LEGISLATIVE COUNCIL

Tuesday, 10 November 2020

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:16 and read prayers.

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

Bills

STATUTES AMENDMENT (SENTENCING) BILL

Assent

His Excellency the Governor assented to the bill.

EQUAL OPPORTUNITY (PARLIAMENT AND COURTS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (PENALTIES AND ENFORCEMENT) BILL

Assent

His Excellency the Governor assented to the bill.

TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the President—

District Council of Robe—Report 2019-20

BUDGET PAPERS

The following papers were laid on the table:

By the Minister for Human Services (Hon. J.M.A. Lensink) on behalf of the Treasurer (Hon. R.I. Lucas)—

Budget Paper 1—Budget Overview 2020-21
Budget Paper 2—Budget Speech 2020-21
Budget Paper 3—Budget Statement 2020-21
Budget Paper 4—Agency Statements, Volumes 1, 2, 3 and 4 2020-21
Budget Paper 5—Budget Measures Statement 2020-21

Members

INDEPENDENT COMMISSION AGAINST CORRUPTION INQUIRY, PRESIDENT'S STATEMENT

The PRESIDENT (14:24): On Tuesday 13 October, in reply to a question asked by the Hon. Emily Bourke, I advised the council that I would seek advice from the Independent Commissioner

Against Corruption in relation to the tabling of correspondence from her concerning a matter under investigation. Based on the advice received that it would not be appropriate for me to table the correspondence, I inform the council that I will not be tabling the letter.

On 24 September, I advised the council that I had received correspondence from the Independent Commissioner Against Corruption concerning a notice of intention to refer to a public authority. I indicated that I was of the mind to consult with members of this chamber prior to providing a response to the commissioner. Having considered the matter, consulted with some members and not received any representation from any members, I intend to advise the commissioner as such and indicate that the council has not expressed a view as to the referral.

Question Time

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding hospitals.

Leave granted.

The Hon. K.J. MAHER: In recent weeks, esteemed former oncologist Dr Michael Rice has claimed the Women's and Children's Hospital paediatric oncology patients are being placed—and I will quote—'at risk of adverse events' and that many children are not receiving specialist oncology nursing care. Clinicians have flagged that the number of children missing out on specialist oncology nursing care will be exacerbated upon the opening of the proton therapy unit in SAHMRI II. This new facility is anticipated to bring an additional 100 paediatric patients to South Australia every year. My questions to the minister are:

1. How many childhood cancer patients have been unable to receive care in a specialist nursing hospital ward over the past year?

2. What is the minister doing to ensure that the mooted new Women's and Children's Hospital will have more overnight beds for oncology than the current hospital and, if there is to be an increase in beds, how many will there be?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): I thank the honourable member for his question. The Michael Rice ward is a nine-bed specialist cancer ward at the Women's and Children's Hospital and I am advised that it typically sees five to 10 patients as inpatients. So in, shall we say, normal times, a nine-bed ward adequately copes with demand.

I am advised that since April, the ward has been experiencing an increase in workload and that at a peak it had 18 patients. The Michael Rice ward does have a designated secondary ward called the Cassia Ward, and whilst not all of the staff are trained to the same level of speciality as the Michael Rice ward, the staff in the Cassia Ward do include staff that have had specialised training.

The issue of the long-term demand for cancer services, of course, is feeding into the planning for the Women's and Children's Hospital, and announcements will be made at the appropriate time.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary arising from the answer in relation to the need for beds in this sort of ward: can the minister confirm if any work has been done or thought has been given to the effect the opening of the proton therapy unit at SAHMRI II will have on the need for these sorts of beds?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): Yes, it certainly has. Another factor which has been considered is in relation to African migration. If African migration continues, then a business case for more resources may well be needed in relation to the assessment and treatment of children with sickle cell disease. These are all factors that are fed into a long-term plan, because unlike the former Labor government we are not condemning the children's hospital to the North Adelaide site for decades to come.

We are building a new Women's and Children's Hospital that will take the Women's and Children's 140-year history into the next generation. That former government is condemned for condemning the Women's and Children's Hospital to last-century services.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Supplementary arising from the original answer: can the minister confirm that the experts in this area—that is, clinicians in the haematology and cancer division—have asked for seven additional clinicians to manage demand, but the minister's department has provided only one?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): It's not clear to me as to whether the honourable member is referring to current workload or the new Women's and Children's Hospital.

The PRESIDENT: I will allow the Leader of the Opposition to elaborate on his supplementary.

The Hon. K.J. MAHER: Can the minister confirm that, based on current demand, the haematology and cancer division had asked for seven additional clinicians to manage current demand?

The Hon. S.G. WADE: No, I cannot confirm that assertion.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Final supplementary arising from the original answer: can the minister indicate to the chamber when he last met with Dr Michael Rice—who, as he outlined, has a ward named after him—to address and discuss his concerns?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I am not aware of Dr Rice having sought an opportunity to discuss his concerns.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:31): Supplementary: can the minister confirm whether extra staff are assigned to the Cassia Ward when there is an overflow of patients to that ward?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I take the honourable member's point. I will take that on notice, but my presumption is that the placement of children with cancer as inpatients in the Cassia Ward means that children who would otherwise be admitted to that ward aren't. So my expectation would be that there wouldn't be any increase in total workload. There may well be a reallocation of staff because there may well be staff with specialist cancer skills who may be able to assist, but I will seek to have that clarified in the answer that I bring back for the honourable member.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:31): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. C.M. SCRIVEN: On 26 October, 10 major homelessness providers sent a six-page letter to the South Australian Housing Authority's Head of Homelessness Sector Integration that raised 'concerns about how the reform process has been undertaken'. The head of homelessness was recruited to manage the homelessness sector reform but effectively has no budget, almost no staff and doesn't sit on the authority's executive. The letter raises dozens of issues across five topic areas, including:

- inadequate time for the reform process;
- current datasets not being suitable for the proposed model;
- lack of clarity about subcontracting;
- lack of clarity about different roles, resources and governance in the new system;
- inadequate provisions for risk and reward;

- concerns about where the CBD sits in the alliance structure and a need for separate discussions and negotiations about the CBD;
- concerns that the new model will reduce resources for service delivery;
- concerns about collusion;
- contradictory messaging about continuity and change;
- lack of authentic cooperation with Aboriginal controlled community organisations; and finally
- silence from the government on addressing the need for an increased supply of accessible housing.

My questions are: has the minister read the letter from 10 major homelessness service providers in South Australia, including some from the minister's hand-picked sector reference group? How is the homelessness model adopted by Glasgow, a small city in Scotland, in any way relevant to remote and regional South Australia, including people from remote Aboriginal communities?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): I thank the honourable member for her question. I certainly am aware of the letter, which I understand will be receiving a formal response from the authority—

The Hon. C.M. Scriven: Have you read it?

The Hon. J.M.A. LENSINK: I have read the letter. Of course I have read the letter. In addition, I would say that the contents that have been raised in the letter have been addressed quite extensively through a FAQ section that is publicly available on the SA Housing Authority website.

If I can just take it all back a few steps and talk about why we are doing what we are doing with the homelessness sector: it is a services sector that receives some $70 million per annum and has approximately 20,000 clients a year, which equates to roughly $3,000 per annum per client. What we have chosen to do through the homeless reform is not to adopt an NDIS model, where the client effectively has control of that funding and determines how it is expended.

I am sure that there might be some clients who might benefit from utilising that quantum of money and obtaining a property in the private rental market. We have chosen to follow the lead of what the sector asked us to do in this space, which is to adopt this particular reform, which is about governance and how non-government organisations arrange their homelessness services themselves, with the support of the Housing Authority as part of that governance structure.

This is something about which the homelessness sector has come to us and said, 'We think this is a model that is working effectively.' It is something that has been articulated through the Institute of Global Homelessness, in particular Dame Louise Casey. We know it is a challenging time, because funding reform is always difficult, and I will be the first to acknowledge that. But continuing to do the same thing and expecting a different outcome is the definition of madness, as they say.

Rather than do what the commonwealth might also have chosen to do in similar circumstances, where the government dictates to the sector how these reforms will go going forward, we have adopted this proposal from elements of and from leadership from within the homelessness services sector. We have been to Glasgow and been at the conference of the Institute of Global Homelessness, examined it in detail and taken a considerable amount of time to reach this point.

As the member pointed out, we had a reference group, which has been very supportive of this particular reform, and we are now getting to the pointy end. So I do not think it is surprising that there is some nervousness about it going forward. But as anyone who looks at the publicly available information on the Housing Authority website can see, it is not about a reduction in funding. It is a particular governance model. It is probably quite novel for South Australia, but we believe it will lead to better outcomes for people who are experiencing homelessness.

I have spoken previously in this place about the people with lived experience who have spoken to me about their experience. One who comes to mind quite readily went to a particular service outlet and was turned away because he did not fit that cohort. This particular individual does

not have ID, does not have a mobile phone, does not have cash, apart from what he asks people for in the street, and he was turned away. Part of the reason I think is because the services have tended to work in silos. During COVID we have seen an improvement in that, but we need to have the 'no wrong door' approach, where services are able to assist people when they come to them at their point in time.

We also need to ensure that we are genuinely working on early intervention and prevention of homelessness, which is why we are focusing on that as part of this homeless reform. I have every confidence that the sector is able to do this. I understand their nervousness, but I have every confidence in their ability to deliver this for those people with lived experience for much better outcomes into the future.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:38): Supplementary question. I thank the minister for her answer, where she referred to the FAQs being publicly available. Is she suggesting that the homelessness organisations have not read the FAQs, or is she simply suggesting that she has ignored their concerns and referred them off to a website?

The PRESIDENT: I call the minister. That was a long supplementary. The minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): As I referred to, other governments may choose to do other things. I think the former Labor government was called Announce and Defend. In this instance, as I said, we have adopted the suggestion of the sector. We had three sessions where the sector were involved for 2½ days and given the opportunity to raise a whole range of issues. The issues that are contained within the letter are addressed within the frequently asked questions. Indeed, as I stated in my original answer, the Housing Authority will be providing a formal response.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:39): Minister, as you have said that you've read the letter, is there any part of the letter that you disagree with?

Members interjecting:

The PRESIDENT: Order! I will allow the minister to answer if she wishes; however, it was seeking a minister's opinion. I will leave it up to the minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): I am not going to allow the Labor Party to put words in my mouth.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The sector will receive a formal response, and I will stand by that response.

HOMELESSNESS SERVICES

The Hon. C.M. SCRIVEN (14:40): A further supplementary.

Members interjecting:

The PRESIDENT: It's a bit difficult for the deputy leader to be heard when the leader is talking at the same time. I call the deputy leader.

The Hon. C.M. SCRIVEN: Thank you, Mr President. I note—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition doesn't get it. I want to hear the deputy leader. I don't need him to be talking while she's talking.

The Hon. C.M. SCRIVEN: Noting the minister's interjection that she's fixing everything, does she therefore say that the concerns raised by these 10 homelessness organisations are not

important? In fact, does that mean she is making unilateral decisions? In fact, as she has talked about the federal government dictating to the sector, that's what she is doing: she says, 'You've had your three sessions and that's it.'

The PRESIDENT: Order! The deputy leader is showing great talent at stretching supplementaries into almost a second reading speech, and I would ask her to desist from that. The minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:41): That supplementary doesn't deserve a response.

Members interjecting:

The PRESIDENT: Order! The Hon. Emily Bourke has the call.

Members interjecting:

The PRESIDENT: The opposition is wasting its own time.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Order, Leader of the Opposition! Your own member is on her feet. The Hon. Ms Bourke has the call.

AMBULANCE SERVICES

The Hon. E.S. BOURKE (14:42): My question is to the Minister for Health and Wellbeing regarding ambulances. What does the minister say to the 93 people whose 000 calls went unanswered and the 12 call-outs that were priority 2 that couldn't be responded to, as revealed by representatives of paramedics last week? How many patients were not responded to by ambulances within the recommended times over the past week?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): The suggestion that ninety-three 000 calls were left unanswered is not consistent with the information provided to me. The information I am provided is that the SAAS continues to answer 000 calls in a timely fashion. In relation to the information sought in relation to this week, I will seek the information and provide it to the honourable member.

AMBULANCE SERVICES

The Hon. E.S. BOURKE (14:43): A supplementary: if the minister is referring to that it wasn't 93 calls, how many calls can the minister confirm were made?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): I have not been advised that any 000 calls went unanswered.

