunity to be a part of a society that has, in most cases, been very good to them, but in some instances it has come at great cost, whether it is health or whether it is other challenges that we have in our life.

It is about recognising humanity, it is about recognising love, and it is also recognising the care that we should give our fellow humans. It is about recognising that we as legislators have to carefully think through introducing a new law or amending a law that will be set in stone forever.

For me, coming here tonight and making my contribution is in contrast to the debate in 2016. Back in 2016, as a member of parliament, I voted against the euthanasia bill. I did that for a number of reasons. I had made those decisions with my constituency behind me, but I also did that with a lack of understanding of what it really meant to me to lose a loved one or watch a loved one die in my arms. I remember coming into this chamber for that vote in 2016. I was the last MP to walk in. It weighed heavily on my shoulders. I must say that it has been a stark reminder from that day until this day.

My role has never been under more question as a parliamentarian, making sure that everything that I have contributed here over my term in this parliament is recognised as being for the benefit of humanity, for the benefit of South Australians and for the benefit of people who deserve a life that ends in dignity.

As a legislator, I have faced many challenges, and this has been one of the toughest. I think of those people who have come to me, whether they are a constituent, a friend, a family member or just a passer-by, knowing that I am an MP and giving me their opinion. Those opinions have always been accepted by me. They have been accepted as a story that I tell myself, and it governs the way that I think, it governs the way that I vote and it sometimes governs the outcomes, as it did last time with the euthanasia bill when I was the last MP to walk in here with that very, very heavy load.

Through life, I have had mentors who have given me what I consider advice that sets me in good stead for my ongoing days, no more so than my mother, no more so than my father. The very, very sad story that I endured after that 2016 euthanasia bill was watching my father die. It was very sad. My father died without the dignity that he deserved. He was a proud man. Many people have come to me and expressed those opinions because he was an active man and a successful person. He was a lover, he was not a fighter, but he died in the Mid North after enduring a horrific end to his life.

Those last few words he said to me were about making sure that this happens to no-one—'please' he said. Those words that I have had with my mother were, 'Please do not ever let this happen to me.' This is about caring for humanity. It is about caring for those you love, those you think need to have a dignified end to their life. Along the way, it resonates over and over that we have to make the tough decisions. As legislators, those decisions are very rarely ever easy, but they are made in the best interests of the people.

During my sporting career, I have held my friend's hand in hospital as they died. I have held one of my best mate's hands on the side of a boat when he died. I have had experiences with friends who have died in car accidents, and they are wrenching moments, but this opportunity to change the law is something that is made with no exception of responsibility. I must say that, after watching my father die, it changed my outlook, it changed my thinking, on how people should end their life. They should end their life with dignity.

My constituency have also had their say, and a lot of it is fraught with opinion, but a lot of it is also fraught with opinion that I think by and large is a self-belief of how people should end their life. I say to everyone in this chamber that, as a legislator, as an MP, the outcome of this Voluntary Assisted Dying Bill has to be about what is best for the common good.

As I said, I am happy to listen to the amendments—I think there might be room for some level of modification—but I have to accept that the legislation will be a law to embrace those who are looking for their last wish. In my constituency, this time 300 people have asked me to support it and 50 people have asked me not to support it. This time of reckoning that I have had has given me the opportunity to speak with doctors, with clinicians, with elderly, with young people, those people with mental health illnesses, those people with drug addiction, those people who care, those people who

witness people dying in pain without dignity on a day-to-day basis, and it has weighed heavily on why I am supporting this bill.

This bill is not the golden handshake by any means, but it is a bill that needs to recognise love, it needs to recognise humanity and it needs to recognise South Australians as being good Samaritans for those people who are seeing the end of their life. This contribution that I have made this evening has come on the back of countless hours of consultation, lying awake at night wondering just how I could modify what I am going to say, my contribution, but at the end of the day the decision I make will be from my heart. It will also be from my head and it will also be from listening. The listening part of it has been the easy part.

The decision is the tough part—we know that—but I feel that South Australia is ready for the passage of the Voluntary Assisted Dying Bill to go through, and I look forward to supporting it. I look forward to South Australia having those safeguards in place. I am very proud of this government that has put some level of assistance with the bill, but by and large those who will support the bill have done it in the best interests of their constituency, their experience, and I think that they have done it in the best interests of humanity in South Australia.

Mr SZAKACS (Cheltenham) (20:18): This is a heavy issue to rise on. No matter how unambiguous my position on this has always been, it is an issue that is heavy, and I know that I speak, as no doubt so many will who rise tonight, about how much thought has been put into this debate and to those who are affected by it, and also the contributions that many of my colleagues will make tonight. I spoke about my support for voluntary assisted dying in the very first words that I said in this place. I committed my support and my efforts to supporting voluntary assisted dying and I rise, of course, in an unwavering way to do so tonight.

I also do so as a very proud member of this place. I think parliament brings the worst out of people at times, if not often. Anyone who may watch question time at home would certainly see the worst of many of us—the best of some but the worst of many. No accusation would ever be thrown that the best work that we do in this place is into the late hours of the night or early hours of the morning, but already in the short while that I have been listening to the contribution of my colleagues in this place I have been moved to tears, so thank you to those who have contributed and no doubt thank you to those who will contribute in a meaningful way as well.

All of us bring empathy to this place. But for interludes of the occasional goose in the federal parliament and empathy training, we bring empathy to this place. Those on either side of this debate are good people and bring empathy to their deeply held position. I bring empathy to my position and that is why I support this change.

I know many of you have lived experience of holding the hand of a loved one as they die. You have lived experience of that pain and suffering. You have the lived experience of watching someone who has otherwise lived a strong and proud life drift away. For that loss that you have suffered, I am sorry, and for the trauma that you and your family have lived through, I am sorry.

It is deeply traumatic for anybody who ever finds themself in this position. Many of you know the journey that I step with my family right now, and your compassion means the world to me. I thank my friend and colleague in the other place the Hon. Kyam Maher for his tenacity, and I think at times it is fair to say bravery, in ensuring that this bill has come before us in this parliament. We need to be here. We need to be here doing this.

Much has been said already about the 16 efforts previously, or 16 attempts, to seek law reform in this space. To those who have been involved in that, I also say thank you. I say thank you to Steph Key, Duncan McFetridge, the late Bob Such and Sandra Kanck, just to name a few people over many years who have dedicated their efforts. I hope we will see that your efforts have brought us 16 steps closer to what I believe is an optimistic but cautious way forward for this parliament on this version of this reform.

Tonight, along with many of my colleagues, I joined advocates on the steps of parliament who lit the night up with compassion and courage. It was a vigil that was sobering. To those advocates who have been involved for many, many years, thank you again from the bottom of my heart for the work that you have done in enabling people like myself to stand here and know what the right thing is to do. I know many are here in the chamber tonight; I missed seeing you on the

steps of parliament on those cold mornings. Hopefully, this will pass. It has been great to see you, but we will have to find a way for you to get back here and hold us to account for the next bit of important reform that we need to do. I will have to work with you on that one.

There are a couple of arguments that have been put on either side of this that sit uncomfortably with me. One is an argument that has been put that people should leave their religious views aside to find a pathway through. I cannot agree with that because I know people of deep faith and people without faith who are on both sides of this argument. I have spoken about my own faith in this place and where it finds me on a number of arguably contentious social issues, but I know that each and every one of you have your own pathway through as well. So I have not and will not buy into an argument that faith has no part in this because for me faith at times guides me.

In the same way, I cannot agree and I will not agree that the only way to recognise the dignity of life is not to support voluntary assisted dying. There can be no more profound act and way, in my view, to express our support or our respect for the dignity of life, for the profound love, compassion and the courage needed, than to forfeit just one solitary day with a loved one who is asking, 'Please, no more.' It is our courage and our deep respect for the dignity of life that brings us to that point.

To see and to hear their pleas will often go against every instinct we have as humans to fight like hell for every single second of life. But sometimes it is okay to say that the fighting has to stop and that, when someone has fought so much, it is okay to say that it is enough, that it is okay to fight no more. To me, that is what voluntary assisted dying is doing. Dignity in dying does not make us less courageous, less inspiring or less loved—nothing could be more to the contrary. This is a modern complement to palliative care and to the other end-of-life choices that we all have.

To those who may one day be a beneficiary of these laws, to those who may take the comfort of their availability, to those who may never use them, I hope that you are comforted by the words of Welsh poet Dylan Thomas in the same way that I and my family are:

> And you, my father, there on the sad height,
>
> Curse, bless, me now with your fierce tears, I pray.
>
> Do not go gentle into that good night.
>
> Rage, rage against the dying of the light.

And, as my father has always inspired me to do, let us do the courageous thing, not always the easy thing.

Mr MURRAY (Davenport) (20:27): I rise, having the first opportunity as a first-term MP, to contribute to what is a longstanding and, historically, a very divisive process. I suspect, unlike many of the proponents of this bill, I have started—I hesitate to use the word 'journey', but I have started my journey in this respect with a philosophical bias against voluntary assisted dying, and I stress philosophical.

I am a naturally conservative and fairly agricultural sort of a person and I make no bones about that. What I have been concerned with is the responsibility as I see it to be a conduit for compassion on behalf of the people I represent. It is that desire that has led me to seek to become a somewhat unwilling but nonetheless an advocate for the implementation of these measures. So I do not come to this as a dyed-in-the-wool proponent of these measures, but the need to express and to provide compassion is something that I feel very deeply about.

I think the member for Giles has beautifully summed up our responsibilities here. If I can quote him, this is about 'love, empathy and compassion'. If you are going to be a decent representative of your community, in my view you need to exercise those attributes above all else. It is not exclusively about that, of course, but they are nonetheless deeply important. As a consequence of that, I have done the best I can in terms of assessing this bill and setting a path forward to enable me to reconcile my cultural and philosophical antipathy towards voluntary assisted dying but at the same time help satisfy the compassion I believe I should be exercising.

I do not have the strength of character to recount personal stories of the ilk of the member for Giles or indeed the member for Chaffey. Suffice to say, I know what it is like to sleep in the chair in the hospital room for days on end. For what it is worth, I bring that experience to the debate. I stress that I am not claiming any exclusive right or mortgage on compassion. I think the vast majority of us bring compassion to this debate. The compassion I refer to is my interpretation thereof.

I have, as many of you are aware, a whole series of amendments, which are designed to enable me to plot a way forward, to enable me to support this bill and in so doing to find a conduit for that compassion on behalf of the people who are relying on us to do so. I am not suggesting those amendments are perfect. I am not suggesting they are long term. I am not suggesting we can fix all the slippery slope arguments, etc.

The Hon. Kyam Maher will doubtless be surprised to hear me quote him in my speech, but he has made the very good point that it is right for us at some stage to rely on subsequent parliaments to reflect the will of people subsequently. I stress also that I am not trying to stop this particular bill. I am just trying to fix what I perceive to be some less than optimal outcomes so that, as a consequence, I can in all conscience support it.

There has been considerable discussion about the Australian model. At the risk of being parochial, and noting some of our interstate guests here this evening, I will be parochial and I will make the point that there is nothing wrong with having an infusion of South Australian compassion and what we bring as a parliament and some of the things that this chamber has seen over the years in terms of progressive, far-sighted and equitable legislation. Yes, by all means let's have the Australian model, but let's not let that divert us from an attempt to inject some common sense and compassion.

I note that we are—and uniquely so—a state based on freedom of religious expression and issues of conscience. Many Irish, Germans, Poles, Hungarians even, have come out here and have for the first time been able to give expression to their religious beliefs, their customs, etc. This is the South Australian experience, and as a result I would respectfully suggest that it behoves us to do the best we possibly can. At the risk of diluting the Australian model, I would suggest that we do not do that but that we in fact enhance it.

It is ironic, too, I would suggest, given that we do have a conscience vote, that there is some possibility we may be reluctant to enshrine others' rights to have their conscience respected in its entirety. By way of example, none of us who are members here have the slightest problem with talking about the privilege of the parliament, and I would respectfully suggest that we should likewise be prepared to look at conscientious objection, not just for individuals but for groups of individuals as well.

My message to the community is that whether you support or oppose this legislation every view should be respected. My plea is for a lack of continued polarised and divisive and opposing viewpoints. As I said, what I have sought to do in my own perhaps ham-fisted way is to construct amendments to give effect to what I believe are desirable improvements to the legislation to enable, in particular, people like me, who have not been supporters of this. We represent with this viewpoint a not inconsiderable minority of the community, and I am keen to ensure that we collectively try to accommodate those viewpoints while still having the benefit of what this bill provides.

With the time left I will very briefly enumerate the improvements I am desirous of pursuing. I am concerned to ensure that we try to move the decision-making capacity assessment from one that is based on an assumption to that which the Queensland law reform society instead prefers, where that is assessed. I think that is a not an unreasonable view and hopefully it is one that is shared. There is no mention in the bill at the moment of coercion. I want to enshrine the absence of coercion as a prerequisite.

We have talked about conscientious objection for hospitals and residential premises. This has been the subject of considerable discussion. I do not propose to dwell on it other than to say, as I said, that we need in my view to extend conscience and the right to object not just to individual health practitioners but to entities and in so doing respect their view and in particular give voice to the reality that we are talking about a voluntary process here. We are talking about choice.

If we do not extend that right to those organisations, quite apart from anything else, at the risk of sounding trite, we take the 'v' for 'voluntary' out of the process in my view and substitute it with something akin to it being mandatory, etc. The point is that every other jurisdiction thus far that has enabled this legislation for conscientious objection has failed utterly to address it—it is all too hard—and as a consequence in those jurisdictions they operate in a void or in a vacuum.