The PRESIDENT: I call the Hon. Jing Lee.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter is out of order.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter! Order!

CORONAVIRUS

The Hon. J.S. LEE (14:43): My question is to the Minister for Human Services regarding COVID-19 support measures. Can the minister please provide an update to the council on how the Marshall Liberal government is continuing to support vulnerable people in the community during the coronavirus pandemic?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): I thank the honourable member for her question and, indeed, her advocacy on this particular matter. She has raised issues in this place with me previously, which we have thankfully been able to provide assistance to our community on.

I suppose it states the obvious, but the COVID situation has challenged us all in many, many ways. We are ever grateful to our benevolent Treasurer, who is becoming the greatest spending Treasurer in the history of South Australia at this difficult time, which—

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. J.M.A. LENSINK: —the Treasurer reliably informs us has been on the advice of the Reserve Bank, from my understanding, and is consistent with all jurisdictions in Australia.

We too, within the human services portfolio, have of course had areas where we have needed to provide particular assistance. There has been some specific assistance particularly through the community services division, which is an area that I know the Hon. Jing Lee pays close attention to in terms of some of our essential programs.

We have been able to provide some $1.6 million in additional funding to the food and emergency relief sector for increased demand, which included:

- $500,000 for food relief for organisations including Foodbank, Oz Harvest, SecondBite and Meals on Wheels;
- $800,000 in emergency relief, including supermarket and pharmacy vouchers;
- $185,000 for the Affordable SA Helpline and National Debt Helpline (SA Branch), which is run by the Salvation Army; and
- $144,000 to a statewide financial counselling program to existing service providers.

Some of those service providers have been assisting people who are particularly close to the member's heart in the multicultural community, who have been unexpectedly in need of assistance due to being on particular visa classes and unable to access support from the commonwealth government.

In addition, we had specific support by Grants SA, the COVID-19 Support Grants, which I may have talked about previously in this place. We also provided $100,000 to support community centres across South Australia, as well as a range of grants to the community and neighbourhood development program, and to three agencies to specifically support migrant communities affected by COVID-19, including $200,000 to the Australian Refugee Association, $100,000 to the Migrant Resource Centre and $50,000 to the Welcoming Centre.

There is a range of grants being provided through the Department of Human Services concessions area, and that also includes the International Student Support Package, for which my colleague the Hon. David Ridgway, as minister, has been and continues to be a very strong advocate. That has assisted international students impacted by coronavirus restrictions. I understand that approximately 15,500 students registered their interest with StudyAdelaide, and we have paid out 3,861 grants by the concessions area as at 30 October.

I won't run through the rest of the grants, but we are monitoring all these areas and various cohorts very closely to ensure that we are being responsive to needs as they arise.

BAROSSA WATER PIPELINE

The Hon. J.A. DARLEY (14:48): I seek leave to make a brief explanation before asking the Deputy Leader of the Government, representing the Minister for Primary Industries and Regional Development, questions about the Barossa water pipeline proposal.

Leave granted.

The Hon. J.A. DARLEY: I understand there is an infrastructure proposal to provide water from the Bolivar Waste Water Treatment Plant to deliver additional water to the Barossa and Eden valleys. My questions to the minister are:

1. What types of crops are envisaged to be grown utilising this water?

2. What has been done to address the assumed high cost of purchasing this water for agricultural purposes?

3. What is the anticipated minimum allotment size to apply in these areas where existing broadacre farms could be subdivided?

4. Will the minimum allotment size qualify for a house to be built on these allotments?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): I thank the honourable member for his question. I do have a little bit of knowledge about some of the water irrigation schemes that operate north and north-east of Adelaide. I think what he is referring to is the Northern Adelaide Irrigation Scheme, which is something that I think the Hon. Mr Ridgway, in his former role as shadow minister for agriculture, was a very strong advocate for.

There is also the Barossa pipeline, which has been operating for some time. It receives water from the Warren Reservoir, which is an offline reservoir. I will double-check his question and make sure I get some accurate information about what the proposals are for either or both of those schemes and address the specific matters that he has raised.

OUTPATIENT SERVICES

The Hon. R.P. WORTLEY (14:50): My question is to the Minister for Health and Wellbeing regarding outpatients. In view of the minister's announcement over the weekend, including pushing long-wait outpatient referrals back to GPs:

1. Will a patient who is referred back to their GP be removed from the outpatient waiting list?

2. How many patients currently on the outpatient waiting list are expected to be referred back to their GPs?

3. If the patients are referred back to their GPs but an appointment never happens or the GP disagrees, will people retain their place or go to the back of the queue?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51): I thank the honourable member for his question. The honourable member might assist me in remembering his litany of questions. I think it is important to stress that the hospital system expects that people will stay engaged with their GPs. That is an assumption in the health system because we rely on GPs to continually monitor a condition and that, if it becomes accentuated, the hospital is alerted. That is a really important part of clinical urgency.

What the statewide audit is seeking to add is not imposing GPs on the process but is, in relation to a particular cohort, asking the clinicians to undertake a clinical review. Let me stress: this is the patient's own GP. I am advised that a minority of clients are on the waitlist for more than three years. We are inviting the patients who are in that category to go back to their GP. It won't affect their position on the list. It's just good clinical practice.

It will ensure that the clinical information is up to date so that we can correctly categorise the patient. Not only might symptoms have worsened and therefore the clinical urgency needs to be upgraded but it might have gone the other way. Symptoms might have dissipated and the GP says to himself or herself, 'Perhaps a referral to an outpatient clinic is no longer necessary.' I think one of the real values of encouraging people to stay engaged with their GP is the active management of cases. It supports appropriate referral pathways.

For example, it has been suggested that more patients could come clinic-ready to a clinic if they took the opportunity to have some of the preparatory work done by non hospital-based services. For example, with eye problems, one of the screenings that can be done in a hospital can also be done by optometrists. If a client in that class is alerted to that opportunity, it will actually facilitate their progress through the clinic.

Perhaps even more important in terms of ongoing management of the case is care in the meantime. These clients we are particularly highlighting are those who have been on the list for three years or more, and many of them may well benefit from care while they are waiting. For example, they may benefit from a home modification. They might benefit from physiotherapy. I am confident

that this clinical review, with more active management of cases waiting, will lead to better outcomes for patients and it will facilitate their progress through the outpatient progress.

I appreciate that the Labor Party wants to highlight the problems in the outpatient waiting lists. This was a problem that they ensured was invisible because they studiously avoided publishing outpatient waiting times. We committed to publishing outpatient waiting times. We did that within months of being elected and we continue to do it. That is really important information for both clinicians and patients. If you know that the average waiting time for a particular clinic in a particular hospital is significantly longer than other clinics in other hospitals, perhaps you might seek to be referred to another hospital. If you know that under a Labor government you are facing a 16-year wait—

The Hon. D.W. Ridgway: How long?

The Hon. S.G. WADE: Sixteen years. The maximum wait time for an outpatient clinic under Labor was 16 years. We have brought that down by 40 per cent. But this project, this statewide clinical audit, indicates that we are determined to continue that progress so that South Australians can get the care they need.

The PRESIDENT: Supplementary arising out of the original answer, the Hon. Mr Wortley.

OUTPATIENT SERVICES

The Hon. R.P. WORTLEY (14:55): Can the minister rule out any cuts or outsourcing of outpatient services?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): This isn't about cutting services, this is about delivering better care. If the honourable member—

Members interjecting:

The PRESIDENT: Order on my left! The minister has the call.

The Hon. S.G. WADE: In fact, this project is so not about cuts. We are putting $1.5 million into it. This is a project that not only will deliver a statewide clinical review of cases, it will also lead to the development of clinical prioritisation criteria similar to what is used in Queensland. It will lead to technology enablers to facilitate more speedy referrals, particularly electronic referrals, and it will also provide data visualisation symptoms so that we can better manage clinics.

AMBULANCE SERVICES

The Hon. T.J. STEPHENS (14:57): My question is to the Minister for Health and Wellbeing. Can the minister please update the council on the government's plan to strengthen ambulance services in regional South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I thank the honourable member for his question. It does remind me about the neglect of Labor. The ambulance station that I'm referring to was built 40 years ago. It's well past its use-by date, yet didn't even get a blink from the Labor Party over 16 years. Gee, you would want to live in a Labor town under a Labor government, wouldn't you—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —because they completely neglect the people they are meant to represent.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter! Order! The minister has the call.

The Hon. S.G. WADE: So I look forward—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: The Hon. Ms Scriven is out of order.

The Hon. S.G. WADE: —to the MRI tomorrow, when the Hon. Ian Hunter is going to tell me about how much money the Labor Party put into the Port Augusta ambulance station over 16 years.

Members interjecting:

The PRESIDENT: Order! Until I can hear the minister, we will cease and the clock will continue to tick. I call the minister.

The Hon. S.G. WADE: Thank you, Mr President. I thank the honourable member for his question. The Marshall Liberal government is continuing to deliver on its promise to improve the delivery of health—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: So not only do they neglect the country, they think the country is a joke. They think services to country people are worth a laugh and that's all.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: This government is investing $4.3 million in the ambulance services in Port Augusta.

Members interjecting:

The PRESIDENT: Order on my left! Order! There will be no conversations on both sides. I want to listen to the minister.

The Hon. S.G. WADE: Thank you, Mr President. Significant and sorely needed investments are being made to address the chronic underinvestment that has occurred in country South Australia under the previous government. Labor's neglect has led to massive—massive—capital works and backlogs in the regions, which in turn contribute to the difficulty to recruit and retain staff. In contrast—

Members interjecting:

The PRESIDENT: The leader and the Hon. Mr Hunter will remain silent.

The Hon. S.G. WADE: Here it comes. You asked for it. Here it comes.

The Hon. K.J. MAHER: Point of order. I seek your—

The Hon. S.G. WADE: In contrast, the Marshall Liberal government—

The PRESIDENT: The minister will resume his seat. The Leader.

The Hon. K.J. MAHER: I seek your guidance about the parliamentariness or otherwise of the minister pointing at the opposition.

The PRESIDENT: Pointing at another honourable member is out of order, but so are constant, loud interjections, and I don't want to see either of those. The minister will resume.

The Hon. S.G. WADE: Thank you, Mr President, and I do apologise for offending the sensitivities of the opposition. In contrast to 16 years of neglect by Labor, the Marshall Liberal government has committed $140 million to address that backlog—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —in addition to $20 million to develop and deliver a rural workforce strategy. In addition to that $140 million to deal with the country capital works backlog, we are delivering more than $30 million on larger country health infrastructure builds on top of the backlog spend. One example, only one example of those investments is a $4.3 million new ambulance station for Port Augusta.

The new station will not only provide amenities for our frontline paramedics but is expected to increase the capacity of SAAS to improve the response times of many of the calls that it receives. The current station is more than 40 years old and is owned by the St John Ambulance service. I first visited the station as minister in March last year at the request of the member for Stuart who was keen for me to see the place with my own eyes and to understand the pressing need for something to be done—16 years of neglect.

As I learnt during that visit, and in subsequent briefings, parts of the station are unusable. The floor is uneven and there is significant cracking. On a windy day it is difficult to stop dust and sand from blowing in. The current station was built in the era of panel van ambulances. Those vehicles were shorter and narrower.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Today, the ambulance attached to the station barely clears the entrance. As for the ambulances of tomorrow—so much wider and higher than the old panel vans—they would simply not fit in. The new station will address these issues. It will be able to accommodate more than 20 staff, and garage seven operational vehicles. Our $4.3 million investment is not only good news for our frontline staff, it is great news for the people of Port Augusta and the region, both now and in the future.

Port Augusta, in spite of Labor's neglect, is the fifth biggest city in South Australia and the second largest on Eyre Peninsula. The present station is located alongside the Port Augusta Hospital on the southern side of the railway line, which I'm told is not the side on which most people live. As local ambulance officers explained to me when I visited the station at the end of last month, the location of the current station is problematic whenever a train is passing through, which is not uncommon in Port Augusta. No-one wants an ambulance officer to be unable to attend a call because they are stuck at a railway crossing.

The Hon. K.J. Maher interjecting:

The Hon. S.G. WADE: I am sorry the Leader of the Opposition doesn't find this interesting but it's really important to the people of Port Augusta.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: I am sure the minister is coming to the conclusion of his answer.