I am also interested in an annual audit for compliance purposes, and I am deeply committed to trying to get some changes or some proof insofar as palliative care is concerned. My plea is for compassion by everyone for everyone involved.

Ms COOK (Hurtle Vale) (20:37): It is not the first time that I have risen to speak about voluntary assisted dying. My thoughts and my intentions on my vote have not changed in the several years that have passed since the last time we voted in the very wee hours of the morning on this subject.

As a registered nurse working in the hospital system for nearly three decades, I have experienced and comforted many people through their dying days, many to a peaceful death, many in comfort and many in a way that was accelerated to some degree with the wonders of medicine and the compassion of doctors and nurses who were able to accelerate their demise using some medication and comfort measures.

It is not those people I am concerned about, and it is not that final journey that has made me consider my position on voluntary assisted dying. It is the often weeks and months before the final days that can be the subject of so much suffering, the time in people's lives leading towards death that can be prolonged, unnecessarily painful and unnecessarily traumatic for the person.

When making decisions in my nursing career, and also now, I have had to be a bit bloody-minded about the people around the person. It is not really about the family, although it is terribly traumatic for people sitting with their loved one and watching suffering. It is traumatic for people sitting with their loved one, being begged to help them to end their life. It is traumatic for family members who walk away, drive away, leave their loved one's home with their loved one begging them to help them to end it now because it is too much. It is actually about that person.

Sometimes the consequences of not being able to support them to a dignified end land with our emergency services. I have just been with a number of people who volunteer or work for emergency services, and for them the irony of this is not lost. I was very heartened to hear the commentary from SAPOL and their support for us collectively to be brave and to consider the consequences of what we have in place now, which is no option. It leaves people to make such awful, lonely decisions to end their life—to end the suffering—and it is not always about pain; it is about their loss of capacity to live a meaningful life. So I think it is very heartening to hear SAPOL make comments about how there should be a different way.

There should be a way for people who are destined for the end of life not to suffer and not to experience that painful journey that we as fit and healthy individuals just simply cannot understand. We cannot understand what it is like to live that life. I think we have to open up our minds and our hearts to listen to people's stories and to understand the journey that people take in sometimes those last months when their nervous system just gives up. It can no longer transmit the messages to breathe with strength, to swallow in a way that we know how to swallow, that we know how to drink, that we know how to eat. Sometimes the body just gives up the ability to even deal with the spit in your mouth. Imagine lying there and choking on what is just a tiny amount of moisture in your mouth.

The journey that people go on is something we cannot understand because we are not living it, but that is what empathy is. As human beings, we are programmed to have empathy. We are programmed to understand and to take the position of somebody else. I take that position. I have listened, I have watched, I have assisted people to accelerate the end of their life using medication. I am proud of that. I am proud to have been able to do that in the hospital setting. If you are left at home and you are left without assistance, to have to make a choice to die in an undignified way, to take your own life because nobody is there to help you to access the support to do that in a way that is dignified, is just too much to bear.

I feel very strongly that we have come to this parliament now on the shoulders of giants like the Hon. Bob Such, who held the seat of Fisher before me for so many years. Of course, we have then seen Steph Key, Sandra Kanck and Duncan McFetridge in the last iteration of desperation when we tried to get this bill through a few years ago. We stand on the shoulders of giants.

We come now, I feel in my heart, from a position of absolute strength, empathy and understanding, in a way that we and the community can support each other to make this decision with all the safeguards we have in place and the knowledge that so many have now gone before us and the slippery slope simply is not happening. I feel like we as a group, collectively in a bipartisan

or multipartisan way, can support each other, no matter how we vote and no matter how we end up. We vote, we walk on and we stand on the shoulders of giants. We are proud of what we do.

I will be supporting the bill. I thank the Hon. Kyam Maher for introducing it in the upper house and I thank the upper house for having such a dignified and wonderful debate. I thank Susan Close, our deputy leader, for her carriage of this. I thank the Liberal Party and the Premier and I thank our leader for their public commentary supporting this bill. I commend the bill to the house.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (20:45): I rise to offer some brief commentary on the Voluntary Assisted Dying Bill before us. I do not propose to go through all the philosophical thoughts and experiences in life that have helped me form my views on the bill. For constituents of mine who are particularly interested, they can read my speeches from 5 May 2011, 29 September 2011, 20 October 2011, 20 October 2016 and 15 November 2016, when we have dealt with this issue in the past and discussed some of the approaches that have been taken to this bill in the past.

For the record, I want to share with the house, and more particularly with those constituents who did not receive it, the communication I sent out a couple of months ago—maybe even more recently than that—upon the passage of this bill in the Legislative Council. I thank everybody who responded. To everyone I had an email address for, which is several thousand of my constituents now, I wrote:

> As you may be aware, during this week the Legislative Council passed a Bill to enable Voluntary Assisted Dying (euthanasia) for terminally ill patients suffering intolerable pain.
>
> The Bill will now be debated in the House of Assembly and ultimately will become law if Members of the Assembly vote for it.
>
> As the Member for Morialta it is my duty to assess whether this Bill, like any Bill, is in the State's best interest and vote accordingly. However as your local MP I value your point of view, and should you wish to write to me to share your point of view I am committed to reading all feedback from constituents and taking it into consideration when I make my decision on the Bill and/or amendments that may be presented.
>
> My starting point for that consideration is that I don't believe that any South Australian wants to see anyone suffer in pain that cannot be alleviated by palliative care, and I certainly understand the motivations of all those who are advocating for this change.
>
> However, when these bills have been presented in the past, I have been deeply concerned about the lack of adequate safeguards to protect the vulnerable and to prioritise life if there is any doubt about the matter. That was certainly my problem with the last Bill presented, which I voted against.
>
> The Bill currently considered this time appears to be the most conservative Bill of its nature ever presented to the Parliament, and it does appear to have a wide range of safeguards included. I certainly believe that the issue needs a full discussion in the House, and I expect it to pass second reading.
>
> During the Committee stage I will consider amendments along with my position on the final third reading vote. I look forward to listening to that debate, and to receiving feedback from constituents.

I then identified that, if people wanted to have more information, on my website I presented some of the speeches from either side in the Legislative Council debate alongside the final version of the bill that came from the Legislative Council.

For members and those of my constituents who may be interested, that desire for personal autonomy and freedom to be prioritised wherever possible has been part of the make-up of my political philosophy and my approach to life since I talked with my parents about politics as a young man. My parents were free market libertarians who were very distrustful of government's intrusion on any personal autonomy in people's lives. My desire for safeguards to be absolutely as strong as humanly possible is informed not only by my Christian faith, which prioritises the sanctity of life, but indeed by my fears of the potential for a state sanctioned process to be misused or abused in any way.

My views on this bill are informed by the upbringing I have had, the principles that were instilled in me from a young age, and my faith. I appreciated particularly the member for Cheltenham's comments on, I think, a fair understanding that people of faith bring forward that faith as part of the things that inform their views in a very worthwhile and necessary way.

I am informed by my constituents, and I thank those—I think in excess of 500 at last count, it may even have been more—who responded to my email or proactively found my address or email address and shared their views. I particularly thank those who took the time to reflect on this in their own letters, but I still value those who shared the form letters as well. It is useful to have an understanding of my constituents' views. It is informed by my experience and, of course, as with all of us we must apply our judgement even if there is a principled position that we bring with us. We must apply our judgement to the details put forward in any bill.

I have voted for the second reading in these debates more often than not—there was one occasion when I did not, the last one, because I felt I could not support that bill—and I intend to do so again tonight. I reserve my judgement on the third reading. I will have a close listen to the amendments, but I reiterate my indication, which has been reinforced by those constituents who have written back to me, that a bill that contains strong safeguards, adequate safeguards and does not necessarily presuppose that its passage will precipitate further watering down of such safeguards, is one that I could vote for.

Indeed, when I spoke against the bill in the last debate, and in arguing that I was going to vote against that bill, I said that I knew that that would upset many people in my community but I also identified to those who will always oppose euthanasia bills that I did not propose to say that I will never support a bill in the future. I will always consider bills on their merits and, in this case, that is made all the more difficult by the fact that my own feelings on the philosophy of the position of the principle of the bill are very torn.

This is a difficult matter for anyone to come to a conclusion on when one is not guided by the absolute firm conviction that many have that one side or the other of this debate is absolutely and always will be right. I think that anyone who cares to look back on the third reading stages of the 2011 bill that was presented, which was a statutory defence model, or the 2016 model that was presented, or any of the others, will see that sometimes these bills can get messy. Sometimes the debates can become quite political.

I think that everybody involved in this debate is doing so in good faith with the interests of their constituents' best futures at heart. I thank all members for doing so. I look forward to the remainder of the debate. As I say, I will be supporting the second reading tonight and I look forward to the consideration of the amendments in the coming fortnight.

Mr BOYER (Wright) (20:52): I also rise to make some short remarks and explain my own reasoning on the Voluntary Assisted Dying Bill. May I say from the outset that I greatly appreciate the lengths to which members of my community have gone to pass on to me their views on the bill. More than that, I would like to commend those people who have been both staunchly for or against the bill for the very respectful and measured way in which they have done so.

Pleasingly, this was also, I thought, a hallmark of the abortion debate, and the feedback I gave people following that vote was that not only is a respectful, considerate and measured tone the right one to take but, in my opinion, it is always the approach that has the most chance of success. I have yet to meet anyone who changed their point of view as a result of being abused or harangued by an adversary. Many, though, have at least modified their position after respectful and logical debate.

Being respectful and considered and cognisant of the fact that these are difficult issues for everyone gives elected members the opportunity to seriously consider the matter in the light of the various opinions with the likely benefit of arriving at a much more nuanced solution. I do not pretend for a second that these have been easy issues for me to rationalise in my own mind. I do not come with a wealth of personal experience in terms of watching someone dear to me die a slow and painful death, although I know that is something that almost everyone must grapple with on at least one occasion in their lifetime.

However, I did have the very good fortune of knowing all four of my grandparents very well before they passed on and they all played important roles in my upbringing and in shaping the values I bring to this place. This good fortune is one of the experiences that has drawn into clear focus the issue that has been troubling me the most regarding voluntary assisted dying, and that is the danger that elderly people living with a terminal illness may choose it on the basis that they feel they are either a burden to their families or that they are simply not valued enough to keep living.

The point I wish to make about my grandparents is that I firmly believe neither of those factors was ever a consideration because right until the very end of their very long lives they were an integral and highly valued member of our family. Indeed, they never lost the respect and reverence they had earned due to the way they lived their lives. Had circumstances warranted it, they may have chosen voluntary assisted dying on the basis of the enduring pain and suffering but never because they felt unloved or unwanted.

The other experience that has caused me to consider deeply the issue of elderly people choosing to end their life because they consider themselves burdensome or unloved could not be any more different from the lives of my grandparents. Indeed, in my role as a volunteer with Meals on Wheels, I have delivered food to many people and many elderly people in the north-eastern suburbs who live by themselves. In fact, it is a regular point of discussion between volunteers upon leaving the homes of some clients that we have never seen a family member visit nor is there any sign of any family member playing a role in their lives.

On the occasion that we ask a client if they are getting any support from their family, it is not uncommon for them to explain that they do not ask because they know their family is busy and they do not want to be a burden on them. So I accepted from the outset that it is a very real possibility, at least in my mind, without the right checks and balances in place that an elderly person with a terminal illness could feel pressured to access voluntary assisted dying.

For me, this issue was paramount in my own deliberations. Perhaps an unexpected benefit of this debate is that it may prompt a meaningful discussion about what being a burden actually means. As far as I understand it, when an elderly person says they are a burden, it is really code for saying they do not feel valued or loved. It is a perception that they do not have anything worthwhile to contribute.

So perhaps we are asking the wrong questions here. Instead of questioning whether the checks and balances will prevent someone accessing voluntary assisted dying on the basis that they themselves feel to be a burden, we should be asking ourselves: what sort of society have we created where so many of our senior citizens feel this way?

In this modern age, we are capable of so many things we once thought impossible and I often think of all the things that are now commonplace and taken for granted in our daily lives that even in my childhood not so long ago were simply the stuff of science fiction. I feel overwhelmingly that it must surely be within our shared abilities as a 21st century society to offer a terminally person a dignified and pain-free death. I would hate to think that because we cannot come to agreement here in South Australia after 17 previous attempts and after states such as Victoria have done so that we would continue to deny people that choice. For that reason, I firmly believe it is time that we passed this bill.

May I make two more points before I close. The first is that my careful examination of the terms of this legislation has completely allayed my fears of any undue influence or pressure being brought to bear on anyone considering assisted dying. Indeed, as I previously outlined, the debate has prompted me into deeper consideration of how we treat our elderly. My final point is that this legislation does not in any way detract from the wonderful work done by those incredibly selfless, compassionate people who work in palliative care. In fact, voluntary assisted dying is simply another path that could be taken.

I finish by also offering my heartfelt acknowledgement to the Hon. Kyam Maher for his efforts in the name of his late mum, Viv, who I was fortunate enough to know, in progressing this bill and to the member for Port Adelaide for her stewardship and compassion that she has shown in this place.

Ms BEDFORD (Florey) (20:58): Tonight sees the start of the 17th proposal for a South Australian law to establish a process to choose, with the assistance of your treating medical physician, the right to end your life with dignity. Like the member for Morialta, I will not traverse all aspects of this very important conscience issue. Rather, I refer those interested to my last contribution in 2016.