The Hon. E.S. Bourke: When was the last time you went to Port Augusta?

The Hon. S.G. WADE: I thank the Hon. Emily Bourke for interjecting because only a sentence ago I said I was there last month. No-one wants an ambulance officer to be unable to attend a call because they are stuck at a railway crossing watching a long train go by. That is one of the problems that SAAS is determined to address in identifying the site of the new station. This is just one of the many examples of the Marshall Liberal government investing in regional South Australia after 16 years of Labor neglect.

COVID-19 VACCINE

The Hon. F. PANGALLO (15:03): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about a COVID-19 vaccine.

Leave granted.

The Hon. F. PANGALLO: Today, we heard the most welcome news that pharmaceutical giant Pfizer was ready to roll out its vaccine after results showed that it was effective in preventing COVID-19 in 90 per cent of cases, whereas normally a vaccine is considered effective and successful in 60 per cent of cases.

The Australian government, as we know, has ordered 10 million vials of this vaccine. My questions to the minister are:

1. Can he tell us how many vials will be made available to South Australians?

2. Who will be the first to receive the vaccine, should it pass the regulatory approvals?

3. Will approvals be fast-tracked if it gains FDA approval by the end of November?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): I thank the honourable member for his question, because I think the potential identification of a COVID-19 vaccine will be fundamental to our recovery. I must admit that I have been somewhat sceptical, and to hear the news today that Pfizer is heading towards 90 per cent success and that we are talking about delivery in such a short time frame is very encouraging.

The federal government has done an extraordinary job to have established lines of communication, and at least memorandums of understanding, with a number of key providers so that Australia is well placed to receive the vaccine. Obviously, it's not just a matter of securing the supply; it's a matter of distributing it. I assure the honourable member that the officers of my department are already in conversation with the commonwealth and their other state and territory colleagues on the vaccination distribution strategy.

In terms of the question the honourable member asks in terms of our prioritisation, my understanding is that the commonwealth government, as the purchaser and provider of the vaccinations, is going to identify the prioritisation criteria, but, as always with the commonwealth, I am sure that there will be a dialogue with the states as the prioritisation is evolved. I certainly don't think it would be helpful for us to have eight different criteria for eight different jurisdictions, so I see the benefit in nationally consistent prioritisation criteria.

In terms of fast-tracking, I think regulatory agencies, both overseas and in Australia, have indicated a willingness to expedite these processes to the greatest extent possible, consistent with safety. It would be, I think, a real risk if we lose sight of safety and we have adverse events, such that people lose confidence in the vaccination program. We will need to have widespread support for a broad vaccination program.

The PRESIDENT: The Hon. Mr Pangallo has a supplementary.

COVID-19 VACCINE

The Hon. F. PANGALLO (15:07): Does the minister have an idea of how many of these vials would be distributed to South Australia? Has that been discovered? Also, can he update us, if he has any updates, on the other vaccines being trialled?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07): If I could address the second question first, I don't have details in terms of the range. My understanding is that the commonwealth has engaged a number of potential vaccine providers. I will also seek advice from my officers on whether we have been given even indicative figures as to our share. Again, I am a politician not a clinician, but my assumption would be that our share fundamentally depends on the prioritisation criteria.

For example, I have heard one public health clinician suggest that young people might actually be a priority for vaccination, not because they are particularly vulnerable—they are certainly not as vulnerable as older South Australians—but because they are particularly mobile. If you want to, you may well have particular cohorts. I suppose another example might be public transport workers, or whatever it might be—people who are experiencing significant movement within the society. It may be that prioritisation criteria address issues in terms of both the vulnerability to the disease and also the potential to contribute towards transmission.

Therefore, I believe it is only then, once the prioritisation criteria are settled, that we can know with clarity what our share will be, because it will depend on how many South Australians fit into the particular cohorts that are trying to be targeted. I assure the honourable member that there is work already underway in terms of talking to the commonwealth about rolling out a national vaccination program for COVID-19, and of course it will involve significant effort by SA Health and other health providers in South Australia to get the vaccine out.

COVID-19 VACCINE

The Hon. T.T. NGO (15:09): Supplementary question: has the minister worked out a plan as to who will be administering the vaccine, and will he consider getting local pharmacists to administer some of the vaccines as well?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): The honourable member didn't need to declare an interest. His association with pharmacy is well known. I understand the Vietnamese community are strong in the pharmacy profession. Certainly, the honourable member is correct: in the development of any vaccine program you need to consider all of the distribution opportunities, and pharmacists have certainly been playing an increasing role in terms of vaccinations. In terms particularly of the COVID vaccine, I think it is too early to tell.

Again I preface my remarks by saying, I am a politician, not a clinician, but my understanding—and I suspect the Hon. Frank Pangallo may have more information on this than I have—is that some of the vaccines that are under development have particularly high standards in terms of storage and distribution, so, if you like, it may not be within the infrastructure of a pharmacist to deliver the cold chain requirements of a COVID-19 vaccine.

But again, the complexities are such that in my understanding we are not necessarily going to use one vaccine. It may well be that some vaccines have storage and distribution requirements that are within the scope of the pharmacy network and that brand might be deployed for a certain cohort through pharmacists, but I am wandering into the hypotheticals, so I must desist.

PUBLIC HOUSING

The Hon. I. PNEVMATIKOS (15:11): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding public housing.

Leave granted.

The Hon. I. PNEVMATIKOS: On Friday 30 October, the minister spoke on FIVEaa radio about the 17,461 people on the public housing waiting list. The minister was quoted as saying, 'We just don't have enough properties.' Leaders of 10 major homelessness service providers have commented on the minister's housing strategy and reform agenda by saying that, and I quote, 'It appears to be silent on addressing the need for increased supply of accessible housing.'

The providers who said this included Baptist Care SA, St Vincent de Paul, UnitingSA, Junction Australia, Lutheran Community Care, Anglicare South Australia, Mission Australia, Uniting Communities, UnitingCare Wesley Bowden and Centacare Catholic Family Services. My questions to the minister are:

1. Why has the minister's own department put forward an affordable housing program that will result in a net reduction in public housing from five sites in Adelaide?

2. Does the minister still stand behind her reform agenda, given that it will result in less public and community housing for those most in need?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:13): I thank the honourable member for her question. Her assertion that we are effectively reducing the number of social housing properties by in effect converting them to affordable housing I believe is incorrect. Through our strategy we are actually projecting that there will be a net increase.

Once again, I just need to go back through history, not very far, quite frankly, for the years of mismanagement and abuse of the public housing assets under the Australian Labor Party. This was a sector which was effectively used as an ATM. When treasurers in the Labor Party needed additional money, they would sell more housing stock, they would reduce the cash assets or they would reduce the maintenance budget.

So quite frankly I am not about to be lectured by anybody in the Labor Party about the South Australian Housing Trust or indeed the many policies that existed which make absolutely no sense, including the capacity of people to be placed on a waiting list when they've got assets of nearly half a million dollars; people can be registered for the public housing system. Why these policies were never examined in their term in office is beyond me because, as I said on radio, there is always more

demand than supply, and a large part of that reason is because Labor just abused the public housing system for such a long period of time.

If we go back to, I think, the 1990s, there used to be a particular program funded by the commonwealth government, which was known as SAAP (I can't tell you off the top of my head what it stood for). That used to provide a significant source of revenue to states and territories for their public housing systems. That ceased and as it has not been replaced by a similar program the current policy settings of the federal government are that they have their NHFIC, which is their investment into the public housing sector that particularly the community sector are often encouraged to access.

What we are doing with the public housing system is not only improved maintenance and improved works—and I do get this criticism from the Labor members on a regular basis, about our focus on affordable housing. They only need to look to the AHURI report to see the number of people who are in housing stress and who are effectively trapped, who, if they could access an affordable home option to purchase, would be on the pathway to improving their equity situation and their stability and would not be at the behest of a particular landlord in the private sector, who may for very reasonable reasons decide to sell or move in themselves—there is a range of reasons.

Home ownership is called the great Australian dream for good reason. We are not subsidising affordable housing. We are using our cash balance to very sensibly provide for a gap in the market that has been overlooked for a very long period of time and which is at the preventative end of assisting people who are in the private housing system into home ownership. I think the Labor Party focuses too often on particular points but doesn't view housing as a continuum and as a system where people enter and leave for various reasons at points in their life cycle.

As I said previously, we can walk and chew gum at the same time. We are also reforming our internal policy so that we are improving the allocations process and the category 1 waiting list, which is the people who are homeless or at risk of homelessness. That has actually reduced under this government.

SOCIAL HOUSING

The Hon. I. PNEVMATIKOS (15:17): In her answer, the minister referred to an increase in social housing. Is the minister now contradicting written advice from her own chief executive, on 3 November, that social housing will reduce by 633 over five years?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:18): What I am referring to is two separate issues. There is the Our Housing Future 2020-2030 strategy; we are projecting that there will be a modest net increase through that program. The program that she is talking about, which is the one that I refer to often and which Labor has no record on, is the so-called viability program, which was placed in the forward estimates by Labor treasurers and which was still there when we came to government. Through that program we are reducing the number of properties that need to be sold each year because we have found our own internal savings, so that we don't need to sell as many properties as the Labor Party, going forward.

DISABILITY ACCESS AND INCLUSION PLANS

The Hon. N.J. CENTOFANTI (15:18): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability access and inclusion plans.

Leave granted.

The Hon. N.J. CENTOFANTI: The Disability Inclusion Act 2018 became the first piece of legislation to be passed by parliament under the newly elected Marshall Liberal government. The act requires the state government agencies and local councils to develop, consult on and publish a disability access and inclusion plan by 31 October 2020. On 14 October 2020, in this chamber the minister stated the following:

> We are indeed looking forward to the advent of disability action and inclusion plans, which will be required to be provided by 31 October 2020. Some agencies have indicated, and indeed local government have indicated, that theirs may be late, particularly due to COVID and some of the consultation time frames, but I do look forward to receiving as many of those as possible by the end of this month...

Can the minister please provide the chamber with an update on the progress of the publication of state authorities' disability access and inclusion plans?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:20): I thank the honourable member for her important question. Inclusion is very important to people with disability—perhaps it goes without saying—and is part of the bookend in terms of policy going forward that we have the National Disability Insurance Scheme, which provides the funding to support people's individual goals and their particular care needs and service needs in the community.

Inclusion is incredibly important to people with disability to ensure that they are full participants in our society, and it's easy to envisage the sort of physical obstacles that people with disabilities experience, which means they can't necessarily access services in the full way the rest of us take for granted, but in a range of ways we are improving the way we approach these things as a state and also in partnership with a range of other agencies.

There were some 80 state authorities captured by the new Disability Inclusion Act, which are due to be prescribed in November 2020, and they have published their disability action and inclusion plans by 31 October. Of these, 25 are state government agencies and 55 are local councils. An additional eight state authorities that were not captured by the act also published a disability action and inclusion plan by 31 October, so we commend all those organisations for doing that work.

A further 12 state government agencies not captured by the act are in the process of developing disability action and inclusion plans; 13 local councils didn't meet the time frame but are continuing to develop their DAIPs. For these councils the time frame wasn't met due to the impact of COVID-19, the bushfires, limited resourcing or because they consulted the community twice to inform their disability action and inclusion plans.

Of those 13 councils, 10 have advised that they will publish their DAIPs in either November or December, and most are currently undertaking internal approval processes to finalise them. Three councils have advised that they may not have their DAIPs published until early 2020-21.

In providing support to organisations, the Department of Human Services published a guideline and template relating to DAIPs on the Inclusive SA web page earlier this year. DHS also established an online community of practice for state authorities, together with local council representatives, to share knowledge and experiences throughout the community consultation phase. This complements the online community of practice, which was established by the Local Government Association of SA for local councils.

The department also facilitated three online workshops throughout August 2020. We thank all of these organisations for publishing their DAIPs and look forward to improving the human rights for people with disability.

DISABILITY ACCESS AND INCLUSION PLANS

The Hon. C.M. SCRIVEN (15:23): Supplementary: could the minister advise whether she is aware of any councils or other bodies that did not consult with people with lived experience of disability? What would she say is a reasonable time frame to consult with the disability and wider community on the disability action plans?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:23): As part of their obligations, local councils are required to necessarily consult with people with disability—that would be a given. Some consulted twice. We know that people with disability sometimes need more time to be able to respond to things, so it is potentially quite an open-ended question, depending on the complexity and formats in which the information was provided.