There are many safeguards—already over 50—built into this current bill, prior to any of the many proposed amendments, to ensure vulnerable people are protected. Many people write to me expressing their opposition to voluntary assisted death, which is their belief and choice, and they are

entitled to hold that view and have a right to freely express that view and to exercise their right to choose their end-of-life treatments. The choice to voluntarily end one's life is a personal one, requiring much reflection, and it should be the decision of the terminally ill person alone. It should be an informed decision based on all necessary information being made available to them.

People also write to me with heart-wrenching end-of-life stories where loved ones die in excruciating pain and requests to not resuscitate are not heeded by medical professionals, resulting in prolonged suffering no-one should have to endure. But many people also contact me about their firmly held belief they would like to know voluntary assisted death is available to them and explore that option well in advance in case they, should ever need to make that dreadful decision. Many others tell me of their family experience where their loved ones had always totally wanted to have that choice available but, when the time came, they did not want to exercise it.

The medical profession has expressed a desire to separate voluntary assisted death from palliative care. All doctors aim to provide relief from suffering, which is paramount in a palliative care setting. The AMA's position statement on physician-assisted suicide in 2016 made it clear that 'there are some instances where it is difficult to achieve satisfactory relief of suffering'.

A patient must have the choice to make an informed request well in advance, and to restate that choice again at the time when their condition has irreversibly worsened. To decide to hasten death should be their right, but not at the expense of access to quality end-of-life care. I acknowledge and am grateful for the work of Dr Lawrie Palmer in particular and his dedicated team at the Modbury Hospital hospice who provide this vital service in our local community. Their work is widely recognised, and rightly so.

For me, my understanding of this issue has taken many years to formulate. It came about initially through talking to someone who made the decision they wanted the right to choose and set about making that change possible in law. There have been many people in touch with me about this issue over the course of my public service and in this place. The first and perhaps most striking influence was that of Ms Mary Gallnor, an activist and champion of many causes.

Before her death in August 2013, Mary made a wonderful contribution in many areas and always gave her best. Mary was widely admired and respected for her passionate and tenacious advocacy on a broad range of social justice issues. I first met Mary in about 1989 when she came to visit the place where I worked. The purpose and cause of her visit soon became clear: it was voluntary euthanasia.

She put her case logically and without rancour and in such a way that it was impossible not to respect her argument. Indeed, over ensuing years I found much in common with this formidable woman, who was also a member of the South Australian Liberal Party executive at the time. She was regarded highly in that sphere and became also by me, for of course, although we had many differences, we had many, many shared values.

Within our parliament, Mary will be remembered for her advocacy of over 30 years of voluntary euthanasia law reform. A founding member of SAVES in 1983, she served as president for eight years. Her energy and activism also saw her elected President of the World Federation of Right to Die Societies. She reached out to Labor, Democrats, Family First, Greens and any other political body that may have been able to assist to help people who wanted to end their life legally, without recriminations or legal problems for their close family, friends and associates.

In Mary's 30 years of campaigning, she had seen voluntary euthanasia legalised and working in eight places around the world, and she had actively supported VE bills presented to our parliament 13 times. Many times she lobbied MPs, and all simply for people to have the dignity of choice in dying, a release from their unbearable suffering. In a free and fair society, the freedom to choose the right to die in appropriate circumstances is something many feel is worth the fight.

I would like to acknowledge my many now former parliamentary colleagues Steph Key, Bob Such, Anne Levy, John Quirke, Sandra Kanck, Duncan McFetridge, Isobel Redmond and many others who have made important contributions to previous bills, as well as community campaigners who have worked for decades. While it is impossible to name all of them, Frances Coombe and the SAVES supporters certainly deserve special mention.

The last time this bill came before our parliament, there were I believe 12 jurisdictions around the world where euthanasia in some form had been made legal. In 1995, the Northern Territory also

had voluntary euthanasia law reform, and Marshall Perron led the way with a world first that was eventually adopted in 1996. The federal government, however, overturned that bill in 1997, changing the laws in the ACT as well. Since then, VAD laws have passed the parliaments of Victoria, Western Australia and Tasmania. The Victorian law has been in effect since June 2019, a full 19 months after passing their parliament, with a review board established.

The debate in committee will be very important for us, and I will be following all amendments in an attempt to find a workable solution and position. It is important to make sure provisions within the bill are stringent but not unworkable. This bill is not about making vulnerable people expendable or undervaluing anyone. I know many of my constituents are watching and are keenly interested in this debate, and I will do my very best to represent their views as equitably as possible.

Mr TRELOAR (Flinders) (21:05): I rise to make a contribution here this evening on the Voluntary Assisted Dying Bill. I am a member in my third term in this place. This is the third time I have been part of this debate.

Mr Szakacs: Keep going; don't leave us!

Mr TRELOAR: You are very kind. I have made my decision, member for Cheltenham. It will most likely be the last opportunity I have to debate this. I am one who has voted against the bills on the previous two occasions I have been involved in. I do not remember particularly much about the 2011 vote, but those of us who were here for the last vote in 2016 all remember how we were trying to make good legislation at 3am in the morning. I felt, in my own mind, that was a task too difficult. Consequently, I voted against it, and the bill went down by one vote.

It is a conscience vote. It has been deemed a conscience vote by both the major parties here in this parliament. We have an extraordinary responsibility here. We have an extraordinary responsibility each and every day in this place, but particularly with issues such as this. I was asked by a country media outlet about a conscience vote and how we determine a position in a conscience vote as individuals.

It was a very direct question. He asked me: do you consider the will of the constituency, your constituents, or do you make a decision yourself on a conscience vote? There is no real answer to that. Of course we consider the opinions, the letters, the correspondence we receive from our constituents, and we have all received many on this particular issue, both for and against and some in between. But, ultimately, on an issue such as this, I think we have to look within ourselves to make a decision.

I am somebody who believes in the sanctity of life, of course; we all do. We have spoken about it here. There is nothing more precious than human life. I am not able to regale the parliament with stories of loved ones close to me and their dying days. I have lost elderly grandparents whose time had come. Probably the nearest thing I have was my father-in-law, who has passed and who died of bowel cancer. I believe in my own mind that he was not one who would have taken up an option to end his own life had he had that choice, and I feel sure of that. Both my parents are still alive. I have not lost anyone else in a situation whose experience I might be able to draw on to help me with this decision.

However, it is one particular story that has convinced me that I should support this bill. It is the story of a family resident on Eyre Peninsula, in the heart of Eyre Peninsula, in the heart of the seat of Flinders. I am not going to use names, even though the names are well known now because the family has gone public with their story. Each of us as MPs would have received an email from the mother of a young man who died of a terminal disease.

I have spoken with the mother. I know that we are not supposed to refer to people in the gallery, but that person is here tonight and I know she has been following this debate with great interest. I have asked her permission to read some—not all—of the email she sent to all of us to indicate to the parliament, her story, their story. I feel that story has convinced me to support the bill. She wrote:

> Terminally ill people want a choice in how they die. The choice to not die was taken away from them the moment they were given a death sentence when diagnosed with terminal cancer or a degenerative disease…

My son's death certificate says he suicided. I see it as anything but suicide. [My son] was dying. His oncologist as well as the palliative care doctor both agreed in their statements to police that [my son] was close to death—two weeks, no more than a month. The cancer had spread throughout so much of his body that in his last days, I could no longer even rub a sore spot on his back such was the pain. In fact, the only comforting thing I could do (for [my son] and myself) was run my fingers through his hair for hours on end, being careful not to touch his scalp as the cancer eating his skull also caused him terrible pain.

One argument that has been used as an excuse to vote against this bill is that of coercion—families will use this law to convince their family member that the only way out is death. The sooner the better. This is something that I cannot imagine ever happening. Having spoken to so many people in my advocacy of voluntary assisted dying, the consensus is the opposite. Families do not want their loved one to die. They want to hold on to them. They also do not want to see them suffer. Can you imagine if I had demanded [my son] not die from ingesting Nembutal? He would have died anyway but hating me for my lack of compassion for him! How selfish of me to want [my son] to suffer because I didn't want him to go when he chose or on the flipside, making him hurry up his decision to die because I had a vested interest or because he was being a burden! Ludicrous!

For [my son] to have control over how and when he died was deeply important to him. He was suffering terribly yet rarely complained but he was tired of fighting every day to stay alive—mostly for our sakes; to be there for the last Christmas with all of us present, to give his sister his last ever gift for her thirteenth birthday, to see in the New Year with us, his family.

When he developed cauda equina syndrome due to tumours growing around the base of his spinal cord [my son] was devastated that he could not get out of bed without help. He also lost bladder and bowel control. He was nineteen and was heartbroken and embarrassed that he needed help with the most basic human requirements.

The passing of this bill will not help [my son] but I know that by having voluntary assisted dying as an option, whether they choose to utilise it or not, South Australian people with a terminal illness and suffering terrible pain will feel a calmness knowing that when the time is right, they can choose to have a peaceful death, surrounded safely and lovingly by their loved ones.

I do not normally read such things into *Hansard*, but I do appreciate receiving that email. I appreciate sitting down with this lady for an hour in her own kitchen, and hearing the story in much more detail than that. I have an extraordinary amount of respect for this lady and the family.

She is writing a book about this. She did tell me how many words she is up to: she has written tens of thousands of words and is not finished yet. I asked her how the book was going to end, and she said that it is going to end with this—with this debate and this vote. It is just extraordinary.

I am comfortable with the safeguards that are included in this bill. I know full well, as we all do, that there will be another evening in front of us in two weeks' time on a Wednesday. I will have the duty of chairing that committee. There will be a number of amendments, there will be significant debate and ultimately we will make a decision that we look within ourselves to make.

I think this debate this time around has been particularly respectful and particularly calm. It has been much calmer than my memory of the previous debates, and I congratulate all members of parliament on the way in which they have conducted themselves here. The final thing I would like to say is that the test above all else is when we ask ourselves: would we as individuals want the choice if we were ever in that situation? My answer to myself is yes.

Mr PICTON (Kaurna) (21:15): The previous debate we had on this legislation was certainly one of the most difficult decisions and debates that I was part of in my first term in parliament. It made me focus on my own views on this subject, and it made me focus on talking to my community and hearing the stories and experiences of people in my electorate.

I came out of that experience having changed my perspective. I had previously instinctively viewed myself as an opponent of voluntary euthanasia. I ended up supporting the 2016 legislation. The more I learnt, the more people I spoke to, the more I experienced. It was very clear that there was an issue that needed to be addressed.

It was very clear that for people in excruciating pain with terminal illnesses in the final stage of life, we were letting them down with our legislative framework and we could take action to change that. For many of these people there is very little that can be done for them and we are subjecting them to very long periods of unnecessary pain because of the way that our laws are drafted.

That is a conservative model. There are others who view voluntary euthanasia as much more open, and they are much more willing to allow people with a whole range of perspectives to choose to do that. I view this as a narrow perspective and think we should support a conservative model.

I deeply respect the views from my community on all sides. People come to this debate with deeply held convictions and we can respect that people coming from all sides are doing so for the right reasons. I certainly have listened to everybody who has come to speak to me about this on all sides. I have read every piece of correspondence—every email, every letter—that I have received and I appreciate that people have sent me that.

In the end, in 2016 I moved some 30-odd amendments and ended up getting significant changes to the legislation that allowed a more conservative model that I believe allowed me to be comfortable with it, allowed more members of the community to be comfortable with it, but also allowed other members of parliament to end up voting for it. Of course, in the end, we lost by one vote in that debate. We are now in a very different situation. This is a bill that has been brought to the parliament by the Hon. Kyam Maher, the Leader of the Opposition in the other place, and the deputy leader, the member for Port Adelaide here, but this is essentially a carbon copy of the Victorian legislation.

Victoria went through a proper process, in terms of drafting their legislation, and a very lengthy detailed select committee of their parliament that went through the mammoth task of research around the world. They then took that report, and the government adopted and investigated it further using the resources of government to investigate and to develop the model that ultimately passed the parliament.

With the greatest of respect to all the members who moved the previous 16 bills that this parliament has considered, that is a very different proposition from what we have had previously. We have not previously had the full resources of the parliament or the government in South Australia devoted to the task of getting this legislation right. So, thanks to what has happened in Victoria, we now have a substantially better model to consider than what has been debated any time previously in this parliament.

That leads me to be certainly more confident in the legislation now than I was in 2016, and hopefully more members of parliament will be more confident than they were in 2016 as well. I believe we are hearing some of that now. I thank those members for their work previously, but it really took the whole parliament to get behind it, the whole government in Victoria to lead us to this model now. It has been passed in Victoria, Western Australia and Tasmania. Instead of being the first jurisdiction to pass legislation that has come from a private member's bill, we would now be the fourth jurisdiction that has come from a very lengthy process.

I also have done some work comparing where we got to in 2016 and what this bill looks like now. As I said, in 2016 we went through a lengthy process of getting significant numbers of amendments passed. However, if you compare this bill with that, there are a number of safeguards in this legislation that were not passed even by the time we got to the end of the committee stage last time.

In this legislation two requests must be made for voluntary assisted dying, not one. Health practitioners must have undertaken approved voluntary assisted dying training. Very important is the establishment of an oversight body over how the system will work and operate. Health practitioners are prohibited from initiating discussions about voluntary assisted dying, and the practitioner administration must be witnessed. I believe we have come a long way, and this is a much better model than what we have considered previously.

I will say something about palliative care. I agree that this is now very separate in legislation, but we do need to improve our palliative care system. I note that this is something that every time this is debated people on all sides, no matter what perspective, say needs to happen, but then it does not seem to happen afterwards. I was at a forum at Victor Harbor recently. People went through their awful tales of the lack of support that they got for their loved ones in palliative care, and we need to do much better for them as well, separate to this legislation.

I will be very happy to consider amendments through the process that are in good faith. I do not think we have to take the Victorian model completely. Of course we can consider ways to improve it. I am interested in looking at this conscientious objection in relation to institutions. Hopefully, there is a model in which we can strike the right balance, and I have noted that Queensland have recently come out with some advice on this that is, I think, something that we can look at in terms of getting

that balance right. I understand that this has been an issue in Victoria, even though it has not been addressed in their legislation.

In my final minutes, I would like to bring a voice to those people in my electorate who have taken the time to raise their concerns, their issues, with me and what they have experienced from caring for either patients in our health system or their loved ones. I will read a number of passages that have struck me as reason why we should be taking action. The first says:

> I work in palliative care and have seen so many people suffer for months; not living but not dying, just stuck in a limbo of partial death. Its not a dignified way to pass and its also traumatic for the loved ones to witness. Voluntary dying helps keep dignity as well as ease suffering.

Another says:

> In my 15 years in aged care I have witnessed a lot of suffering from the person concerned and the family. I can't believe we have to go over and over the same subject without the government being able to get this through and then get the proper procedures in place…

Another says:

> My Dad fought MND for 18 months. Towards the end he could not speak. He was unable to toilet or shower independently. He had all fluids and 'food' through a feeding tube.
>
> He was confined to a wheelchair.
>
> He had the use of 3 fingers on his right hand.
>
> People who are terminally ill have so much taken away. Choice is a precious gift that many take for granted.
>
> Please give them this choice.

Another says:

> I have worked in the age care industry for over 20 years and have witnessed some very cruel moments for residents and families, where extreme pain and suffering was extended unnecessarily…
>
> I wholeheartedly support the voluntary assisted dying.

Another says:

> I am asking that at the earliest opportunity, South Australians be given the right to choose a dignified end to their life when their quality of life has gone.
>
> I ask this as a man who watched his father waste away to a skeleton of a man due to Pancreatic Cancer. He suffered agonising pain, and his last months were so heavily drugged to relieve his pain he had to be nursed 24 hours a day.

Lastly:

> In my practice as a nurse, patients with terminal neurological illnesses, terminal cancer, end-stage heart, kidney and liver disease would beg me to help end the suffering.
>
> As a rural GP, I have frequently been disturbed, deeply saddened and frustrated when patients with no hope of recovery have begged me to help them die. I know there are many worse things than death, and watching a patient sufferer slowly dying, despite ever-increasing morphine, is a form of torture for all concerned. Once there is no hope of recovery, gentle death is a decent and dignified end.

I hope tonight and next week I can be a voice for these people. I thank them for raising these very personal stories with me. I hope we can get this done to help people in this awful situation.

Mr ELLIS (Narungga) (21:25): I rise this evening to place on the record my position on the Voluntary Assisted Dying Bill that is before us this evening. I will begin as I begin all conscience vote issues by clearly outlining that on these votes I do my absolute best to cast my vote according to the will of the electorate. There are obvious difficulties in measuring that, and inevitably there will be people who believe that I have misread the sentiment, but voters in Narungga should rest assured that I will do my level best to cast my vote in the way in which they expect me to.

To date, three and a bit years into my first term of parliament, I have had the fortune of not being put in the position where my personal views on a subject matter are divergent from those views that I believe the electors of Narungga hold. That, I think, is a good thing and evidence that I am an appropriate representative for that seat. However, unfortunately, I think that run might come to an end as this bill progresses.

To be clear, I am fundamentally opposed to euthanasia. I am of the view that human life should be sacrosanct in our lawmaking and should be held above all else as irreplaceably precious, and I am sincerely concerned that euthanasia, or voluntary assisted dying, considerably weakens the value we place on human life.

I firmly believe, personally, that it is impossible to completely safeguard legislation permitting VAD, and that inevitably, as I believe has happened in other jurisdictions, there will be instances of abuse. However, in placing that position on the record, I do acknowledge the valiant attempt to safeguard it by way of the 70-odd safeguards in this particular bill. Further, and finally, I believe it is absolutely inevitable that this is a slippery slope that will result in liberalised VAD laws in quite a short time.

During my time as a candidate in 2017 we had this question posed to us as candidates at that point, and I made it quite clear then that I was opposed to euthanasia. Feedback from at least one crowd member, who was not particularly shy about sharing his views, was that I must never have gone through something that might open my eyes to the virtue of voluntary assisted dying or euthanasia. I can report to this house now that that is completely untrue.

My grandpa, to whom my brothers and I were extremely close, went through a horrific ordeal at the end of his life. I recall it as being horrific, degrading and incredibly sad, and I am sure that I was sheltered from the absolute worst of it. When I was younger again, another close family relation suffered through a prolonged experience of Alzheimer's, which again was truly horrific. Both circumstances were extraordinarily difficult for our family to deal with.

Despite both of those experiences, I maintain my personal view on state-sanctioned suicide, or whatever name we choose to give it. However, in my current estimation, my electorate is in favour of this bill and, as I am only here because of them, I am leaning towards supporting this bill in its current form.

Despite my personal reservations, I currently believe that the majority of our community are of the view that VAD provides a more humane and dignified end of life for our loved ones. I currently believe that our community, on balance, believe that the trauma experienced by a family at losing their loved ones should be mitigated by voluntary assisted dying. However, I do have some concerns about this specific bill that I would like to place on the record, despite my presumed support for it.

It is my view that there are a significant number of people agitating for this initiative who will find—and perhaps they already know—that this bill will not provide the answer to what they perceive is their problem. By way of example, it is my view that a substantial number of people who advocate for this bill do so on the basis that they do not want to see their loved one suffer through dementia or Alzheimer's in the same way that my close family relation did.

On my reading of this bill, that will not be available. Put simply, in a doctor's estimation someone suffering with dementia seeking VAD must be between six and 12 months from death, and for someone suffering from dementia who is that close to death it would be extremely difficult, in my view, for them to possess the requisite decision-making capacity to make that request.

I do not want to put words into his mouth, but I believe that new upper house member, Robert Simms, confirmed that view in his contribution on 5 May about the extraordinarily difficult family circumstances he found himself in, and he acknowledged that in that case this bill would not have helped their situation. That being the case, in my view at least, if this bill passes it will be a very short period of time before we, or whoever is populating the parliament at that time, will be asked to review this act with the idea of making it more accessible to more people.

I have genuine, significant concerns that this bill will be the very thin wedge of a rather significantly wide wedge. I note of course that there is a mandated review period in this bill, but I suspect that it will not be that long before the lobbying for a review occurs. It is my view, and it will remain my view, that unless there is a seismic shift in the demographic within my community voters in Narungga do not want a free-for-all euthanasia program.

The AMA have articulated their position statement that there are real practical concerns about how doctors will interact with this scheme. I do not need to restate the AMA position. Everyone here will have read it and formed their own view, but there are genuine concerns about the way in

which doctors prescribe palliative care, in particular how VAD must never compromise the provision of end-of-life or palliative care.

I also worry about a key condition of this bill being that doctors need to diagnose the length of time that their patient could have left. It is my view that this is an inarguably difficult task for doctors to perform and that we would not have to search particularly hard to find diagnoses that have been proven either incorrect or dramatically misjudged in time, despite the doctors' best intentions and experience. In my view, we are risking taking years off people's lives by relying on such difficult diagnoses and we are possibly risking preventing recovery.

I also take issue with this bill explicitly stating that voluntary assisted dying is not suicide. When we take away terms such as 'euthanasia' and 'voluntary assisted dying', which are designed to make it seem more pleasant, we are left with state-sanctioned suicide, which I believe is what the process truly is. This is not late-stage refusal of treatment. We are not merely boosting painkillers. This is the voluntary consumption of a substance that is intended to kill.

With those few concerns, I will begin to conclude by again stating my personal opposition to euthanasia; however, on the basis that my electorate support it, I am leaning towards voting in favour. I have tremendous friends in the electorate who will be disappointed with this decision, friends who have been supportive in both getting me into this place and the way I conduct myself in it and who I hope will continue to be extremely supportive. These are people whose counsel I hold dear and who I hope to continue to rely upon. To them I say that I am only casting my vote in this way because I honestly believe that it is the will of the electorate.

I need to make a quick special mention of a constituent of mine Bec Rowan, who recently launched a petition to demonstrate community sentiment predominantly in the Copper Coast Council region. Bec succeeded in securing well over 700 signatures, which is a tremendous effort for one person, one community volunteer. Congratulations to Bec, and I thank her sincerely for her help in guiding the way for me.

I can also report that the vast majority of constituents who have contacted my office over the journey report their preference to be in favour of this legislation. Those two factors, in addition to my many, many hours in the community over the past few years, have led me to where we are today. I have to report that I will be voting in favour of amendments that strengthen this bill, especially those that I anticipate will be moved by the member for Davenport around institutional conscientious objections and reporting obligations and against amendments that will liberalise this bill.

Despite that being the case, I suspect that this bill will convincingly secure the numbers to pass the house. As I said, I will cast my vote in accordance with what the community expects of me and I look forward to partaking in the committee stage to make sure I can do the best possible job of doing that.

Mr McBRIDE (MacKillop) (21:33): I rise to speak on the Voluntary Assisted Dying Bill 2020. I appreciate that this is a conscience vote, and I welcome the opportunity to speak on this matter that is so important for many individuals and families across our state. I have followed this informed debate that commenced and occurred on this matter in the other place. I note the respectful way it was debated in the other house and the careful, detailed and well-researched consideration given to the bill by its members. I acknowledge the work of the Hon. Kyam Maher MLC, who has done extensive groundwork and introduced this bill in the other place, and the member for Port Adelaide for bringing this bill to the house.

This is the 17th time this matter has been considered by the South Australian parliament; however, unlike many members who have navigated this debate previously, this is my first opportunity to consider this important measure in the house. I take seriously the requirement to make a decision on this issue. I consider it to be one of the most important decisions this house can make.

There are many people in our community who are currently suffering, who are on the path to suffering or who are indeed yet to receive a diagnosis of incurable advanced progressive disease that will result in them experiencing suffering. These are the people who ultimately either will or will not have a choice to die at a time or in a way that they choose. Like so many people who are supporters of voluntary assisted dying, my broad support for this bill has been born from life experiences and from hearing the enormously difficult stories from others who have had loved ones subjected to unbearable suffering when facing terminal illness.

I have appreciated hearing from constituents in my electorate on this matter. I have heard many unfortunate, familiar stories about families being powerless to assist loved ones in their suffering. I have heard stories of decisions being taken to halt treatment because the patient has had enough, where the next steps are the use of terminal sedation, where no food is taken and the person dehydrates in an effort to bring a conclusion to suffering.

These experiences have left a lasting impact on loved ones and family members. The impact can be traumatic and long lasting. When speaking with these people, you can see that their experience drives their conviction. They do not want to see others suffer in the same way that their loved ones did. I have had it put to me from such people, including some who attended the Candles for Compassion vigil in Mount Gambier last Friday, that there is beauty in having an end-of-life choice and there is beauty in a dignified end to life.

With voluntary assisted dying, relatives can find comfort in knowing their loved one has had their last decision realised, that their loved one owned the decision around the end to their life. It is a comforting end. These people are often the most passionate and strident supporters of our state reaching a position where voluntary assisted dying is recognised legally as a compassionate and humane way to end suffering.

I have also heard from those in my electorate opposed to voluntary assisted dying, and I respect their views. I understand that for some, their personal beliefs do not allow them to support the ending of life. It is a challenging task as a local member to balance and evaluate the diversity of views that constituents share with me. I have a deeply held personal view about the rights of individuals to make their own decisions, including those that relate to their end of life.

It is very useful that this matter before us has been subject to detailed scrutiny on the pathway to the establishment of voluntary assisted dying legislation in Victoria, Western Australia and, most recently, Tasmania. We have the advantage of understanding how the practical implementation of the legislation is progressing in Victoria.

I note that the Queensland Law Reform Commission this month released its report, 'A legal framework for voluntary assisted dying', and a draft bill. In my brief review of the elements of the bill, I note there are significant similarities between their proposed bill, that of Victoria and the one before us. The notable exception is that to be eligible the person must have an incurable advanced progressive disease that will cause death within 12 months.

The Joint Committee on End of Life Choices, established through the other place, has been a valuable process that has enabled thoughtful and detailed deliberation and the opportunity for community engagement and consideration of the full spectrum of positions in relation to this matter. I thank the members of the joint committee for their diligence and deep consideration of the matter. As a result of its research, the committee found that the most relevant legislative approach with the highest level of safeguards while allowing for end-of-life choices was that of Victoria. This is the model upon which the bill before us is based.

Under the bill before us, access to voluntary assisted dying is limited to (1) persons who are over the age of 18, who are Australian citizens and who have been resident in South Australia for 12 months and, importantly, who have decision-making capacity in relation to voluntary assisted dying; and (2) persons who have an incurable advanced progressive disease that will cause death within six months (or 12 months for neurodegenerative diseases) that is causing suffering that cannot be relieved in a manner that the person considers tolerable.