COVID-19 HOME QUARANTINE APP

The Hon. T.A. FRANKS (15:24): Noting that I won't get a supplementary, my question is to the Minister for Health and Wellbeing with regard to the COVID-19 home quarantine app. It was announced last month by the government that they were seeking a procurement process for such an app. Where is that up to? Will it be used for international visitors at any stage, or is it simply anticipated for interstate arrivals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:25): I will certainly get an update in terms of the procurement process. My understanding is that they may well have moved to an evaluation stage in the process. But in terms of its likely use, I think it's highly unlikely that a home quarantine app would be used for international arrivals. What we are significantly seeing in more recent arrivals is there is a higher level of positivity—in other words, COVID positive cases—and also a higher level of acuity in terms of other health issues.

The Hon. T.A. Franks: The Prime Minister has actually said that international arrivals may be able to use these apps.

The Hon. S.G. WADE: Whilst I wouldn't want to respond to an interjection, some might note that the Prime Minister is more optimistic than I am for an app being able to replace hotel-based quarantine, but these things will come.

The point I am making about positivity is, just as it has gone up, it might go down, but we have a situation at the moment where both Europe and North America are experiencing an increasing level of cases. In the last week America has had record cases. I wish President Biden every success in turning that pandemic around on the North American continent, because it's important not just for the country but for the whole world. It's my opinion as a politician rather than a clinician that we may be a long way away from having quarantine for international travellers primarily relying on an app.

The honourable member referred to interstate travellers. I think it's also important to acknowledge that there may well be significant local uses. For example, if we had a case, had an outbreak, a bit like the Thebarton cluster, rather than putting a thousand people into quarantine, it might be just as effective to use some sort of app. To be frank, it significantly reduces the welfare challenges.

Despite the best efforts of extremely compassionate nurses and other health staff in relation to the Thebarton cluster, there is no doubt that a lot of people from that CALD community experienced significant challenges, so having an app that could manage close contacts or casual contacts may well be a very useful tool not just for people coming from outbreaks interstate. I'm more than happy to deal with any other supplementaries offline.

Bills

TRAINING AND SKILLS DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. C.M. SCRIVEN: I have a number of general questions in regard to the bill and then a number on several clauses, including clause 7.

There were 43 amendments to this bill filed by the government. This is a government bill that was introduced in the House of Assembly on 2 July, forced to a debate quite quickly, and the government filed 43 amendments on the afternoon of 7 September. Can the minister explain why there were so many amendments, given that the minister in the other place had claimed the bill itself had been subject to a huge and extensive amount of consultation?

The Hon. S.G. WADE: I am advised that consultation on the Training and Skills Development (Miscellaneous) Amendment Bill 2020 was undertaken concurrently with the consideration in the house. That was an accommodation to COVID. As a result of that consultation, and presumably in the wisdom in the House of Assembly, the government developed a set of amendments that the minister duly introduced.

The Hon. C.M. SCRIVEN: Could the minister explain what he means by 'an accommodation for COVID'? The bill was introduced in the lower house while consultation was still open on the YourSAy website, for example.

The Hon. S.G. WADE: It was intended that public consultation on this bill would have occurred earlier in the year. That was not possible due to COVID and therefore, to facilitate the

progress of the legislation, the public consultation was done concurrently with the parliamentary consideration.

The Hon. C.M. SCRIVEN: Why could the consultation not be done earlier due to COVID, given my understanding is that much of the consultation was done electronically and using the YourSAy website, etc.?

The Hon. S.G. WADE: In the early stages of the development of the bill it was intended that different consultation mechanisms be used. I also remind the honourable member that COVID was extremely challenging for both industry and workers and to expect full engagement in a consultation process earlier in the year would have been challenging to both industry and training organisations.

The Hon. C.M. SCRIVEN: Why then was the introduction of the bill not delayed until that consultation could be completed?

The Hon. S.G. WADE: In many portfolios, accommodations have been made to continue to achieve government objectives in the context of COVID. One example of an independent body within my own portfolio is the Health Performance Council, whose approach for its inquiry on institutional racism was significantly restructured in the context of COVID. This example is not rare.

The Hon. C.M. SCRIVEN: Can the minister advise who was consulted on this bill, and is he confident that all relevant bodies were consulted and made aware of the proposed changes to the legislation?

The Hon. S.G. WADE: As the honourable member has already highlighted, this bill consultation was made available through the YourSAy website, which is a well-established practice of the government of South Australia both under this administration and the previous one. In addition to that, I am advised that all relevant stakeholders were directly contacted in relation to the bill.

The Hon. C.M. SCRIVEN: Is the minister aware of any unions that were not directly contacted and, if so, can he advise whether that was deliberate on the part of the minister in the other place?

The Hon. S.G. WADE: The honourable member's question, if I heard her correctly, was whether I am aware of any unions that were not invited to make a submission on the legislation. The government is not asserting that it contacted every union in South Australia. What I can advise the honourable member is that the government received a submission from the Australian Manufacturing Workers' Union, which had a joint submission with the Australian Workers' Union, and also a submission was received from SA Unions.

The Hon. C.M. SCRIVEN: I thank the minister for that answer, and I would note that that was submissions received rather than consultation necessarily going out to those bodies. I would just place on the record that some of the unions with a considerable interest in this were not directly contacted. Moving to another point, can the minister advise whether, through any of the consultation on this bill, anyone has advocated for skills councils to be legislated?

The Hon. S.G. WADE: I am advised that there were a range of suggestions made in terms of legislating or not legislating for skills councils. I would draw the honourable member's attention to subclause 19(3), which reads:

> (3) The Commission may, in accordance with any requirements in the regulations, establish such industry engagement or advisory bodies as the Commission thinks appropriate (which may but need not consist of members of the Commission).

In light of the consultation, the government made the decision to maintain flexibility in the arrangements in relation to the skills council. Skills councils are intended, but skills councils may well evolve to give flexibility to the commission. It is anticipated that the commission may well choose to give, if you like, a legislative touchstone to skills councils through subclause 19(3).

The Hon. C.M. SCRIVEN: Is it the case that one of the reasons for not giving a specific legislative section for skills councils was so there would be less scrutiny of appointments to those councils so minister Pisoni can avoid a repeat of the debacle that was Nick Handley being appointed to a board for which he was not qualified?

The Hon. S.G. WADE: I take that as a comment.

The Hon. C.M. SCRIVEN: It is quite instructive that the minister does not want to either confirm or deny that. There was a representation made to minister Pisoni in the other place from the Equal Opportunity Commissioner in regard to the Skilling South Australia program, which of course includes training and skills development, hence why it might be relevant to this bill, in which the then commissioner, Dr Niki Vincent, stated that it did not appear to provide appropriate and sustainable pathways to employment for mature age jobseekers. Her concerns were essentially that the state government's signature skills policy, Skilling South Australia, was discriminatory towards mature age jobseekers. Is there anything in this bill that addresses any of her concerns whatsoever?

The Hon. S.G. WADE: Indeed, the honourable member is correct: this bill will help mature age pathways develop. The bill is fundamentally going to facilitate greater flexibility and a broader range of training contract arrangements to support both upskilling and reskilling and, of course, we mature workers are most likely to need upskilling and reskilling.

The Hon. C.M. SCRIVEN: Thank you to the minister for that generalisation, but it is at least an attempt to answer the question. My next question, whilst it does relate particularly to clause 9, I think has a fairly broad impact, hence I am asking it now, if the minister does not object, and also given that we have our crossbenchers who are going to be going out and we do not want to get to any divisions.

The Hon. S.G. WADE: I am happy with that.

The Hon. C.M. SCRIVEN: One of the aspects of this bill is that it allows the minister to declare a particular trade as a vocation rather than the current system. Clause 9 allows the minister to declare an occupation to be a trade or a declared vocation. During consultations with the opposition some stakeholders have raised a concern that this essentially establishes a state-based scheme, or has the potential to do so, instead of the national training scheme, which as I understand it was established with a great deal of angst over many years to ensure that there was continuity between jurisdictions and that people undertaking a trade or declared vocation did not find that when they moved 20 kilometres over the border their qualifications were not recognised. Could the minister address the thinking behind that in this bill and the concerns that have been raised?

The Hon. S.G. WADE: Apprenticeships are and have long been regulated by the state, drawing on national qualifications, and there is no intention to move away from that. What this clause seeks to achieve is to strengthen the opportunity to innovate and to respond to both the needs of business and also apprentices.

The Hon. C.M. SCRIVEN: I thank the minister for that answer and I appreciate that is, if you like, the—

The Hon. S.G. WADE: Aspiration.

The Hon. C.M. SCRIVEN: The aspiration, as the minister says. I was thinking 'spin' but I was trying to think of a better word to use that was not implying something derogatory. That does not actually address the issue. What is going to prevent the possibility of an occupation being declared as a trade or declared vocation and then, because it has been declared by a minister of South Australia and not as part of a national qualifications framework, it creates exactly the issues that we had in years gone by when different states had different qualification frameworks, different abilities to determine whether someone was qualified or not, and all of those consequential concerns that have been raised?

The Hon. S.G. WADE: I would make the point to the honourable member that the clause increases the breadth of categories—pre-apprenticeships, specialised skills and so forth—but fundamentally the process has not changed. If there is a risk of this process undermining national consistency, that risk is already there.

The Hon. C.M. SCRIVEN: I am just referring to the existing act.

The Hon. S.G. WADE: Section 6(3)?

The Hon. C.M. SCRIVEN: Yes, that is right. Can the minister outline two things: whether the existing section 6 has been used, and if so when, and in what circumstances it is envisaged that the proposed new section 6 would be used?

The Hon. S.G. WADE: I am advised that indeed section 6 has been used. Section 6 is used for every apprenticeship and traineeship pathway. The key point is not to change the process but to broaden section 6.

The Hon. C.M. SCRIVEN: Could the minister expand on how that operates in practice, please?

The Hon. S.G. WADE: I am advised that the process is that industry applies to the commission for a pathway to be declared. The commission considers that application in the context of factors such as the level of demand, the alignment with the national system and the like. If the commission makes a decision to establish such a pathway, it would then be published in the *Gazette*.

The Hon. C.M. SCRIVEN: Thank you for that, minister. I think that relates to the new section 6(3), but I was also asking how it operates in practice at the moment, which I appreciate does not include the pathways. In terms of declaring an occupation to be a trade or declared vocation, how does that then actually proceed in practice?

The Hon. S.G. WADE: I just reassure the member that it is the same process. There will be a different name to the commission, but the process is the same.

The Hon. C.M. SCRIVEN: Is there any tie-up with the new section 6(3) and the recording of statistics for the National Centre for Vocational Education and Research and the way they record any of these pathways?

The Hon. S.G. WADE: The NCVER is focused on delivering nationally consistent data. Obviously, in the complexity of federation that needs to take into account the particular frameworks that are developed to deliver the services in each state and territory.

The Hon. C.M. SCRIVEN: That did not really answer the question.

The Hon. S.G. WADE: Let me have another go: we do not control the way that the NCVER reports.

The Hon. C.M. SCRIVEN: I see. So can the minister confirm that this has not been set up in a way that would particularly feed into the way that NCVER currently interprets its data? To put it another way, are there any training courses that are currently not picked up as being training contracts for the purposes of NCVER which would be picked up in such a way if this change occurs in the legislation?

The Hon. S.G. WADE: I am advised that the answer to the honourable member's question is that that would only be the case if the commission declares them to be a trade or a declared vocation and they meet the NCVER accounting rules. In terms of the NCVER, a traineeship is defined by the following four criteria: firstly, the existence of a regulated employment-based training arrangement and a registered legal training agreement, originally called an indenture and more recently a contract of training or a training contract; secondly, a commitment by the employer, the apprentice or trainee and a registered training organisation to an agreed training program in a specified occupation, all of which are set out in the training agreement; thirdly, an occupation training program that consists of a concurrent combination of paid employment and on-the-job training and formal, usually off-the-job, training that leads to a recognised qualification; fourthly, training that is provided at an agreed level in the Australian Qualifications Framework and the standards set down in the Australian Quality Training Framework.

The Hon. C.M. SCRIVEN: How will funding for the new commission compare to current funding for the functions that currently exist, which of course includes the Training Advocate as well as the existing Training and Skills Commission?