The foundation of this bill is about allowing choice. It will provide a choice that some people experiencing intolerable suffering from advanced terminal illness would seek to take up. It does not diminish the choices that people suffering from advanced terminal illness have. Voluntary assisted dying is just that: voluntary, and is only a choice that people with decision-making capacity may take up if they are eligible.

Terminally ill people who are experiencing intolerable suffering will base their choices on their own position, their own beliefs, their values and their circumstances. People in this position are the ones we need to think about. They deserve to have the autonomy that they have had throughout their lives—that is, to make decisions about themselves, including their choice to die.

More broadly, community sentiment in favour of voluntary assisted dying has been growing over time. I note that a range of polls in Australia have sought to identify the level of support for voluntary assisted dying, in particular when a person is terminally ill or experiencing unrelievable suffering. Repeated surveys conducted by Roy Morgan over time have shown growth in support by survey respondents from 47 per cent in favour in 1962, compared with the 2017 survey, which showed 85 per cent of people surveyed were in support.

The bill provides a series of important safeguards. In the bill, doctors are prohibited from discussing voluntary assisted dying except when asked. People seeking voluntary assisted dying need to retain their decision-making capacity throughout the process. If there is any doubt about the decision-making capacity of the person seeking voluntary assisted dying, including mental illness, the coordinating medical practitioner must refer the person to a registered health practitioner who has the appropriate skills and training. This may include referral to a psychiatrist.

People must have an enduring request for access to voluntary assisted dying. The bill requires the person to request assistance for voluntary assisted dying on three separate occasions. They must demonstrate they are acting voluntarily at all stages of the process. Specialist advice is brought to bear in relation to the illness the person is suffering. Two doctors are required to agree on a detailed assessment. A voluntary assisted dying board will be able to track reporting on people for whom VAD is approved. This will assist in picking up concerns about doctor shopping.

Palliative care plays a fundamental key role in assisting to alleviate symptoms and making life as comfortable as possible for any individual who is suffering and nearing the end of their life. The Joint Committee on End of Life Choices highlighted the role of palliative care as a critical part of our health and wellbeing system. The committee noted that palliative care requires a greater level of funding to ensure more consistent and equitable access can be achieved.

I am acutely aware that there is ground that needs to be made, particularly in regional areas, in relation to the delivery of palliative care services. I welcome the $16 million investment by our government into palliative care services, which seeks to improve services and provide end-of-life care options where needed. It is evident that even with the best quality palliative care suffering cannot always be alleviated.

I note the concept of the Australian model for voluntary assisted dying referred to by the Hon. Stephen Wade MLC in the other place has been discussed. The location of my electorate on the border between South Australia and Victoria brings this issue into sharp focus, as presently voluntary assisted dying is permissible in Victoria and not in South Australia.

In the close and frequent daily interactions in our cross-border community, we have some people, even neighbours in my community, able to access voluntary assisted dying while others who reside in South Australia currently cannot. It also provides a strong case for consistency. I look forward to the bill progressing to the committee stage. I have indicated my broad support for the bill as drafted but will look closely at the amendments.

Mr DULUK (Waite) (21:42): Like everyone else in this house, I will be making a contribution. We cannot be reminded enough of the importance of the decision that we are going to make over the course of this debate today and in the next fortnight. This is an emotional issue and so many of us have experienced the illness, suffering and death of a loved one. All of us, I think, have been in that position. In my own family, we have been no different.

For our family, we were all present at the end of my grandmother's life, when she was in a vulnerable, incapacitated state at home. We were so fortunate that she was able to receive the very best of end-of-life palliative care. That is something our family will forever be grateful for. I know the member for Chaffey in his contribution touched on the importance of that and of witnessing that, as did the member for Davenport and so many others in this place.

I do not think any of us wants to see our family or friends suffer at the end of life, and this is such a difficult debate for so many of us, but we as legislators need to judge the legislation on what is actually printed on the pages before us and what these changes will mean if they become law. We are tasked with legislating for the wellbeing and safety of all South Australians, and we must look at this through that prism of shared values, foundational principles, love and compassion, as I think the member for Wright alluded to so well in his contribution, and how it will impact on our entire state now and into the future, because this bill impacts on each and every one of us.

Paul Keating, former Prime Minister, made some remarks as part of the 2017 Victorian debate. He went on to say:

> Once this bill is passed the expectations of patients and families will change. The culture of dying…will gradually permeate into our medical, health, social and institutional arrangements.

He also said:

> Opposition to this bill is not about religion. It is about the civilisational ethic that should be at the heart of our secular society…In public life it is the principles that matter. They define the norms and values of a society and in this case the principles concern our view of human life itself. It is a mistake for legislators to act on the deeply held emotional concerns of many when that involves crossing a threshold that will affect the entire society in perpetuity.

I believe his words and many of the points he made in those remarks are true in this debate, and that is why we should tread with an abundance of caution as we go through this debate and importantly as we embark on the committee stage where we will be looking at many of the clauses and how they will actually work in practical effect for South Australia should the bill become law.

One of my key passions ever since being in this place—and of course it is National Palliative Care Week—is around the provision of palliative care services in South Australia, and there is always going to be a big interface with palliative care services in end of life and any end-of-life legislation that comes through with it. According to the AMA:

> For most patients at the end of life, pain and other causes of suffering can be alleviated through the provision of good quality end of life care, including palliative care that focuses on symptom relief, the prevention of suffering and improvement of quality of life.

The AMA also admits that palliative care 'can vary throughout Australia' and that 'we must ensure that no individual requests euthanasia or physician assisted suicide simply because they are unable to access this care'. When people are dying they need tender loving care and support, and unfortunately we too often fail in this objective. Surely, before we embrace euthanasia, governments should be doing everything they can to improve palliative care options and access to them, especially in regional South Australia.

This means ensuring adequate resourcing, support for research and development and ensuring our doctors and nurses are more aware of palliative care options for their patients. We know that the majority of South Australians want to die at home surrounded by their families. It means our public health networks need to provide palliative care at home just as the Mary Potter Hospice does through Calvary.

The Australian Institute of Health and Welfare's 2020 report on palliative care services found that South Australia had one palliative medicine physician and 11.3 palliative care nurses per 100,000 people as of 2018. The national standard is two palliative care physicians per 200,000 people. Right now we cannot even meet the minimum threshold for palliative care in this state, and there is much room for improvement in South Australia.

We have heard in many of the contributions that the passing of VAD legislation would give peace of mind to South Australians. I have no doubt that to a certain extent that is true, but I also know that better palliative care will also provide that peace of mind. If we as a parliament are going to progress a VAD bill, it cannot be at the expense of palliative care and see a reduction in those services. In fact, it should spur our desire to do more in that space to ensure that if this VAD legislation is passed, it becomes the absolute last resort option.

That concern about lack of palliative care feeds into some of the other concerns that many have with this bill, including me, which are around protection for vulnerable people. Right now in debate across Australia we have just had a royal commission into aged care and elder abuse and we have had a royal commission about the abuse of people with disability. This is coming on the back of the failures at Oakden. We have the Ann-Marie Smith case. These are all tragic cases where the state has failed to adequately protect the most vulnerable. Indeed, once again we need to be looking at resources for the most vulnerable, not taking away those choices.

The Australian Medical Association advocates for relevant legislation to 'protect...vulnerable patients—such as those who may be coerced or be susceptible to undue influence, or those who may consider themselves to be a burden to their families, carers or society' if euthanasia is permitted.

Labor Senator Pat Dodson remains concerned that Indigenous Australians will be adversely affected, adding to fears and lack of education about medicine and doctors while they continue to battle worse health outcomes.

There are also similar concerns for people for whom English is a second language. I know through my own migrant family background that that is a big concern for many. As the member for Narungga touched on in his contribution, this bill permits the state to become involved in the taking of life, no matter how noble and how much that decision comes from a place of love.

We are having this debate at the same time as we are looking at whole issues around mental health and ensuring that every life matters and that debate is had. As we have seen in the Victorian example, with the passing of the VAD legislation, we have not necessarily seen a reduction in recorded suicides. There quite often has been an argument made that if we have VAD legislation we will not see these sad occurrences happening in terms of people taking their own life.

I believe that if we do not have these important and proper debates around end-of-life care, and the value of supporting someone through all stages of their life, we are sending very much mixed messages throughout our society. We have seen in countries like Belgium and the Netherlands that the initial limitations in those two countries of only allowing euthanasia for the terminally ill has naturally expanded to include other groups of people as legislation has progressed.

Indeed, we have seen that most recently in Canada, where VAD was passed. Before that bill was assented to, we already saw amendments being drafted for its further liberalisation. So as we progress this debate into the second reading, it is something that we are very mindful of. It is a natural path for us to ensure that we do have those safeguards in there.

To think that there are strengths in this bill that will ever stop there from being abuse of such legislation is something we should always be very careful of in going down that path. There are certainly many issues that I would like to explore in the debate around the role of practitioners in this in terms of the two-doctor framework. Another matter that I will also be supporting, in terms of the committee stage, is around conscientious objections for institutions. I believe the member for Davenport has already tabled amendments to that extent.

Like all members of parliament, I have received an incredible amount of correspondence from my constituents—those who are strong proponents of VAD legislation and those who share many concerns. I want to thank my community, as many others have indicated, for engaging in this debate in the most respectful manner. For me, the passage of this bill might provide some people with greater end-of-life choice. In its current form, if passed, I believe the bill will expose vulnerable South Australians who cannot even access the very best of palliative care services at the moment.

Ms HILDYARD (Reynell) (21:52): In rising to speak, I wholeheartedly thank those who have shared with me their heartfelt and often heartbreaking stories about people they love and their thoughts, hopes and feelings about this bill. As I have said in relation to other issues with which our parliament and community have grappled, I am grateful that people have taken the time to express their views. I think it is a very fine reflection of our democracy when our community, and particularly those who feel strongly about an issue, participate in deliberations through sharing their thoughts and often their very personal experiences. Thank you again to all who have done so.

This is the 17th time a bill to legalise voluntary assisted dying has been debated here, with the last bill defeated by a solitary vote. For a range of reasons, all these previous attempts fell short. I know some colleagues supported the principle of dying with dignity but were worried about a perceived lack of protection for certain vulnerable cohorts of people. This bill, introduced by my lovely friend and colleague Kyam Maher, addresses these concerns and draws on the experience of the Joint Committee on End of Life Choices. It is a carefully constructed, thoughtful bill, deeply underpinned by a commitment to both safety and compassion.

I have, of course, thought about this bill a lot and I have struggled in considering it and, rightly, deeply examined my conscience about the best course of action. It has not been an easy journey to this speech tonight. I have, however, arrived at a view. I believe that this bill strikes the crucial right balance between people who are suffering, who are terminally ill, having the choice to die peacefully, with dignity and safeguarding those who are vulnerable.

Many opponents of voluntary assisted dying cite concerns around coercion. This bill adequately addresses these concerns in both a sensitive and a practical way and includes provisions

based on the Victorian model, often held up as one of the safest models in the world. These provisions include voluntary assisted dying only being available to adult citizens or permanent residents who have resided in South Australia for 12 months or more and have capacity to choose; those diagnosed with a condition that is incurable, advanced, progressive, causes intolerable suffering and will result in death in six months; and those with decision-making capacity who have made an enduring request to access this.

The legislation clearly ensures there is no obligation to continue at any stage of the process. In Victoria, many have obtained medication and not used it but have cited that having the medication has provided much-needed comfort. Penalties for breaches are high and a review board will monitor the system and. only after stringent criteria are met. could a person be provided with a voluntary assisted dying permit.

This gives me assurance, as do the words and views of others. I am heartened by the words of highly respected former Victorian Supreme Court judge Justice Betty King, Chair of the Victorian Voluntary Assisted Dying Review Board, who said:

> I have not seen—and I have been looking, believe me—no indication of any type of coercion. The feedback has been predominantly about how peaceful it was…for my parent or loved one to be able to choose, to be surrounded by family, to play music and to just quietly go to sleep, and we all sat there and rejoiced at the end at the fact that they've had a wonderful life…

As I mentioned, I have been contacted by many urging me to support this legislation. I have been moved by their words, too, and their accounts of loved ones spending the last of their time on this earth in deep suffering, terrible pain, indignity and trauma. I have heard from wives, husbands, partners, best friends, sons and daughters harrowing accounts of this and their deep sorrow at not being able to provide the comfort they so desperately want to give to the precious person they love.

These accounts are compelling and reflect a widely held feeling in our community that people, when faced with intolerably painful disease or illness that will cause death, should be allowed to die with dignity. For those who are ill, and for their families and loved ones with them in their trauma and torment, I support this bill. I also offer my thanks to those in this place who have generously shared their moving stories of being with a loved one approaching death in excruciating pain.

I do not have an experience of a family member going through this but earlier this year, together with my husband, our boys and other family members, we gathered around my much-loved brother-in-law, my husband's oldest brother, as he passed away. He had gone through cancer and associated treatments a few years ago. He was doing okay and then last year it came back again ferociously. Two days before Christmas, things became dire. Just two weeks later, he passed away.

I have been thinking of him as I wrote this speech. Whilst it was a difficult and extraordinarily sad two weeks, throughout which he received brilliant palliative care, his passing was relatively quick. He left us peacefully at home surrounded by his beautiful wife and daughter and the rest of us. That peace, that gentleness, is what I wish for everyone.

This bill is steeped in compassion and a desire to ensure that everybody can go gently, peacefully, with dignity and without judgement. This is not about anything except ensuring that people can do just that when they face certain, painful death. I have of course heard from people worried about this bill, and I deeply respect their views. I know that some who oppose the legislation do so on religious grounds, and I deeply respect their beliefs.