The Hon. S.G. WADE: With all due respect to the deputy leader, that question relates to a budget matter, not a legislation matter. As the commission is established and their functions are clarified then so will its budget.

The Hon. C.M. SCRIVEN: Who will do the administration for the training commission?

The Hon. S.G. WADE: As is the practice with the current commission, the new commission will be supported by staff of the department.

The Hon. C.M. SCRIVEN: The Department for Innovation and Skills, did you say?

The Hon. S.G. WADE: I did, yes.

The Hon. C.M. SCRIVEN: The point of my question is in regard to the mediation. If the department will be doing the administration for the training commission, essentially the department will be investigating complaints against its own handling of issues between employers and apprentices or trainees. The concerns are that therefore the mediation cannot be independent.

The Hon. S.G. WADE: I am advised that there will be a clear separation of powers in terms of the regulatory function and the complaints-handling function. In terms of the responsibility for the complaints, that is in the hands of the commission. The role of commissioner is a statutory office, and they will be responsible for maintaining that separation. I think it is noteworthy for the council to consider that the current advocate is supported by the department.

The Hon. C.M. SCRIVEN: Can the minister explain why the Training Advocate was established as an independent body initially and why it is no longer considered necessary for it to be independent?

The Hon. S.G. WADE: Humility prevents me from putting myself in the mind of the former government when they put the role in. In terms of the rationale for dissolving the role of the Training Advocate in clause 1, I am happy to respond. Feedback from consolidation indicated that there is confusion in relation to dispute resolution and educating parties about apprenticeships and traineeships. The overlap between certain functions performed by the Office of the Training Advocate and those of the TASC and the department through delegation from the TASC was also identified as a source of confusion by various stakeholders.

The amended structure will assist in modernising the state's vocational education and training system, lifting the status of apprenticeships and traineeships and increasing industry leadership and accountability. This amended structure will also provide for a single point of accountability.

The Hon. C.M. SCRIVEN: In terms of the specific question about the independence of the Training Advocate, within your answer, minister, you said that there has been confusion about the different roles. Would it not be that the answer to such confusion is education rather than dissolving the role, where it then does not have the same visibility as an independent advocate?

The Hon. S.G. WADE: I am sure that is one of the options the department and the minister considered as they digested the consultation. It was considered that this approach is preferred.

The Hon. C.M. SCRIVEN: Did you receive any feedback that the staff to support the Training Advocate should be from outside the department?

The Hon. S.G. WADE: I am advised that to the best of our knowledge there was no such feedback.

The Hon. C.M. SCRIVEN: Certainly the opposition received that feedback, so I am surprised that it was not also provided to the minister and his department. In terms of process, I can now go on to some other general questions that are more directly linked to clauses, given what we are trying to do in terms of our crossbench colleagues. If we are not expecting any divisions up to clause 7, we could do clauses 1 to 6.

The Hon. S.G. WADE: I am happy either way.

The CHAIR: I indicated privately before that I am happy to facilitate discussion about clauses 1 to 6—I thought you wanted to go beyond that. I call the minister.

The Hon. S.G. WADE: Perhaps if I can clarify what the honourable member is suggesting: the Chair has been very mindful of the situation and allowed us to have more latitude in terms of discussing issues at clause 1, but I am clarifying whether the Hon. Clare Scriven is suggesting that

we might move beyond clause 1 and consider clauses 2 to 6. Personally, I think it might be better to continue our consideration of the broader issues at clause 1, because we never know whether a crossbencher might have a comment on clauses 2 to 5.

The CHAIR: I am happy to proceed in that regard.

The Hon. C.M. SCRIVEN: I am happy to do so as well. In terms of the minister being able to direct the commissioner (particularly relevant to clause 11), why does the minister need to be able to direct the commission?

The Hon. S.G. WADE: I would make the point to the honourable member that the minister can currently direct the commission, and that power to direct has been brought forward in relation to the commissioner.

The Hon. C.M. SCRIVEN: Certainly I am aware of that, but as the minister mentioned earlier the commissioner will be a statutory office, so why is it necessary to be able to direct the commissioner?

The Hon. S.G. WADE: I accept the point the honourable member makes, that the commissioner is the statutory office, but that is also true of the commission. The commission is a statutory office. The commissioner will be a statutory office. The minister is able to direct both of them.

The Hon. C.M. SCRIVEN: Could the minister just clarify whether the minister is currently able to direct the Training Advocate?

The Hon. S.G. WADE: I am advised that the minister can direct the Training Advocate under section 22 of the current act.

The Hon. C.M. SCRIVEN: I sought that clarification for two reasons. Firstly, of course, the Training Advocate is currently considered to be independent. If the Training Advocate is already subject to the direction of the minister, then that is not a change. Secondly, given the track record that the minister in the other place has of appointing people to boards who are, for example, fundraisers for his local sub-branch, that relates to why there are concerns raised by stakeholders about the opportunities for the minister to direct in this case the commissioner or, indeed, a variety so that, instead of being an independent body as proposed as a statutory office, which is independent of the minister's whims or political aspirations, it would be the opportunity to be a political arm. Do you have any responses to the concerns that stakeholders have raised with the minister?

The Hon. S.G. WADE: I note the honourable member's comment.

The Hon. C.M. SCRIVEN: I note the honourable minister's lack of response or denial on behalf of the minister.

Members interjecting:

The CHAIR: We are not having a conversation. The deputy leader has the call to ask a question.

The Hon. C.M. SCRIVEN: Can the minister answer why, if this bill passes, the minister would need to direct the commission?

The Hon. S.G. WADE: I just reiterate the point that this is the power of direction operated under the commission, operated in relation to the Training Advocate under the previous government. This government is not intending to change those arrangements.

The Hon. C.M. SCRIVEN: I flag that, when we do get to the clause, I am moving an amendment in regard to any directions to the commissioner—not to the commission—should be laid before the houses within three sitting days rather than only in the annual report. Can the minister indicate whether the government is intending to accept that amendment and, if not, why not?

The Hon. S.G. WADE: I assure you that the minister is very keen for that amendment to be accepted, demonstrating yet again his commitment to transparency and accountability.

The Hon. C.M. SCRIVEN: I appreciate the minister's humour, but I am glad to hear that the government intends to accept that amendment; is that correct?

The Hon. S.G. WADE: That is our intention, but the member may be able to persuade us out of it. See how you go.

The Hon. C.M. SCRIVEN: Could the minister outline how the skills standards are envisaged to operate?

The Hon. S.G. WADE: I am advised that arrangements for delegation of functions and the South Australian skills standards will be put in place prior to the act's commencement on 1 July 2021. Upon enactment of the amendment act, the Minister for Innovation and Skills will appoint the South Australian Skills Commissioner to conduct consultations, prepare regulations, develop standards, establish the framework for delegations, and establish the operational structure of the South Australian Skills Council.

The commissioner will not have any statutory powers until the act comes into operation; however, the functions proposed to be conducted by the commissioner do not require statutory authority in order to be undertaken. Stakeholders will be given an opportunity to provide input into such matters through the consultation process to be undertaken by the commissioner.

The Hon. C.M. SCRIVEN: Two questions on that: first, does the minister envisage there will be any change to that time frame, given COVID and the changes we saw happening in terms of this bill as result of COVID?

The Hon. S.G. WADE: Of course, as health minister I need to warn the council again, warn the parliament, that we have done well in COVID so far, but many jurisdictions have had serious setbacks after their first wave. Obviously, the most pressing example for us is Victoria. I do not know what the future holds between now and July 2021, but the government's best estimate is that time frame. Of course, that is also dependent on this parliament dealing with this legislation expeditiously.

The Hon. C.M. SCRIVEN: Thank you for that clarification, minister. Could you outline in a bit more detail what it is expected the skills standards will cover? I appreciate they have not been developed yet in a specific sense but, given that the registration will be dependent on an employer satisfying any requirements set out in those South Australian skills standards, it is a fairly significant part of the bill, so I think it is reasonable that we have on the record the sorts of things that those skills standards are expected to cover.

The Hon. S.G. WADE: I am advised that the skills standards will sit under the regulations and provide further guidance and clarification. For example, the skills standards may guide decision-making for declaring an employer a prohibited employer. They might provide clarification in relation to assessing applications and certifying the competence of individuals for skills recognition purposes. They might also deal with assessing applications for employer registration under the modified criteria implemented by the bill.

The Hon. C.M. SCRIVEN: Could the minister explain what he means by 'they will sit under the regulations'? Specifically, will they come back to the parliament or will they be quite separate to that process?

The Hon. S.G. WADE: I thank the honourable member for the opportunity to clarify. The skills standards sit under the regulations in the sense that they are authorised by the regulations, but the skills standards themselves are not disallowable instruments such that they themselves need to be tabled. I am advised that the skills standards will be published in the *Gazette* and made available on a website determined by the commission.

Progress reported; committee to sit again.

SPENT CONVICTIONS (DECRIMINALISED OFFENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 October 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:25): I rise to speak on this bill and indicate that I will be the lead speaker for the opposition. The late member for Fisher, Dr Bob Such, brought legislation to parliament on many occasions to deal with the issue of spent convictions, like a number of other issues he was passionate about. Bills in his name came before the South Australian parliament in 2004, 2006, 2007, 2008 and again in 2009. He was successful in 2009 and this added to his proud legacy in South Australia. The late Dr Such was an important legislator and a local MP who responded to the needs of his community and for many across the state.

The original legislation enabled a system under which minor offences would automatically cease to affect a person after 10 years for adults and five years for juveniles. The ability for convictions to be spent was subject to the person not being found guilty of other offending during the five or 10 year-period. If they did reoffend during the period, the clock was again reset.

The benefits of minor convictions being spent are many. It is not taken into account for a person's criminal history and the person is not required to disclose to other people. It is not taken into account to affect the person's character or fitness for many things. It cannot be the grounds to dismiss a person from a role or to revoke any appointment. These benefits were balanced by a number of sensible exemptions. For example, records were still retained, even though they could not be used in the circumstances described above. These records could be accessed in a range of special circumstances, including inquiries by security agencies or if the person was being considered for work in the police, corrections or judiciary, amongst others.

Under the former Labor government, amendments were passed in 2012 and again in 2013. I will not detail every bit of those reforms, but they included the capacity for certain other offences to be effectively spent. These changes established a new process so that people could apply to a magistrate for consideration of other offences if they met specific eligibility conditions.

The new bill seeks to expand on work that was undertaken in 2012 and 2013. This bill focuses specifically on historic sex offences that are no longer considered crimes and acts of public indecency that would not be criminal today. It focuses on homosexual activity that has since been decriminalised. It also expands the list of parties who may apply to a court for such convictions to be spent.

The bill explicitly focuses on certain offences that existed under the Criminal Law Consolidation Act 1935 prior to 1972 and between 1972 and 1975. With regard to the period before 1972, after which time the partial decriminalisation of homosexuality occurred, specific offences were: buggery and attempt to commit buggery; and committing, being party to the commission of, procuring or attempting to procure the commission of any act of gross indecency by a male person on another male person.

With regard to offences between 1972 and 1975, after the full decriminalisation of homosexuality occurred the specific offences were the same as for the first one: a male person committing acts of indecency with another male person and procurement and soliciting offences that were similar to the first one.

The bill expands the definition of 'designated sex-related offence' to include these historic offences. It also adds a new prescribed public decency offence, being an offence against public decency or morality by which homosexual behaviour in that past era could have been punished. The public decency elements are an attempt to catch low-level public decency offences, such as public displays of affection, but not overt sexual activity.

In view of the expanded definitions of offences that may be spent, the bill amends and inserts various sections. It amends the existing section 8A regarding a spent conviction for an eligible sex offence. This change means that a judge 'must' rather than 'may' make an order for a spent conviction if an application meets the relevant criteria. It inserts a new section 8B entitled 'Spent convictions for designated sex-related offence', and it also inserts a new section 8C that deals with the aforementioned public decency offences.

These new sections broadly follow the process outlined in section 8A for dealing with relevant applications. Noting the historic nature of offences that will be able to be spent, a number of people who have been convicted are now deceased or in their later years. Importantly, and

particularly in reference to this, the bill seeks to expand who may apply to have a conviction spent. The proposed amendment to schedule 2 allows people beyond the convicted person to apply, including a spouse or a partner, an adult child, a guardian, or any other person approved by a magistrate. The same amendment will allow applications on behalf of a deceased person.

For those who suffered under laws that we now rightly see as the product of a less enlightened bygone era, I think this parliament has previously, and should continue, as I do now, to offer our sympathy and apologies. Our society still has a long way to go to achieve justice for many people but this bill is yet another small step for some of those who suffered. I commend this bill to the council and trust it will find a speedy passage through this chamber.

Debate adjourned on motion of Hon. N.J. Centofanti.

STATUTES AMENDMENT (ABOLITION OF DEFENCE OF PROVOCATION AND RELATED MATTERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 October 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:32): I rise to speak on this bill and indicate that I am the lead speaker for the opposition. This bill follows longstanding calls to establish what has been known as the gay panic defence. This is a defence where an accused could use what could be best described as the problematic common law defence of provocation to reduce a conviction from murder to manslaughter. It was used in circumstances where a defendant claimed that a homosexual advance provoked them to kill the other person.

Despite this outdated defence, provocation had quite some utility in other areas of the law of homicide, particularly in cases of family violence. This may occur when a person has been subject to prolonged violence and retaliates against their abuser but it does not rise to be able to establish the action as self-defence. In these instances provocation may operate to reduce a conviction of murder to manslaughter, avoiding a mandatory life sentence and the minimum 20-year non-parole period for murder.

Following the 2015 High Court decision of R v Lindsay, the then Labor government asked the South Australian Law Reform Institute, often referred to as SALRI, to inquire into the rights of and discrimination against LGBTIQ+ people. This resulted in SALRI reports, such as those on equal recognition of relationships, and exemptions to unlawful discrimination on the grounds of gender identity, sexual orientation, intersex status and under the Equal Opportunity Act. Following this, SALRI commenced two pieces of work on provocation in 2017 and 2018 which have largely informed and led to the bill that is before this chamber.

The Liberal government promised to act on this but nothing eventuated until this council voted earlier this year in April, and I commend my colleague the Hon. Tammy Franks for the motion that she brought to this chamber. After the Hon. Tammy Franks brought this motion to the chamber, the government finally acted to do what they had long promised to do.

Consequently, this bill seeks to abolish the common law defences of provocation, duress, necessity and marital coercion by amending the Criminal Law Consolidation Act and the Bail Act. This follows SALRI's recommendations. The bill also aims to protect defendants who are victims of family violence who may currently seek relief under the common law defence of provocation, which this bill abolishes through amendments to the Evidence Act and the Sentencing Act.

This bill amends section 10A of the Bail Act to include murder in the offences that carry a presumption against bail. It also amends on numerous occasions the Criminal Law Consolidation Act. First, it changes the heading of part 3 division 2 from 'Defences of life and property' just to 'Defences'. It inserts new section 14B to abolish the common law defences, as I have said, of provocation, necessity, duress and marital coercion. As a transition measure, these defences will be available for offences that are alleged to have been committed before the commencement of this bill.

The bill amends section 15B relating to the reasonable proportionality element of self-defence. To establish self-defence, pursuant to the current law, a defendant must, firstly, genuinely

believe their conduct was necessary and reasonable for a defensive purpose—that is a subjective test—and, secondly, be able to prove their conduct was reasonably proportionate to the threat they generally believed to exist—an objective test. It should be noted that the defendant's conduct in their self-defence may exceed the force used against them if it is reasonable to do so.

The bill's amendment to section 15B requires that, where a defendant asserts their offending occurred in a situation of family violence, the court must have regard to the circumstances of family violence when determining reasonable proportionality. In abolishing the common law defences of necessity and duress, this bill replaces them by inserting new section 15D, regarding duress, and new section 15E, regarding sudden or extraordinary emergency.

Section 15D, for duress, applies where a defendant reasonably believed that a threat would be carried out unless they responded and that their response was the only reasonable way the threat could be avoided. Section 15E, for sudden or extraordinary emergency, applies where a defendant responded to circumstances of sudden or extraordinary emergency. They must reasonably believe the emergency existed and, again, that their conduct was the only reasonable way to deal with the emergency. These two aforementioned sections cannot apply to a 'prescribed offence' which includes murder, attempted murder, conspiring or aiding and abetting to murder.

The bill also repeals section 328A of the Criminal Law Consolidation Act which outlines the common law defence of marital coercion. The bill also inserts multiple provisions into the Evidence Act and the Sentencing Act regarding evidence of family violence. The bill amends part 3 of the Evidence Act by inserting a new division 4 relating to evidence in proceedings where there are circumstances of family violence.

The bill's section 34U defines abuse consistent with the Intervention Orders (Prevention of Abuse) Act 2009. That definition includes that a single act can amount to abuse, as can many acts that form a pattern of behaviour, even though some acts may appear trivial in isolation. Section 34U also defines 'family violence' and 'members of a person's family' in a broad way to account for different cultural and family structures.

New section 34V sets out the meaning of an offence being committed in the circumstances of family violence. It establishes that sentencing for an offence in these circumstances must take family violence into account. New section 34W states that evidence of family violence can be very broad. Evidence can include relationship history, social, cultural and economic effects of family violence. Evidence of family violence can include the general nature and dynamics of family violence, and the evidence of psychological effects of family violence on the person or family member in the case.

New section 34X provides that expert evidence relating to the nature and effect of family violence is admissible, such as social framework evidence given by an expert. New section 34Y relates to trial directions that judges must give if any evidence of family violence is admitted in a trial to establish the circumstances of family violence.

The bill also amends section 69A of the Criminal Law Consolidation Act regarding suppression orders. The bill states that a court can make suppression orders in relation to a defendant or their evidence if the offence occurred in family violence circumstances or if the evidence can tend to be humiliating or degrading. This protection is already available for victims of family violence who are not defendants. However, this amendment will protect defendants who were victims of family violence prior to being charged with the offence. The opposition supports this bill.

The Hon. I.K. HUNTER (16:40): I rise to make a very brief contribution on the Statutes Amendment (Abolition of Defence of Provocation and Related Matters) Bill. As the Leader of the Opposition has outlined, Labor supports the abolition of the partial defence of provocation and the implementation of a new framework to provide defences to charges of murder, particularly in circumstances of domestic and family violence.

However, I would like to remark on a significant consequence of this bill, which might not be immediately obvious on reading the terms and the language used. The words 'gay panic' do not appear on any of the bill's 10 pages, yet the likely passage of this bill will have the effect of, at long

last, abolishing the archaic, harmful and discriminatory defence for murder known as the gay panic defence.

That so-called gay panic defence is, for a few more weeks at least, a partial defence to murder. It provides an opportunity for defendants to have their charges downgraded to those of manslaughter on the basis that they were provoked into their offending by an unwanted same-sex advance. It is in every way deeply discriminatory. The defence is built on the idea that a same-sex advance is so reprehensible and so distressing that it could be expected to lead to murder.

Other states and territories across our country have seen this discrimination and done something about it. Tasmania abolished the defence in 2003. The ACT followed suit in 2004, then Victoria in 2005, the Northern Territory in 2006 and Western Australia in 2008. New South Wales joined them in abolishing the defence in 2014 and, most recently, Queensland did so in 2017. Only one state now is left—us, South Australia—and we should be ashamed of this position that we find ourselves in.

In 2014, the Legislative Review Committee of this parliament inquired into the partial defence of provocation and found that it was satisfied that the law in this regard has already been addressed and therefore legislative reform should not be supported. I took a different view at the time. I note, for the record, that the Hon. John Darley provided a minority report disagreeing with that conclusion.

The committee affirmed that view in a second inquiry report in 2017, despite the intervening High Court decision in the case of Lindsay v The Queen. That case affirmed that the common law defence of provocation remained the law in South Australia and it affirmed that the gay panic aspect of provocation remained the law in our state as well.

This conclusion was also reached by the South Australian Law Reform Institute in their April 2018 report on provocation, the report that now forms the basis of this bill. They note that the High Court's decision is widely perceived to have confirmed that the gay panic aspect of provocation remains part of the present law. Discussing the Legislative Review Committee's second report, the SALRI report goes on to say:

> SALRI has proceeded on the premise that, as have most parties in its consultation, Lindsay provides that a homosexual advance…can still amount to provocation under the present South Australian law. SALRI respectfully differs from the suggestion of the Legislative Review Committee that the gay panic defence effectively no longer exists.

Even after such definitive statements, action to abolish the gay panic provocation defence has been incredibly slow. Former Labor Premier Jay Weatherill committed in 2016 that he would move to end the defence once SALRI had delivered its final report.

One might be forgiven for hoping the report would be delivered swiftly, but alas, it was not. It arrived in 2018, shortly after the defeat of the Weatherill government in March of that year. The succeeding Marshall Liberal government stated its intention to introduce a bill to abolish provocation by the end of 2019, and again that is somewhat of a delay because we are now here probably a year later than we could have been.

But I am pleased that we finally have such a bill and I have been, as you can probably tell, impatiently waiting for this day for almost a decade. The passage of this bill will be another step towards equality for LGBTIQ South Australians, and that is a good thing, even if the step is well overdue. I do not see that the continued existence of the gay panic defence in South Australian law—which might have been a quaint academic question for learned jurists to debate—was worth sustaining given the harm it could have done in the intervening years.

It is a question of how our society and how this parliament values the lives of LGBTIQ people. That action was rejected and then delayed for so long it is hard to see it as anything other than a sign, intentional or not, to the LGBTIQ community of our state that their lives were seen as being less important than others, not requiring fast, quick attention and action.

This parliament has moved with enormous speed to address other loopholes and outdated practices in other areas of criminal law because we rightly recognise the consequences they can have on victims, their families, their loved ones and their lives. Yet, it has taken so many years to take this step, even as the other states, one after the other, falling like dominoes, took action more than a decade ago. As I remarked earlier, the words 'gay panic' might not appear on the pages of

this bill, but the LGBTIQ community will nonetheless understand what it means when we pass this legislation.

Finally, parliament is taking action against the idea that murdering a gay person should give rise to more legal defences than murdering a straight person. I should have liked to have been in a position to have congratulated another Attorney-General for this overdue reform; alas, I cannot. Instead, I will congratulate the Hon. Vickie Chapman, Attorney-General of South Australia, for her support of and delivery of this most important reform. It would be remiss of me, of course, to conclude my remarks without acknowledging the complexity of the legislation that is required to replace this common law defence, the consequences of this bill in situations of family violence, for they are, indeed, significant.

As SALRI's report articulates in great detail, the current law of provocation is not fit for purpose. Among other issues, it suffers from intrinsic gender bias to the extent that it has been described as misogynist. In the same way that LGBTIQ people have faced inequities under the current law, so too have women. It is right that this has to be addressed. I echo the comments of my leader, the Leader of the Opposition, that Labor will support the bill and the new framework it introduces. With those brief remarks, I support the abolition of the defence of provocation, gay panic and all.

The Hon. T.A. FRANKS (16:47): I rise as the Greens' gender and sexuality spokesperson to support the Statutes Amendment (Abolition of Defence of Provocation and Related Matters) Bill 2020. Indeed, I associate myself with the remarks of the Hon. Ian Hunter in noting that South Australia is in a race to the position of last to finally reform what is known colloquially as the gay panic defence.

But here we are—I think I have been talking in this place for some 10 years about abolishing the gay panic defence and when I first did so I noted that I thought I could resolve the matter with a simple letter to the Attorney-General and the shadow attorney-general. Little did I know the ways of parliament and the law and the deep, deep discrimination that the provocation defence held in our community.

Indeed, the provocation defence originated in the 1600s and 1700s and it was in circumstances where the death penalty for murder was not only available but was usually imposed. Of course, that death penalty has now been abolished in all jurisdictions in Australia and provocation emerged as a partial defence to murder in those cases, operating to reduce that murder conviction to one of manslaughter in scenarios where the defendant killed while suffering some sort of temporary loss of self-control, the rationale back then being that a man was justified in killing in four situations: to free a person who was unlawfully deprived of their liberty; in response to a grossly indecent assault; in defence of another; or when killing a man who had committed adultery with one's wife—'one' being a man, of course.

A product of the heteronormative and patriarchal society, this defence operated to ameliorate the criminal responsibility of men—specifically men—where their sense of male dignity or honour was compromised. Provocation was often invoked in cases, for example, where a jealous husband would kill his wife in response to infidelity, actual or suspected, or, indeed, her choice to leave him.