As a Catholic woman, I, too, have deeply considered and struggled with the moral, ethical and spiritual aspects of this debate and I have weighed up what those aspects mean in terms of the choice before us in this debate. Whilst this debate is not about any single one of us as individuals, we all bring to this debate our own experiences, values and beliefs.

I have deeply considered what my faith means in the context of this debate, and I am very, very clear that my faith is about acting with love and without judgement in every single circumstance and decision that I confront. In considering my faith in relation to this debate, I believe that the most loving and compassionate choice for me to make is to vote in a way that trusts people, that considers their circumstances with love in my heart, my mind and my actions and that gives people choice to die with dignity, without judgement.

SAPOL, in a rare foray into non-criminal matters, wrote to the end-of-life choices committee in support of voluntary assisted dying, saying that many deaths in those circumstances are undignified, violent and committed in isolation which, on occasion, result in the death not becoming known for some time. There may also be pain and suffering depending on the method and the level of expertise of the person when they take their own life. SAPOL is supportive of a legislated scheme that would allow a person under prescribed circumstances to die with dignity.

Our parliaments, in opposing 51 voluntary assisted dying bills across this country, appear to be trailing public opinion. Indeed, many published polls indicate that support for voluntary assisted dying in Australia is high, including amongst faith-based communities. Amongst the speeches out the front tonight, I heard the fabulous Andrew Denton say that it is time for us in this place to follow our community. Again, I believe the bill responds to our community and it offers compassion and a loving, kind choice to those facing undignified, horrific pain and death, and the vital safeguards that simply must be in place if we are to take this step forward.

In closing, I offer my love and thanks to the Hon. Kyam Maher, his dad, Jim, and his whole family for so courageously through this debate sharing their journey with his beautiful mum, Viv. I thank Kyam for his compassion, his love and his activism in bringing the bill to the parliament. I know how deeply affected Kyam was by the death of his beautiful mum and I also know how very, very proud she would be of her son right now.

Mr PEDERICK (Hammond) (22:02): I rise to speak to the Voluntary Assisted Dying Bill 2020. I have been one who has made it perfectly clear where I am going to go on this bill, and I will not be supporting it. I will watch the debate with interest when we get to the committee stage, on the 124 clauses, to see what amendments I either support or not support. I note the amendments put forward by the member for Davenport in getting institutional rights of conscientious objection up, and I commend him for that.

I acknowledge the various views on this matter and I certainly acknowledge that some people have come to a different view about the bill. I think it is the third or fourth time in my 15-plus years that euthanasia has come up. I was certainly here last time, five years ago, when the vote was called at 4.23 in the morning. Speaker Atkinson had the casting vote and the bill was lost.

It was interesting at the time because there was a lot of debate from medical professionals, either nurses or doctors, and family members, about the perceived risk of what happens in the system when people do go gently into the night. I will read the section that is actually written into the bill. It provides:

> Section 17 of the Consent to Medical Treatment and Palliative Care Act 1995 provides that a medical practitioner does not incur liability where certain medical treatment incidentally, rather than intentionally, hastens the death of a patient.

Certainly, the side effect of pain relief—it might be morphine, it might be something else—can be death. Some people would argue that that is euthanasia. No, it is palliative care and it is working through the pain involved in the patient at the time. Do not worry. I have had the lobbying from everyone and there may be a small number of people who cannot get pain relief.

But I have been consistent with my views in the time I have been in this place and I do listen to the views of my electorate of Hammond. There has been significant lobbying once again, and it is basically black and white with this legislation. You cannot be halfway. So we have strident views from either side. Everyone in this place would have been lobbied the same way.

We have all had our personal experiences. I witnessed the death of my father six years ago. He had a small stroke and a small heart attack. I got it straight, and the medical profession were very gentle. Two of the best doctors in Murray Bridge were talking to me at the time—my father was nearly 95—and they said, 'He has about four days to live.' I said to one doctor that night, 'What if we get him into hospital?' He said, 'He might get a day or two.' He was residing at Resthaven at Murray Bridge and their care was exemplary—absolutely exemplary. The medical profession were about spot on: it was about four days. He was being assisted with his pain relief, I will say that.

I have also had an uncle—and I spoke of Uncle Les last time—who was a veteran of World War II. He served in the Navy, then he served in Korea in the Army, then he served in the Federal Police on Crete and also Maralinga after the nuclear weapons testing. He was a very strong man. I do not say this lightly because when you go to a place like Mary Potter Hospice that administers

fantastic palliative care, it is pretty well a one-way trip. He went in and came out and some time later on went back there.

They are just a couple of stories, but it is hard to validate whether it is six months or 12 months for person's death to come. A very dear friend of mine who in October the year before last was given maybe 12 months to live with treatment for pancreatic cancer. If anyone knows anything about pancreatic cancer, it is a death sentence. There is no way back and, once you know you have it, evidently that is it. It will happen. Death will happen. No amount of treatment will stop the terrible disease. But this person is still going and he may outlive that diagnosis by a couple of years. He is doing great service in a position in the community. I hope he does it for a long time yet, I really do.

One part of the legislation where I think there is a bit of confusion in the community, and I am not trying to be cute in saying that, is the clause that provides: 'the person must have decision making capacity in relation to voluntary assisted dying'. In that regard, during the lead-up to this debate some people have a friend, a relative or someone who is sadly suffering from dementia, Alzheimer's or another mental-related illness, and they have thought that they can make the decision to take their own life. Under this bill, that is not true; it cannot happen and will not happen, according to the way the legislation is written.

There have been reports from overseas where legislation has gone through where hundreds of people supposedly did not give the express permission for euthanasia, and you cannot come back. I note the work that has been done on this bill, I note the work that was done on the Victorian legislation and I note the work that was done on the Tasmanian legislation. I know the Hon. Mike Gaffney from Tasmania ran a major campaign and a roadshow of forums right around Tasmania, debating with communities right around the island before that legislation went through the Tasmanian parliament.

We have heard the concerns of other members here tonight, and I acknowledge everyone's viewpoint, but I certainly will not be supporting state-sanctioned killing, because I certainly believe that is what it is. I will be looking at the debate during the 124 clauses of the committee stage with much interest. We have excellent palliative care in this state, and I am a firm believer that we should strengthen our palliative care so that we can get those good end-of-life options with excellent palliative care that people absolutely do require—there is absolutely no doubt.

There are difficult times, and I get that; I have seen it myself. However, for the value of human life I will not be supporting the bill. I will certainly be taking much interest in the committee stage when we get to that, but I do acknowledge everyone's different viewpoint in relation to this bill.

Ms STINSON (Badcoe) (22:12): I have met in person with everyone from Badcoe who has requested a face-to-face meeting with me about this bill. That means I have had dozens of conversations about this difficult topic at kitchen tables and in lounge rooms across Badcoe. There have been many tears and people have entrusted me with their incredibly personal stories and their innermost insights. They have done that to persuade me of their deeply held views and experiences so that I might be better informed about how to vote on this bill. For that I thank each of those people. They are not pleasant stories and I realise they were hard to tell and much, much harder to live.

Each story shared with me has had its own dynamics, each painful and many peppered with fond memories of a loved one, and it is not possible for me to recount every one of those journeys. Tonight, I want to share just one story with you, not because it is more tragic than any other but because it is typical of the stories I have heard.

Talana lives at Glandore. We caught up over a coffee at our local Beckman Street Deli on a sunny day in late March. In a quiet room to the rear she talked about her adored husband of many years, Michael. Hailing from Ireland originally and with an accent to match, she described Michael as a dignified man. He had a long career as a police officer, particularly in the drug squad, and he was still a cop when he fell ill. He was a tough bloke and he had seen a few tough things in life.

In September 2019, he was diagnosed with bowel cancer. Fairly soon it had spread to his lungs and liver. He had chemo fortnightly, but by April 2020 it was clear that no further treatments could assist and that the cancer had spread through his whole body. Of particular distress were tumours in the base of his spine that put him in a state of agony. Although an injection of painkillers

in his spine might have helped to relieve this, Michael was in such a parlous state of health by this point that medical professionals were unable to administer the top-level painkiller in this way.

Talana described to me how just over a year ago Michael was admitted to Ashford Hospital. They both hoped that when the time was near he would be able to go home and pass away peacefully in the home they shared together, but that was not to be. Michael never came home. She told me how in his hospital bed he was in agony and in quite undignified circumstances, and he would beg her and tell her again and again, 'I just want to die.'

By June and July 2020 the COVID lockdowns were in place and Michael was allowed only two visitors. Seeing they knew many months earlier that Michael's cancer was fatal, Talana wished he had been able to make a decision much earlier about how he wished to leave the world. There would have been time for him to seek VAD under the bill we are debating right now, and he would have had the medication and been able to choose to be at home, have all his friends and family with him and not find himself in the dehumanising and excruciating position he was in for the last seven weeks of his life.

Talana told me how the experience fundamentally changed her own views on euthanasia. She told me, 'I never thought it was right to end a life, but until you've been through it you don't know how you'll feel.' Michael died on 20 July last year. He was just 55 years old. It is a very distressing story. Of course, I was in tears as Talana spoke about her pain and regret but also her commitment to make a difference in his name. She decided to talk to her local MP and try to get this legislation passed in her own small way. Thank you, Talana, you have done a good thing and I am sure that Michael would be very proud of you.

In the last six months, 56 per cent of the people who have contacted me in any way about this bill have urged me to vote in favour of it. Polling done in my electorate by the group Voluntary Assisted Dying SA shows 78 per cent of the 1,200 people polled in Badcoe voiced support. It is clear to me that there is widespread support for the bill from my electors, though it is not, of course, universal. There is a range of reasons people in my election oppose this bill. One argument, which I have some sympathy for and that I have invested quite some time in evaluating for myself, is the issue of criminally inclined coercion and ill intent by family or friends, particularly those who may benefit from a person's death.

That is a difficult scenario for any of us to conceive. The vast majority of South Australians would find it unfathomable that they would ever consider somehow engineering a loved one's death. But, in my years as court and crime reporter, I have seen the quite ghastly things that some humans are capable of doing to each other for their own personal and financial gain. We only need to think back to news headlines a year ago and recall the name Annie Smith to be reminded that people do not always have the fondest of intentions towards those they are meant to care for.

It is that knowledge that also makes me concerned that whatever system is implemented is as rigorous as possible. I have had to balance the fact that no legislative scheme is bulletproof with imposing so many restrictions as to make the scheme unworkable for those it is designed to assist. I have carefully examined the 70-odd safeguards in this bill, and although I cannot say that I am 100 per cent convinced that no-one will ever be able to exploit this scheme, I am satisfied that all reasonable measures and a few more have been taken to vastly limit the chance of corruption.

I have been comforted by the work of Justice Betty King and her reviews of the Victorian system. In one such review she states that she has not found any evidence of relatives or friends of VAD patients using the scheme to take advantage of a person, and she states, 'and believe me, I've looked'.

In addition, I have had the pleasure of meeting with well-known journalist and VAD campaigner and a graduate of my alma mater, Andrew Denton, and we have talked about this aspect. He talked about how one of the complaints that people in Victoria have been expressing to him in recent times is that patients are asked somewhere near 50 times during the process if VAD is their choice and their wish. He pointed out that this is in fact excessive and possibly harassment, but it does provide some insight to the rigours of the scheme. He also pointed out to me comments in the Go Gentle submission to our parliamentary inquiry, which states, 'Of course, humans are capable of terrible things, but to carry off such a conspiracy involving so many people would be harder than *Oceans Eleven*.'

It strikes me that there is a not lot more that we could do to guard against the risk of wrongdoing, and at the end of the day I satisfied myself that risk is minimised and does not outweigh the right of people who are terminally ill to access the scheme. There are still a few matters that I need to work through, particularly in relation to institutional exemptions, and I look forward to investigating that in committee.

I want to thank my friend and colleague in the other place Kyam Maher, as the chief architect of this bill. Although I know he has always been a supporter of such legislation, of course the unnecessarily painful and extended death of his mum, Viv, was clearly a turning point in his activism. The professional, skilled and strategic approach he has taken to drafting this bill is what has led us to this point where, after 16 attempts, it is now in a form that stands a solid chance of passing. Kyam, your mum would be so proud of you. Thanks also to the member for Port Adelaide and my predecessor Steph Key, who previously brought a euthanasia bill to this house.

I would like the last words to be from my constituents, each one fighting for what they believe in: a more peaceful death for people with a terminal illness. Pauline of Glandore told me:

> My 56-year-old brother-in-law struggled in pain for weeks with cancer. I would give anything for his pain to have been stopped even hours before, but weeks would have been kinder to all, including the young people who had to watch him struggle.
>
> I've been a registered nurse for 25 years and an oncology nurse for 16. I can assure you that no matter how good the palliative care is, some people have symptoms that do not respond to medication and this causes exceptional suffering and distress to both the person and their loved ones who have to witness it. This decision should never be about our politicians' religious or political views. This is a fundamental human right.

That is the view of Marnie of Edwardstown.

> I still vividly recall when a family friend was diagnosed with debilitating and terminal cancer in the mid-1990s. As his cancer progressed he was in agony. Ultimately, to bring an end to his suffering he committed suicide in the basement of the family home. The family was further traumatised because a police investigation had to occur to rule out suspicious circumstances.