Provocation is not a proud part of our history. It is something deeply rooted in the idea of a man's honour being more important than another person's life. Indeed, that is why other jurisdictions in Australia have all beaten us to ending the reliance in particular on the gay panic defence—or the homosexual advancement defence—in terms of a man murdering another man, but indeed the suite of provocation defences which are deeply rooted in that very patriarchal and most discriminatory idea that somehow one person who murders has their honour valued more by the courts that the victim's life. Indeed, it is the ultimate in victim blaming, of the dead person who no longer has a voice in that court.

As the Hon. Ian Hunter noted, other jurisdictions have already amended their various structures to abolish the provocation defence. Tasmania was the first to do so in 2003, and it has been abolished in Victoria, in 2005; in WA, in 2008; and in New South Wales, which was reviewing their suite of provocation defences and the gay panic defence when I first wrote to the shadow

attorney-general, the now Minister for Health and Wellbeing, and the then Attorney-General, requesting that we follow New South Wales' lead back in 2014.

Until that point South Australia held the dubious honour, if you like, of standing with Queensland as the only jurisdictions not to have acted, as the Northern Territory and the ACT also had amended their defences to exclude non-violent sexual advances, but in 2017 Queensland beat us to it. And here we are in South Australia in 2020, debating a bill that will finally, once and for all, remove the gay panic defence and indeed address the very discriminatory nature, that honour based system, of these provocation defences.

I do congratulate the Attorney-General for her leadership. I do not underestimate that this has been quite a difficult task, but how on earth it took two bills of a private member, two legislative review committees, two SALRI reviews and 10 years to finally crack this nut is beyond me. I do not think it was quite that difficult. We saw not only the perpetuation of the discrimination and the messages—that a man's life is worth less if he is gay—sent out by the leadership of this parliament by our inaction in this matter to the public of South Australia, and we saw it used as a defence in our courts, much, I think, to our shame and our dishonour.

I absolutely concur with the Hon. Ian Hunter that it has taken far too long to get to this point, but I do also concur with his congratulations of our current Attorney-General for being the one who brings this home. I congratulate her for the enormous effort she has put to ensuring this bill gets before this chamber today. I welcome the fact that major political parties on both sides—the government and the opposition—will welcome this and support this piece of legislation. I think it is a historic day. I do find it shameful that it took us so long, but I welcome the good news when it happens, and I hope that we will have a much prouder history of legislative reform in the future.

To that end, I note that I have taken up an amendment and had that filed. It is on behalf of the South Australian Rainbow Advocacy Alliance, which has collated at least 5,000 signatures to date to ensure that we do not stop here with law reform when it comes to what it has called prejudice-motivated conduct. It has called for that to be added as a sentencing factor in South Australia, as it is in New South Wales, Victoria and the Northern Territory. While I do not anticipate the support of the government or the opposition for that particular amendment at this point, I certainly hope it will not take 10 years to get to a point where we are also passing legislation that will affect that.

I am pleased that we are finally getting this job done, but I am sad that it has taken so long to do so. For those who have struggled within their own parties, I congratulate you on your perseverance, because I have had the freedom all the way along in my political party to speak out against the gay panic defence without the various shenanigans that go on behind the scenes in this place that have meant it has taken 10 years to get to this day.

Debate adjourned on motion of Hon. N.J. Centofanti.

TRAINING AND SKILLS DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. C.M. SCRIVEN: I move:

Amendment No 1 [Scriven–1]—

Page 9, line 14 [clause 7(30)]—Delete subclause (30)

This amendment reinstates the definition of the Training Advocate. I will take this as an indicator in terms of support for consequential amendments in regard to the Training Advocate. I will therefore

take this opportunity to outline the reasons for the amendment. It reinstates the definition of the Training Advocate prior to later amendments which reinstate the role of the Training Advocate.

The Training Advocate's role has been both advocacy and the education of users of the training system. This bill transfers those powers, the powers of the Training Advocate, instead to the commission and will include the role of conducting complaint handling, mediation and advocacy.

As seen from my earlier questions at clause 1, the advocate will cease to be independent. I acknowledge that the minister has said that no, there will be both a regulatory and complaints section within the Department for Innovation and Skills, and therefore in that way it will retain its independence. However, given that some of the argument as to why the advocate's position should be eliminated and instead have those functions within the new commission, it is clear that the visibility of independence will be totally lost.

Some of the previous argument was that there was confusion about the role of the Training Advocate, confusion about who was responsible for what. I submit that there will be more confusion in terms of not being able to see the advocacy role as an independent one when it is actually going to be within the Department for Innovation and Skills in terms of its administration.

Some of the feedback that we have had, which I alluded to in my contribution at clause 1, is that the department will be seen to be investigating complaints against its own handling of issues between employers and apprentices and trainees. By having the regulatory arm and the complaints arm, the intent, apparently, is for that not to be the case, but I think it is very clear that to an apprentice or trainee, particularly a young person, who is concerned about the way that they have been treated it will certainly appear as though the department is investigating complaints against itself. Therefore, I think it will lose the visibility of independence, and that will reduce the efficacy of the role of the Training Advocate.

There are also strong concerns raised by stakeholders in consultation with the opposition about the capacity and capability of the department to actually undertake those roles. As I mentioned, later clauses actually reinstate that role, and I will take the vote on this amendment—for which I will call a division, if necessary—as an indicator of whether to then move forward with those other amendments.

The Hon. S.G. WADE: I thank the honourable member for her comments, but as I indicated previously in our discussions on these very issues, the government does not support her views and does not support this amendment. The establishment of the South Australian Skills Commission and the South Australian Skills Commissioner will provide greater strategic oversight of the South Australian vocational sector and skilled workforce and consolidate current functions, resulting in simplification of access. The consolidation of functions within the South Australian Skills Commission will reduce duplication and alleviate confusion among stakeholders, which was identified as an issue through the course of the consultation.

The Hon. T.A. FRANKS: The Greens will be supporting the Labor opposition's amendment. We believe that it is integral to ensure the independence and also the separate identity of the Training Advocate.

The committee divided on the amendment:

Ayes.....9
Noes 10
Majority 1

AYES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Parnell, M.C.
Pnevmatikos, I.	Scriven, C.M. (teller)	Wortley, R.P.

NOES

Bonaros, C.	Centofanti, N.J.	Darley, J.A.

NOES

Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G. (teller)		

PAIRS

Ngo, T.T.	Lucas, R.I.

Amendment thus negatived; clause passed.

Clauses 8 to 10 passed.

Clause 11.

The Hon. C.M. SCRIVEN: I move:

Amendment No 2 [Scriven–1]—

Page 12, after line 17 [clause 11, inserted section 9(4)]—Insert:

(ab) the Minister must, within 3 sitting days after giving a direction, cause a copy of the direction to be laid before both Houses of Parliament; and

This amendment is in regard to transparency. Currently, the bill as given to this house shows that when a direction is made to the commissioner—so when the minister directs the commissioner—that would be reported in the annual report. Of course, that could be many months later and does not help with transparency.

Given the background and the track record of the current Minister for Innovation and Skills in the other place, in terms of turning otherwise functional boards into political instruments, it seems most necessary to ensure that in the event that a minister does make a direction to the commissioner that direction is then laid before both houses so that it is transparent; it is clear. I note that in the earlier contribution, the minister in this place indicated that the government would be supporting this amendment. I note that it will ensure that the direction is laid before both houses within three sitting days, so at this stage I probably do not need to speak further, unless the government has changed its mind.

The Hon. S.G. WADE: I would certainly encourage the member not to speak further because I can assure you that there is no part of the government's support for this amendment that is predicated on the personal slur on the minister in the other place. This is a clause that will stand no matter who is the minister, and the government supports this on the recommendation of the minister. Because of the minister's commitment and the government's commitment to transparency, we are not siding with the inappropriate remarks of the honourable member.

The Hon. F. PANGALLO: I rise to say that SA-Best will not be supporting this amendment.

The Hon. J.A. DARLEY: For the record, I will not be supporting this amendment.

The Hon. T.A. FRANKS: For the record, the Greens will be supporting this amendment.

Amendment carried.

The Hon. C.M. SCRIVEN: I move:

Amendment No 3 [Scriven–1]—

Page 14, after line 13 [clause 11, inserted section 15(3)]—Insert:

(ab) the Minister must, within 3 sitting days after giving a direction, cause a copy of the direction to be laid before both Houses of Parliament; and

This is a similar amendment, where the minister makes a direction to the commission, whereas the previous one related to the commissioner, similarly that that direction should be laid before both houses within three sitting days.

The Hon. S.G. WADE: The government certainly considers it is similar and supports it similarly.

Amendment carried.

The Hon. C.M. SCRIVEN: I move:

Amendment No 4 [Scriven–1]—

Page 14, after line 22 [clause 11, inserted section 15]—Insert:

(4a) Of the members appointed under subsection (4)(b)—

(a) at least 1 must be a person appointed on the recommendation of State employer associations, including the South Australian Employers' Chamber of Commerce and Industry Inc (*Business SA*); and

(b) at least 1 must be a person appointed on the recommendation of the United Trades and Labor Council (*SA Unions*).

This amendment is in relation to the make-up of the Training and Skills Commission. In our current Training and Skills Commission is a requirement that two of the members be recommended, the first by Business SA and the second by SA Unions. That is 20 per cent of members to be appointed by consultation with significant bodies. The opposition believes that 20 per cent of appointments to be done by consultation is a good thing, a positive thing, and certainly is not too much to expect. There is quite possibly a strong argument to expand it to include, for example, the Master Builders Association as well as Business SA, as they represent very large numbers of employees who have a very direct involvement in training and skills.

However, I have not moved that as an amendment, but simply to retain the existing provision where one person must be appointed on the recommendation of employer associations, designated in the act currently as Business SA, and one on the recommendation of the UTLC, currently delegated as SA Unions. This is about consultation. The Minister for Innovation and Skills tends not to like consultation, as evidenced by his introduction of this bill before consultation was complete. We know the minister hates unions, so it is no surprise that he is trying to cease the requirement to consult with unions. I will note that it is consultation rather than any further mandating.

So we are not surprised that he wants to get rid of SA Unions from the training and skills body, but what does he have against Business SA, and why does he want them to be left out? We know that the minister wants there to be no restrictions on who he can appoint. He uses the term 'flexibility' to make every appointment the potential to be a political point. I in no way suggest that every appointment he has made is a political appointment, because some fine people have been included, but he, unfortunately, has a tendency to want to make political appointments when it suits him.

It is no surprise that he is seeking to remove both Business SA and SA Unions from consultation in terms of who makes up the commission. We need to remember that this is about training and skills, particularly of apprentices and trainees, though not exclusively. Apprentices and trainees are not included anywhere themselves in terms of this bill, so consulting with the very people who are most impacted by conditions, by structures, by processes in training and skills, will not be represented on the training and skills body that is being proposed by this legislation. It seems entirely reasonable to have this, I reiterate, 20 per cent of appointments made following consultation, and therefore I commend this amendment to the council.

The Hon. S.G. WADE: The government does not support this amendment. The whole thrust of this legislation is to have a merit-based appointment process for the commission in line with modern appointment approaches. The minister responsible for this bill in the other place tabled the skills matrix developed to guide the appointment process, and the process outlined in the bill will ensure an appropriate skills mix of commission members to undertake the functions of the South Australian Skills Commission.

With all due respect to the honourable deputy leader, she kept using the word 'consultation', that her amendment required 'consultation'. In both (4a)(a) and (4a)(b) it does not talk about consultation; it says 'at least one person must be appointed on the recommendation of'. That is not consultation: that is an automatic right to appointment. It actually goes further than what is required

in the current legislation. The government certainly does not support this. The government supports merit-based appointments.

The Hon. J.A. DARLEY: I indicate for the record that I will not be supporting this amendment.

The Hon. F. PANGALLO: SA-Best will not be supporting the amendment.

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

The committee divided on the amendment:

Ayes 9
Noes..... 10
Majority..... 1

AYES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Ngo, T.T.	Parnell, M.C.
Pnevmatikos, I.	Scriven, C.M. (teller)	Wortley, R.P.

NOES

Bonaros, C.	Centofanti, N.J.	Darley, J.A.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G. (teller)		

PAIRS

Maher, K.J.	Lucas, R.I.

Amendment thus negatived; clause as amended passed.

Clause 12 passed.

New clause 12A.

The Hon. C.M. SCRIVEN: I move:

Amendment No 7 [Scriven–1]—

Page 19, after line 40—Insert:

12A—Amendment of section 45—Interpretation

Section 45—after subsection (2) insert:

(2a) However, a probationary period for a training contract cannot exceed—

(a) in the case of a training contract that is of less than 24 months' duration—60 days; or

(b) in the case of a training contract that is of 24 months' duration or longer—90 days.

This amendment is in relation to the probationary period for a training contract. This has been the subject of an amendment in the other place. Initially, the bill as presented in the other place would have enabled a very significant extension of probationary periods, which was considered to be detrimental in a number of cases.

I am glad to see that the minister in the other place did introduce some changes to that to make them less problematic. However, it is still considered by a number of stakeholders that a probationary period should not be longer than 60 days, if it is two years or 24 months or less in terms

of the training contract, or should not be more than 90 days in the case of a training contract that is of 24 months or two years' duration or longer.

During consultation on the bill, some of the feedback to the opposition was that extending the probation time can actually be a disincentive. This is from an employer association. Extending the probationary period could disincentivise employers, because often they do not really get into, if you like, the nitty-gritty, the specific work, for some time until the probationary period is over, with some employers only signing up their apprentices to their training aspects, so into their training provider, once probation is complete.

There were two lots of feedback that came from that. One was from the employer's point of view: they did not necessarily want to start that formal training during the probation period. The other was that it could actually affect the way that apprentices or trainees experience the beginning of their apprenticeship or traineeship, because until they were signed up in the sense of their training provider and off of probation they might be left essentially doing meaningless work, sweeping floors or tidying papers, rather than actually getting into the vocation that they expected to commence with their apprenticeship or traineeship. The opposition took all that feedback on board and hence the reason for this amendment.

The Hon. S.G. WADE: The government does not support this amendment. As the honourable member said, there were government amendments in the other place. We think the bill, as it arrived in this place, sets the right balance. I would make the point too that this amendment is actually more prescriptive than the current act. When one of the key drivers of this bill is to provide flexibility within the system, we do not believe this amendment should be supported. We believe that it potentially jeopardises training contract arrangements and the flexibility in those arrangements.

The Hon. J.A. DARLEY: For the record, I will not be supporting this amendment.

The Hon. F. PANGALLO: SA-Best will not be supporting the amendment.

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

New clause negatived.

Clause 13 passed.

Clause 14.

The Hon. C.M. SCRIVEN: My question on clause 14 is in relation to a person under the age of 15 years. The bill states:

> (7) A person under the age of 15 years must not enter into a training contract unless—

And there are a couple of provisions there, one of them being:

> (b) the person has, on application, obtained the written approval of the Commission granted in accordance with any requirements under the South Australian Skills Standards.

We know from earlier discussion at clause 1 that the skills standards will sit under the regulations, so there will not be any opportunity for disallowance. It appears here that the skills standards could potentially allow a minimum age of 15 years to be evaded. First, some clarification from the minister on that would be appreciated.

The Hon. S.G. WADE: The bill formalises the national harmonised position that the minimum age for an apprentice or trainee is 15 years of age. The opposition has already indicated their support for a nationally harmonised position. This can be waived if permitted under an industrial award or agreement or if the SC has expressly approved the training contract.

The Hon. C.M. SCRIVEN: I appreciate the answer from the minister, but it does not really explain in what circumstances it has envisaged this might be necessary, in fact, why it is there, why that potential exemption from a nationally acknowledged minimum age of 15 years old is required.

The Hon. S.G. WADE: I am advised that this is very rare. I stress, also, that it can only be waived if permitted under an industrial award or agreement, so there is that protection as well. The sort of context in which it is envisaged that provision may be activated is in the context of a family

business. It might also be in the context of a school-based apprenticeship, where the school, the parents and the apprentice all agree with the arrangement.

The Hon. C.M. SCRIVEN: Thank you, minister, for that explanation, it is helpful. However, for the record I will point out that a person under the age of 15 must not enter into a training contract unless (a) otherwise permitted under an industrial agreement or award or (b) the person has, on application, obtained the written approval of the commission, etc. So for the record, we point out that it does not have to be currently within the industrial agreement or award. However, I do acknowledge the minister's answer, and the opposition will not be opposing this clause.

Clause passed.

Clause 15 passed.

Clause 16.

The Hon. C.M. SCRIVEN: Clause 16 relates to the commencement date of apprenticeships and traineeships and the terms of training contracts. In section 49(2)(c) it provides that subject to this section a training contract remains in force until 'the Commission certifies the apprentice or trainee under the contract as competent in relation to the relevant trade or declared vocation'.

Is that simply, if you like, the commission doing the administrative process of ticking off that everything has been completed and approved in the normal course of events, or is it allowing the commission to certify, in some other way, that the apprentice or trainee is competent in relation to the relevant trade or declared vocation?

The Hon. S.G. WADE: I am advised that it is the employer and the training provider that certify that the trainee or apprentice is competent. The amendments the honourable member refers to do not materially alter the powers under the current act to certify the completion of training under a training contract. In terms of the characterisations the honourable member offered, this is an administrative process.

The Hon. C.M. SCRIVEN: I thank the minister for that clarification. The opposition will not be opposing this clause.

Clause passed.

Clause 17.

The Hon. C.M. SCRIVEN: My question first of all relates to new section 49A—Extension of probationary period, and new subsection (3), which provides:

> (3) The Commission may, by notice in the Gazette made with the approval of the Minister, vary a specified class of training contracts—

The CHAIR: I am not sure whether this is the right one.

The Hon. C.M. SCRIVEN: Are we at clause 17?

The CHAIR: Clause 17 just deals with remuneration. Your amendment is listed as clause 17, page 24, lines 27 to 42, but says this clause will opposed.

The Hon. C.M. SCRIVEN: Certainly. Can I ask some questions about the clause overall first and then decide whether to proceed with the amendment?

The CHAIR: You can—

The Hon. C.M. SCRIVEN: This is new section 49A?

The CHAIR: I am just taking some advice. We are fine, so please proceed; apologies.

The Hon. C.M. SCRIVEN: Thank you, Mr Chair, no problem at all. While the amendment relates specifically to the changes to the probationary period, a specific question that the opposition has relates to new subsection (3), which provides:

> (3) The Commission may, by notice in the Gazette made with the approval of the Minister, vary a specified class of training contracts to extend the probationary period for a training contract of that class for a specified period.

Why would the probation period for an entire class of training contracts be varied? Can the minister give an example of where that would be appropriate or envisaged?

The Hon. S.G. WADE: I am advised that this clause may well be useful in instances where a group of apprentices or trainees are similarly affected by an event. That event might be industry related, it might relate to, if you like, the termination of a training provider, or it might relate to a societal event, like COVID. Just as we needed to change the consultation plans on the bill, apprentices or trainees might need to change their training time frame.

The Hon. C.M. SCRIVEN: Thank you for that answer, minister, but it is specifically to vary the probationary period, not simply to vary training, and for a whole class of people to have their probationary period varied.

The Hon. S.G. WADE: The purpose behind this clause is to maximise the chances for the apprentice or trainee to complete their preparation period and progress in their training contract; ipso facto, the extension of the probation period extends the end point of the training contract.

The Hon. C.M. SCRIVEN: Is there any limit in that circumstance only, for a whole specified class of training contracts, to how long that probationary period could be extended by? It simply says here 'for a specified period'.

The Hon. S.G. WADE: I am advised the intention is that the extension would be consistent with section 49A(1) as an upper limit.

The Hon. C.M. SCRIVEN: I appreciate that that is the intention; however, it does not appear to say that in the legislation. Whereas subsection (2) refers to subsection (1), subsection (3) does not. Perhaps we could have some advice from parliamentary counsel, if necessary.

The Hon. S.G. WADE: I thank the honourable member for raising the issue and the government is happy to provide clarification within the bill. I would ask for patience as we try to do this, though. Perhaps I might explain what I am going to do and then we can try to find the words that make it happen. What the government is proposing is that the words in parentheses at the end of section 49A(1), that is:

> …(however the probationary period, as extended, must not exceed 6 months in total or 25% of the term of the contract, whichever is the lesser)—

be replicated at the end of subsection (3). So I move:

> Page 24, line 42, after 'for a specified period'—Insert:
>
> (however the probationary period, as extended, must not exceed 6 months in total or 25% of the term of the contract, whichever is the lesser).

The CHAIR: Because we do not have it in writing, I am keen that everybody has the opportunity to understand what it is. I am happy to ask the minister to explain it again. We are trying to advance—

The Hon. T.A. Franks: It is all good.

The CHAIR: It is all good.

The Hon. S.G. WADE: I just emphasise that it is the government's view that the intent was clear. We are more than happy to take up the invitation of the opposition to make it doubly clear.

The Hon. C.M. SCRIVEN: I thank the minister for that extra clarification. Whilst the opposition still has some reservations about this clause, we also know we do not have the numbers to oppose it outright. The change that has just been proposed to subsection (3) does make it slightly more palatable so the opposition is willing to accept the further amendment that the minister has just outlined, while reserving our right in terms of opposing the actual clause.

Amendment carried.

The Hon. C.M. SCRIVEN: I would still like to move the amendment standing in my name as a matter of principle, even though we know we are not going to win it, which is in regard to opposing that overall clause.

The CHAIR: You do not need to move that; all you will do is oppose the clause.

Clause as amended passed.

Clause 18 passed.

Clause 19.

The Hon. C.M. SCRIVEN: A question in regard to section 51(1), which provides:

(1) The Commission may…on its own motion, suspend a training contract.

Could the minister explain why the commission would be doing that on its own motion, on what sort of grounds, and why those grounds are not specified or indicated within the bill?

The Hon. S.G. WADE: I am advised that, in relation to the termination or suspension of a training contract, referred to in section 51(2), the criteria will be outlined in the skills standards, which in due course are published in the *Gazette*, but stakeholders will be consulted on the development of the skills standards.

In terms of the sorts of circumstances where section 51(2) might have work to do, one can envisage a circumstance where the commission, in its regulatory role, becomes aware of issues. For example, it might be a safety issue or it might be that the employer has themselves become prohibited.

The Hon. C.M. SCRIVEN: I appreciate that clarification. Will there be a process for appeal, either on behalf of the apprentice or trainee or on behalf of the employer, in the sort of circumstances that have just been outlined, such as safety?

The Hon. S.G. WADE: I remind the council that the provision that is in the act, section 51(2), is what is in the current act.

The Hon. C.M. Scriven interjecting:

The Hon. S.G. WADE: I thought we were referring to subsection (2) which provides:

Subject to this Part, the Commission may, on application or of its own motion, terminate or suspend a training contract.

The Hon. C.M. Scriven: In the bill that I have in front of me that's 51(1), it talks about suspension and then clause 20 talks about termination.

The Hon. S.G. WADE: Sorry, just to clarify that, in the act it was section 51(2), and the honourable member is correct: in the bill, the old section 51(2) becomes section 51(1), but still the same provision is there. The honourable member raises the point about appropriate reviews and in that context there is scope under section 70F of the act to, by regulation, specify a class of decisions as reviewable. The government is happy to give an undertaking that a regulation will be made to make determinations under section 51(1) reviewable by so regulating.

The Hon. I.K. Hunter interjecting:

The Hon. C.M. SCRIVEN: I note the honourable member's suggestion that we report progress but my next question is on a very similar matter in clause 20, new section 51B(1), which is essentially the same question but regarding termination of a training contract, whereas this one was regarding the suspension of a training contract. Is the minister willing to give the same undertaking for that section also?

The Hon. S.G. WADE: I think I can safely do so.

The Hon. C.M. SCRIVEN: On the basis that the government has given an undertaking to have a regulation whereby the commission, suspension or termination of a training contract would have a process for appeal—the undertaking that has just been given by the government—the opposition will not be opposing clause 19 or clause 20.

Clause passed.

Progress reported; committee to sit again.

EVIDENCE (VULNERABLE WITNESSES) AMENDMENT BILL

Introduction and First Reading

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

CORONERS (INQUESTS AND PRIVILEGE) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (OMNIBUS) BILL

Introduction and First Reading

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

At 18:03 the council adjourned until Wednesday 11 November 2020 at 14:15.