That was from Prudence of Forestville. Jim, of Plympton, said:

> Last Christmas a close friend, Gabby, finally died from her stage 4 cancer after a long fight. Gabby was only 66. Her last few months were terrible. Her pain and suffering was debilitating and inhumane, but also her terrifying fear that the worst was yet to come due to the cancer's devastating effect on her whole body. Gabby deserved better. She was a very lovely person and cared for many in her life. We treat our pets with much care and love when their lives are ending and they are suffering. We choose to euthanise our pets and end their suffering because we care. This is the humane and right thing to do because we care about others, just like Gabby did.

Deborah of Millswood told me:

> My mother died the most horrible death. The days before she passed she was asking why this was happening to her, not that she was dying—she was more than ready for that—but why she was suffering so much pain during palliation. Even though this was two years ago I still feel that she was failed terribly in her wish to go quickly and painlessly, instead with a gangrenous leg and blackened toes and terrible, unbearable pain. I wish I could say she passed away peacefully.

To all those families, I am so sorry for your loss. I hope we can do better for those in similar circumstances in the future.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (22:22): I rise to indicate my support for the Voluntary Assisted Dying Bill 2020, and I will make a few comments. This is obviously a very emotive issue and an issue that is taken very seriously by every member of parliament in both chambers.

It is also of great concern and interest to the people we represent. One of the things I always hold in my mind is that when I am in this chamber I am the member for Adelaide. In fact, it is an offence to use my personal name in this chamber, which is a reminder that when I speak here I speak on behalf of those who elected me and those I represent. So, for me, a conscience vote is determined by the conscience of the people I represent.

I have gone to great lengths over the 11 and a bit years I have been a member of this chamber to research and investigate, to speak with people. I have put out multiple paper surveys over those 11 years and most recently an online survey. Statistically, in my electorate about

1,500 people have made contact. There have actually been thousands more, but there is a very high turnover of residents in my electorate, being Adelaide. There would have been thousands who have been in contact but many of those move in and out of the electorate.

On the statistics, currently 82.7 per cent of those who contacted my office are in favour of voluntary assisted dying. As their representative I feel that it is therefore my obligation to vote in favour of this bill. I am not opposed to considering amendments if they will strengthen the bill before us. I have spoken in favour of the bills that were presented in 2013 and 2016. I experienced great pressure even as a candidate to make a decision; however, I held firm that I would not be making a decision until I was in possession of the facts and until I was a member of parliament and had consulted my constituents whom I represent when I am here.

There were a few things in the original bills historically that were of concern to many people. In my research I went to both the 'for euthanasia' and the 'against euthanasia' debates and the forums—there have been many over the years. The main concerns that were held 11 years ago, when I first started researching, were things such as life insurance being invalid due to suicide. That is covered in clause 6 of the current bill, that the use of voluntary assisted euthanasia would not be considered suicide.

Others were worried that it would be swept under the carpet and not recorded. In this bill, there are annual reports that would be presented to parliament and there is a board, so that is also covered. There were also concerns regarding original bills that those with mental health issues or those who were aged might feel that they were not needed or not wanted in the world. This bill does not cover those people. This is quite a narrow focus bill which I think strikes the right balance.

People were also worried about coercion by greedy family members or people seeking advantage by somebody passing away. This bill also has significant protections against coercion, including a five-year gaol term. In fact, many who completed my survey felt that five years might not be strong enough—some were saying maybe up to 20 years—so at least it is in this bill and a very good safeguard. There is also a review and a reporting function between four and five years after the enacting of this bill, which I also think is a good safeguard, so that we can relook at this bill and see if any improvements can be made.

Many people tonight have spoken of their personal stories and even the member for Giles spoke of my personal story in his speech. In 2013, literally only eight weeks after my mother had passed away, I spoke on the bill that was before the house at the time, so it was very clear in my mind. In fact, this whole discussion brings that back very clearly in my mind, as I can see it has for many others. It is a very emotive and difficult topic when you think of the people you have witnessed suffering through terminal illness.

This bill is quite narrow. I think it is safe. It is six months at the most prior to a cancer death, which my mother went through, and up to a maximum of 12 months for a motor neurone-type disease, so I think it does strike the right balance of the safety yet accessibility for those who need it. I think in my mother's case it might have saved a month or two when she was in pain. Being the strong woman she is, she did not want painkillers; however, unable to move, eat, drink, go to the bathroom, do anything is not how she wanted to die. I do not think that is how anybody would want to die.

It has been a long time coming. We have seen how this has worked in Victoria so we can feel safer that it is working successfully. I believe it has also now similarly passed in Western Australia, in Tasmania, obviously in Victoria, and it is being considered in Queensland. I think it is time and I commend the bill to the house.

Ms WORTLEY (Torrens) (22:28): I rise to speak briefly on the Voluntary Assisted Dying Bill 2020 and I do so having read all the correspondence from my residents—from those individuals and groups in favour of the legislation passing in this parliament and those against it. I have also had conversations with many residents about voluntary assisted dying. I have been stopped at sporting clubs, at the shops and out the front of my office and asked to support this bill. Most who have done so have their own experiences of the death of a loved one.

I would like to share the views of one resident, Cheryl, whom I first met in my early days as a teacher, whose mother was a member of my sub-branch and whose father was a Labor member

of the South Australian Legislative Council from 1979 to 1993 and President of the council from 1989 to 1993. She wrote:

> I have watched both my parents live an independent and active life. They were generous and decent people who were an asset to our community. They never asked for help and would be the first to assist anyone who needed their support.
>
> Some…may remember my father the Hon. Gordon Lindsay Bruce and his fight for voluntary euthanasia at the time of his diagnosis.
>
> The only time they needed assistance was when they were diagnosed with terminal illness. Neither of them wished to go into assisted living, nor did they wish to prolong their lives with palliative care as they both knew there was no cure for their illness.
>
> It was devastating for them to know that at the hour of their need, the community they had been so supportive of, decided it was within their best interests to take over and decide how their lives should end.
>
> While of sound mind they were unable to make their own decisions about how their end of life journey would unfold. It would have been a huge relief for them to know they were able to end their lives when and how they saw fit. Both of them would have had great peace of mind in their last days knowing they were in control. I believe both of them would have chosen to take advantage of palliative care right up until the last week or so of their lives.
>
> They would never have imposed their views on any one else, and it is utterly unacceptable that others feel they can dictate their views to people who are of sound mind who wish to take control of their own dying process.
>
> As a daughter, it was very difficult to watch my parents struggle with the loss of their independence while they were both of sound mind and completely capable of making rational decisions about how their final days and weeks should progress. There is no amount of palliative care that can support the torture of knowing you are not in control of your own destiny.
>
> I urge you to vote in favour of allowing us the choice of having a medically assisted death…There are many ways the integrity of such a bill can be designed so as to ensure no one can be forced down this path should they choose to see their days out in a prolonged and supported environment. Whilst I am keen not to dictate to those who are not in support of this bill, I am even more keen to ensure those who are not in favour of voluntary assisted death do not dictate their wishes to me or any other family member in the future.

I have spent hours considering both sides of the debate, considering the legislation and the safety measures put in place, and I respect those who are deeply opposed to this bill. Tonight, the legislation we have before us is about choice, the choice for a human being enduring unbearable suffering—suffering that makes the days left not worth living—being able to end their suffering, their life, with some dignity.

Like many, I read the article about the young man Rhys and his mum, Liz, and his dad, Brett, and his siblings and the suffering they had to endure at the time and following Rhys's decision to end his own suffering. I thank them for sharing their tragic journey and for highlighting the difficulties that they faced under our current laws. I thank Lewis, Rhys's younger brother and best mate, for writing to me. I intend to consider carefully any amendments that are put before us with the intention of supporting the bill.

Mr CREGAN (Kavel) (22:33): This legislation requires us to ask a hard question: should the state permit a person suffering hopelessly to end their own life? It is not an academic question, and truth is not capable of being revealed through the arguments that might be put, one against another, in a formal moot or debate. Instead, this vote requires us to find wisdom, including through our own experiences and the experiences of those who have made representations to us.

Importantly, I would not choose euthanasia for myself. If I were voting only for me, I would vote against this legislation because I believe we should never deal with a problem of suffering by eliminating those who suffer.

I believe that the taking of life should at all times be unlawful, except for self-defence or for the necessary defence of others. Put another way, the sanctity of life is essential to my belief system. Moreover, I am also deeply concerned that there is a subtle, constant and unending pressure on older citizens to consider their value as economic units, and that the liberalisation of the law can lead to abuses.

As well, I am a conviction politician: I think my community knows this about me. They might not always agree with my decisions, but I hope they would say that I made them always believing they were right. Even so, it is clear to me that the plain majority of my community wishes to see this

legislation passed and wishes to see me vote for it as their representative. I cannot in good conscience prefer my own private beliefs to the desire of my community to have the choice of euthanasia in face of pitiless and hopeless suffering.

Good judgement requires compassion. It requires us to understand that our own belief system is not a complete answer. I have listened carefully and at times have been overcome with emotion as constituents have related to me the profound lack of dignity in the deaths of people they have deeply loved. In fact, I have seen those experiences myself at close hand. I fear that, if I related those experiences now, I would also became emotional.

I know, too, from the experience in Victoria and elsewhere that many people will not choose voluntary euthanasia, even when available; instead, the possibility that they might be spared from hopeless suffering because voluntary euthanasia is available fortifies their spirits and makes it possible to face considerable suffering.

I emphasise that this is the most conservative form of euthanasia legislation that I understand has been brought before this parliament. There are considerable and necessary safeguards. However, there are essential improvements that must be made to this bill, including improvements to be proposed by the member for Davenport and others. I intend to support this bill if those amendments are made, keeping well in mind, as I have earlier explained to the house, that it is my judgement that, even though I believe my community would understand my reasons for voting against this bill, I cannot in good conscience prefer my own beliefs to the majority of my community.

The Hon. S.C. MULLIGHAN (Lee) (22:37): I rise to speak on the Voluntary Assisted Dying Bill. At the beginning of my contribution, I thank the bill's sponsor in the other place, Kyam Maher, and also in this place, the deputy leader, the member for Port Adelaide, for bringing back this very important matter to the parliament's consideration.

It has been nearly five years since this parliament considered this matter, and five years ago I was in the middle of my first term as a member of parliament and found myself wrestling with this very complex, very difficult issue: difficult for me personally, but difficult I know also for my constituents I represent here. There are diverse opinions, if I can put it so euphemistically, some extremely strongly held and held at opposite ends of the spectrum.

I initially started out at that point in time, at the beginning of that debate, as an opponent of voluntary euthanasia (or what we are now referring to as voluntary assisted dying). I did not believe at the outset back then that there was a way that a parliament could adequately draft a law that could provide for such a regime, ensuring that there were sufficient safeguards in that regime to make sure that the worst outcome could not happen, namely, that this be administered to somebody who may not ultimately desire it for themselves.

However, I was convinced over the course of not only the debate but also the amendments that were made to improve that regime that it could be supported, that it was something that a responsible parliament collectively could support and give the community that it represents access to.

In the intervening time, my opinion largely has not changed and that is basically that, when people are approaching the end of their lives and they are suffering from an incurable illness and they are suffering intolerably, there are a number of people for whom palliative care is not sufficient to alleviate their burden of suffering.

I know there are many palliative care providers, including medical specialists, who will continue to try to assure the community that they have all the tools at hand that can alleviate a person's suffering, but it is not only the experience of people who have made representations to me; it has also been something that I have witnessed firsthand.

There are people in the community who are approaching the end of their lives, suffering from an incurable illness that is causing them unbearable suffering, and palliative care cannot ease their suffering. It cannot ease their suffering to the point that, in their own minds, they have made a decision that they would rather end their lives than continue what time they believe they may have left in that position of incurable suffering. It is for that reason that I think it is reasonable that the parliament seeks to pass a regime where those people can have an earlier end to that suffering.

I know that many people do not support this. They do not support it for a variety of different reasons. There are people whose religious beliefs, for example, prevent them from supporting voluntary assisted dying or voluntary euthanasia, and I fully understand and respect those beliefs. I think that if somebody chooses to enter this debate and makes a decision based on their religious beliefs, then I, and I also believe other people, should respect that decision because who are we to dictate to others how they should or should not practise their religion? I also understand and agree that many religions and the way that people practise them make it very clear that they cannot support this, but that is not me and that is not my position.

I know that there has been in this iteration of the voluntary assisted dying legislation some consideration of how if not religious bodies themselves then the institutions they superintend should be required to participate in, or more particularly not participate in, the administration of assisted dying services, and I am interested in that debate.

I am interested in what the member for Davenport has put forward because, in alignment with my views about why people should be free to practise and vote on their religious beliefs accordingly, I also believe that those institutions should not be pushed into a position which they fundamentally disagree with or in good conscience cannot practise, so I am interested in supporting reasonable amendments that provide some mechanism for them not to participate in the provision of these services.

That is an effort that would see South Australia not as the first jurisdiction to enact these laws, as we would have been in 2016, but one of several jurisdictions now in 2021 to consider these laws. That would see us consider a matter that has not been fully considered by other jurisdictions, and I think that is understandable. As jurisdictions have moved to enact these laws, we try to provide the best possible regime, but we do not consider every scenario and every consideration in providing that. Only experience and time will tell how best we can shape a regime that provides for assisted dying.

But I genuinely believe that we are at the point now where collectively we can make a decision to ensure that people who feel that they are themselves in this situation of intolerable suffering as a result of an illness, at the end of their lives, can have that freedom of choice that so many members have spoken about tonight. That is entirely reasonable.

It is no small thing that the state provides the capacity for the life of someone in the community to be ended with the assistance of another. That would be a very euphemistic way to describe the only other situation which I can think of where that occurs and that is where, in the efforts to protect the broader community, a police officer, for example, would end the life of another who threatens the community. That is obviously not the situation we are talking about here, but I raise that instance to perhaps indicate the importance and the weight and the gravity of the decision that we are entering into making now.

It is no small thing for us individually and collectively to consider this decision, but I do believe we are justified in making this decision. So many members tonight have recounted stories that their constituents have provided to them of family members' or loved ones' intolerable suffering. I am sure just about all of us here in this chamber considering making this decision cannot just think of a constituent's story about this but can readily think of a family member who has gone through this intolerable suffering, whether they wanted to end their lives earlier or not.

But the recognition of the intolerable suffering, combined with the recognition that some people would just like the choice not to have to endure that intolerable suffering for longer than they need to, should be enough of an impetus for us to find a way to pass this law so that we can give South Australians the opportunity to have access to a regime of a voluntary assisted dying.

I strongly urge members who are still weighing up the merits of supporting this bill to put themselves in the shoes if not of the person who is suffering intolerably, then of the loved ones who must witness them going through it. It has been five years since we had the opportunity to do it. I shudder to think how many people have been in that situation in the intervening years between 2016 and now that we have not been able to give the benefit of access to laws like these. I really hope that not only can we support this bill at the second reading stage tonight, but also when the

time comes for us to consider the bill at the third reading—hopefully in a short period of time—that we can support it then.

The Hon. A. KOUTSANTONIS (West Torrens) (22:47): I wish to congratulate the proponents of this bill. They have done an exceptional job at convincing the parliament that this is going to pass. I believe it is going to pass with overwhelming support. I will not be amongst that majority. I will proudly die with my boots on and be in the very, very small minority on this bill.

The reason I am in the minority is not that I want to see people suffer, not that I want to see loved ones die in pain and excruciating agony as I have been told many times in my electorate office. My view has been philosophical from the very beginning: the state should not authorise the death of its citizens under any circumstances. However, I understand that the topic du jour now is that we have moved on from that and we have lost the argument: the state should, in the view of the vast majority of Australians, authorise the death of its citizens if they are suffering in a way that the state cannot alleviate the pain.

I understand that. I have seen loved ones die long, slow deaths. I have seen people I have loved dearly die and it is an emotive, difficult issue—I accept that. If I can accept the proponents of the bill are doing this because they love and care deeply for humanity, hopefully people can accept that those of us who opposed the bill do so because we love and care deeply about humanity—hopefully—but I suspect that is not always the case.

I want to congratulate the Hon. Kyam Maher, who I think is one of the most idealistic and talented young members of parliament I have ever met in my life. He is an extraordinary young man and he has done an amazing thing, and he has done so because of a deep commitment. He is a remarkable young man who will be an exceptional attorney-general of this state. I just happen to disagree with him on this one matter.

Even though he barracks for an appalling football club, he has exceptional taste and exceptional values and those values, those Labor values that he has, have driven him towards his point of view. I hope he can accept that I share the same Labor values that he does that have driven me to exactly the opposite point of view. I share the values and convictions of, I think, Australia's greatest living former Prime Minister, Paul Keating—that is, once we accept that the state can end the life of our citizens, we have crossed the Rubicon.

I heard an eloquent argument this morning on ABC radio by Andrew Denton, who has been the most devastating advocate for this proposal anywhere in the world. He has been a measured, calm voice for this proposal, and he has convinced hundreds of thousands of people for its advocacy. I have to say all credit to him, because he believes in it passionately and his arguments are, quite frankly, very convincing.

He said today on radio that we crossed this Rubicon long ago when we allowed people to refuse treatment, when we allowed doctors to give potentially lethal doses of pain relief, when we refused hydration to patients. We have crossed that Rubicon. That is true. The problem is we have not noticed. Society has made that leap that we are now going to authorise the death of our citizens, and it does fundamentally change the nation forever. We will be back here again, probably not in my lifetime but when other MPs are sitting in our places deliberating this event.

I will break out of a moment of bipartisan clamour to say that if this was a government bill, as it should have been because it is such an important issue, if the Premier had the political courage to make it a government bill as Jay Weatherill did, we would have 20 minutes to talk about this rather than just 10. Ten minutes to talk about life and death. Ten minutes to discuss a second reading debate about whether the state should authorise the death or life of our citizens. I think that is a shame.

However, since we are at that point now, in the six minutes that remain to allow me to represent my views on whether the state should authorise the death or otherwise of its citizens, it is clear to me that a majority of this house, an overwhelming majority of this house, will support this measure and it will become law. When it becomes law, there will be contradictions in the law immediately. Those contradictions will be with regard to age and mental capacity, because there is one fundamental tenet in this bill and that is suffering.

We are making distinctions in suffering by accepting this bill. If you are of a certain age and are suffering, you get access to measures in this bill. Parliament says it is okay. If you are outside

that criterion of this age, you cannot access the criteria within this bill. If you do not have the mental capacity but yet are suffering the same pain as someone who does, you cannot access the measures in this bill. So we will be back here again, and the tough questions for us to answer as a society will be dementia and age.

We will have to contemplate that again. Whether it is in five years, 10 years or 20 years, we will be back here again, whoever is in my place, whoever is in the member for Lee's place, the member for Port Adelaide's place, even the Premier's place. How do we deal with the fundamental question: if you are suffering pain and it is incurable yet you have dementia, can you access the services in this bill? This parliament, this community is saying no. We are also saying if you are of a certain age, no, despite feeling the same suffering, the same outcome.

Equality before the law is the first principle we should have when we make legislation, yet we are deliberately discriminating here because, let's face it, the proponents are putting up a law they think they can pass. Congratulations: it is clever politics. You will get it through. It has passed in Victoria; it is time for review and it will pass. It is almost identical.

Again, this is not me attacking the proponents for their motives. I think their motives are just. My view is the consequences. What happens next? Where do we stop with this? Proponents say, 'Well, you take every measure on its merits at the time.' Sure, but the fundamental question remains. What do we say to a 17 year old who is suffering an incurable disease? What do we say to a dementia patient who is suffering an incurable disease, feeling the same pain as a person of sound mind who can make these choices?

This parliament is making an active, conscious step to discriminate against those people, and there will be advocates for this measure who will come in here and argue to change this law again. This is the 16th or 17th attempt; I have lost count. We are all suffering conscience vote fatigue, I think, after the abortion debate. Here we are again, and we will be back again in the next parliament and the parliament after that and the parliament after that to try to make these changes.

Fundamentally, the people who want changes here love their loved ones, they love their family and they do not want to see them suffer. I do not want to see them suffer either. I do not. My fundamental belief about this bill is it should have been a referendum. I do not think anyone in this parliament is qualified to make this decision, but this is the system we have. It is forced upon us.

The public overwhelmingly want this measure, and the public should be given the opportunity to overwhelmingly support it through a plebiscite, in my view, because the idea of lobbying, asking me to vote against my conscience, against my beliefs about what the state should or should not do in intervening in people's lives quite frankly does not work. It does not work for my constituents, it does not work for this parliament, it does not work for anyone. We are trying to put a square plug into a round hole: it does not work.

The public and the parliament are in conflict on this issue, and we are compromised into trying to get something the public want. The consequences of that compromise are that we will be coming back here again because we have created an imperfect system to meet a political demand that the public have asked for.

In the end, in the 30 seconds left to me because the Premier did not have the courage to make this a government bill, my view is this: once we cross this line there is no moving back; there is just liberalisation. The important line in the Keating opinion piece is about the poor and the disadvantaged. If we could pass a law to protect the poor and the disadvantaged, we would have done it by now. But there are not any laws we can pass to protect them. What makes us think we can make a law to protect the poor and disadvantaged in this law, when it is life or death? We cannot.

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (22:57): I thank everybody who has contributed and everybody who has attended and witnessed tonight. There is a sense that this bill will pass at the second reading and, if that proves to be true, I thank you all for being part of what may end up in a couple of weeks' time to be history in South Australia.

There have been many tears shed on all sides. There was a comment made about the difference between coming to this with principle and coming to this with experience. I think in fact even those who come without a deep personal and proximate experience come not so much with

principle, perhaps not with a visceral sense of what this means, but with an empathetic sense of understanding how many human beings are affected by it.

On all sides, there is a love for life and a respect for life. That is not held by only one side of this debate. We are talking about trying—however—to find a place for death and trying to understand what it means to suffer and what it means to relieve suffering. That is a judgement that needs to be made. I have what people would say is no faith. I belong to no religion, but I think we all have versions of faith. I have a touching, perhaps tattered faith in humanity. We all come to this with a sense of what it means to be compassionate and what it means to be just.

There are arguments made in the community that there is something noble about suffering. I have not heard that tonight. There are arguments in the community about the importance of experiencing death unrelieved. I have not heard that tonight. What I have heard, though, is a concern about the slippery slope and about avoiding unintended consequences. I would say in the argument about the slippery slope that it is difficult to defend a bill that is not being debated, a version of a bill that we are not in fact proposing.

One comfort that we may have is that it has taken 17 tries to get to this conservative position. One comfort we may have is that we are now approaching an Australian model of voluntary assisted dying, which would mean every single state will be loath to step away from a consistency, and that consistency is a very conservative view. I do not think we should be questioning the good faith of the people advancing this model and suggesting that it is merely a political expediency. I think everyone can see that this is a position that is arrived at carefully and thoughtfully, and in some cases reluctantly.

There is a concern about the threat of coercion of people who are depressed or mentally ill and the need, therefore, for safeguards. This bill has some 70 safeguards, nearly all of which are aimed squarely at ensuring that people are not coerced, that they do not get to sign up because they fear being a burden. They are unable to have access to this purely for depression or for mental illness.

There are other safeguards within this bill of course that talk to conscience and, while this bill is clear and explicit about the importance of allowing individuals to have conscience and therefore not to participate, we will have a discussion in the next stage, should this go through, about the capacity of an institution to exercise conscience. My own view is that the silence in Victoria probably does not best serve the patients and that it is important we learn from the Victorian experience and, if conscience is to be exercised by an organisation, that we work out the ways in which that is done in a way that respects the patient and balances the power of this bill and of the state towards compassion.

Martin Luther King said—and I think Barack Obama borrowed it—that the arc of history bends towards justice, although it does not do so smoothly. Let's have the arc of this piece of legislation as we go through the next stage bend towards compassion. I thank everyone for their contribution tonight.

The house divided on the second reading:

Ayes 33
Noes 5
Majority 28

AYES

Basham, D.K.B.	Bedford, F.E.	Bettison, Z.L.
Boyer, B.I.	Chapman, V.A.	Close, S.E. (teller)
Cook, N.F.	Cregan, D.	Ellis, F.J.
Gardner, J.A.W.	Gee, J.P.	Harvey, R.M.
Hildyard, K.A.	Hughes, E.J.	Luethen, P.
Malinauskas, P.	Marshall, S.S.	McBride, N.
Mullighan, S.C.	Murray, S.	Odenwalder, L.K.
Patterson, S.J.R.	Picton, C.J.	Pisoni, D.G.
Power, C.	Sanderson, R.	Stinson, J.M.
Szakacs, J.K.	Treloar, P.A.	van Holst Pellekaan, D.C.

AYES

Whetstone, T.J.	Wingard, C.L.	Wortley, D.

NOES

Brown, M.E.	Duluk, S.	Koutsantonis, A.
Pederick, A.S. (teller)	Tarzia, V.A.	

PAIRS

Bignell, L.W.K.	Piccolo, A.	Brock, G.G.
Michaels, A.	Cowdrey, M.J.	Knoll, S.K.

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

Progress reported; committee to sit again.

At 23:10 the house adjourned until Thursday 27 May 2021 at 11:00.

Answers to Questions

VIDEO GAME DEVELOPMENT

504 Ms BEDFORD (Florey) (8 June 2021). Do any of the locally developed video games have in-built capacity to encourage gamers to purchase add-ons for real money while gaming?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills): I have been advised:

About three-quarters of Australians engage in some form of video game play—that's according to the Interactive Games and Entertainment Association, or IGEA, the peak industry body.

In designing the South Australian Video Game Development Rebate, the government has made it clear that the rebate is not available to gambling games.

South Australia's game development industry has never been in better shape, thanks in part to our nation-leading video game development rebate which provides support to enable local businesses to grow. The Marshall government's nation leading South Australian Video Game Development Rebate has created the settings for expansion and growth in game development businesses locally. The government welcomes the Morrison government's introduction of a similar rebate at the national level, giving our local businesses further access to supports for growth.

Some video games, including those made in South Australia, offer in-game purchases—this is a standard feature of games worldwide. In-game purchases are legal and there is nothing improper about their use in-games when implemented responsibly. I am advised by IGEA in-game purchases are always optional and are never necessary for playing or finishing the game, even when those games are already free.

I further understand that the video games industry has taken several steps to give players greater information and choice about whether they wish to make in-game purchases. For example, all the major video game platforms provide tools, settings, or controls to limit spending and access to credit cards, including the ability of players or their parents or carers to turn off in-game spending entirely. All major video game storefronts also provide specific consumer advice at the point of download to indicate whether a game contains in-game purchases.

Further, most major video game companies are also now providing, or are in the process of introducing, additional transparency through the disclosure of the relative rarity or probabilities of randomised items in games (also known as 'drop rates').